

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 APRIL 2001 AT 7:30 P.M.

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CITY OF COCKBURN**MINUTES OF ORDINARY COUNCIL MEETING HELD ON
TUESDAY, 17 APRIL 2001 AT 7:30 P.M.**

PRESENT:**ELECTED MEMBERS**

Mr S. Lee	-	Mayor
Mr R. Graham	-	Deputy Mayor
Mrs S. Rennie	-	Councillor
Mr I. Whitfield	-	Councillor
Mr A. Edwards	-	Councillor
Mr K. Allen	-	Councillor
Mr L. Humphreys	-	Councillor
Mrs N. Waters	-	Councillor
Mr M. Reeve-Fowkes	-	Councillor
Mrs V. Oliver	-	Councillor

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mr R. Avar	-	Acting Director, Community Services
Mrs S. Ellis	-	Secretary to Chief Executive Officer
Miss S. Brookes	-	Executive Assistant
Mr C. Ellis	-	Communications Manager

1054. (AG Item 1) DECLARATION OF OPENING

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



1055. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

1056. (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.

1057. (AG Item 4.1) (OCM1_4_2001) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)

The Presiding Member advised that he had received written advice from Clr Waters of a financial interest in Agenda Item 14.11 which will be read at the appropriate time.

1058. (AG Item 6.1) (OCM1_4_2001) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Sandra Playle - Public Question Time - Ordinary Council Meeting - 20 February 2001 - read a letter she had received from the Director Engineering in response to the questions she raised/tabled at the January Council Meeting regarding Gerald Street/Doolette Traffic Calming. Mrs Playle then read and tabled her response.

A response dated 9 March 2001 from the Director Engineering advised that the Committee formed to discuss the Gerald Street issue had met twice and that the minutes of those meetings would be tabled at the March Council Meeting together with an officers recommendation.

1059. (AG Item 7.1) (OCM1_4_2001) - PUBLIC QUESTION TIME

Dave Thompson, Success addressed Council regarding ongoing concerns of residents on Banning Avenue, that vibration caused by heavy vehicles travelling on the road has caused cracking to houses in



the street. He stated that various tests have been carried out but the results of those tests have never been reported back to the concerned residents. Mr Thompson asked where was the first report and why they have not received a copy? He also asked to see the insurance assessor's report. He stated that the residents have not had any feedback on this matter apart from a letter they all received recently from the lawyers.

Mayor Lee advised that he has discussed the issue with the Deputy Mayor and Ward Councillors and that an onsite meeting was scheduled for Friday where he would endeavour to answer any questions.

Mr Thompson tabled a letter from Banning Avenue Concerned Residents.

Josh DaSilva, Beeliar and member of B.R.A.G., requested feedback from Council on the final verdict on numbers from the security patrol questionnaire as there was confusion as to whether there is sufficient numbers or not for the security patrols to continue.

Acting Director, Community Services advised that the latest figures are 317 yes votes and 67 no. The agenda report information to Council was correct at the time of writing but these are the current figures.

Paul Taylor, Beeliar wished to thank staff and Councillors for helping the Beeliar Residents achieve their goals and which assisted them in receiving the "Community of the Year Award". He thanked those staff that go to their meetings and the Councillors for being very approachable.

Mayor Lee gave his assurance that the message will be passed on to the relevant staff.

1060. (AG Item 8.1) (OCM1_4_2001) - CONFIRMATION OF MINUTES - 20/3/2001

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 20 March 2001 be confirmed as a true and accurate record.



COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Waters that the recommendation be adopted.

CARRIED 10/0

1061. (AG Item 10.1) (OCM1_4_2001) - DEPUTATIONS AND PETITIONS

Deputy Mayor Graham advised that he wished to table a petition requesting that a skateboard track be built in Bibra Lake and which contains over 600 signatures.

1062. (AG Item 13.1) (OCM1_4_2001) - CITY OF COCKBURN EAST WARD EXTRAORDINARY ELECTION 19TH JULY, 2001 (1700) (DMG)

RECOMMENDATION

That Council:

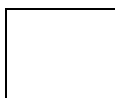
- (1) pursuant to section 4.20(4) of the Local Government Act, 1995, declare the Electoral Commissioner to be responsible for the East Ward extraordinary election to be conducted in the City of Cockburn on 19 July, 2001;
- (2) pursuant to section 4.61(2) of the Local Government Act, 1995, conduct this election as a postal election; and
- (3) request the Electoral Commissioner to amend the Election Schedule by extending the lodgment date of packages with Australia Post by approximately one (1) week (i.e. from 4 July, 2001 to 11 July, 2001).

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Edwards that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

Council previously carried this resolution at its Meeting of 20 March, 2001. However, the Electoral Commissioner has since responded to Council requesting that this decision be re-affirmed once agreement has been received.

Submission

N/A

Report

By letter dated 27 March 2001, the Electoral Commissioner agreed to Council's request for the Commissioner to be responsible for the extraordinary election to be conducted on 19 July 2001, as a result of the resignation of Councillor Rennie.

In addition, it would be appropriate to request the Commissioner to extend the date for sending out election packages to electors, as it is considered unnecessary for a two week "voting" period to be applied to postal elections in the metropolitan area. This fact is supported by the voting figures recorded at the December 2000 Council elections, which showed the great majority of votes were returned within three (3) days of being received. This would indicate a one week turnaround time would be adequate for those electors intending to participate in the election to lodge their vote.

Strategic Plan/Policy Implications

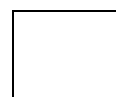
Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Cost of Postal Election estimated at \$25,000, will need to be made available within the "Governance" function of Council's Budget for the 2001/2002 Financial Year.

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

Nil.



1063. (AG Item 14.1) (OCM1_4_2001) - RECOGNITION OF NON-CONFORMING USE RIGHTS (MEAT PACKING FACILITY) - LOT 40; 4 QUARIMOR ROAD, BIBRA LAKE - OWNER: VALUE ADDED MEAT WHOLESALERS - APPLICANT: DE QUINTAL PTY LTD (4100012) (RH) (MAP NO. 8) (ATTACH)

RECOMMENDATION

That Council:

- (1) recognise the existence of non-conforming use rights for the operation of a meat packing facility (Class 2 Food Premises) on Lot 40; 4 Quarimor Road Bibra Lake, pursuant to and being in compliance with Part 4 of the City of Cockburn District Zoning Scheme No. 2;
- (2) advise the new owners De Quintal Pty Ltd (Value Added Meat Wholesalers) of their obligation to adhere to:
 1. any past conditions of Approval to Commence Development for the meat processing facility;
 2. the requirement that in the event that the meat packing facility use ceases for a period of six(6) months or more, the use of the land and buildings must thereafter be in conformity with the Scheme;
- (3) the requirement that a further request for acknowledgment of non-conforming use rights will be required upon gazettal of the City of Cockburn Town Planning Scheme No. 3.

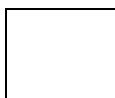
COUNCIL DECISION

MOVED Clr Allen SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Factory & Warehouse (Meat Packing)	
LOT SIZE:	6240m ²	
AREA:	N/A	
USE CLASS:	Special Industry A, 'X'	



Council, at its Ordinary Meeting in August 1980, resolved to conditionally approve a Meat Packing Facility at Lot 36, cnr Quarimor Road and Wellard Street (now Lot 40 Quarimor Road) pursuant to the previous District Zoning Scheme (No.1). The operation was not an Offensive Trade and did not require an Offensive Trades Licence under the provisions of the Health Act and as such, the proposal was permitted.

Extensions and additions were approved in 1981 and 1985 under District Zoning Scheme No.1, and other extensions approved in 1994 and 1995 under the current District Zoning Scheme No. 2 ("the Scheme").

The request for recognition of non-conforming use rights for (Meat packing facility) was deferred by the Council at its ordinary meeting on 20 March 2001 pending further information on the definition of the meat processing facility.

Submission

De Quintal Pty Ltd (Value Added Meat Wholesalers) have introduced themselves as the new owners of Lot 40; 4 Quarimor Road, Bibra Lake. The previous owners, West Australian Meat Marketing Co-operative Ltd., ceased operations on the 15th December 2000.

The new owners intend to continue the use of the premises for meat packing by way of establishing non-conforming use rights. They wish to occupy the premises on or before the 12th March 2001 and commence production as soon as the requirements of Council's Health Services are satisfied.

Report

The subject lot is zoned 'General Industry' under the current scheme. A General Industrial use, as defined in the Scheme means, *"an industry other than a cottage, extractive, hazardous, light, noxious, rural or services, Special A or Special B industry."* The current use can be defined as a Special A Industry which is, *"the use of Land and Buildings for the carrying out of any process for and incidental to the production of meat and allied products, in accordance with the provisions of the Health Act of 1911 and any Regulations or By-laws made under that Act."* Special Industry A is a use that is not permitted within a General Industrial zone under the Scheme. Such an activity could only operate on a non-conforming basis.

A non-conforming use means, *"a use of Land or Buildings which though lawful immediately prior to the coming into operation of the Scheme, is not in conformity with any provision of the Scheme."* Under Part 4 of the Scheme – Non-conforming Uses, no provision shall prevent the continued use of any land or building for a non-conforming use (cl.4.2). Clause 4.7.1 states that when a non-conforming use of any land or



building has ceased for a period of six months or more, that land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme. The applicant states that the previous owners ceased operations on the 15th December 2000, which is less than the prescribed six month period.

In response to the Council's request for a definition of the use, the following additional information is provided.

The proposed use has not changed from that approved. According to the Health (Food Hygiene) Regulations 1993, the use is described as a Class 2 food premises in which, "*preparation, reconstitution, special storage or packaging of food is undertaken and where no direct sale to the public is involved.*" (Schedule 3, 2(1))

In simple terms, carcasses are delivered to the factory, cut into portions and packed for wholesale (ie processing and packing).

In order to be consistent with the 1980 Council Approval reference to Meat packing facility is maintained of which processing is inclusive from the terms of the earlier approval.

Strategic Plan/Policy Implications

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

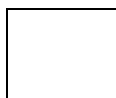
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense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

Budget/Financial Implications

N/A

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

Nil



1064. (AG Item 14.2) (OCM1_4_2001) - PROPOSAL TO ESTABLISH A REFUSE TRANSFER STATION AT PT LOT 95 AND LOT 101 HOWSON WAY, BIBRA LAKE (EZY WASTE SERVICES) (114402) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report and the submission prepared by Halpern, Glick, Maunsell on behalf of the proponent EZY Waste Services;
- (2) on planning grounds, support in principle, the proposal to operate a Refuse Transfer Station on Pt Lot 95 and Lot 101 Howson Way, Bibra Lake;
- (3) determine that subject to a formal planning application being made for the Refuse Transfer Station, the use be deemed a "use not listed" under the First Schedule of the Scheme - Zoning Table and dealt with in accordance with Clause 3.2.4 of District Zoning Scheme No. 2; and
- (4) advise the proponent of the Council's decision accordingly.

COUNCIL DECISION

MOVED Clr Allen SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Industrial
	DZS:	General Industrial
LAND USE:	Vacant	
LOT SIZE:	4.17 ha	
AREA:	N/A	
USE CLASS:	Use Not Listed	

On Tuesday 13 March 2001 at 5.30pm, Mr Peter Sampson gave a comprehensive presentation to the Council about a proposal to locate a refuse transfer station within the City of Cockburn to serve areas south of the river.

A catchment of around 50,000 people is required to support such an operation according to the proponent.



The land selected for the development is an old landfill site on Pt Lot 95 (No. 3) and Lot 101 (No. 7) Howson Way, Bibra Lake which are owned by the Council.

Pt Lot 95 is 1.9121 ha and Lot 101 is 2.2609 ha. The lots are severed by a disused railway reserve.

Both lots are currently vacant.

Submission

Attached is a copy of the HGM Report received on 20 March 2001.

Also attached is a copy of a letter from the Department of Environmental Protection to HGM, advising that it supports the proposal subject to some minor clarifications.

The proponent has requested that the Council consider "approval in principle" for the proposal so that more detailed investigations and negotiations can proceed with confidence if the concept is supported.

Report

The land is zoned industrial under the MRS and General Industry under the local scheme.

