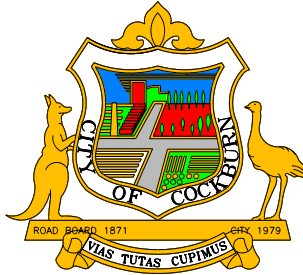


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 16 NOVEMBER 1999**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 NOVEMBER 1999 AT 7:30 P.M.

		Page
1.	DECLARATION OF OPENING.....	1
2.	APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	1
3.	DISCLAIMER (To be read aloud by Presiding Member)	1
4.	ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member).....	1
5.	APOLOGIES AND LEAVE OF ABSENCE	1
6.	ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
7.	PUBLIC QUESTION TIME	1
8.	CONFIRMATION OF MINUTES.....	1
8.1	(OCM1_11_1999) - ORDINARY MEETING OF COUNCIL - 26/10/99.....	2
9.	WRITTEN REQUESTS FOR LEAVE OF ABSENCE	2
10.	DEPUTATIONS AND PETITIONS.....	2
11.	BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)	2
12.	COUNCIL MATTERS	2
12.1	(OCM1_11_1999) - RADIO 6PR RUMOUR FILE - 10/2/1999 - ALLEGATION OF CORRUPTION (1041; 92182) (RWB)	2
12.2	(OCM1_11_1999) - PROPOSED NEW DELEGATED AUTHORITY TO OFFICERS MANUAL (1054) (DMG) (ATTACH)	4
12.3	(OCM1_11_1999) - PROPOSED NEW POLICY MANUAL (1054) (DMG) (ATTACH).....	5
13.	PLANNING AND DEVELOPMENT DIVISION ISSUES.....	6
13.1	(OCM1_11_1999) - ADOPTION OF INTEGRATED COASTAL MANAGEMENT STRATEGY FOR THE CITY OF COCKBURN (9120) (DW) (ALL) (ATTACH)	6
13.2	(OCM1_11_1999) - PROPOSED TOWN PLANNING SCHEME NO. 3 MODIFICATIONS - CONSENT TO ADVERTISE (9485) (SMH) (ATTACH).....	9

	Page
13.3 (OCM1_11_1999) - PROPOSED SHED AND LEAN-TO - LOT 4; 29 GUTTERIDGE ROAD, BANJUP - OWNER: D BOWDEN - APPLICANT: D CHEONG & ASSOCIATES (5513727) (MT) (EAST) (MAP 20) (ATTACH).....	13
13.4 (OCM1_11_1999) - FINAL ADOPTION - AMENDMENT NO. 212 - ADDITION OF BED AND BREAKFAST ACCOMMODATION USE TO SCHEME (92212) (MT).....	15
13.5 (OCM1_11_1999) - PROPOSED LIQUID WASTE TREATMENT PLANT - LOT 197 CÔCOS DRIVE, BIBRA LAKE - OWNER/ APPLICANT: WESTERN RESOURCE RECOVERY (4412617) (SR) (SOUTH) (MAP NO 8) (ATTACH).....	16
13.6 (OCM1_11_1999) - PROPOSED AMENDMENT NO. 196 TO DISTRICT ZONING SCHEME NO. 2 - PORTION OF RESERVES 39455 AND 39584 COCKBURN ROAD, HENDERSON AND PORTION OF VACANT CROWN LAND NORTH OF RESERVE 39455 COCKBURN ROAD, HENDERSON (92196) (SA) (COASTAL) (MAP 10) (ATTACH).....	22
13.7 (OCM1_11_1999) - AMENDMENT NO.216 - LIGHT INDUSTRY AND RURAL TO MIXED BUSINESS WITH ADDITIONAL USES - CELL 7 YANGEBUP - OWNER: HOMESWEST AND OTHERS - APPLICANT: GREG ROWE AND ASSOCIATES (92216) (MT) (SOUTH) (MAP 8) (ATTACH).....	24
13.8 (OCM1_11_1999) - AMENDMENT NO. 203 - PROPOSED ADDITIONAL USE: RECYCLING OF GREEN WASTE, LIMESTONE RUBBLE, TOPSOIL AND ROUGH FILL - LOT 1 ROCKINGHAM ROAD, HENDERSON - OWNER: COMSE NOMINEES - APPLICANT: MASTERPLAN (92203) (CC) (COASTAL) (MAP 10) (ATTACH).....	30
13.9 (OCM1_11_1999) - MODIFICATION TO AMENDMENT NO. 201 - SOUTH BEACH DEVELOPMENT - VICINITY OF ROLLINSON ROAD - OWNERS: VARIOUS - APPLICANT: MITCHELL GOFF & ASSOCIATES (92201) (SOS) (WEST) (MAPS 1 & 2) (ATTACH).....	32
14. FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....	37
14.1 (OCM1_11_1999) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH).....	37
14.2 (OCM1_11_1999) - ROAD CLOSURE - WRIGHT ROAD, MUNSTER (450109; 104876) (KJS).....	38
15. ENGINEERING AND WORKS DIVISION ISSUES.....	39
15.1 (OCM1_11_1999) - WASTE MINIMISATION STRATEGY (BKG) (4909).....	39
16. COMMUNITY SERVICES DIVISION ISSUES.....	44
17. EXECUTIVE DIVISION ISSUES	44
18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	44
19. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	45
20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	45

21.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE	45
22.	CONFIDENTIAL BUSINESS	45
23.	RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)	45
24.	CLOSURE OF MEETING	46

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 NOVEMBER 1999 AT 7:30 P.M.

1. DECLARATION OF OPENING

2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

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

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

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

5. APOLOGIES AND LEAVE OF ABSENCE

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM1_11_1999) - ORDINARY MEETING OF COUNCIL - 26/10/99

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. COUNCIL MATTERS

12.1 (OCM1_11_1999) - RADIO 6PR RUMOUR FILE - 10/2/1999 - ALLEGATION OF CORRUPTION (1041; 92182) (RWB)

RECOMMENDATION

That Council instruct McLeod & Co not to seek an apology from Radio 6PR for comments made on the "Rumour File" on the 10th February 1999.

COUNCIL DECISION

Background

On Radio 6PR on the 10th February 1999 during the session known as the "Rumour File", the station received a telephone call at which time some defamatory remarks were made about the Mayor of Cockburn.

Advice was sought from McLeod & Co who confirmed that the remarks were defamatory. Council, at its meeting of the 16th March 1999,

adopted the officer's recommendation to instruct McLeod & Co to seek an apology.

Submission

N/A

Report

In April 1999, McLeod & Co advised the Chief Executive Officer by telephone, that the Council decision and instruction emanating from the 16th March 1999 meeting, had not been actioned as Council's correspondence had been temporarily mislaid.

Due to the lapse of time from the event of the alleged defamation, it was intended to seek advice whether the Council decision still should be implemented. A further consideration was the status of the Inquiry into the City. The discovery of the Council's letter of instruction was around the time Councillors were suspended. It was intended to take the matter back to Council for further instruction. This did not occur due to Council's suspension.

The issue has been raised now as a result of the Inquiry into the City's handling of Lot 1 Berrigan Drive.

Mr Grljusich was written to on the 6th October 1999 and appraised of the situation. He was advised that if an apology was still considered appropriate, instruction would be issued immediately to that effect. Alternatively, if advice was not received by the 15th October 1999, the matter would be placed before Council. No advice was received.

Due to the lengthy time which has elapsed, it is recommended that Council does not pursue the apology.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

McLeod's have advised that no account will be levied for the original opinion.

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

Nil

12.2 (OCM1_11_1999) - PROPOSED NEW DELEGATED AUTHORITY TO OFFICERS MANUAL (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the Register of Delegated Authority to Officers, as contained in the attachments to the Agenda.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Pursuant to Section 5.46(2) of the Local Government Act, 1995, Council is required to review all delegations made at least once in each financial year.

Submission

N/A

Report

During the most recent review of delegations, in December, 1998, Council resolved to delegate the administration of nearly all of its Policy statements, in addition to the traditional list of delegated functions previously discharged through Council officers.

