

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 FEBRUARY 2000 AT 7:30 P.M.

PRESENT:

COUNCIL MEMBERS

Mr J F Donaldson	-	Chairperson of Joint Commission
Ms J L Smithson	-	Joint Commissioner
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 J Radaich	-	Acting Director, Engineering & Works
Mrs B Pinto	-	Secretary to Director, Finance & Corporate Services
Miss R Edwards	-	Public Affairs Officer

416. (AG Item 1) DECLARATION OF OPENING

The Presiding Member declared the meeting open at 7:30 pm.

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

Nil

418. (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.



419. (AG Item 4.1) (OCM1_2_2000) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)

Com Donaldson advised that he had received written advice from:

- (1) Com Smithson - Agenda Item 13.1
- (2) Mr J Radaich - Agenda Item 14.3
- (3) Mr R Brown - Agenda Item 22.1

which will be read at the appropriate time.

420. (AG Item 5.1) (OCM1_2_2000) - APOLOGIES & LEAVE OF ABSENCE

Mr B Greay Annual Leave

421. (AG Item 6.1) (OCM1_2_2000) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Stephen Lee - Public Question Time - 21 December 1999 - requested if Council was able to ascertain or find reference to a Council decision that no further landfill sites be established in Cockburn which he thought was a decision of a Special Council Meeting.

A response dated 13th January 2000, advised that according to Council's records, there has been no decision taken in the past preventing the establishment of waste disposal sites in the district. It also confirmed advice given by the Chief Executive Officer at the meeting, that the Works and Parks Committee recommended in January 1995, that the Director formulate a strategy to prevent a Regional Waste Disposal Site being established within the City of Cockburn. Nevertheless, legal opinion is that a Council could not make a decision which would prevent it from exercising its powers under the Act or its Scheme.

Mrs Mary Jenkins - Public Question Time - 21 December 1999 - asked if there were any community representatives on the Jandakot Airport Consultative Committee.

A response dated 13 January 2000, advised that the community is well represented by a member of the North Lake Residents Association, Jandakot Airport Community Group, Kardinya Ratepayers Association, Jandakot Special Rural Association and Murdoch-Winthrop Community



Group. In addition, there are two Councillors from each of the Cities of Melville, Gosnells, Cockburn and Canning.

Mrs Val Oliver - Public Question Time - 18 January 2000 - queried plans to redevelop some parts of Centenary Hall and wanted to know if and when it would happen and to make sure that community groups have input into the redevelopment of the area.

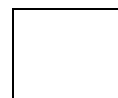
A letter dated 25 January 2000, advised that there are a number of factors that will affect the progress of redevelopment of Len Packham Reserve and the facilities on the adjoining community site that include the Centenary Hall. Council wishes to carry out alterations and additions to the facilities in a rational and cost effective way and part of that process will include seeking input from the local community not only on the redevelopment of the hall, but all facilities on the site.

Mrs Mary Jenkins - Public Question Time - 18 January 2000 - queried how much had been paid so far for the Administrator's legal fees in relation to the Douglas Inquiry.

A response dated 27 January 2000 advised that the total of legal fees reimbursed to staff as at 18 January 2000 was \$1,150.00, however staff members have received further invoices for legal fees. Council, subject to Policy A1.18 in respect of Mr R. Brown, Mr S. Hiller and Mr S. Ryan, has approved reimbursement of legal fees up to a total of \$6,000 per individual. Reimbursements will be made in accordance with Council's decision when receipts detailing proof of payment are produced.

422. (AG Item 7.1) (OCM1_2_2000) - PUBLIC QUESTION TIME

Ray Lees, suspended Councillor and ratepayer of the Cockburn wanted clarification from the last meeting regard the fruit and vegetable distribution centre in Wattleup Road. He asked what does the word "locality" mean? Is it the locality of Cockburn? Director, Planning and Development replied that the Commission has never defined what locality means, but it is understood that the locality would mean the local area. This is the definition used as being the immediate locality in which it is located. Mr Lees was still not sure and sought further clarification. Is it the locality of Kwinana, Serpentine-Jarrahdale or is it the locality of the City of Cockburn or locality of surrounding areas? Cmr Donaldson replied that it would be the local area. This clarified Mr Lees question.



Graham Santich of 10 Bailey Street, Hamilton Hill had two questions to ask:

Q1. In view of the acute shortage of public boat ramps in the Cockburn and surrounding local government districts with the resultant over-crowding at the Woodman Point facility, has Council ever or does it intend to request the Department of Transport to urgently extend the number of ramps at the present site or construct another one at a different locality?

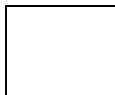
A1. Cmr. Donaldson replied that that particular option is not being considered and should you wish it to be so then you need to communicate with Council to that effect at a later stage which will then be looked at.

Q2. Would Council consider the reconstruction and seal of approximately 80 metres of road length at the Woodman Point Boat Ramp facility from the Store site to the apron of the public boat ramp?

A2. Cmr Donaldson replied that it is not Council land but is under the control of the Department of Conservation and Land Management. Such requests should be forwarded to that authority.

A resident of 182 Wattleup Road spoke on behalf of her parents and other concerned residents regarding the packaging facility. She said that she had responded to the proposal which they were against and was under the impression that they would be advised as to when it would be dealt with by Council. She was disappointed she could not voice her opinion and be heard. She asked why were they not informed? Cmr Donaldson replied that it is not normal practice to advise people who participate in the process. Agendas are made available to the public prior to any meeting. There is no administrative procedure in place at the moment to broadcast to the public what is on the Agenda.

She also asked how far advanced are the proponents with their approval for this facility? At what stage are they at? What is the procedure for these name changes as there has been several different applications being put forward. Where do they stand? Director, Planning and Development replied that the application was approved last month. At the moment they are restricted to the terms of the Scheme which says they cannot produce or be involved in processing foods that have not been grown locally. For them to deal with vegetable foods that come from other sources, they have to get an amendment to the Scheme. At this stage they have not submitted an application for this. The question was also asked if they apply for an



amendment will the residents be notified about it? If the Scheme is to be amended it would be advertised and also the adjoining neighbours would be notified as well.

She asked how is it going to be monitored? There have been limitations put on the facility whether or not they are going to be working the set timeframes. Director, Planning and Development replied that the only way this facility will be monitored is through complaints, inspections and compliance with certain audits that they may have to submit to Council from time to time.

Cmr Smithson clarified for the record that at the last meeting Council resolved to approve the development application for the warehouse but it was only local produce. Council did get rezoning requests at the same time to allow fresh produce from outside the district and there was a recommendation to support that amendment. Council deferred this at the last meeting and asked for additional information from the proponent to address the issues that Council raised. When this information has been received it will come back to Council for a decision to be made.

Stephen Lee, suspended Councillor and ratepayer of the district spoke with regard to an item that appeared on last month's Agenda which related to the location of bus shelters on Rockingham Road. He said he received a number of requests from ratepayers for bus shelters to be located outside the Spearwood Shopping Centre. This request was forwarded to the Engineering Department but he was unsure whether it was placed on the Budget this year. He requested that if it did not, this may be an opportunity to address the issue. He asked if one of these shelters under System 21 could be located outside the Spearwood Shopping Centre? Cmr Donaldson replied that Council will contact Transperth and look at the issue in liaison with them and if it moves forward from there it will certainly be placed on the Budget for consideration.

Laurie Humphreys, concerned resident and newly appointed President of the Coolbellup Community Association spoke regarding a facsimile he received from Smithwick Strata Services at the Coolbellup Shopping Centre. The same facsimile was forwarded to the Commissioners in a letter which read as follows:

On Thursday 3 February 2000 I visited the City of Cockburn in desperation after two telephone calls went unanswered. The purpose of the visit was to advise staff that on the boundary behind the Coolbellup Shopping Centre next to the footpath that leads to the front of the Child Health Care Centre, there was a dead tree that presents a serious hazard through falling branches. My main concern as Strata Manager of the



Shopping Centre is that someone is going to get hurt if the tree decided to fall over. I have not been able to establish who the tree belongs to. I spoke to Laurie Murnane who thinks the tree could be the responsibility of the Shopping Centre. I question this assumption. Mr. Murnane promised to investigate the matter and get back to me on this as soon as possible. It is now Tuesday and heard nothing. Everyday the issue is unaddressed and increase the potential hazard.

I am also concerned about the syringe problem we are experiencing at the Centre. On a previous visit to the Council I queried about whether it would be possible to have a safe syringe disposal box installed at the Shopping Centre. I was advised that there are only a few available units and the Council did not believe the Coolbellup Shopping Centre warranted such an installation. I was told that this was the Shopping Centre's problem. I disagree with this assessment. A safe deposit of syringes is a community problem arising from drug use in the community. I was told that I could purchase one of these disposal boxes for \$75. However, as principal of 32 owners they pay rates which includes paying garbage collection for which garbage is collected from the Shopping Centre. I feel the Council should make a contribution towards providing this facility. It is for the safety and/or convenience of your ratepayers.

Mr Humphreys further added that at a Safety Meeting concerns were expressed about syringes at a bus shelter near the Phoenix Medical Centre. It seems to be a major problem and one which is ongoing. His suggestion was that Council contact the Government or whoever supplies these needles free and ask them if they would be able to provide collection boxes in the Centres. We do require a safe disposal container for the safety of our residents.

In relation to the trees, he said he personally inspected them and it appears that the Shopping Centre would not have planted them. They are on the edge of Packham Reserve. They are very much over-grown and requested Council to investigate the matter.

Com Donaldson replied that the second question will be taken on notice. With regard to the first question he was advised that the trees are the Shopping Centre's property, however the point raised needs to be considered and Council will certainly look into the matter. With regard to the syringe boxes the Commissioners had discussed this today and determined it is the Shopping Centres responsibility should it wish to do so. Council is prepared to provide a portable syringe box which is available to cleaners so that when they do the cleaning in the area they could dispose of the syringes in these portable boxes which is an alternative to the installation of the syringe boxes.



Val Oliver of Coolbellup spoke regarding footpaths in Cordelia Avenue. She said on the last Budget the footpath from Cordelia Avenue to Prospero Road had been mentioned. So far no work has been done. It is a steep incline both ways and feels this should be done as a matter of urgency. She also asked Council to reinstate the bus shelter on Cordelia Avenue, which was removed sometime last year. Cmr Donaldson replied that this will certainly be looked at and will request the appropriate department of Council to report on it.

She also spoke with regard to business signs. It seems to be that a number of shops put signs out on the footpaths and verges. She asked if this was legal or not? Cmr Donaldson replied that they do not have permission to do this. Council normally acts on complaints received and Rangers then investigate the matter.

John Cooper of Coolbellup spoke with regard to tip passes. He said it is important that the wishes of the ratepayers are continually presented to Council. During discussions at the January Council Meeting Cmr Jorgensen pointed out that tip fees would not be introduced for some time. This statement would seem to reinforce the suggestion that the decision to change the tip entry system should not have been made at this time by the caretaker authority of our City. The Commissioners were ill-advised when they made the resolution for change. Any reasons to enforce its tip fees can easily be off-set. He urged the Commissioners of the City to heed to ratepayers' requests and squash any plans to charge direct tip fees whether it be now or in the future. Cmr Donaldson thanked Mr. Cooper for his input.

Laurie Humphreys spoke in support of the previous speaker. He said that residents have the right to dispose their rubbish in the right place. He requested the Commissioners to give this matter some urgent attention. He felt Council should be encouraging residents to do the right thing by offering them this free service.

Ray Lees also spoke in support of the previous on tip passes. He too felt if these tip passes are being taken away from the ratepayers there will be a problem as is currently the case. An example is Karel Avenue where there are no houses.

Another question he asked was regarding the Beale Park Facilities Management. He said as a suspended Councillor he could not attend these meetings. Therefore he expected that the Commissioners would have attended these meetings or otherwise a designated officer. He asked if the Commissioners actually know how much money is owed to this Council? They are supposed to pay \$150 per week. The



Cockburn Soccer Club has not made any payments since 3/8/99 which amounts to around \$3,000. He was unsure whether the building was in good condition. He said about a few years ago, the City wrote off a debt of some \$12,000 from the Cockburn Soccer Club. Other expenses paid for by Council were in the vicinity of \$38,000 for the building. He said he was hoping that the Commissioners have all the facts in front of them before a decision is made. It is ratepayers money. Cmr Donaldson replied that the Commissioners spent a lot of time discussing the matter. The matters raised tonight indicate it hasn't been a satisfactory arrangement. The recommendation before Council seeks to find a way to put an end to an unsatisfactory situation and bring it to head and turn it around.

In relation to the original question of how much is owed Cmr Donaldson said that that matter is not known until a closer scrutiny of their books is undertaken. Mr. Lees asked how would the community know whether the money has been recovered by the City? It is ratepayers money. How do we know if this would be paid before Council puts the Lease Arrangement into operation? Cmr Donaldson replied that there is an amended recommendation before Council tonight, for which there is provision to address this issue.

Stephen Lee spoke on a number of issues. Firstly, Item 12.1 - Western Australian Municipal Association - Single Association. He asked how much does it currently cost for membership to WAMA, and also what does it cost if it becomes a single Association? Cmr Donaldson replied that he does not have the figures at the present time but will furnish them in due course.

Stephen Lee also spoke regarding Item 13.1 which deals the Proposed Waste Liquid Treatment Plant in Bibra Lake. He said the report states, "that Council cannot therefore, take a position on this matter given the role of the Commission". It is his belief that Council must take a position in this matter given that it is here to represent its ratepayers. He sought clarification on the above point. Director, Planning and Development replied that the future of the McNiece ruling will be decided by the Commission either by one of the Model Scheme Text changes or by a directive from the Commission as to how these things are to be dealt with in the future. Given that Council will be advised as to the way it deals with the McNiece ruling, as this has statewide implications as the Commission will be dealing with this and it has to be done on a consistent basis. Mr. Lee said he was somewhat confused and referred to Town Planning Scheme No.3 or part of the Scheme Text of Town Planning Scheme No.3 which dealt with an item which was general industry licenced and deals with noxious industries. He asked has Council dealt with it through general industry licenced or is it going to deal with it? Director, Planning and Development responded that the Commission has been dealing with it for the last six



months. Council's Scheme has been approved for advertising with a recommendation which will go for public comment. In the mean time the Commission may resolve the matter and that will influence the way in which Council's final Scheme is gazetted.