The use does not appear to clearly fit within the definition of general industry or transport depot therefore, in the event that a formal application is received, it should be treated as a "Use Not Listed" and dealt with in accordance with Clause 3.2.4 of the Scheme.

The proposal involves the collection of waste from domestic trailers, the transfer of the refuse into bins and the recycling of re-usable goods and greenwaste. The development is not a waste landfill site, is not listed on Schedule 2 of the Health Act and therefore, is not a noxious industry.

The proposed location of the development is considered suitable for the purpose from a planning point of view because:-

- the land is suitably zoned.
- access will be via Stock Road or the industrial road system in Bibra Lake.
- the closest residential area is to the west of the site and separated from it by the Stock Road and Howson Way road reserves.



- the site was previously used for landfill and therefore the re-use of the land is limited. The proposed use appears to be a suitable re-use.
- The Council owns the land and therefore will be able, via the conditions of a lease, to ensure that its development requirements are complied with.

Because the Council owns the land, it will be necessary for the Council to complete the development application, signed on its behalf by the Chief Executive Officer, for the formal application to be processed. The proponent has already been advised of this.

In addition, there are numerous other issues that need to be addressed by the Council so that it can progress the proposal, despite a decision to provide "support in principle".

Issues that directly relate to this proposal are:-

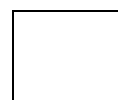
- The leasing of the land;
- The need for a bond to cover the reinstatement of the lot in the event that the operation ceases;
- The need to prepare a Business Plan and to tender the lease for the design, development and operation of the business on Council owned land.

These issues will need to be the subject of a subsequent report to Council, should the Council decide to provide its "support in principle" and the proponent proceed to a formal application.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*



Budget/Financial Implications

N/A

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

The Council already operates the landfill site at Henderson at which domestic trailers are accepted.

The Council also currently provides ratepayers with 6 tip passes per annum to gain free access to the landfill site.

Given that these ratepayer services exist and have not been established in competition with an existing private operator, Section 3.18(b) is not considered to apply.

The Henderson Tip is a designated sanitary landfill site by the Health Department of WA and operates under licences issued by the EPA. It forms part of the metropolitan waste strategy and therefore conforms with Section 3.18(a) of the Act.

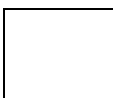
For the purpose of the National Competition Policy, the Henderson Landfill Site has not yet been market tested however, because it is an important source of income to the Council, every endeavour is used to manage this service efficiently and effectively to maximise the benefit to the community.

1065. (AG Item 14.3) (OCM1_4_2001) - APPEAL - DEEMED REFUSAL TO EXTEND HENDERSON LANDFILL SITE - LOT 52 ROCKINGHAM ROAD, WATTLEUP (SMH) (3412022)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) lodge an appeal to the Town Planning Appeal Tribunal of Western Australia against the deemed refusal by the Western Australian Planning Commission to a development application submitted by the Council to expand the Henderson Landfill Site in accordance with the Application for Approval to Undertake Development under the Hope Valley - Wattleup Redevelopment Act 2000 dated 15 January 2001; and
- (3) instruct the Council's solicitors, McLeod & Co, to represent the Council in the appeal.



COUNCIL DECISION

MOVED Clr Allen SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

On 7 December 2000, the Hope Valley-Wattleup Redevelopment Act was assented to and published in the Government Gazette on 19 December. This caused the MRS and the local scheme to no longer have any effect over the land within the district included in the Redevelopment Area.

The Council's Henderson Landfill Site is located within the Redevelopment Area. All development within the Redevelopment Area is required to be approved by the WAPC. The application form is contained in the Regulations to the Act.

The application form, together with a report and plans were submitted to the WAPC on 17 January 2001. The application was for the construction of Cells 1 and 2 of Stage 2 of the development. A fee of \$1,350 was lodged with the application.

On 30 January 2001, the application was acknowledged.

Under Section 29 (6) of the Act, where the WAPC has not made a decision within 60 days of the application being forwarded to the Commission or such longer period as is agreed in writing by the applicant, it is deemed to be refused.

There has been no such agreement.

As at the date of writing this report, 72 days had elapsed.

Submission

The Henderson Landfill Site is owned and operated by the City of Cockburn.

The site has been operating since 1990 with the approval of the Health Department and the EPA.



On 1 November 1988, the Council issued its planning approval for all of the land (including Lot 52 on JAA Lot 240) the subject of the Regional Rubbish Tip proposal at Henderson.

On 30 June 1992, the site was gazetted under the Health Act 1911, as a "Regional Rubbish Disposal Site" and applied to the whole of the land including Lot 52 and approved for use by the City of Cockburn.

The DEP issued its Works Approval (03090) for the construction of Cell 1 in Stage 2 on 21 November 2000.

In November 2000, the Council accepted the \$2.1 million tender by ATA Constructions Pty Ltd and the contract was signed on 8 December 2000.

To date about 70% of the construction work has been completed. The Cell should be ready for use by May.

Stage 1 of the landfill site is almost exhausted and it is expected that there is less than 12 months before it will be at capacity and closed. This period could be shortened if other landfill sites, such as Canning close and the waste diverts to Henderson.

The situation is urgent.

Report

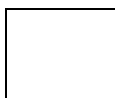
On 9 February 2001, the WAPC advised that there was insufficient information submitted to enable the assessment of the application and therefore it was put on hold. The advice was that the application should be determined within 60 days.

The additional information required was two(2) more copies of the plans submitted and six(6) copies of a statement giving details of the proposed use, operation and signage.

This information was provided on 19 February 2001.

Using the two dates of 9 February or 19 February, as at the date of the Council meeting, 17 April, the period will be either 69 days or 59 days, subject to no determination being received from the Commission by the date of the Council meeting.

Under the Hope Valley-Wattleup Redevelopment Act - Interim Land Use and Redevelopment Control Policy, the Land Use Table states that landfill is an 'X' use in the General Industry Area as described on the Interim Policy Map. The Henderson Landfill Site is within this area. The Policy was published on 1 January 2001, well after the Council had let tenders to construct Cell 1 of Stage 2 of the landfill site.



Nevertheless, the Council is required to apply to the WAPC for approval in accordance with the Redevelopment Act and Regulations.

However, the legal status of the Interim Policy is doubtful, given that it has not been made as a Regulation under the Act. Therefore the authority of the Land Use Table and related controls may not have any standing.

The statutory situation relating to the Hope Valley-Wattleup Redevelopment Area needs to be tested at the same time that the Council's deemed refusal is appealed and the only way that this can be done is by an appeal to the Town Planning Appeal Tribunal.

Strategic Plan/Policy Implications

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

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

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Henderson Landfill Site operates in accordance with an adopted Strategic Plan and Business Plan.

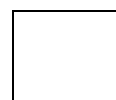
Budget/Financial Implications

The 2000/2001 Budget for legal expenses (Account No. 500320) provides \$29,250 for the year of which \$17,540 has been spent. The balance of the Account is \$11,710 which should be sufficient to cover the expected costs associated with legal representation at the appeal.

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

The Council operates an approved "Regional Rubbish Disposal Site" in accordance with a valid works approval issued by the DEP.

The Henderson Landfill Site is the only approved sanitary landfill site operating within the district.



A decision to appeal the deemed refusal to the Council's application to construct Cell 1 of Stage 2 of the Henderson Landfill Site, is not contrary to the provisions of Section 3.18(3) of the Local Government Act.

1066. (AG Item 14.4) (OCM1_4_2001) - PROPOSED TOWN PLANNING SCHEME NO. 3 - AND DISTRICT ZONING SCHEME NO. 2 TEXT AMENDMENTS TO INCLUDE A DISCLAIMER, R-CODE VARIATIONS AND VARIOUS MAP AMENDMENTS (MR) (9485)

RECOMMENDATION

That Council:

- (1) insert the following words inside the cover of Town Planning Scheme No 3 as stated below:

This Scheme was prepared in accordance with the written laws administered by the Western Australian Planning Commission ("Commission"), and the policies and requirements of the Commission. The form of the Scheme was required to conform with the Model Scheme Text, and other requirements of the Commission and the Hon. Minister for Planning. The Scheme having been compiled in accordance with those requirements, the role of the City therefore is effectively confined to being responsible for the Scheme's implementation.

- (2) modify clause 5.3.1 of the Town Planning Scheme No 3 Text by deleting the words:

"5.3.1 There are no special applications of the Residential Planning Codes under this Scheme."

and substitute in its place:

"5.3.1 Notwithstanding the provisions of the Residential Planning Codes, where land is in a:-

- a) Residential Zone in the Scheme the local government may vary the minimum total percentage of open space and minimum setback provisions of the Residential Planning Codes provided that it has regard to the objectives of the Codes.
- b) Development Area in the Scheme, the local government may vary the minimum requirements of any provision of the Residential Planning Codes within an area of a structure plan or any part of the



area stipulated in a structure plan, in accordance with development guidelines or detailed area plan, forming part of the structure plan.

- (3) amend the Town Planning Scheme No 3 Maps as follows:
- (a) Amend Lot 386 North Lake Road, Bibra Lake from Residential Zone (R25) to Local Reserve – Lake & Drainage on;
 - (b) Amend Reserve 45224 Inn Close, Bibra Lake from Residential Zone(R25) to Local Reserve – Parks and Recreation;
 - (c) Amend Lot 114 Annois Road, Bibra Lake from Residential Zone (R20) to Local Reserve – Lakes & Drainage;
 - (d) Amend Lot 115 Annois Road, Bibra Lake from Residential Zone (R20) to Local Reserve – Parks & Recreation;
 - (e) Amend Reserve 45617 Steiner Avenue, Success from Residential Zone (R20) to Local Reserve – Parks and Recreation;
 - (f) Amend Reserve 45959 Rollinson Road, Reserve 45964 Bennett Avenue, Reserve 38993 Cockburn Road, Reserve 45009 Garston Way, and portion of Reserve 38992 Rollinson Road, Hamilton Hill from Industry Zone to Local Reserve – Lakes and Drainage.
 - (g) Amend portion of Lot Pt 1 south of Coogee Primary School from Residential Zone (R30) to local Reserve – Public Purposes (PS)
 - (h) Add a restricted Use to Schedule 3 of the Scheme Text as setout below:

No.	Description of Land	Restricted Use	Conditions
RU8	CSL 4252 and Portion of Reserve 44544 (Loc. 4253) Murdoch Drive, North Lake	Those uses which may be permitted within the Mixed Business Zone as set out in Table 1 Zoning Table excluding garden centre, motor vehicle boat or caravan sales, nursery, industry - cottage, industry – service and motor vehicle repair.	Planning Approval

- (i) Amend the boundary of Development Area 5 and



Development Contribution Area 6 to include land defined by Beeliar Drive, Stock Road, Frobisher Drive and the reserved land of Lake Coogee, Munster.

- (j) Amend the western boundary of Development Contribution Area 4 to coincide with View Street and to exclude Lots 1,2,3 & 4 East Churchill Avenue, Beeliar.
- (4) adopt proposed Town Planning Scheme No 3 with the modification contained in (2) & (3) above and forward the Council decision to the Western Australian Planning Commission requesting that the Hon. Minister for Planning grant final approval under the Town Planning Regulation 21.
- (5) adopt an amendment to clause 5.3.5 of the District Zoning Scheme No 2 Text as follows:

5.3.5 Special Application of Residential Planning Codes

Notwithstanding the provisions of the Residential Planning Codes:-

- (1) on land in the Residential Zone, the Council may:-
 - (a) approve two grouped dwellings on any lot with an area of 900m² or greater provided the development conforms with all the requirements of the Scheme and the R20 Code; or
 - (b) grant density bonuses in accordance with Clause 5.8.9(b)
- (2) where an area is in a:-
 - (a) Residential Zone in the Scheme, the local government may vary the minimum total percentage of open space and minimum setback provisions of the Residential Planning Codes provided that it has regard to the objectives of the Codes.
 - (b) Development Area in the Scheme, the local government may vary the minimum requirements of any provision of the Residential Planning Codes within an area of a structure plan or any part of the area stipulated in a structure plan, in accordance with development guidelines or detailed area plan forming part of the structure plan.

