

## CITY OF COCKBURN

### SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 22 JUNE 1999 AT 7:30 P.M.

	Page
85. (AG Item 1) DECLARATION OF OPENING.....	1
86. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED) .....	1
87. (AG Item 3) DISCLAIMER .....	2
88. (AG Item 4.1) (OCM2_6_1999) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTEREST (by Presiding Member) .....	2
89. (AG Item 7.1) (OCM2_6_1999) - PUBLIC QUESTION TIME .....	2
90. (AG Item 8.1) (OCM2_6_1999) - ORDINARY MEETING OF COUNCIL - 8/6/1999.....	4
91. (AG Item 13.1) (OCM2_6_1999) - 1999 LOCAL GOVERNMENT WEEK CONFERENCE (1027) (DMG).....	4
92. (AG Item 14.1) (OCM2_6_1999) - FREMANTLE - ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY (FRIARS) - PUBLISHED BY WAPC FOR PUBLIC COMMENT - COUNCIL SUBMISSION (9332) (SMH/AJB/DW).....	5
93. (AG Item 14.2) (OCM2_6_1999) - AMENDMENT NO 198 - REZONING RURAL TO SPECIAL RURAL - LOTS 391 TO 393 LIDDELOW ROAD, BANJUP - OWNER: RC & MC KENNEDY, Y KANNIS, MD & RC RODRIGUES - APPLICANT: CHRIS WEST (92198) (CC) (EAST) (MAP 29) .....	8
94. (AG Item 14.3) (OCM2_6_1999) - AMENDMENT NO. 209 - CSL 4252 MURDOCH DRIVE & PORTION OF RESERVE R44544 (LOCATION 4253) FARRINGTON ROAD, NORTH LAKE - OWNER: HEALTH DEPARTMENT OF WA - APPLICANT: RICHARD PAWLUK & ASSOCIATES (92209) (CC) (EAST) (MAP 12).....	12
95. (AG Item 14.4) (OCM2_6_1999) - SUBMISSION ON CONSULTATIVE ENVIRONMENTAL REVIEW - SEAWALL CONSTRUCTION, LAND RECLAMATION AND DREDGING - FOR SHIPBUILDING, REPAIR AND MAINTENANCE ACTIVITIES WITHIN JERVOISE BAY NORTHERN HARBOUR, HENDERSON (9500) (3412160) (DW) (COASTAL).....	15
96. (AG Item 14.5) (OCM2_6_1999) - MINOR MODIFICATION TO AMENDMENT NO. 170 - TO DISTRICT ZONING SCHEME NO. 2 - CSL 1843 & 2197; PT LOT 2 COCKBURN ROAD, HENDERSON - OWNER: LANDCORP - APPLICANT: GRAY & LEWIS (92170) (SA) (COASTAL) .....	23

97.	(AG Item 14.6) (OCM2_6_1999) - PROPOSED CHURCH HALL ADDITIONS - LOT 6, 216 YANGEBUP ROAD, YANGEBUP - OWNER: LAKELANDS FAMILY CHURCH - APPLICANT: BROWN & JOY INDUSTRIES (4314978) (MT) (SOUTH) (MAP 8).....	26
98.	(AG Item 14.7) (OCM2_6_1999) - ATWELL SOUTH STRUCTURE PLAN AND REZONING - CELL 28, EAST OF KWINANA FREEWAY - OWNER: LANDCORP, GOLD ESTATES AND OTHERS - APPLICANT: ROBERTS DAY GROUP (9640) (92211) (SOS) (EAST) (MAP 20,21).....	29
99.	(AG Item 14.8) (OCM2_6_1999) - NON COMPLIANCE WITH DEVELOPMENT APPROVAL - LOT 105, 13 EMBLEMMENT CRESCENT, HAMILTON HILL - OWNER: V M MARCELINO, B KOVACEVIC & T NARVAEZ (2212220) (MT) (WEST) (MAP 2).....	41
100.	(AG Item 14.9) (OCM2_6_1999) - PROPOSED REVOCATION OF COUNCIL DECISION 8/6/1999 - MINUTE NO. 79 (AG ITEM 14.3 OCM1_6_1999) - TENDER NO. 12/99 - INSPECTION OF PRIVATE SWIMMING POOLS (3211) (VG).....	44
101.	(AG Item 14.10) (OCM2_6_1999) - TENDER NO. 12/99 - INSPECTION OF PRIVATE SWIMMING POOLS (3211) (VG).....	46
102.	(AG Item 14.11) (OCM2_6_1999) - REVIEW OF THE METROPOLITAN CENTRES POLICY STATEMENT FOR THE PERTH METROPOLITAN REGION - 1999 SUBMISSION (9122) (SMH).....	49
103.	(AG Item 15.1) (OCM2_6_1999) - REPORT ON FINANCIAL STATEMENTS (5505) (NM).....	51
104.	(AG Item 15.2) (OCM2_6_1999) - LIST OF CREDITORS PAID (5605) (KL).....	52
105.	(AG Item 15.3) (OCM2_6_1999) - ADOPTION OF PRINCIPAL ACTIVITIES PLAN (5406) (ATC).....	53
106.	(AG Item 15.4) (OCM2_6_1999) - BUDGET AMENDMENTS (5402) (ATC).....	56
107.	(AG Item 15.5) (OCM2_6_1999) - KWINANA AIR BUFFER ZONE ACTION GROUP (K.A.B.Z.) - REQUEST FOR FUNDS (9332) (ATC).....	58
108.	(AG Item 16.1) (OCM2_6_1999) - FRESHWATER DRIVE TRAFFIC ISSUE (451130) (JR) (EAST).....	60
109.	(AG Item 16.2) (OCM2_6_1999) - TENDER NO. 21/99 - SUPPLY AND LAYING OF HOT ASPHALT ROAD SURFACING (4437) (IS).....	63
110.	(AG Item 17.1) (OCM2_6_1999) - REPLACEMENT DEED - SPEARWOOD DALMATINAC CLUB (INC) (2200281) (LJCD).....	65
111.	(AG Item 17.2) (OCM2_6_1999) - APPOINTMENT OF NEW MEMBERS - JANDAKOT VOLUNTEER BUSH FIRE BRIGADE - (1561) (DMG) (EAST).....	71
112.	(AG Item 17.3) (OCM2_6_1999) - JANDAKOT VOLUNTEER BUSH FIRE BRIGADE - OFFICE BEARERS 1999-2000 (1561) (DMG) (EAST).....	72

113.	(AG Item 17.4) (OCM2_6_1999) - SOUTH COOGEE VOLUNTEER BUSH FIRE BRIGADE - OFFICE BEARERS 1999 - 2000 (1562) (DMG) (COASTAL) (SOUTH) .....	74
114.	(AG Item 17.5) (OCM2_6_1999) - APPOINTMENT OF FIRE CONTROL OFFICERS (1550) (DMG) .....	76
115.	(AG Item 17.6) (OCM2_6_1999) - DELEGATION OF AUTHORITY TO APPOINT FIRE CONTROL OFFICERS (1015) (DMG) (ALL WARDS).....	78
116.	(AG Item 17.7) (OCM2_6_1999) - TENDER FOR CLEANING OF THE SOUTH LAKE LEISURE CENTRE (10155) (8143) (GMAC) .....	79
117.	(AG Item 24.1) (OCM2_6_1999) - RESOLUTION OF COMPLIANCE (Section 3.18 (3), Local Government Act 1995) .....	82



## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 22 JUNE 1999 AT 7:30 P.M.

#### PRESENT:

##### COUNCIL MEMBERS

Mr J F Donaldson - Chairperson of Joint Commission  
Ms J L Smithson - Joint Commissioner (Arr. 7.31 pm)  
Mr M A Jorgensen - Joint Commissioner

##### IN ATTENDANCE

Mr R W Brown - Chief Executive Officer  
Mr D M Green - Director Community Services  
Mr A T Crothers - Director, Finance & Corporate Services  
Mr S M Hiller - Director, Planning & Development  
Mr B K Greay - Director, Engineering & Works  
Mrs B Pinto - Secretary/PA, Finance & Corporate Services

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

The Chairperson declared the meeting open at 7.30 pm.

**CMR SMITHSON ARRIVED AT THIS STAGE THE TIME BEING  
7.31 PM**

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

Nil



**87. (AG Item 3) DISCLAIMER**

The Presiding Member read aloud the following disclaimer:

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.

**88. (AG Item 4.1) (OCM2\_6\_1999) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTEREST (by Presiding Member)**

Cmr Donaldson advised that he has received a written declaration of financial interest from Cmr Smithson, relating to Item 14.4 which will be read aloud at the appropriate time.

**89. (AG Item 7.1) (OCM2\_6\_1999) - PUBLIC QUESTION TIME**

**Mrs. Smedley** of 511 Rockingham Road, Munster spoke to Item 14.4. She thanked Council for the thoroughness of the response to the Consultative Environmental Review (CER). She stated that in the CER, Landcorp mentioned that the \$2m for improvements to Beeliar Park and Woodmans Point will also be utilised by the Department of Commerce and Trade, to address the nitrogen rich groundwater entering the northern harbour. She said amongst all the Jervoise Bay propaganda she had received since November 1997, her recollection was correct, that there were two separate commitments by the Department of commerce and Trade. One was the \$2m for Woodmans Point to Beeliar Park. The other, to allow the Southern Harbour to go ahead, they were to clean up the nitrogen rich groundwater. She queried whether Council was aware that this is in the document and will they follow-up this very convenient oversight and forcibly ask them to correct the error?

Director, Planning and Development replied, that he was not aware of this particular point, but will bring it to the attention of Manager, Environmental Services, as part of Council's response. At this stage, he did not think it was covered in the submission. Mrs. Smedley replied, that if this was the case, it would be necessary to follow it up through a different department, rather than the EPA.

**Daryl Kursar**, Treasurer of the Kwinana Air Buffer Zone Actin Group spoke to Item 15.5. He said that he would like to brief Council once again of the need for financial assistance for a professional submission



to be made, relating to the FRIARS Discussion Paper. He gave an outline of how the funds in their Budget are expended. He emphasised that without further assistance there would be a shortfall in their overall Budget and strongly urged Council to give some consideration to their request.

**Mrs Val Oliver** of Coolbellup spoke to Item 15.4, point (4) - Alterations to the Coolbellup Library. She said this also entails the operations to the Coolbellup Vocational Centre. She requested, that there be full consultation with the Vocational Centre Committee, as both centres are important to the area and community. Secondly, she mentioned that she had received calls of anxiety from mothers of the Early Education Playgroup, who hold their meetings at the rear of the Coolbellup Community Centre and it seems that funding has finished in some of the areas. In one area, she said, that they were going to be deprived of a Co-ordinator. Council does not seem to be inclined to help them in this at all. She said, hundreds of dollars are spent on consultants and felt that the children in the area should be looked after first. She expressed concerns on the amount of funding received from Family and Children's Services. It seems to be the same each year. She requests Council to lobby the Government, regarding amendments to the funding each year, so that it covers all expenses. Should it continue to carry on the way it has been every year, Council will lose another service throughout the area.

Secondly, she said that there is no occupational health and safety plan at the landfill site, at Henderson. She expressed concern that there was no safety officer, at all times in a place such as this. She queried as to whether Council had done anything about it?

**Cmr Donaldson** replied, that on the matter of the Coolbellup Library, it was his understanding that the alterations could be attended to, as there was a budget amendment proposed on tonight's Agenda, but sought clarification from the Chief Executive Officer, who responded, that Council is aware that there are some conflicting requirements for the use of the two facilities. He said, that there was some liaison between Council officers and the people who run the Centre, adjacent to the Library, to try and ensure there is a compromise.

Cmr Donaldson also stated that with regard to the Coolbellup Library, it would be most useful, as it appears to be a matter of real community need, if either yourself or the Co-ordinator of the Centre write to Council, expressing the issue in a formal manner, as it does help the process and puts facts in front of us, which is not available to Council as a result of the representation made tonight. Cmr Donaldson requested Mrs. Oliver to forward a letter to that effect, as it gives Council something tangible to act on and will certainly respond in the appropriate manner.



Regarding the Landfill Site, Cmr Donaldson said that Council is very concerned about the health and safety issues. The Study is still ongoing and as yet, there is still no report forthcoming. I can assure you that it is certainly underway and probably expect to have it at the next meeting.

AT THIS POINT IN THE MEETING, CMR DONALDSON, ON BEHALF OF COUNCIL CONGRATULATED CMR JORGENSEN BEING AWARDED THE ORDER OF AUSTRALIA MEDAL, IN THE RECENT QUEEN'S HONOURS, WHICH IS AS A RESULT OF SERVICE TO LOCAL GOVERNMENT.

**90. (AG Item 8.1) (OCM2\_6\_1999) - ORDINARY MEETING OF COUNCIL - 8/6/1999**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the Minutes of the Ordinary Council Meeting held on Tuesday, 8 June 1999 be confirmed as a true and accurate record.

**CARRIED 3/0**

**91. (AG Item 13.1) (OCM2\_6\_1999) - 1999 LOCAL GOVERNMENT WEEK CONFERENCE (1027) (DMG)**

**RECOMMENDATION**

That Council nominate Commissioners Donaldson and Smithson and the Chief Executive Officer, Mr Rod Brown, to attend the 1999 Local Government Week Conference to be held at Burswood Resort Hotel from 1 - 3 August, 1999.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

This is the Premier Conference involving the Associations of Local Government in this State. It is customary for Council's delegates to the





South Metropolitan Zone of the Local Government Association to attend this Conference.

**Submission**

N/A

**Report**

As usual, the program of events features a wide range of relevant and topical local government issues and some excellent presenters and keynote speakers.

**Strategic Plan/Policy Implications**

Council Policy A5.12 refers.

**Budget/Financial Implications**

Total costs of \$1,200 - \$1,500 are available within the Conference Budgets.

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

Nil.

92. (AG Item 14.1) (OCM2\_6\_1999) - FREMANTLE - ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY (FRIARS) - PUBLISHED BY WAPC FOR PUBLIC COMMENT - COUNCIL SUBMISSION (9332) (SMH/AJB/DW)

**RECOMMENDATION**

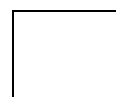
That Council:

- (1) receive the report;
- (2) adopt the report as the Council's submission to the Western Australian Planning Commission on the Fremantle - Rockingham Industrial Area Regional Strategy.

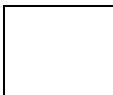
**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that:

- (1) Council receive the report;



- (2) Council adopt the report as the Council's submission to the Western Australian Planning Commission on the Fremantle - Rockingham Industrial Area Regional Strategy;
- (3) the Council's preference for a Development Authority to implement the FRIARS recommendations is subject to:-
  1. Any new industrial zoned land created under FRIARS should remain within the affected local government districts and not become a separate authority.
  2. The local government should retain the ability to levy rates from land within the control of any Development Authority.
  3. The local government should retain the delegated authority to issue planning consents and building licences within any area controlled by a Development Authority, together with the ability to make recommendations in relation to scheme amendments, subdivision and to manage health matters.
  4. The affected local governments being represented on any Development Authority.
  5. The Development Authority being established to be the "project manager" to plan the area, co-ordinate the provision of infrastructure, amalgamate and subdivide the land, to fund works, acquire and sell the land and to promote and market the estate.
  6. The Development Authority to be abolished at the conclusion of its role as project manager and the respective local governments to assume responsibility for the on-going development control and management of the area under the Councils' Town Planning Schemes;
- (4) Council amend the plans for Options 5 and 6 (2 of 2) to show the Special Industrial zone for Cockburn Cement applying only to the Cement Works site and the balance be retained as rural, in accordance with the proposal contained in Council's proposed Town Planning Scheme No. 3;
- (5) Council delete the additional Urban zone proposed to the north of the existing Wattleup townsite;
- (6) Council prepare an Executive Summary for the submission which identifies and summarises the key points raised, to enable the Council's position to be more easily understood;



- (7) Council provide a copy of the submission to the local Members of State Parliament, the local governments of Kwinana and Serpentine-Jarrahdale;
- (8) the above amendments to the submission be made prior to the report being submitted to the Western Australian Planning Commission and being made available to the public and other authorities and to suspended Councillors of the City of Cockburn; and
- (9) Council urge the Western Australian Planning Commission to hold hearings on FRIARS and that Council be provided the opportunity to make a formal presentation to such hearings.

**CARRIED 3/0**

### **Explanation**

It is considered that the addition of Clauses (3) to (9) strengthens Council's submission to the Commission on this item of extreme local importance.