While the intent of this decision was sound, it caused a significant increase in administrative compliance, as the task of recording each transaction, as required under the Act became very time consuming.

In reviewing this practice, it has now been deemed unnecessary for most of the Policies to require a delegation for their purpose to be carried out.

Consequently, a large number of Policy delegations have now been withdrawn, on the grounds that these are capable of being administered without a specific delegation being required.

Therefore, the final Draft register comprises those functions capable of being delegated in order to streamline the business of Council and also those Policies which are reflective of a Council position on particular issues and which are directional by nature and not merely administrative.

Strategic Plan/Policy Implications

Strategic Action Plan Item 1.7 "Council Administration" refers.

Budget/Financial Implications

Nil.

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

Nil.

**12.3 (OCM1_11_1999) - PROPOSED NEW POLICY MANUAL (1054)
(DMG) (ATTACH)**

RECOMMENDATION

That Council adopts the Manual of Policy Statements, as contained in the attachments to the Agenda.

COUNCIL DECISION

Background

It is Council practice to review its Policies on an annual basis, at the same time as its review of delegations.

Submission

N/A

Report

The proposed Policy Manual is largely reflective of Council's current Policies, with the deletion of some now obsolete statements. Some of the Policies have had some minor word adjustments to either clarify their intent or bring them into line with current practices or requirements.

The main reason for the relative consistency of this document is that Policy statements, unlike delegations, are constantly reviewed for their

suitability and tend to be amended on regular occasions throughout the year as deemed necessary.

Strategic Plan/Policy Implications

Strategic Action Plan Item 1.6 "Leadership and Direction" refers.

Budget/Financial Implications

Nil.

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

Nil.

13. PLANNING AND DEVELOPMENT DIVISION ISSUES

13.1 (OCM1_11_1999) - ADOPTION OF INTEGRATED COASTAL MANAGEMENT STRATEGY FOR THE CITY OF COCKBURN (9120) (DW) (ALL) (ATTACH)

RECOMMENDATION

That Council adopt the Integrated Coastal Management Strategy as a guide to coastal planning and management within the City.

COUNCIL DECISION

Background

The development of an Integrated Coastal Management Strategy for the City was commenced in early 1998. Funds were provided for the development of the Strategy through the Coastcare Coastwest grants programme with matching funding provided by Council.

The overall aim of the Strategy is to develop an Integrated Coastal Management Plan for the City's coastal zone to guide future planning and management of coastal resources to ensure sustainability and enhancement of its natural, cultural and recreational values while providing for appropriate economic activities. The Strategy was based on developing a holistic approach to coastal management and planning within the City, with key objectives including the identification and description of the environmental, social, cultural, leisure and recreational values of Cockburn's coastal zone including current and future human usage, identification of current and future planning and

land use constraints and opportunities, identifying conflicts, issues and opportunities relating to the sustainable development and management of the coastal zone. The project also required the development of detailed strategies and actions relating to the following:

- protection and enhancement of natural values, nearshore water quality and coastal processes.
- provision of recreational and community facilities and public access
- protection and enhancement of cultural values
- tourism and promotion
- sustainable land use development and future planning and land use within the coastal zone
- management of human use related impacts
- capital works and ongoing maintenance required.
- the development of an overall land use plan for the coastal zone which integrated existing land use and development proposals with future use and development of Cockburn's coastal zone.
- community involvement in coastal planning and decision making.

For the purposes of the study the coastal zone was defined as the area bounded roughly by the ridgeline to the east of the coastline and nearshore waters to 500 metres of the high water mark.

The preparation of the plan was undertaken by consultants Ecoscape in conjunction with Coastwise Planning and Management. An inhouse working group of key staff was formed to liaise with the consultants and manage the project. Additionally, a steering committee was formed which included members from key government agencies, the aboriginal community and a Councillor representative. Community consultation in the development of the plan also occurred through a community workshop, mail-back questionnaire and direct stakeholder group consultation.

The development of the plan progressed through a series of drafts with a final draft for public comment being published in March. The final version of the Strategy incorporating the comments received during the public comment period have now been completed and is presented to Council for final endorsement.

Submission

The community consultation which consisted of community workshops, a mail-back questionnaire and stakeholder group consultation indicated that many local people have a high regard for a broad range of values which they attribute to the Cockburn coast including environmental, cultural, recreational, social and aesthetic values. A strong message

from some sectors of the community indicated that there is considerable concern that many of these values are under threat from a number of large scale development proposals planned within Cockburn. Ideas and visions developed through this consultation were incorporated into the strategies and land use concepts outlined in the Strategy.

A number of submissions were received on the draft plan presented for public comment. A copy of a summary of the submissions and responses in the final plan are attached to the Agenda. As can be seen from the summary a number of minor changes to the final plan occurred as an outcome of comments received, although the major thrust and direction of the Strategy remains unchanged.

Report

A copy of the Strategy has been provided separately to all Commissioners with the Executive Summary and key figures attached to the Agenda.

The Strategy provides a detailed description of Cockburn's coastal area, particularly in terms of environmental values, recreational uses, cultural and historical aspects. The Strategy also establishes a number of key coastal planning principles and describes both current and future land use proposals associated with the coast.

The Strategy incorporates a detailed assessment of constraints and opportunities associated with the various sections of the Cockburn coast. Based on this assessment a range of coastal planning and environmental management recommendations are made. These recommendations range from strategies for land use, development of commercial activities, improvement of public access to beach areas, upgrading and provision of facilities and recognition of cultural, social and historical values. An overall concept plan which integrates land use and provision of facilities is detailed in the Strategy.

Overall, the Strategy and Concept Plan does not suggest major change in terms of land use and development within the City's coastal zone, although it is supportive of the redevelopment of industrial land in North Coogee and restates Council's previous position in relation to proposals such as the Southern Harbour development. The majority of recommendations and strategies are associated with improving coastal facilities, public access and the environmental and recreational values of our coastal zone. Implementation of recommendations will require the co-operation of a number of State Government agencies which control and manage large areas of the Cockburn coast. Council will play an important role in influencing the decisions and developments undertaken by these State Government agencies, with the Integrated Coastal Management Plan providing an holistic and sound basis for Council in terms of decision making and management associated with

areas of the coast managed directly by Council and in influencing State Government agencies with a role in coastal land use and development.

Strategic Plan/Policy Implications

Strategy 2.3 and Action Item 2.3.7 apply.

Budget/Financial Implications

The implementation of the Strategy will require ongoing resourcing both by Council and State Government agencies with an interest in coastal land within the City. Funds have been provided through Coastwest/Coastcare for the development of a detailed works and maintenance schedule for the areas of the coast under Council control and management. This more detailed plan will provide detailed costings for capital works and can be used as a basis for future Coastcare funding applications for on-ground environmental management works.

The improvement and development of facilities identified within the Strategy will need to be addressed as part of normal annual budgetary processes and priorities.

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

Nil.

13.2 (OCM1_11_1999) - PROPOSED TOWN PLANNING SCHEME NO. 3 MODIFICATIONS - CONSENT TO ADVERTISE (9485) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the modifications to the Proposed Town Planning Scheme No. 3 in accordance with the attachment to the Agenda;
- (3) resolve to proceed with the Scheme and to settle the modifications with the Commission together with other modifications which appear necessary as provided for under Regulation 14 (4)(a)(i) of the Town Planning Regulations;
- (4) forward the modifications to the Western Australian Planning Commission for its consideration;
- (5) subject to the modifications being accepted by the Commission,

the Council seek the Commission's approval to proceed to advertising under Regulation 15.

COUNCIL DECISION

Background

The Council submitted the proposed Scheme to the Commission together with the revised Local Planning Strategy, for approval to advertise following its meeting held on 25 May 1999.

Submission

On the 14 October 1999 the WAPC advised:-

"I refer to your letter of 27 May 1999 and advise that the Hon Minister for Planning has given consent for the above Scheme to be advertised for public inspection subject to the modifications set out in the attached Schedule being effected prior to advertising.

In accordance with the provisions of Regulation 14(4) of the Town Planning Regulations, 1967 (as amended), Council is required to return the modified documents to the Commission within 42 days, or any longer period approved by the Hon Minister, of being notified of the modifications, if Council resolved to proceed with the Scheme.