Mr Lee asked what is a marginal noxious industry? Would the Proposed Waste Liquid Treatment Plant be classified as a marginal noxious industry? Director, Planning and Development replied that within the terms of Council's Scheme it would fall in that category, if it was environmentally acceptable.

On another matter relating to Point (3) - Eclipse Proposed Landfill Site at corner of Russel and Moylan Roads, Wattleup.

AT THIS POINT IN THE MEETING THE TIME BEING 8.07 PM, CMR SMITHSON DECLARED AN INTEREST IN THE MATTER TO BE DISCUSSED AND LEFT THE MEETING

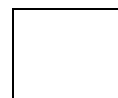
Mr Lee said he finds it ironic that the same authority did not allow a second dwelling on a rural lot greater than 100 sq.m. because of the impact it would have on the amenities of a rural area. Yet it can allow a recommendation for a noxious industry to go ahead in a rural area. He urged Council not to let this proposal go to advertising as this is what the people want.

AT THIS POINT THE TIME BEING 8.10 PM CMR SMITHSON RETURNED TO THE MEETING

Item 13.8 - Initiation of Legal Action - Part Lot 3, 1 Rockingham Road, Hamilton Hill - New Market Hotel. He said he strongly supports the recommendation. He asked whether there were any conditions on the development approval for renovation, refurbishment and general improvements to the building that had to be met? Director, Planning and Development responded that there are. He said that Council needs to look at the timeframe for the work which had to be undertaken and the legal agreement that goes with it. The owners of New Market Hotel can be prosecuted if the terms of the development approval are not complied with.

Item 13.9 p Final Adoption of Amendment No.194 - District Zoning Scheme No.2. Mr Lee asked who were Consultants, Graham Lewis working for? Cmr Donaldson replied that they were working for Landcorp.

Mr Lee spoke in relation to Item 15.1 - Implementation Schedule for Recycling Projects and Associated Costs. Cmr Donaldson responded that the Commissioners have reviewed the recommendation before Council tonight. There is certainly a belief to include a question in the next major study being undertaken by the City, and there is a proposal



that Council put this question in the Community Needs Survey to quantify some of the strong feelings from the community.

Item 15.3 - Construction of Waste Transfer Station for Use by Trailers. He said he did not feel the necessity for a waste treatment plant to be built if there were no concerns with public accessing Council's tip site. He also felt that there was no need for such a plant to be built on a regional level. He believes solutions can be found on site.

AT THIS POINT IN THE MEETING THE TIME BEING 8.16 PM CMR SMITHSON LEFT THE MEETING

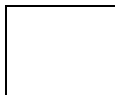
Jacky Hill of Munster thanked Mr Lee for his comments and supported his views on the Eclipse Proposal, and agrees that this proposal should not go to advertising. As it was earlier mentioned, it will reinforce a lot of the community's feelings that they are not being heard or taken seriously. She felt that by the time the Commissioners are again asked to make a decision on this proposal, they will be better informed than the first time they made the decision to allow it to go for Scheme Amendment.

AT THIS POINT THE TIME BEING 8.17 PM CMR SMITHSON RETURNED TO THE MEETING

Neil Ockerly of Yangebup spoke with regard to the Community Needs Survey to be undertaken later this year. He asked how is the survey going to take place? He said he has lived in Cockburn for the last 32 years and a ratepayer for 20 years, but has never seen a survey come around. Will it be mailed out to all residents? Cmr Donaldson replied that certainly it is not a referendum as is the intent of your question. Council will put out a tender for a reputable marketing company to undertake the survey which would be based on a random sample and that sample would be reflective at a very high level of confidence of the general feeling of the population of the City.

Cmr Jorgensen stated that as with the recent survey that was conducted, the community had the opportunity to have input and participate. The objective is to get a representative sample.

Martin Reeve-Fowkes, a ratepayer of Yangebup had a query on the Waste Liquid Treatment Plant. He asked that when the Town Planning Scheme No.3 comes in, the community can expect it to come through as a marginal noxious industry. He was hoping when the workshops for the Town Planning Scheme No.3 are held that the public would be invited to participate in discussion. Cmr Donaldson replied that there is a greater breadth of community involvement with regard to Town Planning Scheme No.3 during this three month period.



423. (AG Item 8.1) (OCM1_2_2000) - ORDINARY COUNCIL MEETING - 18/1/2000

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the Minutes of the Ordinary Council Meeting held on Tuesday, 18 January 2000 be confirmed subject to the eighth paragraph on Page 3 of Public Question Time being amended to read as follows:

Cmr Smithson responded that legal representation was available to staff and Councillors in accordance with the original policy.

CARRIED 3/0

424. (AG Item 12.1) (OCM1_2_2000) - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION - SINGLE ASSOCIATION - DISCUSSION PAPER (1332) (RWB)

RECOMMENDATION

That Council advise the Western Australian Municipal Association, that the proposal to establish a Single Association is supported by the City of Cockburn.

COUNCIL DECISION

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

CARRIED 3/0

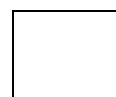
Background

For a number of years, WAMA and the Local Government Association, have pursued the amalgamation of the Local Government Association and the Country Shire Councils Association into one representative body.

The Country Shire Councils Association has to date, rejected the concept.

Submission

WAMA have distributed a Discussion Paper titled "A Prospectus For a Single Association of Local Government in Western Australia" dated 3 December 1999. The paper is attached to the Agenda.



Feedback is sought from local governments by 3 March 2000, for inclusion in the March/April 2000 round of Association meetings.

The Discussion Paper has been endorsed by the Presidents and the WAMA Committee for distribution to member local governments.

Report

Council has consistently supported the concept of a Single Association to represent local government.

The Discussion Paper provides a brief overview on a structure. It is important at this stage, that Council signifies its support for a single association.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

DECLARATION OF FINANCIAL INTEREST

Cmr Smithson declared a financial interest in Agenda Item 13.1 (part 2). The nature of the interest being that her employer BSD Consultants are the planning consultants for Eclipse Resources on this project.

CMR SMITHSON LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.24 PM.

- 425. (AG Item 13.1) (OCM1_2_2000) - SPECIAL MEETING OF ELECTORS - 11 JANUARY 2000 - PLANNING MATTERS (1713) (SMH)**

RECOMMENDATION

That Council receive and note the resolutions passed at the Special Meeting of Electors held on the 11 January 2000 relating to the:-

1. Proposed Liquid Waste Treatment Plant at Bibra Lake;



2. "Eclipse" Proposed Landfill Site on the corner of Russell and Moylan Roads, Wattleup; and
 3. Retention of Bushland Buffer Zones around Lakes and Wetlands
- for the reasons outlined in the officer's report.

COUNCIL DECISION

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

CARRIED 2/0

Background

On Monday 11th January 2000, the Council called a Special Meeting of Electors at which in excess of 100 people attended.

Submission

At the meeting, the following resolutions relating to the planning of the district were carried:-

"(1) Proposed Liquid Waste Treatment Plant at Bibra Lake

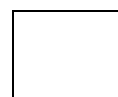
MOVED Stephen Lee SECONDED Martin Reeve-Fowkes, that we the citizens of Cockburn, request that the Commissioners and officers of the City of Cockburn, do not take any action to weaken the power of the McNiece ruling in protecting the citizens of Cockburn from noxious industry.

CARRIED UNANIMOUSLY

(3) 'Eclipse' Proposed Landfill Site at Cnr Russell & Moylan Roads

MOVED Jacky Hill SECONDED Mary Jenkins, that we the citizens of Cockburn, request that Council not rezone the land on the corner of Russell and Moylan Roads from rural to industrial and not promote the land to be used as a tip site.

CARRIED UNANIMOUSLY



(4) **Retention of Bushland Buffer Zones Around Lakes and Wetlands**

MOVED Heather Smedley SECONDED Jan Langley, that the Packham Scheme be revisited to assess whether the setbacks should be reviewed.

CARRIED

(5) **Retention of Bushland Buffer Zones Around Lakes and Wetlands**

MOVED Felicity McGeorge SECONDED Jim Conway, that the City of Cockburn determine buffer zones around wetlands (including seasonal wetlands) on an individual basis using scientific criteria and taking into account, the long term environmental values of the wetland and surrounding vegetation.

CARRIED UNANIMOUSLY

Report

In relation to each of the planning related resolutions passed by the electors, the following comments are made:-

(1) **Proposed Liquid Waste Treatment Plant at Bibra Lake**

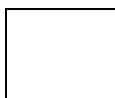
Firstly, the McNiece ruling in relation to what constitutes a noxious industry, is a matter currently being reviewed by the Ministry for Planning on behalf of the WAPC.

This will probably result in either an amendment to the Model Scheme Text or a directive from the Commission as to how noxious industries are to be defined and dealt with under local schemes.

The Council cannot therefore, take a position on this matter given the role of the Commission.

Secondly, the Council has included a revised set of definitions and provisions in its recently adopted TPS No. 3, to accommodate the "marginal" noxious industries that are normally accommodated in the General Industrial Zone.

The scheme will be advertised for 3 months, probably commencing in February. During this time, the public and other agencies will have the opportunity to comment on the proposals.



The resolution of the Special Meeting should therefore be received.

(3) **'Eclipse' Proposed Landfill Site at corner Russell and Moylan Roads, Wattleup**

The Council has received an application for a proposal to operate a landfill and green waste recycling site on the land which is a disused limestone quarry.

The Council has initiated the proposal and under the legislation, referred it to the EPA for assessment before advertising.

The Council is now required to seek the approval of the WAPC prior to advertising, should it decide to proceed with the amendment.

If it is advertised, then the public will have ample opportunity to lodge submissions prior to any final decision being taken by the Council and alternatively, the Minister for Planning.

The Council, as a responsible planning authority, must make decisions in the best interest of the whole community based on objective information and advice.

The resolution of the Special Meeting should therefore be received.

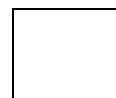
(4) **Retention of Bushland Buffer Zones Around Lakes and Wetlands (Packham)**

The Structure Plan for Packham has been adopted and is the basis for the planning and subdivision of the area. There may be the scope to review the plan north of Mell Road around Watsons, once the Watsons buffer area has been determined by the EPA.

Until a number of inter-related land use planning matters have been resolved in respect to the northern section of the Packham Urban Development Area, the resolution should only be noted.

It is pointed out that the Packham Structure Plan retains the integrity of the Market Garden Swamp Wetland Chain and fringing vegetation. It should also be noted that the Council has not adopted a midge buffer around these swamps as it has elsewhere in the district.

The resolution of the Special Meeting should therefore be received.



(5) **Retention of Bushland Buffer Zones Around Lakes and Wetlands**

The EPA determines which wetlands are included in its EPP Policy.

The Council is a strong advocate of protecting wetlands and bushlands within the district.

The Council will be considering a policy on Bushland and Wetland protection to reinforce its public position and consistency in approach.

Currently, Council's Environmental Services does use data, information and state policies to determine buffer zones around wetlands in order to protect their long term environmental values.

The City of Cockburn is recognised as one of the leading local governments in respect to the conservation and management of wetlands and bushlands within the Perth Metropolitan Area.

The resolution of the Special Meeting should therefore be received.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Pursuant to Section 3.18(3)(a), Council is required to integrate and coordinate its services with those provided by the State, in the following manner, in respect to the matters discussed in the Report:-

(1) **Proposed Liquid Waste Treatment Plant at Bibra Lake**

The review of the McNiece ruling currently being undertaken by the Ministry for Planning will probably involve an amendment to the Model Scheme Text or a directive from the WA Planning Commission on definition and dealing with such matters under local schemes.



- (3) 'Eclipse' Proposed Landfill Site - Cnr Russell/Moylan Roads, Wattleup

Because of the nature of the application, Council is required to refer it to the Environmental Protection Authority for initial assessment, prior to considering the zoning amendment.

- (4) Retention of Bushland Buffer Zones Around Lakes/Wetlands-Packham

The Watsons buffer area is currently being reviewed and will be finally determined by the Environmental Protection Authority.

- (5) Retention of Bushland Buffer Zones Around Lakes and Wetlands

The Environmental Protection Authority ultimately determines which wetlands are included in its Environmental Protection Planning Policy.

CMR SMITHSON RETURNED TO THE MEETING THE TIME BEING 8.25 PM.

426. (AG Item 13.2) (OCM1_2_2000) - PROPOSED CURTIN UNIVERSITY STUDY INTO THE JANDAKOT AIRPORT NOISE ENVIRONMENT (1211) (WJH)

RECOMMENDATION

That :

- (1) Council support the proposed Curtin University Study into the Jandakot Airport Noise Environment as detailed in the January 2000 Research Proposal;
- (2) the City of Cockburn's commitment to the study be subject to the acceptance of the January 2000 Research Proposal by Curtin University, following review by Mr. Dick Langford of the Department of Environmental Protection; and
- (3) Council advise Curtin University and Joanne Abbiss accordingly.

COUNCIL DECISION

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

CARRIED 3/0



Background

At the meeting held on 24th August 1999, Council resolved to:

- "1. give "in principle" support to the proposed Curtin University study as detailed in the letter received on 9th August 1999;*
- 2. will consider supporting the study following receipt of a formal proposal early in 2000 which is to include a methodology, time frame and detailed costings; and*
- 3. advise Curtin University that should the Council fund the study with an up front payment it will expect to receive a final report and recommendations in accordance with the proposal. "*

The study will form the thesis for Joanne Abbiss' Masters by Thesis Program. Joanne is employed as an Environmental Health Officer in Council's Health Service.

