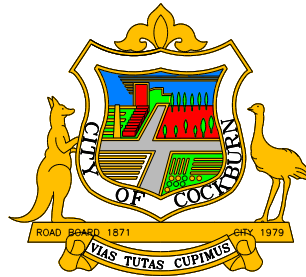


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR  
TUESDAY 17 JULY 2001**



## CITY OF COCKBURN

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## CITY OF COCKBURN

### AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 17 JULY 2001 AT 7:30 P.M.

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**1. DECLARATION OF MEETING**

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

**3. DISCLAIMER (To be read aloud by Presiding Member)**

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

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

**5. APOLOGIES AND LEAVE OF ABSENCE**

Deputy Mayor R. Graham	-	Apologies
Clr K. Allen	-	Apologies
Clr S. Rennie	-	Apologies

**6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Bert Renner - Public Question Time - Ordinary Council Meeting - 19 June 2001** - was concerned about the increase in moss growth in the area and requested reasons why this has occurred.

A letter dated 29 June 2001 advised that the Perth region moss growth is seasonal as it depends on moisture and humidity and tends to appear as the temperature drops concurrent with the onset of the first rains and tends to grow through the rainy season. It can be expected that it will die off at the end of the rainy period. Also, the use of reticulation will allow moss to grow for a longer period through the year however, it tends to be more prolific in the wetter months.

**Allan Beets - Public Question Time - Ordinary Council Meeting - 19 June 2001** - queried whether Council had a policy regarding billboards, hoardings or sandwich boards on verges or roadsides and if so, who controls the policy and was it being enforced.

A letter dated 26 June 2001 advised that Council has Local Laws to control such matters. Council staff respond to calls from the community to address individual cases of concern therefore taking a reactive approach to such issues but do not actively seek out breaches of legislation for which it is responsible. Council will not tolerate any breaches of its legislation which would create any potential safety hazards such as signage or other obstructions on verges which impede the line of sight and in such circumstances, staff are quick to ensure compliance with Council's requirements. This issue is not a simple one and Council currently tends to adopt a more flexible and tolerant attitude, except in certain circumstances.

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (Ocm1\_7\_2001) - ORDINARY COUNCIL MEETING - 19/6/2001**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 19 June 2001 be confirmed as a true and accurate record.

**COUNCIL DECISION**



9. **WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

10. **DEPUTATIONS AND PETITIONS**

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

Nil

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

13. **COUNCIL MATTERS**

13.1 (Ocm1\_7\_2001) - **APPOINTMENT OF DELEGATE/ REPRESENTATIVE TO COMMITTEES/EXTERNAL ORGANISATIONS (1701) (DMG)**

**RECOMMENDATION**

That due to the resignation of Clr Rennie as Councillor of the City of Cockburn, effective from and including 19 July 2001, Council appoints the following Council Delegates/Representatives to the Committees/Organisations as listed below:-

**Community Services Division - Social Services Unit**

**MUSEUM MANAGEMENT COMMITTEE**

(Meets 4th Tuesday - March each year - 5:30pm meeting followed by dinner)

Delegate: \_\_\_\_\_

**COCKBURN SPORTS COUNCIL**

(Meets 1st Wednesday each quarter - Feb, May, Aug, Nov - Old Council Chambers at 8:00pm)

Delegate: \_\_\_\_\_

Coordinator Recreation Services - Adrian Jarvis

**Planning and Development Division - Environmental Services**

BEELIAR REGIONAL PARK ADVISORY COMMITTEE  
(Meets as necessary)

Delegate: \_\_\_\_\_

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

**COUNCIL DECISION**

**Background**

Council, at its Special Meeting of 12 December 2000, appointed delegates/representatives to various Committees and Organisations.

**Submission**

N/A

**Report**

Clr Susan Rennie has resigned from Council, with such resignation taking effect from 18 July 2001.

Clr Rennie represented Council as delegate to the Cockburn Sports Council and Museum Management Committee. Clr Rennie was also Deputy Delegate to the Beeliar Regional Park Advisory Committee.

Council is to consider appointing another elected member to the Committees/Organisation as from and including 19 July 2001. The appointment will remain until May 2003 unless otherwise determined by Council.

It should be noted that it is the Mayor's prerogative to nominate to represent Council on the Museum Management Committee, which is a Committee established by Council.

In addition, it is appropriate to include Mr Adrian Jarvis as Council's delegate to the Cockburn Sports Council in his capacity as Council's Recreation Services Coordinator, owing to the resignation of the previous incumbent, Andrew Ward.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Nil

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

Nil

**13.2 (Ocm1\_7\_2001) - PROPOSED NEW DELEGATED AUTHORITY - DA LGAES6 "AUTHORITY TO CALL PUBLIC MEETINGS" (1054) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council adopts Delegated Authority Document DA LGAES6 "Authority to Call Public Meetings" as attached, for inclusion in Council's Delegated Authority Register.

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

**COUNCIL DECISION****Background**

On occasions, it is considered appropriate for Council to arrange Public Meetings for the purpose of conveying information or consulting with the general community on issues which may have an impact, or be of particular concern to Council or the community. Currently, Council does not have a specified process for achieving this and it is not always convenient for such meetings to be approved formally by Council decision through the monthly meeting process.

**Submission**

N/A

**Report**

It is considered appropriate for Council to delegate this function for the purposes of expediting the arrangement and notification of any public meetings for which reasons, consultation with the community is a suitable course of action to be taken. It is proposed that a condition of delegation would be for the Mayor to be aware and approve of the meeting being held.

**Strategic Plan/Policy Implications**

Key Result Area “Meeting Community Needs” refers.

**Budget/Financial Implications**

Nil

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

Nil

**13.3 (Ocm1\_7\_2001) - PROPOSED AMENDMENT TO COUNCIL POLICY AC3 - ELECTED MEMBER REQUESTS (1054) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council adopt Policy AC3 “Elected Member Requests” as attached to the Agenda.

**COUNCIL DECISION**

**Background**

At the Council meeting conducted on 19 June 2001, Council adopted numerous Policies following recommendation from the Committee established to review all Council Policies. During the review, Policy AC3 was amended to reflect that Elected Member requests for service be responded to in line with procedures associated with the Customer Request System which operates within Council.

**Submission**

N/A

**Report**

While the policy was amended to generally reflect the processes involved in integrating Elected Member requests into the Customer Request System, it did not delete the requirement for the Elected Members to be advised in writing of the outcome. The Customer Request System does not require that responses to actions taken be responded to necessarily in writing, and it is recommended that this

imperative be deleted to enable more flexibility in the response process.

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

Key Result Area “Managing your City” refers.

### **Budget/Financial Implications**

Nil

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

Nil

## **13.4 (Ocm1\_7\_2001) - PROPOSED NEW POLICY SC22 "AUTHORITY TO ATTEND FUNCTIONS EVENTS AND INFORMATION FORUMS" (1054) (DMG) (ATTACH)**

### **RECOMMENDATION**

That Council adopts Policy document SC22 “Authority to Attend Functions, Events and Information Forums” as attached, for inclusion in Council's Policy Manual.

### **COUNCIL DECISION**

### **Background**

Council frequently receives information from associated organisations publicising events which they are conducting together with an invitation for Council to be represented at such functions. The purpose of these forums can vary greatly from presentations by a guest speaker to more structured seminar style events. However, Council currently does not have a process in place to enable elected members to register for such functions as they do not relate to a specific Policy (eg. Attendance at Conferences).

### **Submission**

N/A

## Report

It is proposed that a Policy be adopted which enables elected members to nominate to attend such functions on behalf of Council and for arrangements and associated costs, usually minor in detail, to be organised in advance through Council's administrative processes.

## Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

## Budget/Financial Implications

Associated costs to be debited to A/C 110290 "Conferences, Seminars, Training".

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

Nil

### 13.5 (Ocm1\_7\_2001) - PROPOSED NEW POSITION STATEMENT PSCS15 "GRAFFITI AND VANDALISM RESPONSE - NON COUNCIL OWNED PUBLIC PROPERTY" (1054) (DMG) (ATTACH)

#### RECOMMENDATION

That Council adopt Position Statement PSCS15 "Graffiti and Vandalism Response – Non Council Owned Public Property" as attached, for inclusion in Council's Position Statement Manual.

#### COUNCIL DECISION

## Background

Council has, in the past, only taken responsibility for maintaining its own property from the effects of graffiti and vandalism damage. With the Community Needs Survey 2000 identifying this as an issue of concern within the wider community, it is proposed that a new service targeting the removal of graffiti and vandal damage maintenance be applied to public property which would not otherwise be the responsibility of Council to address.

## Submission

N/A

## Report

For the service being proposed to function effectively, it is considered appropriate to separate the monitoring of the new service from the one which currently operates, while maintaining a consistent approach to maintenance standards. For this purpose, it is considered the operating procedure as outlined in the proposed Position Statement, would be most effective for implementation in the first instance.

## Strategic Plan/Policy Implications

Key Result Area “Maintaining Community Facilities” refers.

## Budget/Financial Implications

Funds of \$50,000 proposed to be allocated in 2001/02 Budget.

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

Nil

### 13.6 (Ocm1\_7\_2001) - PROPOSED AMENDED POSITION STATEMENT PSEW10 "GRAFFITI AND VANDALISM RESPONSE - COUNCIL PROPERTY" (1054) (DMG) (ATTACH)

#### RECOMMENDATION

That Council adopts Position Statement PSEW10 “Graffiti and Vandalism Response – Council Property” as attached, for inclusion in Council’s Position Statements Manual.

#### COUNCIL DECISION

## Background

Council’s current Position Statement on removal of graffiti is in need of review, due to the impending introduction and expansion of Council’s Graffiti Removal Program to non-Council owned public property. In addition, the proposed statement also addresses vandal damage to Council property.