Upon return of the Scheme documents to the Commission, modified in accordance with the above requirements, the Scheme will be advertised for a period of three months subject to:

- 1. the City notifying in writing the following agencies and any other agencies and organisations it considers appropriate, within seven (7) days of the commencement of advertising to the effect that the Scheme is available for public submission and inviting submissions:*

*Main Roads Western Australia
Water Corporation
Western Power
Alinta Gas
Telstra
Ministry of Housing
Department of Transport
Department of Conservation & Land Management
Valuer General's Office
Department of Local Government*

*Bikewest
 Heritage Council of Western Australia
 Health Department of Western Australia
 Fire and Emergency Services
 Department of Land Administration
 Westrail
 Ministry of Education
 Dept of Aboriginal Affairs (Aboriginal sites)
 Air Services Australia
 Department of Commerce and Trade
 Department of Minerals & Energy
 Department of Resources Development
 Adjoining local governments*

2. *the City undertaking any further action it considers appropriate in addition to the statutory requirements under the Town Planning Regulations to advise the public that the Scheme is available for public inspection and inviting submissions.*

You are advised that the Commission has noted the City's Local Planning Strategy.

The Commission further resolved to advise Council as follows:

- (1) *The Scheme Maps reflect the South-West Districts Omnibus Metropolitan Region Scheme Amendment 991/33 (3B). Given that this amendment has completed advertising and will shortly be recommended for final approval (subject to finalisation of environmental conditions), it is appropriate that the Scheme reflects the proposed zonings and reserves in Amendment 991/33.*
- (2) *The Scheme Text includes provisions for the Resource Zone which are intended to implement Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy. These provisions are based on Amendment 202 which is currently being discussed between Council and the Ministry. The Commission has accepted the inclusion of these provisions in the Scheme for advertising. The provisions, however, may need to be modified at the final approval stage to reflect the outcome of Amendment 202.*
- (3) *Under proposed changes to the Town Planning Regulations to introduce the Model Scheme Text it is intended to replace the Scheme Report by a Local Planning Strategy. The Regulations will set out the process for preparation, advertising, approval and amendment of the Local Planning Strategy. At this stage, the Regulations have not yet been gazetted and the Commission is unable, therefore, to endorse the Local Planning Strategy in the terms proposed in the Regulations. The*

Commission has, therefore, noted that the Scheme Report has been prepared in the form of a Local Planning Strategy which is consistent with the current Regulations. A minor modification is necessary to the Local Planning Strategy to delete the second and third paragraphs on page 2 beginning "The Local Planning Strategy..." in order to reflect the present position. It is noted that the Council has adopted the Local Planning Strategy which will give effect to the Local Planning Strategy as a relevant consideration.

One set of Scheme documents is returned herewith.

Yours faithfully"

Report

A response to the 31 modifications required to the Scheme Text and Map is set out in the attached report.

Under Regulation 15(4) the Council must:-

"(4) Within 42 days, or any longer period approved by the Minister, of being notified of any modifications required by the Minister, the local government shall —

(a) if it resolves to proceed with the Scheme —

(i) settle the modifications with the Commission together with any modifications which appear to be necessary at that time;

(ii) request the Commission to obtain the consent of the Minister to the further modifications; and

(iii) resubmit the Scheme documents with the required modifications duly carried out;

or

(b) if it resolved not to proceed with the Scheme, notify the Commission in writing of that resolution."

Strategic Plan/Policy Implications

The Council is committed to preparing and implementing Proposed Town Planning Scheme No. 3.

The review of Scheme No. 2 fell due in February 1997.

Budget/Financial Implications

The Council has set aside \$39,545 for legal drafting and public consultation.

• Account 500476	Legal Drafting	\$19,545
• Account 500474	Public Consultation	<u>\$20,000</u>
		<u>\$39,545</u>

Prior to advertising there will be a need to determine a public advertising strategy.

The WAPC only requires compliance with the Regulations. Regulation 15 requires:-

- Advertised in accordance with Form No. 3 in Appendix A
- Available for inspection during office hours at the Council and the WAPC
- Advertised **once** in a local newspaper
- Display the Scheme in a prominent position
- Public comment period to be not less than 3 months.

Regulation 16 provides for the public to lodge formal submissions on the Scheme on Form No. 4A.

This matter will require further discussion in order to determine the extent to which the Council will go beyond the minimum requirements contained in the Regulations.

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

Nil.

13.3 (OCM1_11_1999) - PROPOSED SHED AND LEAN-TO - LOT 4; 29 GUTTERIDGE ROAD, BANJUP - OWNER: D BOWDEN - APPLICANT: D CHEONG & ASSOCIATES (5513727) (MT) (EAST) (MAP 20) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application for a shed and lean-to on Lot 4; 29 Gutteridge 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

<p>Zoning Scheme N° 2;</p> <p>Special Conditions</p> <ol style="list-style-type: none"> 1. A written statement being provided to Council as to the proposed use of the shed. 2. The use of the shed must comply with Council's requirements for the zone.

<p>COUNCIL DECISION</p>

Background

ZONING:	MRS:	RURAL - WATER PROTECTION ZONE
	DZS:	SPECIAL RURAL ZONE NO. 4 - TAPPER ROAD, BANJUP
LAND USE:	HOUSE & SHED	
LOT SIZE:	20 004m ²	
AREA:	315m ²	
USE CLASS:	N/A	

Submission

The plans submitted indicate a steel shed 18 metres long by 15 metres wide, with a 3 metre wide lean-to on one end. The shed is to be 5.5 metres high. It is set back approximately 120 metres from the front and 23 metres from the closest side boundary (the western boundary). A copy of the submitted site plan is attached to this agenda.

Report

The applicant has stated verbally that the shed is to be used to house a private vintage car and truck collection. The shed is large in floor area and height. However it has ample setbacks to all boundaries. It should not impact on the amenity of the area, provided it is painted a colour of natural or earth tonings to complement the surroundings. A standard condition to this effect will be included on the approval.

Strategic Plan/Policy Implications

Council Policy PD 18 "Ancillary Outbuildings (sheds) in Special Rural and Rural Zones" states that "*any shed in excess of 200m² in area and/or 4.5 metres in height...must be referred to Council for development approval.*"

PD 43 “Rural – Water Protection Zone (MRS) Jandakot states that applications for development on land zoned “Rural – Water Protection Zone” under the Metropolitan Region Scheme must be referred to the Water & Rivers Commission. However, as the exceptions in the Policy include “Outbuildings”, the application did not require referral.

Budget/Financial Implications

N/A

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

Nil

13.4 (OCM1_11_1999) - FINAL ADOPTION - AMENDMENT NO. 212 - ADDITION OF BED AND BREAKFAST ACCOMMODATION USE TO SCHEME (92212) (MT)

RECOMMENDATION

That Council:

- (1) adopt Amendment No. 212 for final approval with the following modification:-
 1. deleting Clause (iv) from the Amendment Text;
- (2) in anticipation of the Hon Minister’s advise that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission.
- (3) request the Western Australian Planning Commission modify Amendment 202 - “Resource Zone” before final approval by the Hon Minister to add a “Note 4” to the foot of the “First Schedule – Zoning Table” and the words:- “The use Bed and Breakfast Accommodation shall be an “SA” use, in accordance with Clause 3.2.2 of this Scheme.

COUNCIL DECISION

Background

Council, at its meeting held on 27 July 1999, resolved to initiate the amendment to its Scheme to add the use "Bed and Breakfast Accommodation".

The EPA advised by way of letter dated 3 September 1999 that the amendment did not require assessment. The amendment was advertised by way of advertisement in the West Australian newspaper. No submissions were received during the prescribed period.

Report

There were no submissions received in regard to the amendment.

