

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 MAY 2006 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 MAY 2006 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr R. Avar	-	Acting Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr C. Parlane	-	Senior Planning Officer
Mr N. Evans	-	Communications Manager
Ms V. Viljoen	-	PA to Chief Executive Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



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 AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5 (OCM 11/05/2006) - APOLOGIES AND LEAVE OF ABSENCE

Clr A Tilbury	-	Leave of Absence
Clr V Oliver	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 11/05/2006) - PUBLIC QUESTION TIME

There being no questions on items on the Agenda, Mayor Lee invited questions on matters not on the agenda.

Colin Crook, Spearwood

Q1. *On page 41 of the Minutes of OCM20060413, it is stated that the DoH "sought the City's assistance in determining Infill Sewerage Priority Areas" on 27 January 2006. We have now seen the staff letter that followed this one request. Will you produce responses to similar requests over the previous ten years?*

A1. The City has not received a similar request from the Department of Health in the past 10 years and therefore has not made any response in the past 10 years (i.e. from November 1996 until January 2006) except for the response referred to.

Q2. *Large numbers of Spearwood residents have endured serious septic tank problems for at least this amount of time. Did any Councillor ever try to bring this matter before Council and if not, why not?*



- A2. A review of Council minutes back to 1998 with reference to infill sewerage makes no mention of this matter. As mentioned at the Special Electors Meeting, the Mayor himself had previously written to State and Federal Members on behalf of community members requesting the project be expedited. This did not go through Council.
- Q3) *Earlier this year I attempted to get a letter from WALGA regarding Trust in Council publicly read out at a Council meeting; the request was denied. Why would an allegedly respected Council like ours feel embarrassed to read out such a message if it was indeed acting in the way that was being recommended?*
- A3) There is no provision in the Agenda for people to read out letters, messages, etc. There is Public Question Time and as previously stated that is strictly for questions.
- Q4) *Why did Council Members shirk their responsibilities and openly show disrespect to the residents of Spearwood by not attending the Public Forum on 27 April 2006?*
- A4) The meeting on 27 April 2006 was by invitation only and to the City's knowledge no Councillors were invited to attend. Council held a public meeting two days prior to that meeting and it was not a surprise that Councillors did not receive an invitation.

Val Leitner, North Lake (Representing the Regional Seniors Group and the Seniors of Cockburn)

- Q. *Council has advised that the proposed Seniors' Centre was #5 on the list of projects on the Council's Ten Year Plan. Is it possible to move the Seniors' Centre up the list as it is such an important issue?*
- A. Mayor Lee stated that Council accepted the Seniors Centre was an important issue and one of the biggest duties of Council is to prepare the Strategic Plan for the area. It is also one of the most complicated of duties. Council is currently going through that process, which has been ongoing for quite some time. Apart from the strategic factors, there are also many financial factors which will be ongoing in the process. Council will be considering how it does its projects and in what order, and how it will finance those projects over the next five to ten years. Council is very much aware of the concerns of the Seniors of Cockburn and the need for a Seniors' Centre.

Robyn Scherr, Coogee

- Q. *Mrs Scherr advised she had submitted a written question on an item that was not on the April 2006 Agenda, but had not received a written reply. Mrs Scherr asked what was Council's procedure in such matters.*



- A. Mayor Lee confirmed that Mrs Scherr should most definitely have received a response.

The Chief Executive Officer advised that it was the intention that all written questions were to be responded to, either at the meeting or via the Council's Customer Request system, in writing, within one week of the meeting. The CEO stated that he was not aware of any reason why a written response had not been sent and extended his apologies to Mrs Scherr.

Mayor Lee requested the Chief Executive Officer to ensure Mrs Scherr received a response.

Jan Langley, Yangebup

- Q. *Ms Langley asked when were the Agenda Papers available to the public, specifically on the Council's website.*

- A. Mayor Lee advised that once Elected Members had received their copy of the Agenda Papers at the Agenda Forum Meeting, which is held on the first Thursday of the month, the Agenda Papers are then delivered to the Front Counter of the Administration Building and to the three libraries the following morning. A copy is also placed on the Council's website on the Friday.

The Chief Executive Officer confirmed that the Agenda was release on the Friday, it was checked by the staff who produce Council's website and also checked by his PA, which is the standard protocol. Friday afternoon, before staff went home, the Agenda was clearly available on the internet. Unfortunately, over the weekend, and possibly as a result of the current constructions work being carried out on the Administration Building, the link to the Council website went down and external access was not available. The Agendas were still available at the three community libraries. The website pages were restored on Monday, however the links to the documents had also dropped out which was not discovered until later in the week. Executive Services has since initiated a check system for both before and after each weekend.

Council offered apologies to all who were affected.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3146) (OCM 11/05/2006) - ORDINARY COUNCIL MEETING - 13/04/2006

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 13 April 2006, be accepted as a true and accurate record.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 11/05/2006) - DEPUTATIONS AND PETITIONS

Clr Limbert presented a petition from the residents of Yangebup in relation to the planned closure of the intersection of Spearwood Avenue and Yangebup Road, Yangebup which stated "whilst we are supporting modification to the intersection we believe the type of intersection chosen as the preferred option is not necessarily the best option for the community of Cockburn and in particular, the residents of Cell 9 and the residents North of Cell 9."

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

Nil

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

Nil



13. COUNCIL MATTERS

13.1 (MINUTE NO 3147) (OCM 11/05/2006) - PROPOSED AMENDMENT TO LOCALITY OF JANDAKOT TO ESTABLISH A NEW LOCALITY OF COCKBURN (1050) (DMG) (ATTACH)

RECOMMENDATION

That Council:

- (1) conducts a survey of landowners affected by the proposal to change the boundaries of the locality of Jandakot to establish the new locality of Cockburn, as shown in the attachment to the Agenda; and
- (2) subject to a majority of affected landowners supporting the proposed locality change, submit an application to the Geographic Names Committee requesting the recommended amendments.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr I Whitfield that Council:

- (1) conducts a survey ("the Survey") of landowners affected by the proposal to change the boundaries of the locality of Jandakot to either "Cockburn Central" or "Cockburn", as shown in the attachment to the agenda;
- (2) should the majority of responses to the Survey support the name "Cockburn Central", advise the Geographic Names Committee of the outcome of the Survey, and that Council has a preference for the name "Cockburn Central" for the reasons outlined in the Reason for Decision;
- (3) reconsider the matter if the majority of responses to the Survey do not support the proposed locality name change to "Cockburn Central"; and,
- (4) include within the Survey material that Council has a preference for the name "Cockburn Central" for the reasons outlined in the Reason for Decision.

CARRIED 8/0



Reason for Decision

A suburb with the name of "Cockburn" will be confusing as this name is already associated with the City of Cockburn and Cockburn Sound. A new suburb with the name "Cockburn Central" more clearly identifies the land area in question, as it encompasses the already named "Cockburn Central Railway Station", and has been the subject of the "Cockburn Central Structure Plan".

Background

The current boundary for the suburb of "Jandakot" extends to the west of the Kwinana Freeway as shown in the attachments to the Agenda.

Submission

To amend the boundary of Jandakot and establish the new locality of "Cockburn", as shown on the attachment.

Report

The current suburb of Jandakot extends West of the Kwinana Freeway, wedged between the suburbs of South Lake to the North, Success to the South and Yangebup to the West.