### **Background**

ERM Mitchell McCotter, planning consultants, were engaged by the WAPC to undertake the FRIARS study.

The study area is extensive, generally covering all the area on Cockburn Sound from Coogee Beach in the north, Kwinana Beach in the south and Mandogalup in the east.

The local governments affected by the study are the City of Rockingham, Town of Kwinana and City of Cockburn.

The land use options contained in the 1999 report essentially only apply to the Town of Kwinana and the City of Cockburn.

In March 1997, a discussion paper was published and circulated by the Ministry for Planning. The Council lodged a comprehensive 16 page submission in May.

### **Submission**

In March 1999, the study report was published for public comment. The report contains 5 land use options, with one, "Option 4 - Integrated Industrial Expansion - No Remaining Townsites" preferred by the Commission.



## Report

The report attached to the Agenda is based on an assessment of the strategy and is divided into 5 distinct parts for the ease of preparation, namely:-

1. Strategic issues.
2. Statistical and Feasibility Analysis.
3. Environmental Issues Considerations.
4. Community Views.
5. Alternative Option.

The report was prepared by the Director, Planning and Development, the Strategic Planner and the Environmental Manager, together with information and views provided by the local community by way of a workshop.

## Strategic Plan/Policy Implications

Corporate Strategic Plan, Strategy 2.3 f) and Action 2.36 and Strategy 2.3 j) and Action 2.3.10 generally apply to this matter.

Also Strategy 4.2 and Action 4.2.2, Strategy 4.3 and Actions 4.3.1 and 4.3.2 apply together with Strategy 4.4 and Action 4.4.1.

## Budget/Financial Implications

N/A

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

Nil.

93. (AG Item 14.2) (OCM2\_6\_1999) - AMENDMENT NO 198 - REZONING RURAL TO SPECIAL RURAL - LOTS 391 TO 393 LIDDELOW ROAD, BANJUP - OWNER: RC & MC KENNEDY, Y KANNIS, MD & RC RODRIGUES - APPLICANT: CHRIS WEST (92198) (CC) (EAST) (MAP 29)

### RECOMMENDATION

That Council:

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



Attachments;

- (2) adopt the amendment subject to the following modifications;
1. modification of amendment 198 in accordance with the Schedule of Modifications attached to the Commission's letter of consent to advertise dated 24 March 1999, and;
  2. adding to the Sixth Schedule Special Rural Zone 13 the following clause:
    13. 2. 12 No dwelling shall be approved by Council unless it is connected to an alternative domestic waste-water treatment system as approved by the Health Department of Western Australia with an adequate phosphorous retention capacity, as determined by the Department of Environmental Protection, and with the base of the system on the modified irrigation area being the required distance above the highest known water table.'

Date the 22 day June 1999

CHIEF EXECUTIVE OFFICER

- (3) in anticipation of the Hon. Minister for Planning's advice that final approval will be granted to the modified amendment, the modified amendment documents be signed and sealed and forwarded to the Western Australian Planning Commission, and;
- (4) advise the Commission, proponent and those that made submissions of the Council's decision.

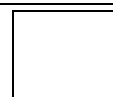
**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

ZONING:	MRS:	Rural-Water Protection Zone
	DZS:	Rural
LAND USE:	Residential, Horse stable and Vacant Rural Land	
LOT SIZE:	36ha	



AREA:	N/A
USE CLASS:	N/A

Lots 391, 392 and 393 are located in the Rural Zone of the Council's Scheme and the Rural -Water Protection Zone of the MRS, which was gazetted in April 1998.

Much of the land in the locality has been developed with Special Rural.

To control and guide development in the Rural- Water Protection Zone the Western Australian Planning Commission gazetted its SPP6 (Statement of Planning Policy No. 6 -Jandakot Ground Water Protection Policy) in June 1998. The Council is required to introduce the requirements of SPP6 in its Scheme.

In anticipation of a long time frame for the introduction of the requirements of SPP6 into Council's Scheme which may allow subdivision of the land, the applicant requested, and Council agreed, to rezone Lots 391, 392, 393 to Special Rural so that the land may developed with 2 hectare lots.

Amendment 198 therefore offers interim development control in line with adjacent Special Rural Zone 13. Eventually all Special Rural and Rural land under SPP6 and the Ground-water Protection zone may be transferred to the comparable Resource Zone proposed under Amendment 202 to the City's Scheme. Amendment 202 is with the Commission pending consent to advertise.

The applicant has also submitted a subdivision plan (WAPC Ref. 108997) to subdivide the land into 18 lots of 2 hectares. A Tribunal Appeal was initiated on the grounds that the application was not determined within the statutory 90 days time limit. The Appeal was subject to mediation with the applicant and Ministry for Planning and Council Officers, and conditions for the subdivision have been agreed upon. (See Agenda Attachments for Subdivision Plan)

Council at its meeting of 20 October 1998 resolved to adopt Amendment 198 to rezone Lots 391, 392, 393 Liddelow Road, Banjup from Rural to Special Rural. (See Agenda Attachment for October Report)

**Report**

As a requirement of consent to advertise, The Western Australian Planning Commission required modifications to the document to be effected prior to submission of the documents for final approval. The modifications are minor, requiring grammatical corrections to the amendment report and resolution for clarity. Adoption of the Commission's modifications is considered appropriate.



Six submissions were received during the advertising period. Two submissions from landowners on nearby Coffey Road supported the proposal and requested rezoning of their land to Special Rural also.

The Waters and Rivers Commission, Health Department and the Water Corporation either raised objections or supported the proposal. These authorities recommended the use of Alternative Treatment Units for residences to attenuate ground water contamination with nutrients. It is therefore considered appropriate that the following provision be added to Sixth Schedule Special Rural Zone 13:

'13.2.12 No dwelling shall be approved by Council unless it is connected to an alternative domestic waste-water treatment system as approved by the Health Department of Western Australia with an adequate phosphorous retention capacity, as determined by the Department of Environmental Protection, and with the base of the system on the modified irrigation area being the required distance above the highest known water table.'

(See Agenda Attachment for Schedule of Submissions)

The adoption of Amendment 198 for final approval is evident by:

- a context of Special Rural development;
- demonstrated land suitability and capability for Special Rural development;
- the necessity to introduce appropriate land use controls prior to subdivision and;
- submissions of no objections, or support for the proposal having been received during advertising.

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

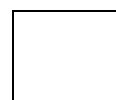
PD 43 Rural-Water Protection Zone (MRS) Jandakot

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

N/A

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

Nil



94. (AG Item 14.3) (OCM2\_6\_1999) - AMENDMENT NO. 209 - CSL 4252 MURDOCH DRIVE & PORTION OF RESERVE R44544 (LOCATION 4253) FARRINGTON ROAD, NORTH LAKE - OWNER: HEALTH DEPARTMENT OF WA - APPLICANT: RICHARD PAWLUK & ASSOCIATES (92209) (CC) (EAST) (MAP 12)

**RECOMMENDATION**

That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED).

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME.

CITY OF COCKBURN DISTRICT ZONING SCHEME NO. 2

AMENDMENT 209

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

1. zoning CSL 4252 Murdoch Drive and portion of Reserve R44544 (Location 4253) Farrington Road, North Lake to Mixed Business.
2. amending the Scheme maps accordingly.

DATED THIS 22 DAY OF JUNE 1999.

CHIEF EXECUTIVE OFFICER

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

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

- (2) subject to the advice of the Environmental Protection Authority the amendment be advertised for public comment in accordance with the Town Planning Regulations and the Western Australian Planning Commission Bulletin No. 29 dated December 1998.





**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

ZONING:	MRS:	Public Purpose Hospitals
	DZS:	Public Purpose Hospitals
LAND USE:	Hospital Laundry	
LOT SIZE:	Approximately 3.5ha	
AREA:	N/A	
USE CLASS:	N/A	

CSL 4252 Murdoch Drive and portion of Reserve R44544 (Location 4253) are located at the north east corner of Farrington Road and Murdoch Drive, North Lake. CSL 4252 is vacant crown land and Reserve 44544 is developed with the Hospital Laundry facility.

Both sites are reserved Public Purpose- Hospital in the MRS and the City of Cockburn Town Planning Scheme No. 2.

The subject land forms part of a larger landholding bounded by Kwinana Freeway, Murdoch Drive, South Street, and Farrington Road commonly referred to as the Murdoch Super Block. The majority of this block is located in the City of Melville and, although reserved for Hospitals, the land has been developed with a Police Station, Remand Centre, TAFE College and as mentioned above the Hospital Laundry facility (Location 4253). See Agenda Attachments for Local Context Plan

The land to the south of the site has been developed with the Murdoch Residential Estate.

As part of the States asset management initiatives Location 4252 and the Hospital Laundry facility (Location 4253) will be sold and privatised. Rezoning of the land to Urban under the MRS is sought in order to maximise returns. The MRS amendment is in progress with advertising having closed and hearings currently in progress.

**Submission**

Application has been made to zone Location 4252 and portion of Reserve R44544 (Location 5253) to Mixed Business in TPS No. 2. A similar proposal for the balance of Location 4253 has been put forward to the City of Melville. See Agenda Attachments for zoning proposal.



## Report

Rezoning of the land to Mixed Business is justified on the following grounds:

- The land is surplus to Health Department requirements.
- A Mixed Business zone may allow the development of consulting rooms, offices and other type uses that do not necessarily require a location with ready access to a large residential catchment. The Mixed Business zone may also provide for a range of uses to service other facilities in the locality such as St John of God Hospital, Murdoch University and the TAFE College. The laundry facility already services the Hospital.
- Residential zoning is not considered appropriate for a small and isolated parcel of land, nor is a commercial zoning considered appropriate in the absence of a suitably sized residential catchment. Industrial type uses are also considered inappropriate for a highly visible site such as Location 4252.
- The City of Melville supports a Mixed Business zone for the Laundry Facility. Coordination of zones with adjacent local authorities is consistent with orderly and proper planning.

## Strategic Plan/Policy Implications

N/A

## Budget/Financial Implications

N/A

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

Nil

## WRITTEN DECLARATION OF FINANCIAL INTEREST

Cmr Donaldson read aloud the following written declaration of financial interest from Cmr Smithson.

### Cmr Smithson

Agenda Item 14.4 - The nature of the interest being that, her employer, BSD Consultants has been engaged by Landcorp to prepare a Consultative Environmental Review - Seawall Construction, Land Reclamation and Dredging for Shipbuilding Repair and Maintenance Activities within Jervoise Bay Northern Harbour, Henderson.



**CMR SMITHSON LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.57 PM**

95. (AG Item 14.4) (OCM2\_6\_1999) - SUBMISSION ON CONSULTATIVE ENVIRONMENTAL REVIEW - SEAWALL CONSTRUCTION, LAND RECLAMATION AND DREDGING - FOR SHIPBUILDING, REPAIR AND MAINTENANCE ACTIVITIES WITHIN JERVOISE BAY NORTHERN HARBOUR, HENDERSON (9500) (3412160) (DW) (COASTAL)

**RECOMMENDATION**

That Council require officers to prepare a submission on the CER which elaborates the key issues outlined in the Environmental Manager's report.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that:

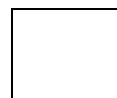
- (1) Council require officers to prepare a submission on the CER which elaborates the key issues outlined in the Environmental Manager's Report; and
- (2) the submission be provided to local Members of Parliament for consideration.

**CARRIED 2/0**

**Background**

A Consultative Environmental Review (CER) has recently been released for public comment for the proposed development of a seawall, land reclamation and dredging adjacent to Lots 165 and 167, including Lots 166 and 168 Cockburn Road, Henderson and the maintenance of shipbuilding, repair and maintenance facilities. The proposed development is located immediately to the north of existing shipbuilding activities within the Jervoise Bay Northern Harbour and will if approved, allow for the establishment of further shipbuilding, repair and maintenance industries within the Northern Harbour.

The project involves the construction of a 500 metre long seawall, dredging to suit the requirements of the industries seeking to establish at the site, and the reclamation of approximately 2.9 hectares of land. This development will integrate with land currently owned by Landcorp immediately to the east of the proposed development, allowing the



construction of sheds and other facilities associated with shipbuilding. An overview of the proposal is shown on the figure attached to the Agenda.

The proponents advise that construction is expected to commence in late 1999, with new shipbuilding industries, expecting to commence operations in 2000.

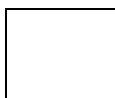
The Consultative Environmental Review (CER) was released for 4 week for public comment which commenced 24 May 1999 and closes on 21 June. A short extension has been granted to the City in making its submission to allow the matter to be considered by Council at the 22 June meeting.

Council's role at this point is to provide comment to the Environmental Protection Authority (EPA) on the environmental issues associated with the project and detailed in the CER. Council may also have a role in considering the development under District Zoning Scheme No. 2. However, as the boundary of the proposed development area is not consistent with the alignment of DZS No. 2 municipality boundary, or the boundary of the Metropolitan Region Scheme, (as a result of the development being largely located west of low water mark), it appears that Council has no jurisdiction to approve or assess the proposal in terms of a development application as the majority of the proposed development does not lie within Council's municipal boundary.

Recently developments associated with the Jervoise Bay Northern Harbour have led to considerable community concern and substantial local environmental impacts. Most notably, the construction of the Northern Breakwater in 1997 to provide better climatic protection to existing shipbuilding industries led to an almost immediate degradation of water quality within the Northern Harbour with significant algal blooms occurring in the summers of 1997 and 1998. This led to widespread community concern, particularly from recreational and boating users of the harbour.

The industrial rezoning of the land east of the high water mark associated with this development also led to local community concern. The key causes of deterioration in water quality within the harbour over recent years have been a combination of reduced flushing associated with the construction of the Northern Breakwater, coupled with the inflow of nutrient rich groundwater from the west and disturbance of harbour sediments associated with dredging and construction activities.

Based on Council's previous positions and policies in relation to the matter, key objectives associated with this latest development would be to ensure that it did not lead to further degradation of water quality within the Northern Harbour and that existing recreational uses and opportunities within the harbour were not affected. Council's Draft Integrated Coastal Management Plan recommends the upgrading of the



Northern Harbour boat club area around water based activities and possible tourism potential.

### **Submission**

The CER provides a detailed overview of the key environmental issues, environmental impacts and proposed management approaches. A copy of the Executive Summary of the CER was attached to the Agenda.

### **Report**

In order to allow Council to determine its position in relation to providing a submission on the CER, an overview of the key environmental issues and potential impacts is provided, along with a discussion on the adequacy of the proposal/CER in addressing these issues.

### **KEY ENVIRONMENTAL ISSUES AND IMPACTS ASSOCIATED WITH THE PROPOSAL**

#### **1. *Impacts on water quality within the Northern Harbour.***

The proposal has the potential to lead to further degradation of water quality within the Northern Harbour and subsequently nearshore waters outside the harbour in a number of ways. Firstly, the physical construction of the seawall, dredging and land reclamation has a potential to mobilise silica and nutrients within harbour settlements which could trigger algal blooms within the harbour. The construction may also mobilise toxic compounds such as TBTs and heavy metals which may be present within the sediments of the harbour and could also create localised turbidity problems if not appropriately managed.

Secondly, the dredging required to create the shiplift basin in front of the seawall has a potential to intercept nutrient rich groundwater which has been found to be entering the harbour from the east which whilst unlikely, could lead to further degradation of water quality within the harbour. The dredging of the shiplift basin to a depth of 14 metres also has the potential to influence water quality within the harbour by creating localised stratification due to the depth of this basin. This stratification may lead to de-oxygenation of the lower waters which could result in the increased release of bio-active nutrients from the bottom of the basin. If these nutrients are mixed into surface waters they have the potential to increase the likelihood of algal blooms within the harbour.

Finally, the future shipbuilding operations associated with the proposal have the potential to further reduce water and sediment quality within the harbour due to the likelihood of pollutants being introduced through industrial activities such as sandblasting, spray painting and ship cleaning as well as through stormwater runoff.



**2. *Impacts on Marine Ecology***

The potential exists for the development to impact on marine ecology within the harbour, in particular seagrass, if present and marine biota through physical removal of marine biota and habitat, and reduction in water and sediment quality.

**3. *Impacts on Recreational Uses Within the Harbour***

Currently the area proposed for development and the northern portion of the harbour is used by the community for a number of recreational uses, most notably recreational boating. The Cockburn Power Boat Club is located immediately to the north-west of the development area and a public boat launching ramp is located adjacent to the club. Substantial usage of these facilities occurs during week days and in particular on weekends.