COUNCIL DECISION

MOVED Cllr Reeve-Fowkes SECONDED Cllr Edwards that Council:

- (1) insert the following words inside the cover of Town Planning Scheme No 3 as stated below:

This Scheme was prepared in accordance with the written laws administered by the Western Australian Planning Commission ("Commission"), and the policies and requirements of the Commission. The form of the Scheme was required to conform with the Model Scheme Text, and other requirements of the Commission and the Hon. Minister for Planning. The Scheme having been compiled in accordance with those requirements, the role of the City therefore is effectively confined to being responsible for the Scheme's implementation.

- (2) modify clause 5.3.1 of the Town Planning Scheme No 3 Text by deleting the words:

"5.3.1 There are no special applications of the Residential Planning Codes under this Scheme."

and substitute in its place:

"5.3.1 Notwithstanding the provisions of the Residential Planning Codes, where land is in a:-

- a) Residential Zone in the Scheme the local government may vary the minimum total percentage of open space and minimum setback provisions of the Residential Planning Codes provided that it has regard to the objectives of the Codes.
- b) Development Area in the Scheme, the local government may vary the minimum requirements of any provision of the Residential Planning Codes within an area of a structure plan or any part of the area stipulated in a structure plan, in accordance with development guidelines or detailed area plan, forming part of the structure plan.

- (3) amend the Town Planning Scheme No 3 Maps as follows:

- (k) Amend Lot 386 North Lake Road, Bibra Lake from Residential Zone (R25) to Local Reserve – Lake & Drainage on;

- (l) Amend Reserve 45224 Inn Close, Bibra Lake from Residential Zone(R25) to Local Reserve – Parks and Recreation;
- (m) Amend Lot 114 Annois Road, Bibra Lake from Residential Zone (R20) to Local Reserve – Lakes & Drainage;
- (n) Amend Lot 115 Annois Road, Bibra Lake from Residential Zone (R20) to Local Reserve – Parks & Recreation;
- (o) Amend Reserve 45617 Steiner Avenue, Success from Residential Zone (R20) to Local Reserve – Parks and Recreation;
- (p) Amend Reserve 45959 Rollinson Road, Reserve 45964 Bennett Avenue, Reserve 38993 Cockburn Road, Reserve 45009 Garston Way, and portion of Reserve 38992 Rollinson Road, Hamilton Hill from Industry Zone to Local Reserve – Lakes and Drainage.
- (q) Amend portion of Lot Pt 1 south of Coogee Primary School from Residential Zone (R30) to local Reserve – Public Purposes (PS)
- (r) Add a restricted Use to Schedule 3 of the Scheme Text as setout below:

No.	Description of Land	Restricted Use	Conditions
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- (s) Amend the boundary of Development Area 5 and Development Contribution Area 6 to include land defined by Beeliar Drive, Stock Road, Frobisher Drive and the reserved land of Lake Coogee, Munster.
 - (t) Amend the western boundary of Development Contribution Area 4 to coincide with View Street and to exclude Lots 1,2,3 & 4 East Churchill Avenue, Beeliar.
- (4) adopt the modifications contained in (2) & (3) above and forward the Council decision to the Western Australian Planning



Commission requesting that the Hon. Minister for Planning grant final approval under the Town Planning Regulation 21.

- (5) adopt an amendment to clause 5.3.5 of the District Zoning Scheme No 2 Text as follows:

5.3.5 Special Application of Residential Planning Codes

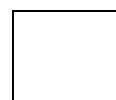
Notwithstanding the provisions of the Residential Planning Codes:-

- (1) on land in the Residential Zone, the Council may:-
- (a) approve two grouped dwellings on any lot with an area of 900m² or greater provided the development conforms with all the requirements of the Scheme and the R20 Code; or
 - (b) grant density bonuses in accordance with Clause 5.8.9(b)
- (2) where an area is in a:-
- (a) Residential Zone in the Scheme, the local government may vary the minimum total percentage of open space and minimum setback provisions of the Residential Planning Codes provided that it has regard to the objectives of the Codes.
 - (b) Development Area in the Scheme, the local government may vary the minimum requirements of any provision of the Residential Planning Codes within an area of a structure plan or any part of the area stipulated in a structure plan, in accordance with development guidelines or detailed area plan forming part of the structure plan.

CARRIED 10/0

Explanation

Point (4) of the recommendation was modified to remove reference to Town Planning Scheme No.3 as it is the proposed modifications that Council is adopting and not Town Planning Scheme No.3 with modifications.



Background

The City of Cockburn undertook an examination of its District Zoning Scheme No. 2 for the purpose of preparing a new Scheme over four years ago (1996). The Hon Minister for Planning agreed that the Council could review its Scheme and prepare Town Planning Scheme No. 3.

At the Ordinary Meeting on 18 July 2000, the Council considered public submissions and proceeded to adopt proposed Town Planning Scheme No 3 (TPS3), subject to several modifications. The Scheme was forwarded to the Western Australian Planning Commission (Commission) requesting the endorsement of the Minister for Planning approval under the Town Planning Regulation 21.

Report

Disclaimer

The City had progressed TPS3 to an advanced stage of preparation when it was informed by the Commission that it would be required to adopt the Model Scheme Text (*Town Planning Amendment Regulations*) gazetted on 22 October 1999. The Model Scheme Text sets out the structure and content of the Scheme Text in a rigid format for the purpose of standardising at the time of review, Town Planning Schemes throughout the state.

There have been various other requirements of the Commission and Minister for Planning which significantly impacted upon the form of the Scheme Text and Map. It could be concluded that the proposed TPS3 is essentially a product of those requirements and is not a separate product of the independent planning directions and policies of the City. It is therefore appropriate for TPS3 to indicate the true origin and responsibility for the provisions of TPS3.

The City has taken this matter on legal advice where it was suggested that if such a provision was incorporated in the Scheme Text, the Commission or the Minister may require the removal of the provision before the final approval is given. It was recommended that the appropriate words stated in the recommendation, could be printed inside the cover of the Scheme Text or in some other way associated with it. As the disclaimer does not form part of the Scheme Text, it does not require the approval of the WAPC or the Minister.

Variations to Open Space

The City has been approached by the developers of Development Area 10 south of Bartram Road, Atwell. The developers are preparing "Development Guidelines" to administer development within the new subdivision and have asked if the Council can vary open space



requirements for single houses under the Residential Planning Codes. The developers believe the smaller cottage size lots for example, will need flexibility in applying open space requirements less than the 50% minimum standards of the Codes applying to R15-R60 Coded land.

The effects of existing open space provisions of the Codes:

- restricts the ground floor area of all buildings, outbuildings, roofed patio areas etc. to 50% of the lot area. This is restrictive for single storey construction on smaller lots;
- requires floor space over 50% of the lot area to be accommodated above the ground floor. The cost of two storey construction can be prohibitive;
- prescribe a front, rear and side building setbacks to 'standard' lots generally allows a maximum site cover of just over 50%.

There is an established trend toward an increasing number of smaller lots being created within the City of Cockburn and the Perth Metropolitan Area generally. The combination of buyer preferences for smaller lots, larger residence and smaller low maintenance yard areas results in the ground floor building areas being maximised.

Residential Planning Codes

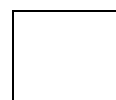
The City of Cockburn District Zoning Scheme No 2 incorporates the Residential Planning Codes (Codes) to control residential development. DZS2 does not currently contain any discretionary power to vary the provisions of the Codes. The Codes are an effective means of controlling residential development and there is no reason to seek any significant departure from the existing open space provisions in Table 1.

Proposed Variation Clause

It is recommended that the Council initiate an amendment to DZS2 and adopt modifications to proposed TPS3. These changes are needed to insert new Scheme provisions that give Council the power to vary the minimum open space requirements of the Codes for existing Residential Zoned land and future residential land within a Development Area. As the proposed amendment would vary part of a Section 5AA Statement of Planning Policy (Residential Planning Codes), and therefore the amendment must be submitted to the Commission for consent to advertise.

Other Scheme Map Changes

1. There are several minor Scheme Map amendments that are needed to reflect reserves for recreation and drainage purposes. A larger public purpose reserve is also needed to enable the future expansion of the Coogee Primary School.



2. A 'Restricted Use' is needed on CSL 4252 and Portion of Reserve 44544 (Loc.4253) Murdoch Drive, North Lake to exclude inappropriate uses within the Mixed Business Zone as previously set out in Amendment 209 to DZS2 adopted by the Council on 12 October 2000. This was mistakenly not included.
3. Further boundary changes are required to Development Contribution Area 4 (DCA4) and Development Area (DA5) as follows:-
 - DA5 currently excludes land east of Lake Coogee affected by the buffer area to the Woodman Point Waste Water Treatment Plant (WWTP). An additional triangular section of land at the intersection of Frobisher Avenue and Stock Road is situated within the buffer area to Cockburn Cement. No residential development can occur within both of these buffer areas. Other development constraints exist within DA5, such as land affected by a wetland. Including additional land to DA5 will allow the City to take a holistic approach to planning the area. This will also create a more logical boundary to DA5.
 - The western boundary of DCA4 has been amended to coincide with View Street. This change will correct an anomaly with the current proposed boundary that excludes lots west of View Street. These excluded View Street lots are severely constrained by the road reservation of Stock Road.

Strategic Plan/Policy Implications

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

Planning Your City

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

Conserving and Improving Your Environment

- "To conserve the quality, extent and uniqueness of the natural environment that exists within the district."



- “To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.”

Budget/Financial Implications

The financial implications are detailed in Item 640. OCM 18/7/00.

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

The preparation of a Town Planning Scheme for the district is a requirement under the Town Planning and Development Act.

1067. (AG Item 14.5) (OCM1_4_2001) - AMCOR PAPER MILL, LOT 501 PHOENIX ROAD, BIBRA LAKE - LEGAL ADVICE (1101294) (MR)

RECOMMENDATION

That Council:

- (1) seek a legal opinion from its solicitors McLeod & Co, on whether or not the *Papermill Agreement Act* exempts Amcor from the requirement of obtaining planning approval pursuant to the City of Cockburn Town Planning Scheme - District Zoning Scheme No 2; and
- (2) refer this matter back to the next available Ordinary Meeting of Council following receipt of legal advice, to ensure that all the necessary approvals were obtained or were not required by Amcor, due to the existence of the *Papermill Agreement Act*.

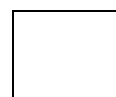
COUNCIL DECISION

MOVED Cllr Allen SECONDED Cllr Humphreys that the recommendation be adopted.

CARRIED 10/0

Background

The City first raised the question on 15 July 2000, whether or not a planning approval was ever obtained by Amcor and approved by the Council. This arose from an investigation into an appeal by Landcorp to



a Council refusal to permit sand quarrying on the land purchased from Amcor by Landcorp.

Landcorp purchased around 90 hectares of the Amcor site which remains undeveloped bushland. Within the land sold to Landcorp, Amcor have effluent disposal ponds which are no longer on land owned by Amcor. The City was concerned about future disposal. Research revealed that the adjacent Amcor landfill on the Landcorp land was approved by the Minister for Planning on appeal and the effluent ponds appeared to have never been applied for or approved.

The obvious question arose in that *if the Paper Mill Agreement Act 1960 allowed Amcor to do whatever was necessary to operate the papermill on the 400 acre site, then why did it apply to the Council for approval for the landfill site?*

There are also inconsistencies in the application of the Act where the State Government, some years ago (1980's), rezoned the land south of the papermill site from industry to residential that was initially included in the land allocated for the papermill. The area is now part of the Yangebup Residential Area. This raises questions over the State's obligations under Clause 8(a) of the Act which states: *“The State shall ensure, if necessary by legislation, that the mill site is zoned or...”* It is now obvious that despite this wording of the Act, those areas of the original papermill site have been sold by Amcor because the land is surplus to its requirements.

The original papermill site has been subdivided into dozens of lots which includes Little Rush Lake Regional Reserve to the east, all the residential lots north on Osprey Drive in Yangebup and all the industrial and light industrial lots north of Barberry Way in Cocos Park Bibra Lake, which is in addition to the newly created lots north of the railway retained by Amcor and purchased by Landcorp.

The papermill is likely to be deemed a noxious industry, in which case the only appropriate zoning would be either noxious industry or general industry with an additional use for a papermill.