Submission

In accordance with Council's resolution of 24th August 1999, a formal research proposal was recently received. A copy of the aims, objectives and expected benefits of the project can be found in the attachments. A full copy of the proposal is available from the Principal Environmental Health Officer.

It is proposed to determine the dose-response (ie: the level of exposure to noise vs reaction) relationship between General Aviation (GA) aircraft noise and community annoyance throughout the City.

In order to achieve this, it will be necessary to carry out measurements of the intensity and frequency of aircraft noise and to conduct a "door-to-door" social survey in order to determine community response to aircraft noise.

Selected, established measures of aircraft noise will be assessed; a new noise index will be devised and tested; and measured sound levels will be compared to legislative limits for environmental noise. It is proposed to conduct the noise sampling over a period of 12 months to account for any seasonal variation and to ensure that periods of low, medium and peak air traffic movements are sampled. Sampling sites will be selected to include landing and take off, circuit training, inward and outward-bound flight paths as well as "control" areas (those areas not subject to aircraft noise).

The proposed social survey will examine what determines community annoyance to GA aircraft noise and will be based on questionnaires from



previous reputable studies. The survey takes the form of a veiled questionnaire, which will be administered to approximately 300 randomly selected residents by Curtin University undergraduate students. 200 will reside within the Jandakot Airport Control Zone; 70 will reside near flight paths and 30 will be located near "control" sites.

It is expected that the study will be able to provide a simple means of expressing to the community, their probable noise environment and their likely reaction to that environment, by formulating a better expression of the relationship – an expression specific to GA airports.

The estimated budget for the project (see attachments) is \$13,900. As Ms Abbiss will be carrying out the measurements and analysis of the noise levels herself, the most significant cost is that for the social survey (\$6,300). It is proposed that printing and stationery costs will be charged to the Health Services stationery account; that Council's sound level monitoring equipment will be loaned as necessary and that all report writing, noise measurement and data analysis will be done by Joanne in her own time.

A detailed time schedule is included in the attachments. It is intended that a draft questionnaire be trialed in February 2000. Measurements will commence in April 2000 and continue over the following twelve months and analysis will begin in March 2001. Interim reports will be made to Council at regular intervals when milestones are reached. A detailed preliminary report will be made to Council in July 2001 and a final report is timetabled for June 2003.

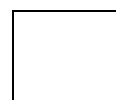
Report

The proposal is a very thorough document, which is intended to stand up to the rigour of a Master's thesis. It includes a review of relevant literature, a statement of aims, objectives and expected benefits and a detailed argument for the research methodology chosen.

The methodology chosen for the noise measurements and the social survey, are based on previous reputable reports but have the advantage in that they address the criticisms levelled at the previous work.

The outcomes of the study will be highly credible. All work carried out, the initial formal proposal, fieldwork, laboratory work, social survey, interim and final reports, will be subject to the rigours of a Masters Degree by Thesis. Academic Staff at Curtin University and experts from the Department of Environmental Protection, will provide supervision during the course of the study and an independent review of the report will be carried out upon completion.

The City currently employs the Masters candidate, Joanne Abbiss, as a graduate Environmental Health Officer. Joanne was one of the four



undergraduate students who carried out the previous Curtin University study. Joanne is academically talented (name appeared on the Vice-Chancellors list every semester as an undergraduate) and is becoming a proficient practitioner. Joanne's continued involvement in this work will lead to the development of significant in-house expertise in the area of aircraft noise. Aircraft noise is an issue which affects many of the residents in the City. In-house knowledge of this kind is another advantage to be gained from supporting the study.

As previously reported in August 1999, the proposal:

- Closely aligns with the aims of the study proposed by JANAG in 1996;
- Provides for interim reports of useable information to Council and will assist in providing data as recommended by the Flight Path and Procedures review;
- Expands on the JANAG aims by monitoring aircraft noise inside and outside of the circuit training areas;
- Provides some leverage over employing contractors for the funds available;
- Will be highly credible; and
- Will lead to the development of significant in-house expertise.

Dick Langford of the Department of Environmental Protection, has not yet reviewed the proposal nor had it been formally approved by Curtin University. The proposal has been submitted to Council for consideration prior to University approval, in order to expedite the process and ensure that the study timetable can be met. To ensure the integrity of the study, it is prudent to give Council approval subject to Curtin University approval.

Strategic Plan/Policy Implications

Aligns with Development Services Business Unit Objective 2.2 and Strategy 2.2.1/9.

Represents the implementation of the Health Services Action No. 19

Budget/Financial Implications

The proposed budget can be accommodated through Account 200462 - Jandakot Alternate Noise Study (\$13,167 of uncommitted funds available) and Account 200460 - Noise Control Management for the \$733 balance. In addition to the financial contribution, in-kind support



such as the loan of equipment, printing and stationery will be facilitated administratively.

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

Acceptance of the study proposal is also required by Curtin University and the Department of Environmental Protection.

427. (AG Item 13.3) (OCM1_2_2000) - WETLAND CONSERVATION POLICY (6120) (DW)

RECOMMENDATION

That Council adopt the attached Policy as PD45 Wetland Conservation Policy.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that:

- (1) the report on the proposed Policy PD45 Wetland Conservation Policy be received; and
- (2) the proposed Policy be referred to the Department of Environmental Protection, Water and Rivers Commission and the Ministry for Planning for comment prior to the proposal being further considered.

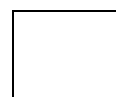
CARRIED 3/0

Explanation

It was felt that the Department of Environmental Protection, Water and Rivers Commission and the Ministry For Planning have a lot of expertise in this Policy area to make sure that Council's policy is not contradictory to their policy, and therefore it required feedback from these authorities before Council's policy is to be adopted.

Background

The City is fortunate to contain numerous wetlands which provide a range of ecological, cultural, landscape and recreational functions. These wetlands are of varying forms ranging from relatively deep lakes such as Bibra Lake, through to the seasonal wetlands and damplands of the Jandakot area. Wetland mapping carried out by the Water and Rivers Commission, identified at least 112 different wetlands within the



City, of which over 40% are classified in the higher conservation categories.

These wetlands and the values which they possess, play a vital role in shaping the fabric of the landscape in Cockburn. They provide habitat for birds and other animals including bandicoots, contain native flora which is often unique and localised and enhance the local landscape through their aesthetic values. In addition to this, wetlands provide the local community with passive recreational opportunities often not found elsewhere and have significant educational values which together, have led to substantial historical associations between Cockburn's wetlands and its community.

With the current future rate of growth and development within the City, the wetlands continue to be placed under increased pressure. This pressure takes the form of encroachment of development, drainage, changes to hydrology, pollution and competing needs for the provision of suitable active public open space. The present mechanisms for the protection of many wetlands through the planning and environmental approval process, have often been shown to be limited, although Council and its officers have taken a positive approach towards wetland protection within the City. The development of a Wetland Protection Policy is seen as being important to formalise the general approach taken to wetland protection by Council and its officers, to provide a clear, consistent statement on the protection of its wetlands and to provide guidance for dealing with development proposals which have the potential to affect wetlands.

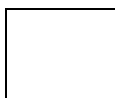
Submission

N/A

Report

Issues which can be addressed in a Council Policy relating to wetland protection, relate to those aspects associated with development which, if not properly managed, are likely to have a detrimental effect on wetlands. Key issues are as follows:-

- **Physical encroachment of development** - Care needs to be taken to ensure that development does not encroach too close to wetlands and that important wetland buffers are maintained. Development setbacks should be maintained to ensure that wetland processes and native vegetation surrounding wetlands are not disturbed, in order to minimise impacts on the biological, aesthetic and physical values of wetlands. This includes issues such as clearing, filling and physical modification associated with development adjacent to wetlands.



- **Wetlands and public open space** - The protection of wetlands within development areas usually means reduction in the overall area of developed land. This often places pressure on the provision of active public open space and developers often seek credit for the wetland area from the 10% gross subdividable requirement. This can lead to reduction of active public open space available to the local community and pressure for development of wetland fringing areas. It is important that the appropriate balance be struck between the provision of active public open space and the retention of wetlands within development areas.
- **Drainage and groundwater management** - Stormwater drainage associated with development adjacent to wetlands, has the potential to cause significant adverse impacts on wetlands if not managed properly. Direct and indirect drainage inputs can lead to the pollution of wetlands with nutrients and other pollutants, create sedimentation and cause alterations to natural hydrological regimes. This can lead to problems with water quality, algal blooms, damage to fringing vegetation and allow the breeding of midge and mosquitoes. Alterations to groundwater within the vicinity of wetlands following development, can also lead to adverse changes in the hydrology of wetlands, leading to wetlands becoming dryer or wetter for longer periods. This can result in loss of ecological, aesthetic and recreational values as well as again creating conditions for midge and mosquito breeding. Consequently, it is important that stormwater disposal and groundwater levels are properly managed when development occurs within the area of influence of wetlands.
- **Pollution and effluent disposal** - Water quality within wetlands can be easily degraded through the addition of pollutants, in particular nitrogen and phosphorus. These pollutants can enter wetlands through drainage and groundwater and lead to algal blooms and other water quality problems which can result in negative impacts such as midge proliferation, odours and other aesthetic impacts. Nutrients and other pollutants can enter the wetlands as a result of surface and groundwater inputs from a range of land uses and may enter drains and groundwater within the catchment of wetlands through spillage, direct discharge or via diffuse means.

It is important that pollutant export from land uses within the service and groundwater catchments of wetlands, is well managed to protect water quality within wetlands. This requires proper planning to ensure developments are sited and designed in a manner which prevents pollutants entering wetlands and implementation of best practice management measures for land use, to ensure long term maintenance of water quality. On-site effluent disposal also needs to be carefully managed in order to ensure that wetland pollution does not occur from these processes.



The proposed policy has been developed to address the key issues outlined above and is intended to apply to all wetlands within the City. The policy is intended to deal with new development, rezoning and land use and infrastructure proposals and is not intended to apply to existing land use or development. The primary intention of the policy, is to provide Council and its officers with a clear guidance for decision making.

Strategic Plan/Policy Implications

Council's Strategic Plan provides for conserving and improving your environment.

Budget/Financial Implications

N/A

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

The policy is intended to complement existing State Government policies while providing a detailed local approach to planning and wetland protection so as to ensure, where possible, that valuable wetland resources are protected throughout the development process.

While the policy is generally complementary to existing State Government policy, some constraints to its application within the development process may apply, particularly through appeals to the Minister for Planning and Tribunal. The policy itself will not have any legal status, but is intended to provide a clear statement of purpose by Council and provide officers with a consistent approach to managing wetland impacts associated with development.

428. (AG Item 13.4) (OCM1_2_2000) - FINAL APPROVAL OF AMENDMENT 215 - REZONING PORTION OF LOT 200 EGMONT ROAD, HENDERSON (92215) (MT)

RECOMMENDATION

That Council:

- (1) adopt Amendment No. 212 for final approval without modification;
- (2) in anticipation of the Hon Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission.



COUNCIL DECISION

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

CARRIED 3/0

Background

ZONING	MRS:	INDUSTRY
	DZS:	LOCAL RESERVE - LAKES & DRAINAGE
LAND USE:	VACANT LAND	
LOT SIZE:	1899m ²	
AREA:	1040m ²	
USE CLASS:	N/A	

At its meeting held on 19 May 1998 Council resolved to sell a portion of Lot 152 Sparks Road, Henderson to Phillips Engineering. An amalgamation (107666) of the portion with Phillips Engineering's adjoining Lot 1011 Egmont Road was approved by the WAPC on 14 October 1998. The portion is now part of the newly amalgamated Lot 200 Egmont Road.

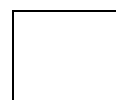
The portion of the lot the subject of this amendment was part of a drainage sump that was surplus to Council requirements. The land has been sold by Council and as such it is no longer a Council Reserve. The amendment seeks to reflect this change in Council's Scheme. The subject land is currently still classified as a 'Local Reserve – Lakes and Drainage'. The rest of Lot 200 and surrounding land is zoned 'General Industry'. The amendment rezones the remaining portion of Lot 200 to 'General Industry' in line with the predominant zoning of the lot and the area. The Amendment Map is attached to this agenda.

Submission

The amendment was referred to the EPA. They responded that the amendment would not be assessed and they had no comments to offer. Council advertised the amendment for the required period but no submissions were received.

Report

The rationale for the amendment remains valid and given that there were no submissions on the amendment, it is recommended it be forwarded to the Minister requesting final approval.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Final approval of the Amendment is required to be given by the Hon. Minister for Planning.

- 429. (AG Item 13.5) (OCM1_2_2000) - PROPOSED FRESH PRODUCE DISTRIBUTION CENTRE - LOT 10 SOLOMON ROAD, BANJUP
OWNER: J.A CULLITY APPLICANT: THE PLANNING GROUP
(5513479) (MT)**

RECOMMENDATION

That Council:

- (1) approve the application dated 26 November 1999 for a fresh produce distribution centre on Lot 10 Solomon Road, Banjup subject to the following conditions:

Standard Conditions

1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme N^o 2;

Special Conditions

1. The dispatch docks and the receiving docks being relocated so that the dispatch docks are located on the northern side of the warehouse.
2. Estate standard fencing being constructed along the southern boundary, to Council's satisfaction.
3. The retaining wall on the southern side of the site is to be constructed along the boundary line and a three metre wide landscaping strip being provided for behind the fence.
4. The Pallet and Tote Area is to be screened from all sides to the satisfaction of the Planning Department.
5. A 2.1 metre wide paved dual use path is to be constructed



- up the entire length of the battleaxe leg, to Council's satisfaction linking Solomon Road to the office and staff amenities.
6. No development other than landscaping shall be permitted on the land shown as required for future road purposes on the enclosed excerpt of Main Roads drawing No 9721-177.
 7. The intersection of the battleaxe leg and Solomon Road being designed and constructed to Council's satisfaction.
 8. A revised site plan being submitted showing truncations on both ends of the battleaxe leg, as recommended by Council to the WAPC for the subdivision of Lot 10 (112537) currently under their consideration.
 9. All external lighting is to be positioned to minimise light spill from the site, to Council's satisfaction, and comply with the Australian Standard AS 4282 'Control of Obtrusive Effects of Outdoor Lighting 1997'.
 10. Compliance with Policy PD 42 - Native Fauna Protection Policy Requirements.
- (2) agree to the concession in car parking numbers as required under Town Planning Scheme No. 2.
 - (3) issue a MRS Form 2 Notice of Approval valid for a period of 2 years.
 - (4) advise those who made a submission of Council's decision accordingly.