The area of the harbour proposed for development also contains an area of beach which is used for dog exercise. The proposal has the clear potential to impact on and create conflicts with these recreational uses.

**4. *Impacts on Shipwrecks***

Two shipwrecks are located within the area proposed for the construction of the seawall and land reclamation.

**5. *Responsibility for Long Term Management of Impacts Associated with Development***

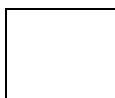
The proposal contemplates the transfer of responsibility for management of a number of the key environmental issues associated with the development to private companies which take up land and future seabed leases. This could lead to future management problems, unless responsibilities are clear and properly addressed.

**6. *Responsibility for Management of Water Quality Within the Harbour***

Currently no clear framework or agency exists for the management of ongoing water quality problems within the harbour. Further development within the harbour highlights the need to develop a suitable framework and responsible agency in order to properly manage water quality within the harbour over the long term.

**7. *Noise and Dust***

The construction of the proposed facility has the potential to create offsite noise and dust impacts if not properly managed. The ongoing



operation of facilities once developed may also lead to noise impacts on the local community, in particular the Woodman Point Caravan Park.

## **8. Removal of Emergency Sewer Outlet**

An emergency outlet from the Woodman Point Wastewater Treatment Plant is located within the area proposed to be developed. Council has for some time been pushing for the removal of this outlet as it is considered to be inappropriately located and could result in substantial local environmental impacts should an emergency outflow occur.

## **ADEQUACY OF PROPOSAL IN ADDRESSING KEY ENVIRONMENTAL ISSUES AND IMPACTS**

While the short timeframe associated with the submission period on the CER and the timeframe required to report to Council has not allowed a detailed analysis of the adequacy of the proposal and CER in addressing the key issues of environmental concern, the following conclusions are drawn. It is proposed that these comments will provide the basis for Council's submission on the CER.

### **1. Impacts on Water Quality**

#### **• Construction phase**

It is clear that it will be difficult to manage the construction of the seawall, dredging and reclamation in a manner which will protect against short term water quality impacts within the harbour. Unfortunately, the approach to the management of construction related impacts are not described in detail within the CER, rather they are to be the subject of a more detailed Dredging and Dredge Spoil Management Plan. This is of concern as it would be preferable that these details are provided up-front to allow proper public scrutiny of the proposed water quality criteria to be used and the methods to be adopted to manage water quality. Added to this, the CER does not provide results of TBT analysis on sediments within the development area, however these are likely to be high, based on information provided in the Southern Metropolitan Coastal Waters Study. More detail needs to be provided on the management of the construction phase of the development to allow confidence that it will not lead to significant short and long term impacts on water quality within and adjacent to the harbour.

#### **• Dredging and Groundwater Inflows**

The CER identifies the possibility that preferred flow paths may exist for nutrient rich groundwater which currently enters the harbour from the east. While unlikely, it is possible that the extent of dredging associated with the proposal could intercept a preferred flow path of this groundwater, leading to increases in the nutrient loading to the harbour



and associated water quality problems. The CER does not provide sufficient detail to provide confidence that this situation will not occur and does not provide detail on management strategies which could be implemented should this occur.

- Shiplift Basin and Water Quality

While the CER adequately identifies the water quality impacts associated with the likely stratification of water within the shiplift basin and the release of nutrients to the harbour, the management proposals outlined are complex and largely unproven. Concerns are also held in relation to the arrangements for long term responsibility for management of the stratification within the shiplift facility with the current likelihood that this aspect of the proposal will lead to further water quality problems within the harbour.

- Operational Phase

On the basis of the information provided in the Southern Metropolitan Coastal Waters Study, the future shipbuilding operations associated with the development will be likely to lead to a reduction in water quality and contamination of sediments within the harbour. Extremely rigorous management practices will need to be maintained for shipbuilding activities and stormwater control in order to minimise these impacts. While the CER outlines broad practices and procedures which could be implemented, it does not really address the impact of operations on water quality and importantly, does not incorporate any commitments by the proponent in terms of monitoring changes in water quality following the commencement of operations, nor does it address the management impacts which may arise.

### ***IMPACTS ON MARINE ECOLOGY***

While impacts of the proposal on marine ecology are likely to be minimal as a result of the presence of limited marine biota, the CER does not appear to provide details on site specific surveys of the marine environment within the development area.

### ***IMPACTS ON RECREATIONAL USE***

The proposal is likely to have significant impacts on existing recreational uses within the Northern Harbour. Major conflicts are likely to occur with current recreational boating activities, particularly in relation to the movement of recreational and industrial traffic within and adjacent to the harbour entry and proposed industrial facilities. The management strategies outlined in the CER are somewhat vague and do not appear to be able to reduce problems of congestion and possible safety issues. The proposed approach also passes the responsibility for the management of conflicts between recreational boats and industrial traffic





on to shipbuilding industries rather than a central management agency. Further to this, the proposal does not address the impacts of the development on other recreational uses, in particular the existing use of the beach. It is anticipated that there will be substantial community outcry when the existing beach area is developed and the proposal does not provide any contribution to community facilities or other measures which could compensate for impacts on current recreational uses.

### ***LONG TERM MANAGEMENT RESPONSIBILITY FOR PROJECT IMPACTS AND THE NORTHERN HARBOUR GENERALLY***

Concerns are held in relation to the proposal for the hand over of responsibility for the management of key water quality management issues to companies which develop facilities in the project area and take out seabed leases over portions of the harbour. While it may be possible to attach adequate conditions to seabed leases and other arrangements with future operators, it would be preferable that responsibility for the management of key water quality and other operational impacts rest with a suitably resourced government agency or body. The current lack of a management framework or clear responsibilities for the management of water quality and other issues within the harbour heightens concerns in this regard.

### ***NOISE***

While the CER provides information which suggests that noise from construction activities should not cause adverse impacts on the closest noise sensitive premises, it does indicate that noise levels above those stipulated under the Environmental Protection Act could be associated with the operational phase of the project, particularly at the Woodman Point Caravan Park. A review of the noise assessment also highlights a number of points which have not been addressed including tonality, impulsiveness, frequency modulation and noise sources outside the confines of buildings, which may result in higher than expected noise levels being received at the Caravan Park. Added to this, as the proponent does not intend to prepare a Noise Management Plan for the construction phase, it is preferable that the construction phase hours of operation be limited to 0700 to 1900 hours weekdays and not at all on Sundays and Public Holidays.

### ***DUST***

While the proponent has provided a commitment to prepare a detailed Dust Management Plan for the construction phase of the project, the City is not nominated as a referral agency for the approval of this plan. As it is likely that Council would be involved in the management of any dust problems associated with the site, it is considered imperative that we be an approving agency in respect of this plan.



### **EMERGENCY SEWER OUTLET**

While the CER outlines the proposed preferred approach of having the emergency outlet removed from the harbour, it is unclear as to whether this will occur as it is not totally within the control of the proponent. Given Council's strong desire to see the outlet removed, it would be appropriate for the submission to again push strongly for the removal of the outlet from the harbour.

### **CONCLUSIONS**

It is clear from the discussion outlined above that should the proposal proceed, that extremely careful management will be required to prevent the development leading to the further degradation of water quality within the Northern Harbour. Based on the information provided in the CER, the ability of the proposed management measures to adequately protect existing water quality are questioned and the likely outcome is that the development will further degrade water quality within the harbour. Added to this, the development is likely to have a significant impact on current and future recreational uses within the harbour and the proposal does not present any means of offsetting these impacts.

It is recommended that a submission be forwarded by officers on behalf of the Council on the CER which highlights these and other concerns outlined in the report.

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

Objectives 2.1, 2.2, 2.3 and 4.4 of the Corporate Strategic Plan apply.

### **Budget/Financial Implications**

N/A

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

Nil

**CMR SMITHSON RETURNED TO THE MEETING THE TIME BEING 7.59 PM**



96. (AG Item 14.5) (OCM2\_6\_1999) - MINOR MODIFICATION TO AMENDMENT NO. 170 - TO DISTRICT ZONING SCHEME NO. 2 - CSL 1843 & 2197; PT LOT 2 COCKBURN ROAD, HENDERSON - OWNER: LANDCORP - APPLICANT: GRAY & LEWIS (92170) (SA) (COASTAL)

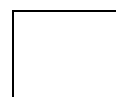
**RECOMMENDATION**

That Council:

- (1) receive Western Australian Planning Commission advice and adopt the Amendment subject to the following modifications:
1. delete the existing resolution in the amendment documents and replace it with the following:
    - “1. Amending the Third Schedule - Restricted Use by replacing the existing wording, in respect to Restricted Use No. 10, with the new wording to define the General Industry (Restricted Use) - Marine Related Industry, with the appropriate description of the restricted uses permitted.
    2. Amending the Scheme Map accordingly.”
  2. delete section 1(ii) of the amendment text and replace it with the following:
 

“(ii) replace entry 10 with the following:

NO.	STREET	PARTICULARS OF LAND	RESTRICTED USE
10	Cockburn Road	Land bounded by Cockburn Road to the West, the southern boundaries of Lot 700 Cockburn Road; Lot 162 Sparks Road and Lots 700 and 150 Possner Way to the North, Controlled Access Highway - Road Reserve to the East, and Parks and Recreation – Regional Reserve to the South	Marine Related Industry restricted to:- Marine Engineering and general industries which are directly related to or in support of Marine Engineering together, with other general industries restricted to the carrying out of any process for and incidental to the fabrication, manufacture and repair of structures for large scale industrial uses in the energy, transport, chemical and mining industries which need to be located on the coast to enable transport of any of its primary products by sea.



3. Remove the plan in the amendment document titles "Jervoise Bay Maritime Infrastructure Development" and insert a "Scheme Amendment Map", depicting the land to the north zoned "general Industry" and the land proposed to be zoned "General Industry (Restricted Use) – Marine Related Industry".
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, the modified documents be signed, sealed and forwarded to the Western Australian Planning Commission.

**COUNCIL DECISION**

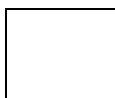
MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

ZONING:	MRS:	Industrial
	DZS:	General Industry - Restricted Use - Marine Engineering
LAND USE:	Various	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

- Amendment No. 170 was initiated by Council at its Ordinary Meeting held on 15 July 1997. The applicant was not satisfied by the original wording of the amendment, and revised documents were submitted for Council's initial adoption.
- The revised documents were initiated by Council at its Ordinary Meeting on the 16 September 1997.
- The matter was referred to the Environmental Protection Authority (EPA) for consideration. The EPA resolved not to formally assess the proposal, however advice relevant to the development stage of the proposal was offered.
- The Western Australian Planning Commission (WAPC) granted its consent to advertise, on the 10 November 1997. The amendment was advertised for a period of 42 days in accordance with WAPC requirements. At the close of advertising, one submission of support was received from the landowner.



- Council resolved at its Ordinary Meeting held on the 17 March 1998 not to proceed with the amendment on the basis that the area should be restricted to ship building as it currently is and should not be changed, and the landowner's submission should be dismissed.
- The WAPC advised Council that the Hon. Minister upheld Landcorp's (the landowner) submission in support of the amendment, but would not approve the amendment until the above modifications are effected.
- Council resolved at its Meeting held on the 18 August 1998, to request the Minister for Planning to reconsider Council resolution, dated 17 March 1998, and request that final approval be granted on the basis of a revised "Marine Related Industry" definition.
- The WAPC advised Council on the 11 December 1998 that it would not approve the amendment until the above modification has been effected.
- Again Council resolved on the 19 January 1999, to advise the Minister for Planning it was not prepared to adopt the modifications, and reiterated its previous resolution, dated 18 August 1998.
- The WAPC advised Council on the 27 April 1999, that Council is required to execute the modified amendment documents and return to the Hon. Minister for final approval.

### **Submission**

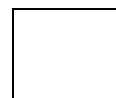
The WAPC has advised Council that it is required to return the executed modified amending documents to the Commission for the Hon. Minister's endorsement of final approval.

### **Report**

Council resolved at its Ordinary Meeting, on the 19 January 1999, to advise the Minister for Planning that it is not prepared to adopt the modifications, and reiterated its previous resolution, dated 18 August 1999 which stated:

- "1. To request the Hon. Minister to grant final approval to the amendment, on the basis of the following revised "Marine Related industry" definition:

Marine related industry restricted to the carrying out of any process for and incidental to the fitting out, maintenance and repair of ships, including the construction of boats, and the manufacture, fabrication and assembly of components for use by the off shore petroleum industry."



In view of the WAPC's decision to recommend final approval of the amendment upon receipt of modified documents, it is recommended that the modified documents be adopted and forwarded to the Hon. Minister for Final Approval.

**Strategic Plan/Policy Implications**

Corporate Strategic Plan - Strategy 2.1 states the City will "promote the Henderson coastal section as the *Shipbuilding Centre of Australia*, in conjunction with a *Marine Technology Park*.

**Budget/Financial Implications**

N/A

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

Nil

97. (AG Item 14.6) (OCM2\_6\_1999) - PROPOSED CHURCH HALL ADDITIONS - LOT 6, 216 YANGETUP ROAD, YANGETUP - OWNER: LAKELANDS FAMILY CHURCH - APPLICANT: BROWN & JOY INDUSTRIES (4314978) (MT) (SOUTH) (MAP 8)

**RECOMMENDATION**

That Council:

- (1) approve the application for church extensions on Lot 6; 216 Yangebup Road, Yangebup subject to the following conditions:

Standard Conditions

1. Standard conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme N<sup>o</sup> 2;

Special Conditions

1. Three (3) metres of landscaping be provided along the entire street frontage of the property.
2. A three (3) metre landscaping strip be provided along the western boundary of the lot from the frontage to Conigrave Road to the end of the parking bays.



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL R15
LAND USE:	CHURCH	
LOT SIZE:	3482m <sup>2</sup>	
AREA:	563m <sup>2</sup>	
USE CLASS:	"AA"	

In February 1990 Council approved the application for a church building on the subject lot. Subsequently approval has been granted for a temporary shed/hall next to the church building. The hall is used for youth activities.

In February 1999, Council received a letter from a neighbour concerned with noise emanating from the temporary shed and wishing to alert Council that should further development occur on the lot, the shed should be removed or not located closer to the western boundary of the lot.

**Submission**

The plans indicate the following:

- a new assembly hall adjoining the southern wall of the existing hall;
- new toilets adjoining the western wall of the existing hall;
- an additional 32 parking bays along the southern boundary of the lot.

The application was referred to surrounding landowners. Two submissions were received – one supporting the application, the other strongly objecting. A Schedule of Submissions is included in the Agenda Attachments.

**Report**

The proposal replaces the temporary shed with a larger, permanent building. The new concrete panel building will contain (better than the existing shed). The noise is a source of concern for the neighbour at 4a Conigrave Road. Further, the building is to be setback 10 metres from the boundary of his property. The neighbour at 4b Conigrave Road, who wrote to Council in February 1999, has supported the proposed development.



The neighbour opposed to the development owns the property immediately to the west of the subject lot (4a Conigrave). As outlined above, it is anticipated the noise impact from the proposed hall would be less than from the existing shed. Telephone conversations with the neighbour have clarified that “juvenile trouble” in his letter is a reference to the present situation where, it is claimed, young people hang around their cars in the northern carpark - yelling and screaming. He does not want this repeated in the southern carpark. He is concerned that the situation could get worse and result in damage to his property.

The neighbour’s view has some validity in that the extension of parking to the southern side of the site will increase the noise from that area as patrons exit the church. However, this aspect of loss of amenity is balanced by the benefits of the new building. The noise from within the buildings will be markedly reduced and the visual appearance of the site will be improved. Overall it is considered the development will improve the amenity of the area. Future extension of this nature was indicated on the site plan for the original building.

To minimise any noise impacts from the southern carpark, it is recommended landscaping be imposed as condition of approval. A 3 metres strip of landscaping should be planted and maintained along the western boundary of the property from Conigrave Road to the end of the parking bays to provide a buffer to the adjoining residential property. The neighbour at 4a Conigrave has communicated that this condition will not allay his concerns.