At the time of preparing proposed Town Planning Scheme No 3 (TPS3), the Council was unaware of the likelihood that the Amcor development may not have local or State planning approval. The Special Use Zone proposed in TPS3 for the operation of the papermill was to be in accordance with the Act as well as the Planning Approval. This approval is now in doubt. This approach to the zoning of the Amcor land was considered to be in the best interests of Amcor as it could be deemed to be a noxious industry located in a General Industrial Zone.



Submission

Minter Ellison, acting on behalf of Amcor, have disputed the City's assertion that the Paper Mill Agreement ('State Agreement') does not exempt Amcor from the requirement to obtain planning approval. In their opinion, the Papermill Agreement is an industrial agreement brought about for the purposes of minimising sovereign risk to Amcor.

On this basis, Minter Ellison believe that it is contrary to the Papermill Agreement to assert that no development approval exists for the establishment of the paper mill and liquid effluent disposal ponds on the 'mill site'. It is asserted that it appears no planning approval was required at the time.

Report

The Town Planning and Development Act was amended in 1955 to provide for the making and implementation of an Interim Development order (IDO) operating within the Perth Metropolitan Region until the Metropolitan Region Scheme came into force in 1963. Except for some exclusions, all development in the region required approval under the IDO. There is no evidence that there was any special legislation which exempted approval of the papermill.

Now that a potential problem has been identified, it is important that it be remedied or at least regularised. Also it is necessary to determine the status of the mill site and the need for Amcor to obtain planning approval for any development on its site.

Strategic Plan/Policy Implications

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

Planning Your City

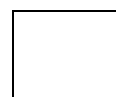
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community"*

Conserving and Improving Your Environment

- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

Budget/Financial Implications

There are available funds within the Legal Advice account for Statutory Planning Services.



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

Nil

1068. (AG Item 14.6) (OCM1_4_2001) - LICENCE FOR A JETTY - CATHERINE POINT, HAMILTON HILL, PARKS AND RECREATION RESERVE 1957 (2200418) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) apply to the Department of Transport, Maritime Division, for an Application for a Licence for a Jetty for the existing groyne at Catherine Point;
- (3) continue to take responsibility for the care and maintenance of the Catherine Point Reserve and groyne in accordance with the vesting of Reserve 1957;
- (4) require the developers of the Bradken Foundry Factory Site to enter into a binding agreement with the Council to guarantee the funding of the total cost of construction to extend the Catherine Point groyne, at some future date, in accordance with the advice and to the satisfaction of the Department of Transport and the Council, should this be deemed necessary by the Western Australian Planning Commission; and
- (5) advise the Western Australian Planning Commission, the Department of Transport and the developers of the Bradken Factory Site of the Council's decision accordingly.

COUNCIL DECISION

MOVED Clr Allen SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 10/0



Background

Reserve 1957 is a Crown Reserve, classified for Parks and Recreation and extends along the coast from South Beach in the north to Robb Road in the south, and generally confined between the high water mark and the disused railway reserve. Reserve 1957 is vested in the City of Cockburn.

Based on mapping provided by DOLA, it appears that the Catherine Point groyne is included within Reserve 1957, because all of the coastal strip above the high water mark forms part of the Reserve. The Reserve is known as the Catherine Point Reserve.

The Catherine Point groyne was constructed many years ago and is approximately 153 metres long and about 10 metres wide. It is constructed from limestone and was built to protect the beach in front of the Bradken Foundry from storm erosion. It is understood that the State built the groyne.

Over time the beach between the South Beach groyne and the Point Catherine groyne, a distance of about 800 metres, has stabilised and extended seawards. A significant amount of accretion has occurred at the southern end of the beach, trapped by the Point Catherine groyne.

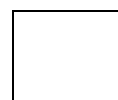
In accordance with the MRS, the Catherine Point Reserve and the groyne are included in the Parks and Recreation Reserve in the District Zoning Scheme No. 2.

Given this, it would appear that the Council is already responsible for the maintenance of the Catherine Point groyne.

Submission

On Thursday 29 March 2001, an important meeting was held at the Ministry for Planning, chaired by the Chairman of the Planning Commission, Mr Simon Holthouse, at which there were representatives of the Ministry for Planning (Coastal Planning), Department of Transport (Marine), Coastal Engineering Consultants, City of Cockburn (Director Planning & Development) and the proponents, to discuss the coastal setback for the future development of the Bradken Foundry site.

The Ministry for Planning, together with the proponent believe that it is very important that the coastal setback be determined prior to the finalisation of the MRS Amendment No. 1008/33, so that the boundary between the land to be included in the Parks and Recreation Reserve and that to be zoned urban can be agreed and finalised before detailed site planning commences.



A coastal setback line was agreed at the meeting, based on the consideration of storm surge, erosion and rises in the water level.

Fundamental to the measurement of the coastal setback was the need to ensure that the Catherine Point groyne, as it currently exists, be maintained so as to ensure that the existing beach line in front of the Bradken site is retained.

The responsibility for the maintenance and repair of the groyne needs to be clarified, according to DOT, so that the future of the groyne can be guaranteed.

At the meeting, it was agreed by the Director Planning & Development that the matter would be investigated and if necessary put to the Council for its consideration. (Refer to the attached letter from the Chairman of the Western Australian Planning Commission dated 4 April 2001).

Report

It appears, based on the definition of the Council boundary and the vesting of the coastal Parks and Recreation Reserves, that the local government is already responsible for the care and maintenance of groynes and other projections attached to the coast.

As the Council will recall it expended in the order of \$800,000 to rebuild the Coogee Beach Jetty in 2000.

As with Coogee Beach Jetty the groynes form part of the beach and the public recreation area providing places for people to fish and swim.

Applying for a Jetty Licence will remove any doubt which authority is responsible for the groyne and given the Council's support to retain and maintain swimming beaches along the Cockburn coast and its strong support to replace the industrial zoned land on the coast with urban development, the Council should be prepared to clarify its apparent responsibility for the Catherine Point groyne.

To enable the owner of the Bradken property to proceed with its rehabilitation and redevelopment for residential purposes, it is necessary that the future of the Catherine Point groyne is assured. Together with the fact that if the groyne requires modification or extension in the future, a development bond can be lodged with the Council to hold in trust for this purpose, as the responsible authority.

Strategic Plan/Policy Implications

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



2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

Budget/Financial Implications

The cost of the Jetty Licence (groyne) is \$55.00.

The cost of the care and maintenance of the Catherine Point groyne and reserve will require additional funds to be provided within the Parks Budget.

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

To confirm the Council's responsibility for the care and maintenance of the Catherine Point groyne.

It is not clear that the Department of Transport (Marine) will take any responsibility for the groyne.

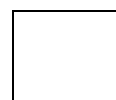
The Council is not acting contrary to the provisions of Section 3.18(3) of the Act.

1069. (AG Item 14.7) (OCM1_4_2001) - STATE OF THE ENVIRONMENT REPORT (6017) (KS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the State of the Environment Report;
- (2) require Council's Environmental Management Services to prepare a schedule of review for the State of the Environment Report; and
- (3) place copies of the State of the Environment Report in both the Coolbellup and Spearwood public library.



COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Cllr Reeve-Fowkes that Council:-

- (1) receive the State of the Environment Report;
- (2) require Council's Environmental Management Services to prepare a schedule of review for the State of the Environment Report; and
- (3) place copies of the State of the Environment Report in the Coolbellup, Spearwood and Success public libraries.

CARRIED 10/0

Explanation

The recommendation needed to include the new public library at Success.

Background

Over the last few decades at a local level as well as a global scale, community awareness of environmental issues has risen, as has the community's expectation of a healthy environment. Regular reporting on the condition of the environment is being adopted across the globe as an important tool for governments and communities to better understand their environment. State of the Environment Reports have been developed at both a State and Commonwealth level. Local Governments are becoming increasingly important in the state of the environment process.

As part of the LA21 process, which is aimed at developing a strategic approach to the sustainable management of the City's environmental, social and economic resources, the City of Cockburn has developed its first State of the Environment Report.

Council produced a brief for the development of the State of the Environment report and on 18th August 1998 Ecologia were appointed to undertake the SOE technical paper development. The final draft of the State of the Environment Technical Paper was produced in April 2000. CIS were appointed to review the Technical Paper and the Final State of the Environment Report was produced in March 2001

Submission

N/A



Report

The City of Cockburn has commenced a Local Agenda 21 process, which is aimed at developing a strategic approach to sustainable management of its environmental, social and economic resources. A key part of this process is the development of the State of the Environment Report to provide an overall assessment of the natural and socio-economic environment within the City of Cockburn. As stated in the 1996 Commonwealth State of the Environment Report (Australia) *“A community better informed about the pressures on and condition of its environment is a community better able to manage its environmental challenges successfully”*.

The development of the City’s State of the Environment Report has created a baseline from which any future progress or changes to the environment can be monitored. It also highlights issues requiring further attention through the LA21 process and recommends response to assist the City of Cockburn in attaining sustainable development.

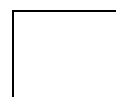
The format of the State of the Environment report follows the Pressure – State – Response model used by the Commonwealth and by the Government of Western Australia in their State of the Environment Reports. This model documents human induced pressures upon the environment, how these have affected the condition of the environment, and the management responses, which may be undertaken.

The State of the Environment Report provides detailed descriptions and assessment of the State of Cockburn’s environment and has been developed in a way that allows ongoing review of progress and changes to the condition of the local environment on a regular basis (eg. Every three years).

The development of indicators to measure progress and changes to environmental, economic and social conditions is critical to the LA21 process. The development of the City’s State of the Environment Reports will help to facilitate this process.

The State of the Environment Report addresses the key environmental issues within the City. The report addresses the following list of issues/elements of the local environment:

- Landform and Soil
- Urban Development
- Industry
- Roads, Rail, Utilities & Infrastructure
- Rural Water Protection Zone
- Rural Use & Agriculture
- Extractive Industries



- Protection of Native Flora
- Protection of Native Fauna
- Air Quality and Pollution
- Greenhouse Gases
- Electromagnetic Fields
- Wetland Conservation
- Surface Water Quality & Levels
- Groundwater Quality & Quantity
- Coastal Stability & Processes
- Water
- Energy
- Waste
- Contaminated Sites
- Heritage
- Community Views

The SOE Report also documents the current economic and social pressures on the City as well as outlining the anticipated future pressures. In some areas the information is lacking or the technical knowledge is not advanced, however, the report lays the foundations for future reports to build upon to ensure that the community is well informed of the pressures on and condition of the City's environment. This places the City of Cockburn in a positive position to manage its environment and to progress development of the City in a sustainable manner.

A summary of the possible Future responses listed in the State of the Environment Report is included in the Agenda attachments

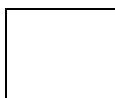
Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Adequate funds will need to be available to ensure that a regular review of the state of the environment for Council's consideration in the 2001/02 budget.



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

Nil

- 1070. (AG Item 14.8) (OCM1_4_2001) - 7 AGED OR DEPENDENT PERSONS UNITS AND 6 SINGLE BEDROOM UNITS - LOT 1526; 2 BIRKETT AVENUE, BEELIAR - OWNER: HOMESWEST - APPLICANT: SHARP & VAN RHYN ARCHITECTS (4413453) (SC) (MAP 21.082) (ATTACH)**

RECOMMENDATION

That Council:

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

Standard Conditions

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

Special Conditions

1. At least one occupant of each unit on the ground level must be a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care in accordance with the Residential Planning Codes.
2. The aged or dependent persons units on the ground floor being designed in accordance with the relevant Australian Standards such as AS1428 and any other special requirements detailed in Council's Aged Persons Accommodation – Development Guidelines Policy.
3. A revised drawing being prepared prior to submitting an application for a building licence showing car parking bays 1,2 and 8 shifted to the vacant area in front of unit 2, such that a larger and more practical communal place can be achieved. The revised drawing must also provide a communal facility for bin storage and a clothes-drying area or dryers installed within the upper floor units.



4. Fencing abutting The Grange being reconstructed in part to include a visually permeable fencing type where provision is made for communal open space.
 5. The footpath rail-handle on Hybanthus Loop being removed (at the applicant's cost) and placed in adjacent to the road to the satisfaction of the City.
- (2) issue a MRS Form 2 Notice of Approval valid for a period of 24 months;

COUNCIL DECISION

MOVED Cllr Oliver SECONDED Cllr Allen that the matter be deferred to enable discussions to take place with the Ministry of Housing, with a view to ensuring all units are single storey.

