

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 MAY 2000 AT 7:30 P.M.

	Page
530. (AG Item 1) DECLARATION OF OPENING	1
531. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	1
532. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member).....	1
533. (AG Item 5.1) (OCM1_5_2000) - APOLOGIES & LEAVE OF ABSENCE	2
534. (AG Item 6.1) (OCM1_5_2000) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
535. (AG Item) (OCM1_5_2000) - PUBLIC QUESTION TIME	3
536. (AG Item 8.1) (OCM1_5_2000) - ORDINARY COUNCIL MEETING - 18/4/2000	9
537. (AG Item 12.1) (OCM1_5_2000) - FUTURE WARD BOUNDARIES AND COUNCIL REPRESENTATION (1035) (DMG) (ATTACH)	9
538. (AG Item 13.1) (OCM1_5_2000) - COUNCIL NOMINEE - COCKBURN SOUND MANAGEMENT COUNCIL (SR) (9334) (ATTACH).....	13
539. (AG Item 13.2) (OCM1_5_2000) - PROPOSED MRS AMENDMENT NO. 1008/33 - SOUTH FREMANTLE/ HAMILTON HILL - OWNER: VARIOUS - APPLICANT: WESTERN AUSTRALIAN PLANNING COMMISSION (SA) (9100833) (MAPS 1 & 2) (ATTACH)	14
540. (AG Item 13.3) (OCM1_5_2000) - PROPOSED MODIFICATIONS TO COUNCIL'S POLICY MANUAL (9001) (SA) (ATTACH)	19
541. (AG Item 13.4) (OCM1_5_2000) - PROPOSED LEASE - AZZURRI CLAY TARGET CLUB - PORTION OF RESERVE NO. 39584 - OWNER / APPLICANT: CROWN LAND (VESTED IN THE CITY OF COCKBURN) (3412304) (SR)(ATTACH).....	21
542. (AG Item 13.5) (OCM1_5_2000) - PROPOSED MOTEL UNITS (10) ON RURAL LAND - LOT 768 BRANCH CIRCUS, SUCCESS - OWNER: G G & L A WALLIS - APPLICANT: G WALLIS (5509607) (MT) (MAP NO 15) (ATTACH).....	27
543. (AG Item 14.1) (OCM1_5_2000) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH).....	30
544. (AG Item 14.2) (OCM1_5_2000) - COMMISSIONERS EXPENSES AND ALLOWANCES (1705; 5000; 5402) (ATC)	31

545. (AG Item 14.3) (OCM1_5_2000) - COMPULSORY LAND ACQUISITION - PORTION LOT 57 TINDAL AVENUE, YANGEBUP - BEELIAR DRIVE (4309121; 450953) (KJS)	33
546. (AG Item 15.1) (OCM1_5_2000) - TENDER NO.14/2000 (RECALLED) - OUTRIGHT SALE OF 1995 VANGUARD SP 4000 MECHANICAL ROAD SWEEPER - PLANT NO.19 (4407) (JR)	34
547. (AG Item 16.1) (OCM1_5_2000) - PINEVIEW PRE-SCHOOL (8222) (JG) (ATTACH)	36
548. (AG Item 16.2) (OCM1_5_2000) - REQUEST FOR DONATION - COCKBURN BOXING GYM (8140) (JG)	41
549. (AG Item 23.1) (OCM1_5_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)	43

CITY OF COCKBURN**MINUTES OF ORDINARY COUNCIL MEETING HELD ON
TUESDAY, 16 MAY 2000 AT 7:30 P.M.**

PRESENT:**COUNCIL MEMBERS**

Mr J F Donaldson - Chairperson of Joint Commission
Mr M A Jorgensen - Joint Commissioner

IN ATTENDANCE

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

530. (AG Item 1) DECLARATION OF OPENING

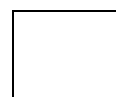
The Presiding Member declared the meeting open at 7.31 pm.

**531. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF
REQUIRED)**

Nil

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

Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait



for written advice from the Council prior to taking action on any matter that they may have before Council.

533. (AG Item 5.1) (OCM1_5_2000) - APOLOGIES & LEAVE OF ABSENCE

Cmr J Smithson

Leave of Absence

534. (AG Item 6.1) (OCM1_5_2000) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Burt Renner - Annual General Meeting of Electors General Business - 7 February 2000 - voiced his concerns about two issues which related to a reported dumping of 700,000 cubic metres of pollution soil in Mason Road Jandakot; and that the water near Woodman Point Jetty was very cloudy which he felt was because of the overflow from the Waste Treatment Plant.

In a letter dated 4th April 2000, Mr Renner was advised that the reported dumping occurred some years ago and suggested he contact the Department of Environmental Protection or the Water and Rivers Commission who are the government agencies responsible for site contamination and groundwater protection matters.

The letter also confirmed a discussion with Mr Renner when he indicated that his question related to water quality in mid January 2000. The City is not aware of any emergency discharge from the Waste Water Treatment Plant around that time however, any concerns should be referred when they occur, to the Kwinana Unit of the Department of Environmental Protection.

Mary Jenkins - Public Question Time - 21 March 2000 - queried when seats would be installed at the top of the Coogee Beach Jetty.

A letter dated 29th March confirmed that the seats had been installed and the shelter would be completed soon after. The work was delayed until after the beach party as the area had to be cordoned off while the work was carried out.



535. (AG Item) (OCM1_5_2000) - PUBLIC QUESTION TIME

Mary Jenkins a ratepayer spoke regarding Public Question Time - 21 March 2000, Minute No.455, Pg.3. This related to the toilets in Coogee Beach, where she requested that they be upgraded and for this to be included in the budget considerations. The Minutes read as follows:

She felt that the appearance of the changerooms along the coast were not satisfactory and needed updating.

She said that her statement was much stronger than what was mentioned. She mentioned that she made it clear that she had carried out some research with regard to this matter along the coastline in Rockingham, Warnbro, Safety Bay and Cottesloe. What she actually said was that the toilets at Coogee Beach were by far the worst. She asked whether funds for the upgrading of these toilets were included on the next Budget? Cmr Donaldson replied that the Budget is still under consideration.

She also asked a question with regard to the March Edition of Cockburn Soundings in relation to the Shopping Centre Survey. She wanted to know what it was all about as she did not think the questions were relevant. Cmr Donaldson replied that he was unaware of what the content of the survey was and will take this on notice and respond in writing. She felt that the questionnaire did not seem to address many of the problems of shopping centres.

Colin Crook, resident of Spearwood. He tabled a letter on the subject of Public Accountability. His letter read as follows:

I prefer to rely on newspaper reporting, as opposed to the Soundings, to keep me informed of Council affairs.

The suspended Council and present staff took steps to deny me this choice when they broke off cordial relations with the Cockburn Gazette in 1998. Their reasons were stated at the time, and repeated in general form in the Douglas Report.

I now request an explanation of the manner in which Council withheld media releases from the Gazette.

1. *Council had a policy A3.1 during the years 1997 and 1998 headed Media Activity.*
2. *Was the Gazette ostracized on 25/10/98 by an administrative verbal directive?*



3. *Was the policy still in force at that time?*
4. *Was the directive in order considering the form of the policy?*
5. *Does the adoption or deletion of a policy require an absolute majority vote of full Council?*

At this time I would like to draw the Commissioners attention to Pg.1041 of the Douglas Report which deals with "Resistance to public accountability" and though in subclauses much mention is drawn to the "community", in the ensuing recommendation R7 the communities expectation of accountability is managed by Government bodies.

Therefore in the Commissioners submission to the Minister I trust that the interests and expectations of the "community" will receive fair consideration and full representation.

Cmr Donaldson replied that the response from Council will be on the twelve recommendations from the Inquiry. Cmr Donaldson said that all queries tabled in his letter will be taken on notice and responded to in writing.

Laurie Humphreys, ratepayer and suspended Councillor spoke regarding Item 12.1. He asked whether the Commissioners had read the results of the survey from the ratepayers? Cmr Donaldson replied yes, they did read the survey. Mr. Humphreys asked why, he as a suspended Councillor, did not have access to these results? Cmr Donaldson stated that he did not have an answer to that and did not think it was done intentionally. Director, Community Services responded that the results of the survey are available to anyone who wishes to see them. Mr Humphreys said he was surprised that when the report was done, based on the market survey, there was no consultation carried out. The only results that were provided were those on postal voting etc. He said there was no information as to what the people of the district actually wanted. He said no one has any idea of what the survey results were. It leaves ratepayers of the City of Cockburn without that knowledge to be able to form their opinion. Cmr Donaldson replied that the report is readily available and feels that at some past point it has been accepted and is on public record.