Further, landscaping should be provided around the entire street frontage of the property. This measure will reduce the visual and noise impact of the new building and carparking area on surrounding properties. The 3 metres of landscaping is a standard requirement for “Industrial” zoned properties (Clauses 5.6.3 of Council’s Scheme) and it is considered reasonable to apply this standard in this situation. This condition was imposed for the frontage to Yangebup and Williamsbury Roads in the original church development.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil





98. (AG Item 14.7) (OCM2\_6\_1999) - ATWELL SOUTH STRUCTURE PLAN AND REZONING - CELL 28, EAST OF KWINANA FREEWAY - OWNER: LANDCORP, GOLD ESTATES AND OTHERS - APPLICANT: ROBERTS DAY GROUP (9640) (92211) (SOS) (EAST) (MAP 20,21)

**RECOMMENDATION**

That Council:

- (1) support the lifting of the Urban Deferment in the Metropolitan Region Scheme for the area bounded by Kwinana Freeway, Bartram Road, Gibbs Road and the Groundwater Protection zone (Cell 28) and advise the Western Australian Planning Commission accordingly.;
- (2) advise the Roberts Day Group that Council is prepared to initiate rezoning of the Atwell South area subject to the following:-
  1. detailed development plans are to be prepared during the advertising of the Scheme Amendment for the approval of the Council and Western Australian Planning Commission;
  2. payment of \$4,000 rezoning fee;
  3. undertaking to meet all advertising costs associated with the rezoning of the land;
- (3) send a copy of the relevant portion of the Southern Suburbs Structure Plan to all owners of land affected by the lifting of the Urban Deferment and amendments to District Zoning Scheme No.2;
- (4) adopt the following amendment: -

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

AMENDMENT NO.211

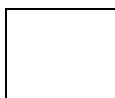
Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) amend the above Town Planning Scheme by:-

1. Adding "Atwell South Urban Development Zone" to Clause 3.1.1.



2. Amending the Ninth Schedule to include Development Area No.8 Atwell South (DA10) as follows:

Ninth Schedule – Development Areas		
Ref No	Area	Provisions
DA10	Atwell South	<ol style="list-style-type: none"> <li>1. An adopted Structure Plan and/or Development Plan together with all approved amendments shall apply in relation to the land within the area of the Structure Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the area accordingly.</li> <li>2. The provisions of the Scheme shall apply to the zones created under the Structure Plan and Development Plan.</li> <li>3. Council may adopt Design Guidelines for any development precincts as defined on the Development Plan. All development in such precincts shall be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>4. No subdivision or development of incompatible use will be permitted within the generic buffer zones associated with the piggery on Pt Lot 15 Lyon Road as shown on the Structure Plan and the Development Plan until the use of the land ceases or the buffer is scientifically determined and approved by the Department of Environmental Protection.</li> <li>5. Development of Shops (retail uses) within the Development Area shall be a maximum of 2700m<sup>2</sup> NLA for the Village Centre and 200m<sup>2</sup> NLA for the Local Centre.</li> <li>6. The Structure Plan or Development Plan for Pt 212 is to include a strong pedestrian connection between the proposed Success Railway Station and the village centre in addition to Gibbs Road.</li> <li>7. The Structure Plan and Development Plan shall retain the existing remnant vegetation in the Reserve of Beenyup Road unless the Council agrees in particular circumstances that some of this vegetation may be removed.</li> </ol>



3. Rezoning JAA Lots 210, Pt 211, Pt 212 and Pt 214 Lyon Road and JAA Pt 209 Beenyup Road from "Rural" to "Atwell South Urban Development" in accordance with the Scheme Amendment Map;
4. Amending the First Schedule "Zoning Table" to include "Atwell South Urban Development" with notation "as per the adopted Structure and Development Plans";
5. Amending the Scheme Maps accordingly;

Dated this 22<sup>nd</sup> day of June 1999.

Chief Executive Officer

- (5) Sign the amending documents and forward a copy to:-
  1. The Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
  2. The Western Australian Planning Commission for information;
- (6) Following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48 A of the Environmental Protection Act, forward the amending documents to the Western Australian Planning Commission with a request for consent to advertise;
- (7) Notwithstanding (6) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for further consideration following formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48 A of the Environmental Protection Act.

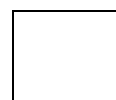
**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

The Southern Suburbs District Structure Plan is to provide guidance for the development of land located within the future urban corridor that



extends south from Atwell and Success, along both sides of Kwinana Freeway, towards Rowley Road. Cell 28 (approximately 128 hectares of urban deferred land located to the east of Kwinana Freeway, south of Bartram Road, west of the MRS Groundwater Protection zone and north of Gibbs Road) forms part of the Southern Suburbs plan area and is the focus of this report. This report also makes reference to portion of Cell 30 (49 hectares - east of Freeway and south of Gibbs Road - see Agenda Attachments).

Cells 28 and 30 were previously included in the South Jandakot-Mandogalup District Structure Planning Study prepared by Taylor Burrell for the Western Australian Planning Commission in 1993. The Taylor Burrell Plan was to provide the framework for the formulation and consideration of Local Structure Plans prepared for the development of the area, however it was never formally adopted by the Commission and has only been used for general guidance.

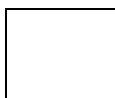
Suburbs Structure Plan will supersede the previous Study and is intended to facilitate the lifting of the Urban Deferred zone in the MRS and the rezoning of land for urban development in District Scheme No.2. A detailed report concerning the Structure Plan will be on Council's agenda in July.

The process of adoption of the Structure Plan will initially run in conjunction with the initiation of three separate District Scheme amendment proposals to define a large portion of the Southern Suburbs area as individual Urban Development zones. It also comes at a time when new provisions are being introduced into the Scheme relating to development areas and development plans, which will in effect make the structure plan a statutory instrument.

Council, at its meeting held on 20 April 1999, initiated amendments to DZS No.2 (Amendments No.206 and 207) to include land in the Success Lakes and Gaebler Road Urban Development zones to the west of the Freeway. This report proposes the initiation of the third amendment (Amendment 211); rezoning Cell 28 from Rural to the Atwell South Urban Development Zone.

### **Submission**

The Roberts Day Group has prepared a Structure Plan for Landcorp's land holdings east of the Freeway and south of Bartram Road. The Plan covers Lots 204, 210 and 211 Lyon Road and comprises the bulk of Cell 28 and a portion of Cell 30. Environmental assessment, infrastructure requirements and traffic engineering reports support a detailed report, including site analysis and plan design. Key details were included in the Agenda Attachments.



It should be noted that there is other land included in Cell 28 but is not part of the Roberts Day Group Plan, namely a triangular parcel of land (Pt Lot 209 Beenyup Road), land wedged between Lyon Road and the Freeway (Pt Lots 212 and 214) and small portions from the rear of two lots fronting Beenyup Road (Pt Lots 11 and 12).

The Ministry for Planning is in the process of acquiring a large portion of Lot 209 for the Jandakot Botanical Park, however the balance is included in the Urban Deferred zone. A subdivision concept plan has been prepared on behalf of a prospective purchaser for this balance land and presented to Council officers for informal comment.

Gold Estates own Pt Lots 212 and 214. Council officers recently sought to determine Gold Estates' development intentions for its land. Advice has been received that consultants are preparing a subdivision concept plan for this land.

*Cell 28 and Part of Cell 30 lot schedule*

Lot	Land Area	Landowner
Pt Lot 204 Lyon Road – Cell 30	42.25 ha	Landcorp
Pt Lot 209 Beenyup Road – Cell 28	17.5 ha #	Woodum Pty Ltd.
Lot 210 Lyon Road - Cell 28	36.27 ha	Landcorp
Pt Lot 211 Lyon Road - Cell 28	64.51 ha	Landcorp
Pt Lot 212 Lyon Road – Cell 28	7.67 ha	Gold Estates
Pt Lot 214 Lyon Road – Cell 28	2.8 ha	Gold Estates
Pt Lot 11 Beenyup Road – Cell 30	3.3 ha #	E.Balshaw
Pt Lot 12 Beenyup Road – Cell 30	2.7 ha #	John Law Nominees
<i>Cell 28</i>	<i>129 ha</i>	
<i>Cell 30</i>	<i>48 ha</i>	
<b>TOTAL</b>	<b>177 ha</b>	

# - includes only the urban deferred portion of the lot.

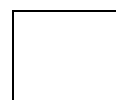
The Roberts Day Group Plan covers 143 ha of this land

## Report

### 1. Processes

The South Jandakot-Mandogalup District Structure Plan was prepared in 1993 as an overall guide to coordinate development. Since the preparation of the Plan, the possible extent of urban development south of Rowley Road has been significantly reduced, the Gateways Shopping Centre at Thomsons Lake has been approved at a larger size, the size of school catchments has increased and the Community Codes released. These factors have effectively made the Plan obsolete.

Various consultants have since prepared plans for their respective clients land holdings. To coordinate the proposals and to streamline the process the following process has been adopted:



- The Ministry for Planning agreed to participate with the City of Cockburn in a joint review of the overall structure plan for the Southern Suburbs area.
- Joint meeting with Government agencies to clarify requirements and resolve issues.
- Environmental audit undertaken of the area by the City, DEP, CALM, MFP, Water and Rivers and an environmental consultant.
- Preparation of Draft Southern Suburbs Structure Plan – initially for both sides of the Freeway to Gaebler Road on the west side and to Gibbs Road on the east, and subsequently further south to Rowley Road.
- Initiation of Amendments 206 and 207 (west side of the Freeway) and this Amendment (211) for Cell 28.

Completion of the Structure Planning process will require the following action:

- Council consideration and support for the completed portion of the Draft Southern Suburbs District Structure Plan
- Circulation of the Plan for public comment.
- Consideration of submissions by Council and the Ministry for Planning.
- Adoption of the Plan with a view to lifting Urban Deferment in the MRS.

The District Structure Plan will show the broad allocation and location of land uses and will form the basis for assessing detailed proposals for individual land parcels. Detailed development plans will be required showing the proposed road and lot layout, land uses, POS and residential density codings.

## ***2. Metropolitan Region Scheme Framework***

The MRS Controlled Access Highway (and railway) Reservation (Kwinana Freeway) and the Groundwater Protection Zone form the western and eastern boundaries of Urban Deferred zone respectively. Ministry for Planning Staff have indicated that the Southern Suburbs Structure Plan will need to be adopted prior to the lifting of the Urban Deferment and consenting to advertising the District Scheme amendments.

No other regional reservations directly affect Cells 28 or 30.



### **3. District Zoning Scheme No.2 – form of proposed Amendment**

It is proposed that Cell 28 is incorporated into the Scheme as the “Atwell South Urban Development Area”. However development of the portion of Cell 30 shown on the Roberts Day Group Plan is dependent upon of the resolution of issues associated with Bushplan (see 5. *Remnant Vegetation*) and should not be included in Amendment No.211 at this time.

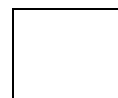
The extent of the Development Area is to be outlined on the Scheme Maps and included by reference in the Scheme Text (see Agenda Attachments). It is also proposed that Amendment No.211 include specific provisions requiring landowners to prepare development plans, which is where the detailed development layout is shown. The requirements for the preparation and processing of development plans are currently being introduced into the Scheme via Amendment No.192. The development plan in effect becomes a statutory instrument

Even though the District Structure Plan is yet to be finalised, given the time usually taken to process Scheme amendments and the fact that the detailed design is dealt with through the use of development plans, it is considered to be appropriate to initiate Amendment No.211 now. The form of Amendment No.211 is consistent with the approach used in the amendment proposals for the western side of the Freeway (Amendments 206 and 207). It is anticipated that dealing with the three amendments simultaneously in conjunction with the Structure Plan will enable better administration and coordination of planning and development in the locality.

### **4. Atwell South Development Area – site and context summary**

The proposed Atwell South Development Area lies to the south of the Beeliiar Parklands Estate approximately 23 kilometres from Perth. Residential zoning currently extends to Bartram Road; the northern boundary of the subject land. The Kwinana Freeway forms the western boundary of the Development Area and is the primary access route to areas north and south of the subject land. Access to the Freeway is provided by an interchange at Gibbs Road. Gibbs Road is to extend into the Development Area and is an important component of the Structure Plan. It is the boundary of Cells 28 and 30 and is proposed as the spine around which a village centre is planned.

Within the Freeway reserve lies the alignment of the proposed railway line linking Perth to Mandurah, via Kenwick. A station is proposed at Beeliiar Drive near the Gateways Shopping Centre and future town centre at Thomsons Lake and is to be included as part of the initial phase of implementation. A station is also proposed at the intersection of the Freeway and the Gibbs/Russell Road intersection, though it is



identified in the South West Transit Railway Master Plan as a future station (rather than in the initial phase).

The MRS Groundwater Protection zone and Priority 2 Source Protection area forms the eastern boundary of the Development Area. The south-eastern corner of Lot 211 comprises an area of 12 hectares and is located within the Groundwater zone. In conjunction with the Statement of Planning Policy No. 5 – Jandakot Groundwater Protection, Priority 2 areas carry considerable land use restrictions. The entirety of the Development Area is included in the Priority 3 Source Protection area where some management controls are in place but development can generally co-exist with water supply needs. Two groundwater production bores exist along Lyon Road.

The Development Area is undeveloped and gently undulating, with varying vegetation coverage. Much of the area has been used for grazing. Lots 210 and 211 in Cell 28 contain two wetlands, both protected by the Environmental Protection Policy (Swan Coastal Lakes) 1992. The wetlands are degraded and have limited environmental function. The majority of Lots 210 and 211 has been cleared of native vegetation – though some remnants exist adjacent to Beenyup Road and surrounding the two wetlands. In contrast Lot 204 (Cell 30) contains excellent native vegetation and a “non-EPP” dampland. Further detail on the wetland and vegetation characteristics of the land is included under the headings 5 and 7 in this report.

A narrow ridge at approximately 25-30 AHD extends along the western boundary of Lots 210 and 211 and then extends into Lot 211. The ridgeline is made prominent by the existence of an avenue of mature pines.

With regard to the land not included in the Roberts Day Group Plan - Pt Lot 209 contains a mixed coverage of vegetation, Pt Lots 212 and 214 are substantially cleared and the rear portion of Lots 11 and Pt 12 contains low banksia woodland.

Other than the residential development to the north, surrounding land uses include a mixture of agricultural activities, rural living lots and native bushland.

### **5. Remnant Vegetation and Wetlands**

As mentioned above, the Roberts Day Group Plan includes the bulk of Cell 28 and portion of Cell 30.

There is no regionally significant vegetation within Cell 28, however there are some localised remnants near the two EPP wetlands and along Beenyup Road. Environmental assessment of the wetlands (Bowman Bishaw Gorman 1990, Tingay 1998) identified the two EPP





lakes as having no natural cover, low landscape value, low recreational potential, medium–high degree of disturbance, low biological condition and an overall apparent conservation value rated as medium. The Roberts Day Group Plan proposes retention of the EPP wetlands within local POS areas, with vegetated linkage between the two. The POS will include drainage functions.

Lot 204 (south of Gibbs Road – Cell 30) contains a variety of landform and vegetation units within one setting, but was included in Bushplan. The land was recently surveyed by MFP, DEP, Water & Rivers, CALM and the City as part an Environmental Audit of the Southern Suburbs Structure Plan and was found to contain an extensive dampland, two smaller wetlands and a vegetated banksia woodland ridge in excellent condition. The area is considered to be regionally significant and could be incorporated into a Regional Reserve. Of note is Council’s submission on Bushplan to the Ministry for Planning (see Agenda report to Council – SPC 3/99 – 14.1) promoting the inclusion of this land as a Parks and Recreation Reserve. Bushplan identifies land worthy of protection to preserve the biodiversity of the Perth region and with the regard likely to be held to it by the planning process in addition to the funds to be allocated to land acquisitions, Bushplan would appear to be the most appropriate mechanism to provide for protection of the area.

The Roberts Day Group Plan indicates development of Lot 204 with the retention of a significant portion of the wetland area , but it is recommended that it is excluded from Amendment No.211 at this time, pending a response to Council’s submission and the resolution of the issue surrounding its inclusion in Bushplan. The Structure/ Development Plan will need amending accordingly.

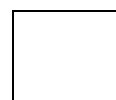
The urban deferred portion of Lot 209 contains some good bushland coverage, but is not thought to be regionally significant though it will require further assessment through the District Structure Plan process for identification of its local values.

## **6. Structure Plan design – key features**

The Roberts Day Group Plan has been designed to provide the framework for the development of a mixed use walkable neighbourhood. Principles of the Community Design Codes have been employed in addition to “traditional neighbourhood” design.