The Amendment as advertised included adding the use as an "SA" use in all the Special Rural Zones. However Amendment 202 to Council's Scheme deletes the Special Rural Zones and adds the "Resource Zone". This amendment is currently with the WAPC before being forwarded to the Minister for gazettal. In order to ensure Bed & Breakfast Accommodation is an approvable use in the Resource Zone, it is necessary to recommend to the WAPC that Amendment 202 be modified. The addition of the use in the Special Rural Zone can therefore be deleted from the text of Amendment 212.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

13.5 (OCM1_11_1999) - PROPOSED LIQUID WASTE TREATMENT PLANT - LOT 197 COCOS DRIVE, BIBRA LAKE - OWNER/APPLICANT: WESTERN RESOURCE RECOVERY (4412617) (SR) (SOUTH) (MAP NO 8) (ATTACH)

RECOMMENDATION

That Council:

- (1) on the basis of the further legal advice received, determine that the proposal constitutes a 'use not listed' under the provisions of the Scheme;
- (2) advertise the proposal for a period of 21 days in accordance

- with Clause 6.2.3(b) and (c) of the Scheme;
- (5) advise the Applicant, the Minister for the Environment and the Yangebup Progress Association of (1) and (2) above.

COUNCIL DECISION

Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Vacant	
LOT SIZE:	7133m ²	
AREA:	3000m ² (approx. building area)	
USE CLASS:	To be determined	

Council first considered the proposal at its meeting on 3 December 1996 and resolved as follows:-

- "(1) *subject to receipt of advice that the proposal is not subject to formal assessment under the Environmental Protection Act, the Director of Planning and Development be authorised to grant approval to the Liquid Waste Treatment Facility in accordance with the plan dated 22 October 1996 subject to the following conditions:*

Standard Conditions

- Standard conditions contained in Council Policy PBH 3.1 as determined appropriate to this application by the delegated officer under clause 7.6 of Town Planning Scheme - District Zoning Scheme No.2*

Special Conditions

- All offensive odours to be effectively retained within the confines of the subject property. Details of measures to control odour emissions to be submitted to Council's Environmental Services Section for approval prior to commencement of development.*
- All waste water and stormwater to be retained on the site. All spillage and stormwater in materials handling and processing areas to be collected separately and directed to an appropriate on-site treatment facility.*

3. *All handling of waste products is to be carried out under cover and shall ensure no run-off occurs other than to a sealed collection point.*

Special Footnotes

1. *All dangerous goods to be stored in accordance with the requirements of DOME.*
2. *Approval from the Water Corporation be granted prior to the commencement of development.*
3. *Approval from the Water and Rivers Commission be granted prior to the commencement of development.*
4. *The development shall not commence until such time as a Works Approval is issued by the DEP."*

The project was, however, subject to formal assessment by the Environmental Protection Authority and no Planning Approval was issued. The Company states that it relied upon the form of advice given to them regarding the Council Resolution. They purchased the land and undertook the Consultative Environmental Review process with an expectation that a Council Planning Approval would issue in the event that they were able to obtain environmental approval.

The CER process was undertaken by the Company in 1997 and following public notification of the proposal there was substantial local public concern about potential environmental impacts. This resulted in a public meeting held on 30 June 1997 in the Yangebup Community Hall.

Legal advice was sought at that time regarding the status of Council's 3 December 1996 Resolution. The Company was accordingly advised that the Council would reconsider the application for Planning Approval at the conclusion of the CER process.

Further legal advice was provided in respect of the 1984 'McNeice' decision of the Supreme Court. The effect of this advice was that at its meeting on 21 October 1997 Council resolved inter alia as follows:-

- "(1) *advise the applicant that in the light of further information on the proposal provided through the CER and other processes, and detailed legal advice on the matter, that it has come to the conclusion that the process proposed involves a Noxious Industry and it is not open to Council to approve a development application for the process on the proposed site under its present zoning of General Industry under District Zoning Scheme No. 2;"*

The Department of Environmental Protection issued its report on the proposal on 5 December 1997. The Summary and Recommendations of the DEP were included as an Attachment as are the proponent's environmental management commitments. The DEP was advised at that time that the 1984 McNeice decision prevented Council issuing a Planning Approval, apart from the fact that the DEP had recommended to the Minister for the Environment that the project be granted environmental approval under the Environmental Protection Act. This advice was also provided to the Minister for the Environment on 22 December 1997.

A number of Appeals against the Report and Recommendations of the EPA relating to the proposal were submitted to the Minister for the Environment. The Minister has yet to determine these Appeals.

Council at its meeting on 9 November 1998 reconsidered the proposal and resolved as follows:

- "(1) reconfirm its decision of 21 October 1997;*
- (2) advise the applicant that in the light of further information on the proposal provided through the CER and other processes, and detailed legal advice on the matter, that it has come to the conclusion that the process proposed involves a Noxious Industry and it is not open to Council to approve a development application for the process on the proposed site under its present zoning of General Industry under District Zoning Scheme No.2; and*
- (3) refuse the application."*

The Company has now submitted a fresh Planning Application for Council's consideration (details attached).

Submission

The proposed waste treatment facility will treat commercial/industrial waste from oil and grease traps, waste oil, oil contaminated water and other non-sewerable liquid wastes and sludges with contaminants which require chemical fixation. The plant would not treat pesticides, PCB's or materials which are flammable, explosive or radioactive.

Typical sources of the wastes are food processing, automotive service and metal finishing industries.

Report

The outcome of the CER process is that the proposal is considered environmentally acceptable by the EPA, provided that the DEP's recommended conditions are implemented by the proponent. These

include commitments to stringent odour control and an avoidance of transport routes through the Yangebup residential area.

In assessing the proposal, the EPA sought advice from a range of government agencies as well as appointing an independent consultant to review the proposal. Key issues assessed related to impacts on groundwater quality, odour, noise and vibration, solid and liquid wastes, off-site risk and transport.

In relation to odour, the proponents undertook odour modelling which revealed that levels of odour at the nearest residence (approximately 800 metres distant) would be well below acceptable levels. Modelling undertaken by the DEP confirmed this, with the proponent bound to a commitment to install the latest available scrubbing and process monitoring systems in addition to a standby power system to ensure that odour emissions meet predicted levels at all times.

Off-site risks were assessed as acceptable, with the proponent required to implement an environmental management system to ensure events which could increase risk are not accepted at the site and prepare a suitable emergency response plan prior to commencement. In terms of transport, the proponent is bound to a commitment to negotiate appropriate routes and delivery times with relevant authorities, including Council.

Overall, the EPA's report advised that whilst some deficiencies in the CER document were highlighted in the assessment process, the Authority was satisfied that these deficiencies had been addressed by the proponent through the assessment process. Approval was recommended subject to the proponent's environmental management commitments and the preparation of an environmental management system to the EPA's requirements.

The EP Act requires that decision making authorities do not make any decisions which would cause a proposal to be implemented until such time as the Minister for the Environment has granted environmental approval.

Council's current position that the proposal constitutes a 'Noxious Industry', due to incorporation of preventative measures to overcome any potential nuisance (ie, particularly odour nuisance) is not subject to an Appeal right via the normal Ministerial or Tribunal processes. It can only be challenged by a Supreme Court writ of mandamus or similar action.

The current legal advice outlines that the proposal may not fall within the "Industry" category as the processes are predominantly dealing with liquids, sludges and materials in solution, rather than solid materials which fit the definition of an 'article'. Based on the advice, it is open to the Council to interpret the applicable 'use class' as being a

'use not listed', rather than a 'Noxious Industry'. This allows Council to consider approving the proposal, subject to the following prerequisites:-

1. Interpretation of the use class as a Use not listed based upon legal advice;
2. Completion of the public advertising procedures required by Clause 3.2.4 and 6.2 of the Scheme;
3. The Minister for the Environment having granted environmental approval prior to any formal decision being made by the Council regarding Planning Approval;

It would also be open for the Council to refuse the proposal as a 'Use not Listed'; a decision that would then be subject to a right of appeal to either the Minister for Planning or the Town Planning Appeals Tribunal.

In the event that the Officer Recommendation is not accepted and the Council wishes to refuse the proposal (after having characterised the use as a 'Use not Listed'), the following grounds may be relevant:

1. The proposed use is considered to constitute an 'Offensive Trade';
2. Its exclusion from the 'Noxious Industry' use class is anomalous, being only by virtue of the use comprising the processing of liquids as opposed to 'articles';
3. Approval of a use constituting an 'Offensive Trade' within the 'General Industry' zone is considered to be inconsistent with the objectives and purpose of the zone.