## Submission

N/A

**Report**

With the soon to be introduced Council practice of targeting graffiti and vandalism damage to public (non-Council) owned property, it is considered appropriate to align as many processes as are suitable to the new service. This will ensure a consistency in the delivery of the service, so that the public will not have to differentiate between what is Council or non-Council property, only that the issue will be dealt with in accordance with Council's standards.

**Strategic Plan/Policy Implications**

Key Result Area "Maintaining Community Facilities" refers.

**Budget/Financial Implications**

Funding provided in Council's Building Maintenance Budget.

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

Nil

**13.7 (Ocm1\_7\_2001) - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 - AMENDMENTS (1116) (LJCD) (ATTACH)**

**NOTE: The Presiding Member to read aloud a summary of the purpose and effect of the proposed amendments.**

<p><b>RECOMMENDATION</b> That Council:</p> <ul style="list-style-type: none"><li>(1) pursuant to section 3.12 (2) of the Local Government Act 1995, Council resolve to make amendments to the City of Cockburn (Local Government Act) Local Laws 2000, as recorded in the attachment to this report; and</li><li>(2) adhere to all of the statutory procedures ensuring the promulgation of the amendments to the City of Cockburn (Local Government Act) Local Laws 2000.</li></ul>
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<p><b>COUNCIL DECISION</b></p>
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## **Background**

Council, on 15 August 2000, resolved to make the City of Cockburn (Local Government Act) Local Laws 2000 and the Local Laws were published in the Government Gazette on 9 October 2000.

## **Submission**

The purpose and intent of the amendments to the City of Cockburn (Local Government Act) Local Laws 2000, is to give effect to minor changes to bring land uses within the ambit of Council's Town Planning Scheme, amending the date of registration of stables to bring the practice in line with the Health Act 1911 and deleting reference to vibrations and "noise" nuisances which are covered by the Environmental Protection Act.

Also the need arose to increase the number of dog exercise areas within the district and to implement penalties for breaches of sections 5.4 and 5.10 of the local laws.

Furthermore, amendments have been made to bring the local laws in line with the Traffic Code 2000.

## **Report**

Over time, issues change and there is a need to address these issues by amendments to the local laws. The proposed amendments to the local laws are set out in the attachment to this report.

The terminology relating to the Town Planning Scheme has changed. For example, the term 'rural area' and 'special rural area' were appropriate at the time the local laws were written. But the terms have changed as 'rural area' becomes 'rural zone' and 'special rural area' becomes 'resource zone' because the area is within the Jandakot Water Mound.

The registration date for stables has been amended from June to December to bring the practice in line with the Health Act 1911.

The words 'noise' and 'or vibrations' have been deleted from section 5.4 because such issues are covered by the Environmental Protection Act.

Throughout Part IX and Part X, the words have been amended to reflect the position of the Traffic Code 2000. For example, 'street verge' is replaced with 'nature strip' and the words 'stand', 'standing' or 'stood' have been replaced with 'stop', 'stopping' or 'stopped'. Also new definitions have been provided to bring the local laws in line with the Code and several new sections have been provided to enhance the local laws.

Other minor amendments are proposed such as deleting the definition for “special rural area”, providing a definition for the “resource zone”, increasing the number of dog exercise areas, implementing some minor spelling corrections and providing penalties for offences occurring due to a breach of section 5.4 and 5.10 of the local laws.

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

Key Result Area “Managing Your City” refers.

### **Budget/Financial Implications**

Direct costs associated with the approval are provided for within Council’s operational budget.

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

Nil

## **13.8 (Ocm1\_7\_2001) - LOCAL GOVERNMENT WEEK CONFERENCE - 5-7 AUGUST 2001 - COUNCIL DELEGATE ATTENDANCE (1332) (RWB)**

### **RECOMMENDATION**

That

- (1) Council register the following Elected Members to attend the Local Government Week Conference, August 2001:
  - Mayor Lee (Monday 6 August)
  - Deputy Mayor Graham (Sunday 5 & Monday 6 August)
  - Clr Humphreys (Sunday 5 & Monday 6 August)
  - Clr Waters (Sunday 5 & Monday 6 August)
  - Clr Reeve-Fowkes (Monday 6 August)
- (2) the voting delegates for the Annual General Meeting of the Local Government Association be Council's delegates to the South Metropolitan Zone being Clr Humphreys, Clr Waters and the Chief Executive Officer.

### **COUNCIL DECISION**

**Background**

The Local Government Week Conference is held annually as part of Local Government Week. The conference includes the Annual General Meeting for the Local Government Association, Country Urban Councils Association and Country Shire Councils Association.

**Submission**

N/A

**Report**

The Local Government Week Conference is to be held from 5-7 August 2001 at the Burswood Convention Centre. Council's representation is limited to the 5th and 6th August as the 7th is set down for the Country Shire Councils Annual General Meeting.

Elected Members have been provided with a copy of the program, which commences at 1:30pm on Sunday, 6 August with the Annual General Meeting of the Local Government Association, following registration which is available from 12 noon.

Whilst the Annual General Meeting is open to conference attendees, Council is limited to three voting members.

The three Council delegates to the South Metropolitan Zone Local Government Association have been the voting members in the past. Council's delegates are Cllr Humphreys, Cllr Waters and the Chief Executive Officer. In instances when the Mayor has attended, the Mayor has voted instead of the Chief Executive Officer. The Mayor has indicated he will not be attending the Annual General Meeting.

The conference program provides for a daily rate of \$231 or full conference at \$418. The fee includes a Cocktail Reception on 5 August for delegates with a fee of \$33 for partners.

The cost of attending the Conference Dinner on Monday, 6 August is \$88 per person.

Council's Policy AES6 requires that if more than one nomination is received to attend the conference, Council must determine attendees. The Policy also allows for partners to attend conference dinners and where approved by resolution of Council, for overnight accommodation and additional partner expenses.

In response to a registration question, Elected Members have advised as follows:-

- Mayor Lee - attend Monday including Gala Dinner with partner.
- Deputy Mayor Graham - attend both days (inclusive of Cocktail Reception) together with Gala Dinner.
- Cllr Humphreys - attend both days (inclusive of Cocktail Reception) together with Gala Dinner with partner.
- Cllr Waters - attend both days (inclusive of Cocktail Reception) together with Gala Dinner with partner.
- Cllr Reeve-Fowkes - attend Monday including Gala Dinner with partner.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Funds are provided for in the Elected Members Conferences/ Seminars/Training Account.

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

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (Ocm1\_7\_2001) - PROPOSED EARTHWORKS AND LAND FILL, LOT 61; BARTRAM ROAD, ATWELL (5519061) (SC) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) Approves the proposed earthworks and land fill on Lot 61; Bartram Road, Atwell in accordance with the submitted plans received on 28 March 2001 prepared by Sinclair Knight Merz subject to the following conditions:-

**Standard Conditions**

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

**Special Conditions**

1. Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan identifying measures to minimise the clearing of existing vegetation and to provide for protection/relocation of fauna.
2. Melaleucas within Beenyup Road must be retained and may only be removed if the prior approval of the Council is granted.
3. The perimeter of the earthworks must be fenced and clearly marked to ensure all site works are clear from the wetland in the north east corner of Lot 61 Bartram Road and adjacent buffer.
4. The fill material must be clean and to a quality that is suitable for residential building construction.
5. The applicant must prepare and implemented a water management plan addressing water quality and drainage issues in accordance with the guidelines of the Waters and Rivers Commission and to the satisfaction of the City.

**FOOTNOTE**

1. This approval does not constitute subdivision approval, which must be obtained from the Western Australia Planning Commission.
2. Issue an MRS Form 2 Notice of Approval for 12 months.

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

**COUNCIL DECISION**

## Background

ZONING:	MRS:	URBAN DEFERRED
	DZS:	DA 10 –ATWELL SOUTH DEVELOPMENT AREA – “DEVELOPMENT”
LAND USE:	VACANT LAND	
LOT SIZE:	19.6313HA	
AREA:	N/A	
USE CLASS:	SA – USE NOT LISTED	

Council at its ordinary meeting of 21 November 2000, resolved to conditionally approve the structure plan for the above lot. The application for subdivision has not been granted by the Western Australia Planning Commission.

To apply for approval of earthworks prior to subdivision approval is not an unusual process as a similar application was approved for Pt Lot 19 Bartram Road, Success and JAA Pt Lot 214, Lyon Road, JAA Pt Lot 212 Lyon Road and Pt Lot 19 Beenyup Road, Atwell (The Gateway Shopping Centre) The developer (Gold Estate of Australia Ltd) put in an application for earthworks and land fill for a portion of land when they did not have actual plans for development.

## Submission

The applicant seeks Council’s permission to commence earthworks and fill land on the above site as an interim step to the residential subdivision of Lot 61 Bartram Road, Atwell.

The proposed earthworks involve filling 9.4 hectares of land by 1.0 metres or 1.5 metres in height in order to achieve the required vertical separation to the water table. The proposal is consistent with the structure plan (as attached). No filling is proposed within a central area of the land set aside as future public open space. Vegetation affected by the earthworks which is not significant, will be cleared prior to earthworks.

## Report

The proposal is a SA - ‘use not listed’ under District Zoning Scheme (DZS 2) No. 2 for which City officers do not have delegated authority to either approve or refuse the application. The Council must determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone. The property is currently zoned “Development” under District Zoning Scheme No. 2. The purpose of Development Areas is to identify areas requiring comprehensive planning prior to subdivision and development and secondly coordinate subdivision and development in areas requiring comprehensive planning. Therefore, the proposal is consistent with the purpose of the zone.

The affected landowners north of Bartram Road and Landcorp were notified in accordance with Scheme requirements of the application and given the opportunity to comment within a period of 21 days. At the close of the advertising period, only one submission was received. The main concern of the respondent was with the type of fill material. The City had since advised the respondent that the land would be filled with sand and the respondent was satisfied with the advice.