This is the result of an historical situation which existed well before the Freeway extension was constructed through the area, and which was predominantly occupied by industrial landholders. At the time it was logical to include these land uses in one single locality. However, with the closure of the industrial uses on the land west of the Freeway, and extensive redevelopment of the land occurring, it is timely for Council to reconsider this position.

Preliminary contact was made with the government department which administers such matters, to discuss any options available to address how this specific case may best be dealt with. Ultimately, the Geographic Names Committee (GNC) advised that it recognises the logic in creating a new suburb, given that the part of Jandakot west of the Freeway is now distinctly separate from the traditional and more recognisable part of the suburb which remains east of the Freeway.

This is despite the fact there is a small pocket of residential development already situated in the proposed new suburb, known as "Lakeridge Estate". However in the circumstances, GNC is prepared to deviate from its usually firm position of not re-allocating established residential areas to new suburbs, primarily due to the extensive workload involved in changing the details of addresses contained in data bases for public utility services providers, (ie. Telephone, power, vehicle and driver licenses etc).



This acknowledges that the area in question is small in size and the number of properties affected is minimal. On balance, it is more rational to include this area in a new locality area, rather than retain it, and other adjacent areas, in the current suburb of Jandakot.

One aspect of the issue which is not supported by GNC is the use of the suffix "Central" in applying a new suburb name to the area. Even though the Landcorp development and the adjacent railway station will be badged "Cockburn Central", it is essentially a marketing slogan, which GNC guidelines do not support, when applications for changed locality names are being considered. This is not considered to be detrimental to the objective of the City in having an area which can be identified as a "heart" of the district.

The preferred option for the GNC is to relocate the western boundary of the proposed new locality from Hammond Road, between North Lake Road and Beeliar Drive in a westerly direction to coincide with the lots surrounding the eastern shores of Lake Yangebup.

This is supported on the basis that the land has been earmarked for future development and would more logically relate to the new suburb, than with its current status of Yangebup, with which the residential area west of the lake is better associated.

Overall, the position notionally accepted by GNC is supported on the basis that it is acceptable to the majority of affected landowners.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

A costing estimate of \$2,500 has been determined to undertake a proposed survey. This would be funded from the Community Consultation Account.

Legal Implications

The Department of Planning and Infrastructure, through the Geographic Names Committee is the responsible authority for approving amendments to suburb boundaries.

Community Consultation

If the proposal proceeds, the affected community will be consulted through the landowners' survey, the results of which will determine the outcome.



Attachment(s)

1. Map identifying proposed locality changes.
2. Copy of letter of in principle support Geographic Names Committee.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3148) (OCM 11/05/2006) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56(1) OF THE LAND ADMINISTRATION ACT 1997 - PORTION OF CS2726 RESERVE 15556 AND PORTION OF CS2130 RESERVE 29241 (4412147, 4412070) (KJS) (ATTACH)

RECOMMENDATION
That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate portions of CS2726 & CS2130 being portions of Reserves 15556 & 29241 respectively pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION
MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 8/0

Background

Reserves 15556 & 29241 are conservation and nature reserves managed by CALM. CALM has given consent for portion of the reserves to be excised and dedicated as Road Reserve.



Submission

Australand has sought the dedication of the land to enable the seamless construction of Russell Road within the MRS Road Reservation.

Report

Reserves 15556 and 29241 are A class reserves managed by the Department of Conversation and Land Management (CALM). CALM has given detailed consideration to the proposal to modify the boundaries of the reserves in order to create a road reserve that will accord with the Metropolitan Region Scheme Other Regional Road. CALM consent was given subject to conditions on fencing and rehabilitation of the existing road pavement area once the realigned road pavement has been constructed.

Construction of the new section of Russell Road east and west of the intersection of the new Hammond Road will tie in with current Hammond Road construction by the City north of Russell Road. The cost of the Russell Road section will be borne by Developer Contributions and the City.

The dedication of the realigned MRS is a legal requirement of the Land Administration Act.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

The legal requirements of dedicating the land as road reserve will have no financial implications. The dedication is pursuant to Section 56 of the Land Administration Act 1997.

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

Location Plan.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

14.2 (MINUTE NO 3149) (OCM 11/05/2006) - CLOSURE OF PORTION OF FRASER ROAD, BANJUP TO THE PASSAGE OF VEHICLES PURSUANT TO SECTION 3.50 OF THE LOCAL GOVERNMENT ACT 1995 (450057) (KJS) (ATTACH)

RECOMMENDATION

That Council close portion of Fraser Road from a point 200 metres north of Armadale Road to Jandakot Road, Banjup to the passage of vehicles for four (4) years.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that the recommendation be adopted.

CARRIED 8/0

Background

The subject section of Fraser Road is only constructed for approximately 900 metres north of Armadale Road. The unmade section continues through to Jandakot Road.

Submission

ROCLA, CSR and Homeswest have written to the City seeking closure of section of Fraser Road to the passage of vehicles.



Report

An inspection of the area revealed that the area is a dumping ground and used by off road vehicles. This observation is backed up by Rocla and CSR representatives who state that weekend users of the area damage and steal their equipment.

The quarry operators have undertaken to construct a fence and gate at each end of the closure area. The gate will be locked using a standard "CALM" key. This will ensure access for FESA and other government agencies.

The proposal has been advertised in the local newspaper and at the conclusion of the advertising period there were no objections. The closure will only run until the land either side of the road is redeveloped. The owners plan to redevelop the land as special rural lots once the sand resource has been exhausted. The road reserve will then be utilised as part of the development and the Section 3.50 closure to vehicles will be withdrawn.

Strategic Plan/Policy Implications

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

Legal Implications

Temporary closures of roads by Local Governments is pursuant to Section 3.50 of the Local Government Act 1995.

Community Consultation

The proposal was advertised in the Cockburn Gazette. Service authorities and emergency services were advised.

Attachments

Location Plan

Advice to Proponent(s)/Stakeholders

The Applicant(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 May 2006 Council Meeting.



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

Nil.

14.3 **(MINUTE NO 3150)** (OCM 11/05/2006) - PROPOSED FINAL ADOPTION OF SCHEME AMENDMENT NO. 46 - LOT 24 LYON ROAD, AUBIN GROVE - OWNER: BELLCROSS HOLDINGS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (93046) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (2) advise the proponent of the Council's decision.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS:	Public Purposes – Water Corporation Development Area 11 (DA11) Development Contribution Area (DCA7)
LAND USE:	Vacant	
LOT SIZE:	0.2400 ha	

Council at its meeting held 12 January 2006 resolved to initiate Amendment 46 to Town Planning Scheme No. 3 for the purpose of advertising.

Submission

The application has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment 46.



Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act*.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

No submissions were received during the advertising of the proposed scheme amendment. However, a structure plan applying to the subject lot was recently adopted by Council at its January 2006 Council Meeting (Minute No. 3068) and submissions from Western Power, Water Corp, Department of Education and Training and Department of Environment raised no objections or concerns regarding the structure plan.

A copy of the proposed amendment map is included in the Agenda attachments.

Conclusion

It is recommended that Council proceed to adopt the scheme amendment to rezone the subject land from 'Public Purposes' to 'Development' in order to facilitate residential subdivision and development of the land and refer it to the WA Planning Commission for final consideration.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A



Legal Implications

Town Planning and Development Act
Town Planning Regulations

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 46 concluded on 5 April 2006. At the close of the advertising period no submissions were received.