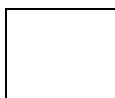
The main features include:

- A village/neighbourhood centre located on Gibbs Road containing a local shopping centre of 5000m<sup>2</sup> NLA and a range of mixed use sites. The centre is based on a “main street” design and will form the primary focus for the development as well as providing a facility for rural-residential lots in the Banjup locality. According to the



Roberts Day Group report, the potential catchment for the centre warrants approximately 2700m<sup>2</sup> retail floorspace. Provision is also made for non-retail uses such as office development, showrooms and professional services. The final design of the centre will need modification should it be determined that Lot 204 is to be included as a Bushplan site.

- A local centre is proposed at the intersection of Bartram and Beenyup Roads providing a commercial and community node in the northern sector of the Development Area, also potentially servicing the development occurring in the south of the Beeliam Parklands Estate.
- A local road system focussed on a north-south POS network. The POS spine is centred on the wetland areas and will contain a pedestrian/cycling boulevard. Non-vehicular movements are to be promoted with a network of pathways. A four hectare primary school site is to be included in this spine. There will be good linkages to the proposed Atwell High School on Brenchley Drive. A bus service is proposed through the centre of the Development Area linking to Thomsons Lake. Ultimately a large proportion of the area will be within 800 metre "ped-shed" of the future Russell Road/Gibbs Road rail station.
- Provision for the movement of vehicular traffic along the proposed extension of Tapper Road and Gibbs Road through the freeway interchange. Roads are generally north-south and east-west to aid lot configuration and solar design. A range of lots sizes is to be incorporated, including small lots with the use of rear laneways framed around POS areas. The base residential zoning will be R20, though a series of R30 zones will provide for the small lot subdivision and ultimately require building and design guidelines.
- The south-eastern sector of the site has been set aside for a private school (on the Groundwater Protection zone portion). Should this aspect of the Plan prove to be unsuitable in terms of groundwater protection, special rural development could be accommodated.
- South of Gibbs Road (Lot 204) is proposed for predominantly residential purposes, with a large POS/conservation area of 11 hectares the key environmental feature. Smaller POS pocket parks are scattered through the southern part of the Structure Plan area to reflect retention of the more valuable parcels of vegetation. Whilst this is a reasonable compromise position, it conflicts with the preferred approach to promote all of Lot 204 as being protected from development as part of the Bushplan initiative.



## **7. Infrastructure and Servicing**

The Roberts Day Group Plan includes a detailed report on the engineering aspects of the Development Area. The main issues are:

Drainage – the site lies within the Jandakot Public Water Supply Area and therefore must comply with the requirements of environmental management plans accepted by the Water Corporation. The drainage network within the area will be a system of interconnecting detention basins linked by parkland swales and a piped system. Stormwater generated in the northern part of the Development Area will be discharged into the Bartram Road buffer lake system in order to minimise nutrient loads in Thomsons Lake. Should development ever proceed in the southern sector, stormwater may be able to discharge into the Russell Road buffer lake system.

Sewerage – the Plan details the sewer requirements, including mains specifics, pumping stations and specific catchments. The Plan indicates that the development will be able to be adequately sewered.

Water supply – main extensions to service the land are required and can be accommodated within road reserves.

Groundwater bores – the Water Corporation stipulates a buffer of 30 metres around the two production bores.

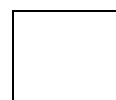
Electricity – existing transmission lines in Beenyup and Bartram Roads are suitable supply points for development of the site.

Telecommunications and Gas Supply – as the development is frontal to Beeliar Parklands Estate, Telstra and Alinta Gas have advised that the land can be appropriately serviced.

## **8. Other Cell 28 land**

The subdivision concept plan for Pt Lot 209 shows predominantly single lot subdivision with the exception of two unit sites. Road access interconnects well with the Roberts Day Group Plan and there is ample provision of POS. It is logical to include this area in the Scheme's Development Area, though further detail will need to be prepared, particularly with regard to environmental assessment and future servicing of the site.

Kwinana Freeway excises Pt Lots 212 and 214 from the bulk of their original lots. A concept plan is being prepared for these lots to tie in with the Roberts Day Group Plan and it is appropriate to also include this land in the Development Area.



### **9. Buffers**

A buffer associated with the piggery at Pt Lot 15 Lyon Road affects the proposed Development Area. No subdivision or residential development will be permitted within the buffer area. A generic buffer of 500 metres is applied to piggeries of this size, however Alan Tingay & Associates are presently preparing an odour buffer assessment. The Department of Environmental Protection may agree to reducing the buffer area as a result of the detailed odour modelling.

Market gardening operations have existed on several Lyon Road properties in the past, though they are located near the south-west corner of Lot 204 and do not affect Land in Cell 28. Further analysis of the market garden buffers (if any) will be completed as Structure Planning progresses for land in the southern extremity of the Southern Suburbs Planning area.

Groundwater bore sites represent the only other land use with a buffer affecting the land.

### **10. Owner Contributions**

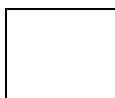
Given there are no regional facilities/services in the Development Area, no specific Scheme provisions are to be introduced requiring Owner development contributions as is the case for Amendments 206 and 207. Also it is fortuitous that the bulk of the Development Area is owned by only three landowners. Usual development arrangements (ie road construction, servicing, primary school site and upgrading of existing roads) for provision of local infrastructure will be put in place through the subdivision process.

### **11. Conclusions**

It is considered that sufficient planning has been undertaken towards the coordination of the subdivision and development of land within Cell 28 and that Council should initiate an amendment to the District Zoning Scheme to zone the land as an Urban Development Area.

The Roberts Day Group Plan will form the basis of the Structure Planning in Cell 28, with sufficient mechanisms available (ie – Southern Suburbs District Structure Plan, Local Development Plans and subdivision approval processes) to ensure orderly subdivision over the other land in Cell 28 not covered by the Plan. It is logical at this time to include all of Cell 28 within the Atwell South Urban Development Area.

At this time Cell 30 should be excluded from any amendment rezoning the site for urban purposes until the Bushplan issue is resolved.



### Strategic Plan/Policy Implications

Creation of the Atwell South Urban Development Area reflects the intent of the Ultimate Strategic Plan.

### Budget/Financial Implications

Nil.

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

Nil.

99. (AG Item 14.8) (OCM2\_6\_1999) - NON COMPLIANCE WITH DEVELOPMENT APPROVAL - LOT 105, 13 EMPLACEMENT CRESCENT, HAMILTON HILL - OWNER: V M MARCELINO, B KOVACEVIC & T NARVAEZ (2212220) (MT) (WEST) (MAP 2)

#### RECOMMENDATION

That Council:

- (1) instruct its solicitors to initiate legal action against the owners of Lot 205; 13 Emplacement Crescent, Hamilton Hill for failure to comply with the following conditions of Council's planning approval dated 20 February 1997:
  - Condition 2 requiring development to be carried out only in accordance with the terms of the application as approved herein and any approved plan;
  - Condition 10 requiring that the landscaping, in accordance with the approved detailed landscaping plan, must be reticulated or irrigated and maintained to the satisfaction of the Council;
  - Condition 17 requiring that the vehicle parking areas be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications;
- (2) advise the owners of Council's decision accordingly.

#### COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

## Background

ZONING:	MRS:	INDUSTRY
	DZS:	LIGHT INDUSTRY
LAND USE:	FACTORY UNITS	
LOT SIZE:	2016m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	N/A	

Council Planning Consent was granted for 4 factory units on the subject lot on 20 February 1997. Revised plans were submitted and approved by Council in October 1997. An application for a Building Licence was made in January 1998, showing 3 factory units. A Certificate of Occupancy was issued on 2 July 1998.

In November 1998 Council's attention was drawn to the matter of non compliance while investigating a dispute between the owners of the subject lot and the owners of the neighbouring Lot 106 Emplacement Crescent. The dispute is over site levels and the building of a retaining wall.

In a letter from the Director of Planning and Development dated 23 March 1999, primarily dealing with the issue of site levels, the owners of the subject lot were advised that certain aspects of their development were not built as approved by Council. They were advised that the paving of two parking bays on the southern boundary had not been completed. They were asked to pave the bays by April 1999 or Council may take legal action.

Following this the owners met with the Mayor and Manager of Development Services. The owners wanted to hold off on completion of the two bays. It was discussed that Council may not consider prosecution.

In a letter from the Director of Planning & Development, dated 22 April 1999, Council's position was clarified. The requirement to comply with the approved site plan with regard to the provision of a total of 17 car bays was reiterated and a further issue of non compliance was raised. A 30m<sup>2</sup> area indicated as landscaping on the approved plans has been developed as hardstand instead. In order to give the owners more time to resolve the issue with the neighbour, it was stated that an inspection of the property would not take place until the end of May.

The Development Compliance Officer undertook a site inspection on 28 May 1999. The matters of non-compliance had not been rectified. A further inspection on 10 June by a Planning Officer confirmed the same.



## Report

Clause 7.2.2 of Council's Scheme states that: "*A person who fails to comply with any provisions of the Scheme is guilty if an offence.*" Failure to conform to the conditions of a valid Planning Approval constitutes a breaching of the Scheme.

Condition 2 of Council's planning consent for the development, dated 20 February 1997, is as follows: "*Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.*" If the development is not carried out as per the approved plan, it is a breach of the conditions of approval, hence a breach of the Scheme.

The development on Lot 105 varies from the approved site plan in a number of ways. The revised site plan, approved in October 1997, was for 4 factory units. The plan submitted with the Building Licence showed only 3 units. Ultimately only 3 units were built (The Agenda Attachments contains copies of the approved site plan and the Building License plans.) Despite there being 1 less unit developed than approved, there is not much variation in the imprint of the building – the changes are primarily internal. It is not considered worthwhile pursuing the owners of the lot on this matter.

Other matters of non-compliance are more of an issue because they affect the appearance and function of the lot. Both the site plan and the building licence plan indicate an area of landscaping to the north of the building. This landscaping has not been provided, and has instead been paved. Further, parking bays 1 & 17 have not been completed. Sections of these bays have not been paved and until recently were covered in sand. This has resulted from the dispute between the owners and the neighbouring property owners over the site levels and who is responsible for building a retaining wall.

The owners have been granted considerable time to resolve the matter and provide the bays and landscaping. It is therefore recommended that Council instruct its solicitors to initiate legal action for breach of the conditions of approval in relation to the landscaping and parking bays.

Any person who fails to comply with the provisions of the District Zoning Scheme is guilty of an offence under the Town Planning and Development Act, 1928 (as amended). Such an offence carries a maximum penalty of \$50,000.00.

## Strategic Plan/Policy Implications

N/A



**Budget/Financial Implications**

N/A

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

Nil

100. (AG Item 14.9) (OCM2\_6\_1999) - PROPOSED REVOCATION OF COUNCIL DECISION 8/6/1999 - MINUTE NO. 79 (AG ITEM 14.3 OCM1\_6\_1999) - TENDER NO. 12/99 - INSPECTION OF PRIVATE SWIMMING POOLS (3211) (VG)

**RECOMMENDATION**

That Council revoke the decision of Council taken at the Ordinary Meeting of Council on the 8th June 1999 as follows:-

*"That Council:*

- (1) *accept the tender submitted by Nicholls & Son Pty Ltd for Tender No. 12/99 - Inspection of Private Swimming Pools for an all inclusive price of \$25.00 for a maximum of three inspections per pool;*
- (2) *authorise the following persons to inspect private swimming pools within the District of the City of Cockburn for the purpose of ascertaining whether the requirements of Part 10 of the Local Government Act 1960, Building Regulations 1989, have been complied with as required by Section 245A(5) of the Local Government (Miscellaneous Provisions) Act 1960, namely:*  
  
*Cyril Ernest Nicholls  
June Rose Nicholls  
Matthew Adam Nicholls*
- (3) *set the pool inspection levy at \$35 per pool owner based on the tender price together with Council's administrative costs."*

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

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**





## Background

At the Ordinary Meeting of Council of the 8th June 1999, Council resolved as follows in respect to the abovementioned item:-

*"That Council:*

- (1) *accept the tender submitted by Nicholls & Son Pty Ltd for Tender No. 12/99 - Inspection of Private Swimming Pools for an all inclusive price of \$25.00 for a maximum of three inspections per pool;*
- (2) *authorise the following persons to inspect private swimming pools within the District of the City of Cockburn for the purpose of ascertaining whether the requirements of Part 10 of the Local Government Act 1960, Building Regulations 1989, have been complied with as required by Section 245A(5) of the Local Government (Miscellaneous Provisions) Act 1960, namely:*  
  
*Cyril Ernest Nicholls  
 June Rose Nicholls  
 Matthew Adam Nicholls*
- (3) *set the pool inspection levy at \$35 per pool owner based on the tender price together with Council's administrative costs."*

During final preparations of the contract, it was discovered that the basis of the recommendation to Council was made on an alternative "all inclusive tender price of \$55,000". This was an unofficial inclusion which was not asked for and not included in the General Conditions of Tendering and Information to Tenderers.

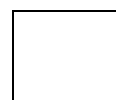
Consequently, the decision made needs to be revoked and the tenders need to be reconsidered. (a copy of the tender was attached to the Agenda).

Commissioner Donaldson was informed of this by Council's Principal Building Surveyor and a letter was received on the 15th June 1999 from the Commissioner, requesting that the decision made on tender 12/99 at the Ordinary meeting of Council held on the 8th June 1999, be revoked.

Accordingly, no administrative action to carry out this decision of Council has taken place pending consideration of the proposal to revoke it.

## Submission

N/A



**Report**

Pursuant to Regulation 10 of the Local Government (Administration Regulations) 1996, Council must consider the request to revoke this decision of Council.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**101. (AG Item 14.10) (OCM2\_6\_1999) - TENDER NO. 12/99 - INSPECTION OF PRIVATE SWIMMING POOLS (3211) (VG)**

**RECOMMENDATION**

That Council:

- (1) accept the tender submitted by Nicholls & Son Pty Ltd for Tender No. 12/99 - Inspection of Private Swimming Pools for \$22 per pool inspection including the preparation and service of all and any notices relating to the first inspection, reporting to the Principal and \$22 per follow up inspection when required by the Act or directed by the Principal;
- (2) authorise the following persons to inspect private swimming pools within the District of the City of Cockburn, for the purpose of ascertaining whether the requirements of Part 10 of the Local Government Act 1960, Building Regulations 1989, have been complied with as required by Section 245A(5) of the Local Government (Miscellaneous Provisions) Act 1960, namely:  
  
Cyril Ernest Nicholls  
June Rose Nicholls  
Matthew Adam Nicholls
- (3) set the pool inspection levy at \$41.45 per pool owner based on the tender price together with Council's estimated administrative costs.



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that :

- (1) as a matter of urgency, Council retender for the inspection of swimming pools for a minimum period possible; and
- (2). the two tenderers be notified to enable them to resubmit a tender which deals with both the existing specifications plus an amendment which would allow for a lump-sum fee.

**CARRIED 3/0**

**Explanation**

The reason for the officer's recommendation not being adopted was that, Council felt the amended recommendation would result in a reduction in the overall costs which the community will save in fees, which it must pay for the inspection of private swimming pools.

**Background**

At the Ordinary Meeting of Council of the 8th June 1999, Council resolved as follows in respect to the abovementioned item: -

*"That Council:*

- (1) *accept the tender submitted by Nicholls & Son Pty Ltd for Tender No. 12/99 - Inspection of Private Swimming Pools for an all inclusive price of \$25.00 for a maximum of three inspections per pool;*
- (2) *authorise the following persons to inspect private swimming pools within the District of the City of Cockburn for the purpose of ascertaining whether the requirements of Part 10 of the Local Government Act 1960, Building Regulations 1989, have been complied with as required by Section 245A(5) of the Local Government (Miscellaneous Provisions) Act 1960, namely:*  
  
*Cyril Ernest Nicholls  
June Rose Nicholls  
Matthew Adam Nicholls*
- (3) *set the pool inspection levy at \$35 per pool owner based on the tender price together with Council's administrative costs."*

During final preparations of the contract, it was discovered that the basis of the previous recommendation to Council was made on an alternative



"all inclusive tender price of \$55,000". This was an unofficial inclusion which was not asked for and not included in the General Conditions of Tendering and Information to Tenderers.

Consequently, the previous decision made needs to be revoked and the tenders need to be reconsidered (a copy of the tender was attached to item 14.9).

Commissioner Donaldson was informed of this by Council's Principal Building Surveyor and a letter was received on the 15th June 1999, from the Commissioner requesting that the decision made on tender 12/99 at the Ordinary Meeting of Council held on the 8th June 1999, be revoked.