Due to the close proximity of the land to a Resource Enhancement Wetland, situated in the north east corner of Lot 61 Bartram Road, the application was referred to the Waters and Rivers Commission ("Commission") for their comments. A Resource Enhancement Wetland is described as: wetlands that have been partially modified but still provide substantial functions and attributes. (Wetlands of the Swan Coastal Plain Study, 1996 Hills et al). The Commission did not object to the proposed earthworks but they did express disappointment at the lack of inclusion of natural wetlands in the proposed subdivision plan.

The application was also referred to the Western Australia Planning Commission, however they did not have any comments or recommendations to make on this application.

It is recommended that the proposed development for earthworks and landfill be approved subject to the conditions contained in the recommendation.

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

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

1. Planning Your City
  - (i) *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - (ii) *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
2. Conserving and Improving Your Environment
  - (i) *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - (i) *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

APD 17\* Standard Development Conditions and Footnotes

SPD 3 Native Fauna Protection Policy

SPD 5 Wetland Conservation Policy

**Budget/Financial Implications**

N/A

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

Nil

**14.2 (Ocm1\_7\_2001) - DEVELOPMENT COMPLIANCE PROCESS - POLICY APD29 (9001) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt proposed Policy APD29 "Development Compliance Process" pursuant to District Zoning Scheme No. 2, as attached, to guide the issuance of instructions regarding non-compliant development for indecision in the Councils' Policy Manual
- (2) adopt Delegated Authority APD29 "Development Compliance Process", as attached, for inclusion in the Councils' Delegated Authority Register.

**COUNCIL DECISION**

**Background**

The City receives a diverse range of development compliance problems from the general public at an average rate of one every two days. The types of compliance matters can vary significantly from an unauthorised home occupation to an unauthorised industrial activity. Other compliance matters arise in follow-up inspections on conditions of approval which has not been undertaken in a systematic way in the past. This has lead to certain developments failing to comply with



conditions that would otherwise improve the operation and amenity of the activity.

The City employs a Development Compliance Officer to respond to and investigate breaches of the City of Cockburn District Planning Scheme No 2. This appointment has proven effective as one point of contact for compliance matters and allows the officer to focus his duties on resolving various matters. This is carried out in the first instance by negotiating a 'win win' solution in which case, a clear majority of approximately 80% of complaints are resolved within 2-4 weeks. It is inevitable that some land owners and operators will not comply with instructions issued by the City.

There is no clearly defined process for dealing with development compliance matters and this has lead to:

- at times, a lack of consistency in responding to development compliance matters;
- some owners are given more time to comply with the City's requirements than other people in a similar situation;
- complainants not being satisfied that the City is responding as quickly as it should.

Development compliance is given force and effect by the City of Cockburn District Zoning Scheme No 2. Clause 7.2 of DZS2 requires:-

- 1) Council approval prior to commencement of development;
- 2) Compliance with development conditions.

Failure to comply with any of the provisions of the Scheme constitutes an offence under the *Town Planning and Development Act*. Section 10 (4) (a) of the Act states:

*“A person who –  
contravenes or fails to comply with the provisions of a town planning scheme; or  
commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme.”*

*Is guilty of an offence.*

*Penalty: Maximum \$50,000, and a daily maximum penalty of \$5,000.*

### **Submission**

N/A

## Report

The purpose of this report is to seek adoption of the proposed Policy APD29 "Development Compliance Process" pursuant to District Zoning Scheme No. 2. Council's authorisation is also sought to enable the Director Planning & Development to initiate legal action where development is in breach of the City of Cockburn District Zoning Scheme No 2. Legal action is viewed as a 'last resort' in the event that an offence continues unresolved or unlikely to be resolved within a reasonable time thereafter.

The proposed "Development Compliance" Policy was advertised for public comment in accordance with Scheme requirements and at the close of the advertising period, no submissions were received.

A development compliance process has been prepared as a guide to responding to public complaints. This process includes the major steps involved in enquiries, receipt of complaints, processing and completion.

The development compliance process attached is self-explanatory and focuses on resolving matters up-front and in person. Compliance matters requiring further action will result in a first warning letter giving 28 days notice to bring a property into compliance with District Zoning Scheme No 2. A continuation of an unlawful activity will result in the issuance of a second notice for 14 days to comply with stated Scheme requirements. If a breach of the Scheme still continues, the matter would then be referred to Council's solicitors for final notification before initiating legal proceedings. This approach allows for 'three strikes' for breaches of the Scheme by a person/s, (usually the owner of the land but can also include an operator).

Prior to undertaking legal proceedings, it is important to ensure that the following principals are observed:-

1. There is a clear breach of the City of Cockburn District Zoning Scheme No 2;
2. Every reasonable opportunity has given by the Council for the matter to be resolved;
3. A continuation of the breach would result in an adverse impact on the amenity of the area, and further complaints being received.
4. The development conflicts with the general principles of orderly and proper planning.

## Strategic Plan/Policy Implications

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

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

### **Budget/Financial Implications**

There would be legal costs associated with undertaking legal action that would be recovered with a successful prosecution in a Court of Petty sessions.

The City currently employs a Development Compliance Officer (DCO).

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

Nil

## **14.3 (Ocm1\_7\_2001) - HERITAGE LISTING - NAVAL BASE CARAVAN PARK, COCKBURN ROAD, HENDERSON (1911; 9136) (MR)(ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) enter the 'Naval Base Caravan Park' on the Heritage List of Places contained in the Municipal Heritage Inventory prepared pursuant to Section 45 of the Heritage of WA Act 1990; and
- (2) advise the leaseholders of the entry of the place on the Municipal Heritage Inventory.

### **COUNCIL DECISION**

### **Background**

The Naval Base Caravan Park is located on a narrow strip of land adjoining the southern boundary of the district and forms part of the Beeliar Regional Park. The site is isolated from other developments

and therefore, has no adverse impact on the use or enjoyment of the surrounding land uses.

The 'Naval Base Caravan Park' as it is commonly referred to, has been in existence as a holiday camp (shacks) since around 1933. There are 178 camp sites, most of which appear to have originated as on-site caravans and over time, have had awnings, patios and other minor additions attached to them.

The Naval Base Townsite immediately east of the Caravan Park at the foot of Mt Brown, was demolished many years ago with only the roads and gardens left to gradually become part of the Beeliam coastal bushland.

The State Government have also sought to have the Naval Base Caravan Park demolished within a fixed time period, but has recently agreed that the sites can be leased on an annual basis. This would facilitate short notice to leaseholders to vacate the site should the government require the land.

It is understood that the reason why the State wanted to demolish the park, was to enable the proposed Challenger Beach Container Port operated by the Fremantle Port Authority, to be constructed there. Although this remains a concept, there has been no progress in relation to the planning of this project however, it is still a firm proposal of the FPA.

One of the possible reasons for the lack of progress, is probably due to the State Government promoting a "private port" at James Point in Kwinana. Although the FPA port and the private port are both on the agenda, the private port is progressing faster than the FPA proposal and it is unlikely in the short to medium term, that there will be a need for two ports.

In the circumstances, it is not inappropriate to consider the listing of the Naval Base Caravan Park. It also means that if the Challenger Beach port proposal proceeds, due regard will need to be had for the heritage value of the camp site.

Moreover, there are currently issues relating to:-

1. the use of the reserve for a "quasi" caravan park as it is an 'A' Class Reserve set aside for recreation and camping;
2. the issue of building licences for the rehabilitation and renovation of the existing camp sites.

In response to these issues, the reserve, which is owned by the Department of Land Administration (DOLA), is being used for recreation and camping. Over time, the camps have become

permanent structures. Despite this, the majority of the camps are used on a temporary, holiday basis. By having the site heritage listed, will assist in confirming the acceptability of the form of development on this reserve.

The camp sites are served by 2 ablution blocks and a small kiosk. The tenants have formed a "Holiday Association" to represent the interests of the reserve users. The reserve is vested in the City of Cockburn and therefore the area is well maintained and always found to be tidy and presentable.

### **Submission**

N/A

### **Report**

#### Heritage Consultant

Consultants, Heritage Today, were engaged to undertake a heritage assessment of the Naval Base Caravan Park. A Municipal Heritage Inventory place record was completed and included 8 pages of text and photos and is attached to this report. The management recommendation is:-

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

#### Statement of Significance

The Naval Base Caravan Park has aesthetic, historic, social and rarity cultural heritage significance. The Naval Base Caravan Park is located on a narrow strip of land that forms part of the Beeliar Regional Park. The holiday centre has scenic views across Cockburn Sound to Garden Island. The caravan park is well maintained and the shacks have a uniformity of scale and size that along the coastal setting gives the place considerable aesthetic appeal.

The sites have been used by generations of families from not only Cockburn, but from a wide range of metropolitan and country locations. It has exceptional social historical value as a popular and well used holiday destination.

The caravan park has representative significance as a good example of holiday camps which used to exist along the Western Australian coastline but have disappeared in the face of development.

The Naval Base Caravan Pak is now an anachronism in the Perth Metropolitan Area. There are no longer any other holiday camps of this

type existing along the coast. This place therefore, is unique and has significant rarity heritage value.

#### Lessee Response

In accordance with Council's decision (OCM 17 April 2001), leaseholders of the Naval Base Caravan Park site were notified of the proposed heritage listing. At the close of the 21-day submission period, 89 submissions were received, all of which raised no objections to the proposed heritage listing. The following main points were raised from the submissions received:-

- Memorable holidays at the caravan park
- Long Family history with the caravan park (passed down from 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> generation)
- Great recreational spot for swimming and fishing
- Good example of a unique Australian lifestyle
- Leave the caravan park for future generations to come
- Pleased with the City being pro-active.

#### What is a Municipal Heritage Inventory?

A Municipal Heritage Inventory is a list of buildings and places that in the opinion of the City, are or may become, of cultural heritage significance. Local councils are required under Section 45 of the Heritage of Western Australia Act 1990, to prepare such a list.