Attachment(s)

- (1) Site Plan
- (2) Proposed Scheme Amendment Map

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 11 May 2006 Council Meeting.

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

Nil.

14.4 **(MINUTE NO 3151) (OCM 11/05/2006) - PEDESTRIAN ACCESSWAY CLOSURE - WATTLE COURT, BIBRA LAKE (450449) (KJS) (ATTACH)**

RECOMMENDATION

That Council:

- (1) request the Western Australian Planning Commission give consent to the closure of pedestrian accessway Wattle Court, Bibra Lake; and
- (2) on receiving consent in (1) above request that the Department for Planning and Infrastructure - Land Asset Management Services close the pedestrian accessway Wattle Court, Bibra Lake.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 8/0



Background

The PAW was created as a condition of the surrounding residential subdivision as approved by the Western Australian Planning Commission (WAPC). The PAW connects Wattle Court to Mears Park allowing convenient access for 10 households to the recreational area.

Submission

Two properties adjoin the PAW. Both owners have requested the closure and agreed to purchase the land if closure proceeds. The administration fee of \$250 has been paid.

Report

The request for closure is assessed against the set criteria contained in Council Closure Policy APD 21.

Policy Consideration

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

Schools

Bibra Lake Primary School is 1600 metres from the PAW. It is considered that closure of the PAW will have minimal adverse effect on the number of people walking to the school.

Shops

Lakes Shopping Centre is 760 metres from the PAW. Closure of the PAW will increase this distance by 250 metres for 4 households. It is considered that closure of the PAW will have minimal adverse effect on the number of people walking to the shops.

Public Open Space

Mears Park is located at the southern end of the PAW. Closure of the PAW will increase the walk distance to the park for 4 households by 300 metres. The alternative route is safe and along level footpaths. It is considered that the closure will have minimal adverse effect on the number of people accessing the park.

Public Transport

Bus stops are located in Progress Drive and North Lake Road. The distance to these stops are 300 and 440 metres respectively. Closure



of the walkway will have no effect on the walk distance to the bus stops and will have no impact.

Community Centres

Bibra Lake Community Centre in Parkway Bibra Lake is over 2 kilometres away. The closure of the PAW will not have any impact on the walk distance to the Centre.

The role of the PAW and its impact on the Bike Plan:

- City of Cockburn
- Seniors Community Facility

Degree of Nuisance Experienced by Adjoining Owners

The adjoining owner has reported late night anti social behaviour in the PAW although site inspection does not give any indication of such.

Alternative Access Routes

Alternative access routes are available along footpaths in Fantail Drive, Bibra Lake and Prout Way. The alternatives are safe, visible and on easy gradients.

Consideration of Alternatives to Closure of PAW

- Increased lighting – A street light is only 20 metres away in Wattle Court. The expense of providing additional lighting cannot be justified.
- Obstructive access to restrict vehicles. This is not relevant in this case.
- Increasing the fence heights. This measure is not considered to be an effective remedy.
- Locking the PAW between certain hours. This measure involves initial capital expenditure and ongoing costs for the security patrol to lock and unlock the gates morning and night. The costs of this measure are considered to be in excess of the possible benefits.

Security Patrols

The City of Cockburn security patrol covers this PAW but has not been shown to have an impact on the reduction of reported anti social behaviour.

Eliminating overhanging vegetation

A site inspection reveals that there is no vegetation causing problems of visibility.



The evidence that the PAW is the venue for excessive anti social behaviour has not been demonstrated conclusively.

It has been demonstrated that the PAW does not increase the level of walking or cycling in the associated neighbourhood. A mailout to all of the households likely to use the PAW has been undertaken with prepaid response forms attached. None of the respondents sought the maintaining of the PAW.

It is considered appropriate that as long as the adjoining owners are prepared to purchase the PAW that a consent for closure be forwarded to WAPC and if that consent is given that a request for closure be forwarded to the DPI Midland.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Letters were sent to surrounding landowners and, at the conclusion of the notification period, no submissions had been received.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 May Council Meeting.



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

Nil.

14.5 **(MINUTE NO 3152) (OCM 11/05/2006) - REVESTING PEDESTRIAN ACCESSWAY - BLACKTHORNE CRESCENT TO LITTLE RUSH CLOSE, SOUTH LAKE TO PUBLIC UTILITIES RESERVE (451152) (KJS) (ATTACH)**

RECOMMENDATION

That Council:

- (1) request that the Minister for Planning and Infrastructure revest Pedestrian Access Way Blackthorne Crescent to Little Rush Close, South Lake to a Public Utilities reserve, subject to costs for any required fencing and gates being met by either the adjoining owners or Water Corporation;
- (2) review Policy APD21 'Pedestrian Accessway Closure' to include the option of revestment of pedestrian accessways where outright purchase by adjoining owner is impracticable;
- (3) review Policy APD21 'Pedestrian Accessway Closure' in 12 months.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 8/0

Background

Council at its meeting held on 20 January 2004 resolved to:

- “(1) request the Minister for Planning and Infrastructure to proceed with the closure of the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake; and*
- (2) advise those persons who made a submission of Council’s decision.”*



Submission

A letter from adjoining owners and nearby residents has requested that Council request that the Minister for Planning and Infrastructure revest the pedestrian accessway to a Public Utilities Reserve.

Report

Following the resolution of 20 January 2004, a request for closure was forwarded to the Department of Planning and Infrastructure in Midland (DPI). DPI compiled purchase prices taking into consideration the cost of cutting and capping a Water Corporation water main.

The purchase prices were then sent to the 4 adjoining owners. Although one owner was prepared to meet the cost of purchasing the land fronting Blackthorne Crescent the land fronting Little Rush Close was without a willing purchaser. DPI's policy is that it is not prepared to close a PAW unless all of the land is purchased and amalgamated into the adjoining lots.

The closure of the PAW stalled until a delegation of residents met with local MLA Francis Logan. This meeting has resulted in an understanding that the Minister for Planning and Infrastructure will give favourable consideration to a request from the City of Cockburn for the revesting of the PAW to a Public Utilities Reserve. The Water Corporation have a water main in the PAW.

The revesting and granting of management of the reserve to the City of Cockburn will allow the City to legally restrict access to the reserve. It is anticipated that either the owners or Water Corporation will erect fencing of similar style and height to existing fencing with a gate at one end to facilitate maintenance.

The proposed closure method has been utilised successfully between Harfluer and Maxworthy Place in Hamilton Hill.

The land will be closed to the public with a gate at one end allowing access for maintenance. If in the future the adjoining properties change ownership and the new owners are in a position to purchase the land then the land can be revalued and a land transfer could take place. Alternatively, if in years to come there is a marked change in the demographic profile of the area the land could revert to its pedestrian function.

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."*

The Council Policies which apply to this item are:-

APD21 PEDESTRIAN ACCESS WAY CLOSURES

Budget/Financial Implications

Nil.

Legal Implications

The revesting is undertaken by DPI LAMS pursuant to the Land Administration Act.

Community Consultation

Community consultation was undertaken in the form of a letter drop and signs on site.