CARRIED 6/4

Explanation

It was not considered appropriate to provide double storey accommodation for seniors or people with disabilities, hence it was suggested Council have further discussion with the Ministry of Housing to endeavour to achieve a single storey unit development.

Background

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

The initial application was for 13 aged or dependent persons units. However, after late discussions with the applicant, the proposal has been changed to 7 aged or dependent persons units and 6 single bedroom units. This is to comply with Council Policy PD 6 – Aged Persons Accommodation.

The lot forms part of Stage 1 of the Panorama Gardens Estate and is directly opposite the Beeliar Primary School site. There is no previous history of development approval for the property.



Submission

The application is for 7 aged or dependent persons units and 6 single bedroom units. Seven (7) ground floor units all have 2 bedrooms, while the six (6) upper floor units are of a single bedroom design.

All units are self-contained with access from Birkett Avenue to the east and Hybanthus Loop to the west.

The proposed units are located within 800m walking distance from future community centre and shops. Public transport is accessible from The Grange.

The applicant seeks Council to exercise discretion in the following respects to : -

1. The number of dwellings being up to 50% greater than provided for by the R40 Code applying to the site. Based on R40 Code, 9 units could be approved in comparison with the 50% bonus a total of 13 units could be approved.
2. The provision of car parking at the rate of 1 bay per unit with a minimum of 2 bays for visitors. A total of 17 bays are provided with a visitor bay on Birkett Avenue and another on Hybanthus Loop.

Report

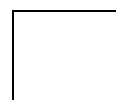
The proposal is a discretionary use ('AA') under District Zoning Scheme No. 2 (DZS2) for which Council may either approve (with or without conditions) or refuse. The site is designated as a grouped dwelling site (R40) within the Beeliar Structure Plan adopted by the Council.

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

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

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

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



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

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.”*
2. Planning Your City
 - *“To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.”*
 - *“To ensure that the development will enhance the levels of amenity currently enjoyed by the community.”*
 - *“To foster a sense of community within the district generally and neighbourhoods in particular.”*
3. Facilitating the needs of Your Community
 - *“To facilitate and provide an optimum range of community services.”*
 - *“To identify current community needs, aspirations, expectations and priorities of the services provided by the council.”*

The Planning Policies which apply to this item are:-

PD6* Aged Persons Accommodation – Development Guidelines
PD 7* Access for People with Disabilities
PD 17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil



1071. (AG Item 14.9) (OCM1_4_2001) - REVISED PLAN - EXTRACTIVE INDUSTRIES DEVELOPMENT APPROVAL - LOT 2; 135 ARMADALE ROAD AND LOTS 132 AND 133 JANDAKOT ROAD, BANJUP - OWNER/APPLICANT: CSR LTD (5513146; 5513296) (CC) (MAPS 19 & 20) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the revised plan for the extractive industries development on Lots 2 and 135 Armadale Road and Lots 132 and 133 Jandakot Road, Jandakot subject to the following conditions:

Standard Conditions

1. Standard conditions as contained in Council's Policy PD 17 Standard Development Conditions and Footnotes as determined appropriate to this application by delegated officer under clause 7.6 of District Zoning Scheme No.2.

Special Conditions

1. This approval relates to the relocation of the infrastructure compound as shown on the plans attached to CSR's Letter of 6 March 2001 and the proposal to use Dollier Road as the principal point of access and egress to CSR's sand extraction activity on Lots 135 Armadale Road and Lots 132 and 133 Jandakot Road, Banjup.
2. This approval excludes Lot 2 Armadale Road from the conditions of the Council's Extractive Industries Development Approval of 18 July 1996.
3. The existing Deed of Agreement between CSR Readymix and the City required under the Development Approval of 18 July 1996 being modified to exclude Lot 2 from the provisions of the Deed including the removal of the subject to claim caveat over Lot 2 to the satisfaction of the City and at the expense of CSR Readymix.
4. The first 40 metres of the access way from Dollier Road to the infrastructure compound being sealed with bitumen to the satisfaction of the City of Cockburn.
5. A wash down area and facility for drivers to cover loads with tarpaulins being installed to the satisfaction of the



City of Cockburn.

Special Footnotes

1. The applicant is to liaise with the Waters and Rivers Commission regarding their requirements for the licensing of fuel storage.
2. The applicant is advised to liaise with Main Roads WA regarding any interim access proposals from Lot 135 to Armadale Road.

(2) advise CSR and referral authorities of the Council's decision.

COUNCIL DECISION

MOVED Clr Rennie SECONDED Clr Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Rural Water Protection Zone
	DZS:	Resource Zone
LAND USE:	Sand Extraction	
LOT SIZE:	LOT 2 – 12 HA	
AREA:	N/A	
USE CLASS:	SA use	

Sand extraction has been occurring on Lot 2 and adjacent CSR land – Lot 135 Armadale Road and Lot 132 and 133 Jandakot Road, Banjup for more than 20 years. See Agenda Attachment for Site Plan

The current sand extraction approval, issued on 18 July 1996, is valid for 5 years and a further 5 years subject to compliance with approval conditions.

Sand extraction on Lot 2 ceased many years ago and the Lot is used as the main access to Armadale Road and infrastructure facilities lot.

The Thomsons Lake Master Plan indicates Lot 2's inclusion in the Service Industry Business Park Area - Mixed Business under proposed District Zoning Scheme No. 3. Part of Lot 2 is earmarked for the future North Lake Road extension which links to Armadale Road.



Land directly north, also proposed Mixed Business, is being subdivided in accordance with the Master Plan.

In view of this planning and recent interest in development in the area, CSR is in the process of selling Lot 2. A modification to the existing sand extraction approval is sought.

Submission

CSR seeks approval to relocate its infrastructure compound (fuel storage facility, administration and amenity buildings, weighbridge and toilet block) on Lot 2 Armadale Road to a new location on Lot 133 Jandakot Road, Banjup. See Agenda Attachments for Compound Details and Relocation Plan

Access to and from the site will be retained from Lot 2, until such time as the land is sold or future Mixed Business development occurs. Once access via Lot 2 is extinguished, access to the relocated infrastructure compound will be from Dollier Road.

CSR also requests that the subject to claim caveat lodged over Lot 2, required under the Extractive Industries Development Approval, be removed given that excavation has ceased and the end use of the land for Mixed Business use will be determined in accordance with TPS No. 3. The rehabilitation requirements for the site are no longer valid in the opinion of CSR.

Whilst CSR proposes to remove most of its infrastructure from Lot 2, the sand drying plant (a relatively large infrastructure component) will remain. A subdivision application has been lodged on Lot 2 to excise the sand drying plant - and road widening for Armadale Road - from the balance of the site. This will be dealt with as a separate matter to this report.

Report

There are no significant planning or environmental issues associated with the relocation of the infrastructure compound from Lot 2 to Lot 133.

The Waters and Rivers Commission raises no objections to the proposal subject to its requirement for licensing of fuel storage. Likewise Main Roads has raised no objection to the proposal and has advised of the land requirements on Lot 2 for Armadale Road.

The recent upgrade of Dollier Road via subdivision of adjacent land in the future Mixed Business Zone will provide a road of an appropriate standard for truck traffic. Connecting Roads – Solomon Road, Jandakot Road and Armadale Road - are all designated truck routes in the City of Cockburn Road Hierarchy.



CSR has advised that the main truck route will be Dollier, Solomon, Armadale Road and the Kwinana Freeway and estimates an average of 100 to 120 truck movements per day with 200 on busier days. This would result in an increase in overall traffic on Solomon Road by about 5 to 10 percent with truck traffic increasing to about 16 percent of all movements. All truck movements are proposed to be within the industrial area and should have no impact on amenity of nearby 2ha Resource zone lots.

Condition 6 of the Extractive Industries Approval required CSR to enter into a Deed of Agreement with the City to excavate and rehabilitate Lot 2 in accordance with the approved rehabilitation plan. A Caveat in favour of the Council was also lodged on the title of Lot 2, which ensures that rehabilitation requirements are passed onto any subsequent owner.

Whilst rehabilitation requirements remain valid for the balance CSR land within the Resource Zone, the end use of Mixed Business renders the current rehabilitation requirements for Lot 2 redundant. The deed will need to be modified to delete reference to Lot 2 and the Caveat lifted.

All other conditions of the Extractive Industries approval remain unchanged.

The proposal to relocate the infrastructure compound would have no appreciable amenity impacts, and the removal of Lot 2 from the conditions of the current extractive industries approval will facilitate development of the future Mixed Business Zone in accordance with the Thomsons Lake Master Plan and Council's forward planning for the locality.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



The Planning Policies which apply to this item are:-

PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

1072. (AG Item 14.10) (OCM1_4_2001) - CITIES FOR CLIMATIC PROTECTION (9132) (PS)

RECOMMENDATION

That Council approve the following amendments to the Southern Metropolitan Regional Council Establishment Agreement to include within its regional purpose "To plan, co-ordinate and implement Greenhouse Gas Reduction Programs"

COUNCIL DECISION

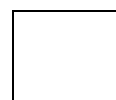
MOVED Clr Rennie SECONDED Clr Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

The City of Cockburn has been progressing towards the implementation of the Cities for Climatic Protection program. This program is being funded by the Federal Government and aims to assist Local Government Authorities with establishing Local Action Plans to provide long term reductions in greenhouse emissions within Council operations and across the community.

There are 370 councils across the world participating in the CCP program. At present, 93 local governments (representing over 44% of Australia's population) have joined the program.



The program involves each Council developing and implementing a Local Greenhouse Action Plan in 5 stages or milestones, which are as follows:

Milestone 1 - conduct an emissions inventory of current Council and community activity and a forecast of greenhouse emissions growth in the future.

Milestone 2 - establish an Emissions Reduction Goal.

Milestone 3 - develop a Local Action Plan.

Milestone 4 - implement the Local Action Plan.

Milestone 5 - monitor and report on the implementation of the Local Action Plan.

Milestone 1 was completed in late 1999, followed by the completion of Milestone 2 in December 1999. With the completion of milestone 2 council accepted a recommendation for a 20% reduction on 1996 levels by 2010, on both corporation and community targets.

The next stage of the program requires Council to complete a Local Action Plan for both the community and the corporation to complete milestone 3. The community component of the Local Action Plan would be best tackled on a regional approach with all other members of the Southern Metropolitan Region of Councils (SMRC). This was agreed to at the November 2000 Council meeting, whereby the Council accepted the following recommendations :

- Adopt the Draft Regional Community Greenhouse Strategic Plan.
- Agree to a regional approach to the implementation of the Regional Community Greenhouse Strategic Plan.
- Support the development of a regional coordinator position to implement the Regional Community Greenhouse Strategic Plan.
- Agree to provide proportional funding of a regional coordinator, subject to all the other members councils committing to the position, and to modify the Principal Activity Plan allocation for the Environmental Management Services.

These adopted recommendations outline a regional approach to the community component of the Local Action Plan, and the part funding of a coordinator to assist with the implementation of this plan.

As part of the process the SRMC needs to amend it's establishment agreement. This amendment can only be undertaken with the endorsement of the City of Cockburn and all other SRMC members at the same time.



Submission

N/A

Report

The Southern Metropolitan Region of Councils (SRMC), which includes the City of Cockburn, City of Rockingham, City of Fremantle, Town of East Fremantle, City of Canning, Town of Kwinana and City of Melville, have been working through the development of the Cities for Climatic Protection program.

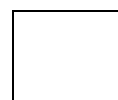
This work has resulted in the development of the Regional Community Greenhouse Strategic Plan, which provided a regional approach to tackling greenhouse gas emissions in the community. This plan was adopted at the November 2000 Council meeting. Briefly the advantages of the plan and regional approach are:

- Opportunities in resource sharing and economies of scale – by working collectively, Council staff will share information and expertise and save time in developing possible future activities for implementation;
- SMRC councils have demonstrated a collective approach works and these examples have provided a good working model;
- Financial incentives- by working together in developing joint initiatives, councils can then apply for AGO funding on a regional scale. This will provide greater opportunities to access large funding sources such as the ‘Greenhouse Gas Abatement Program’ and Greenhouse Challenge.