The Officer Recommendation is that the application be advertised and that the Hon. Minister for the Environment be advised accordingly. This will enable a final decision regarding Environmental Approval to be made by the Hon. Minister.

Strategic Plan/Policy Implications

Strategy 4.4 - 'Ensure that environmental issues are adequately recognised in the Council's planning and decision-making processes.'

Budget/Financial Implications

Legal costs to be determined.

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

Nil.

13.6 (OCM1_11_1999) - PROPOSED AMENDMENT NO. 196 TO DISTRICT ZONING SCHEME NO. 2 - PORTION OF RESERVES 39455 AND 39584 COCKBURN ROAD, HENDERSON AND PORTION OF VACANT CROWN LAND NORTH OF RESERVE 39455 COCKBURN ROAD, HENDERSON (92196) (SA) (COASTAL) (MAP 10) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

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

AMENDMENT NO.196

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

1. Rezoning Portion of Reserves 39455 and 39584 Cockburn Road, Henderson and Portion of Vacant Crown Land north of Reserve 39455 from "Unzoned" to "General Industry (Restricted Use - Marine Engineering)" in accordance with the Scheme Amendment Map;
2. Include portion of Reserves 39455 and 39584 Cockburn Road, Henderson and Portion of Vacant Crown Land north of Reserve 39455 in the Third Schedule - Restricted Use under 10. Cockburn Road; and
3. Amend the Scheme Maps accordingly.

DATED THIS 16th DAY OF NOVEMBER 1999

CHIEF EXECUTIVE OFFICER

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

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

- (3) following receipt of formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the proposed amendment in accordance with the Town Planning Regulations 1967 (as amended);
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to Council for further consideration following formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act;
- (5) advise the applicant of Council's decision.

COUNCIL DECISION

Background

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

The purpose of the MRS Omnibus Amendment is to incorporate changes to zones and reservations arising from decisions made by the WAPC or Government proposals for the use of land, more detailed studies of specific proposals, and generally to ensure the MRS is kept up to date as the statutory regional plan for Perth.

Submission

As a result of MRS Amendment 1001/33 (No. 3A) a section of land was left unzoned. Amendment No.196 will rezone Portion of Reserves 39455 and 39584 Cockburn Road, Henderson and Portion of Vacant Crown Land north of Reserve 39455 from Unzoned to General Industry (Restricted Use - Marine Engineering).

Report

This proposal will enable the construction of a southern link road between Cockburn Road and the Fremantle-Rockingham Highway along the southern boundary of the Marine Related Heavy Industry

precinct. The proposal provides for a 20 metre road reservation width with appropriate intersection truncations at the existing Cockburn Road and the Fremantle-Rockingham Highway.

This link is designed to accommodate local traffic only and does not provide for local access to the Marine Related Heavy Industry precinct. Regional traffic will be encouraged onto Stock Road.

Reserve 39455 is vested in the City of Cockburn with the power to lease. The land in question forms a small part of the Beeliar Regional Park and lies between the existing cleared industrial estate to the north and the Go-Kart track to the south. The portion of Reserve 39455 affected by this proposal is very small in area, degraded and of no significant environmental value. The transfer of this land to General Industry will not affect the integrity of the Beeliar Regional Park.

The proposed alignment of the southern link road also offers the opportunity to transfer a portion of the General Industry zoned land, which has been isolated through the creation of the road, to Parks and Recreation reservation. This was completed as part of MRS Amendment 1001/33 No. 3A) This gain in Parks and Recreation reservation offsets the loss of a small portion of Reserve 39455.

Strategic Plan/Policy Implications:

Corporate Strategic Plan Strategy - Clause 2.1 - Promotion of Henderson Ship building area.

Budget/Financial Implications:

Council to pay all costs associated with the Amendment.

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

Nil

- 13.7 (OCM1_11_1999) - AMENDMENT NO.216 - LIGHT INDUSTRY AND RURAL TO MIXED BUSINESS WITH ADDITIONAL USES - CELL 7 YANGEBUP - OWNER: HOMESWEST AND OTHERS - APPLICANT: GREG ROWE AND ASSOCIATES (92216) (MT) (SOUTH) (MAP 8) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS

AMENDED) RESOLUTION DECIDING TO AMEND A TOWN
PLANNING SCHEME
CITY OF COCKBURN DISTRICT ZONING SCHEME NO. 2

AMENDMENT NO. 216

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

1. Amending the Scheme Text by:-

- (a) amending the Second Schedule to add to following:-

STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED
<p>Simper Road</p> <p>Erceg Road</p> <p>Yangebup Road</p>	<p>Part Lots 20, 23 & 24 of Cockburn Sound locations 451 & 452.</p> <p>Portions of Part Lot 1 of Cockburn Sound locations 451 & 452.</p> <p>Part Lots 11 & 22 of Cockburn Sound locations 451 & 452.</p> <p>Part Lot 25 of Cockburn Sound locations 451 & 452.</p> <p>Portions of Part Lot 30 of Cockburn Sound locations 451 & 452.</p>	<p>Factory Unit Building Farm Supply Centre Home Occupation Light Industry Single House Transport Depot</p> <p>The Council will not permit:</p> <p>a) The establishment of an industry or business on a lot identified on the Outline Development Plan with a hatched portion unless a residence is erected first and forms an integral part of the development;</p> <p>b) A house to be occupied by any person other than the owner, manager or an employee (or any member of their respective families) of the composite area.</p> <p>c) The development of an industry or business without provision of separate vehicle access for the residential portion of the lot;</p> <p>d) Anything to be developed other than a residential dwelling or building incidental to the residential dwelling, on the hatched portion on the Outline Development Plan.</p> <p>Council may impose whatever conditions it deems necessary, including but not restricted to:</p>

		<p>a) The siting of the residential dwelling to provide a residential aspect to the road frontage;</p> <p>b) The use of landscaping, siting and fencing of the industrial or business development to screen it from view from residential areas;</p> <p>c) The siting of the industrial or commercial development to aid in the shielding of any possible noise from the Railway Reserves;</p> <p>d) The siting or design of the industrial or commercial development to prevent noise from impacting on the locality.</p> <p>Residential setbacks shall be applied in accordance with 'R20' in the Residential Planning Codes of Western Australia.</p>
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2. Amending the Scheme Map by:-

- (a) Rezoning Part Lot 11 Erceg Road and a portion of Part Lot 22 Erceg Road, Lot 23 Simper Road and Part Lot 30 Yangebup Road, Yangebup from 'Light Industry' to 'Mixed Business' with 'Additional Use: Factory Unit Building; Home Occupation; Light Industry; Single House; Transport Depot'.
- (b) Rezoning Part Lots 20 and 24 Simper Road, Part Lot 25 Yangebup Road and a portion of Part Lot 22 Erceg Road, Lots 1 and 23 Simper Road and Part Lot 30 Yangebup Road, Yangebup from 'Rural' to 'Mixed Business' with 'Additional Use: Factory Unit Building; Home Occupation; Light Industry; Single House; Transport Depot'.

Dated this.....day of.....1999

Chief Executive Officer

(2) sign the amending documents, and:-

- (i) refer the amendment to the Environmental Protection Authority for assessment under Section 7A2 of the Town Planning and Development Act;
- (ii) advise the WAPC of Council's decision;

- (3) forward a copy of the signed documents to the Western Australian Planning Commission with a request to advertise the amendment following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act;
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme Amendment to the Council for further consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act.
- (5) advise the applicant of Council's decision accordingly and request an undertaking to pay all costs associated with the amendment, and preparation of the documents with modifications to the Development Plan as deemed necessary by Council officers.
- (6) request the WAPC amend the zoning of the subject land in the Metropolitan Region Scheme from "Urban Deferred" to "Urban" .