Attachment(s)

- (1) Location Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.6 (MINUTE NO 3153) (OCM 11/05/2006) - PROPOSED AMENDMENT NO. 48 TO TOWN PLANNING SCHEME NO. 3 FOR CONSISTENCY WITH AN AMENDMENT TO THE METROPOLITAN REGION SCHEME - LOTS 4995-4997, 500-502, 400, 303 & 4620 COCKBURN ROAD, LOTS 4291, 21, 2-5 & 101 RUSSELL ROAD, LOTS 4896 & 4898 JESSIE LEE STREET, LOTS 106 & 105 RUSSELL ROAD - OWNERS: VARIOUS - APPLICANT: DPS (93048) (JW) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 48

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

1. Amending the Scheme Map by extending 'Special Use Zone No.2' and 'Development Area No.15' to include lots 4995 – 4997 Cockburn Road and portions of Quill Way & Stuart Drive.
 2. Amending the Scheme Map by zoning Lots 500 – 502, 400, 303 & portion of Lot 4620 Cockburn Road, portions of Lots 4291, 21, 2 – 5 & 101 Russell Road, portion of 4895 Success Way, portion of Lot 4896 & 4898 Jessie Lee Street, and portions of the Success Way, Jessie Lee Street & Crane Street road reserves 'Industry'; and
 3. Amending the Scheme Map by zoning Lot 106 and portion of Lot 105 Russell Road 'Light and Service Industry'
- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection



Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;

- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) advise the applicant of Council's Decision and request the applicant to prepare five (5) copies of the amendment documents.

COUNCIL DECISION

MOVED C/r J Baker SECONDED C/r I Whitfield that Council adopt the recommendation subject to amending item (1) and inserting new items (8) and (9) as follows:-

- (1) delete reference to "Town Planning and Development Act 1928" and replace with "Planning and Development Act 2006" and replace reference to "Section 7" with "Section 75" and reword item (1) accordingly;
- (2) to (7) as recommended;
- (8) upon advertising the Scheme Amendment in accordance with the Planning Regulations, consultation is also to occur with the Western Australian Shipbuilders Association Inc.; and
- (9) during the public consultation process representatives from LandCorp, Main Roads WA, and the Department of Planning and Infrastructure are to be invited to a meeting to discuss the scheme amendment in more detail with Mayor Lee, Cr Baker and the Director Planning and Development, and/or additional staff as deemed necessary by the Chief Executive Officer.

CARRIED 8/0

Reason for Decision

There is a concern that the industrial development of the narrow lots adjacent to Cockburn Road near the intersection of Russell Road will create difficulties with the movement of wide loads comprising of boats, catamarans and the like that are moved along Cockburn Road. This matter can be investigated during the advertising phase of the scheme amendment with LandCorp, Main Roads WA and the Department of Planning and Infrastructure. There should also be consultation with the WA Shipbuilders Association Inc.

A correction is also required in the recommendation to refer to the current "Planning and Development Act 2006" and relevant referencing, which came into operation on 9 April 2006.

Background

The subject scheme amendment was considered by Council at its meeting held on 13 April 2006.

Council resolved that the matter be deferred to the next Council Meeting, pending information regarding the future effects and safety of the community and industrial needs of the area.

Submission

The scheme amendment under consideration for the land in the Henderson Industrial area that will be affected by the gazettal of MRS Amendment 1071/33. The MRS Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Industrial', and is in its final stages of approval in Parliament.

Report

The land subject to this proposal measures 10.5 hectares in area and stretches along 3 kilometres of Russell Road and Cockburn Road within the Henderson Industrial Area (see agenda attachment 1).

The land is in a variety of ownerships, including both private and public, with various portions of the former MRS reservations having been acquired by the State Government in order to facilitate construction of the Fremantle Eastern Bypass.

Subdivision approvals have been granted over lots 4995 & 4997 Cockburn Road whereby the land is to be amalgamated and developed in conjunction with adjoining lots, which form portion of the Henderson Industrial Area (Australian Marine Complex).



The subject land is currently reserved under the Metropolitan Region Scheme (MRS) as either 'Primary Regional Road' and 'Other Regional Road'. The City of Cockburn Town Planning Scheme No.3 (TPS3) currently reflects the existing regional road reservations over the subject land (see agenda attachment 2 & 3).

Upon gazettal of MRS Amendment 1071/33, the land will be rezoned to 'Industrial' under the MRS (see agenda attachment 4).

However, the subject land will become 'unzoned land' under the TPS3 as a result of its removal from the Fremantle – Rockingham Highway Primary and Other Regional Road Reserve upon the gazettal of MRS Amendment 1071/33. The Scheme Amendment seeks to extend the current TPS3 zones of the adjoining industrial estates to encompass the 'unzoned' land. The Scheme Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Special Use' (SU2) and 'Development Area' (DA15) as well as 'Industry' and 'Light & Service Industry' Zone (see agenda attachment 5).

The Scheme Amendment will provide the Council with development control commensurate with that, which guides the adjoining industrial estates.

It is recommended that Council initiate the proposed TPS3 Amendment and refer the document to the Environmental Protection Authority (EPA) for assessment. Following the receipt of formal advice from the EPA that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, Council advertise the Amendment under Town Planning Regulation 25.

With regards to Council resolution at its meeting held on 13 April 2006, it is informed that the future effects and safety of the community are matters that have already been considered as part of the Western Australian Planning Commission (WAPC) MRS Scheme Amendment 1071/33. The WAPC has determined that the land is not required to be ceded for road widening purposes and the potential road intersections and road widenings to ensure adequate traffic safety have already been considered and determined as part of the Scheme Amendment. Therefore the proposal should be supported to reflect the proposed MRS Scheme Amendment. With regards to the industrial needs of the area it is considered that the subject land is subject to subdivision applications to the Western Australian Planning Commission which have already been approved. Furthermore the City of Cockburn has also recommended approval for the subdivisions and for the area to be used to be included as part of the industrial area. Therefore the need for industrial land is evident.



Strategic Plan/Policy Implications

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

2. Planning Your City
 - "To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."
 - "To ensure that the development will enhance the levels of amenity currently enjoyed by the community."
3. Conserving and Improving Your Environment
 - "To 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 facilitate and provide an optimum range of community services."

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Metropolitan Region Scheme
Town Planning and Development Act
Town Planning Regulations

Community Consultation

To be undertaken as part of the Amendment process.

Attachment(s)

- (1) Location Plan
- (2) MRS Zoning Plan
- (3) TPS3 Zoning Plan
- (4) MRS Amendment 1071/33 Plan
- (5) The Scheme Amendment Submission



Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 11 May 2006 Council Meeting.

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

Nil.

14.7 (MINUTE NO 3154) (OCM 11/05/2006) - SALE OF COUNCIL OWNED LAND (4809) (KJS) (ATTACH)**RECOMMENDATION**

That Council:

- (1) accept offers to purchase Lot 380 Congdon Avenue, Beeliar, Lot 814 Phoenix Road, Spearwood and Lot 709 Southwell Crescent, Hamilton Hill, subject to:
 1. The sale price being at least market value as determined by a Licensed Valuer; and
 2. The provisions of Section 3.58 of the Local Government Act 1995, being complied with.
- (2) amend the 2005/06 Budget to provide for the income received and expenses expended in the course of the sale of the lots;
- (3) transfer funds received to the Land Development Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED C/r K Allen SECONDED C/r L Goncalves that Council:

- (1) defer this item to a later meeting of Council following an independent reappraisal of the land value based on market evidence by three local estate agents and a licensed valuer; and
- (2) review the procedures and requirements dealing with Council's land disposal practices in the form of a possible new Policy to be referred to the Strategic Finance & Investment Committee.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0



Reason for Decision

Council has a duty to ensure that they are receiving true market value. Local agents should be canvassed for appraisal. It is incumbent on Council to discover and disclose the true market value of these lots.