Director, Community Services stated that the 12 October 1999 Meeting of Council dealt with the report. Mr. Humphreys was of the opinion that the survey results were not considered at that meeting. Director, Community Services replied that the information was in the report.



Mr. Humphreys asked whether Item 12.1 listed on the Agenda is as a result of the officer's report or the market survey? Cmr Donaldson replied that it was a combination of both and that Council is intending to reflect what had been outlined in the market survey, of what the community wants and to reflect its aspirations over a number of stages. In the first instance, this survey was used as a source for developing this recommendation. It was well publicised and then provided through an independent and objective market research agency. The information that this survey collected was then dealt with and staff then compiled a number of options and the report before Council, is one that the officer has proposed. As you are aware recommendations that come to Council are officers reports and then it is up to Council whether there is a need to change the officer's recommendation. Having said that, the recommendation also includes a period for public consultation. Council decision will go out to the public for comment and information made available to the people, so that they can make another comment on the more refined recommendation which is a result of the research.

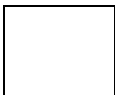
Mr Humphreys asked in what form is the public consultation going to take place or has there been, as a result of the survey, any public consultation which has lead to this option being put to Council tonight? Cmr Donaldson replied that the option before Council tonight is one of the options which was developed in the paper that staff prepared. As a result of this recommendation, should it be passed by Council tonight, the public will be informed of the options and the information will be available in the normal public places. In addition to that, advertising will be undertaken to promote the option in locally circulating newspapers. Mr. Humphreys asked does Council have to endorse Option 6, thereby influencing the way residents will think? He said it seemed that Council was suggesting to residents that that is the best option. Cmr Donaldson said that this process had been going on for some time and Council had to come to some conclusion. Council will consider the report that the officers have developed and therefore Council has a recommendation tonight. Should the recommendation be adopted then this would be an option put to the community for their comment. The other options available in the discussion paper, which is quite significant, will also be available for people to review and should the wider public opinion be in support of other options then Council would also look at those. It is considered Council should have a position for the public to comment on.

Cmr Jorgensen stated that there are in all 22 options, which considering the volume of the report the majority of the community will not be able to absorb, but those that do have a particular interest could peruse through 22 options, and see whether the preferred option is the best option. He felt if the Council did not lead the community it could be quite confusing.



Mr Humphreys asked whether the history of current ward system has been brought to the attention of the Commissioners? Cmr Donaldson requested Mr. Humphreys to expand on his question. Mr. Humphreys enlightened the Commissioners in relation to the above matter and said that in 1976 he was elected to the City of Cockburn along with two other Councillors from Coolbellup. The reason for his election was because of a re-distribution of boundaries and the reason those boundaries were created at that time was because the residents of the suburb he represented felt they were not represented by the very ward structure that Council is now trying to put in place, stretching from Coolbellup to Hamilton Hill down to Coogee. On the West Ward at the time was the Mayor and Deputy Mayor and a Councillor and residents were still not getting the representation that was needed. He said that to adopt Option 6 would be turning the clock back 20 years to what it was and was not satisfactory to the then ratepayers of the day. In observation, in relation to the problem highlighted in the options that East Ward would be growing that large it would be disadvantaged, at one stage history will show that, to enable East Ward to survive with 2 Councillors, South Lake was given to East Ward from North Ward to enable it to have 2 Councillors. The same thing could occur at the moment. North Ward could take it back and have a more even distribution in that regard. Mr Humphreys believed that the option to review wards with a possibility of redefining ward boundaries, is the best option. He felt that the people he represented will be disadvantaged under this current Option 6. Cmr Donaldson requested Mr. Humphreys to include his comments during the period of public consultation.

Mr. Crook spoke in relation to what Mr. Humphreys stated, regarding surveys. He asked if there had been another survey since the one concerning wards which was raised by Mr. Humphreys? He has been lead to believe that there has been a survey of some sort in November 1999. Was it advertised previously so that anyone wishing to put a written submission would be able to do so? Have the results been used to aid any consequent action. Cmr Donaldson asked the Director, Community Services whether the survey that was done for the development of these options was carried out in November 1999. Director, Community Services replied that the survey that Mr. Crook is referring to is the Community Satisfaction Survey which is done by a market research company carried out on behalf of local government, across the State, and as that exercise is done by a particular research company they basically do it on an area wide basis and it is a phone poll. Cmr Donaldson said that the survey this option had been developed under was promoted prior to it going out and while it was a random survey people were given the option to send written advice if they wished to. Mr. Crook said he wasn't aware of this survey until after it had finished. He also asked if the results had been used to aid any consequent action? Cmr Donaldson stated that he was still quite



unsure as to what survey Mr. Crook was referring to. He said that there is an Omnibus Survey which the Director, Community Services mentioned earlier, which is carried out on a regional basis, and is separate to the survey which was developed specifically to answer questions that were raised in relation to the election system and ward distribution in Cockburn.

Geoff Wallis spoke in relation to Item 13.5. He tabled a submission on a Town Planning recommendation which he received yesterday prior to a decision being handed down by Council. He requested of Council the opportunity to speak in support of his application. He stated that his application complies in every respect with Council's By-Laws and Zoning. He said that the recommendation from Council's Planners is that on the advice of the Ministry of Planning the application be refused. He felt that his submission should be conditionally approved as it complies with all zonings and by-laws. Those conditions can then be referred to the Western Australian Planning Commission and if they wish to refuse it, so be it. He said he has spent 4 of the last 5 years in discussion with the Ministry of Planning. He mentioned that he had one diagram with him to prove the point and would welcome the opportunity to discuss the matter with the submission prior to Council handing down a determination. Basically, to summarise the submission he believes Council is entitled even under "SA" to approve the application if it complies with the necessary by-laws and zonings, and he requests such permission be granted and then Council may refer the application to Department of Planning and Development or the WAPC for their determination and subject to that determination he may consider an appeal.

Stephen Lee, ratepayer and suspended Councillor spoke in relation to Item 12.1. He said that he noted with interest that the Douglas Inquiry stated that interested parties had 30 days to make submissions. He said that in the Press it had been stated that the Minister wants to go to elections in October of this year or thereabouts? A question that was asked at the April Council Meeting was, if any electoral reform or ward boundary reform was likely to be undertaken, would it impact on when the ratepayers of the City could re-elect their Council? The answer that was given at the time was, no. It was stated that those items were separate. He said from reading this report this process would take a period of six months if this recommendation was successful. Is this correct? Cmr Donaldson replied that he did not think it would necessarily take six months but sought advice from Director, Community Services who responded that from past experiences where there had been boundary reform and Councillor number distribution or amendments, the general length of time for the normal process to occur had been about six months. This is the normal advice given from the department officers who suggest to allow this sort of

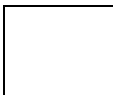


timeframe because other forces can play a vital role and take this control away from Council. Mr. Lee said that if the Minister recommended that an election be held this year and if the recommendation before Council tonight was to be adopted, it would impact on the Minister's decision to hold an election in October this year. He felt that in his opinion the recommendation should, not that he is against electoral reform, be in the form of a referendum at the next elections with an option put on the ballot paper to the effect, that electoral reform will take place and what would be the preference of the electors? He asked Council whether it could embrace the feeling of his comments and place it before the people before the electors make that decision by adopting it as part of Council's response, if it is going to make one to the Minister in regards to Douglas Inquiry. Cmr Donaldson said that it is very important not to develop a nexus between distribution of ward boundaries and the number of Councillors, which has been a program the Commissioners commenced looking at in June of last year, and the Douglas Inquiry. There is no nexus and therefore it must be very clear that it does not exist.

Colin Crook spoke in relation to the survey. He asked have subsequent actions been affected as a result of the survey? He has been lead to believe that at least two have and one of them is the recycling. It was also his understanding that the Cockburn Soundings is being published and distributed on a monthly basis now. Cmr Donaldson clarified his point and stated that yes, the Cockburn Soundings will be coming out on a monthly basis from now on. He asked whether it was going to be put out in any opposition to the local newspapers or was it just a supplement? Cmr Donaldson replied that it would only complement them seeing it is done on a monthly basis.

Mary Jenkins congratulated what had been done at Coogee Beach with the seats and the shades. She said that there was one problem with one of the seats at Coogee Beach which is too high above the ground and it appears to be unsafe if used by children. She requested Council to look into it from a safety perspective before a child gets hurt. Cmr Donaldson replied that the matter will be taken into consideration and attended to.