Our heritage is aspects of our past that we want to keep; a site which has played an important role in our history; a building which is special because of its architectural style or association with a person; or a natural feature – things we would like future generations to enjoy.

#### What does it mean to be Heritage Listed?

It is recognition of a place's heritage importance to the community. There are no statutory implications other than a requirement for the list to be sent to the Heritage Council for public information.

There is no legal obligation to maintain a listed property in any other way other than under the existing regulations.

#### Is Demolition prohibited?

Demolition is not prohibited for a place included in a Municipal Inventory however, if the place is included in a Town Planning Scheme, special consideration may apply.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

### **Budget/Financial Implications**

Currently the lessees pay an annual fee to the Council of \$521 (ex GST) which totals \$92,738 to be used on the care and maintenance of the reserve.

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

The inclusion of the Naval Base Caravan Park on the Heritage List is an option open to Council and is not in contravention of Section 3.18(3) of the Act.

The inclusion of the reserve on the Heritage List could in fact provide greater certainty for lessees and by so doing, achieve improved levels of efficiency and effectiveness in the care and maintenance of the reserve.

## **14.4 (Ocm1\_7\_2001) - SOUTH FREMANTLE POWER STATION - RECLASSIFICATION FROM PARKS AND RECREATION RESERVE TO URBAN (1048) (SMH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;

- (2) request the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme to reclassify the South Fremantle Power Station site, Lots 2 and 3 on Fremantle Townsite (Owen Anchorage) 1762 McTaggart Cove, Hamilton Hill from Parks and Recreation Reserve, to Urban, subject to a continuous public foreshore reserve being retained adjacent to the land and to a suitable setback to the coast being determined for any re-development that may occur on the property; and
- (3) advise the applicant of Council's decision accordingly.

## COUNCIL DECISION

### Background

The South Fremantle Power Station was decommissioned in the late 1980's.

In accordance with the Master Plan for the re-planning and re-development of the North Coogee area, the site was classified from a SECWA Reserve to a Parks and Recreation Reserve under the MRS. The Local Scheme was amended automatically.

Since the decommissioning of the power station, there has been an effort by both the State Government and the Council to identify a re-use of the station building.

Studies have been undertaken and informal proposals submitted for consideration from time to time, but to date, no suitable re-use has been identified.

In 1997, the building was destined to be demolished. The Council prepared a scheme for the redevelopment of the land as a foreshore park. A heritage assessment of the building at the time did not support its retention and Western Power believed that it was structurally unsound and should be demolished.

All the asbestos and the PCB's on the site are understood to have been removed.

The site was visited by Senior Ministers of the previous State Government to assess its potential for re-use and this resulted in the building being put on the Interim Heritage List. The building is now on



the State Register of Heritage Places, Interim Register. A state owned property can remain as 'interim' indefinitely.

Subject to the approval of the Heritage Council of WA, the building could be demolished.

The Council has, in the past, supported the demolition of this large industrial building subject to the land being made freely available for public access as part of the foreshore to Owen Anchorage.

### **Submission**

Western Power in a letter dated 18 June 2001, wrote:-

"SOUTH FREMANTLE POWER STATION (C/T'S 1878/136 & 1878/137)

Western Power Corporation is making the necessary arrangements to dispose of the above property.

These arrangements include Environmental and Heritage clearances.

The property is currently zoned Parks and Recreation. Western Power Corporation considers an appropriate zoning for its property (highlighted on the attached plan) to be Urban. Could you please seek advice from your Council to assist Western Power Corporation in the sale of this property.

The Councils support of a proposed Urban zoning would be of great assistance."

### **Report**

The Power Station is located on a 6 hectare site. The building has a footprint of 1 hectare and is approximately 4 storeys high. This is a huge building in a very unique water front location.

The size of the building is likely to be one of the reasons why the identification of suitable re-use option is very difficult. To date, there have been no seriously entertained proposals submitted to either the State or the Council.

A report was recently prepared on the future of the power station by the School of Business at Edith Cowan University. It is not clear what status this report has.

Over the years the possible re-use "ideas" for the building has ranged through:-

- private residential
- commercial residential (hotel, resort etc)
- public facilities (museum, art, theatre community facilities)
- water playground
- office/residential/restaurant/community facilities
- education

Because the building is in public ownership (Western Power) and is on a large site, it may have been a suitable site for the Maritime Museum and/or a marine based education facility (Marine Industries Skills Centre).

Western Power however, are not so concerned about the end use of the site, but to create the potential for the land to be sold.

The urban zone under the MRS would provide the scope of a range of suitable uses from parkland, through residential to light and service industry. This is clearly the appropriate zone to facilitate future re-use and re-development of the building and/or the land. An industrial zone would be totally inappropriate.

If it is decided that the building be retained or demolished, the Urban zone provides the best outcome and may even provide the opportunity for the building and/or the land to be redeveloped in association with the Port Catherine Marina Project.

As zoned land, the Council will also have a role in the determination of the future of the site unless it is deemed to be a public work.

As reserve, the State Government could approve an alternative use for the building and the land, with the Council only able to make recommendations.

The Council has, for sometime, been of the strongly held view that all or portion of the land in North Coogee would be zoned urban to facilitate residential development on this prime piece of coastal land.

The Council also believes that no industrial activity should be located on the coast that does not need to be on the coast for its operation.

The Council should therefore support Western Power in its desire to have the reserve reclassified under the MRS from Parks and Recreation to Urban, subject to a suitable setback to the coastline being determined for the re-development of the land and the maintenance of a continuous public foreshore reserve.

## Strategic Plan/Policy Implications

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

## Budget/Financial Implications

N/A

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

The Council has the right to request the WAPC consider an amendment to the MRS within its district.

Prior to the amendment proceeding, the WAPC is required to refer the proposal to the EPA for assessment.

Should the MRS be amended, then the Council will be required to amend its scheme to be consistent with the MRS.

## 14.5 (Ocm1\_7\_2001) - DELEGATED AUTHORITY TO APPROVE DETAILED AREA PLANS (92229) (MR) (ATTACH)(ATTACH)

### RECOMMENDATION

That Council:

- (1) adopt Policy "Approval of Detailed Area Plans APD31" attached, for inclusion in the Councils' Policy Manual; and
- (2) adopt Delegated Authority "Approval of Detailed Area Plans" APD31, attached, for inclusion in the Councils' Delegated Authority Register.

### COUNCIL DECISION

## **Background**

Landcorp is about to seek the approval from the City to a “Detailed Area Plan” (“DAP’s) for Atwell South. No delegated authority from the Council has been granted to authorise the approval of detailed plans.

DAP’s were introduced into the City of Cockburn District Zoning Scheme No 2 by Amendment 192.

While Structure Plans are intended to guide the land-use, subdivision and development of new development areas, the purpose of DAP’s is to enhance, elaborate or expand on the details or provisions contained in a Structure Plan.

The provisions that apply to detailed area plans may include building envelopes, private open space, special development control guidelines etc.

This matter also relates to Amendment 229 to DZS2, which seeks to introduce the ability for the Council to vary the requirements of the Residential Planning Codes within the Residential Zone and Development Area in the Scheme.

## **Submission**

N/A

## **Report**

There are several Development Areas within DZS2 in Atwell and Success where DAP’s may be prepared to guide detailed development of smaller cottage size lots accessed via rear lane-ways for example. There may be other applications for DAP’s in terms of guiding broader planning and environmental principles that could apply to new residential areas.

The approval of DAP’s is a statutory action and administrative function which could be conducted within the scope of a Simple Administrative Policy and delegated authority from the Council to the Principal Planner. This would still ensure the effective and efficient processing of plans at a detailed level while allowing the Council to focus its decision-making powers on the approval of Structure Plans.

There is no public advertising requirement for DAP’s which further reaffirms the internal administrative process involved.

Attached, is a copy of a proposed Policy and Delegated Authority for the Councils' consideration.

### Strategic Plan/Policy Implications

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

#### Planning Your City

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

#### Conserving and Improving Your Environment

- *"To conserve the character and historic value of the human and built environment."*

#### Facilitating the needs of Your Community

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

### Budget/Financial Implications

N/A

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

Nil

#### 14.6 (Ocm1\_7\_2001) - PARTIAL CLOSURE OF ANDERSON ROAD, HENDERSON - PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997. (45108) (KJS)(ATTACH)

##### RECOMMENDATION

That Council requests that the Department of Land Administration close portion of Anderson Road, Henderson and include the closed land into Pt Lot 2 & 3.

##### COUNCIL DECISION

**Background**

Spectrum Surveys, acting for Landcorp, has requested the closure of the western half of Anderson Road south of Success Way, Henderson to facilitate further subdivision of their land holdings.

**Submission**

N/A

**Report**

The area to be closed and included into the adjoining land is in accordance with an approved industrial subdivision. Access to reserve land on the east of Anderson Road will be maintained. Requirements of the Land Administration Act in respect of advertising and reference to service authorities have been undertaken. There have been no objections to the proposal.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**14.7 (Ocm1\_7\_2001) - DRAFT STATE LIME SUPPLY STRATEGY (9114) (CC) (ATTACH)**

**RECOMMENDATION**  
That Council:

- (1) support in principle, the Draft State Lime Supply Strategy dated May 2001, and;
- (2) forward the submission on the Strategy in the form of a letter as contained in the agenda attachments, to the Department of Resources Development for its consideration.

**COUNCIL DECISION**

## Background

The State Government, through the Department of Resources and Development, has released the Draft State Lime Supply Strategy for stakeholder comment. The purpose of the strategy is to balance the need to protect environmental and social values against the requirements for lime for industry, construction and agriculture over the next 50 years.

Sources of lime within the City of Cockburn include shell sand dredged from Cockburn Sound and land based limestone deposits in Wattleup and Henderson. These resources, coupled with the Cockburn Cement works and their location within the Perth Metropolitan Region, sees Cockburn identified in the Strategy as a key node in the network for industrial and construction lime supply.