### Submission

On the basis of 50% of pools requiring follow up inspections when required by the Act or directed by the Principal (CEO), Nicholls and Son's estimated cost would be \$82,500 and Royal Lifesaving's cost would be \$98,562.50.

The estimated levy fee payable by pool owners is:-

Nicholls & Son	\$	82,500.00
Plus estimated Council administration costs	\$	<u>21,120.00</u>
	\$	103,620.00

Average estimated cost to pool owners	\$	41.45
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Royal Lifesaving	\$	98,562.50
Plus estimated Council administration costs	\$	<u>15,572.00</u>
	\$	114,134.50

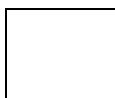
Average estimated cost to pool owners	\$	45.65
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\* See Agenda attachments for costing details.

### Report

Nicholls and Son official tender of \$22.00 per pool, which requires a follow up inspection if a notice has been issued and \$22.00 for follow up inspections when required by the Act or directed by the Principal (CEO) is the only part of their tender which can be accepted in order to comply with the specifications of the tender.

The only other tenderer was the Royal Life Saving Society Australia Western Australia Branch (Inc) which tendered \$32.95 per pool, which requires a follow up inspection if a notice has been issued and \$12.95



for follow up inspections when required by the Act or directed by the Principal (CEO).

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

N/A

### **Budget/Financial Implications**

As stated above.

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

Nil

## **102. (AG Item 14.11) (OCM2\_6\_1999) - REVIEW OF THE METROPOLITAN CENTRES POLICY STATEMENT FOR THE PERTH METROPOLITAN REGION - 1999 SUBMISSION (9122) (SMH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) submit the report as its comments on the review of the Metropolitan Centres Policy, May 1999, to the Western Australian Planning Commission.

### **COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) receive the report;
- (2) submit the report as its comments on the review of the Metropolitan Centres Policy, May 1999, to the Western Australian Planning Commission; and
- (3) advise the WAPC that in respect to the City of Cockburn the draft Metropolitan Centres Policy Statement, the Council makes the following responses:-
  1. It supports the designation of the Gateways Shopping Centre, Thomsons Lake as a Regional Centre with a maximum



floorspace of 50,000m<sup>2</sup> (nla);

2. It supports the designation of the Phoenix Park Shopping Centre as a District Centre with a maximum floorspace of 19,600m<sup>2</sup> (nla);
3. It suggests that the Policy should be sufficiently flexible to enable new Strategic Regional Centres, Regional Centres or District Centres to be easily added to the Metropolitan Hierarchy when new urban/urban deferred areas are added to the Metropolitan Region Scheme or the Metropolitan Development Plan;
4. the District Centre of Karawara be deleted from the 1997 list.

**CARRIED 3/0**

### **Explanation**

It is considered that the addition of Clause (3) strengthens Council's submission to the Western Australian Planning Commission, by highlighting the manner in which current and future shopping centres within this district will be affected.

### **Background**

A revised Centres Policy (1991) was circulated for public comment in 1997. The Council lodged a brief submission.

Some of the Council's concerns appear to have been addressed in the 1999 review.

### **Submission**

The WAPC wrote to the Council on 29 April 1999 (received on 12 May 1999) inviting comments on the Review of the Metropolitan Centres Policy dated May 1999.

The Policy comprised 31 pages, and represents a set of guidelines for preparing Commercial Centre Strategies for the planning and development of a hierarchy of commercial centres.

Submissions are to be with the Commission by 25 June 1999.

### **Report**

A copy of the officer's submission on the revised Policy was attached.



**Strategic Plan/Policy Implications**

Corporate Strategic Plan Item 2.3.4 refers to a review of the Council's Local Commercial Strategy.

**Budget/Financial Implications**

Nil

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

Nil.

**103. (AG Item 15.1) (OCM2\_6\_1999) - REPORT ON FINANCIAL STATEMENTS (5505) (NM)****RECOMMENDATION**

That Council receive the Report on the Financial Statements for the month of May 1999.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the Report on the Financial Statements for the month of May 1999 be received; and
- (2) future quarterly Financial Statements from the Director, Finance and Corporate Services be provided, in a user friendly format, incorporating graphs or charts, with an explanation of the variations between Budget and Actuals on the Municipal Fund.

**CARRIED 3/0**

**Explanation**

It was considered that the provision of the figures in a pictorial form, together with a simple overview of the current status, would complement the format in which the Statements are currently presented.

**Background**

Section 6.4 of the Local Government Act 1995 requires Council to prepare financial reports. Section 34(1) of the Local Government



(Financial Management) Regulations 1996 prescribes that a Local Government is to prepare monthly financial reports in such form as it considers to be appropriate.

The report attached to the Agenda are submitted in accordance with these requirements.

**Submission**

N/A

**Report**

The Financial Reports were attached to the Agenda.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

N/A

**104. (AG Item 15.2) (OCM2\_6\_1999) - LIST OF CREDITORS PAID (5605) (KL)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for May 1999.

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**





**Background**

It is a requirement of the Local Government (Financial Management) Regulations 1996 that a List of Creditors be compiled each month and submitted 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**

N/A

**105. (AG Item 15.3) (OCM2\_6\_1999) - ADOPTION OF PRINCIPAL ACTIVITIES PLAN (5406) (ATC)**

**RECOMMENDATION**

That Council adopt the Principal Activities Plan for the four year period commencing 1 July 1999, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the matter be deferred to give the officers the opportunity to:
  - 1. review performance measures to be more relevant to stated objectives;



2. highlight user friendly summaries of the principal activities and an explanation of why they are being proposed and carried out; and
3. include customer satisfaction measures as part of the Plan.

**CARRIED 3/0**

## **Background**

At its Meeting on 20 April 1999 Council adopted a Draft Principal Activities Plan for the four years commencing 1 July 1999. The Plan has been advertised for public comment and at the end of the six week period, no public submissions have been received.

## **Submission**

N/A

## **Report**

No submissions have been received from the public in respect of the Draft Principal Activities Plan, adopted by Council at its Meeting on 20 April 1999. However, it is proposed that several changes be made to reflect events which have taken place since the Draft Plan was prepared.

The State Government has decided to defer implementation of the Fire Service Levy which had been proposed for some time. Council had, as a matter of equity, decided to introduce a levy in respect of the Volunteer Bushfire Brigades, but has now deferred introduction of that levy. Anticipated savings in Council's payment to the Fire and Rescue Service of \$250,000 will now not occur. The anticipated income from the Volunteer Bushfire Levy of \$150,000 will not be received. Council expenditure on parks will increase by \$400,000 per year more than anticipated at the time the Plan was drafted, due to the need to upgrade certain parks, increased maintenance required on parks previously upgraded and the taking over of maintenance of new subdivision public open space previously maintained by developers. Additional rates revenue above that anticipated, will therefore be required. The Principal Activities Plan attached to the Agenda, has been adjusted to include these variations.

The Performance Measures shown in the Draft Plan in respect of Community Services and Libraries have been reviewed by the Director



of Community Services and changes have been included in the Plan attached to the Agenda. The proposed changes are as follows:

### **Community Services**

#### Existing:

1. Total Municipal expenditure divided by total number of program participants (by individual program).
2. Annual operational cost for volunteer bushfire brigades covered per property.
3. Fire calls responded to within Cockburn by volunteer bushfire brigades.
4. Number of rangers per population.
5. Number of halls per population .

#### Proposed:

1. Net cost per capita of the Rangers Service Unit.
2. Net cost per capita expended upon the promotion and publicity of Council's activities and services.
3. Surplus/subsidy per visit to the South Lake Leisure Centre.
4. Municipal expenditure per Social Services Program participant.

### **Library Services**

#### Existing:

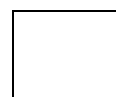
1. Cost per issue
2. Expenditure per member

#### Proposed:

1. Current membership as a percentage of the City's population
2. Library operational expenditure per member.
3. Average cost per library loan.

Since the Draft Plan was prepared information has been received on the possible financial effects of the proposed Thomsons Lake City Centre. This information has been included in the Plan.

It is recommended that the Principal Activities Plan for the four years commencing 1 July 1999, as attached to the Agenda, be adopted by Council.



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

The Principal Activities Plan outlines the proposed future financial activity of Council for the next four years.

### **Budget/Financial Implications**

The Principal Activities Plan forms the basis of Council's Budget.

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

N/A

## **106. (AG Item 15.4) (OCM2\_6\_1999) - BUDGET AMENDMENTS (5402) (ATC)**

### **RECOMMENDATION**

That Council amend the Municipal Budget for 1998/99 as follows:

- (1) Rubbish Tip Fees (A/c. No.485090) - increase from \$1,935,000 to \$2,235,000;
- (2) Transfer of Rubbish Site Development Reserve Fund (A/c. No.960497) - increase from \$1,000,000 to \$1,200,000;
- (3) State Landfill Levy (A/c. No.485469) - increase from \$250,000 to \$350,000;
- (4) Alterations - Coolbellup Library (New Account) - \$37,000;
- (5) Smoke Detection System - Spearwood Library (A/c. No.610711) - decrease from \$8,000 to nil;
- (6) Spearwood Library Upgrading Stage 2 (A/c. No.610712) - decrease from \$15,473 to nil;
- (7) Acoustics - Wattleup Hall (New Account) - \$15,000; and
- (8) Naval Base Cliff Stabilisation (A/c. No.725601) - decrease from \$40,000 to \$11,473.

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



**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

There are a number of amendments to the 1998/99 Budget proposed.

**Submission**

N/A

**Report**

A number of amendments to the 1998/99 Budget are proposed and the reasons for these are set out below.

The Waste Disposal Site is operating at a higher level than anticipated at the start of the year. An estimated \$300,000 will be received above the amount estimated, of which approximately \$100,000 is represented by the State Government landfill levy. It is proposed that the net amount of \$200,000 be transferred to the Rubbish Site Development Reserve Fund.

Existing conditions in the workshop area at the Coolbellup Library are crowded and are potentially a safety hazard as assessed by Council's Safety Co-ordinator. An area is available adjacent to the existing storeroom for expansion, to allow additional work and storage space to overcome the potential problems. An amount of \$37,000 is required to fund the alterations.

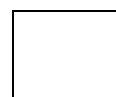
The Wattleup Hall has been identified as having acoustic problems and the cost to rectify the problem is \$15,000.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

No overall effect on budget as proposed increase in expenditure is offset by additional income and reduced expenditure.



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

N/A

**107. (AG Item 15.5) (OCM2\_6\_1999) - KWINANA AIR BUFFER ZONE ACTION GROUP (K.A.B.Z.) - REQUEST FOR FUNDS (9332) (ATC)**

**RECOMMENDATION**

That Council advise the Kwinana Air Buffer Zone Action Group that no further funds, will be allocated to the Group above that provided by Council at its Meeting on Tuesday, 8 June 1999:

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr that the recommendation be adopted.

**CARRIED 3/0**

**Background**

At its Meeting on 8 June 1999 Council considered a request for financial assistance from the K.A.B.Z. Action Group. Council's decision was to advise the Group that Council:

- 1. is prepared to assist in the provision of Council owned venues for it to conduct public meetings by donating the hire cost to the Group, subject to the venue being available.*
- 2. is prepared to allocate \$3,000 towards the provision of the Valuation Report sought by K.A.B.Z. Action Group and that a copy of that report be made available to the K.A.B.Z. Group.*

While it was agreed that Council should honour its previous commitment, it was noted that Council should be mindful that contributing to any body could create some sort of precedent.

**Submission**

The following submission has been received from the Chairperson of the K.A.B.Z. Action Group.



*The K.A.B.Z. Committee is most grateful to Council for acknowledging the importance of valuer, Mr. Bob Richmond by offering to engage his services in its preparation of the FRIARS Draft Submission, at its Council Meeting on 9 June 1999. This recommendation reduces K.A.B.Z. budget allocations by \$3,000.*

*However, at our community meeting of the 19th May 1999 a resolution was passed to seek further funding from both City of Cockburn and Town of Kwinana. This request was in addition to funds already allocated to the FRIARS Discussion paper submission in 1997.*

*We have been heartened by the approval of another \$3,000 to K.A.B.Z. by the Town of Kwinana at Council's Meeting on Wednesday, 10<sup>th</sup> June 1999.*

*In this spirit we are re-applying to Cockburn City Council to further assist K.A.B.Z. financially to the equivalent amount. Without this assistance we will have a shortfall in our overall budget.*

*We understand your cautious approach on the issue of funding local groups but we feel this is a unique situation. Under normal circumstances of a full Council representation we feel that funds would have been forthcoming. Unless our submission is given every opportunity to be successful, there is a chance that the Wattleup community (urban and rural) will disappear.*

## **Report**

Council has previously considered a request for financial assistance by the K.A.B.Z. Action Group at its Meeting on 8 June 1999. The decision by Council was, as set out in the background information above. While acknowledging that Council's decision reduced K.A.B.Z.'s budget allocation of \$3,000, the Group is requesting further funding in accordance with a resolution passed at a public meeting on 19 May 1999.

If Council agrees to the request for a further \$3,000, funds are available in Account No.315555 - Community Group Newsletter Subsidy.

## **Strategic Plan/Policy Implications**

N/A



**Budget/Financial Implications**

Funds of \$3,000 are available in Account No.315555 - Community Group Newsletter Subsidy.

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

N/A

**108. (AG Item 16.1) (OCM2\_6\_1999) - FRESHWATER DRIVE TRAFFIC ISSUE (451130) (JR) (EAST)**

**RECOMMENDATION**

That Council:

- (1) take no action to alter the current traffic pattern in Freshwater Drive, but review the situation should the Armadale Road/Tapper Road intersection be upgraded; and
- (2) advise the Atwell Community Association, Mrs Cherie De Jesus, Main Roads WA, Monica Holmes MLA and Hon Dr Carmen Lawrence MP of Council's decision.

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

The residents of Freshwater Drive, Atwell, have expressed major concerns to Council (through petitioner Mrs Cherie De Jesus), Monica Holmes MLA (Member for Southern River) and Hon. Dr Carmen Lawrence MP (Federal Member for Fremantle) of the speed and volume of traffic in their street. They claim they were under the impression when purchasing their land that the street would be a private and quiet local estate road.

**Submission**

Freshwater Driver residents have requested the closure of their street at Armadale Road to reduce the amount of excess traffic. The Atwell





Community Association on the other hand considers that Freshwater Drive should not be closed after taking into account the impact of the closure or any alterations on all Atwell residents.

## Report

The main area of concern for Freshwater Drive residents would relate to the use of Freshwater Drive as an access point to the Atwell subdivision in preference to using Tapper Road to the east. The concerns are accentuated by the distinctive northbound morning peak period traffic flow. There is also a larger volume southbound evening peak flow due to the availability of the right turn movement at Armadale Road.

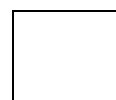
The original structure planning for the subdivision was produced by the developer and indicated that Freshwater Drive was a main entry road to the subdivision at Armadale Road. It was identified as a Local Distributor Road to the suburb and not to just to one estate of the suburb. Originally, the structure plan allowed all right turn traffic movements at the Armadale Road/Freshwater Drive intersection, although the final adopted structure plan does not accommodate this movement. The right turn movement has been retained to date due to a bus service which apparently has now ceased. Consequently, the removal of the current right turn movement at Armadale Road/Freshwater Drive will finally establish the intended structure plan traffic pattern in the subdivision.

The Conditions of Approval for the subdivision specifically identified Freshwater Drive as the Distributor Road for the subdivision and suburb. It is currently carrying 4,300 vehicles per day, which would reduce should the right turn be removed as planned with an 85<sup>th</sup> percentile traffic speed of up to 64km/h recorded in the past. Recent counts indicated an 85 percentile traffic speed of 41 km/h. In terms of a Distributor Road, it is functioning as planned and within the criteria for such a road. In this regard, it has been classified as a Local Distributor Road in the City of Cockburn Road Hierarchy which was adopted by Council in May 1997.

The developer has also promoted Freshwater Drive as the entry to the suburb by developing, irrigating and maintaining all the verge areas in Freshwater Drive and then into Lydon Boulevard.