Colin Crook also spoke in regards to the seats at Coogee Beach. He said that with regard to the metal seats he had been advised by Council in writing that he was the only one in opposition to them. He mentioned that he speaks to people who use Coogee Beach on a regular basis every day and they too have indicated to him that these seats are not suitable. He asked where does Council get this information from?



536. (AG Item 8.1) (OCM1_5_2000) - ORDINARY COUNCIL MEETING - 18/4/2000

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that the Minutes of the Ordinary Council Meeting held on 18 April 2000, be confirmed subject to an amendment on Pg. 5 of Public Question Time to read as follows:

Carol Reeve-Fowkes a resident, ratepayer and representative of the Yangebup Progress Association spoke with regard to the proposed Town Planning Scheme No.3.

CARRIED 2/0

537. (AG Item 12.1) (OCM1_5_2000) - FUTURE WARD BOUNDARIES AND COUNCIL REPRESENTATION (1035) (DMG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) endorses Option 6 of the Report as that choice which is most appropriate to determine the future Ward Boundaries and Councillor numbers for the City of Cockburn, based on its relevance to the findings of the recent Community Survey conducted on this matter;
- (2) formally advertise its intent to review Ward Boundaries and Councillor numbers, in accordance with the provisions of the Local Government Act, 1995, and invite public submissions on the review, to be accepted by Council for a period up to and including 30 June 2000, with the intention of further considering the issue at the July 2000 Council Meeting;
- (3) in conjunction with sub-recommendation (2) above, publicise the option for public comment via the "Cockburn Soundings" to be distributed to
 1. all residences, and;
 2. businesses which may be affected by any proposed suburb boundary changes;

and at Council's Administration Building, Libraries and South

Lake Leisure Centre;

- (4) ensure the information produced contains sufficient details on the implications of the changes the proposal would have on the status quo should it be implemented, particularly as it relates to the amendment to the suburb of Bibra Lake in the short term; and
- (5) advise the Minister for Local Government of Council's decision.

COUNCIL DECISION

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

CARRIED 2/0

Background

Previous Council decisions in relation to this matter are as follows:

- (a) At its November 1998 Meeting, Council resolved to:
 - (1) take no action in respect of changing Ward boundaries at this stage, due to the insignificant effect any change would have on the current status;
 - (2) consider the matter further in early 1999 following the preparation of a Report covering a variety of options open to Council, in accordance with Schedule 2.2 of the Local Government Act 1995, for possible implementation in time for either the 2001 or 2003 Elections;
- (b) At its 8 June 1999 Meeting, Council resolved:
 - (1) to engage the services of a Market Research consultant to undertake an opinion survey of the District on the topics of Councillor/Ward Representation, Method of Election of Mayor and Postal Voting;
 - (2) the survey document be approved by Commissioners prior to the commencement of the research program;
 - (3) the Minister for Local government be informed of Council's decision;



- (4) prior to conducting the survey, Council staff initiate a balanced information dissemination campaign through the local media and Cockburn Soundings, to ensure the community is informed of the pros and cons of each of the issues to be covered in the survey.
- (c) At its 12 October 1999 Meeting, Council resolved to:
 - (1) pursuant to section 2.11(2) of the Local Government Act, 1995, change the method of filling the office of Mayor of the City of Cockburn to be elected by the electors of Cockburn under Part 4 of the Act;
 - (2) pursuant to section 4.20(4) of the Local government Act, 1995, declare the Electoral Commissioner to be responsible for all future elections, polls and referendums to be conducted by the City of Cockburn;
 - (3) pursuant to section 4.61(2) of the Local Government Act, 1995, conduct all future Council elections, polls and referendums as postal elections; and
 - (4) require Administration to prepare a Report providing options for Ward Boundaries and Councillor representation numbers to include the immediate, medium and long term future scenarios, with the information provided to take into consideration, the findings and recommendations of the "Community Representation Survey" recently undertaken by Australian marketing Intelligence."

Subsequent to this Council resolution, Council staff have compiled a variety of alternative scenarios using the most up to date demographic data available.

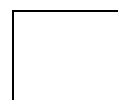
Submission

N/A

Report

The Options Paper prepared in support of this Report contains 22 alternatives for a Ward System of representation in the City of Cockburn.

The report provides for various options ranging from a two Ward system to a fourteen Ward system. Comment provided in the Report enabled all options to be considered, and for differing reasons, disregarded in favour of one option (being depicted as Option 6).



This option relates to a three Ward system, commencing with three Councillors per Ward and expanding to four Councillors per Ward in the future when the District is fully developed. In addition, Council will be served by an independently elected Mayor, not chosen to represent any particular Ward. This means Council will be represented by 10 Elected Members (including Mayor) initially, eventually increasing to 13 (including Mayor) in the long term under this scenario.

It is considered that this option provides for the best mix of representative interests for the Cockburn community in both the short and long term. This option provides the best traditional and historical interests to the community, while at the same time equalising the representation across the District.

It has the added advantage of being relatively simple to comprehend and will not require major changes to Council's rating and electoral records in either the short or long term.

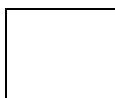
Indeed, if the option was to be adopted, there would only be a minor suburb amendment required in the short term, that being to divide the current suburb of Bibra Lake into two suburbs west and east of North Lake Road. It should be noted that this amendment is not a statutory requirement and is recommended in support of the Community Survey which suggested a public preference for ward and suburb boundaries to be aligned. Thereafter, no amendments to current suburb boundaries would be necessary if growth patterns reflect those predicted.

Having carefully considered many options and endeavouring to align these to the outcomes of the community survey, it is considered that this option will satisfy community and legislative requirements in both its initial and ultimate forms.

Should Council proceed with this matter, it is normally expected to take about six (6) months for the administrative process to be completed. This period includes public advertising, reviewing and considering submissions, reconsideration by Council, preparing a report to the Local Government Advisory Board, acceptance of the proposal by the Board, recommendation by the Board to the Minister and the making of an Order declaring the new arrangements.

It should be noted that previous Council decisions in relation to this and other matters regarding the method of electing the Mayor, postal elections and having the Electoral Commission conduct future elections, are matters which may be affected by the outcome of the Inquiry and the timing of the next Council elections, which will be set by order following the Minister's recommendation in response to the Inquiry Report.

Strategic Plan/Policy Implications



Key Result Area - "Planning Your City" refers.

Budget/Financial Implications

Advertising costs covered in Operational Budget.

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

N/A

538. (AG Item 13.1) (OCM1_5_2000) - COUNCIL NOMINEE - COCKBURN SOUND MANAGEMENT COUNCIL (SR) (9334) (ATTACH)

RECOMMENDATION

That Council nominate Commissioner _____ as the City of Cockburn member to be appointed to the Cockburn Sound Management Council.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that:

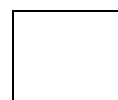
- (1) Council nominate Commissioner Smithson as the City of Cockburn member to be appointed to the Cockburn Sound Management Council subject to her acceptance of the nomination; and
- (2) should Commissioner Smithson decline the nomination, Commissioner Jorgensen be appointed to the Cockburn Sound Management Council.

CARRIED 2/0

Report

In anticipation of a request from the Minister for Water Resources Council is to nominate a nominee to be a member of the Cockburn Sound Management Council.

The proposed membership of the Council is 26 members as detailed in the Agenda Attachments. The Council is being established by the State



Government for the purpose of co-ordinating planning and environmental management of Cockburn Sound to protect the marine environment.

The proposed structure and composition of the Council, its reporting role to State Government and its terms of reference are outlined in the Agenda Attachments. The Council has been established as a Committee of the Board of the Water and Rivers Commission. The Water and Rivers Commission advise that it will comprise an independent Chairman, individual community groups, community groups (including a Com-Net nominee, conservation, recreation and fishing groups), industry and Local, State and Commonwealth Government representatives.

The Full Council is expected to meet once per quarter throughout the year. The Executive Council will determine its own meeting schedule, but is expected to meet at least monthly in the first year.

Strategic Plan/Policy Implications

Participation on the Cockburn Sound Management Council appears consistent with the City of Cockburn's stated objectives of:

1. 'To conserve the quality, extent and uniqueness of the natural environment that exists within the district; and
2. 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

No sitting fees are available for government members.

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

N/A.