Background

Council, at its meeting held on 18 January 2005, in relation to the disposal of its land resolved to:-

- “(1) receive the report;*
- (2) adopt the Land Management Strategy 2005 – 2010;*
- (3) proceed with the development and sale of Council owned land, in accordance with the Land Management Strategy 2005 – 2010, consistent with the Principal Activities Plan revised from time to time; and*
- (4) allocate all proceeds from the sale of land into the Land Development Reserve Fund.”*

Submission

N/A

Report

The Land Management Strategy 2005 – 2010 adopted by Council on 18 January 2005 identified a number of vacant lots owned by Council that could be sold. These lots do not require any additional development and are appropriately zoned.

The three (3) lots to be sold are:

- Lot 380 Congdon Avenue, Beeliar,
- Lot 814 Phoenix Road, Spearwood; and
- Lot 709 Southwell Crescent, Hamilton Hill.

The lots have been valued by a Licensed Valuer, Jonathon Tyson from McGees. Three local real estate agents have supplied costings to market and sell the lots.

There has been a degree of public interest in some of these lots due in part to the current intense property market.



An offer has been presented for the purchase of Lot 380 Congdon Avenue which is in excess of the market value and a similar offer is anticipated in the near future for Lot 814 Phoenix Road, Spearwood.

If required one of the local real estate agents will be engaged through usual administrative procedures to market any of the lots not sold through past public inquiry. It is considered that the current real estate market provides the environment to sell these lots quickly at attractive purchase prices.

Section 3.58 of the Local Government Act requires that details of land proposed to be sold by private treaty be advertised in a newspaper having state-wide distribution. The advertisement lists details of the proposed disposition and market valuation and allows for submissions to be made by a date not less than 2 weeks after the notice is given.

Should there be any submissions of a substantive nature then the matter would be referred back to Council for its consideration.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Income will be transferred to the Land Development Reserve Fund.

Legal Implications

Section 3.58 of the Local Government Act 1995.

Community Consultation

Any individual land sale will be advertised in a newspaper that gives state-wide distribution.

Attachment(s)

- (1) Location Plans of subject lots.

Advice to Proponent(s)/Submissioners

N/A.



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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3155) (OCM 11/05/2006) - LIST OF CREDITORS PAID - MARCH 2006 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for March 2006, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

Legal Implications

Section 13 of the Local Government (Financial Management) Regulations 1996.



Community Consultation

N/A

Attachment(s)

List of Creditors Paid – March 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3156) (OCM 11/05/2006) - STATEMENT OF FINANCIAL ACTIVITY - MARCH 2006 (5505) (NM) (ATTACH)**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated documents for the period ended 31 March 2006, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0**Background**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:–

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and



- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for January 2006.

Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed leave provisions). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

For the 2005/06 financial year, Council has adopted a materiality threshold of 10% or \$10,000, whichever is the greater.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.



Budget/Financial Implications

As the mid-year budget review has already been conducted and was based on financial information as at 31 December 2005, any further material variances of a permanent nature will now impact upon Council's end of year surplus/deficit position.

Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, refer.

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for March 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3157) (OCM 11/05/2006) - MINUTES OF THE COCKBURN CENTRAL YOUTH CENTRE ADVISORY COMMITTEE MEETING - 01/02/2006 AND 04/04/2006 (8648) (MA) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Minutes of the Cockburn Central Youth Centre Advisory Committee meetings held on 1 February 2006 and 4 April 2006 and adopts the recommendations contained therein; and

- (2) note that the recommendation is seeking to increase the cost of this project from an approved amount of \$2.0M to a sum of at least \$3.3M, but the final figure will depend on the tender process and the revised amount of \$3.3M has been factored into the City's Ten Year Capital Works Program.

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr T Romano that Council:

- (1) as recommended;
- (2) as recommended;
- (3) endorse the actions of the Administration in submitting grant applications to Lotterywest and the Department of Community Development for the construction of a Youth Centre in Success; and
- (4) that the full cost of the renovation and re-construction of Memorial Hall be placed for consideration on the 2006/2007 Budget.

CARRIED 8/0

Reason for Decision

Council identified the need for the renovation and re-construction of Memorial Hall in 2002, or prior to this date. From this time the estimated costs have risen due to the current labour and construction market. To delay this project any further would cause costs to increase. Therefore Council needs to take control of the funding itself, and not allow a grant application withdrawal to delay works further.

Background

The Cockburn Central Youth Centre Advisory Committee conducted meetings on 1 February 2006 and 4 April 2006. The Minutes of the Meetings are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Cockburn Central Youth Centre Advisory Committee Meetings are attached to the Agenda. Items dealt with at the Committee Meetings form the Minutes of that Meeting.



Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council.

An Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Cockburn Central Youth Centre Advisory Committee Minutes 1 February and 4 April 2006, Indicative Schedule, Cost allocations and two plans.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the May 2006 Council Meeting.

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

Committee Minutes refer.

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 COUNCILLORS OR OFFICERS

21.1 (MINUTE NO 3158) (OCM 11/05/2006) - PROPOSED AMENDMENTS TO ROAD NETWORK CELL 9 AND INTERSECTION OF SPEARWOOD AVENUE AND YANGETUP ROAD, YANGETUP (450007, 450008) (ML) (ATTACH)

RECOMMENDATION

That Council:

- (1) note the comments received through the public advertising of the closure;
- (2) proceed with the detailed design and construction of Option 1 – a ‘Seagull’ island treatment for the intersection of Spearwood Avenue and Yangebup Road as shown in Plan No. 2606B06;
- (3) endorse the closure of Yangebup Road at the railway crossing west of Spearwood Avenue in accordance with the notice advertised;
- (4) prior to closure of Yangebup Road at the railway crossing, complete an upgrade of the intersection of Beeliar Drive and Birchley Road to facilitate the right turn movement out of Birchley Road;
- (5) provide for the safe and appropriate pedestrian movement in the detailed design of the Yangebup Road/Spearwood Avenue intersection; and
- (6) notify the community, Yangebup Progress Association, Public Transport Authority and emergency services of Council’s decision.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 6/2



Background

This matter was presented to the previous Council Meeting held on 13 April 2006, which resolved as follows:

- “(1) notes the contents of the report;*
- (2) adopts Option 1 – a ‘Seagull’ island treatment for the intersection of Spearwood Avenue and Yangebup Road as shown in Plan No. 2606B06 and proceeds with the detailed design and construction;*
- (3) advertise the closure of Yangebup Road (West) at the railway crossing in accordance with Section 3.50 of the Local Government Act 1995 and, subject to no objections being received, institute the closure;*
- (4) prior to closure of Yangebup Road (West) at the railway crossing, complete an upgrade of the intersection of Beeliar Drive and Birchley Road to facilitate the right turn movement out of Birchley Road;*
- (5) incorporate for the safe and appropriate pedestrian access in the design of the Yangebup Road/Spearwood Avenue intersection;*
- (6) notify the community, Yangebup Progress Association, Public Transport Authority and emergency services of Council’s decision;*
- (7) ensure that the western leg of the Spearwood Avenue intersection remains closed;*
- (8) extend the consultation period to 21 days and that every effort be made to have the advertisement placed in The West Australian next Wednesday, 19 April 2006, in the Local Government Section;*
- (9) undertake a letter-box drop to those residents in the vicinity of Yangebup Road and Spearwood Avenue; and*
- (10) require the Director, Engineering and Works to liaise with the President of the Yangebup Progress Association with regard to the letter sent to the residents in the vicinity.”*

Advertisements were lodged in the West Australian Newspaper on 19th April 2006 and also in the Herald on 21st April and Cockburn Gazette on 25th April 2006.