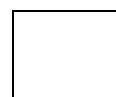
COUNCIL DECISION

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

CARRIED 3/0

Background

ZONING:	MRS:	INDUSTRY
	DZS:	NOXIOUS INDUSTRY
LAND USE:	VACANT	
LOT SIZE:	5.2609 ha	
AREA:	8274m2	
USE CLASS:	"SA"	



A subdivision of Lot 10 is currently under consideration by the WAPC. It divides the lot into two lots, with a battleaxe leg access for one of the lots. Council recommended approval with conditions including the provision for pedestrian access down the access leg and no vehicle access onto Armadale Road. The development application has been lodged for the lot with the battleaxe access.

Submission

Application has been made for a colourbond distribution centre for fresh produce comprising a 7353m² warehouse, office and amenities of 663m², and receiving and dispatch control rooms of 123m² and 135m². The building will be a maximum 7 metres high and the finished floor level has been set to minimise the overall height changes between Armadale Road and the subject site. The submitted site plan has been attached to this agenda.

The warehouse is to be setback 35 metres from Armadale Road. This frontage is to contain a 3 metre landscaping strip and retaining wall. Significant trees are to be planted between the wall and the fence line to soften the retaining wall.

All vehicle traffic will be via a battleaxe leg from Solomon Road. The site contains 80 car bays, which exceeds the number required for expected employees.

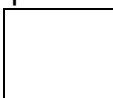
The application was also referred to 33 surrounding landowners, including those abutting the Armadale Road in the residential area on the other side of to the development. One submission was received. It expressed concern at the development for the following reasons:

- The development would result in the loss of the remnant vegetation, which provided a pleasant outlook from his house.
- Trucks accessing the site would add to the noise from heavy traffic along Armadale Road.

Report

The subject lot is zoned “Noxious Industry” in Council’s Scheme and a warehouse is an “SA” use in this zone. The Thomsons Lake Master Plan earmarks this area as a Service Industry / Business Park. The distribution centre is compatible with this future use. The property to the north contains the similar-sized Clelands warehouse and distribution centre.

The concerns of the neighbour have been examined by Council officers. An officer from Council’s Environmental Services examined the remnant flora on the site. It was assessed as being of a high quality but was quite common of much bushland in the area. It was not worthy of special protection, such as inclusion in Bushplan. While it is understandable that



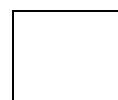
the home owner on the other side of Armadale Road does not want to lose the pleasant vista from his backyard, there should be recognition that the land is zoned for industry and the loss of this bushland was likely. Treatment of the frontage to Armadale Road is discussed below.

The neighbour has legitimate concerns about noise from the site impacting on him at all hours of the day. Between 60 to 80 trucks will visit the site daily. As a result it has been agreed with the applicant that the receiving docks and dispatch docks be switched around so the receiving docks face towards Armadale Road. The applicant has advised that goods are received between the hours of 6am and 3pm, the majority of trucks arriving between 1pm and 3pm. The dispatch docks on the other hand operate primarily from 4pm to 2am. By switching the dispatch docks away from Armadale Road, there should be minimal impact on the residences opposite Armadale Road. The dispatch docks, which operate all through the night, will be 160 metres from the property boundary and at least 200 metres from the nearest residence.

The subject property will be one of the first properties encountered when entering the future Thomsons Lake Regional Centre from the east and as such it is important that it maintain a high visual amenity. In this regard the treatment of the landscaping strip along Armadale Road is a key issue. A plan attached to this agenda shows the applicant's proposed treatment. It shows a retaining wall behind a fence. Landscaping is proposed between the wall and fence and on top of the wall. This arrangement is not ideal because the landscaping is split and the area between the fence and wall is likely to collect rubbish. Council officers have discussed with the applicant an alternative arrangement that should provide a better frontage. The one metre high retaining wall is moved onto the boundary, with a high standard of pillar and steel bar infill fence on top of it, to a total height of three metres. A three metre wide landscaping strip can then be developed behind. The combination of masonry wall and steel bar fence, with landscaping behind should combine security with a "soft" frontage.

A potential blight on the visual presentation of the site is the rubbish disposal area and pallet and tote area. The switch of the dispatch and receiving docks will mean the rubbish disposal area will be moved to the north side of the building, away from Armadale Road. It is recommended that a condition be applied to the approval requiring the pallet area to be screened from all sides.

The Scheme requires at total of 101 car bays for a development of this size. The submitted plan indicates a total of 80 bays, which is based on the maximum number of employees in the centre (not expected to be that many). It is recommended this variation be allowed. There are areas on site where further car bays could be provided should they be prove necessary in the future.



The application meets the Scheme requirements in all other ways. The development should be approved subject to the modifications discussed.

Strategic Plan/Policy Implications

PD 17 and PD 42 apply.

Budget/Financial Implications

N/A

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

The subdivision of Lot 10 must be approved by the Western Australian Planning Commission.

The application was referred for comment to the Department of Environmental Protection and Main Roads. The DEP replied that the proposal is not a prescribed premises and a Works Approval or Licence is not required. Main Roads had no objection subject to the condition that no development other than landscaping shall be permitted on the land required for future road widening. Main Roads correctly note that the site plan submitted allows for this requirement.

430. (AG Item 13.6) (OCM1_2_2000) - REVIEW OF THE POSSIBLE LOCATION FOR THE SITE OF THE MOTORPLEX IN KWINANA (412304/9637 /9509) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) confirm its strong opposition to any suggestion that the proposed Motorplex be located in Henderson; and
- (3) note the action of the Chief Executive Officer to write to the Premier, Deputy Premier, Minister for Sport, Minister for Planning and the Minister for the Environment, together with the local members of Parliament, expressing concern about the newspaper report that suggests that two of the alternative sites to be considered for the Motorplex is in Henderson.



COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) receive the report;
- (2) confirm its strong opposition to any suggestion that the proposed Motorplex be located in Henderson; and
- (3) note the action of the Chief Executive Officer to write to the Premier, Deputy Premier, Minister for Sport, Minister for Planning and the Minister for the Environment, together with the local members of Parliament, expressing concern about the newspaper report that suggests that two of the alternative sites to be considered for the Motorplex are in Henderson.

CARRIED 3/0

Explanation

It was noted that a grammatical error was found in the last line of Point (3) of the recommendation which should be "are" instead of "is".

Background

The State Government has, for some years, been investigating sites for the relocation of the Claremont Speedway.

Henderson was one of the sites considered but eliminated because it formed part of the Beeliar Regional Park.

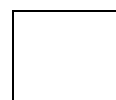
At the end of 1998, the State identified a possible site in Kwinana, referred to as a Motorplex, which was designed to provide for a wide range of motor sports, including drag racing.

Submission

Attached to the Agenda are two recent newspaper articles, namely:

- WAN 31/01/00 'Court Reviews Speedway Site'
- WAN 03/02/00 'Motorsport Complex Put On Hold'

The Kwinana Industries Council is opposed to the Kwinana site. The Council has suggested to the Government that it consider two sites in Henderson.



Report

A motorplex in the Beeliar Regional Park, Henderson is totally unacceptable. It is unacceptable because the land at Henderson adjoins the coast and forms part of a System 6 reserve.

A motorsport complex should not be located on prime coastal land.

Henderson is an important conservation area and should be protected and enhanced as proposed by the Department of Conservation and Land Management and the Jervoise Bay Project Office.

The Council has been opposed to the Beeliar Regional Park in Henderson being used for anything other than conservation and in fact, in its advice to the Deputy Premier and the Minister for the Environment in December 1998 relating to the proposed Southern Harbour Project, made it clear that should the project proceed, the overall area of the Beeliar Regional park south of Russell Road should not be reduced and that no additional "non-conservation" recreation activities or uses should be permitted in the park. This is the Council's position.

Given the foregoing and the strong community interest in the Henderson area, Henderson should not be included as an alternative site for the proposed motorplex, and a public statement should be issued advising that it is not under consideration.

The Council continues to support the motorplex in Kwinana, subject to it not including drag racing and that it is environmentally acceptable. The proposed site appears to be a suitable re-use of the red mud lakes and an acceptable use within the EPP buffer to Kwinana Industrial Area.

This report represents the contents of a letter sent to the Premier, Deputy Premier, Ministers and Local Members. A copy of the letter was distributed to Commissioners under separate cover.

Strategic Plan/Policy Implications

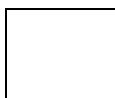
Council's Strategic Plan provides for the conserving and improving of the environment.

Budget/Financial Implications

N/A

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

As part of the proposed Southern Harbour Project on Jervoise Bay, CALM in conjunction with the Department of Commerce and Trade, made a commitment on behalf of the State Government in September



1999, that it would upgrade Woodman Point Regional Park and the Mt Brown area of the Beeliar Regional Park. This State Government initiative is to improve the conservation, recreation and landscape value of the parks. This public commitment is referred to as the "Jervoise Bay Green Links Enhancement Plan".

Moreover, the Council in conjunction with state agencies has been successful in having the Fremantle to Rockingham Highway redirected along Russell Road to connect into Rockingham Road (Stock Road) to avoid this major road bisecting the Beeliar Regional Park at Henderson. The design and construction of the realignment of Cockburn Road south of Russell Road to bypass the Jervoise Bay ship building area, has already commenced in accordance with the agreement to redirect the highway and have it deleted from the Metropolitan Region Scheme. One of the main arguments in support of redirecting the highway to follow Russell Road, was the high priority given to protecting the integrity and environmental qualities of the Beeliar Regional Park at Henderson.

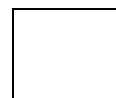
Also the Council has been successful through having the Hon. Minister for Mines refuse three applications for prospecting licences in the Beeliar Regional Park at Henderson, under Section 111A of the Mining Act in January this year. This section of the Act allows the Minister to refuse an application based on his opinion that the disturbance of the land would not be in the public interest.

431. (AG Item 13.7) (OCM1_2_2000) - PROPOSED ROUGH FILL AND RECYCLING FACILITY - PORTION LOT 1 ROCKINGHAM ROAD, HENDERSON OWNER: COMSE NOMINEES APPLICANT: MASTER PLAN CONSULTANTS (3311117) (CC)

RECOMMENDATION

That Council:

- (1) subject to the Hon. Minister for Planning granting final approval to Amendment 203 to the City of Cockburn Town Planning Scheme No. 2 and submission of a rehabilitation plan to the satisfaction of the Manager of Development Services, the Manager of Development Services to issue a Form 2 MRS Notice of Approval for the proposed Recycling Facility on portion of Lot 1 Rockingham Road Henderson, subject to the following conditions:
 1. Standard conditions and footnotes as contained in Council Policy PD 17 as determined appropriate to this application by delegated officer under clause 7.6 of Council's District Zoning Scheme No. 2.



Special Conditions

1. Development being carried out in accordance with the report titled 'Proposed Rough Fill and Recycling Facility Operation' Lot 1 Rockingham Road, Henderson prepared by Masterplan Consultants WA Pty Ltd received on 30 November 1999, unless otherwise specified in a condition of this approval.
2. Rehabilitation to be carried out in accordance with a detailed rehabilitation plan to be prepared by the owner/occupier to the satisfaction of the Manager of Development Services to be accepted within 2 months of the issue of this approval.
3. Bond monies held by the City in trust in relation to the site continuing to be held by the City against the rehabilitation requirements of this approval.
4. The internal accessway and crossovers to Rockingham Road is to be bituminised and drained to the satisfaction of the City of Cockburn.
5. The perimeter of the approval area being fenced to a minimum standard of a star picket fence, or such other fence and warning signs being placed on the fence to the satisfaction of Council's Manager of Development Services.
6. A Dust Management Plan being prepared in accordance with Council Guidelines for the preparation of Dust Management Plans and implemented accordingly.
7. This approval remains valid until the cessation of waste disposal activity at the adjacent City waste disposal site occurs.
8. No disposal of material of any kind to occur on site.

(2) advise the applicant of the Council's decision.

COUNCIL DECISION

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

CARRIED 3/0



Background

ZONING:	MRS:	RURAL
	DZS:	RURAL
LAND USE:	FORMER LIMESTONE QUARRY	
LOT SIZE:	13HA	
AREA:	5HA	
USE CLASS:	PROPOSED ADDITIONAL USE - RECYCLING FACILITY	

Council at its meeting of 16 November 1999, resolved to adopt for final approval Amendment 203 to TPS No. 2 to allow for an additional use of a rough fill and green waste recycling facility on a portion of Lot 1 Rockingham Road, Henderson. See *Agenda for Amendment Proposal*.

Although Amendment 203 has not yet been finally approved by the Minister for Planning, the applicant seeks Council's decision in respect to the development proposal so that attention can be given to any pre-requisites for the commencement of activity prior to the Minister's final approval and the formal issue of an MRS Form 2.

Submission

The main operational and physical characteristics of the proposed recycling facility are as follows:

- Recycling of limestone rubble, top-soil, rough fill and green waste on a 5 hectares portion of the site in accordance with the proposed additional use area.
- Use of a front-end loader, turbo grinder for green waste, a screening machine for rough fill and a dozer to crush limestone.
- Office and toilet building at main entrance.
- 3-6 vehicle movements per day.

Report

When Council adopted Amendment 203 for advertising, the applicant was advised of the requirement to submit a rehabilitation program in accordance with Council Policy for the balance of the site with a development application for the proposed activity.