At the meeting of Council held on 15 December 1998 it was resolved that East Ward Councillors liaise with the Atwell Community Association in regard to this issue. A meeting with the community, Main Roads WA and Monica Holmes MLA was subsequently held and opinions were divided -

1. The Freshwater Drive residents wanting Freshwater Drive to be completely closed off to traffic at Armadale Road.



2. The other Atwell residents wanting Freshwater Drive to be left open at Armadale Road as it is the intended access point for the subdivision and suburb.
3. The meeting generally agreed that traffic should not be encouraged to use the Armadale Road/Tapper Road intersection as it was felt this intersection was not safe enough and should be signalised first.
4. There was some support to a trial closure of the left turn out of Freshwater Drive into Armadale Road. However, the layout of the intersection would also require a trial closure of the right turn out. Subsequent feedback is that the community may be divided on this proposal and would only prefer to see either points 1 or 2 above, depending on where they live.

Sight distance measurements at Armadale Road/Tapper Road intersection indicate an available stopping sight distance for westbound traffic approaching the intersection of about 140 metres for an object lying on the road at the intersection, or 170 metres for a vehicle entering from Tapper Road. The posted speed limit is 80km/h in Armadale Road, which would require a stopping distance of at least 111 metres. The requirement for 90km/h is 139 metres. Consequently, in terms of visibility and the posted speed limit, the Armadale Road/Tapper Road intersection appears to be safe. This is confirmed by Main Roads WA who have jurisdiction over Armadale Road. However, with westbound Armadale Road traffic apparently frequently well exceeding the speed limit in approaching the Tapper Road intersection, local residents are adverse to using this intersection.

In view of the foregoing, and in terms of the structure plan, no further measures to restrict the traffic in Freshwater Drive should be undertaken apart from closing the median opening in Armadale Road at Freshwater Drive to prevent right-turn traffic movements. However, this should not be undertaken until traffic safety at the Armadale Road/Tapper Road intersection, as perceived by the local residents, is improved. In this regard Monica Holmes MLA is pursuing Main Roads WA and the Minister for Transport in support of the Atwell Community Association.

A site plan and general characteristics of the various road classifications was attached to the Agenda.

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

N/A



**Budget/Financial Implications**

N/A

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

Nil

**109. (AG Item 16.2) (OCM2\_6\_1999) - TENDER NO. 21/99 - SUPPLY AND LAYING OF HOT ASPHALT ROAD SURFACING (4437) (IS)****RECOMMENDATION**

That Council accept the tender submitted by:

- (1) CSR Emoleum for the Supply and Laying of Hot Asphalt Road Surfacing for the 7mm, 10mm, 14mm and Red Asphalts; and
- (2) Pioneer Road Services for the Supply Only - Ex Plant of Hot Asphalt Road Surfacing

for Tender No. 21/99, Supply and Laying of Hot Asphalt Road Surfacing at fixed rates as indicated in their submission for the period 1st July 1999 to 30th June 2000.

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council has a program of calling annual tenders each year for the regular supply of materials and services to facilitate Council's Road and Parks programs.

The reason why Tender No.21/99 is before Council is that the value of the tender is more than \$500,000.

**Submission**

Tenders were called for the Supply and Laying of Hot Asphalt Road Surfacing for the next financial year. Seven (7) tenders were received, the details of which were attached to the Agenda.



## **Report**

There are basically two parts to this tender, being Supply and Lay, and Supply Only - Ex Plant, and the tender lends itself to be split if it proves beneficial.

The lowest tender for the Supply and Laying of Hot Asphalt Road Surfacing was submitted by CSR Emoleum. CSR Emoleum do not hold the current contract for supply and laying of hot asphalt road surfacing but are a reputable company within the road construction and asphalt industry and hence their tender in this instance should be supported.

The tender submitted by Pioneer Road Services for the Supply Only - Ex Plant of Asphalt, while not being the lowest tender, would be the most advantageous to Council. Reasons for this would be:

- (1) the proximity of their plant to the Council Depot (Fremantle) compared to the lowest tenderer (Maddington); and
- (2) contributing factor is that the supply of bitumen emulsion tenderer recommended as the lowest was Pioneer (Fremantle).

The time savings alone would far outweigh the cost difference between the lowest tender for Supply Only - Ex Plant of Asphalt and the tender submitted by Pioneer Road Services. The travel time difference is 30 minutes for each load pick up.

Hence, the tender submitted by Pioneer Road Services for the Supply Only - Ex Plant should be supported.

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

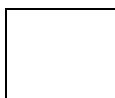
N/A

### **Budget/Financial Implications**

N/A

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

Nil



**110. (AG Item 17.1) (OCM2\_6\_1999) - REPLACEMENT DEED - SPEARWOOD DALMATINAC CLUB (INC) (2200281) (LJCD)**

**RECOMMENDATION**

That Council:

- (1) accept the draft replacement Deed as reflecting its position in relation to leasing Lot 101 Hamilton Road, Spearwood;
- (2) advise the Spearwood Dalmatinac Club (Inc.) that, it is Council's considered view that the replacement Deed is fair and reasonable as it is consistent with other dealings and that the Deed will remain unchanged; and
- (3) the term of the Deed commence from 1 July 1999 and expiring on 30 June 2026.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) Council amend the plan in the existing lease to include the area actually occupied by the Spearwood Dalmatinac Club Inc. at Lot 101 Hamilton Road, Spearwood, without any changes to the other terms and conditions of the lease; and
- (2) as verbally agreed at the on-site meeting of 22 June 1999, the Spearwood Dalmatinac Club Inc. be advised that at the expiration of the lease a new lease be prepared which reflects Councils Policy F1.8 - Leases.

**CARRIED 3/0**

**Explanation**

It was considered that the main purpose of Council's previous decision to require a new Deed to be prepared, was to ensure that land occupied by the Club was properly identified within the Lease document. However, the Club would be required to enter into a new arrangement, reflecting current Council practices, at the expiry of the current lease in 2007.

**Background**

Council resolve at its meeting held on the 20 April 1999 that this matter be recommitted pending a report being presented on the current position of both parties.



Notwithstanding this on the 4 June 1996 Council adopted the recommendation of the Strategic and Policy Committee of the 7 May 1996, which dealt with the approval of the Lawn Bowling Facilities at the Club and that recommendation read in part:

*“(4) the applicant be advised that changes to the lease agreement may be required, such changes to be at the applicant’s cost.”*

Then Council exercising its rights as Landlord adopted the following recommendation on the 18 November 1996 via the Community Services Committee, which reads:

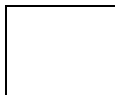
*“... that Council enter into a new Deed in respects to Lot 101 Hamilton Road with the Spearwood Dalmatinac Club (Inc.).”*

The development undertaken by the Club gave rise to the need to vary the original Deed because development had crossed property boundaries. The progression of this dealing has been somewhat difficult because of the stance taken by the Club. That is, the Club has claimed that it should receive preferential treatment from Council due to the financial commitment made by the Club on Council land.

A meeting was held on the 11 November 1998 at the request of the Spearwood Dalmatinac Club (Inc.) to discuss matters relevant to the replacement Deed. Mayor Grljusich, L J Cetinic-Dorol and representatives of the Spearwood Dalmatinac Club (Inc.) attended this meeting. Unfortunately no common ground could be found during the discussion because of the demands made by the Club for a privileged position over other Clubs, which have also committed a considerable amount of funds to their facilities. It was suggested that the Club put its position in writing. The submission was presented to Council and a copy was attached to this report.

Council in November 1998 resolved that this matter be recommitted so as to allow the West Ward Members of Council to discuss this issue with the Club. Inquiries made have established that nothing constructive came from the meeting. The Club asserted that a lease was still in existence and it was not necessary for a new lease. It is submitted that this position is erroneous because the facts clearly demonstrate that the original Lease Agreement has been varied by the development undertaken by the Club, but the Club is not willing to accept this. It is imperative that Council rectifies the anomaly, which exists.

A further meeting was held with the Spearwood Dalmatinac Club (Inc.) on 3 June 1999 to work through the issues in the hope of reaching an agreement and the Club accepting the replacement Deed. Unfortunately the discussions were to no avail. The Club was adamant that it should not have to pay rent in respects to the Council owned land it leases.



Furthermore, a view was expressed that the Club should not have to pay rates in respects to its Club premises.

### **Submission**

Council received the following letter from the Spearwood Dalmatinac Club (Inc.) on the 26 March 1999, dated 24 March 1999 and it reads:

*"We advise that we have been involved in protracted negotiations with members of the Council in relation to the drafting of a revised Licence Agreement with respect to the premises of the Club.*

*There have been two major points of contention, namely the increase in the rent payable by the Club for the use of the Council land to a figure which we anticipate to be approximately \$3000.00, a figure which is greatly exceeds the present rent which is payable and which is an amount which the Club can't afford, and secondly, the obligation on the Club that it is liable for all maintenance obligations on items such as the water bore, despite the fact that this equipment (which is the property of the Council) may need replacement due to old age and for a reason in no way attributable to any act of neglect or fault on the part of the Club.*

*It is for this reason that the management Committee of the Club has resolved to not sign the proposed Licence Agreement and to instead continue with the existing agreement until its date of expiration or until alternatively, a new agreement can be agreed upon to the satisfaction of both parties. This is a decision, which has been made with some regret, as it has always been the intention of the Club to endeavour to resolve this matter expeditiously and in good faith.*

*Signed Dinko Donjerkovic  
A/President "*

### **Report**

In 1975 Council entered into negotiations with the Spearwood Dalmatinac Club (Inc.) (a copy was attached) to find a site for the Club to facilitate the development of clubrooms and associated facilities. It was decided to subdivide Lot 27 Hamilton Road to create a separate Lot of approximately 8100 square metres (Lot 2), which would be sold to the Club. The remaining portion of Lot 27 Hamilton Road (Lot 1) was to be leased to the Club for a term of thirty (30) years. The diagram marked "A" attached to the Agenda reflects the subdivision. This diagram also formed part of the lease.

To formalise the negotiations Council and the Club entered into a Lease Agreement. The Lease Agreement acknowledged that Council developed the soccer pitch area and that the prefunding of the developed areas, which amounted to \$58,200.00 in 1977 dollars would



be recouped on a quarterly basis as a development charge over the term of the lease Agreement. No interest was charged in respects to the prefunding arrangement as the funds were taken from the Phoenix Park Town Planning Scheme public open space account. The Club was indeed in a privileged position, securing a prefunding arrangement, which attracted no interest.

The Club sought development approval from Council in 1996 to develop four lawn bowling greens, netball/basketball courts, a compensating basin and toilet facilities. At the time when the development plans were reviewed it was ascertained that the soccer pitch had encroached onto Lot 28 Hamilton Road. It would appear that this anomaly had occurred when the soccer ground was being developed in 1977. Also the netball/basketball court and the compensating drainage basin had encroached onto Lot 28 Hamilton Road as well. The issue of encroachment has legal implications for Council. That is, if an accident was to happen on that part of the soccer pitch or the netball/basketball court then there is every likelihood that Council could be joined in a personal injuries claim.

The Club was advised to engage a surveyor to implement the necessary action for a Subdivision / Amalgamation Application to correct the encroachment. The extent of the encroachment (hatched) is shown on the diagram marked "B", which was also attached. This encroachment undoubtedly was a significant variation to the Terms and Conditions of the original Lease Agreement. However, the Club will not recognise this point yet Council did in 1996 when it resolved that a new Deed be executed to rectify the variation to the original Lease Agreement. (A copy of the replacement Deed was attached to the Agenda)

On receipt of the diagram of survey, which reflected the extent of the subdivision/amalgamation the Valuer General was approached in accordance with Council Policy F1.8 to provide a rateable value for lot 101 Hamilton Road, which in essence becomes the new demised premises. Council Policy F1.8 reads:

*"When Council owned land or land vested in Council is to be leased the Valuer General will be requested to value the land and the GRV or Unimproved Value of the land will be used as the basis of determining the annual rent and each case will be considered on its merits."*

This method of determining the annual rent payable that is the rates payable on the land becomes the rent, is applicable to a number of organisations. The organisations which pay rent based on the aforementioned Policy are: 1] the Lakeside Baptist Church, 2] Murdoch Pines Golf and Recreation Park, 3] The Spanish Club of WA, 4] the Cockburn Bowling and Recreation Club, 5] the Tiger Kart Club, 6] the Jandakot Trotting Club, 7] the Coastal Motorcycle Club, and 8] the WA Radio Modellers Club. Furthermore, the same rental provisions will apply





to Lot 22 progress Drive, Bibra Lake, which is to be taken up by the WA Croatian Association (Inc.).

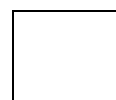
The draft replacement Deed states that the Term commences on 1 July 1996. Therefore taking the GRV of \$45,000.00 as assessed the Valuer General and applying the rate in the dollar levied by Council for the fiscal years 96/97, 97/98 and 98/99 the rent payable by the Club is \$2,896.00, \$2,968.00 and \$3,042.00 respectively. The rent reflects the rateable value of the land and not the market value. The GRV is valued every three years and a new GRV would be applicable as from 1 July 99.

Amending the Term to commence from 1 July 1999 is acceptable.

The Cockburn Bowling and Recreation Club and the Murdoch Pines Golf and Recreation Park pay a similar annual rent (approximately \$2700.00) calculated on the same basis in accordance with Council policy. However, the Lakeside Baptist Church pays rent in the vicinity of \$11,000.00 per year calculated in the same manner as the beforementioned organisations. An approach was made by the latter organisation to Council for relief in respects to its rent obligation but council refused the application. If this application was refused why should the Spearwood Dalmatinac Club (Inc.) not be required to pay rent. There are no grounds to argue that the Spearwood Dalmatinac Club (Inc.) should be given any relief in its obligation to pay rent.

Turning now to the submission dated 24 March 1999. It is submitted that the Spearwood Dalmatinac Club (Inc.) is confused. At the moment the Club does not pay rent it pays a development charge of approximately \$1,940.00 per year in relation to the development of the soccer pitch, which occurred in 1977. Therefore there is no increase in rent. The Club seems to be confused as to what is a development charge and what is a rent impost. The replacement Deed provides for the Club, to pay rent in relation to the land it leases from Council. Such will bring the Club in line with other Clubs to establish an equitable basis. Council as Landlord has a legal right to ask that rent be paid. Also the replacement Deed acknowledges that the Club still has the obligation to pay the development charge until to the year 2007.

Another issue raised by the Club is its maintenance obligation. In the Lease Agreement stamped 9 September 1977 it specifically states that the Club is responsible for maintenance of the demised premises. The Club cannot evade its responsibilities. It is acknowledged that Council installed the bore and irrigation system but it cannot be said that the bore and irrigation system is the property of Council. The equipment is the property of the Club. The Club has been paying for the equipment over the last twenty-one (21) years. Now because the bore is failing in its capacity to supply sufficient water the Club wants to transfer the responsibility back to Council. That is, the ratepayers have to pay the bill. This approach is unacceptable.



The replacement Deed is more appropriate, which has replicated what was in the original Lease Agreement, with the exception of the rental provision. It is not as if the maintenance requirement was something new. The maintenance obligation has been in existence for the past twenty-one (21) years.

During the meeting held on the 11 November 1998 the issue of Council taking responsibility for the maintenance of the bore and the irrigation system was raised. The Club was informed that a proposal could be presented to Council that the Council upgrade the bore and irrigation system but the Club would have to reimburse Council for the expenditure. The concept was immediately rejected.

The Club is of the view that it should be given preferential treatment and not have to pay rent because it has expended a considerable sum on the development of the facilities on Council owned land. Why should this occur? Other organisations leasing Council owned or controlled land have expended vast sums of money on their facilities and they have to pay rent. The mere fact that the Club has spent a considerable amount of money (or in kind) on the development this does not place the Club in a better position than the other organisations. Equity must exist. Also the view has been expressed by members of the Club that the Council should have made a more substantial financial contribution than it did towards the development of the facilities. It is submitted that the level of assistance provided was more than adequate given the fiscal responsibilities of Council. Furthermore, the Club has received a substantial benefit through the prefunding arrangement. The benefit being the prefunding arrangement attracted no interest and over a thirty-year period the interest if payable would be a substantial amount.

The Club in its submission dated 24 March 1999 stated that it would not accept the draft replacement Deed. It will continue to operate under the original Lease Agreement. The 1977 Lease Agreement is no longer on foot because it has been disrupted due to the encroachment onto the adjoining property. There are no logical grounds to advance a proposition that the Club should be given relief even by phasing in the rental provision. The issue of equity is of paramount importance. For example the Coastal Motorcycle Club is required to pay rent and in the fiscal year 97/98 was obliged to \$688.00 in rent. However, in fiscal year 98/99 the club was obliged to pay \$3857.40 in rent. The club has not objected to increase in rent. It should be noted that this club leases a Crown reserve in Henderson and the club does not have the same revenue earning capacity as the Spearwood Dalmatinac Club (Inc.).