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN DEFERRED
	DZS:	LIGHT INDUSTRY & RURAL
LAND USE:	VACANT	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

The Simper Road area has been the subject of three unsuccessful amendments to Council's Scheme (Amendment N^{os} 40, 52 & 96). These previous amendments have sought to rezone the land to Residential R20. Concerns about noise from the railway lines surrounding the land from Westrail and the Ministry for Planning's Transport Branch have prevented rezoning to residential. There have also been unresolved issues with regard to access to the area. At present there are two level crossings, from Erceg Road in the north and Simper Road to Yangebup Road in the south. The Simper Road access is to be closed when Beeliar Drive is constructed.

Submission

The applicant has requested the land be rezoned to Mixed Business with additional uses permitted. The composite zone will allow a combination of light industrial, commercial and residential uses. It is intended to act as a buffer between the existing industrial and residential areas.

A concept development plan attached to this agenda details how subdivision could be expected to proceed if the amendment was successful. It shows nine large lots to the north of Erceg Road acting as a buffer to the general industrial uses on the other side of the railway. The land to the south of Erceg Road contains the composite residential / industrial lots. The residential component is generally contained along an internal road, creating a residential frontage along that road. The light industrial / commercial aspect of the composite lots surrounds the housing, acting as a noise barrier from the railway. An area of Public Open Space is included, calculated on 10% of the residential component.

All composite lots will have two street frontages, one to the residential dwelling and the other to the industrial / commercial. The separation of the crossovers will minimise conflict between commercial and domestic vehicles.

Report

The proposed composite area is an innovative solution for a constrained piece of land. Surrounded by railway reserves on all sides, traditional residential would be affected by noise from the railway and existing general industry to the north. A rezoning to industry has the potential to cause amenity issues for existing residential to the east and future residential to the south and west. The proposed amendment would create a transitional zone, eliminating both of these concerns. It creates an opportunity for people to live and work in close proximity, a feature promoted by the Livable Neighbourhoods Community Design Codes. It will cater for those people who wish to have a business and residence on the same property. At present no such opportunity exists in the City of Cockburn. Those wishing to do so inevitably purchase in the Rural or Special Rural Zones and establish a workshop or similar business without Council consent.

The proposed method of implementing through the Scheme is to rezone all the land to Mixed Business. Mixed Business, rather than Light Industry, is considered the most appropriate zoning because it reflects the composite nature of the area and emphasises that all locating businesses must have not any noise or other impacts. It is necessary to add some uses that are not permitted by "Schedule 1 – Zoning Table" in the Mixed Business zone. These include a "Single House and "Light industry". These uses are added to the "Second

Schedule – Additional Uses” table and overlay the zoning of the land as shown on the “Proposed Zoning” map attached to this agenda.

Conditions on the development of the land are proposed for inclusion in the Additional Uses table, as allowed by Clause 3.3 of the Scheme. Specific controls on this composite use are required to ensure Council can control how development proceeds. These conditions include:

- the siting of the houses and commercial buildings so as to minimise impact, particular from noise, on the composite residences and the surrounding residential;
- ensuring only residential is developed along the residential street and a separate crossover is created for the residential component; and
- restricting occupation of the dwellings to owners, managers or employees (and their families) of the businesses within the area subject of the Amendment. This condition is important to maintain the limited housing stock for people employed in the composite area. It is expected employees of the area would be more tolerant of noise generated from the businesses.

An Outline Development Plan needs to be included with the amendment. This will take a form similar to the Concept Development Plan submitted by the applicant and attached to this agenda. A number of modifications are necessary. Council officers will work with the applicant on the finalisation of Plan and it can be considered by Council when the Amendment is return following advertising. Modifications include a reconsideration of the desirability of having residential lots without a commercial / industrial component. Access to the area will also need to be resolved. As it stands at the moment, the estate would have only one road access, along Erceg Road, which is a level crossing. This may prove to be unacceptable to Council and the emergency services.

The land is currently zoned “Urban Deferred” under the Metropolitan Region Scheme. Before Council’s amendment can be gazetted, the MRS must be amended to “Urban”. Council can request an amendment to this effect be initiated.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

13.8 (OCM1_11_1999) - AMENDMENT NO. 203 - PROPOSED ADDITIONAL USE: RECYCLING OF GREEN WASTE, LIMESTONE RUBBLE, TOPSOIL AND ROUGH FILL - LOT 1 ROCKINGHAM ROAD, HENDERSON - OWNER: COMSE NOMINEES - APPLICANT: MASTERPLAN (92203) (CC) (COASTAL) (MAP 10) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the recommendations contained in the Schedule of Submissions;
- (2) adopt the amendment subject to:
 - (a) the modifications contained in the Western Australian Planning Commission's letter of 31 August 1999 with the exception of 3(a); and
 - (b) the following modified wording to the first paragraph under the heading Addition Use Permitted:

'The portion of Lot 1 identified on the Scheme Map as 'Additional Use Recycling Facility' may be used for the recycling of green wastes, limestone rubble, topsoil and rough fill, such use no to include the recycling of manures, composting or waste disposal'.
- (3) In anticipation of the Honourable Minister for Planning's advise the final Approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (4) advise the applicant of the Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	RURAL
	DZS:	RURAL
LAND USE:	FORMER LIMESTONE QUARRY	
LOT SIZE:	13ha	
AREA:	5ha	

USE CLASS:	N/A
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Council at its meeting of 16 March 1999 resolved to adopt Amendment 203 to TPS No. 2 for an additional use over a 5 hectares portion of Lot 1 Rockingham Road, Henderson to allow for the recycling of green waste, limestone rubble, rough fill and topsoil.

A 'sunset clause' is also proposed in the amendment so that the recycling facility operates only as long as the adjacent City of Cockburn tip is operational. See *Agenda Attachments for March report and background details*

Submission

Advertising of the Amendment 203 comprised the placing of a sign adjacent to Rockingham Road and the notification of adjacent and nearby landowners and government agencies.

No submissions were received from nearby and adjoining landowners although, during advertising of original development proposal 4 submissions were received 3 of which object to the proposal on amenity grounds.

The Waters and Rivers Commission recommends the monitoring of ground water for contaminates. This issue may be dealt with in the development approval with appropriate conditions or footnotes.

Other referral authorities either raise no objections to the amendment and/or advise of their servicing requirements.

Report

The WAPC has requested modifications to the amendment prior to submission of the document for final approval. See *Agenda Attachments for WAPC modifications*

The modifications include rewording of the additional use as follows:

'The portion of Lot 1 identified on the Scheme Map as 'Additional Use Recycling Facility' may be used for the recycling of green wastes, limestone rubble, topsoil and rough fill. Council will not allow Lot 1 to be used for the recycling of manures, composting or waste disposal'.

Although there are no objections to the revised rewording, the applicant has requested the last sentence of the rewording not to refer to Lot 1, as the amendment is only for a portion. There are no objections to this and it is considered appropriate for Council to request the WAPC to revise the rewording accordingly.

The WAPC has also requested minor modifications to the amendment report and maps which do not alter the intent of the amendment.

The Department of Environmental Protection's Draft Guidelines for Industrial – Residential Buffers indicates a buffer distance of 200 metres between recycling facilities and residential areas. The Wattleup Town site is 600 metres from the subject site and only one residence on Lot 10 Rockingham Road (Rural zone) is just within 200 metres of the operation. A works approval of the Department of Environmental Protection will be required for the operation.

Adoption of the modified Amendment 203 for final approval is considered appropriate on the following grounds.

- The site's location adjacent to the tip and within the 500 metre Environmental Protection Policy tip buffer impacts on the site's ability to cater for traditional rural uses.
- The lower elevation of the site should limit off site impacts such as dust and noise and views to the activity.
- No substantial objections being received.

Strategic Plan/Policy Implications

Under Policy PD15 'Ultimate Strategic District Plan' the land is included in an area depicted as 'Urban'.