Council is to undertake a rehabilitation audit of existing and previous quarries in the District in late February early March and will pass onto the landowner, criteria for establishing a new rehabilitation program for the site.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

The Department of Environmental Protection has issued a works approval for the recycling operation covering matters such as dust control, storage of green waste and fire safety.

The final approval of the Amendment rests with the Hon. Minister for Planning.

432. (AG Item 13.8) (OCM1_2_2000) - ACCESS EASEMENT - INITIATION OF LEGAL ACTION - PART LOT 3, 1 ROCKINGHAM ROAD, HAMILTON HILL - NEWMARKET HOTEL SITE (2212274) (SA)

RECOMMENDATION

That Council:

- (1) instruct its solicitors to initiate legal action to enforce the terms of the Grant of Easement Deed dated 25th August 1995 (F966819 E) in regard to the owners of Lot 3, 1 Rockingham Road, Hamilton Hill; and
- (2) inform the landowner and the complainants of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 3/0

Background

ZONING:	MRS:	Urban
	DZS:	Commercial - Heritage Site
LAND USE:	Newmarket Hotel Site and Bottle shop	



LOT SIZE:	3865m2
AREA:	N/A
USE CLASS:	N/A

- October 1998, Council received a complaint from the adjoining land owner about non-compliance with the accessway easement deed, and Council resolved at its Ordinary meeting on 20 October 1998, the following:

"1. order the "Grantor" (Kee Vee Properties P/L) to remove the obstruction on the easement; and

2. request the "Grantor" to construct and pave the easement, as per Council's specifications within two weeks."
- November 1998, the applicant (Thompson Ong Architects) on behalf of the landowners, advised that the paving and easement would be constructed as soon as possible, which satisfied the complainant.
- 5 January 1999, the matter is raised again after a site inspection of the lot revealed that only partial works on the easement had been done. Council wrote to the applicant reminding them of their requirement to construct the easement and requesting a timetable for the completion of the site works.
- 27 January 1999, Council received a phone call from the original complainant who was concerned that the easement works had not been completed. The complainant was advised that it would be unfair of Council to enforce the easement while the landowner was still carrying out site works, however upon completion of the construction works, Council would be able to enforce the Deed.
- 16 February 1999, the landowner's solicitors (the subject of the complaint) contacted Council requesting clarification of the deed and easement and was advised by Council, that the easement is a public access way.
- 11 October 1999, the complainant again contacted Council advising the access way had still not been completed. Council again contacted the applicant advising that action must be taken to rectify the situation within 14 days.
- 10 November 1999, the applicant advised Council that works had been delayed pending completion of drainage works and works would be finalised in the New Year.



- 18 November 1999, Council advises applicant that work must commence on accessway within 42 days.
- 30 December 1999, 42 day period closes and no further works have commenced on site.

Submission

As the accessway easement has not been completed on site after a 16 month period has lapsed, it is requested that Council enforce the deed. A copy of the Deed will be circulated under separate cover.

Report

It can be seen from the above background, that the landowner of the subject site has not completed the construction of the accessway easement. Council has been advised by the applicant on many occasions, that the works would be completed as soon as possible, however the easement is still not completed as of 4 February 2000. It is therefore recommended that Council instruct its solicitors to initiate legal action to enforce the terms of the Grant of Easement Deed dated 25 August 1995 (F966819 E) in regard to the owners of Lot 3, 1 Rockingham Road, Hamilton Hill.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Legal costs will be incurred by Council. These funds are provided for under Account 500320.

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

Nil

- 433. (AG Item 13.9) (OCM1_2_2000) - FINAL ADOPTION OF AMENDMENT NO. 194 - DISTRICT ZONING SCHEME NO. 2, R24309 COCKBURN ROAD, HENDERSON APPLICANT: GRAY & LEWIS (92194) (SA)**

RECOMMENDATION

That Council:

- (1) request the Western Australian Planning Commission for a deferment and extension of time for the Council to make a



recommendation on the amendment, under Regulations 17(2) and 18(1) of the Town Planning Regulations, until the realignment of Cockburn Road and subdivision of Part Lot 2 and Reserve 24309 Cockburn Road has been finalised (WAPC Ref 110428); and

- (2) advise the applicant of Council's decision accordingly .

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) request the Western Australian Planning Commission for a deferment and extension of time for the Council to make a recommendation on the amendment, under Regulations 17(2) and 18(1) of the Town Planning Regulations, until the realignment of Cockburn Road and subdivision of Part Lot 2 and Reserve 24309 Cockburn Road has been finalised (WAPC Ref 110428);
- (2) advise the applicant of Council's decision accordingly; and
- (3) write to the Minister for Planning advising that Council is not prepared to amend its recommendation in line with the submission on behalf of Landcorp.

CARRIED 3/0

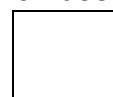
Explanation

It was decided that Council write to the Minister for Planning advising that Council is not prepared to make changes to its current definition of industry on its coastline.

Background

ZONING:	MRS:	
	DZS:	Regional Reserve - Parks & Recreation
LAND USE:	N/A	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

Amendment No. 194 will rezone Portion of Reserve 24309 Cockburn Road, Henderson from "Regional Reserve - Parks & Recreation Reserve" to "General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the



offshore petroleum industry)" and portion of Cockburn Road from 'Local Reserve - Local Road" to "General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry)".

The proposed transfer of the subject land to General Industry is for the development of the southern harbour project on Jervoise Bay.

It is intended that the southern harbour will support the fabrication and loadout of purpose-built modules and jackets; the fit out of floating production and storage vessels; naval vessel refits and maintenance; and module and specialist plant fabrication for the mining and mineral processing industries.

The southern harbour will be divided into two precincts:- the Heavy Fabrication/Ship Building precinct and the Marine-Related Heavy Industry precinct.

The development of the Heavy Fabrication/Ship Building precinct will require the construction of a major offshore breakwater to provide a fully protected waterfront and reclamation of approximately 50 ha of waterfront land. The reclaimed area is intended to be largely developed as a common use Fabrication/Laydown Facility with direct access to waterfront berths and loadout wharves.

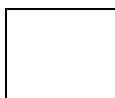
As a large portion of the Jervoise Bay Infrastructure Development area lies outside the City of Cockburn's Municipal Boundary, Council had no jurisdiction to assess the proposal. Therefore the amendment process became staged, with the first stage being the land area within the Council's Boundary, namely Amendment No. 194. The next stage will be the realignment of the Municipal boundary to include the Heavy Fabrication/Ship Building precinct in Council's Municipal area, and the final stage will be the rezoning of this precinct.

Submission

Council resolved to initiate the Amendment No. 194 in April 1999, and advertising closed on 5 January 2000. One submission was received, refer to the Agenda Attachment.

Report

The reason for the deferment is that when new lots boundaries are created, as a result of the Cockburn Road realignment and subdivision application, it will create split zonings on the proposed new lots. However, if the Amendment is deferred until finalisation of the realignment/subdivision, the amendment documents can be modified to reflect the correct alignment and zonings for both the east and west of Cockburn Road.



The applicant noted their concerns in their submission, and requested that Council change the proposed zoning to:

"Marine related Industry restricted to:

Marine Engineering and general industries which are directly related to or in support of Marine Engineering, together with other general industries restricted to the carrying out of any process for and incidental to the fabrication, manufacture and repair of structure for large scale industrial uses in the energy, transport, chemical and mining industries."

This proposed wording change deletes reference to the need to require the industries to transport their product by sea. This was the wording agreed by the Minister and should continue to apply and the matter is totally irrelevant to Amendment 194.

They stated that the revision of the definition would provide greater opportunities for other industries that may not require transport of primary products by sea. Refer to the Agenda Attachment.

Council's Planning Department takes the position that the Council has agreed to the original rezoning as proposed by Grey and Lewis, which is *"General Industry - Restricted Use - Ship Building and manufacture, fabrication and assembly of components for use by the off shore petroleum industry"*.

There is not sufficient justification for changing the rezoning, as the land on the west side of Cockburn Road is a limited and scarce resource and should only be developed for Marine related industries. The Council has made its position clear, that only those industries which need to be located on the coast, should be located on the coast. Other non-marine industries should be located elsewhere.

It is recommended that final approval of Amendment No. 194 be deferred until such time as the matter regarding the realignment of Cockburn Road has been finalised (WAPC subdivision application 110428).

Strategic Plan/Policy Implications:

Corporate Strategic Plan Strategy - Clause 2.1 - Promotion of Henderson Ship Building Area.

Budget/Financial Implications

N/A



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

The Western Australian Planning Commission has updated the Metropolitan Region Scheme (MRS) for the proposed Jervoise Bay Infrastructure Project. The MRS Amendment No.1001/33, which was subject to Section 38 Assessment by the Environmental Protection Authority, was finalised in early 1999.

This development has been adopted as a priority initiative by the State and the Council must comply with the Metropolitan Regional Scheme.

The scheme was the subject of an environmental review (formal assessment) by the Environmental Protection Authority, as a part of the MRS Major Amendment procedure. The Minister for Environment granted Ministerial approval to the proposed amendment, subject to conditions in December 1998.

434. (AG Item 13.10) (OCM1_2_2000) - PROPOSED LEGAL ACTION - UNAUTHORISED DEVELOPMENT - LOT 897, CNR MARVELL AVENUE AND ROCKINGHAM ROAD, MUNSTER - OWNER: RAESIDE PTY LTD (3314397) (SR)

RECOMMENDATION

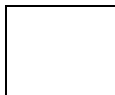
That Council:

- (1) instruct Council's Solicitors to undertake legal action against Gull Petroleum (WA) Pty Ltd, Raeside Pty Ltd and Garavanta Nominees Pty Ltd under the Town Planning and Development Act (1928), in respect of unauthorised development on Lot 897, corner of Marvell Avenue and Rockingham Road, Munster;
- (2) delegate the carriage and conduct of proceedings in the matter to the Chief Executive Officer; and
- (3) further authorise the Chief Executive Officer to withdraw proceedings in the event that the Council's legal costs are met by the Owners/Developers.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) write to Raeside Pty Ltd, requesting payment of costs incurred by the Council in the issue of a Stop Work Order under Section 374 of the Local Government Act for commencing development without approval;



- (2) request Raeside Pty Ltd to pay the costs in (1) above within 14 days of the date of the Council letter; and
- (3) in the event that the monies are not received within the time specified in (2) above, the Chief Executive Officer be authorised to instruct Council's solicitor to commence legal action against Gull Petroleum (WA) Pty Ltd, Raeside Pty Ltd and Garavanta Nominees Pty Ltd under the Town Planning and Development Act (1928), in respect of unauthorised development on Lot 897, corner of Marvell Avenue and Rockingham Road, Munster.

CARRIED 3/0

Explanation

The recommendation was reworded to simplify the process of avoiding legal action in the event that Raeside Pty Ltd would pay Council costs relating to the issue of the stop work order.

Background

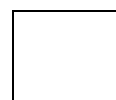
ZONING:	MRS:	Urban
	DZS:	Commercial
LAND USE:	Service Station	
LOT SIZE:	2295m2	
AREA:		
USE CLASS:		

Council resolved at its meeting of 18 January 2000 to:

"Defer the item until the development application is presented to Council in February and advise all parties that if the "Stop Work Order" is breached prior to Council considering the application, Council will effect legal action immediately."

An Application for Planning Approval and an Application for Building Licence has been received for redevelopment works to be undertaken on the existing Gull service station on the subject site. The works include development of a new carpark, new canopy and bowsers and the internal and exterior refurbishment of the workshop building.

Inspection of the site on Thursday 6 January 2000, revealed that the works had been substantially commenced without the issue of a Planning Approval or a Building Licence.



Submission

N/A

Report

A Stop Work Order, under Section 374 of the Local Government (Miscellaneous Provisions) Act 1960, was recently issued under Delegated Authority. The Stop Work Order has been adhered to by the Developer.

The application for Planning Approval is the subject of Item 13.11 of this Agenda.

The works which require Planning Consent and which have been substantially commenced without approval, include exterior modifications to the workshop and substantial earthworks and drainage works for the proposed new carpark.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The Council has incurred about \$700 in costs to issue the Stop Work Order and this money must be recovered. Therefore, if the outstanding costs are paid by Gull, the Council should discontinue any legal action against the company for commencing development without approval.

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

Nil

- 435. (AG Item 13.11) (OCM1_2_2000) - PROPOSED SERVICE STATION REDEVELOPMENT - LOT 897, CNR MARVELL AVENUE AND ROCKINGHAM ROAD, MUNSTER - OWNER: RAESIDE PTY LTD (3314397) (SR)

RECOMMENDATION

That Council approve the applications (dated 9 December 1999 and 20 January 2000) for the alterations and additions to the buildings and carpark at Lot 897, corner Marvell Avenue and Rockingham Road, Munster, subject to the following:

1. Standard conditions and footnotes as contained in Council Policy PD 17 as determined appropriate to this



application by delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2.

Special Conditions:

1. The development to be modified in accordance with the letter and plans dated 25 January 2000 from Uloth and Associates.
2. The development to be modified and operated in accordance with the Herring Storer Acoustics Report dated 14 January 2000 and the applicant's letter dated 31 January 2000.
3. Unauthorised works constructed prior to this Approval are excluded from this approval.
4. Owner to meet all costs associated with the conversion of the surplus Marvell Avenue driveway area to a landscaped verge area.

COUNCIL DECISION

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

CARRIED 3/0

Background

An application for Planning Approval (9 December 1999) was submitted for the redevelopment of a carpark, provision of a new canopy and bowlers, demolition of toilets and site landscaping.

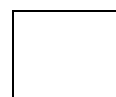
A subsequent planning application (20 January 2000) was submitted for redevelopment of the workshop component of the building. Item 13.10 of this Agenda deals with the matter of the unauthorised works commenced on the site.

Submission

The existing Service Station on the site is in need of refurbishment.