At the advertised time of closure, 12 submissions were received on the road closures proposed and these need to be considered to comply with section 3.50 of the Local Government Act 1995. A late item has thus been prepared on this matter.

Submission

N/A

Report

2355 notices were delivered to residents in the Yangebup area advising of a public meeting (reports have been received which suggest a small number of flyers were delivered after the public meeting was held). The public meeting was held on 27 April 2006 with approximately 40–50 residents present. The Director of Engineering had also delivered a presentation to approximately 20 residents of the Yangebup Progress Association and 15-20 residents of Cell 9 prior to the last Council meeting.

A schedule of submissions is attached with comments from residents. A total of 12 submissions were received with 6 submissions being in favour of Option 1 and 20 objecting and promoting some alternative solution (15 of those objections were by way of a petition). When considering the extensive advertising and consultation process undertaken to make residents aware of the proposed amendments the degree of feedback received would either suggest wide acceptance of Council's proposal or general apathy.

The rationale for recommending the seagull treatment has been clearly identified in previous reports and recent presentations on this matter. To summarise, the following facts support the establishment of a Seagull treatment for the short to medium term:

- The vertical alignment is not conducive to the installation of signals or a roundabout.
- A roundabout cannot be supported geometrically within the current road reserve widths and should land be acquired, significant retaining walls would be required to facilitate construction.
- Closure of Yangebup Road at the railway crossing is consistent with the approved structure planning over the area and with the state governments push to minimise the number of level crossings at grade.
- Retaining a 4 way intersection profile at Yangebup Road and Spearwood Avenue and signalling the intersection would be difficult to justify in light of the impending closure of Yangebup Road at the rail crossing.
- The impact of noise on the surrounding residential area will be an issue if signals are established.



- Traffic growth in the area, particularly that being generated from the adjoining industrial and commercial precincts, will necessitate the upgrade of Spearwood Avenue and the improvement of the intersection with Barrington Road.
- If signals were to be established in Spearwood Avenue between Stock Road and Beeliar Drive, the intersection of Barrington Road provides a more logical location, is not incumbered to the same degree by the geometry and is further removed from the residential development.
- Our transport planning needs to provide for the efficient movement of traffic through our district.
- Beeliar Drive and Spearwood Avenue are the regional District Distributor roads which service the area and the City's transport network should channel traffic into these roads.
- Yangebup Road currently competes with Beeliar Drive for the east west movement of traffic.
- Driver behaviour whilst the temporary treatment has been in place has jeopardised general safety which has necessitated a more defined solution to the traffic issues.
- A 'Seagull island' treatment is a recognised intersection configuration utilised in many similar situations. Its establishment will provide for the safe movement of traffic and pedestrians until growth in the area necessitates a change.

It is important to acknowledge that this may not be the final configuration for this intersection. Staff will continue to monitor traffic movement in the area throughout this period of growth and recommend amendments where necessary. Traffic demand is continuing to evolve through recent changes to the network such as the extension of Spearwood Avenue to Barrington Road, the change in priority of Yangebup Road and the closure of Miguel Road. The extension of Spearwood Avenue to Stock Road over the next 3 years and its possible duplication will force further changes to travel patterns and behaviour. We are not in a position to predict the demand at this time.

A number of issues have been raised in the submissions received and they have been collated and appended for your information and consideration. Staff have provided a brief response to issues raised. General discussion at the various presentations and the submissions received to date has highlighted the importance of the issue to those residents but also the conflicting views on the best solution. There is however consensus that some action is necessary.

No information received to date has contradicted the considerable physical data collected which formed the basis of the recommendation to Council. It is therefore recommended that Council proceed to establish the Seagull island treatment at the intersection of Yangebup Road and Spearwood Avenue and institute the closures as advertised.



Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

There is \$250,000 in the current Budget to undertake intersection modifications. Whilst a detailed design of Option 1 has not yet been completed, the funding available will be sufficient.

\$120,000 has been allocated in the current budget to complete the modifications to Beeliar Drive and Birchley Street.

Costs to close Yangebup Road at the railway crossing have been estimated at \$120,000. A Developer Contribution Account for Yangebup Road east DCA5 has been established with a total reserve of \$757,000 available.

Legal Implications

All traffic matters have potential legal implications.

Community Consultation

- ✓ On the 7th April the Director of Engineering met with approximately 15-20 residents of Spinnaker Heights to discuss the proposal.
- ✓ On the 10th April a presentation was given to the Yangebup Progress Association (approximately 20 members).
- ✓ Resolution adopted by Council on 13th April seeking formal closures of Yangebup Road.
- ✓ Closures advertised in the West Australian on the 19th April and in the local papers on the 21st and 25th April 2006.
- ✓ 2355 flyers were hand delivered to residents advising of the proposal to close Yangebup Road and of a public forum on 27th April.
- ✓ A further presentation was given on 27th April 2006 to approximately 40-50 residents.

Attachment(s)

N/A



Advice to Proponent(s)/Applicant

N/A

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

Nil.

22 (OCM 11/05/2006) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

- 22.1 Clr Whitfield has requested that a report be prepared and presented to Council concerning the cost, size and position of suitable signage at the City's proposed Stadium site.
- 22.2 Clr Limbert has requested that Council Officers investigate and prepare a report to Council on the removal or reduction of the crest on Spearwood Avenue (between Yangebup Road and Barrington Street, Yangebup). The Crest restricts sight distance from vehicles negotiating a right turn into Spearwood Avenue from Yangebup Road.
- 22.3 Clr Allen has requested that Council review the findings of the last Watsons Foods odour buffer study and look at the possibility for staff to engage the consultants used by Watsons Foods for the purpose of finalising the report entitled "Odour Assessment for Watsons Food (WA), Spearwood" for inclusion by the City in the future structure planning for the area, and report those findings back to a future meeting of Council.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3159) (OCM 11/05/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**RECOMMENDATION**