The Strategy priorities are:-

- safeguard amenity and the environment;
- protect a strategic lime/limestone supply network; and
- rationalise the administrative/legislative framework.

In support of these general objectives, the Strategy identifies a set of proposed actions which, for a few exceptions discussed below, can be supported on administrative, planning and environmental grounds. *(See Agenda Attachment for proposed actions)*

## Report

Whilst it is acknowledged that Cockburn shall remain a strategic lime extraction and processing area for years to come, it is pointed out that Council has no direct legislative power over the operation of the lime industry outside or within the district. Dredging and the Cockburn Cement works are governed by a State Agreement Acts and planning control for land based limestone extraction operations in Wattleup and Henderson, is the responsibility of the Western Australian Planning Commission under the Hope Valley Wattleup Redevelopment Act 2000.

The lack of legislative/planning authority coupled with the repeal of the extractive by-laws, leaves the Council with only the authority to act in respect to noise complaints (Environmental Protection Act 1996) and dust complaints (Local Laws).

Council repealed its extractive industry local-laws to rationalise its administrative/legislative framework as they represented unnecessary duplication of planning approvals. Further to this, breaches of planning

approvals allows Courts to levy greater fines than those allowed under local laws.

Notwithstanding the above, proposed action to place the administration of lime extraction industry entirely under the Mining Act, raises issues for Local Government in general.

Powers of control should be maintained by Local Governments, as they are in a better position to monitor the day-to-day operations of extractive industries and have personnel to deal with operational issues. Local governments are also the 'first port of call' for complaints regarding extractive operations. The removal of legislative control from the local government would be to the detriment of local amenity issues.

Contrary to the industry perspective outlined in the Strategy, it is Council's experience that some extraction operators with long term approvals do not act responsibly in respect to environmental management. As a standard, a 5 years approval with scope for a further 5 years approval based on environmental performance, is a sufficient period of time and control mechanism for operators to demonstrate commitment to environmental management. An upper limit of 10 years may be appropriate subject to demonstration of the regional significance of the resource and the need for greater security of tenure with regular reporting on environmental compliance.

Another issue for local government is the maintenance of local roads used by trucks transporting extracted resources. The proposed action for Lime producers to assist local governments to maintain roads is supported. Cockburn has required road maintenance agreements on planning approvals and applied differential rates to extractive industry sites. These appear to be acceptable and practical methods of acquiring contributions for road maintenance.

It is considered appropriate that Council forward these comments to Department of Resources Development so that they may be considered in formulation of the State Lime Supply Strategy. (See *Agenda Attachments for proposed Letter to DRD*).

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

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

- (1) Managing Your City
  - (i) *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
- (2) Planning Your City



- (i) *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - (ii) *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- (3) Conserving and Improving Your Environment
- (i) *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - (ii) *"To conserve the character and historic value of the human and built environment."*
  - (iii) *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

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

N/A

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

Nil

#### **14.8 (Ocm1\_7\_2001) - 7 AGED OR DEPENDENT PERSONS UNITS AND 6 SINGLE BEDROOM UNITS - LOT 1526; 2 BIRKETT AVENUE, BEELIAR (4413453) (SC) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) approve the proposed 7 aged or dependent persons units and 6 single bedroom units on Lot 1526; 2 Birkett Avenue, Beeliar subject to the following conditions:

#### **Standard Conditions**

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

**Special Conditions**

1. At least one occupant of each unit on the ground level must be a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care in accordance with the Residential Planning Codes.
  2. The aged or dependent persons units on the ground floor being designed in accordance with the relevant Australian Standards such as AS1428 and any other special requirements detailed in Council's Aged Persons Accommodation – Development Guidelines Policy.
  3. A revised drawing being prepared prior to submitting an application for a building licence showing car parking bays 1, 2 and 8 shifted to the vacant area in front of unit 2, such that a larger and more practical communal place can be achieved. The revised drawing must also provide a communal facility for bin storage and a clothes-drying area or dryers installed within the upper floor units.
  4. Fencing abutting The Grange being reconstructed in part to include a visually permeable fencing type where provision is made for communal open space.
  5. The footpath rail-handle on Hybanthus Loop being removed (at the applicant's cost) and replaced adjacent to the road to the satisfaction of the City.
  6. The second storey single bedroom units N<sup>o</sup>s 8-13 are not to be restricted to aged or dependant persons accommodation, and may be occupied by any single person.
- (2) issue a Notice of Approval for the development valid for a period of 2 years.

**COUNCIL DECISION**

## Background

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL: – R40
LAND USE:	VACANT LAND	
LOT SIZE:	2353m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	'AA'	

Council at its meeting on 17 April 2001, resolved to defer making a decision on the application to enable discussions to take place with Homeswest with a view of ensuring all units are single storey.

Homeswest representatives and City officers met and discussed the implications of changing the design and the following conclusions were drawn:

- (1) It is not possible to achieve the same unit yield with single storey aged persons units.
- (2) As Homeswest provide public housing for the aged, the higher the unit yield the more efficient housing can be provided at a lower cost to the consumer. Otherwise more land would increase costs.
- (3) Homeswest Representatives gave working examples within the Perth Metropolitan Area where elderly people readily use stairs to access units. In one instance, residents rejected a proposal to install an elevator and preferred to use stairs.
- (4) Most of the proposed units (7 of the 13 proposed) would be at ground level.

Although the above points are acknowledged, two storey units are not desirable accommodation for aged persons and the decisions made by Homeswest on economic grounds should not be an excuse to rationalise poor design outcomes.

## Submission

The applicant has requested that this proposal be re-submitted to Council for determination.

## Report

The proposal is a discretionary use ('AA') under District Zoning Scheme (DZS 2) No. 2 for which Council may either approve (with or without conditions) or refuse. The site is designated as a grouped dwelling site (R40) within the Beeliar Structure Plan adopted by the Council.

The aged persons units comply with the required car-parking standard of DZS No. 2. That is, every unit has access to one car parking bay and a provision of 2 visitor bays.

The development complies with the required side and rear setbacks, plot ratio and open space requirements under the Codes.

The surrounding landowners were notified of the application and given the opportunity to comment within a period of 21 days. At the close of the advertising period, no submissions were received.

The Council has the discretion to approve the number of dwellings to be up to 50% greater than provided for by the Code applying to the site when dealing with a proposal for aged or dependent and single bedroom units.

Whilst it would be intrusive for Council officers to check on the age of the future tenants living in upstairs units, Homeswest has indicated that for persons deemed unfit or unable to reside in the second storey, alternative accommodation will be provided.

It is recommended that the proposed aged dependent persons units and single bedroom units be approved. As already mentioned, there is demand for aged persons housing according to Homeswest. This development would assist in placing aged people in a pleasant location with easy access to shops, medical care and public transportation.

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

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

(1) Managing Your City

- (i) *“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.”*

(2) Planning Your City

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

- (3) Facilitating the needs of Your Community
- (i) *“To facilitate and provide an optimum range of community services.”*
  - (ii) *“To identify current community needs, aspirations, expectations and priorities of the services provided by the council.”*

The Planning Policies which apply to this item are:-

APD12\* Aged Persons Accommodation – Development Guidelines

APD 16\* Standard Development Conditions and Footnotes

The development generally complies with the Council's policy APD12.

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

N/A

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

Nil

#### **14.9 (Ocm1\_7\_2001) - PROPOSED RELOCATION OF WESTERN POWER SUBSTATION SITE - Pt LOT MIGUEL ROAD, BIBRA LAKE (4413025) (MR)**

##### **RECOMMENDATION**

That Council:

- (1) support the proposed relocation of the Western Power Sub-station subject to the approval being granted from Western Power;
- (2) advise Zone Holdings Pty Ltd accordingly and that an amendment to District Zoning Scheme No 2 and Town Planning Scheme No 3 (draft) is required; and
- (3) review the 1994 G B Hill engineering drawings in respect of the Spearwood Avenue extension (bridge construction height) over the railway line and containing all road works (including drainage) within the existing road reservation, where possible.

**COUNCIL DECISION****Background**

The applicant, Zone Holdings, approached Western Power regarding the possible land exchange to reposition a proposed substation from Lot 201 Miguel Road to Lot Pt 6 Miguel Road owned by Zone Holdings Pty Ltd.

According to Zone Holdings, Western Power have expressed some reservations over the proposed relocation for the following reasons:-

- (1) The proposed sub-station will be supplied from the west along Barrington Street, Spearwood Avenue and as such, the detail is critical. Western Power was advised by Council such detail was not yet at hand, specifically the railway bridge and possible drainage requirements over Pt Lot 6;
- (2) Potential loss of frontage to Miguel Road by proposed long term cul-de-sac in the long term;
- (3) Zoning; and
- (4) Existing site is approved, proven and ready to be developed compared to Pt Lot 6.

According to Zone Holdings, Western Power indicated that should the unknown aspects as listed above be resolved and they could demonstrate that the site could function as a substation site, then they would reconsider their position.

**Submission**

Zone Holdings believe that the land exchange, which seeks to locate the future sub-station on Pt Lot 6 ("Light Industry" zone), would be a better transitional use to residential land on the opposite side of the railway line than light industrial development. The proposed sub-station site would negate the possible off-site nuisances or impacts on the residential area.

**Report**

The City of Cockburn is the responsible authority for Spearwood Avenue extension as a regional road under the Metropolitan Region Scheme. Spearwood Avenue (Stock to Sudlow) has been a priority and the City has secured funding in the 2001/02 financial year to

construct the second carriageway. Further funding has also been secured for the 2002/03 financial year to work towards the construction of the bridge over the railway and single carriageway between Yangebup Road and Barrington Street.