Budget/Financial Implications

N/A

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

Nil

13.9 (OCM1_11_1999) - MODIFICATION TO AMENDMENT NO. 201 - SOUTH BEACH DEVELOPMENT - VICINITY OF ROLLINSON ROAD - OWNERS: VARIOUS - APPLICANT: MITCHELL GOFF & ASSOCIATES (92201) (SOS) (WEST) (MAPS 1 & 2) (ATTACH)

RECOMMENDATION

That Council:

- (1) recommend to the Western Australian Planning Commission that the following modified text replace the current amending text in Amendment No. 201;

1. Rezoning:
 - (i) Pt Lot 1815 Ocean Drive, Lots 21 and 100 Rollinson Road, Hamilton Hill from "General Industry" to "Development" zone;
 - (ii) Lots 114 to 121 inclusive O'Connor Close and Lot 127 Rollinson Road, Hamilton Hill from "Light Industry" to "Development" zone;

as depicted on the Scheme Amendment Map.
2. Transferring Pt Reserve 11430 and Vacant Crown Land, Island Street and O'Connor Close from the "Railways" Reserve to the "Development" Zone as depicted on the Scheme Amendment Map.
3. Adding to the Ninth Schedule in relation to the North Coogee Development Area (DA 12) the following:

NINTH SCHEDULE

DEVELOPMENT AREAS

Ref no.	Area	Provisions
DA12	North Coogee	<p><i>With regard to land included in the "Development" zone in DA12;</i></p> <ol style="list-style-type: none"> 1. <i>An adopted Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development:</i> 2. <i>The provisions of the Scheme shall apply to the land use areas created under the Structure Plan:</i> 3. <i>The purpose of the Structure Plan is to provide for the redevelopment of the industrial area north of Rollinson Road ensuring compatibility of land use with adjoining uses, co-ordinating access to and through the area, creating an attractive and functional mixed use environment;</i> 4. <i>The objectives for this area are:</i> <ul style="list-style-type: none"> • <i>To provide predominantly for residential uses;</i> • <i>Establish appropriate land use buffers to existing industry south of Rollinson Road;</i> • <i>To maintain existing light industries in the Urban Development Area as appropriate;</i> • <i>Plan access to and through the Urban Development Area with particular regard to road connections to the north at South Fremantle, possible requirements for rail crossings and public access to the beach and local pedestrian, cycle and parkway systems;</i>

		<p>5. <i>The following uses are 'P' permitted uses:</i></p> <ul style="list-style-type: none"> • <i>Aged or Dependent Persons Dwelling</i> • <i>Grouped Dwelling</i> • <i>Home Occupation</i> • <i>Multiple Dwelling</i> • <i>Single House</i> <p>6. <i>The following uses are 'AA' uses which are not permitted unless the Council has in its discretion granted Planning Consent:</i></p> <ul style="list-style-type: none"> • <i>Civic Building</i> • <i>Educational Establishment</i> • <i>Health Studio</i> • <i>Place of Public Worship</i> • <i>Restaurant</i> • <i>Office</i> • <i>Advertisement or Sign</i> • <i>Shop</i> • <i>Shop with Dwelling or Flat above</i> • <i>Showroom</i> • <i>Consulting Rooms</i> • <i>Medical Centre</i> • <i>Garden Centre</i> • <i>Nursery</i> • <i>Motel</i> • <i>Hotel</i> • <i>Tavern</i> • <i>Reception Centre</i> • <i>Private Recreation</i> • <i>Warehouse</i> <p>7. <i>The following uses are 'SA' uses which are not permitted unless the Council has in its discretion granted Planning Consent after notice of application has been given in accordance with Clause 6.2:</i></p> <ul style="list-style-type: none"> • <i>Convenience Store</i> • <i>Dry Cleaning Premises</i> • <i>Industry – Cottage</i> • <i>Industry – Light</i> • <i>Industry – Service</i> <p><i>All other uses are 'X' - not permitted;</i></p> <p>8. <i>Residential development is to conform with the R60 Code except that higher densities may be permitted where nominated on the approved Structure Plan. The set back and open space provisions of the Codes may also be varied where 'Building and Access Guidelines (BAGs)' as defined in the 'Liveable Neighbourhoods – Community Design Code' (Western Australian Planning Commission, December 1997) are incorporated into the Structure Plan. As well as specifying lot set back and open space requirements, BAGs may also specify the means of access to residential sites and the general location and forms of buildings;</i></p>
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		9. <i>Non-residential uses within the Development Area should conform with the set back standards applying to residential development in the locality except that Council may approve a nil set back to street alignments.</i>
(2) Advise the City of Fremantle of this decision.		

COUNCIL DECISION

Background

At its meeting held on 20 April 1999, Council resolved to initiate Amendment No.201 to District Zoning Scheme No.2 (see Min 12.4 OCM - 20/4/99 for previous report and decision).

The Amendment proposes the rezoning of land north of Rollinson Road, Hamilton Hill to facilitate the redevelopment of industrial zoned land to a medium-density residential estate with a mix of commercial and light industrial uses to interface with existing industrial development nearby. Proposal details are included in the Agenda Attachments.

The Amendment land forms part of the North Coogee Development Area (DA 12) as proposed by Amendment No.192. Council, at its meeting held on 12 October 1999, resolved to modify Amendment No.192 in accordance with requirements of the Western Australian Planning Commission.

Given that the Amendment No. 201 land is to be part of a Development Area and requires a Structure Plan to guide its development, the provisions to be introduced to the Scheme by Amendment No. 192 will apply. It is therefore necessary to ensure Amendment No.201 is consistent with the modified provisions of Amendment No. 192.

Submission

Amendment No. 201 is linked with MRS Amendment proposal 1008/33, which proposes the rezoning of the Amendment area from Industrial and Railway Reserve to the Urban zone. Part of land will also be reserved for Parks and Recreation.

The Department of Environmental Protection has assessed MRS Amendment 1008/33 and determined an Environmental Review is required. The main environmental issues relate to concerns with railway noise, soil contamination and groundwater quality. The Department has also assessed Amendment No.201 and determined

that the Amendment requires no formal assessment. However, advice has been given suggesting that Amendment No.201 should reflect the outcome of the MRS Environmental Review, and in particular, contain conditions to address the environmental concerns mentioned above.

Amendment No.201 is currently with the Ministry for Planning awaiting consent to advertise, however it, with the MRS proposal, are stalled pending the outcome of the Environmental Review. As a result there is an opportunity for Council, in anticipation of being directed to do so, to endorse modifications to Amendment 201 to reflect the recent changes to Amendment 192.

Report

As a result of the modifications to Amendment No.192, Amendment No.201 should be amended in the following manner:

1. South Beach Redevelopment zone

The principle of rezoning the Amendment land to its own special use zone has changed. Instead the land is to simply be included in the "Development" zone and will thus be subject to the Structure planning provisions to be introduced to Part 8 of the Scheme.

The "Development" zone is a new zone introduced by Amendment No.192. The advantage of having a broad single zone to apply to a land parcel is the flexibility it allows whilst the structure planning process takes place, in addition to giving statutory force and effect to the structure plan itself.

The "Development" zone only applies to portion of the North Coogee Development Area (DA 12).

2. Ninth Schedule Provisions

The initial version of Amendment No.201 proposed the inclusion into Part 8 of the Scheme of provisions specific to the "South Beach Redevelopment" zone. The provisions were to detail land use permissibility, buffer requirements, access and others. These specific provisions should now be listed in the Ninth Schedule, rather than in Part 8.

Concluding remarks

Given the advice of the DEP and the fact that the MRS Environmental Review is not complete, it is possible that additional changes to Amendment No. 201 may yet result from the Review. The extent of possible changes and whether the Commission will require such change prior to advertising of Amendment No. 201 is not known. As a result, it is recommended that, rather than executing the above

changes to the Amendment documents at this stage, a modified text be endorsed and forwarded to the Commission as part of its overall consideration of the MRS and local Scheme Amendment proposals.

Strategic Plan/Policy Implications

Council's Ultimate Strategic Plan promotes redevelopment of the Amendment land for urban purposes.

The modifications recommended to Amendment No.201 are consistent with the approach to other similar current Scheme Amendments concerning Development Areas and Structure Planning requirements.