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

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



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 8/0

25 (OCM 11/05/2006) - CLOSURE OF MEETING

MEETING CLOSED 7.49PM

CONFIRMATION OF MINUTES

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

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



SCHEDULE OF SUBMISSIONS
INTERSECTION SPEARWOOD AVENUE / YANGEBUP ROAD

No.	Name/Address	Support Option 1	Not Support	Comments	Response
1.	Richard Billing 170 Yangebup Road YANGEBUP WA 6164	1		Proposed solution <u>will offer greater safety</u> to both pedestrians and traffic at the Spearwood Ave intersection.	Agreed.
2.	Paul & Georgina Rayment 159 Yangebup Road YANGEBUP WA 6164	1		Support whole heartedly. Over last 13 years have been <u>concerned at how dangerous this road is becoming</u> , particularly at the new Spearwood Ave intersection.	
3.	Anita Dropulic (Address not given)		1	Suggest you put a <u>roundabout at the intersection</u> of Yangebup Road and Spearwood Avenue.	A roundabout is not a technically sound option. It is limited by geometry and space within the reserve.
4.	John Tedesco Tindal Avenue YANGEBUP WA 6164		1	Please <u>do not close this road</u> as it will just create more traffic movements around the area and affect other residences.	Option will reduce traffic flow to local area traffic only.
5.	Fauzi Family 153 Yangebup Road YANGEBUP WA 6164	1		We agree we <u>should try the seagull island system at this junction</u> . If there are still many accidents we would like to see a roundabout or traffic lights. Strongly support closure of Yangebup Rd at Spinnaker Heights or at the railway crossing. Far too much heavy traffic was using this mainly residential street and there was an enormous problem with hoons speeding down the hill and doing wheelies or other brake screeching manoeuvres at the roundabout near where we live. Have witnessed 4 accidents at this roundabout in 18 months. Last few months with the road closed have been bliss. Driving a longer distance to get onto other major roads is a welcome pay off for this peace.	
6.	JA & NJG Cockerton 20 Mainsail Terrace YANGEBUP WA 6164	1		Reference intention to wholly close Yangebup Road at intersection with Spearwood Ave and immediately east of the railway line, I <u>do agree with your proposal</u> and consider that this will go a long way to providing a safer road environment, stop the through traffic and limit to local residents as it is planned for.	

7.	Betty Stenhouse 176 Yangebup Road YANGEBUP WA 6164	1		I wholeheartedly <u>support the closure of Yangebup Road between Spearwood Avenue and the east side of the railway crossing.</u> Before the temporary closure at Spearwood Avenue the number of accidents were unacceptable. Being fairly close to that crossing, we became very much aware of the number of crashes happening.	
8.	D J Worthington 18 Begonia Crescent YANGEBUP WA 6164		1	<p>I <u>strongly disagree that that Yangebup Road West be turned into a cul-de-sac.</u> In the interests of safety, direct East/West Yangebup Rd traffic flow across Spearwood Ave should be restricted, but access left onto Spearwood Ave from Yangebup Road West should be allowed as well as egress left from Spearwood Ave onto Yangebup Road West should be maintained as is the present case. These variations must be taken into consideration with the redesign of the intersection as this would have a considerable impact in appeasing the frustration and inconvenience experienced by all of the local residents affected by the problems associated with this intersection and the redirected traffic.</p> <p>I am fully aware that this intersection when designed apparently met all required guidelines and Australian Standards and that traffic flow studies and video surveillance have been carried out to prove that driver error is the main contributing factor to the accidents and problems associated with the intersection, but am sure you are aware that the design of this intersection could have been vastly better while remaining compliant with the standards and therefore not requiring the considerable waste of money to "possibly" fix it.</p>	<p>Initially the left in and left out movement was maintained. Illegal movements were prevalent which endangered other motorists and prompted the closure of the left out facility.</p> <p>Proposed diversion is not considered a significant inconvenience.</p>

9.	Ernest & Naomi Dykes 14 Mainsail Terrace YANGEBUP WA 6164		1	<p>In favour of closure of Yangebup Rd at the double railway line, however, not as it is at present by the temporary barricades at the intersection of Spearwood Ave and Yangebup Rd. There have been a number of accidents at this intersection since it opened and have wondered why a roundabout was not erected in the first instance, as they are more user friendly than stop signs. Since the temporary closure barriers have been in place, we have experienced extra heavy traffic down our street, which did not happen before the barricades were in place. When we bought our home we did not expect the street would become a main thoroughfare. We loath being woken at 4.30am by large trucks.</p> <p>Have witnessed occasions where vehicles travelling south on Spearwood Ave have ignored the 'No Right Turn at Yangebup Rd' sign by turning further down where the island is for turning left from Spearwood Ave. Some vehicles have come from Yangebup Rd travelling east, and have used the same traffic island to come down against the flow of traffic to get onto Spearwood Ave.</p> <p>If needing to access Stock Rd all traffic could have been directed to use either Barrington St or Beeliar Drive. 'Local Traffic Only' and 'No Access to Stock Road' signs could have been erected at the stop sign at the intersection of Yangebup Rd and Spearwood Ave.</p> <p>The closure of Miguel Rd at the railway line has also created further congestion at this intersection. Reopening this road to local traffic only could help alleviate the bottleneck, enabling residents of Yangebup to avoid the intersection at Yangebup Rd and Spearwood Ave altogether.</p>	<p>A roundabout is not a technically sound option. It is limited by geometry and space within the reserve.</p> <p>The intention of the proposal is to divert heavy vehicle movement onto the District Distributor Roads.</p> <p>Dangerous movement and has been addressed in design.</p> <p>Opening of Miguel Road is not an option as it now terminates at the rail corridor.</p>
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<p>10.</p>	<p>W Johnson johnsonsc@westnet.com.au</p>	<p>1</p>	<p>I have viewed the proposals for the above intersection and would like to note the following. This is an extremely dangerous intersection (as evidenced by the large number of accidents since its recent opening and the difficulties experienced personally) due to a number of factors, including:</p> <ul style="list-style-type: none"> • The geography at the site. (i.e. the slope of the land etc) • The proximity of housing (the road reserve appears to be too limited) • The angles of the roads in relation to each other (not 90 degrees) • The amount and type of traffic (the largest trucks permitted in WA) <p>It needs to be recognised that Yangebup Rd, due to it being a road containing shops, schools and housing (therefore driveways), can only be considered what I would term a 'local suburban' road which traverses only 1 or 2 suburbs and is used by localised traffic to access and exit through Yangebup to & from intersecting streets and houses. From the 3 options:</p> <ul style="list-style-type: none"> • Traffic lights are a poor method of ensuring safe traffic flow and are not suitable for a suburban rd. Traffic lights should not be installed at that intersection at any time either now or in the future. • There does not appear to be sufficient room for an adequate sized roundabout, therefore such a road treatment would be too small, inadequate for the type of traffic (trucks & semi trailers) and dangerous on a busy road like Spearwood Ave. • "Seagull" treatment <p>It <u>would appear that the "Seagull" treatment (I believe it was opt 1) would offer the best improvement.</u> However, it also has some limitations that may continue to contribute to</p>	<p>Consistent with the proposal.</p>
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the dangerous nature of the intersection.
 My main concerns are:

- 1) Part of the plan is to close the left turn lane off Spearwood Ave.
- 2) The plan is to permanently close Yangebup Rd west (cul-de-sac).
- 3) This can only be considered a short term solution.

In more detail these concerns are:

- 1) The left turn lane off Spearwood Ave should be preserved. The effect of people slowing and turning left into Yangebup Rd off Spearwood Ave in the one and only south bound lane, with trucks and other traffic immediately behind them will create dangerous situations. It could end up to merely transfer the safety issues to another part of the intersection.
 A possible solution would be to separate the left turn lane, from the Spearwood Ave southbound through lane, by about 1 metre and it could even be lowered. These changes would allow better vision to the right (northwards) from Yangebup Rd.
- 2) Yangebup Rd is an urban road containing houses and people who require to travel in various directions. Access into & out of Yangebup Rd west (i.e. left turn in & out) must be preserved with appropriate turning & accelerating lanes.
- 3) The amount of traffic that is already using Spearwood Ave is considerable and it is heavy (truck) traffic, as would be expected to & from the Bibra Lake industrial area. It can only be expected to grow, and most likely very quickly.
 In the future Spearwood Ave is to become a four lane road, as it should be to handle the volume and type of traffic. It will also be continued through to Spearwood Ave (i.e. Barrington St to near Sudlow rd). Beeliar rd will be extended through to Stock Rd.