There is an initial funding allocation for the design and forward planning of the project. Detailed engineering drawings were prepared by G B Hill engineers on behalf of the City in 1994, that depict the Spearwood Avenue extension and bridge construction requirements over the railway. These drawings show the extent of earthworks and drainage being generally contained within the road reservation. There is a proposed drainage basin with an area of 570m<sup>2</sup> shown on the south-western corner of Lot Pt 6 Miguel Road. This future drainage basin is outside of the reservation for the Spearwood Road extension and would need to be reassessed in the review of the 1994 plans.

The 1994 plans will also need to be modified to accommodate a higher bridge clearance for the possible electrification of the railway line. This would require changes in batters and drainage requirements from that drawn, with the objective of locating all road works within the road reservation.

The 1994 Plans show that Spearwood Avenue would be cut into the northern section along part of the future road frontage of Pt Lot 6 to facilitate desired grades in the road needed to bridge the railway line.

The construction of the Spearwood Avenue extension would enable the termination of Miguel Road, which currently crosses the railway line at grade. Miguel Road would then be terminated as a cul-de-sac, which could be accommodated within the existing road reserve, based on a 9.0 metre wide radii with 1.0 metre of verge. The cul-de-sac head would be tight to achieve within the 20.0 metre wide road reserve but feasible.

The proposed land exchange can be supported on planning grounds and would provide a suitable transitional use to the adjacent residential area. A sub-station use would be a low impact use for this site. Light industries similarly must not generate emissions in terms of noise, dust, odour etc.

The zoning of land would need to be addressed by way of an amendment to the City of Cockburn Town Planning Scheme – District Zoning Scheme No 2 in the following regard:-

1. Zone Lot 201 Miguel Road from “Public Purpose – SEC” to “General Industry”.
2. Delete the “Light Industry Zone” and Reserve Lot Pt 6 Miguel Road “Public Purpose – SEC”.

Further changes would be required in relation to Town Planning Scheme No 3.

**Strategic Plan/Policy Implications**

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

2. Planning Your City

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

**Budget/Financial Implications**

N/A

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

Nil

**14.10 (Ocm1\_7\_2001) - ADOPTION OF REVISED MIDGE BUFFER POLICY (6303) (KS) (ATTACH)**

**RECOMMENDATION**

That Council :-

- (1) adopt the revised Policy APD6 "Residential Rezoning and Subdivision Adjoining Midge Infested Lakes" as attached; and
- (2) insert adopted copy of the policy in Council's Policy Manual.

**COUNCIL DECISION**

**Background**

In May 2001 at the Ordinary Council Meeting, Council addressed a report on the retention and expansion of the midge management buffer. This report looked at the appropriateness of Cockburn's integrated management strategy for the control of midge and the associated policy. At the May meeting, the revised policy was endorsed for the purposes of advertising and the Council adopted the



list of wetlands subject to potential midge infestation as the basis of the policy. Since the May meeting, the policy has been advertised for public comment. The policy was advertised in the Cockburn Herald on Saturday May 26, 2001 and in The Gazette on Tuesday, May 29 2001. The public comment period closed on 29 June.

Council received one submission during that time.

### **Submission**

Only one submission was received during the public comment period. A copy of this has been attached. The concerns raised in this submission are that Kogolup Lake should not have a midge buffer associated with it. The reasons given in the submission are that:

- a) Kogolup Lake has been under management associated with the South Jandakot Drainage Management Scheme and the lake dries out each year; and
- b) The drying out of the lake has broken the midge cycle.

### **Report**

The City of Cockburn has monitored larval chironomid densities in Kogolup Lake for several years. From 1995 to present, the numbers of midge recorded by core samples have ranged between 237 and 14,736 per m<sup>2</sup> reflecting different climatic and physical conditions, including changing water levels. The buffer width around Kogolup Lake ranges between 120m through to 750m and the vegetation surrounding the wetland is quite dense with the majority of cleared areas lying to the north of the lake.

Kogolup Lake is not currently treated for midge problems. Midge monitoring over past years has shown that Kogolup Lake can pose a midge problem with midge larval numbers reaching 14,700 per m<sup>2</sup> in December 1998 when the water level in the lake was 14.65 m AHD. Midge larval numbers are obtained from the sediments of the lake being sampled and therefore these numbers can not be confused with those of Yangebup Lake.

While Kogolup Lake has dried on occasions the South Jandakot Drainage Management Scheme will not ensure that Kogolup Lake dries each summer. The requirement in the South Jandakot Drainage Management Scheme is to ensure that the maximum level of water in Kogolup Lake is 14.8m AHD. There have been requests to review this level by community groups. There is however, no set drying regime for Kogolup Lake, only an upper limit level of 14.8m AHD to protect against flooding. Given that the water level of Kogolup Lake and the

drying of the lake each summer can not be assured at this point in time it is advised that the midge buffer should apply to Kogolup Lake.

While the attached submission discusses the break in the midge cycle given the drying of the lake, studies have found that midge larvae can remain in sediments in a dehydrated state until optimal conditions and then hatch. Notwithstanding this, the proximity to other lakes such as Yangebup Lake indicate that even if a cycle of breeding is broken due to the drying of the lake in a summer period, reinfestation is likely to occur with the dispersal of adult midge from the other lakes.

The most common nuisance species of midge on the Swan Coastal Plains is *Polypedilum nubifer*. J. Vaisey's studied the dispersion of midge at Kogolup Lake. The results of this study found that in vegetated regions the estimated means of *P. nubifer* abundance declined with increasing distance from 50 to 400m. However, in the non – vegetated regions the abundance generally increased to a peak at 300m, then declined to 400m. The estimated mean at 400m was still higher than at 50m from the lake.

These results support other studies presented in the report submitted to the May Ordinary Council Meeting which suggest that vegetated buffer zones are more effective in limiting the dispersal of midge.

Given that,

- a) midge sampling at Kogolup Lake has potential high numbers of midge larvae on occasions;
- b) the water level of Kogolup Lake and the drying of the lake each summer can not be assured at this point in time;
- c) midge larval numbers in Kogolup Lake remain high;
- d) studies indicate that wide vegetated buffer zones are effective in limiting the dispersal of midge;
- e) the City of Cockburn reviews its policies on an annual basis.

The inclusion of a midge buffer for Kogolup Lake, at this stage, is appropriate with the ability of reviewing this in the future.

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

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

#### **2. Planning Your City**

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

- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

### 3. Conserving and Improving Your Environment

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

Policy APD6 "Residential Rezoning and Subdivision Adjoining Midge Infested Lakes" applies.

### **Budget/Financial Implications**

N/A

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

Nil

## **14.11 (Ocm1\_7\_2001) - REVIEW OF THE WATER AND RIVERS COMMISSIONS DRAFT POLICY AND GUIDELINES FOR RECREATION AND GENERAL ACCESS ON CROWN LAND WITHIN PUBLIC DRINKING WATER SOURCE AREAS (PDWSAs) AND OTHER WATER SOURCE CATCHMENTS (9119) (KS) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) advise the Water and Rivers Commission that the City agrees that the protection of water quality in PDWSAs is crucial and has no issues with the adoption of it's proposed policy subject to the clarification of Table 1 of the Guidelines; and
- (3) base its response on the Officer's Report.

**COUNCIL DECISION****Background**

It is recognised that as populations grow there is similarly, an increase in the demand for leisure opportunities. Controlled access within Public Drinking Water Source Areas (PDWSA's) and promoting public awareness of water quality issues, minimises the potential for contamination.

The findings of a number of studies have indicated some negative impacts to plants, soil and water as a result of recreational activities in PDWSAs. The Water and Rivers Commission (WRC) has therefore developed a policy for the recreational use of PDWSA's.

The City of Cockburn has been invited to comment of the draft policy and guidelines for recreation and general access on crown land within public drinking water source area (PDWSA's) and other water source catchments.

**Submission**

N/A

**Report**

The Jandakot Ground Water Mound is one of the Public Drinking Water Source Areas (PDWSA's) of Western Australia. The Jandakot Ground Water Mound covers most of the eastern third of the City of Cockburn. The Water and Rivers Commission (WRC) defines three levels of priority classification of the protection of water resources in PDWSA's.

Priority 1 areas (P1) defined to ensure that there is no degradation of the water source. P1 areas are declared over land where the provision of the highest quality public drinking water is the prime beneficial land use. P1 areas would typically include land under Crown ownership (eg Denis De Young Reserve, Shirley Balla Swamp and Reserve 1820 on Armadale Road). Some conditional recreational is allowed in P1 areas.

Priority 2 areas (P2). Defined to ensure that there is no increased risk of pollution to the water source. P2 areas are declared over land where low intensity development already exists (ie the area zoned resource in the City of Cockburn's Town Planning Scheme 2). Recreation is allowed under specific guidelines.

Priority 3 areas (P3) defined to minimise the risk of pollution to the water source. P3 areas are declared over land where drinking water supply needs co-exist with other land uses such as residential, commercial and light industrial developments. Protection of P3 areas is achieved through management guidelines rather than conditions on land use.

Reservoir and wellhead protection zones have been created to guard against acute pollution risks close to water supply infrastructure. Ongoing water quality and catchment environmental monitoring should be addressed in environmental management plans for approval, formal recreational activities.

It is recognised that as populations grow there is similarly an increase in the demand for leisure opportunities. Controlled access within PDWSA's and promoting public awareness of water quality issues, minimises the potential for contamination. The WRC has been involved in a number of studies that have shown that some environmental damage has occurred to plants, soil and water as a result of recreational activities in PDWSA's. These studies have recommended that certain activities should be discouraged in some areas and that provisions of control and a program of public education should occur.

Activities that were identified as having a relatively low potential for impacts on the catchment environment and water quality included bushwalking, formal walk trials and club based orienteering and rogaining.

These findings have contributed to the development of the WRC's policy for the recreational use of PDWSA's. The Draft Policy is titled "draft policy and guidelines for recreation and general access on crown land within public drinking water source area (PDWSA's) and other water source catchments".