- 539. (AG Item 13.2) (OCM1_5_2000) - PROPOSED MRS AMENDMENT NO. 1008/33 - SOUTH FREMANTLE/ HAMILTON HILL - OWNER: VARIOUS - APPLICANT: WESTERN AUSTRALIAN PLANNING COMMISSION (SA) (9100833) (MAPS 1 & 2) (ATTACH)**

RECOMMENDATION

That Council:

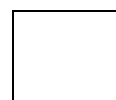


- (1) advise the Western Australian Planning Commission that it supports the proposed MRS amendment 1008/33 to rezone the subject land from "Industrial and Railways Reserve" to "Urban and Parks and Recreation reserve";
- (2) advise the Western Australian Planning Commission and the Environmental Protection Authority that:
 - 1. Noise, soil contamination and groundwater contamination have been identified as environmental issues relevant to the MRS Amendment. The submission of detailed studies relating to the nature and extent of these factors and their remediation / management will be required prior to the preparation of a structure plan for the subdivision and development of the land.
 - 2. Consideration to any impacts at the interface between the subject land and the foreshore reserve will need to be addressed as part of the structure plan preparation.
- (3) forward a copy of Council's recommendation and report to the Western Australian Planning Commission, with the Submission Form (Form 6A), for consideration.

COUNCIL DECISION
 MOVED Cmr Jorgensen SECONDED Cmr Donaldson that the recommendation be adopted.
CARRIED 2/0

Background

LOCATION:	LAND SUBJECT TO THIS AMENDMENT IS GENERALLY BOUNDED BY ROLLINSON ROAD TO THE SOUTH, COASTAL PARKS AND RECREATION RESERVATION TO THE WEST, OCEAN ROAD AND ISLAND STREET TO THE NORTH, AND THE FREMANTLE VILLAGE AND CHALET CENTRE TO THE EAST.	
ZONING:	MRS:	Industrial and Railway reserve
	DZS:	General Industrial, Light Industrial, Rail Reserve
LAND USE:	Various	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	



The land subject to this amendment is generally bounded by Rollinson Road to the south, Coastal Parks and Recreation Reservation to the west, Ocean Road and Island Street to the north, and the Fremantle Village and Chalet Centre to the east. It totals approximately 21 hectares in area. Refer to Agenda Attachments for a copy of the Amendment Plan.

Submission

The amendment proposes to rezone the subject land from "Industrial" zone and "Railways Reserve" to "Urban" zone and "Parks and Recreation Reserve".

The "Urban" zone allows for a variety of landuses, and the detailed uses that will be permitted will be subject to scheme amendments to the Local District Zoning Scheme of the City of Fremantle and Cockburn.

The City of Cockburn has already initiated a local Scheme Amendment to DZS No. 2 (Amendment No. 201), which has been adopted by Council in November 1999.

Report

The Amendment report, by the Western Australian Planning Commission states:

"As the major industrial land uses within the amendment area have now ceased and the major land owners are considering non-industrial development for the land, it is appropriate to consider whether the Industrial zoning is still the most suitable zoning for the land in a broader planning context.

It is considered that an Urban zoning, allowing for residential and other compatible uses, is preferable to the current Industrial zoning and Railways Reservation in view of the planning circumstances of the site. In particular, the proximity of the subject land to:

- *The Fremantle Strategic Regional Centre and the suburb of South Fremantle, both of which contain a wide variety of commercial, service, educational, recreational and community infrastructure;*
- *The major recreational assets of the South Beach foreshore Parks and Recreation Reservation;*
- *Major employment areas (Fremantle central area, Fremantle Hospital and the Hamilton Hill, Henderson, Fremantle and O'Connor Industrial areas); and*



- *Major educational facilities (Murdoch University, Fremantle TAFE, South Metropolitan College of TAFE).*

The above circumstances make the subject land ideal for Urban Land uses including a residential community and would contribute to better utilisation of public and private urban infrastructure, greater variety of housing types for the Fremantle community and benefits for the local economy. Urban infill developments on former industrial land in other parts of Perth have shown that such initiatives can produce high quality urban environments."

The report goes on to further detail that although there will be a loss of industrial land, there is an extensive area of undeveloped industrial land south of Rollinson Road (Robb Jetty Estate) and the ship building Henderson Industrial area.

It is further stated that the proposed zoning is compatible with surrounding development, as the proposed Urban zone allows for not only residential developments, but also commercial, light or service industry, education and parks and recreation areas. The specific land uses will be determined by the two local authorities (Fremantle & Cockburn), and their District Zoning Schemes.

The flexibility in landuses allowed under the Urban zone would allow for development of non-residential uses along Rollinson Road, creating a separation of the new residential development area (north of Rollinson Road) and the existing industrial zone, south of Rollinson Road.

The detailed structure planning will determine the land uses, densities, internal road layout and connections points to major arterial roads.

It is recommended that Council support this MRS amendment, as Council has been pro-active in promoting the change in zoning, via Amendment No. 201 to District Zoning Scheme No. 2, from "Industrial" to "South Beach Re-development" area. Council's attitude has been reflected in the adoption of Amendment 201 in April 1999, and the amendment was referred to the Western Australian Planning Commission with a request to advertise. For further details on Amendment 201, refer to the Agenda Attachments.

However, Council advised the Western Australian Planning Commission, in April 2000, that it did not want the local amendment to be concurrently advertised with the MRS Amendment, and that it would await the outcome of the MRS Amendment and enable a structure plan to be prepared prior to advertising the local scheme.

ENVIRONMENTAL REVIEW



The Environmental Protection Authority (EPA) advised that a formal assessment was required, under section 48A of the Environmental Protection Act. The draft Environmental Review Instructions were issued in March 1999, and an appeal was lodged regarding the Instructions. The final Environmental Review Instructions were issued in July 1999, with the relevant issues being noise, and soil and water contamination.

As a result Bowman Bishaw Gorham (Environmental Management Consultants) prepared an Environmental Review Report. The three relevant issues; noise, soil and water contamination have been addressed in this report.

Noise, soil contamination and groundwater contamination have been identified as environmental issues relevant to the MRS Amendment. The submission of detailed studies relating to the nature and extent of these factors and their remediation / management will be required prior to the preparation of a structure plan for the subdivision and development of the land.

It is also considered important to address any impacts at the interface between the subject land and the foreshore. This has not been considered in the Environmental Review but will need to be addressed as part of the structure plan preparation.

Strategic Plan/Policy Implications

Council has initiated Amendment 201, to its DZS No. 2, which will rezoned the subject area to "South Beach Re-development".

Budget/Financial Implications

N/A

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

Nil

Implications of proposed District Zoning Scheme No. 3

The subject area is zoned in Scheme No. 2 as a Development Area - No. 12, and a Special Use Zone - No. 5, which relate to the redevelopment of the area to "South Beach Re-development" area.



540. (AG Item 13.3) (OCM1_5_2000) - PROPOSED MODIFICATIONS TO COUNCIL'S POLICY MANUAL (9001) (SA) (ATTACH)

RECOMMENDATION

That Council:

- (1) delete Policy PD 29 - Coogee Precinct Development Guidelines from Council's Policy Manual;
- (2) revise Policy PD 40 - Henderson Industrial Area - Development Control, as per attached document and adopt it as PD 40 - Development Control Requirements for North Coogee, Robb Jetty and Henderson Industrial Areas;
- (3) advise Landcorp of Council's decision, accordingly;
- (4) amend DA-PD 21 - Landscape Standards for Commercial / Industrial Development accordingly.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED 2/0

Background

ZONING:	MRS:	N/A
	DZS:	N/A
LAND USE:	N/A	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

Council currently has three different polices in place regarding development guidelines for industrial areas, these include:

- 1. Policy PD 19 - Landscape Standards for Industrial, Commercial and Mixed Business Development,
- 2. Policy PD 29 - Coogee Precinct Development Guidelines, and
- 3. Policy PD 40 - Henderson Industrial Area - Development Control.



The matter was referred to the April 2000 Council meeting and it was resolved that the matter be deferred as the Policy required further modifications to be carried out. The Council felt that the Policy needed some fine tuning and therefore could not be adopted in its presented form.

Submission

The two of the three policies are similar in format, content and nature, Policies PD 29 and PD 40. Policy PD 29 was created and adopted as a result of Landcorp contractual requirements for development in the Coogee and Robb Jetty Industrial areas. It came to Council's attention in August 1997 that Landcorp had specific design requirements, beyond Council's Scheme provisions, therefore Council adopted Landcorp's requirements as a policy.

However, Landcorp have changed their contractual design requirements, and they may change again in the future.

Policy PD 40, for the Henderson area, was the result of a study by Max Margetts, on behalf of the South Metro area, and followed the format of Landcorp's design requirements.