All these situations need to be considered in

The left turn lane will only be preserved if we can improve visibility at the intersection and create gaps in traffic.

Alternative access is available at Mainsail Ave, Spinnaker Heights and Birchley Rd.

The growth of Spearwood Ave will necessitate a continued review of traffic movement.

				<p>planning this intersection. As such the plan should be an integrated approach which involves:</p> <ul style="list-style-type: none"> • Completing Spearwood Ave and providing intersections along it suitable for heavy vehicle traffic (i.e. Barrington St, Howson Way?, Cocos Drv etc). • Completing Beeliar rd to Stock Rd. • Building a safe free flowing junction. <p>The only long term solution would be an overpass on Yangebup Rd with Spearwood Ave passing underneath, and connected by on and off ramps up to Yangebup Rd and controlled by Give Way signs. The geography of the intersection is very suitable for this with Spearwood Ave rising up to Yangebup Rd from <i>both</i> directions (North & South), and it would serve to cast Yangebup Rd as a road that just serves the local area - both East and West of Spearwood Ave.</p> <p>This obviously is more expensive than a roundabout or seagull treatment, but it is a far more long term solution and should be just about all that is needed for the next 10, 15 or whatever years.</p> <p>I believe the Miguel Drv level crossing, as terrible as it was, was closed prematurely. That is, before an adequate alternative that could cope safely with the traffic requirements was implemented. We must be mindful of making such situations again.</p>	
11.	Hourann Bosci 7 Marigold Place YANGEBUP WA 6164		1	<p>1 write to comment on the proposed installation of a 'seagull' intersection at the Yangebup Road / Spearwood Avenue intersection, and the proposed closure of Yangebup Road at the railway crossing.</p> <p>1 am <u>strongly opposed</u> to this change because it will be severely detrimental for users of bus route 136, which is the main bus service in this area.</p>	The bus service will continue in this area.

			<p>There is also an obvious argument against this proposal in simple road safety terms. The proposed 'seagull' island arrangement is only a slight modification of the current state of that intersection, which continues to be highly dangerous. The only appropriate solution to this black-spot is to install traffic lights or a roundabout.</p> <p>Relying only on road monitoring using car-counting devices will not have indicated what residents in the nearby houses frequently hear - the sound of smashed glass, as cars turning from Yangebup Road collide with cars travelling at high speed along Spearwood Ave, oblivious to the oncoming vehicles due to the blind spot created by the hill. Matters are even worse for pedestrians, who are rarely visible to vehicles travelling north at 70 km/h. If the intersection is left as it is (and a 'seagull' treatment would do exactly that) then it is only a matter of time before someone is killed.</p> <p>In addition to these concerns, I fail to see any valid reason for the permanent closure of Yangebup Road. This will not achieve any improvements to safety, as it will increase the concentration of turning vehicles at the dangerous intersections either side of the closed section of road. The road is also not busy enough to warrant measures to forcibly divert traffic onto Beeliar Drive. However, and most importantly, it is used by a popular and busy bus service.</p> <p>The proposed closures will severely impede bus route 136, which is the most popular bus service in this area of Cockburn. Thus far, regular users of this service have tolerated the detour along Spinnaker Ave on the assumption that it would be a temporary situation (as occurred a few years ago, when Spearwood Ave was extended). To turn Yangebup Road into a cul-de-sac at both Spearwood Ave and the railway crossing will require route 136 to detour via Beeliar Drive, which is much less</p>	<p>The shortfalls of traffic lights and roundabout options have been detailed in this and previous reports.</p> <p>Seagull will provide better protection for turning traffic which is clearly required when viewing the crash data.</p> <p>Spinnaker Ave is a designated bus route on Council's Structure Plan for the area.</p>
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				<p>suited to having buses stop frequently on it. Worse still, any bus stops on Beeliar Drive would be a long distance from most of the houses that the 136 currently services in that part of Yangebup - particularly houses in the recently-built 'Bayview Estate'.</p> <p>In other words, closing Yangebup Road at either the railway line or Spearwood Ave (or both) will increase journey time and reduce the catchment area for route 136. Lower public transport usage will correspond to higher car usage, which will increase the cost of living for residents in the area and make the nearby roads even more dangerous. This is a highly undesirable outcome for an area that hopes to be a pleasant, sustainable place to live.</p> <p>Thus, the proposed changes are inappropriate from a safety point of view, and are also detrimental to public transport users in the area. They should therefore be rejected outright.</p> <p>As a closing note, I would like to point out that while the flyer announcing a public meeting in Yangebup related to these issues is dated 20 April 2006, it was not delivered to my house (which is barely 200 metres from the intersection in question) until 28 April, the day after the public meeting had occurred. This does not appear to sit well with the City's supposed commitment to public consultation.</p>	<p>Closure of Yangebup Rd may indeed increase travel time, however it will reduce traffic flow to local area traffic only and promote use of the District Distributors.</p>
12.	Petition received (15 signatories)		15	<ol style="list-style-type: none"> 1. A seagull closure would <u>necessitate all residents south of cell 9 exiting/ entering the estate via Spinnaker Heights/Mainsail and possibly Birchley Drive</u>; these roads are less suited to heavy traffic flow than Yangebup Road West. Lights at the intersection would allow movement of traffic via that area in a less disruptive manner to all concerned. 2. A seagull intersection <u>doesn't allow for safe pedestrian crossing</u>. Lights would provide a pedestrian thoroughfare allowing safe crossing for school children and residents in 	<p>Spinnaker and Mainsail are considered to be local Distributor Roads and identified as such on the Structure Plan.</p> <p>The limitations of signals have been documented.</p>

				<p>the area.</p> <p>3. We support the <u>prompt closure of the Yangebup Rd train crossing</u>. This would certainly remove non local traffic moving through cell 9 and divert this traffic as designed onto Beeliar Drive/Spearwood Ave.</p> <p>4. We remain <u>extremely concerned about the decision to make Spinnaker Heights a main feeder to Beeliar Drive and Spearwood Ave via Mainsail Terrace</u>. It is already difficult in peak hour to make a right hand turn from Spearwood Ave travelling south due to traffic speed and flow. This will not improve over time despite a seagull intersection; it is more likely to worsen given the Council traffic projections and the eventual opening up of Spearwood Ave North. Lights however would slow the flow of traffic to allow for the movement into Mainsail Tce.</p> <p><u>We believe the change to the intersection is vital but would like to see the best option for all the community, who will be affected by such a change.</u></p> <p><u>We move to support lights being erected at the intersection.</u></p>	<p>The design of the Seagull will cater for the safe movement of pedestrians.</p> <p>This may not be the final configuration of the intersection. A decision on Yangebup Rd cannot be made in isolation. The longer term implications for the intersection will be reviewed as growth and the demand on the road network increases. Changes can be made at that time.</p>
	Totals	Support 6	Not Support 20		