The policy presents the WRC's position on recreational activities on crown land within proclaimed PDWSA's. The intention of the policy is to protect drinking water from contamination by inappropriate recreational activities in the interest of public health. This means ensuring the environmental values of drinking water supply for these sources is maintained.

To provide information on the acceptability of different recreational activities within PDWSA's the WRC has determined the compatibility of each recreation activity within the different priority areas of PDWSA's. While most of the activities that are listed as incompatible in priority 1 areas of PDWSA's apply to areas of Reservoir Protection Zones, the activity of riding animals (recreational/commercial) except on public roads) is categorised as incompatible and applies to all P1 areas. It is also conditional in P2 and P3 areas. This is of importance to the City of

Cockburn given the recent issues of horse recreation in the Banjup area that resides in P1,P2 and P3 areas (see attached Map).

A table of the land based recreational activities and their designated compatibility in the different priority areas is attached. After discussions with officers of the WRC it has been assumed that where the table states an activity is 'Incompatible R' only then the activity is incompatible in Reservoir Protection Zones and is categorised as conditional in other P1 areas. Table 1 does not make this classification for current P1 areas clear under these circumstances. This table needs clarification.

Application for any formal recreational activities classified as conditional should be forwarded to the Commission for assessment on a case specific basis. These applications may be subject to the development, implementation and review of an environmental management plan prepared by the proponent to the satisfaction of the Water and Rivers Commission, the relevant land managers and the water service provider.

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

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

#### 3. Conserving and Improving Your Environment

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

#### 4. Facilitating the needs of Your Community

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

### **Budget/Financial Implications**

N/A

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

Nil

**14.12 (Ocm1\_7\_2001) - REVIEW OF HEALTH ACT 1911 FEES SET BY REGULATION (6003) (WJH)(ATTACH)****RECOMMENDATION**

That Council:

- (1) write to the Executive Director of Public Health requesting that all fees set by by regulations made under the Health Act 1911 be reviewed:-
  1. immediately increase them in line with the consumer price index rises from the date of gazettal or last amended which ever is the later; and
  2. annually prior to the commencement of each financial year
- (2) advise the Western Australian Municipal Association of Council's action and seek their support in this matter.

**COUNCIL DECISION****Background**

At the last Budget Briefing held in June 2001 Councillor Val Oliver asked the question as to why the proposed offensive trades registration fees were lower than those for home occupations and as to why they could not be increased.

This report has been prepared in response to this question.

**Submission**

N/A

**Report**

Section 6.16 (2) (d & f) of the Local Government Act 1995 allows a local government to impose a fee or charge for:

(d) "receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;"

(f) "such other service as may be prescribed".

Section 6.17 (4) (b) sets out that regulations may "...limit the amount of fee or charge in prescribed circumstances".

Further Section 6.18 of the local government act reads as follows:-

"(1) *If the amount of a fee or charge for a service or for goods is determined under the other written law; or*

(a) *Determine an amount that is inconsistent with the amount determined by or under the other written law.*

(b) *Charge a fee or charge in addition to the amount determined by or under the other written law.*

(2) *A local government is not to impose a fee or charge for a service or goods under the Act if the imposition of a fee or charge for the service or goods is prohibited under another written law."*

Section 344 (1) (d) of the Health Act 1911 provides that:- "*In all cases not otherwise provided for, any regulation or local law may impose reasonable fees or charges for or in respect of licences granted or registrations made thereunder;*"

In a number of cases under the Health Act 1911 fees are "*otherwise provided for*" under relevant regulations. One example of this is the *Offensive Trades (Fees) Regulations 1976*, which was set up from the setting of Offensive Trades fees.

Unfortunately such fees can only be changed by the state government through an amendment to the regulations.

A review of regulations made under the provisions of the Health Act 1911, which set fees, shows that a number have not been amended regularly to increase fees to keep pace with increases in costs to local governments who administer and enforce them. A schedule of such regulations, fees and charges and dates of amendment of fees and charges are attached to the agenda.

It is therefore recommended, that Council request the Executive Director of Public Health review the fees set by regulations made under the Health Act 1911 and amend the regulations so that the fees more accurately reflect the costs incurred by local governments in enforcing and administering the provisions of such regulations.



It is also recommended that Council write to WAMA requesting that they approach the EDPH in this matter on behalf of all local governments.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*

### **Budget/Financial Implications**

If pursuit of this recommendation with the Health Department of WA results in an increase in fees Health Services will receive a increase in income. Assuming any increases match CPI this will result in approximately \$1400 additional income per annum.

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

Nil

## **14.13 (Ocm1\_7\_2001) - SAND MINING - FRANKLAND RESERVE WATTLEUP (4412178) (AJB) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) Advise Porter Mathews and Amity Holdings Pty Ltd that;
  1. a proposal to exchange alternative land for Frankland Reserve is not supported.
  2. strongly objects to the mining of sand within Frankland Reserve.
  3. as the vestee for the Frankland Reserve it is not prepared to sign the Application for Approval to Commence Development for an extractive industry to become established within this local Reserve.

- (2) advise the Frankland Reserve Community Committee of Councils' decision.

## **COUNCIL DECISION**

### **Background**

The brief history of the Mining Application on Frankland Reserve which is central to this agenda item is as follows:

- An application to mine sand within Frankland Reserve was lodged by Amity Holdings Pty Ltd (Naval Base Contractors) with the Department of Minerals and Energy (DOME) under the Mining Act in April 1995.
- Council objected strongly to the application on environmental grounds, relating to the loss of locally significant bushland and the potential of the mining activity to result in significant localised impacts from noise and dust. In addition to objecting to the application' Council endeavoured to secure the freehold of the land as a means of protecting the area from mining. However, this was not agreed to by the Department of Land Administration.
- The proponents prepared a Plan of Operations in February 1998. The proposal was formally referred to the Department of Environmental Protection (DEP). At around that time and in July 1998 Council received advice that the EPA had decided not to require a formal environmental impact assessment of this proposal, given the controls available under other approval processes. Council appealed against the level of assessment arguing that the potential impacts were significant and that a formal assessment be undertaken.
- In March 1999 the Hon Minister for the Environment advised that Council's appeal had been dismissed.
- In April 1999 DOME advised that it intended to proceed with the processing of the application given that the appeal against the level of assessment had been dismissed by the Minister for the Environment.
- In June 1999 DOME convened a meeting with the proponent and Council officers to discuss the application. At the meeting the concept of a possible land exchange was canvassed as a way of

enabling the sand resource on Frankland Reserve to be realised and at the same time achieve the Council's objective of protecting locally significant bushland. The area identified as potentially suitable for the exchange was immediately east of Frankland Reserve. A field inspection of the area by the Manager of Environmental Services confirmed that the bushland on the proposed exchange land was of high quality and contained biodiversity.

- The proponent agreed to pursue the concept and see if agreement could be reached with the owners of that land to participate in a land exchange arrangement.
- On 1 May 2001 Wattleup residents held a public meeting to discuss the mining and land exchange proposals for Frankland Reserve.
- On 7 May 2001 the Mayor was advised that residents in the vicinity of Frankland Reserve had formed the Frankland Reserve Community Committee (FPCC) and provided copies of letters sent to various government Ministers and Departments seeking information regarding the mining application and land exchange proposal.
- On 16 May 2001 a letter was received from FPCC which advised they were opposed to any mining in the reserve or a land exchange being considered. The letter requested that the City ;
  1. Suspend all proceedings and negotiations concerning the current options for Frankland Reserve.
  2. Agree to a meeting with the Community Committee, the full Council, its advisory committee/senior advisers and Francis Logan MLA regarding the future of the reserve as soon as all the relevant information is gathered from the ministers written to.
  3. Give the community the support it needs to realise its plan for Frankland Reserve

A copy of the letter is included in the Agenda attachments.

- On 16 May 2001 Council was formally advised by the proponent's consultants that they had managed to secure control of the proposed land exchange area and were in a position to further discuss a land exchange option.

### **Submission**

Porter Mathews on behalf of the mining proponent, Amity Holdings Pty Ltd (Naval Base Contractors) have advised that they are in a position to be able to discuss a possible land exchange for Frankland Reserve

and have requested a meeting to discuss the correct processes that must be gone through to progress the matter further. A copy of their letter dated 16 May is included in the Agenda attachments.

## **Report**

The proposal lodged with Department of Minerals and Energy in April 1995 was for a licence to mine sand from the reserve. The submitted plans showed all land above RL 39 being quarried as shown on Figure 1 in the Agenda attachments.

Council strongly objected to the proposed mining application on the grounds of its high environmental values and its potential to result in significant localised impacts from noise, dust etc. Council also appealed against the level of environmental assessment set by the Department of Environmental Protection.

In March 1999 the Minister of Environment advised that Councils appeal against the level of assessment was dismissed and that the project would only be subject to informal review with public advice.

Following that advice Department of Minerals and Energy advised that it was proposed to progress the application and convened a joint meeting with the proponent and Council officers. At that meeting the option of a possible land exchange was canvassed as such a solution could achieve Councils objectives of preserving high quality bush in the area and the proponents objectives of winning sand from the site.

The suggested exchange included some 15 ha of bush land immediately east of and abutting Frankland Reserve. If the exchange were agreed to, the existing Frankland Reserve would be mined and ultimately subdivided for residential purposes. The final levels of the site would be suitable for the end use, that is the land would grade gently up from Wattleup Road to the Future alignment of Rowley Road and Hammond Road with the north east corner being suitably earth worked for a sports ground which would ultimately form part of the new Frankland Reserve.

No detail proposal has been prepared on the land exchange option because at that time the proponent did not control the identified exchange land.

At this time there are three alternative processes that could be followed being;

1. Reject the proposed land exchange option without any consideration and continue to contest the mining application.
2. Agree to assess the relative merits of the proposed land exchange and subsequently decide if this option should be supported or

rejected. This would include an assessment of the flora and fauna values of both existing Frankland Reserve and the exchange land and detailed mining proposals for Frankland Reserve which would need to define the extent of mining and operational requirements to enable potential dust and noise issues to be considered. If after being assessed the land exchange option was not supported or did not succeed, the proponent would then have the option of proceeding to have the mining application determined.