PD 19 stands alone from the other policies as it specifically targets only the landscaping component of development in industrial, commercial and mixed business zones.

Report

It is preferable to delete Policy 29 from the Policy Manual as this would resolve the issue of differences in development requirements and standards between Council and Landcorp. Council is bound by District Zoning Scheme No. 2 provisions for setbacks, car parking, access and landscaping. If Landcorp wish to modify and changes their contractual development requirements, this should have no bearing on Council's development requirements and policy.

Policy PD 40 (Henderson Development Control guidelines) provide a generic set of provisions which provide guidance for the development of land in industrial areas, in the endeavour to achieve coordinated quality development, and by including the Robb Jetty and North Coogee industrial area into this policy, it would create a coordinate approach to quality development within the two industrial areas.

The modifications made to Policy PD 40 are detailed in the Agenda Attachment proposed policy, which include:



- Deletion of some clauses (in bold italics) which are considered to be unnecessary.
- Inclusion of new clauses (in bold type) in the fencing clause. This will enable Council Officers to enforce a condition of subdivision that all lots abutting the railway reserve be fenced in a colour-bond, and allow Council to enforce a higher standard of fencing in the area.

Some concerns were raised at the previous Council meeting regarding Clause 2.1 - Building Form, and the clause relating to residential building form not being acceptable in the policy area. In response to this concern, one of the objectives of the original Max Margetts report was to create a specific industrial facade in both the private and public domain of the Henderson industrial area, and it was considered that a residential building form did not reflect the industrial nature of the Henderson area.

Landcorp will still have a control over the standard of development, via their contractual requirements with the individual landowners, and Council's policy of referring all development applications in the Robb Jetty and North Coogee area to Landcorp for approval, prior to Council's consideration. Therefore it is recommended that Council adopt the revised PD 40 - Development Control Requirements for North Coogee, Robb Jetty and Henderson Industrial Areas.

Strategic Plan/Policy Implications

Alteration to the Policy Manual and Delegated Register

Budget/Financial Implications

N/A

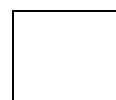
Implications of Section 3.18(3) Local Government Act, 1995

N/A

Implications for Proposed Scheme No. 3

Nil

541. (AG Item 13.4) (OCM1_5_2000) - PROPOSED LEASE - AZZURRI CLAY TARGET CLUB - PORTION OF RESERVE NO. 39584 - OWNER / APPLICANT: CROWN LAND (VESTED IN THE CITY OF COCKBURN) (3412304) (SR)(ATTACH)



RECOMMENDATION

That Council:

- (1) advise the Azzurri Clay Target Club (Inc) that it is not prepared to consider leasing any portion of Reserve 39584, Cockburn Road, Henderson to the club, due to the adverse planning and environmental aspects of the proposal and the periodic exclusion of the public from the proposed lease area;
- (2) advise CALM, Department of Environmental Protection and the Ministry for Planning accordingly.

COUNCIL DECISION

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

CARRIED 2/0

Background

ZONISNG:	MRS:	Parks and Recreation
----------	------	----------------------

Submission

The Azzurri Clay Target Club (Inc) has submitted a proposal for the City to consider leasing portion of Reserve No. 39584, Cockburn Road in Henderson.

The Club currently comprises 70 members and is seeking a lease of 32 hectares of land on the northern slopes of Mount Brown to be allocated as follows:

- 1. Club recreational area (development) - 2 hectares
- 2. Shooting layouts (development) - 1 hectare
- 3. Drop zone (cleared area) - 2 hectares
- 4. Safety zone (natural bush) - 27 hectares

Total 32 hectares

A copy of the Club's submission is included in the Agenda attachments.

Report



A copy of the Club's proposal was referred to the Department of Environmental Protection, CALM and the Ministry for Planning for advice as to the planning and environmental suitability of the proposal.

Copies of advice from these agencies are attached, but may be summarised as follows:

CALM

Preliminary advice is that the draft Beeliar Regional Park Management Plan identifies the land for natural environment uses and the proposal is considered incompatible with this purpose.

The draft plan proposed that the subject area be managed by CALM in accordance with the following criteria:

"The management emphasis is to provide for appropriate uses of the natural environment. Areas will be managed jointly for public use, conservation and enhancement of flora and fauna, and improvement of landscape qualities. Public use must be compatible with the vested purpose of the Park. Visible evidence of management may be moderate to high. Management will encourage uses and develop facilities that promote conservation and education.

Public access primarily by walking trails and cycle paths. Some development of facilities necessary, these may include education nodes and facilities associated with visitor nodes. Commercial concessions compatible with the values of the area may be considered appropriate within this management zone. The provision of facilities will depend on the values of the area and the community demand for facilities. Rehabilitation and habitat protection may be necessary."

Department of Environmental Protection

The DEP states that an alternative location should be sought for the Club as the site is classified as regionally significant bushland to be managed primarily for conservation purposes. More specifically:

- "• The proposal is on land within Perth Bushplan site 346, which is recognised as regionally significant bushland. The vegetation is a large and diverse representation of primary Cottesloe (Central and South) Vegetation Complex.*
- The proposal is considered by the Department of Conservation and Land Management (CALM) to be incompatible with the draft Beeliar Regional Park Management Plan, even though the Plan is in the preliminary stages of development.*
- The Beeliar Regional Park has been proposed for conservation since the System 6 Report in 1983. The area is an existing Parks and Recreation Reserve owned by the State Government. The*

Government intends handing it over to CALM for the proper management of conservation, and compatible, generally nature based, recreation. CALM have advised that on the basis of the:

- *further direct clearance of 5 hectares of bushland;*
- *incompatibility of the noise of shotgun fire with the intended conservation and nature based recreational use of the reserve;*
- *requirement for public exclusion, and secure fencing of the 32 hectare safety range; and*
- *potential disturbance of fauna, including waterbirds using adjacent seasonal wetlands in the reserve;*

that this proposal is incompatible with the purpose of the reserve."

The DEP identifies the need for a detailed acoustic assessment if the proposal proceeds further. The DEP notes the difficulty of applying the existing Noise Regulations to shooting due to the short duration of the activity, but that compliance with these regulations may be achieved.

Notwithstanding this possible compliance, the DEP notes that, (based on measurements of clay target shooting at the Northam Gun Club) noise levels at a distance of 800 metres would be readily audible and subjectively intrusive. The Club proposes that there would be 3 days shooting a week for 50 weeks of the year. The Naval Base Caravan Park and Wattleup Townsite are located 800 metres to the west and to the east of the proposed shooting range respectively.

The DEP also notes that public risk from the complex would need to be managed by the proponent, in that:

- there may be future walk paths located nearby to the site; and
- the site needs to be surrounded with security fencing, barriers and warning signs erected in compliance with the Police Act.

Ministry for Planning

The Environmental Planning Branch of the Ministry for Planning advise that they would be hesitant to support the proposal due to the need for clearing of the regionally significant remnant vegetation on the land (Bushplan Site 346). Noise impacts and restriction of public access are also issues of concern.

Officer Comments

The proposal would involve the periodic exclusion of the general public from an extensive area of the reserve and the noise from shooting is likely to have a detrimental impact on the public's passive recreational enjoyment of the reserve.



With the recent removal of the Controlled Access Highway reserve from the Beeliar Regional Park, an opportunity exists to consolidate the management of the subject land with adjacent conservation reserves to the east and north-east which protect Lake Mount Brown and the Brownman Swamps. Approval of the Club's proposal would represent an intrusion into this Regional Reserve. It is noted that the FRIARS report proposes the inclusion of additional land on the southern slopes of Mount Brown (immediately south of the municipal boundary) with this consolidated area.

In addition, the City of Cockburn's 'Integrated Coastal Management Strategy' also earmarked the subject land for passive recreation and environment uses. This Strategy was adopted by the Council "...as a *guide to coastal planning and management within the City*' (Item 13.1 OCM1_11_99). The Club's lease proposal is inconsistent with the Strategy Recommendations pertaining to Mount Brown, ie:

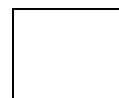
- Develop lookout and scenic view area;
- Formalise paths and access opportunities to maintain ecological values;
- Develop sites for picnic areas;
- Develop this site as an ecological destination with interpretation of environmental values; and
- Manage vehicle access in the area.