A collective voice also provides a stronger negotiating basis to approach State Government to work with us in implementing change in sectors such as transport and street lighting.

To commence further work on a regional basis, requires an amendment to the Southern Regional Metropolitan Council Establishment Agreement. This will then enable the organisation to commence the regional implementation of the “Regional Community Greenhouse Strategic Plan”.

Given the benefits it is recommended that Council support an amendment to the Established Agreement to include an additional purpose, which is to plan, co-ordinate and implement Greenhouse gas reduction program.



Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

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

Nil

DECLARATION OF FINANCIAL INTEREST

Clr Waters declared an interest in agenda item 14.11 - Heritage Listing - Naval Base Caravan Park. The nature being that her husband and her own shack number 237.

AT THIS POINT THE TIME BEING 7:54PM, CLR WATERS LEFT THE MEETING.

1073. (AG Item 14.11) (OCM1_4_2001) - HERITAGE LISTING - NAVAL BASE CARAVAN PARK, COCKBURN ROAD, HENDERSON (1911; 9136) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) consider the inclusion of the 'Naval Base Caravan Park' on the Heritage List of Places contained in the Municipal Heritage Inventory prepared pursuant to Section 45 of the Heritage of WA Act 1990; and



- (3) survey the opinions of the lessees concerning the possible inclusion of the Naval Base Caravan Park on the Municipal Heritage Inventory.

COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 9/0

Background

The 'Naval Base Caravan Park' as it is commonly referred to has been in existence as a holiday camp (shacks) since around 1933.

There are 178 camp sites, most of which appear to have originated as on-site caravans and over time have had awnings, patios and other minor additions attached to them.

The sites have been used by generations of families from not only Cockburn but from a wide range of metropolitan and country locations. It is a popular and well used holiday destination.

The reserve is well defined, it is adjacent to Challenger Beach and the boat ramp in the Town of Kwinana, the coastline is attractive for swimming, fishing and snorkeling and has attractive views across Cockburn Sound to Garden Island.

The camp sites are mostly well maintained, attractive, individualised and collectively comprise a very unique and novel group of holiday shacks.

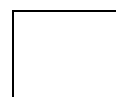
The camp sites are served by 2 ablution blocks and a small kiosk. The tenants have formed a "Holiday Association" to represent the interests of the reserve users. The reserve is vested in the City of Cockburn and therefore the area is well maintained and always found to be tidy and presentable.

Submission

N/A

Report

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



type existing along the coast. Naval Base is therefore a very unique and special place.

Given this it is considered that the Naval Base Caravan Park is a place of heritage significance and worthy of conservation.

The Cockburn coastline is one of the most attractive in the Metropolitan Area. Due to decisions of the past, it has suffered from the establishment of industrial development at North Coogee (Robb Jetty) and at Jervis Bay (shipbuilding). The reasons for such uses being located on the coast followed the needs of industry at the time and the benefits of the protected waters of Cockburn Sound. The loss of access to the coast by the public has gradually been reclaimed as a result of the relocation of the Explosives Magazine at Woodman Point, and the closure of the Robb Jetty Abattoir. However, at Jervis Bay additional beachfront is being taken up for shipbuilding with the loss of part of the Naval Base Reserve for the construction of the Southern Harbour Project.

It is likely that direct public access to the beach will be achieved with the redevelopment of the Bradken Foundry land at South Beach and the development of the Port Catherine Marina at Coogee.

All of the above developments provide different forms of access, for different types of residents and holiday makers at different levels of affordability.

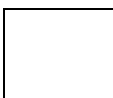
The Naval Base Caravan Park provides a very important and basic form of accommodation not easily found or replicated by the other locations.

The Naval Base Caravan Park is located on a narrow strip of land adjoining the southern boundary of the district and forms part of the Beeliar Regional Park. The site is isolated from other developments and therefore has no adverse impact on the use or enjoyment of the surrounding land uses.

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

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

It is understood that the reason why the State wanted to demolish the park was to enable the proposed Challenger Beach Container Port operated by the Fremantle Port Authority, to be constructed there.



Although this remains a concept, there has been no progress in relation to the planning of this project. However, it is still a firm proposal of the FPA.

One of the possible reasons for the lack of progress is probably due to the State Government promoting a "private port" at James Point, in Kwinana. According to the Town of Kwinana, the private port proposal is continuing and environmental investigations are currently being undertaken.

Although the FPA port and the private port are both on the agenda, it seems at this stage that the private port is progressing faster than the FPA proposal and it is unlikely in the short to medium term that there will be a need for two ports.

Should the private port become operational in the near future it is likely to provide for live sheep export, receipt of motor vehicles and containers.

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

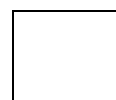
Moreover, there are currently issues relating to:-

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

In response to these issues, the reserve, which is owned by the Department of Land Administration (DOLA), is being used for recreation and camping. Over time the camps have become permanent structures. Despite this the majority of the camps are used on a temporary, holiday basis. By having the site heritage listed in recognition of its historic use and development, will assist in confirming the acceptability of the form of development on this reserve.

As far as the need for building licences to be issued for development on the reserve is concerned, the matter is currently the subject of discussions with DOLA and advice from Council's solicitor.

However, if the site becomes listed, it will mean that no redevelopment or development can proceed without planning consent. A condition of the planning consent could be that a building licence be issued for the proposed construction.



The Naval Base Caravan Park represents a piece of "fun" on the coast, setting itself apart from the more homogenous and monotonous development being established under modern regulations and controls. It is places like the Naval Base Caravan Park that provide interest and diversity within the City of Cockburn and something that should be retained for the enjoyment of future generations.

Strategic Plan/Policy Implications

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

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

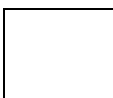
Budget/Financial Implications

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

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

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

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

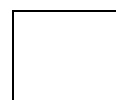


efficiency and effectiveness in the care and maintenance of the reserve, and provide a clear process, without duplication, for dealing with redevelopment applications and the issue of licences.

AT THIS POINT THE TIME BEING 7:55PM, CLR WATERS RETURNED TO THE MEETING.

1074. (AG Item 14.12) (OCM1_4_2001) - FINAL ADOPTION OF REZONING - LIGHT INDUSTRY TO MIXED BUSINESS (ADDITIONAL USE) - LOT 52; 8 BOYD CRESCENT, HAMILTON HILL - OWNER: G TEO - APPLICANT: ROBERTS DAY GROUP (92224) (MR) (ATTACH)

RECOMMENDATION		
That Council:		
(1) adopt the Amendment for final approval to District Zoning Scheme No 2 pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) without modification as follows:		
<ol style="list-style-type: none"> 1. Rezoning Lot 52 Boyd Crescent from 'Light Industry' to 'Mixed Business - Additional Use - Grouped Dwellings, Multiple Dwellings'. 2. Amending the Scheme Text in the Second Schedule - Additional Use as follows: 		
Street	Particulars of Land	Additional Use Permitted
Boyd Crescent	Lot 52 on Diagram 50562	<ul style="list-style-type: none"> • Grouped Dwellings • Multiple Dwellings <p>Any residential development shall incorporate design elements to minimise the potential for noise nuisance from nearby industrial properties.</p> <p>Investigate if any contaminants are present and where detected above Department of Environmental Protection guidelines the site being remediated prior to development.</p>



3. Amending the Scheme Maps accordingly.
- (2) adopt the comments in the Schedule of Submissions as contained in the Agenda attachments.
- (3) forward a copy of the signed and endorsed Scheme Amendment documents to the Western Australian Planning Commission seeking endorsement from the Minister.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Oliver that the recommendation be adopted.

CARRIED 10/0

Background

At its Ordinary meeting of the Council on 21 November 2000 (OCM 21/11/00 item 829) it was decided to initiate an amendment to rezone Lot 52 Boyd Crescent from 'Light Industry' to 'Mixed Business – Additional Use, Multiple Dwellings'. A description of the site and its surrounding context and servicing is included in the Planning Consultant's report attached to the Agenda.

Submission

The purpose of the Scheme Amendment is to facilitate the redevelopment of the existing factory premises into 18 studio units of R60 as depicted on the plan attached to the report.

The applicant's submission outlining the justification for the proposal is also detailed in the attachment to this report.

Report

The proposed Scheme Amendment was advertised for a period of 42 days in accordance with statutory requirements of the Town Planning & Development Act and Regulations. At the close of the advertising period two submissions were received from nearby owners as follows:-

- Owner of adjacent land where five (5) factory units include mechanical repairs, panel beater, cabinet maker, which are relatively



noisy. Concern was expressed regarding the potential for future residents complaining about noise from these factory units.

- A nearby owner expressed no objection with proposals for residential development on Boyd Crescent. Concern was similarly expressed that future residents may complain about the noise of the vehicles from Goodchild Meats.

The main concern expressed by nearby landowners is the potential for future resident complaints regarding noise from surrounding light industrial lots. The definition of light industry under District Zoning Scheme No 2 is such that only low key industries are permitted where they *“will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise etc.”* On this basis industry is currently required to abide by these Scheme requirements regardless of whether or not this Scheme Amendment is approved. There still remains the possibility of some impacts in terms of noise in the interim. Given that there is no significant complaint history from existing residents in the immediate locality, it is considered that any environmental impacts are manageable.

The rezoning proposal is generally consistent with the decision of the Council to rezone the site and surrounding land from ‘Light Industry’ to ‘Mixed Business’ under proposed Town Planning Scheme No 3 (TPS3). The Mixed Business Zone under TPS3 and as proposed provides the discretion for Council to approve single houses, grouped dwellings and multiple dwellings (apartments).

The proposal is also broadly consistent with the previous Council decision to support the Metropolitan Region Scheme (MRS) zoning change from ‘Industry’ to ‘Urban’ (residential) in the case of the Wesfarmers/Bradken land to the north of Rollinson Road. More specifically, the land immediately abutting the subject site was rezoned by Council from Commercial to Residential R60 in 1995 (Scheme Amendment No 134).

The preferred land use for the subject site is residential. Over time it is expected that adjacent industrial premises which are aging will be redeveloped for either commercial or service industrial uses that are more compatible with residential or alternatively be developed for residential use. The physical attributes of the land favour residential use and land values will also encourage redevelopment of the area.

The Department of Environmental Protection have decided that the proposal is not severe enough to warrant assessment under the Environmental Protection Act and instead provided advice on the key environmental factors which is not legally binding.



The key environmental factor is contamination. Taking into account that the proposed use of the site is for residential purposes, the site is an industrial lot and some former construction methods may have used residual chemicals. It was recommended that the site be investigated for site contamination prior to the rezoning being finalised. If contaminants are identified then the site should be remediated before development. This matter does not necessarily need to occur at the rezoning stage and could be dealt with prior to development of the site when a development application is lodged with the City. Modifications reflecting these requirements are provided for in the recommendations.

Strategic Plan/Policy Implications

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

Planning Your City

- *“To ensure that the development will enhance the levels of amenity currently enjoyed by the community”*

Conserving and Improving Your Environment

- *“To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.”*

The Town Planning Policies which apply to this item are:-

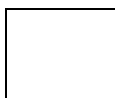
PD49 Town Planning Scheme No 2 – Amendments following Final Adoption of Proposed Town Planning Scheme no 3.

Budget/Financial Implications

N/A

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

Nil



1075. (AG Item 14.13) (OCM1_4_2001) - ONGOING NOISE AND DUST COMPLAINTS - LOT 206 GIBBS ROAD, BANJUP (SHIRLEY BALLA SWAMP) - OWNER: L & A GIGLIA (5513186) (SG) (MAP 28.043) (ATTACH)

RECOMMENDATION

That Council:

- (1) initiate a temporary closure of Bartram Road between Muir Court and Tapper Road, Banjup, pursuant to Section 3.50 of the Local Government Act 1995 subject to there being no objections from adjoining landowners or servicing authorities;
- (2) provide substantial barriers at both ends of the Bartram Road reserve closure;
- (3) erect fencing to the southern boundary of Lot 206 Gibbs Road Banjup, subject to the agreement of the owner;
- (4) advise the complainant, the abutting landowners and the servicing authorities of the Council's decision accordingly.
- (5) following the completion of the temporary closure initiate the permanent closure of Bartram Road between Muir Court and Tapper Road, Banjup and for the closed portion of the road reserve to be included in the Parks and Recreation Reserve under the MRS.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Oliver that the recommendation be adopted.