### 3. Agree to pursue the land exchange option.

The Frankland Reserve Community Committee strongly advocates that Council follow process 1.

Although there is merit in assessing the benefits of the land exchange option (option 2) particularly if it has the potential to deliver a better area of bushland than Frankland Reserve and certainty that the area will be retained for conservation purposes in perpetuity, there are however, numerous processes and approvals that would need to be obtained for the exchange to proceed and for the land to ultimately be subdivided.

Importantly, as Frankland Reserve is a local reserve, rather than a regional reserve under the MRS, and the responsibility for the reserve is vested in the Council, the Council as the "owner" of the reserve, must sign the Application For Approval to Council Development to enable the proposal to excavate basic raw materials from the reserve to proceed.

If the Council is not prepared to do this, then the proponent, Amity Holdings Pty Ltd, cannot commence the proposed extractive industry on the land.

However, when a application to develop in a local reserve is received by the Council and the Council is prepared to sign the application as the "owner", limitations on the development of the reserve apply. Part 2 of D25 No 2 in part states:-

## "2.3 Development of Local Reserves

### 2.3.1 Subject to Part 4 of the Scheme and except as otherwise provided a person shall not on any Local Reserve:

- (a) Commence or carry out any development other than the erection of a boundary fence unless that Land is vested in a Public Authority and the development is for the purpose for which the Land is so vested;

- (b) Use that Land other than for the purposes for which it is reserved under this Part;
- (c) Demolish, damage or alter any Buildings or works or remove or damage any tree; or
- (d) Excavate, spoil or waste the Land so as to destroy, damage or adversely affect its usefulness for the purpose for which it is reserved, without first applying for and obtaining the Planning Consent of the Council under this Scheme."

Given this the Council as the vestee (owner) can decide whether or not a formal application is made.

If a mining licence is issued for the winning of minerals from the land, under the Mining Act, then there is nothing any authority can do to prevent this occurring on any reserve, including a national park.

However, on the understanding that the proponent is preposing to extract sand, a planning approval would be required prior to commencement.

Council is aware of considerable opposition to the land exchange by both the local members of Parliament and the local community. Even if Council agreed to pursue the exchange option, it is highly unlikely that it would succeed given the complications caused by the various requirements and the role of the stakeholders.

Having regard to the above, it is considered that the land exchange proposal does not serve the best interests of the community, the proponent or Council the limited likelihood of success, the time and cost involved and the possible friction that it could cause with the local community.

In the circumstances it is recommended that the Council not sign the planning application as the "owner" of the land. Under the scheme a planning approval is required before any development can take place in a local reserve.

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

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

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

- *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*

## 2. Planning Your City

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

## 3. Conserving and Improving Your Environment

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

## 5. Maintaining Your Community Facilities

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

The Planning Policies which apply to this item are:-

SPD1            Bushland Conservation Policy

SPD3            Native Fauna Protection Policy

APD4            Public Open Space

### **Budget/Financial Implications**

Costs will be incurred for legal representation at the Wardens Court if the Mining Application proceeds and the Council needs to approve it.

Funds from the Environmental Services budget will need to be allocated to flora and fauna studies of the proposed exchange land if

this option is to be pursued. This is expected to be in the order of \$5,000-\$7,000

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

Nil

**15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

**15.1 (Ocm1\_7\_2001) - LIST OF CREDITORS PAID (5605) (KL)  
(ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil.



## 16. ENGINEERING AND WORKS DIVISION ISSUES

### 16.1 (Ocm1\_7\_2001) - TENDER NO.34/2001 - SUPPLY AND LAYING OF HOT ASPHALT ROAD SURFACING (4437) (IS) (ATTACH)

#### RECOMMENDATION

That Council accept the tender submitted by Asphalt Surfaces for Tender No. 34/2001 - Supply and Laying of Hot Asphalt Road Surfacing and Supply only - Ex Plant of Hot Asphalt Road Surfacing at the fixed rates indicated in their tender submissions for the two year period 1 July 2001 to 30 June 2003.

#### COUNCIL DECISION

#### Background

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

#### Submission

Tenders were called for the Supply and Laying of Hot Asphalt Road Surfacing and Supply only - Ex Plant for the next two financial years. Eight (8) tenders were received, the details of which are attached to the Agenda.

#### Report

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

The tenders have been assessed under the following criteria, which were outlined in the tender documents:

	<u>Weighting</u>
1. Price	35%
2. Technical conformance	10%
3. Demonstrated safety management	15%
4. Delivery response performance	20%
5. Quality endorsement	5%

6.	References	10%
7.	Insurance	5%

Tenderers were required to provide adequate information in their tender submission to allow for scoring each criteria. Where information was not supplied, the particular criteria was not scored.

The assessments under these criteria, as determined by Council's Roads Department, are as follows:

<u>Supply &amp; Lay</u>	<u>Assessment</u>	<u>Contract Estimate (2 Year)</u>
1. Roads 2000	95%	\$2.38m GST included
2. Asphalt Surfaces Pty Ltd	100%	\$2.32m GST included
3. CSR Emoleum	95%	\$2.46m GST included
4. Pioneer Road Surfaces	78%	\$2.58m GST included
5. BGC Asphalt	83%	\$2.56m GST included
6. Boral Asphalt	86%	\$2.48m GST included
7. Asphaltech Pty Ltd	82%	\$2.52m GST included
8. Hotmix	71%	\$2.68m GST included

The tender for the Supply and Laying of Hot Asphalt Road Surfacing and Supply only – Ex Plant as a result of the evaluation criteria being implemented, shows that Asphalt Surfaces is the most advantageous to Council. Asphalt Surfaces hold the current contract for supply and lay of hot asphalt road surfacing and supply only – ex plant, they have performed satisfactorily and are a reputable company within the road construction and asphalt industry. Hence their tender in this instance should be supported. The estimated fixed rate contract value over 2 years is \$2.32 million with GST included.

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

Construction and maintenance of roads is a principal objective of the Corporate Strategic Plan. Asphalt is an essential component of maintaining and constructing roads.

### **Budget/Financial Implications**

The cost of asphalt is covered in the Budget allocations for road maintenance and construction.

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

Nil

**16.2 (Ocm1\_7\_2001) - DEPROCLAMATION OF COCKBURN ROAD AS A MAIN ROAD (450002) (JR)****RECOMMENDATION**

That Council agree to the de-proclamation of the section of Cockburn Road between Russell Road and Perimeter Road as a Main Road and accept the associated road maintenance responsibilities for the public road sections that will remain following the required closure of the section of Cockburn Road to accommodate the Jervoise Bay Development, subject to Main Roads WA:

1. confirming that they will assume the maintenance responsibility for Russell Road between Cockburn Road and the perimeter road; and
2. addressing general maintenance of the section of Cockburn Road prior to de-proclamation

**COUNCIL DECISION****Background**

As part of the Jervoise Bay Development and the ultimate alignment of the Fremantle Rockingham Highway on the east side of the development, Cockburn Road will be downgraded as an arterial traffic carrier through the area. Currently, Cockburn Road is proclaimed as a Main Road under the jurisdiction of Main Roads WA.

**Submission**

To facilitate the Jervoise Bay Development, Main Roads have constructed a through route around the development which deviates Cockburn Road between Russell Road and south of Stuart Drive to use an upgraded Russell Road and the newly constructed Perimeter Road. Consequently, the existing section of Cockburn Road between Russell Road and the Perimeter Road south of Stuart Drive, which is approximately 2.1km in length, has ceased its arterial traffic carrier function. Main Roads is now seeking Council's agreement to its de-proclamation as a Main Road and acceptance of maintenance responsibilities for that section of road.

**Report**

The Jervoise Bay Development will result in the closure as a public road of approximately 0.9km of Cockburn Road that goes through the

development, being the section extending north from the Perimeter Road. That will leave approximately 1.2km of Cockburn Road as public road, being the section extending south from Russell Road. Main Roads have requested Council's agreement to de-proclaim this whole section of Cockburn Road and to assume maintenance responsibilities of the public section remaining after the closure. In this regard, Main Roads have undertaken a road condition survey for Council's information of the northern section of Cockburn Road between Russell Road and south of Redemptora Road, a distance of approximately 1.1km.

The condition data indicates that the subject road section is structurally sound and has an acceptable level of roughness, rutting and surface texture. There are no known defects associated with the drainage system and verge areas and no pending major maintenance requirements. However, an inspection has indicated that general maintenance is required to tidy up and slash verge areas, clean drainage pits, repair signage, repair some surface damage, etc.

In addition, the Jervoise Bay Development will result in the upgrade of approximately 200 metres of the southern part of the subject road section.

Consequently, in view of the good condition of the subject section of Cockburn Road and as Main Roads will assume responsibility from Council of approximately 0.9km of Russell Road, which is part of the Cockburn Road deviation, it is considered that Council should agree to the de-proclamation of Cockburn Road through the Jervoise Bay Development and accept the associated maintenance responsibilities.

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

One of the objectives of the Corporate Strategic Plan is to maintain roads, which are the responsibility of the Council, in accordance with the required standards and are convenient and safe for use by vehicles, cyclists and pedestrians. As the subject section of Cockburn Road is no longer performing as a Main Road, but is still a public road, it will need to be made the responsibility of Council to achieve the above objective.

### **Budget/Financial Implications**

It is anticipated that there will be no extra costs in the road maintenance budget in taking over the maintenance responsibility of the subject section of Cockburn Road as a similar section of Russell Road will become the responsibility of Main Roads WA.

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

Nil

**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

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

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

**23. CONFIDENTIAL BUSINESS**

Nil

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

**RECOMMENDATION**

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

are:-

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**