There are three existing Recreation Clubs which lease adjacent reserves to the north of the subject area as follows:

- Coastal Park Motor-Cross Track operated by the Coastal Motorcycle Club of Western Australia (Inc). Reserve 39455 Cockburn Road, Henderson.
- The Cockburn International Raceway operated by Tiger Kart Club (Inc), Reserve 37246 Gemma Road, Henderson.
- Western Australian Radio Modellers (Inc), Reserve 37584, Gemma Road, Henderson.

All of the uses generate noise to a greater or lesser degree, however, the leases were established a number of years ago. Consequently these existing leases are recognised within the Ministry for Planning's 'Beeliar Regional Park' report (June, 1992) and the draft 'Beeliar Regional Park Management Plan' (CALM, 1999) as being within an area classified for 'Recreation', as opposed to the 'Natural Environment' classification of the subject area.

The Council's most recent decision regarding the subject land was in response to a tentative proposal that the site may be considered as an alternative site for the Motorplex which is now currently under construction in Kwinana. The Council at its meeting on 15 February 2000



confirmed "... *its strong opposition to any suggestion that the proposed Motorplex be located in Henderson.*"

Further, as part of the proposed Southern Harbour project at Jervoise Bay, CALM, in conjunction with the Department of Commerce and Trade committed in September 1999 that it would upgrade Woodman Point Regional Park and the Mount Brown area of the Beeliar Regional Park. This is referred to as the 'Jervoise Bay Green Links Enhancement Plan' and is designed to enhance the conservation, recreation and landscape value of the parks.

The Council has also vigorously opposed a number of extractive industry proposals in the Beeliar Regional Park in Henderson, with three such applications having been refused by the Hon. Minister for Mines in January this year. This is part of a consistent pattern of Council decisions designed to protect the conservation and landscape values of this area.

Recent Industrial expansion at Jervoise Bay has significantly reduced the area and value of near-coastal reserves available to the public. This highlights the need to preserve public access and treat such areas as a prime community and environmental resource.

Strategic Plan/Policy Implications

The lease proposal appears inconsistent with the following Strategic Plan objectives:

- To conserve the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure that the development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

If approved, lease income would be available to the City.

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

It is proposed that CALM may take over the management of this area in the future.

If Council was to support the lease proposal, the approval of CALM, DEP and the WAPC would also be required. Based on advice from these agencies, it is highly unlikely that they would approve the proposal.

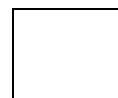


- 542. (AG Item 13.5) (OCM1_5_2000) - PROPOSED MOTEL UNITS (10) ON RURAL LAND - LOT 768 BRANCH CIRCUS, SUCCESS - OWNER: G G & L A WALLIS - APPLICANT: G WALLIS (5509607) (MT) (MAP NO 15) (ATTACH)**

RECOMMENDATION

That Council:

- (1) refuse the application for 10 motel units on Lot 768 Branch Circus, Success for the following reasons:
 1. Structure Planning has not been undertaken for this locality. Until such time as consideration of future uses of land in the locality has been undertaken, it is not appropriate to approve the development.
 2. The proposed development will have a detrimental impact on the adjoining Beeliar Regional Open Space. An appropriate interface with the open space must be achieved.
- (2) issue a MRS Form 2 "Refusal to Commence Development";
- (3) advise the applicant that conditions of any future approval would address the following issues:
 1. The lot falls within Developer Contribution Area No. 1 – Success North. Arrangements would need to be made with Council for a contribution to the upgrade of Hammond Road.
 2. A contribution to the upgrading of Branch Circus may be required.
 3. The development must be connected to sewerage.
 4. A geotech report to determine the suitability of the lot for development would be required. The area has high concentrations of peat.
 5. Revised street and lot setbacks.
 6. The need to relocate the development within the subject lot, to enable the future allocation of the 10 percent public open space contribution from Lot 768 adjacent the existing Region Open Space boundary.



(4) advise the Ministry for Planning and those who made a submission of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 2/0

Background

ZONING:	MRS:	URBAN DEFERRED
	DZS:	RURAL
LAND USE:	HOUSE & SHEDS	
LOT SIZE:	13 395m ²	
AREA:	889m ²	
USE CLASS:	"SA"	

The Ministry for Planning resumed a large portion of the original Lot 768 Branch Circus for inclusion in the Beelie Regional Open Space Reserve in June 1999. The subject motel application is on part of the remaining 1.3 hectares.

Submission

Application is made for 10 semi-detached brick and tile motel units. Each has 2 bedrooms, a kitchen, laundry and one bathroom. The units are to be setback 4.3 metres from the front boundary, 4 metres from the south-western boundary and 4.1 metres from the southern boundary. Each unit has two car bays (1 covered) and 3 visitor bays are proposed. Each unit has a private courtyard. The site plan and floor plans are attached to this agenda.

The application was referred to surrounding landowners for comment. One submission was received. The neighbour objected because he would like to keep the area "urban / rural" and because he was refused permission to run a business from his premises. He points out there is already a caravan park to cater for semi-permanent residents.

Report

Lot 768 is zoned 'Rural' in Council's District Zoning Scheme No.2. In proposed Scheme 3 it is zoned 'Development Zone'. This reflects the 'Urban Deferred' zoning under the Metropolitan Region Scheme and

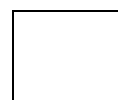


indicates the lot will have an urban use in the future. Structure planning of this area has not been undertaken.

A motel is an appropriate urban use of the proposed site. The lot is close to future transport (Hammond Road is proposed for upgrade to dual carriageway in 5-10 years) and not far from shopping and other services (Gateways Shopping Centre and 'Mixed Business' around the intersection of Beeliar Drive and Hammond Road in Scheme 3). The location of a caravan park nearby catering for a similar market is not a valid planning consideration. The owner has stated the motels would primarily cater for the medium stay (1 month) accommodation market. If the locality is rezoned to residential in the future, the owner has expressed an intention to strata title the units and sell them. Approval from Council to do so would be necessary at that time and would be subject to the relevant planning considerations.

The lot abuts Bushplan site No.391 which is part of the Beeliar Regional Open Space and is reserved Regional Reserve – Parks and Recreation in the Metropolitan Region Scheme. Therefore the proposal was referred to the Ministry for Planning for their comments. Their response, dated 1 May 2000, recommends the application be refused because structure planning has not be completed for this area. The structure planning process would determine the appropriate land uses and any environmental assets on Lot 768 that should be protected from development. The Ministry's advice is partially based on a desire to identify bushland worth of retention on Lot 768. At a meeting on site with the owner he confirmed that he has already cleared all the remnant bushland on the proposed motel site.

There is merit in undertaking structure planning prior to allowing any development on the subject lot. The proposed development in its current form will have detrimental impacts on the vegetation and wetland in the adjoining Beeliar Regional Open Space. The buildings are setback 4 metres from the Regional Reserve and the private courtyards back up against the dividing fence. The application will lead to development within 40-50 metres of the wetland and creates an undesirable private interface with open space. The structure planning process might identify the need for a public road or walkway along the southern boundary of the lot, to create a public interface with the regional reserve. Alternatively, the motel site could be an appropriate location for the additional 10% open space required to be given up as part of any future residential/urban subdivision of Lot 768. Approval of the motel development at this stage could preclude these options. In order to ensure the proposed development integrates well with future urban development and the regional open space in the locality, it is recommended the application be refused.



Advice to the applicant about other planning considerations that will be addressed in any future approval of the motel units, once structure planning is completed, will help him consider his options.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

The Notice of Delegation published by the WAPC in November 1998 states that in cases where the Ministry for Planning's comment with respect to an application abutting a Regional Reserve are not acceptable to Council, the application must be referred to the WAPC for determination under the Metropolitan Region Scheme. The Ministry recommended the subject development be refused. If Council did approve the application, the application would have to be referred to the WAPC for their determination.

Appeal rights to the Minister for Planning or the Town Planning Appeals Tribunal are available in the event of a Council refusal.

543. (AG Item 14.1) (OCM1_5_2000) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for April 2000, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 2/0

Background



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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

N/A

544. (AG Item 14.2) (OCM1_5_2000) - COMMISSIONERS EXPENSES AND ALLOWANCES (1705; 5000; 5402) (ATC)

RECOMMENDATION

That during the term of their appointment, Commissioners at the City of Cockburn receive:

- (1) a monthly allowance in lieu of telecommunications expenses based on an annual allowance of \$2000; and
- (2) payment of mileage allowance based on claims in respect of use of their motor vehicle at the rate prescribed in the Local Government Officers' (Western Australia) Award 1999.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that the



recommendation be adopted.