CARRIED 10/0

Background

Residents in the area have requested that access to the Bartram Road reserve and the Shirley Balla Swamp area be restricted.

In November 1998 Council received a complaint alleging excessive and unreasonable noise and dust nuisance from vehicles using a dry lake bed (Shirley Balla Swamp) located on the above property. Since then, Council has received 12 letters of complaint and numerous phone calls from 3 separate adjacent property owners residing in Muir Court, Banjup regarding these issues.



The complaints allege that noise and dust associated with the use of a variety of vehicles (ie. off-road, stolen sedans, motorcycles) occurs on most weekends throughout the day and into the evening. The dust nuisance has been verified by Council's Health Section on several occasions.

Submission

A letter requesting closure of Bartram Road reserve has been received from a local resident.

The Shirley Balla Swamp area is currently littered with 22 car bodies and is a major source of complaint in regards to excessive noise, dust and anti-social behaviour

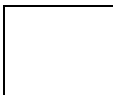
Previous efforts to deny access to the Shirley Balla Swamp area have included Council resources being used, during a clean up in conjunction with Clean Up Australia Day, to create bunding across access points which ultimately proved ineffective due to the property being unfenced.

Additionally, Council has sought and received permission from the current landowner for Council Rangers to enter the property and enforce the provisions of the Off Road Vehicles Act. Due to the anti-social nature of the offenders Police assistance and advice was requested culminating in a 'blitz' of the area involving 4 police officers, 2 rangers and an Environmental Health Officer. This operation was conducted on the weekend of 27 January 2000 and although it resulted in no contact being made the exercise established procedures for response to similar situations involving police and council officers.

Since the 28th January 2000, Council's Rangers have attended the property on a number of occasions either in response to complaints or random patrols.

Council received notice of an application for a proposed amalgamation /subdivision of Lot 209 to the north of Shirley Balla Swamp which is used as one access point. The Western Australian Planning Commission invited comment and recommendations on the proposal and Council's submission included a request for substantive fencing along the northern boundary of the proposal. On 16 January 2001 Council received advice from the Ministry of Planning that the purchase of Lot 209 by the WAPC is currently at an impasse as the owners have rejected the offer made by the Commission and the Ministry is not confident that the property will be settled for some time.

Additionally, discussions held with the Ministry of Planning regarding possible acquisition of Lot 206 Gibbs Road, as a conservation reserve, revealed that there is currently no plans to purchase this land.



Reserve 41438, which lies to the east of Shirley Balla Swamp, is currently used as another access / exit way and at Council's request is under consideration by the Department of Land Administration's Regional Manager for fencing along the southern and eastern boundaries.

Report

Adjacent landowners continue to be aggrieved from the impact of excessive noise and dust nuisance from vehicle use on the Shirley Balla Swamp area having received the most recent written complaint on 7 March 2001.

Fencing off the area to deny access, apart from fire control and service authority access, has been suggested by all affected parties and is seen to be the most effective way of resolving this issue. This would involve closure of the unsealed section of Bartram Road to the north, fencing the southern and eastern boundaries of reserve 41438 (on the corner of Gibbs and Liddlelow roads) and approximately 160 metres of the southern boundary of Lot 206 Gibbs road.

The Bartram Road reserve is not formed and is largely under water in winter months.

It is therefore recommended that Council effect the temporary closure of Bartram Rd reserve, provide a substantial barrier at both ends and, with the owners consent, erect approximately 160 metres of fencing to the southern boundary of lot 206 Gibbs Road.

Following temporary closure the Council should initiate the permanent closure of Bartram Road. The reason for the two actions, is because the temporary closure can occur quickly, whereas the permanent closure is time consuming. The closed portion of the reserve should become part of the regional reserve.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*



- *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
 4. Facilitating the needs of Your Community
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

Budget/Financial Implications

The cost of the road closure is negligible.

The construction of the barriers could cost in the order of \$5,000.

The erection of the 160m of fencing along the south-west corner of Lot 206 Gibbs Road could be in the order of \$5,000.

The final costs will be determined by quotation or tender.

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

The only issue seen under this section could be the action by the Council to construct a boundary fence along Gibbs Road which will protect land in private ownership.

It is understood that the owner is not willing to erect the fence, because the land is reserved as Parks and Recreation under the MRS, and therefore is identified for acquisition. Negotiations between the owners and the WAPC are continuing.

Given that the south-west corner of Lot 206 Gibbs Road is an access point into the reserve, fencing this area is the only practical option, to prevent the continuation of the existing nuisance experienced by adjoining landowners adjacent to the Shirley Balla Reserve.



The work on the boundary of Lot 206, will need to be undertaken with the agreement of the owner. Otherwise the fence will need to be erected in the road reserve (verge) which is not the preferred location.

1076. (AG Item 15.1) (OCM1_4_2001) - PAYMENT OF AN ALLOWANCE TO DEPUTY MAYOR (1701) (ATC) (ATTACH)

RECOMMENDATION

That Council:

- (1) pay the Deputy Mayor, an allowance of \$5,000 per year paid monthly in arrears, for duties carried out during periods of absence of the Mayor, for which leave has been granted by Council, or for periods when the Mayor is out of the State on Council business; and
- (2) review the allowance in April 2002.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr Edwards SECONDED Cllr Rennie that Council:-

- (1) pay the Deputy Mayor an allowance of \$8,000 per year, paid monthly in arrears; and
- (2) review the allowance in April 2002.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 7/3

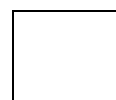
Explanation

It is considered the periods of absence of the Mayor will be approximately seven(7) weeks per year, rather than the four weeks suggested in the report.

Background

At its Special Meeting on 12 December 2000, Council decided to:

- (1) *pay to the Deputy Mayor, an allowance for the duration of any periods of absence of the Mayor for which leave has been granted by Council, or for periods when the Mayor is out of the State on Council business;*



- (2) *establish that the payment to the Deputy Mayor, pursuant to (1) above, be at the same daily rate which would apply should the Mayoral Local Government Allowance be calculated on that basis; and*
- (3) *note that any payment made during a financial year, will not exceed 25% of the payment made to the Mayor.*

Submission

The Deputy Mayor has requested that consideration be given to payment of a monthly allowance equivalent to that which he is likely to receive on an adhoc basis during a year while acting as Mayor during the Mayor's official absences. He has suggested that the Mayor is likely to be absent for a period of six to seven weeks during a year on holidays, conferences and other official visits.

He states that from a budgeting perspective, the current arrangement leads to uncertainties. The current budgeting practice is for payments for both the Mayor and the Deputy Mayor to be drawn from the same account. The uncertainty is the number of weeks per year the Mayor will be :

- (a) granted duration of periods of absence for which leave has been granted by Council, or
- (b) duration of periods when the Mayor is out of the State on Council business.

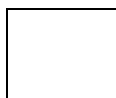
It is therefore difficult to budget the amount of funds that should be set aside for the Deputy Mayor during the budget setting process.

The Deputy Mayor advises that from his perspective, it is better from an accounting and taxation point of view, to have regular streams of income rather than having an allowance paid at irregular intervals throughout the year.

He further points out that research undertaken prior to the Special Meeting of Council on 12 December 2000 (see table attached to the Agenda), indicates that payment of an allowance to the Deputy Mayor is common.

Report

Payments to the Deputy Mayor have, in past years, been based on an allowance for the duration of any periods of absence of the Mayor for which leave has been granted by Council, or for periods when the Mayor is out of the State on Council business. This allowance has been



calculated on the same daily rate which applies to the Mayoral Entertainment/Local Government Allowance. The proposal by the Deputy Mayor, if accepted, would give certainty to the amount to be included in the budget for payment of his allowance.

In past years, the Mayor of Cockburn has attended two interstate conferences each year – the National Institute of Municipal Management Conference (now Local Government Managers Association) and the Australian Local Government Association Conference. On each occasion, approximately one week's leave of absence was granted by Council. In recent years, the Mayor has travelled to each of our Sister Cities which also entailed an absence of about one week. In addition, leave of absence has been granted for personal reasons for periods of up to four weeks.

The Local Government allowance payable to the Mayor is \$60,000 per year. The allowance for the Deputy Mayor under the current arrangements would therefore be \$164.38 per day.

Section 5.98A of the Local Government Act 1995 allows for a Council to decide that an allowance can be paid to the Deputy Mayor and payment of such an allowance was common in the councils surveyed. The amount of the allowance is for each council to decide according to their expectations of the role of the Deputy Mayor and what they consider appropriate. However, such allowance must not exceed 25% of the Local Government allowance paid to the Mayor which means that the maximum allowance payable to the Deputy Mayor in Cockburn's case is \$15,000 per year.

The choice for Council is therefore to continue the existing policy of payment of an allowance to the Deputy Mayor on an adhoc basis, or to annualise the anticipated amount payable during a year and pay that amount on a monthly basis.

The absence of the Mayor in any one year can vary from three weeks to seven weeks based on past experience. The amount payable to the Deputy Mayor under the existing policy, can vary from \$3,452 to \$8,055. It is proposed that the Deputy Mayor be paid an annual allowance of \$5,000 paid monthly in arrears with the allowance to be reviewed in April 2002. This amount equated to approximately 30 days if payment was to be related to the requirement for the Deputy Mayor to perform the functions of the Mayor during periods of absence.

Strategic Plan/Policy Implications

Policy C5.1 – Mayoral Allowance may require amendment.



Budget/Financial Implications

Sufficient funds are available in Account No.110252 (Mayoral Allowance).

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

Nil

1077. (AG Item 15.2) (OCM1_4_2001) - BUDGET REVIEW FOR THE PERIOD 1 JULY 2000 TO 28 FEBRUARY 2001 (5402) (ATC) (ATTACH)

RECOMMENDATION			
That Council amend the Municipal Budget for 2000/01 as set out in the table below:			
A/c. No.	Description	Current Budget \$	Proposed Budget \$
	<u>Increased Income/Savings</u>		
100001	GRV Improved Residential	-5,664,727	-5,864,727
100005	GRV Improved Industrial	-2,646,239	-2,731,239
100009	UV Special Rural	-347,047	-372,047
100017	Discount Allowed	565,000	515,000
500102	Development Application Fees	-80,000	-131,000
495555	Midge Control	122,428	78,428
171427	Safer Seniors Program	21,330	10,000
8296A	Dial-A-Bus	8,422	0
555461	Social Services Issues	24,000	19,000
560260	Joe Cooper Cleaning	12,000	4,000
580736	Disabled Access to Joe Cooper	25,000	10,000
NEW	Insurance Reimbursement – Santich	0	-21,000
	Park Storage Shed		
315031	CSRFF Grant – Anning Park cricket wicket	0	-3,470
325040	Lotteries Comm. Grant – Youth Bus	0	-13,406
115380	Telephone Monitoring	5,000	0
115240	Staff Uniforms	5,000	1,000
590752	SLLC car park	40,000	0
485191	TF from Rubbish Development Res.	-2,504,839	-2,704,839
485191	From Rubbish Development Reserve	-2,704,839	-2,854,839
480112	Commercial Pickup Fees	0	-42,300
480070	Rubbish Removal Charges	-3,375,000	-3,400,000
481030	Dept. of Env. Prot. – Recycling Grant	0	-33,900
695306	Berrigan Dr (at Semple Ct) – Install left lane	15,000	0
695313	Erceg Rd/Shallcross St – Modify intersection	15,000	10,000
695315	Jandakot Rd – Widen shoulders for left turn	20,000	11,500
695359	Williambury Dr/Conigrave Rd south – Traffic management treatment	40,000	20,500