Report

The application was referred to an Acoustic Consultant to assess the measures required to ensure compliance with Noise Regulations, due to



the revised configuration of the workshop. The site is bounded to the east and south by residences and a Child Care Centre is located on the opposite side of Marvell Avenue. The Applicant has agreed to incorporate the measures recommended by the Acoustic Consultant.

A Traffic Consultant has also assessed the plans and recommended minor modifications to the parking layout. A reduction in the existing Marvell Avenue crossover width from 25 metres to 11 metres, will enable the verge to be converted to landscaping. The Applicant has also agreed to incorporate the Traffic Consultant's recommendations.

The proposed redevelopment will improve the existing level of visual amenity of the site.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

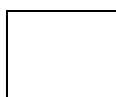
Nil

436. (AG Item 13.12) (OCM1_2_2000) - FINAL APPROVAL OF AMENDMENT NO. 214 TO DISTRICT ZONING SCHEME NO. 2, LOT 12, 379 ROCKINGHAM ROAD, SPEARWOOD OWNER: VARIOUS APPLICANT: GREG ROWE & ASSOCIATES (92214) (SA)

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval without modification to the amendment document;
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise the applicant and those who made submissions, of Council's decision accordingly.



COUNCIL DECISION

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

CARRIED 3/0

Note: It was noted that the Agenda showed the applicant as Urban Focus where it was actually Greg Rowe and Associates.

Background

ZONING:	MRS:	Urban
	DZS:	Rural/Local Reserve - Public Purpose - Primary School
LAND USE:	Rural with residence	
LOT SIZE:	20264m2	
AREA:	N/A	
USE CLASS:	N/A	

The Eastern portion of the subject site is presently zoned "Rural" whilst the balance of the site is zoned "Local Reserve: Public Purpose - Primary School". The land identified for the Primary School in the western portion of the subject site, is no longer required by the Education Department.

The applicant's request for rezoning is summarised as follows:

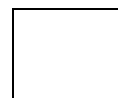
"The proposed zoning of the subject site is consistent with the zoning under the Metropolitan Region Scheme (Urban) and the zoning and existing development in the Packham Urban Development Area.

The Concept Subdivision Plan and the Concept Structure Plan are consistent with the intention and objectives of the superseded Packham Structure Plan and planning for the area. The concept designs provide for interconnection with the existing and future development on surrounding lots.

In short, it has been demonstrated that the subject site is no longer required for the purpose of a Primary School, that the "Rural" zoning is no longer applicable in the predominantly urban area, that the subject site is outside of the area affected by the Watsons' Buffer issues. It is therefore considered that the rezoning is justified, and is consistent with the orderly and proper planning for the Packham Urban Development Area."

Submission

Council resolved to initiate the amendment at its meeting of 28 September 1999, and the amendment was advertised for public comment until 26 January 2000. One submission was received, refer to Agenda Attachment for the Schedule of Submissions.



Report

Section 35A of the Metropolitan Region Town Planning Scheme Act (1959) requires Council's Town Planning Scheme to be in conformity with the Metropolitan Region Scheme. Nearly all the land is outside the interim 500 metre Watsons' Odour Buffer currently prescribed by the Environmental Protection Authority. The Watsons' Odour Buffer is to be redefined in the year 2000.

The matter was referred to the Department of Environmental Protection for assessment and although the scheme did not require assessment, the following advice was given:

"Odour - buffer around Watsons Food:

The north west corner of the site appears to be within 500 metres of the Watsons Foods premises.

It is recommended that development within the Watsons Foods buffer, as mutually agreed by the Council/planning authorities and the DEP, be prohibited. (It is recognised that the buffer may change taking into account odour control mechanisms and the results of the odours modeling)."

Only a very small section of the site is included in the buffer, therefore this advice has little impact.

"Odour, dust, noise - market gardens

Should any market Gardens remain near the subject land, it is recommended that subdivision and development should be prohibited within 500 metres of the market garden or within such lesser area as is demonstrated through modelling and site studies to be acceptable to the relevant authorities."

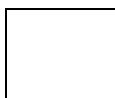
In regard to this advice, Council considered this impractical in the context of the Packham Development Area. Council has addressed the issues of odour, dust and noise in its response to the WAPC to the subdivision application for the site.

"Soil and groundwater contamination

It is understood that the site has previously been used for market garden purposes."

Again this issue has been addressed in the subdivision conditions, with a subdivision condition relating to investigation of soil and ground water contamination.

The applicant lodged a subdivision application (WAPC Ref: 112550) with the Western Australian Planning Commission in October 1999, and



Council has responded by supporting (via Delegated Authority) the subdivision, with conditions. The above issues have been addressed in Council's subdivision conditions for the subject site.

As there are no outstanding concerns, it is recommended that the amendment be adopted, without modification and forwarded to the Hon. Minister for final approval.

Strategic Plan/Policy Implications

Policy PD23 states that:

"The City of Cockburn requires that where a proposal for a change in landuse conflicts with an existing buffer zone, then the onus is on the buffer beneficiary to show that the buffer is current, has been scientifically determined and is based on the use of best practicable management practices for minimising emissions. Unless this can be clearly demonstrated by the buffer beneficiary, then Council will fully support the proponent of the proposed landuse change providing that other planning and environmental considerations are properly met."

Budget/Financial Implications

N/A

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

Final approval of the Amendment is required to be given by the Hon. Minister for Planning.

- 437. (AG Item 13.13) (OCM1_2_2000) - PROPOSED LEGAL ACTION (HAY BALING PLANT) - LOT 30; 42 HOWSON WAY, BIBRA LAKE - OWNER/APPLICANT: MILNE FEEDS PTY LTD (4309104) (SR) (SOUTH) (MAP 8)**

RECOMMENDATION

That Council:

- (1) instruct Council's solicitors to commence legal proceedings against the owners of the property for breach of Council's Scheme by undertaking development without planning consent and for breaching the Health Act by continuing an Offensive Trade without approval;

OR

- (1) defer legal proceedings in acknowledgment of the endeavours



of Milne Feeds to minimise the off-site impacts of its operation (as outlined in its letter dated 8 February 2000) and provided that Milne Feeds supply Council with evidence that Planning Approval for an alternative site has been obtained by 30 June 2000; and

- (2) in the event that such evidence is not provided by 30 June 2000, Council's solicitors be instructed to commence legal proceedings against the owners of the property for breach of Council's Scheme, by undertaking development without planning consent and for breaching the Health Act by continuing an Offensive Trade without approval.

COUNCIL DECISION

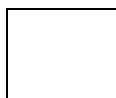
MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) defer legal proceedings in acknowledgment of the endeavours of Milne Feeds to minimise the off-site impacts of its operation (as outlined in its letter dated 8 February 2000) and provided that Milne Feeds supply Council with evidence that Planning Approval for an alternative site has been obtained by 30 June 2000;
- (2) in the event that such evidence is not provided by 30 June 2000, Council's solicitors be instructed to commence legal proceedings against the owners of the property for breach of Council's Scheme, by undertaking development without planning consent and for breaching the Health Act by continuing an Offensive Trade without approval;
- (3) on the basis of the commitments given by Milne Feeds Pty Ltd to Dyson Jones (Brockmill Pty Ltd) in a letter dated 11 February 2000, the Council will not commence legal proceedings against the owners before 30 September 2000, unless further complaints are received from Dyson Jones or any other landowner affected by any adverse environmental impact caused by Milne Feeds from Lot 30 Howson Way, Bibra Lake.

CARRIED 3/0

Explanation

It was necessary to add part (3) to the recommendation to acknowledge the commitment by Milne Feeds to Dyson Jones (Brockmill Pty Ltd), in order to control the air pollution from their plant and also to make it clear that the Council will not take action in relation to the air pollution until 30 September 2000, if Milne Feeds complied with their commitment and no



further complaints were received. This however does not replace the requirement for Milne Feeds to identify an alternative site for their business by the 30 June 2000, as set out in recommendations (1) and (2) and if this is not complied with Council would proceed with legal action.

Background

ZONING:	MRS:	INDUSTRIAL
	DZS:	GENERAL INDUSTRY
LAND USE:	SHEDS	
LOT SIZE:	3.0326m ²	
AREA:	N/A	
USE CLASS:	"X"	

Council resolved at its meeting on 26 October 1999 as follows:

"(1) *refuse the application for a hay baling plant on Lot 30; 42 Howson Way, Bibra Lake for the following reason:*

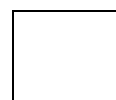
1. *the use is classed as a Noxious Industry under Council's District Zoning Scheme No. 2 and is not a permitted use in the General Industry Zone.*

(2) *in the event the use has not ceased on the site after 30 days, refer the matter to Council's solicitors to commence legal proceedings against the owners of the property for breach of Council's Scheme, by undertaking development without planning consent and for breaching the Health Act by continuing an Offensive Trade without approval;*

(3) *issue a MRS Form 2 Notice of Refusal to the applicant and advise them that the use is to cease within 30 days. "*

Details of the existing Milne Feeds operation (its complaint history) and the implications of the 'McNiece' decision, are included in a previous Officer's Report (26 October '99).

At the expiry of the 30 day period referred to in the above resolution, Milne Feeds met with Council officers and provided an undertaking on 23 December 1999, that relocation of the operation would commence within 90 days. Implementation of the Council's resolution regarding commencement of legal proceedings was deferred accordingly.



Submission

At a meeting with Commissioners and Council staff on 7 February 2000, Milne Feeds sought a formal extension (deferral) of legal proceedings for the reasons outlined in the letter attached to the Agenda.

The Company proposes a series of interim measures designed to minimise the adverse impacts of hay dust on adjoining properties, particularly Dyson Wools. Advice of the outcome of recent consultations with Dyson Wools concerning the proposed measures, will be tabled separately.

Report

It is considered that the measures proposed will reduce, but not eliminate, the off-site problems caused by windborne hay particles and hay particles washed into the stormwater drainage system located on the Dyson Wools property. Council would not be acting unreasonably if it chooses to pursue the legal proceedings in accordance with the previous resolution. It is also considered reasonable for the Council to defer the initiation of those proceedings, on the basis of the undertakings made to relocate by 30 September 2000 and the company's endeavours and undertakings to minimise off-site impacts in the meantime.

The problems of windborne hay particles are lessened during the winter months.

It is considered that the Council (if it grants an extension), should reiterate the need for the company to actively pursue relocation from the site by obtaining Planning Approval elsewhere, perhaps by 30 June 2000. This is a necessary precondition to ensure that the company can guarantee its actual relocation from the site by 30 September 2000.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

In the event of prosecution action being required, legal costs are funded from Account on existing budget.

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

Nil



438. (AG Item 14.1) (OCM1_2_2000) - LIST OF CREDITORS PAID (5605) (KL)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 3/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

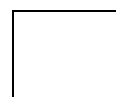
N/A

Budget/Financial Implications

N/A

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

Nil



**439. (AG Item 14.2) (OCM1_2_2000) - DEBT WRITE OFF - MR M I LEE -
CHANGEROOM HIRE (5651) (KL)**

RECOMMENDATION

That Council resolve that the amount of \$80.00 owed by Mr Matthew Ian Lee be written off.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED 3/0

Background

Mr Matthew Ian Lee hired the Meller Park Changerooms for a function on 28 June 1998. Attempts by the Recreation Officer, who took the bookings, to recover the unpaid debt have failed. Mr Lee has moved address since booking the facility and has since been unable to be located.

Submission

N/A

Report

Debts which are non-recoverable require Council's authorisation under the provisions of the Local Government Act 6.12(1)(c).

Legal action has not been taken due to the small nature of the debt and due to the fact that recovery action was extremely unlikely.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Loss of \$80.00 revenue to Account 563148 "Hire Meller Park".



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

Nil

DECLARATION OF FINANCIAL INTEREST

Mr J Radaich, Acting Director, Engineering & Works declared an interest in Agenda item 14.3. The nature of the interest being that he is the Secretary/Treasurer of the Coolbellup Sporting Association.

ACTING DIRECTOR, ENGINEERING AND WORKS LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.37 PM.**440. (AG Item 14.3) (OCM1_2_2000) - COOLBELLUP SPORTING ASSOCIATION - DEBT WRITE OFF (1101743) (KL)****RECOMMENDATION**

That Council resolve that the amount of \$10,762.00 owed by the Coolbellup Sporting Association be written off.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

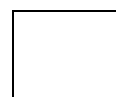
MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 3/0

Background

At its meeting held on 18 August 1998, Council resolved to:

- (1) provide a one off annual subsidy of \$1,600 payable quarterly in arrears to the Association for the Coolbellup Junior Football Club's use of the Tom Greengrass Pavilion facilities, subject to the satisfactory quarterly statements of their account being forwarded to the Director Finance and Corporate Services;
- (2) require the Coolbellup Sporting Association to provide an annual audit statement for the year ending 30th June 1999 to Council; and



- (3) advise the Coolbellup Sporting Association that subject to satisfactory compliance with (1) and (2) above, the outstanding debt of \$10,762 will be written off.

Submission

The Coolbellup Sporting Association has previously lodged an application with Council to have their outstanding debts written off and to also provide an annual operating subsidy of \$1,300.00 per annum.

Report

The outstanding debt owed by the Coolbellup Sporting Association relates to electricity charges (annual rental) in respect to the Tempest Park change-rooms. The electricity costs accumulated because of problems with the electricity meter which prevented it from being read for two years. The Coolbellup Sporting Association was aware of the problem but did not implement a strategy to set aside sufficient funds to cover the debt. Annual rents payable by the management committees were equivalent to the electricity charges.

In relation to the Council decision made at the August 1998 meeting of Council, the following information is provided:

- (1) The \$1,600 subsidy was paid to the Association and quarterly reports have been submitted to Council by the Association.
- (2) An Audit report for the period ending 30 June 1999 has been provided by the Association from an accounting firm which states that the books have been correctly recorded to give a true and fair view of the club's financial position as at 30th June 1999. The financial position of the club as at this time was showing the accounts with a credit balance of \$2,400.