CARRIED 2/0

Background

In his letter of appointment of Commissioners to the City of Cockburn, the Minister for Local Government stated that in addition to a monthly remuneration, Commissioners were to be paid “expenses of office”. To date there has been no determination by Council as to what should be paid in relation to “expenses of office”.

Submission

N/A

Report

Section 5.98 of the Local Government Act 1995 provides for the reimbursement of expenses to Council Members.

In mid-1999 the Act was changed to include Section 5.99A to provide for an annual allowance to be paid to members in lieu of reimbursement of expenses. However the regulations prescribe that the only allowance which can be paid is for telecommunications expenses. The regulations provide for a maximum total annual allowance for telephone and facsimile machine rental charges and any other telecommunications expenses of \$2,000 per year.

In regard to payment for use of private motor vehicles on Council business, in 1998 Council resolved that vehicle allowance would be payable at the rate set out in the Local Government Officers’ (Western Australia) Award. It is proposed that Commissioners be paid at the same rate on submission of claim forms.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Funds are provided in the Budget



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

N/A

545. (AG Item 14.3) (OCM1_5_2000) - **COMPULSORY LAND ACQUISITION - PORTION LOT 57 TINDAL AVENUE, YANGEBUP - BEELIAR DRIVE (4309121; 450953) (KJS)**

RECOMMENDATION

That Council pursuant to Part 9 of the Land Administration Act 1997 compulsory acquire portion of Lot 57 Tindal Avenue, Yangebup for the construction of Beeliar Drive.

COUNCIL DECISION

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

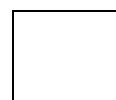
CARRIED 2/0**Background**

Valuations have in the past been obtained on behalf of the City of Cockburn and on behalf of the owners of Lot 57 M and C Grieco and C and C Mignacca the latter paid for by the City of Cockburn. In a letter dated 4 May 1999 the owners through their agent Urban Focus offered to sell portion of Lot 57 at a rate of \$39.89 per sq.m. A field survey had not been undertaken at this stage and the area required was deemed to be 3,121 sq.m. Since that time the area has been defined by field survey and is known to be 3,963 sq.m. This equates to \$158,068.

Council Meeting of 21 December 1999 resolved to accept the offer from Urban Focus on behalf of the owners of Lot 57 Tindal Avenue and other owners along the route of Beeliar Drive. This decision was conveyed to Urban Focus by letter 15 March 2000. In the course of preparing documentation for the Settlement of these transactions the owners of Lot 57 through Mrs Grieco has informed the City's Land Officer that the owners do not want to proceed with the sale. They feel that the price offered is insufficient but would settle if the price was increased to \$200,000.

Submission

N/A



Report

The price per square metre offered to the owners of Lot 57 is the same as that accepted by the affected owners between Birchley Road and Spearwood Avenue. The City is committed to starting earthworks for the full length between Spearwood Avenue and the railway line in the year 200/01 financial year. The Water Corporation is committed to the construction of a major drainage pressure main following the completion of the earthworks.

The Land Administration Act processes would normally result in a taking order being issued in respect of the land which would take approximately five months to allow access to the land. Section 186 of the Land Administration Act allows the Minister to authorise persons to enter the land without a taking order where work of an urgent nature was required. In this case the Water Corporation requires access to the land in October 2000 in order to install a pressure main. It is anticipated that the Minister will use his powers to enable the Water Corporation's Program to be implemented.

Strategic Plan/Policy Implications

The construction of Beeliar Drive between Kwinana Freeway and Stock Road is listed as a project to be completed.

Budget/Financial Implications

Funds have been allocated in the current budget for this acquisition.

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

N/A

- 546. (AG Item 15.1) (OCM1_5_2000) - TENDER NO.14/2000 (RECALLED) - OUTRIGHT SALE OF 1995 VANGUARD SP 4000 MECHANICAL ROAD SWEEPER - PLANT NO.19 (4407) (JR)**

RECOMMENDATION

That Council:

- (1) accept the tender from Asteranch Pty Ltd for Tender No.14/2000 (Recalled) - Outright Sale of Vanguard Mechanical Road



Sweeper, Reg. No.9DL 233 at a purchase price of \$26,000 and Plant No.19 be removed from the Assets Register;

- (2) transfer an additional \$54,000 from the Plant Reserve Fund to offset the loss of income as a result of the sale; and
- (3) amend the Budget accordingly.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED 2/0

Background

There is an indicative income allocation of \$80,000 on the current Major Plant Budget for the outright sale of Council's Vanguard Mechanical Road Sweeper, Fleet No.19. Tenders were previously called to purchase the sweeper from Council. However, as only one submission was received for a very low price of \$20,000, it was decided under delegated authority extended to the Director, Engineering and Works to decline to accept any tender, and tenders to be recalled with wider advertising. Consequently, tenders were recalled with extensive Internet advertising as well as the regular newspaper advertising.

Submission

At close of recalled tender period, only two submissions were received as follows:

- | | | |
|----|---|----------|
| 1. | Asteranch Pty Ltd
20 Beaconsfield Avenue
MIDVALE WA 6056 | \$26,000 |
| 2. | Peter Kennedy Town Prop. Maint.
49 McDonald Street
HERNE HILL WA 6056 | \$25,500 |

Report



The response and submitted prices for the tender is still very disappointing and represents a far greater depreciation of the item of plant over five years than was expected. No interest could be generated from auction houses. This can be attributed to the lack of demand for mechanical road sweepers and the withdrawal of the Vanguard model from the Australian market. Two such sweepers have apparently sat in the year of the Australian distributor for the past 12 months.

However, as various avenues of disposal for the surplus item of plant have now been thoroughly explored in the current market, it is considered that the sweeper should be sold to Asteranch Pty Ltd.

As the sale was budgeted to realise \$80,000 and only \$26,000 can now be expected, there will need to be an amendment to the overall Major Plant Budget to account for the shortfall in income from the sale and trade-in of major plant. Although some savings (about \$20,000) have been achieved to date for the replacement purchase of major plant for the Roads Department, there are still a number of replacements and other plant sales to be finalised that could vary from their indicative income allocations. Consequently, it is considered that the shortfall of \$54,000 in the sale of the sweeper should be offset in the Major Plant Budget with an adjustment from the Plant Reserve Fund. The reserve fund currently has a balance of \$344,000.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The extremely low offer for the sweeper, if accepted would show a loss on the net asset value currently recorded as \$89,922 in the Assets Register. The budget needs to be adjusted to show a loss of income for Account No.670120. Increased funds will be required from the Plant Reserve Fund to offset the loss of income.

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

N/A

- 547. (AG Item 16.1) (OCM1_5_2000) - PINEVIEW PRE-SCHOOL (8222) (JG) (ATTACH)

RECOMMENDATION



That Council:

- (1) adopt revised Policy A2.2 - Maintenance of Kindergartens (Community Based), in relation to provision of support for preschool;
- (2) make safe or remove playground equipment on Reserve 35431;
- (3) enter a lease agreement or exchange of letters with Pineview Pre-school Management Committee, highlighting the responsibilities of each party in line with Council Policy regarding the management of Reserve 35431; and
- (4) seek through the Department of Land Administration a revision of the boundaries of Reserves 35431 and 32581 to reflect current use and also broaden the purpose of use to "Community Purposes".

COUNCIL DECISION

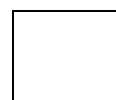
MOVED Cmr Jorgensen SECONDED Cmr Donaldson that:

- (1) adopt revised Policy A2.2 - Maintenance of Kindergartens (Community Based), in relation to provision of support for preschool;
- (2) make safe or remove playground equipment on Reserve 35431;
- (3) enter a lease agreement or exchange of letters with Pineview Pre-school Management Committee, highlighting the responsibilities of each party in line with Council Policy regarding the management of Reserve 35431;
- (4) seek through the Department of Land Administration a revision of the boundaries of Reserves 35431 and 32581 to reflect current use and also broaden the purpose of use to "Community Purposes"; and
- (5) through its administration, liaise with the Pre-School Committee to provide advice and guidance on how it may be able to obtain funds to acquire new playground equipment.

CARRIED 2/0

Explanation

Council felt that despite the dispute of responsibility, there is a community facility and citizens of our community use the playground. It



would be inappropriate for the City to take away unsafe equipment without making more serious attempts to ensure that the Pre-School has adequate play equipment, which could hopefully be achieved by providing guidance and advice to the Pre-School Committee.

Background

There are currently three preschool sites within the City of Cockburn, two of which have existing agreements with the Department of Education. The other, Pineview Preschool, has a community based Management Committee with no existing agreement with the Council.