The Spearwood Dalmatinac Club (Inc.) is being asked to pay rent in the vicinity of \$3040.00 per year and add this to the development charge of \$1940.00 the Club has a financial commitment of \$4980.00. It should not be overlooked that the development charge ceases on 31 January 2007.



It is imperative that the Club is advised that the draft replacement Deed is fair and reasonable and the Deed will remain unchanged except for the variation to the commencement date of the Deed. If the Club is not prepared to accept this position then it is submitted that there are two options available: 1] explore a legal course of action to terminating the existing lease, and/or 2] engage an Arbitrator to resolve the matter.

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

N/A

### **Budget Financial Implications**

N/A

### **Implications of section 3.18 (3) of the Local Government Act 1995**

Nil

## **111. (AG Item 17.2) (OCM2\_6\_1999) - APPOINTMENT OF NEW MEMBERS - JANDAKOT VOLUNTEER BUSH FIRE BRIGADE - (1561) (DMG) (EAST)**

### **RECOMMENDATION**

That Council appoint Ms Karen Greening, Mr Darren Kirk, Mr Robert Leonard William Haddrell and Mr Jason Prestney as members of the Jandakot Volunteer Bush Fire Brigade.

### **COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

### **Background**

At the Bush Fire Committee meeting held on Thursday, 13<sup>th</sup> May, 1999 it was recommended

That:-

- (1) Council appoint Ms Karen Greening, Mr Darren Kirk, Mr Robert Leonard William Haddrell and Mr Jason Prestney



as members of the Jandakot Volunteer Bush Fire Brigade;  
and

- (2) the necessary administration be undertaken to effect this new membership.

**Submission**

A recommendation has been proposed by the Jandakot Volunteer Bush Fire Brigade, that Ms Karen Greening, Mr Darren Kirk, Mr Robert Leonard William Haddrell and Mr Jason Prestney be accepted as new members of the Jandakot Volunteer Bush Fire Brigade

**Report**

A copy of the Membership Registration Forms for the abovementioned volunteers were attached to the Minutes of the Bush Fire Committee Meeting held on Thursday, 13th May, 1999.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

112. (AG Item 17.3) (OCM2\_6\_1999) - JANDAKOT VOLUNTEER BUSH FIRE BRIGADE - OFFICE BEARERS 1999-2000 (1561) (DMG) (EAST)

**RECOMMENDATION**

That Council appoint the following Office Bearers to the Jandakot Volunteer Bush Fire Brigade for 1999-2000:

Captain	Ron Levett
Secretary	Karen Greening
Treasurer	Terry Smith
1 <sup>st</sup> Lieutenant	Glen Chandler
2 <sup>nd</sup> Lieutenant	Bill Salter
3 <sup>rd</sup> Lieutenant	Brett Hornidge



4 <sup>th</sup> Lieutenant	Matt Schofield
Training Officer	Mike Clarke
Equipment Officer	Ric Robbins
Social Sec (Assistants)	Neil Liddell (R. Rowe, M Ward, J Levett)
BFA Delegate 1	Captain, R Levett
BFA Delegate 2	1 <sup>st</sup> Lieutenant, Glen Chandler
BFA Proxy 1 & 2	Lieutenants 2, 3 and 4
Training Comm Delegate1	Training Officer
Training Comm Delegate 2	Captain

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

At the Bush Fire Committee meeting held on Thursday, 13<sup>th</sup> May, 1999 it was recommended that Council appoint the following Office Bearers 1999 - 2000 for the Jandakot Volunteer Bush Fire Brigade:

Captain	Ron Levett
Secretary	Karen Greening
Treasurer	Terry Smith
1st Lieutenant	Glen Chandler
2nd Lieutenant	Bill Salter
3rd Lieutenant	Brett Hornidge
4th Lieutenant	Matt Schofield
Training Officer	Mike Clarke
Equipment Officer	Ric Robbins
Social Sec (Assistants)	Neil Liddell (R. Rowe, M Ward, J Levett)
BFA Delegate 1	Captain, R Levett
BFA Delegate 2	1 <sup>st</sup> Lieutenant, Glen Chandler
BFA Proxy 1 & 2	Lieutenants 2, 3 and 4
Training Comm Delegate1	Training Officer
Training Comm Delegate 2	Captain



**Submission**

It is recommended that Council confirm the appointment of members elected as Office Bearers for the Jandakot Volunteer Bush Fire Brigade at the meeting held on 19<sup>th</sup> April, 1999.

**Report**

At the Jandakot Volunteer Bush Fire Brigade meeting held on 19<sup>th</sup> April, 1999, the abovementioned members were nominated and elected as Office Bearers for 1999 - 2000.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**113. (AG Item 17.4) (OCM2\_6\_1999) - SOUTH COOGEE VOLUNTEER BUSH FIRE BRIGADE - OFFICE BEARERS 1999 - 2000 (1562) (DMG) (COASTAL) (SOUTH)**

**RECOMMENDATION**

That Council appoint the following Office Bearers to the South Coogee Volunteer Bush Fire Brigade for 1999 - 2000:-

Steve Powell	Captain
Secretary	Trisha Coleman
Treasurer	Yvonne Day
1 <sup>st</sup> Lieutenant	Mike Ward
2 <sup>nd</sup> Lieutenant	Jim Ricci
Training Officer	Bob McNeice
Equipment Officer	Matthew Brown
Entertainment Officer	David Zanker
Entertainment Committee	R. Powell, D Filer.
	M Ward
Publicity Officer	Mike Ward
BFA Delegate 1	Captain, S Powell
BFA Delegate 2	1 <sup>st</sup> Lieutenant, M Ward



BFA Proxy 1	2 <sup>nd</sup> Lieutenant
BFA Proxy 2	Secretary
Training Comm Delegate 1	Training Officer
Training Comm Delegate 2	Captain
Management Committee 1	Daniel Filer
Management Committee 2	Les Woodcock
Management Committee 3	Darren McNab

**COUNCIL DECISION**

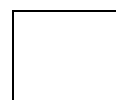
MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

At the Bush Fire Committee Meeting held on Thursday, 13<sup>th</sup> May, 1999, it was recommended that Council confirm the appointment of the following Officer Bearers 1999 - 2000 for the South Coogee Volunteer Bush Fire Brigade:

Captain	Steve Powell
Secretary	Trisha Coleman
Treasurer	Yvonne Day
1st Lieutenant	Mike Ward
2nd Lieutenant	Jim Ricci
Training Officer	Bob McNeice
Equipment Officer	Matthew Brown
Entertainment Officer	David Zanker
Entertainment Committee	R. Powell, D Filer. M Ward
Publicity Officer	Mike Ward
BFA Delegate 1	Captain, S Powell
BFA Delegate 2	1st Lieutenant, M Ward
BFA Proxy 1	2nd Lieutenant
BFA Proxy 2	Secretary
Training Comm Delegate 1	Training Officer
Training Comm Delegate 2	Captain
Management Committee 1	Daniel Filer
Management Committee 2	Les Woodcock
Management Committee 3	Darren McNab



**Submission**

It is recommended that Council confirm the appointment of members elected as Office Bearers for the South Coogee Volunteer Bush Fire Brigade at the meeting held on 20<sup>th</sup> April, 1999.

**Report**

At the South Coogee Volunteer Bush Fire Brigade meeting held on 20<sup>th</sup> April, 1999, the abovementioned members were nominated and elected as Officer Bearers for 1999 - 2000. There were no nominations for the Secretary's position, although Trisha Coleman 1998/99 Secretary was unable to attend the meeting to nominate, she has agreed to take on the position for the next year and will be re-nominated at the next Brigade meeting.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**114. (AG Item 17.5) (OCM2\_6\_1999) - APPOINTMENT OF FIRE CONTROL OFFICERS (1550) (DMG)**

<b>RECOMMENDATION</b>						
That Council:-						
(1) adopt the following schedule with regard to the appointment of Fire Control Officers, Rank and Authority						
NAME	RANK	SUPPRESSION	PREVENTION	PERMITS	PROSECUTIONS	EXPENDITURE OF COUNCIL FUNDS
JIM JOHNSON	CBFCO	✓	✓	✓	✓	✓
S FILER	DCBFCO	✓	✓	✓	✓	✓
F MASSEY	FWO			✓ + VALIDATION		
<b>JANDAKOT VBFB</b>						
R LEVETT	FCO/CAPTAIN	✓	✓	✓		
L CRANNAGE	FCO	✓	✓	✓		
<b>SOUTH COOGEE VBFB</b>						
S POWELL	FCO/CAPTAIN	✓	✓	✓		
M RICCI	FCO	✓	✓	✓		
R BERESFORD	RANGER		✓	✓	✓	
M KAISER	RANGER		✓	✓	✓	
S EVANS	RANGER		✓	✓	✓	
B SHEPPARD	RANGER		✓	✓	✓	
<b>OTHER</b>						
R LEES				✓		





And

- (2) delegate authority to the Director, Community Services to make these appointments, pursuant to the instrument of delegation (DA - A84) as attached to the Agenda.

**TO BE CARRIED BY ABSOLUTE MAJORITY**

### **COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

### **Background**

At the Bush Fire Committee meeting held on Thursday 13<sup>th</sup> May, 1999, it was recommended that Council adopt the following schedule with regard to Fire Control Officer Rank and Authority.

NAME	RANK	SUPPRESSION	PREVENTION	PERMITS	PROSECUTIONS	EXPENDITURE OF COUNCIL FUNDS
JIM JOHNSON	CBFCO	✓	✓	✓	✓	✓
S FILER	DCBFCO	✓	✓	✓	✓	✓
F MASSEY	FWO			✓ + VALIDATION		
<b>JANDAKOT VBFB</b>						
R LEVETT	FCO/CAPTAIN	✓	✓	✓		
L CRANNAGE	FCO	✓	✓	✓		
<b>SOUTH COOGEE VBFB</b>						
S POWELL	FCO/CAPTAIN	✓	✓	✓		
M RICCI	FCO	✓	✓	✓		
R BERESFORD	RANGER		✓	✓	✓	
M KAISER	RANGER		✓	✓	✓	
S EVANS	RANGER		✓	✓	✓	
B SHEPPARD	RANGER		✓	✓	✓	
<b>OTHER</b>						
R LEES				✓		

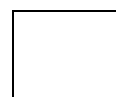
### **Submission**

It is recommended that the above mentioned officers be appointed Fire Control Officers.

### **Report**

It is a requirement of the Bush fires Act, 1954, as amended, to appoint Fire Control Officers.

Changes in Office Bearers and administration requirements necessitate the formal adoption of Fire Control Officers, with their rank and authority to be gazetted.



The City of Cockburn has five categories of authority for Fire Control Officers being; Suppression, Prevention, Permits, Prosecution and Authority to Expend Funds.

The ever increasing legal and 'Duty of Care' requirements upon Council dictate that not only are Fire Control Officers properly appointed but also that the full extent of each officer's authority is clearly defined and appropriate instruction provided.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**115. (AG Item 17.6) (OCM2\_6\_1999) - DELEGATION OF AUTHORITY TO APPOINT FIRE CONTROL OFFICERS (1015) (DMG) (ALL WARDS)**

**RECOMMENDATION**

That Council delegate authority to the Chief Bush Fire Control Officer to appoint Members and Officers to Volunteer Bush Fire Brigades, pursuant to the instrument of Delegation (DA - A83) as attached to the Agenda.

**TO BE CARRIED BY ABSOLUTE MAJORITY**

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

In the past, Brigade personnel have been appointed by Council, subject to the approval of the Bush Fire Advisory Committee. It is considered



more expedient to delegate this task to be the responsibility of the Chief Bush Fire Control Officer.

**Submission**

N/A

**Report**

The Bush Fires Act, 1954, enables the delegation of such functions to appropriate officers of Council.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**116. (AG Item 17.7) (OCM2\_6\_1999) - TENDER FOR CLEANING OF THE SOUTH LAKE LEISURE CENTRE (10155) (8143) (GMAC)**

**RECOMMENDATION**

That Council:

- (1) Accept the tender for cleaning the South Lake Leisure Centre submitted by Western Office Cleaning Services for the annual tender price of \$33,523.46; and
- (2) the contract period be for two (2) years from 1<sup>st</sup> July, 1999 to 30<sup>th</sup> June 2001.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the matter be deferred to the next meeting;
- (2) Council be provided with more information and clarification on the assessment criteria; and



(3) a policy be formulated on the criteria to be applied in assessing tenders.

**CARRIED 3/0**

## **Background**

Contractual arrangements with current cleaner, MP Cleaning company expire on the 30<sup>th</sup> June, 1999.

This tender needs a Council decision as the lowest tender is not being recommended in accordance with Council Policy.

## **Submission**

N/A

## **Report**

A total of eleven (11) tenders were received by the conclusion of the acceptance period, with one tender excluded for not being in accordance with tender documentation and incorrectly delivered. Some tenders submitted indicated a price for a one year contract, whilst others specified a two year contract period. To ensure fairness of consideration, each tendering company was contacted and instructed to confirm their prices for both one and two year periods.

In addition to fixed tender prices, tenderers were instructed to provide a cost analysis break up of estimated cleaning time and \$ value for each specific area of the Centre.

The purpose of requesting a break up of time allowed to clean each specific area, was to allow for a more detailed analysis of tenders and whether each had provided sufficient time to clean to a quality standard.

Using the price alone for the assessment of tenders creates two salient problems:

1. There is no assessment made on cleaning quality. The Centre conducts an annual service quality questionnaire, with facility cleanliness frequently identified as the highest priority issue in terms of customer expectations.
2. In a competitive market place, contractors are willing to bid contracts at well below market value in order to win business. Consequently not allowing sufficient time to clean properly.



Contractors that tender purely to win the contract on price must do so with a trade-off both in terms of cleaning time and quality.

Despite any contractor's best efforts, it is physically impossible to clean the Centre properly in 3 to 4 hours per night. It requires around 5 or more hours of work to achieve a desirable high standard.

The result will be that areas within the Centre will be constantly 'under-cleaned' or missed.

Consequently, it is strongly recommended that this tender be awarded on a balance and cost of time to clean properly, not necessarily dollar value alone.

The Centre conducted two evaluation initiatives to assess the current cleaning standard and to obtain an accurate indication of the time needed to clean the facility to a high standard.

1. The Centre previously had the facility and its' cleaning requirements independently assessed by a property management consultant, as well as examining the time contractors had allowed to clean each specific area of the Centre. Previous observations made by the consultant of the cleaning standard identified a number of areas being 'under-cleaned'. These observations were symptomatic of the existing contractor not allowing enough cleaning time.
2. Centre staff actually cleaned the facility one evening recently, in strict accordance with the tender specifications and to the extremely high standard desired. A total of 8 man hours were needed by staff to complete the nightly specifications to a high standard, however taking into account inexperience and significant residual / build-up of dirt it is reasonable that this figure could be reduced to around five (5) hours.

Utilising the guidelines and observations provided by the property management consultant and the time taken by staff to properly clean, an estimated annual cleaning hours total was obtained. This assessment reached a conclusion that 1750 hours annually or more were required to obtain a high quality, thorough cleaning standard.

The tenders received from Office Cleaning Experts, Lists Cleaning Service, Western Office Cleaning Services, Jason Cleaning and Bosworth Cleaning Services all fulfil the time allowance criteria. Jason Cleaning, Lists and Office Cleaning Expert's tender are highest of those under consideration, without a significantly higher 'in proportion' allowance in cleaning time. Some concerns exist with Bosworth Cleaning in terms of the number of available references and size of company.



References provided for Western Office Cleaning Services included Property Manager's Jones Lang LaSalle and Knight Frank Price Waterhouse, Perth International Airport Terminal and Forrest Chase, with those contacted all strongly advocating for this contractor's cleaning standard and recommending them without reservation.

Attached to the agenda is a breakdown of each tender, detailing the amount of time each company have proposed to complete the nightly duties within the Centre, with the associated dollar value and unit price.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Allocated funds are contained within the Centre's 1999 / 2000 Operational budget.

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

Nil

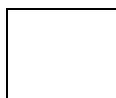
**117. (AG Item 24.1) (OCM2\_6\_1999) - RESOLUTION OF COMPLIANCE (Section 3.18 (3), Local Government Act 1995)**

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

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

**CARRIED 3/0**

MEETING CLOSED 8.30 PM



**CONFIRMATION OF MINUTES**

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

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