Budget/Financial Implications

Nil

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

Nil

14. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

14.1 (OCM1_11_1999) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for October 1999, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

N/A

14.2 (OCM1_11_1999) - ROAD CLOSURE - WRIGHT ROAD, MUNSTER (450109; 104876) (KJS)

RECOMMENDATION

That Council request the Department of Land Administration to close portion of Wright Road, Munster.

COUNCIL DECISION

Background

Landcorp has requested the closure of portion of Wright Road, Munster to facilitate the industrial subdivision of this and land owned by Landcorp adjoining the road.

Submission

Landcorp has formally written to Council requesting the closure.

Report

The Service Authority and Main Roads have been requested to comment on the proposal. There are no objections from these authorities. The proposal has been advertised and at the conclusion of the thirty-five(35) day period there have been no objections.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

N/A

15. ENGINEERING AND WORKS DIVISION ISSUES

15.1 (OCM1_11_1999) - WASTE MINIMISATION STRATEGY (BKG) (4909)

RECOMMENDATION

That Council adopt the following waste minimisation strategies to achieve a reduction in the volume of waste generated from residences in Cockburn being disposed of to landfill.

- (1) **Greenwaste Reduction**
 - Provide a kerbside greenwaste collection 3 times per year;
 - Transport greenwaste to Regional Council facility at Canning Vale for shredding and reuse.
- (2) **Recycling**
 - Provide an additional 240 litre mobile bin to each household to accept paper, plastic, glass, aluminium and steel cans;
 - Collect 240 litre bin on fortnightly basis and transport to Regional Council facility at Canning Vale for sorting and reuse.
- (3) **General Household Waste**
 - Collect general household waste from 240 litre mobile rubbish bin on a weekly basis;
 - Transport general household waste to Regional Council site in Canning Vale for processing into compost.;
 - Provide a kerbside junk collection once per year and transport to Henderson Landfill site for processing.

(4) **Landfill Site**

- Investigate other options of trailers unloading at tip face of the landfill site (no scavenging to occur at site until a decision is made on alternatives);
- No more tip passes to be issued to ratepayers when the second recycling bin is supplied;
- All greenwaste brought to the landfill to be stockpiled in a separate area, shredded and removed from site;
- Entry fees to the site to be reviewed on an annual basis.

(5) **Promotion and Education**

- Participate in the Regional Council promotion of recycling so as to obtain maximum benefit for the supply of the second bin;
- Promote and sell compost bins.

COUNCIL DECISION

Background

At the Council meeting held on 13 July 1999 it was resolved that staff prepare a Waste Minimisation Strategy which addresses issues such as recycling, tip passes, fees etc. and this report be presented to Council within 3 months.

A report was presented to Council on 12 October 1999, but it was resolved that the matter be deferred to enable the Director - Engineering & Works to further review the issue.

Submission

N/A

Report

The community has identified recycling as one of the major issues they want Council to pursue.

In the most recent community survey (1998) it was considered the second most important issue to the residents.

A waste minimisation strategy has been developed to meet the requirement.

The corporate objective is:

"Achieve a reduction in the volume of waste generated from residences in Cockburn being disposed of at landfill"

The adopted performance measurement for the objective is *"80% of waste generated from residences within Cockburn will be diverted from landfill"*.

A waste minimisation strategy has been developed to achieve this objective.

In a typical household the waste stream in a 240 litre bin comprises:

(a)	foodstuffs	25% - 30%
(b)	paper, plastics, aluminium, steel and glass products	20% - 25%
(c)	greenwaste - ie. lawn clippings, leaves etc.	25%
(d)	non-recyclables - ceramics, some plastics etc.	20%

The strategy outlines the methods to reduce the waste under 4 headings.

- Greenwaste reduction
- Recycling
- General household waste including junk
- Landfill site

Greenwaste Reduction

It is proposed to continue the current policy of 3 greenwaste collections per year. Each resident is notified 2 weeks before a collection to put out tree loppings and leaves and lawn clippings. They can put out as much as they like. Council's contractors then collect the material and take it to a stockpile at Henderson Landfill Site. The material is mulched and taken away and used as a blender in soil mixes.

Before this service commenced, the material would be disposed of at the landfill site.

It is important to reuse greenwaste as it is a major source of nitrogen that can contaminate the ground water if left to decompose. The greenwaste will be taken to the Regional Council facility at Canning Vale when it is operational.

Recycling

As a member of the Southern Metropolitan Regional Council, Cockburn is committed to the construction of a Regional Resource Recovery Centre at Canning Vale. One component of the Centre is a material sorting facility to be able to sort commingled recyclables.

Each developed property in Cockburn is to be supplied with a 240 litre bin for the collection of recyclables. The recyclables are paper, glass bottles and jars, aluminium and steel cans and most plastic containers.

These bins will be collected from each property on a fortnightly basis and transported to Canning Vale where the contents will be sorted and sold.

Council's Principal Activities Plan currently shows this as occurring from 1 July 2001, however a report on the funding is currently being undertaken to see whether this can occur on 1 January 2001.

General Household Waste

Also at Canning Vale a household waste processing plant is to be constructed.

The contents of the 240 litre bin (mostly foodstuffs and small greenwaste) will be collected on a weekly basis and transported to Canning Vale.

The processing plant will turn the contents of this bin into compost which will be sold.

The 20% residual waste will be disposed of at landfill.

Some household junk is too big for disposal in 240 litre bins. Kerbside junk drives provide the opportunity to remove unwanted junk from properties. Some of the junk is re-useable and the opportunity exists with junk drives for this to happen.

Landfill Site

The two important issues to assist in waste minimisation at the landfill site is to restrict the number of trailers bringing mixed waste and also to separate the greenwaste so it can be shredded and reused.

It is proposed that with the introduction of the additional 240 litre bins for recycling that tip passes no longer be issued.

The residents will have a much increased capacity in bins for disposal of waste from the property.

For the residents who still wish to use trailers to dispose of waste, alternatives will be investigated to the current method of unloading at the tip face at the landfill site.

A recent report shows that there are health and safety concerns with the current practice.

This also means that there can be no scavenging at the site until these investigations are completed.

The investigations will need to take the following into consideration:

- The effect of trailer numbers with the introduction of a second 240 litre bin
- The effect of trailer volumes if no vouchers are issued
- Effect of closure of Gosnells site in October 1999.
- City of Canning's response to the increased number of trailers to their site following Gosnells' landfill closure
- Decision by Canning to provide or not to provide a transfer station following closure of their landfill in 2001.
- Should Cockburn, Melville and Canning build a regional facility for acceptance of waste from trailers?
- Should a private enterprise company be encouraged to build and operate a waste transfer station?
- Where in Cockburn could a transfer station be constructed? Is Henderson the best option?
- Should the facility be constructed for mixed waste only?
- Should the facility be constructed for mixed waste and greenwaste?
- Should a recycling company be involved in the operation of the site?
- How is the project to be funded?
- How are users to be charged?

Halpern Glick Maunsell, who have been appointed as consultants, will assist in this analysis.

Funding

The funding for the strategies outlined will be the subject of another report.

The availability of funds will determine the timing of the introduction of some of these strategies.

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."*

Budget/Financial Implications

There is a requirement for funding of:

- (a) supply of 24,000 recycling bins
- (b) costs for emptying and transporting the bins
- (c) the gate fee for the recyclables at the Regional Waste facility
- (d) the gate fee to accept the general household waste at the Regional Waste Facility
- (e) the repayments of the loan to build the Regional Waste Facility
- (f) the possible construction of a trailer waste transfer station.

It is expected that the implementation of the strategy will see an increase in rubbish rates of up to \$70.00 per annum per household as detailed in a report to Council in December 1998.

A report is to be prepared on how this funding will occur and also addressing alternatives that could reduce the anticipated increase of \$70.00.

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

It is intended that any new activities or project will go to tender to allow private companies the opportunity to provide the service.

16. COMMUNITY SERVICES DIVISION ISSUES

Nil

17. EXECUTIVE DIVISION ISSUES

Nil

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

21. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

22. CONFIDENTIAL BUSINESS

Nil

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

23.1 (OCM1_11_1999) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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.

24. CLOSURE OF MEETING

Nil