Over recent months several issues have been raised regarding the Pineview Preschool Service, which operates from a Council vested building in Mopsa Way, Coolbellup.

This facility was constructed in the early 1970's utilising Commonwealth monies and is on Crown land vested with the City of Cockburn. The facility is in reasonable condition and is structurally sound.

As this facility is located on land vested with the City of Cockburn and no agreement is in place with the User Group, Council could be exposed to liability, particularly in relation to the state of the playground equipment.

Submission

N/A

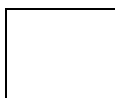
Report

Staff from the Department of Education, Family and Children's Services and the City of Cockburn have met to discuss the current arrangements regarding the operation of the pre-school at this location.

Subsequent to these meetings staff have identified several issues which need to be addressed:

1. Concerns regarding duty of care and possible liability relating to the services to children operated from this site.

Representatives of these agencies agree there is significant duty of care. Given the vestment of the reserve the City could be exposed to a liability as indicated in advice from Council's solicitors (provided under separate cover).



There is a significant liability borne by the City of Cockburn in relation to sub-standard play equipment on this site.

2. The standard of play equipment on this site and its compliance with standards.

A safety report on the play equipment indicates that over 90% would not comply with Australian standards (attachment 1). Given the use of the equipment, the City of Cockburn currently has the liability for any injury to a child using the equipment. It is therefore recommended that the equipment be removed or made safe where possible as a matter of urgency. This will be done in the knowledge that Council will not replace the equipment and there is no identified means for the replacement to be funded.

3. Costs associated with the operation of this building and who is responsible for providing operational funds.

It is considered that the City of Cockburn does not have a responsibility for the upgrade of this equipment, which is estimated to cost approximately \$75,000. Officers have highlighted that it is not the City of Cockburn's responsibility to subsidise what is a State or Commonwealth Department core business. Given that the WA Education Department is the principal funder, the administration is of the view that it is their responsibility to adequately fund community managed child education programs. Such funding ought to include outlays such as rent, building maintenance, electricity, gas etc. The Education Department states that they only provide funds for teaching staff and a small fee per child.

The Council has an existing policy in relation to Maintenance of Kindergartens (community based).

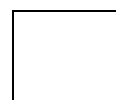
Policy A2.2 states:

"(a) Council is responsible for maintaining the outside of all Kindergarten buildings within the Council area, the interior of the building to be the responsibility of the Kindergarten Committee."

This policy does not adequately define the roles and responsibilities of the lessee in relation to maintenance of the grounds or equipment.

New Policy A2.2 (attachment 2)

If the City of Cockburn was to provide funds to support this group Council may set a precedent by which other non-government or community based schools could apply for a similar subsidy. It is therefore the position of the administration that the upgrade of play equipment not be supported and that the current policy clearly sets out that the lessee is responsible for the provision, maintenance and



upgrade of any specific equipment placed upon the land area covered by the lease.

4. Legalities relating to the lease of the building and the current reserve boundaries

The Reserve (35431) and building is vested in the City of Cockburn for the purpose of Pre-School Centre. This vestment is with the power to lease for a period of 21 years.

At present the capacity of the Pineview Preschool Committee to enter into a lease arrangement covering costs is questionable. Advice indicates that several other local government authorities offer peppercorn rental on similar facilities. It is preferable that the City of Cockburn clarifies the management arrangements of this reserve as a priority and should also consider a peppercorn lease arrangement or exchange of letters as an interim measure.

The boundaries of this reserve and the adjoining Reserve 32581 also need to be reviewed as some of the infrastructure related to the Pineview Preschool is placed on the adjoining reserve. The vestment of these reserves is also very specific and if the City of Cockburn was to revise the boundaries it may also be timely to broaden the purpose of these reserves for community purposes. (Attachment 3)

5. Concerns regarding the future viability of these projects given changes in enrolment dates for the 4 year old program and the future location of the 5 year old program

The current occupant of this building is a local community managed organisation providing pre-school and 4 year old program for approximately 70 children.

There have been a number of meetings relating to concerns about the long-term viability of the services operated within this facility. There are significant changes within the operations of Education Department programs, which could lead to a reduction in funds and a decrease in the number of enrolments within the program.

Strategic Plan/Policy Implications

Proposal recommends revision of Policy A2.2.

Budget/Financial Implications

It is estimated that the vestment and boundary changes would cost \$2,500. The development of a lease with the Pineview Preschool



Committee would cost approximately \$1,100. Removal of playground equipment and repair where possible is estimated \$1,500. These figures are covered in existing budget allocations.

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

N/A

548. (AG Item 16.2) (OCM1_5_2000) - REQUEST FOR DONATION - COCKBURN BOXING GYM (8140) (JG)

RECOMMENDATION

That Council charge the Cockburn Boxing Club the full fee in accordance with Policy A2.11 - Hire of Council Community Halls.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that:

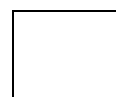
- (1) Council charge the Cockburn Boxing Club the full fee in accordance with Policy A2.11 - Hire of Council Community Halls; and
- (2) Council advise the Club that it is prepared to pay a subsidy of up to 50% of the hire charge for a maximum period of 12 months; and
- (3) the matter be reviewed by the incoming elected Council.

CARRIED 2/0

Explanation

Council felt that having recently adopted a new fee structure and the competing need to have some form of consistency in administering these fees and charges, it was felt that the Club should be charged the full fee accordingly to Council policy. However, as this group had been supported over a long period of time by previous Councils, it was considered appropriate to pay a subsidy of up to 50% of the hire charge for a maximum of 12 months, so that the group could continue until an elected body is in place, who could then make a fair and reasonable assessment of the situation.

Background



At the December 1999 meeting the Council resolved to accept new standardised fees and charges for regular and sessional users of all the City's community halls.

In March 2000 these new charges became effective and all hall user groups received correspondence regarding the new charges and the subsidy guidelines.

Submission

Cockburn Boxing Club has sought a subsidy of 50%.

Report

On the 18th of April 2000 Mr. Wayne Barwick of the Cockburn Boxing Gym met with Commissioner Jorgensen to highlight that Club's concern regarding the new fees policy.

Historically this club has received a heavy subsidy from the City of Cockburn. The aim of the new policy was to eliminate the existing anomalies in relation to fees and charges and standardise the subsidy policy to ensure equity for all user groups within the City.

The fees previously charged to Cockburn Boxing Gym were \$73.20 per week, with the new fee being \$100 per week. As the Cockburn Boxing Gym had a previous subsidy arrangement they were paying \$18.40 per week. Mr. Barwick stated that the Club could not meet this increase and he would be forced to close the gym or move to another locality. He stated that the gym could absorb 50% of the new fee and requested that the Council consider making a donation to the gym to assist covering costs. The current fee subsidy policy only allows administrative officers under delegated authority to approve a 50% subsidy for three months for new groups or 20% annually with review.

An application for fee subsidy has now been received from the Cockburn Boxing Gym with assessment made that this group would not be eligible for a subsidy under the current policy and assessment guidelines.

There are currently between 10 - 15 members of the gym being charged \$2.50 per session. The gym has 4 sessions per week of 2 hours duration. It is estimated that the Cockburn Boxing Gym raises between \$100 and \$150 in income per week.

Due to the small number of participants in this program, it is not considered that a Council subsidy is justifiable based on an obligation to contribute to a significant community service.



It is considered that providing a donation/contribution to this group would set a precedent which could, over time result in the previous inequity being reinstated by another process.

Strategic Plan/Policy Implications

Key result area - "Facilitating The Needs of Your Community" refers.

Budget/Financial Implications

Donation of \$2,400 would be required to subsidise this gym for 50% of the standard fee for one year of operation.

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

3.18 (3)(b) "Providing a Subsidy to a Private Operator" would be contrary to the spirit of this clause.

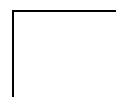
549. (AG Item 23.1) (OCM1_5_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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

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

CARRIED 2.0

The Presiding Member acknowledged a letter from the Department of Local Government on the 1999/00 Annual Budget. He stated that the Department reviews these budgets and as a result of this review Mr John Gilfellon - Manager, Monitoring and Investigations Branch, has written and says:



I would like to congratulate those officers from your organisation involved in the production of the budget documents submitted which in our opinion demonstrates a very high standard and exceeds the benchmark levels set for the review.

The Presiding Member on behalf of Council congratulated Director, Finance and Corporate Services and the Chief Executive Officer and all of the team involved in the preparation of the 1999/00 Budget.

MEETING CLOSED 8.27 PM

CONFIRMATION OF MINUTES

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

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