The recommendation is in accordance with Council's decision of 18 August 1998.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Debts which are non-recoverable and have to be written off, require Council's authorisation under the provisions of the Local Government Act 6.12(1)(c). Legal action has not been taken due to Council's decision of 18 August 1998.



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

Nil

ACTING DIRECTOR, ENGINEERING AND WORKS RETURNED TO THE MEETING THE TIME BEING 8.38 PM.

441. (AG Item 14.4) (OCM1_2_2000) - DEBT WRITE-OFF - MAYPORT NOMINEES - REINSTATEMENT FOOTPATH WORKS (2212292) (KL)

RECOMMENDATION

That Council resolve that the amount of \$4,995.00 owed by Mayport Nominees be written off.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED 3/0

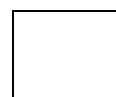
Background

Mayport Nominees carried out a subdivision creating Lots 1, 2 & 851 Rockingham Road during 1995/96. Contractors who were providing Western Power and Telstra services to the new lots, damaged the existing footpath (constructed of slabs) in the Rockingham Road reserve.

Public complaints were received via Councillors and the Council's Engineering Department. The matter was discussed at a Council meeting in February 1997 and it was resolved that Western Power be requested to reinstate the footpath to a suitable standard.

Submission

N/A



Report

Western Power would not accept liability for the reinstatement works, citing others as being responsible. This was causing a delay in the reinstatement work. Council's works crew then acted on Councillors request to carry out repairs to the footpath as the site was deemed to be hazardous and in the interest of public safety.

The works were undertaken at a total cost of \$5,765.00 and involved replacing the slab footpath with in-situ concrete, a project which would have been carried out by Council under the Slab Replacement Program within 2 years.

After the works had been completed, contact was made with Mayport Nominees who disputed the fact that the whole of the works were their responsibility as most of the work done was not on their property, but on the road reserve.

Mayport have paid \$770.00 of the total account.

Contact was made with the various contractors who were known to have worked on the project, to ascertain responsibility for the works, however Council's Principal Works Supervisor was unable to find out exactly which contractor was responsible for the damage.

As there were no written agreements undertaken to secure any debt for the works prior to the reinstatement works being undertaken, means that Council is left without any legal document or basis which could enable successful legal action to ensure recovery action from either Mayport Nominees or one of its contractors who carried out the repairs.

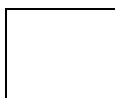
Administrative procedures have been implemented to minimise the possibility of similar instances in the future.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Debts which are non-recoverable and have to be written off, require Council's authorisation under the provisions of the Local Government Act 6.12(1)(c). Legal action was not taken due to the fact that recovery action was extremely unlikely, given that the works undertaken here were not supported by written undertakings or agreements.



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

Nil

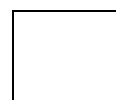
442. (AG Item 15.1) (OCM1_2_2000) - IMPLEMENTATION SCHEDULE FOR RECYCLING PROJECTS AND ASSOCIATED COSTS (4909) (6109) (BKG)**RECOMMENDATION**

That Council:

- (1) by March 2001, provide a second 240 litre bin for the collection of non-organic recyclables to every developed residential unit within the urban and rural areas;
- (2) provide a second 240 litre bin for the collection of non-organic recyclables to commercial and industrial properties that request one;
- (3) from 2 April 2001, collect non-organic recyclables from 240 litre bins, transport it to the Materials Recovery Centre at Canning Vale and pay the agreed gate entry fee, the collection being on a fortnightly basis;
- (4) from 1 November 2001, collect the general household waste (organic recyclables) from current 240 litre bins, transport it to the Regional Resource Recovery Centre (RRRC) at Canning Vale for it to be processed into compost and pay the agreed gate entry fee, with the collection being on a weekly basis;
- (5) from 2 April 2001, collect greenwaste from the kerbside 3 times per year, transport it to the Regional Resource Recovery Centre at Canning Vale so it can be mulched and reused and pay the agreed gate fee; and
- (6) advise the Southern Metropolitan Regional Council of the above decisions and agree the business plan will be amended and that the Project Participants' Agreement will be amended accordingly.

COUNCIL DECISION

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

CARRIED 3/0

Background

At its meeting of 15 December 1998, Council resolved to:

- "(1) Participate in the Regional Resource Recovery Centre project to be located at Canning Vale as outlined in the business plan prepared by the Southern Metropolitan Regional Council;
- (2) Contribute to its share of the cost subject to final terms and conditions as approved by Council; and
- (3) commend Director Engineering for the work that has been undertaken in relation to this project over many years.

CARRIED UNANIMOUSLY "

The decision was the culmination of three(3) years investigation and reports to Council to agree that the Regional Council's Waste Management Strategy was the best option for Cockburn. Specific details of the strategy were outlined in the business plan produced and this was made available to the public at that time.

Council is therefore committed to recycling and has joined with four other councils (Fremantle, East Fremantle, Canning and Melville) to construct a world-class recycling plant at Canning Vale at an estimated cost of \$32 million.

At the Council meeting held on 16 November 1999, Council reiterated its commitment to the Regional Resource Recovery Centre and adopted waste minimisation strategies that support this initiative. Council also requested that a draft implementation and associated cost impacts for the strategies be provided to Council.

Submission

N/A

Report

The implementation timetable is as outlined in the recommendation. In the Regional Council's Business Plan that was adopted by this Council in December 1998, the following timetable was proposed:

- (1) recyclables to be accepted at the Regional Resource Recovery Centre (RRRC) in July 2001;



- (2) general household waste to be accepted at the RRRC in November 2001; and
- (3) greenwaste to be accepted at the RRRC in July 2001.

Melville, one of the participating Councils, already has a 240 litre recycling programme in place and requested the Regional Council consider the earlier date. Canning, another participating Council, has just closed tenders for a 240 litre bin recycling service and expects to have it in place by April 2000.

It is proposed that Cockburn agree with the request and introduce the service in April 2001. This will mean an approximate increase in rubbish rates of \$21.00 for the 2000/01 financial year. It is proposed to purchase the recycling bins from funds in the Mobile Rubbish Bin Replacement Reserve Fund and an allocation from the 2000/01 Budget.

It is estimated that there will be a further increase in rubbish rates of \$56.50 the following year, when the household waste is also taken to the RRRC to be converted into compost.

Other Considerations

Bins

- All developed residential properties that currently have a 240 litre bin, will be supplied with a recycling bin.
- A recycling bin will be provided to commercial and industrial properties on request.
- The general household waste bin will be collected weekly.
- The recycling bin will have a different coloured lid to differentiate from the general household waste bin.

Financial

- All developed properties in Cockburn are required to pay a rubbish rate.
- There will be no additional charge for the supply of the recycling bin.
- New residents will continue to pay \$27.00 for 4 years to pay for the purchase of their bins. (All present ratepayers paid a similar levy).
- The bins remain the property of the City of Cockburn.
- Council will continue to carry out normal maintenance to the bins on the request of the ratepayer at no additional charge.

General

- Discussions will take place if requested with owners and occupiers of flats and higher density dwellings, to agree on the most suitable method of carrying out the improved recycling service.



- The most recent survey (January 2000) conducted by a professional marketing company, shows recycling is the number one issue for Cockburn residents.
- No domestic rubbish collection trucks from Cockburn will take their loads to Henderson landfill site after November 2001. They will all take their loads to Canning Vale and their contents will be processed into compost.
- Tenders will be called for the new recycling service. The City of Cockburn Waste Services Department will be submitting a tender.

Strategic Plan/Policy Implications

The corporate strategy for waste minimisation is *"Achieve a reduction in the volume of waste generated from residences in Cockburn being disposed of at landfill"*. The adopted performance measurement is *"80% of waste generated from residences within Cockburn will be diverted from landfill."*

Budget/Financial Implications

A summary of the existing (1999/00) and proposed (2001/02) costs of waste management for Cockburn is as follows:-

	Per Service Current	Per Service Proposed
1. Recycling <ul style="list-style-type: none"> • Collection of 240 litre bins • Entry fee at RRRC • Collection of recycling bags 	9.50	24.96 14.95
2. Greenwaste <ul style="list-style-type: none"> • Greenwaste collection from kerb • Shredding of greenwaste 	5.02	5.50 2.36
3. General Household Waste <ul style="list-style-type: none"> • Collection of 240 litre bins • Disposal fee at Henderson • Entry fee at RRRC (includes promotion & education @ \$3 per household) 	38.42 27.00	40.52 28.21
4. Loan Repayment to Construct RRRC		35.24



5. Annual Junk Collection	2.51	2.48
6. Entry Vouchers (Tip Passes)	20.83	22.96
7. S.W Waste Management Council	3.00	3.00
8. Maintenance of 240 litre bins	1.00	2.00
9. Administration	2.47	2.32
	\$109.75	\$184.50

The current rubbish charge of \$107.00 is slightly under the full recovery rate. It is proposed that this increase will occur over 2 years commencing in the 2000/01 financial year (\$21.00) with a further increase of approximately \$56.50 in 2001/02.

The increase from the previously mentioned figure of approximately \$70.00 is due to an increased allowance for the costs of collecting recycling bins from 70c per pickup to 96c per pickup which results in an additional \$6.76 (26c x 26 pickups). This reflects a recent tender price obtained by another metropolitan council.

These estimated costs have been passed to the Director Finance & Corporate Services and for inclusion in the Principal Activities Plan so the impact on the total Council budget can be assessed.

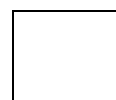
Implications of Section 3.18(3) Local Government Act, 1995

The Regional Council has requested that participating Councils consider bringing their recyclables to the RRRC in March 2001 and not July 2001.

443. (AG Item 15.2) (OCM1_2_2000) - PASSES FOR ENTRY TO HENDERSON LANDFILL SITE (4900) (BKG)

RECOMMENDATION

That Council, as a method of minimising the increase in the rubbish rates in 2001/02 and beyond due to increased expenditure on recycling initiatives and to further encourage residents to recycle, ceases to issue free entry vouchers (tip passes) to residents for disposing of domestic waste at the Henderson Landfill Site as from 1 September 2001.



COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the matter be deferred; and
- (2) a question be included in the next Community Needs Survey to ascertain feedback from the community before a decision is made.

CARRIED 3/0

Explanation

As there were serious concerns from the community at recent meetings with regard to tip passes, it was decided to defer the matter until the completion of the Community Needs Survey later this year, in order to ascertain the wishes of the community.

Background

At the Special Meeting of Electors held on 11 January 2000, it was resolved:

"That this meeting puts a resolution to the Commissioners that at the next Council meeting, they consider reversing their decision for its new rubbish policy with perhaps a proviso that you reduce the six tip cards to 3 cards.

Amendment to Resolution

That the resolution is amended to retain the 6 tip cards."

This resolution was in response to the Waste Minimisation Strategy that was adopted by Council on 16 November 1999.

This strategy was based to a large extent, on the decision taken by Council on 15 December 1998 when it resolved to participate in the Regional Council's Regional Resource Recovery Centre at Canning Vale.

The recycling system outlined to the Council in December 1998, was to:

- (1) supply a 2nd 240 litre bin for the collection of dry recyclables; and
- (2) contribute to its share of the cost to construct a plant at Canning Vale to process all the household waste in the existing 240 litre bin into compost.



The Council was advised that these initiatives would cost each ratepayer an additional \$70.00 per year.

The previous Council at earlier meetings, had requested that staff look at ways of minimising this increase. The abolition of tip passes is a method that will allow a saving to be made to rubbish rates.

The Council also resolved in November 1998, that tip passes continue to be issued to residential properties but not to commercial or industrial properties.

Submission

N/A

Report

Timing

Staff recommended that the voucher system for free entry to the landfill site (tip passes) be abolished at the time the 2nd 240 litre bin for recycling is issued.

The Regional Council has now advised that they expect to have the Materials Recovery Centre completed by March 2001 to allow recyclables to be received.

With this information, it is recommended that the vouchers (tip passes) be issued for the 2000/01 financial year and they go to their expiry date of 30/8/01 and no free entry vouchers be issued for the 2001/02 financial year. The free passes will be valid until August 2001. After that date, tip passes will still be available for purchase.

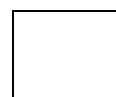
The Reasons

There are 3 main reasons for recommending that vouchers not be issued in the future.

- Cost

The Regional Council's Material Recovery Centre will allow 80% of the waste coming from houses to be re-used, including foodstuffs that will be turned into compost.

It is estimated that an additional \$77.50 per year above the current rubbish rate, will be required from each Council ratepayer to fund this initiative.



The previous Council had requested staff to look at ways of reducing this cost. One of the initiatives proposed, is to introduce a user-pay system for entry to the landfill site. This will mean a reduction of approximately \$23.00 per ratepayer from their rubbish rate 2001/02 resulting in an approximate increase in rubbish charges from 1999/00 to 2001/02 of \$54.50 instead of \$77.50.

- Recycling

It is hoped that the removal of the tip pass system will assist in the commitment to recycling.

Many professionals state that if free tip passes are issued, it does not encourage people to recycle. It is easier to just load the waste onto a trailer, take it to the tip and dump it.

With this Council investing such large amounts of funds in recycling, all initiatives must be looked at to assist in the objective of reducing the amount of waste going to landfill.

- User Pay

The user pay method of entry for trailers to the landfill site, will also allow ratepayers to know the true cost of disposing of waste and hopefully also contribute to their understanding of the importance of recycling.

Dumping of Rubbish

There is no reason to think that responsible residents of Cockburn will dump rubbish in inappropriate places.

As in all communities, there always seems to be an irresponsible few who will not abide by the accepted standards.

From reports from residents, some illegal dumping occurs even now when each resident is issued with 6 passes per year.

Strategic Plan/Policy Implications

The corporate strategy for waste minimisation is *"Achieve a reduction in the volume of waste generated from residents in Cockburn being disposed of at landfill"*.

Budget/Financial Implications

If vouchers for free entry to the landfill site (tip passes) are not issued to ratepayers, there will be a reduction in income of \$558,000 required from the ratepayers to be paid to Council.



It is hoped that ratepayers will use the site less if they have to pay each time they use this facility.

There will also be a reduction in income received at the landfill site from tip passes. However, with the closing of the City of Canning site in November 2001, it is anticipated there will be a substantial increase in income from commercial users to offset this potential loss of income.

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

The Regional Council has now advised that they expect to have the Materials Recovery Centre completed by March 2001 to allow recyclables to be received.

This Council is committed to recycling and has joined with four other Councils: Fremantle, East Fremantle, Canning and Melville, to construct a world class recycling plant at Canning Vale at an estimated cost of \$32 million.

444. (AG Item 15.3) (OCM1_2_2000) - CONSTRUCTION OF A WASTE TRANSFER STATION FOR USE BY TRAILERS (4900) (BKG)

RECOMMENDATION

That Council provide in the Principal Activity Plan for the construction in 2000/2001 of a waste transfer station for use by trailers depositing domestic waste with the station to be operational in July 2001.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

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

CARRIED 3/0

Explanation

There is a need to identify costs of the option adopted prior to the budget being set to allow financial ramifications to be assessed.



Background

At the Council meeting held on 16 November 1999, the waste management strategy was adopted.

One of the strategies stated - *Investigate other options of trailers unloading at tip face of the landfill.* It was also requested that a draft implementation schedule and associated cost impact for the strategies be provided.

Submission

N/A

Report

At present, residents and others bring waste in their trailers to the Henderson Landfill Site and unload at the working face.

Last financial year, approximately 50,000 trailers visited the site.

On a Sunday, there can be as many as 500 vehicles visiting the site.

A survey was undertaken by an Occupational Health and Safety professional from the Eastern Metropolitan Regional Council. His report recommended that alternative arrangements should be made due to:

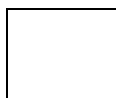
- The safety hazard created by earthmoving and compaction equipment working near the public;
- The dangers to the public standing on or near hazardous objects; and
- The risk to the health of the public because of contaminated and rotten organic material in the near vicinity.

The Department of Environmental Protection has recommended that the public should not be permitted to go to a tipping face at a landfill site.

The criteria for the operation of a landfill site states: *"All small vehicles tipping at the tip face to cease and be replaced by on-site or off-site transfer station."*

It was recommended that this be implemented by December 1995. The new landfill sites at Rockingham and Mindarie were required to construct transfer stations before a licence could be issued for the site to open.

The Cockburn Council has been reluctant to construct a transfer station because of the cost. However, for the reasons outlined above and because it is possible that trailer numbers will increase with the closure



of Gosnells site and the imminent closure of Canning's site, it is recommended that a transfer station be constructed.

Halpern Glick Maunsell have been commissioned to provide concept plans and costs for a transfer station at Henderson.

They have based their design on the provision of 12 bays for tipping.

A concept plan is attached to the agenda.

The preliminary estimate of cost is \$400,000 to construct a transfer station using a tipping floor and bin system.

The operating cost for the station to be open 7 days a week 10 hours per day, will be in the region of \$500,000 per annum in 1999/00 dollar values.

Based on 50,000 trailers per annum, the volume received at the site would be 50,000 x 300 kilograms = 15,000 tonnes.

Cost:	Operating	=	\$ 500,000
	Disposal	=	\$ <u>585,000</u>
			\$1,085,000 per annum

If the transfer station is to be operated on a full recovery basis, the entry fee will have to be \$21.70 per trailer based on current estimated costs.

This cost could be subsidised by the income from the Henderson Landfill Site. Any subsidy would need to be discontinued when the site closes in 2010.

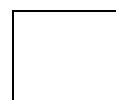
Another option is to continue discussions with Canning and Melville Councils' staff to ascertain whether a joint combined transfer station could be built in the vicinity of the Jandakot Airport.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

A transfer station for residents' trailers will increase costs. The construction and necessary plant is estimated to cost \$400,000 and the annual operating cost is \$500,000. There is also a charge of \$39.00 per tonne for disposal at the landfill site.



A charge of \$21.70 per trailer will be necessary if all costs are to be recovered on a user-pay basis based on current estimated costs.

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

The Department of Environmental Protection has recommended that the public should not be permitted to go to a tipping face at a landfill site.

445. (AG Item 15.4) (OCM1_2_2000) - ADJUSTMENT TO 1999/2000 WORKS BUDGET (5402) (JR)

RECOMMENDATION

That Council adopt the following changes to the 1999/2000 Budget:

- (1) Account No. 695963 - Fawcett Rd/Albion Ave - Install Roundabout to now read:
Account No. 695963 - Fawcett Rd/Albion Ave - Intersection Upgrade;
- (2) Account No. 695968 - Williambury Dr - Install 3 Speed Plateaux to now read:
Account No. 695968 - Williambury Drive - Install TMD's; and
- (3) Account No. 695535 - Lydon Bld/Hawkesbury Rt - Install Roundabout to now read:
Account No. 695535 - Lydon Bld - Install TMD's.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

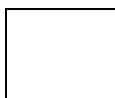
MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 3/0

Background

The current works Budget provides for the following traffic management projects to be carried out with specific treatments:

- Fawcett Rd/Albion Ave - Install Roundabout (\$57,747)
- Williambury Dr - Install 3 Speed Plateaux (\$29,370)
- Lydon Bld/Hawkesbury Rt - Install Roundabout (\$78,350)



Submission

Accordingly, designs have been prepared for the projects and consultation with affected residents has taken place. As a result, a number of strong objections to the proposed treatments have been received:

- Not warranted
- Traffic will be diverted closer to houses and fences, increasing the potential for hazardous situations
- Disrupted access to property
- Generation of after-hours noise
- Disruption to streetscape
- Devaluation of properties

Following consultation, alternative treatments to those specified in the Budget are being investigated which will give the desired result whilst generally appeasing residents. This will require the Budget descriptions to be changed for the treatments to proceed.

Report

As a result of the further consultations and assessment, the Budget descriptions for the above projects should be changed to the following:

- Fawcett Rd/Albion Ave - Intersection Upgrade:
There is a need to kerb and properly drain this intersection due to the high water table. This will basically not alter the layout of the intersection, but the possible incorporation of traffic islands will assist traffic management.
- Williambury Dr - Install TMD's:
An alternative traffic management device which may be more acceptable to the residents is a chicane treatment.
- Lydon Bld - Install TMD's:
An alternative traffic management device which may be more acceptable to the residents is a chicane treatment.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

It is anticipated that the cost of the alternative treatments will be contained within the existing Budget allocations.

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

Nil

446. (AG Item 16.1) (OCM1_2_2000) - BEALE PARK FACILITIES MANAGEMENT STRUCTURE (2203416) (AW)

RECOMMENDATION

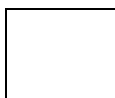
That Council:

- (1) dissolve the Beale Park Management Committee;
- (2) enter a lease agreement for the use of the Beale Park club/changerooms at a peppercorn rental with the Cockburn United Soccer Club (Inc.) for a period of 1 year, with Council having the option to extend the lease agreement for a further two (2) years subject to the club meeting the terms and conditions of the lease including payment for preparation of the lease; and
- (3) enter a user management agreement with the Cockburn City Tee Ball and Baseball Club for the use of the designated club/changerooms on the Beale Park Reserve.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) dissolve the Beale Park Management Committee and require any funds held by the Committee to be returned to Council within 14 days;
- (2) enter a lease agreement for the use of the Beale Park club/changerooms at a peppercorn rental with the Cockburn United Soccer Club (Inc.) for a period of 1 year, with Council having the option to extend the lease agreement for a further two (2) years subject to the club meeting the terms and conditions of the lease including payment for preparation of the lease; and



- (3) require the Cockburn United Soccer Club (Inc.) pay the balance of outstanding utility costs for the Beale Park Club/Changerooms not covered by funds returned to Council by the Management Committee; and
- (4) enter a user management agreement with the Cockburn City Tee Ball and Baseball Club for the use of the designated club/changerooms on the Beale Park Reserve.

CARRIED 3/0

Explanation

Because of concerns surrounding fees and charges owed by the Cockburn Soccer Club to the current Beale Park Management Committee, it was considered appropriate to include in the recommendation a guarantee, that the Cockburn Soccer Club would pay any outstanding fees and charges currently owed to the Committee, and should the Committee then not have sufficient funds to pay any outstanding debts the Cockburn Soccer Club will need to pay these prior to the Lease Arrangement being entered into.

Background

The Beale Park Management Committee has operated as an appointed committee of the City of Cockburn to oversee the maintenance and running of the Beale Park facilities. However, throughout recent years, committee members have raised serious concerns relating to the performance and efficiency of the committee. In 1994, the Cockburn United Soccer Club (recently Cockburn City Soccer Club) requested that the management committee be disbanded and a lease agreement be set in place for the facilities at Beale Park. The City then forwarded the request to Beale Park Management Committee for consideration. No written reply was received by the City from the Beale Park Management Committee concerning the above matter.

In 1998 Council officers sought to enter into a new User Management Agreement with the Beale Park Management Committee however, an agreement has not been reached at this point in time.

The Beale Park Management Committee has a membership drawn from the Cockburn United Soccer Club, Cockburn City Tee Ball and Baseball Club, community members and until recently, two (2) Councillors. It appears that there has not been a meeting for many months and for all intents and purposes, the current committee is not functioning. There has been a myriad of issues over years on the management of the Beale Park facilities and friction between the various interested parties. A salient issue has been the requirement for the Cockburn United Soccer Club to pay a fee of \$150 per week to the Beale Park Management



Committee. This requirement has regularly not been met and appears as another point of contention between the parties.

Submission

Due to significant ongoing concerns of the operation of the Beale Park Management Committee, stakeholders have again approached Council to dissolve the committee and pursue a lease arrangement/user management agreement for the facilities located on Beale Park via a letter written by the Cockburn City Soccer Club dated 14 January, 2000.

Report

Concerns have also been expressed from several Council officers relating to the Beale Park Management Committee's effectiveness, in particular the consistency of meetings, payments of accounts and the booking of the facilities by Cockburn residents.

Following discussions, the Cockburn City Soccer Club is keen to pursue a lease arrangement for the Club's usage of the Beale Park facilities, with the Cockburn City Tee-Ball and Baseball Club keen to pursue a new User Management Agreement for the separate facilities used by the Club. The above changes in management structures at the Beale Park facilities, will result in a greater efficient and effective operation of the facilities by both user groups and residents of the City of Cockburn. In addition, the entering of a lease agreement with the Cockburn City Soccer Club has the potential to reduce maintenance costs of the facility.

Under the current arrangement, the Management Committee is responsible for all operational costs and minor maintenance below \$650. It is proposed that under a lease arrangement, the lessor be responsible for all operational and maintenance matters other than structural repair.

In conclusion, it is clear that the current management arrangements for the Beale Park facilities do not work and action needs to be taken to address the long standing dysfunctional management. There appears to be only two realistic options for the management of these facilities, establish a management structure in which the Soccer Club have sole responsibility for the facilities they use and the Tee Ball to have sole responsibility for the facilities they use. The other alternative is for Council administration to take over the management of the facilities and charge the two clubs a fee to use the facilities.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

Will have no significant effect on Council's Municipal Budget, although maintenance costs could be reduced to Council.

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

Nil

DECLARATION OF FINANCIAL INTEREST

The Chief Executive Officer declared a financial interest in Agenda item 22.1. The nature of the interest being that it directly relates to him.

MEETING CLOSED TO MEMBERS OF THE PUBLIC

MOVED Cmr Smithson SECONDED Cmr Jorgensen that pursuant to s5.23(2)(a) of the Local Government Act 1995 as it relates to an employee, the time being 8.47 pm, the meeting be closed to members of the public to allow Council to discuss Agenda Item 22.1 until the Council decides that the meeting be opened to the public.

CARRIED 3/0

AT THIS POINT THE TIME BEING 8.47 PM, DIRECTOR COMMUNITY SERVICES, DIRECTOR PLANNING AND DEVELOPMENT, ACTING DIRECTOR ENGINEERING & WORKS, SECRETARY TO DIRECTOR FINANCE AND CORPORATE SERVICES AND THE PUBLIC AFFAIRS OFFICER LEFT THE MEETING

447. (AG Item 22.1) (OCM1_2_2000) - CHIEF EXECUTIVE OFFICER - REMUNERATION REVIEW (003) (ATC)

RECOMMENDATION

That the recommendation contained in the Confidential Report, based on advice from Gerard Daniels Australia Pty Ltd dated 2 December 1999, regarding the remuneration package for the Chief Executive Officer, be adopted.

COUNCIL DECISION

MOVED Cmr Donaldson SECONDED Cmr Smithson that the remuneration package for the Chief Executive Officer as negotiated on 15 February 2000, based on independent advice from Gerard Daniels be adopted and signed by the Chairperson of Commissioners and the Chief Executive Officer.

CARRIED 3/0

Explanation

The report submitted was considered and several changes to the recommendations were made.

Background

The remuneration for the Chief Executive Officer was reviewed by Council in March 1999 (held over from October 1998).

The Consultants, Gerard Daniels Australia Pty Ltd (GD), who provided Council with independent advice submitted at that time, that a further review was required.

Submission

N/A

Report

A confidential report has been provided to Commissioners under separate cover, which includes advice from Gerard Daniels Australia Pty Ltd.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Adequate funds were provided in the 1999/2000 budget.

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

Nil

MEETING OPEN TO MEMBERS OF THE PUBLIC

MOVED Cmr Smithson SECONDED Cmr Jorgensen, that the meeting be opened to the public, the time being 9.00 pm.

CARRIED 3/0

**THE DECISION OF COUNCIL MADE BEHIND CLOSED DOORS,
WAS READ ALOUD BY THE PRESIDING MEMBER**



448. (AG Item 23.1) (OCM1_2_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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

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

CARRIED 3/0

MEETING CLOSED 9.02 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:/...../.....