695968	Williambury Dr – Install TMD	19,703	6,003
NEW	Mayor Road – Traffic calming	112,000	53,700
680803	North Lake Rd (Prout/bus stop) – New footpath	9,500	0
680805	Starling St (Stratton/Kerry) – New footpath	36,000	27,000
680831	Progress Dr (Hope/reserve entry) – Realign path	15,000	0
575851	Coogee Beach Play Equipment	26,845	1,147
575206	Davilak Triangle – New bore	10,000	8,057
575912	Jarvis Park – Grass and landscape	12,037	0
575221	Malabar Park BMX – Extend irrigation	5,000	2,786
575212	Nicholson Park – New bore and cubicle	48,000	39,643
	<u>Reduced Income / Over-expenditure / New Projects</u>		
140240	Staff Recruitment	30,000	68,000
870200	Business Management Service Unit	633,000	680,000
NEW	Review of Municipal Inventory	0	6,000
495330	Minor Furniture and Equipment	4,707	11,207
495400	Inspection and Operation	1,000	3,500
495476	Management of Natural Areas	44,615	79,615
180200	Rangers Salaries	311,000	325,800
165470	Sundry Minor Expenses	2,000	9,000
NEW	Donation to K9 Rescue Group	0	500
160466	Bush Fire Fighting	6,000	19,100
190750	Jess Thomas Health Clinic – Modification	0	7,000
315431	Anning Park Cricket Wicket contribution	0	910
355700	Furniture and Equipment	0	5,000
NEW	School Student Travel tour donations	0	4,600
NEW	Santich Park Storage Shed	0	39,000
115461	Cockburn Soundings	89,113	95,467
115230	Communication Costs	45,000	70,000
NEW	Roof Support Works	0	15,000
NEW	Replace Exhaust Fans	0	25,000
875710	Workshop Tools	12,000	14,520
485805	Waste Disposal Site Works	2,300,000	2,500,000
485464	Henderson Disposal Site	510,126	527,126
485090	Rubbish Tip Fees	-2,414,794	-1,950,000
695303	Beeliar Dr (near Lakeridge Dr) – Construct pedestrian crossing	10,000	27,000
695304	Beeliar Dr/Lakeridge Dr – Construction passing lane	35,000	82,000
695320	Mayor Rd (Fawcett/Hamilton) – Reconstruct	60,000	67,000
695350	Forrest Rd (Coolbellup/North Lake) – Raised central island treatment	100,000	130,000
695307	Bibra Dr (near Lewington Gdns) – Upgrade/provide pedestrian crossings	20,000	30,000
695312	Dodd St/Headland St – Intersection treatment	5,000	8,000
695354	Marvell Ave (Newton/Barrington)–TMD	6,000	12,000
695541	Troode St – Install TMDs	0	2,250
680804	Alonso St (Ferdinand/Prospero) – New footpath	11,000	14,000

680812	Leonard Way (Angus/Angus) – New footpath	25,500	29,000
680818	Motrill St (Cranberry/Hayward) – New brick footpath	39,000	43,000
680830	East Churchill Ave (Stock #88) – Replace slab path	22,000	25,000
680836	Healy Rd (Redmond/Frederick) – Replace slab path	28,000	30,500
680837	Healy Rd (Frederick/Carrington) – Replace slab path	22,500	26,500
680838	Healy Rd (Carrington/Carter) – Replace slab path	26,500	32,000
NEW	Dunraven Dr (to Argyle Pl) – New footpath	0	4,500
NEW	Lydon Bld (to Atwell primary School) – New footpath	0	5,500
573319	Emergency Bore Maintenance	15,000	35,000
575210	Len Packham Res. – Replace irrigation	61,000	75,000
575214	Goodchild Park – Replace cricket wicket	11,000	26,949
573287	North Coogee Reserve Maintenance	23,871	24,171
NEW	COC RSL Memorial park – Admin/Survey Costs	0	4,000
125720	Computer equipment	279,610	329,610

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr Edwards SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Council reviews its Budget twice each year for the periods ending October and February.

Submission

N/A

Report

A report on the review of the Municipal budget for the period 1 July 2000 to 28 February 2001 is attached to the Agenda.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

A number of amendments to the Budget are recommended.

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

Nil

**1078. (AG Item 15.3) (OCM1_4_2001) - LIST OF CREDITORS PAID (5605)
(KL) (ATTACH)**

RECOMMENDATION

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

COUNCIL DECISION

MOVED Cllr Rennie SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

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

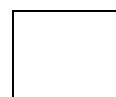
N/A

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

1079. (AG Item 15.4) (OCM1_4_2001) - DRAFT PRINCIPAL ACTIVITIES PLAN 2001/02 - 2004/05 (5406) (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Draft Principal Activities Plan 2001/02 to 2004/05, as attached to the Agenda and that the Plan be advertised for public comment.

COUNCIL DECISION

MOVED Cllr Rennie SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

Under the Local government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan must be developed in conjunction with the community and when finalised, will be the basis for adoption of the annual budget for the City.

Submission

N/A

Report

The Draft Principal Activities Plan for the period 2001/02 to 2004/05 is attached to the Agenda.

The Draft Plan is required to be available for public comment for a period of six weeks. It is intended to advertise the Plan as being available from Monday, 23 April 2001 with public comment closing on Tuesday, 5 June 2001. Comments on the Plan and the proposed final Plan would then be submitted to Council at its Meeting on 19 June 2001.



Strategic Plan/Policy Implications

The Draft Principal Activities Plan describes its links to the Corporate Strategic Plan.

Budget/Financial Implications

The Principal Activities Plan when adopted, forms the basis of the budget for 2001/02. Any variances from the Principal Activities Plan must be detailed in the Budget document.

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

Nil

1080. (AG Item 15.5) (OCM1_4_2001) - REVIEW OF RESERVE FUNDS (5000; 5402) (ATC) (ATTACH)

RECOMMENDATION

That Council set aside money in the appropriate Reserve Funds to allow for the orderly funding of major projects and that the Reserve Funds be reviewed on an annual basis.

COUNCIL DECISION

MOVED Cllr Rennie SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

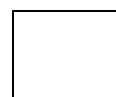
Council reviews its Reserve Funds on an annual basis.

Submission

N/A

Report

A report by the Director, Finance and Corporate Services on the Review of Reserve Funds is attached to the Agenda.



Strategic Plan/Policy Implications

Use of Reserve Funds is in line with Council's Strategic Plan.

Budget/Financial Implications

The proposed movements in Reserve Funds outlined in the report will be used in Council's Principal Activities Plan and the first draft budget for 2001/02. Use of Reserve Funds as set out, may be varied at Budget meetings.

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

Nil

1081. (AG Item 15.6) (OCM1_4_2001) - REVIEW OF MAYORAL ALLOWANCE (1335; 1701) (ATC)

RECOMMENDATION

That Council pay the Mayor a Local Government Allowance of \$60,000 for the financial year 2001/02, paid monthly in arrears.

COUNCIL DECISION

MOVED Cllr Rennie SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

Council's policy is to review the Mayoral Allowance in April each year to determine the amount to be paid for the following financial year.

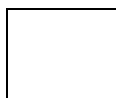
Submission

N/A

Report

At its Special Meeting on 12 December 2000, Council decided:

- (1) *in anticipation of standards being handed down by the Salaries and Allowances Tribunal, the Mayor be paid a Local Government*



Allowance of \$60,000 in accordance with Section 5.98(5)(b) of the Local Government Act 1995; and

- (2) *not employ a consultant to provide advice regarding the Mayoral Allowance due to the deliberations of the Salaries and Allowance Tribunal.*

Advice from the Department of Local Government, is that no decision has been made to refer payments to Mayors to the Salaries and Allowances Tribunal. Any such referral will require legislative changes and no decision has been made to draft such legislation.

As the allowance currently paid of \$60,000 is the maximum that can be paid it is recommended that the amount remain unchanged.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

1082. (AG Item 15.7) (OCM1_4_2001) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Report on the Financial Statements for the second triennial period ending 28 February 2001.

COUNCIL DECISION

MOVED Clr Rennie SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

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



(Financial Management) Regulations 1996, prescribes that a local government is to present reports ending 31 October, 28 February and 30 June.

Submission

N/A

Report

Attached to the Agenda is a Report on the Financial Statements for the period ending 28 February 2001.

Any significant variations between the year to date income and expenditure totals and the relevant Annual Budget provisions, have been identified and addressed through the Budget Review submitted to Council.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

1083. (AG Item 16.1) (OCM1_4_2001) - REGIONAL VERGE GREEN AND BULK WASTE COLLECTION (4903) (BKG)

RECOMMENDATION

That Council advise the Southern Metropolitan Regional Council it supports and will participate in a Regional verge green and bulk waste collection service.

COUNCIL DECISION

MOVED Cllr Rennie SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0



Background

At present the City of Cockburn provides a verge green waste collection three times per year and a bulk junk collection once per year.

The Southern Metropolitan Regional Council Waste Strategy is keen for this service to continue.

Canning, Melville and East Fremantle are all expected to provide the same service. Fremantle currently provides 12 verge collections.

Submission

The Southern Metropolitan Regional Council has requested advice from participating Councils as to whether they wish to be part of a regional waste contract for the removal of green and bulk waste from the verges.

Report

Currently the City of Cockburn provides the service of collecting green waste and bulk waste from the verges by hiring trucks, bob-cat and staff on an hourly rate. The work is supervised by Council staff. Each collection costs approximately \$40,000.

Council recently went out to tender and only one offer was received. This was from the contractor who supplies the trucks and equipment on an hourly rate and an estimate by the waste services engineer concluded it was cheaper to stay with the current arrangement.

The other Councils have also had difficulty in obtaining reliable contractors.

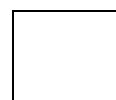
The Southern Metropolitan Regional Council have prepared a business plan to provide the service to all or those member Councils requesting it.

A tender covering Cockburn, Melville, Rockingham and East Fremantle may attract a larger contractor. It may provide work all year and therefore they may invest in the necessary equipment.

It is recommended that the City of Cockburn advise the Southern Metropolitan Regional Council that it will participate in a regional verge green and bulk waste collection service.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is to reduce the amount of waste from residential properties going to landfill.



Budget/Financial Implications

In the 2000/01 financial year \$37,000 was provided for a verge junk collection and \$101,000 for 3 verge green waste collections. This is for the green waste to be delivered to Henderson. In the next financial year the costs will be higher as it will be delivered to the regional Council facility at Canning Vale.

It is hoped however that if a regional collection contract is let, the costs will be lower.

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

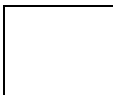
This service of green waste and bulk collection will be offered to private enterprise companies.

1084. (AG Item 17.1) (OCM1_4_2001) - LOT 14 PROGRESS DRIVE - WA CROATIAN ASSOCIATION (1100231) (LJCD)

RECOMMENDATION

That Council:-

- (1) implement the necessary action to finalise the sale of Lot 21 Progress Drive, Bibra Lake to the WA Croatian Association (Inc.) in accordance with the Contract of Sale prepared by Council's solicitors;
- (2) advise the WA Croatian Association (Inc.) that:
 1. Council holds an amount of \$33,315, being the balance of the works contribution the Association paid to Council, of which \$6,115 is refundable, whilst the remaining balance of \$27,200 is to be held in case there is a need to service the bank guarantee relating to the sewerage condition of subdivision.
 2. Council requires a formal Development Application to be approved prior to the commencement of any works occurring on Lot 21 relative to the construction of the clubroom facilities;
 3. Council requires a formal Lease Agreement to be approved by Council prior to the commencement of any works to develop the soccer playing facilities on Lot 22;
 4. Council's decision is based on the independent review of the process undertaken by Council since the



commencement of the project, which indicates that community/Council concerns relevant to potential environmental and financial impacts of the project can be adequately managed with minimal or no exposure of public (Council) funds being at risk because of non-compliance with the environmental commitments on the development; and

5. Council does not intend to provide any additional funding towards the development of Lots 21 and 22, other than that which formed the initially adopted Business Plan prepared by Council and including those minor adjustments recommended as a result of the independent review.

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Cllr Oliver that pursuant to s5.4(b) of the Local Government Act 1995 (WA), Council defer consideration of this recommendation to a Special Meeting of Council to be held at a time and date fixed by the Mayor.

CARRIED 6/4

Explanation

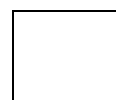
It was considered appropriate for further time to be allowed to enable Elected Members to familiarise themselves with all aspects of this issue to enable Council to be fully aware of all matters prior to a final decision being made.

Background

On the 20 March 2001 Council in relation to this matter adopted the following resolution.

“That Council:

- 1) instruct the Chief Executive Officer not to proceed with settlement of the transfer of land of Lot 14 Progress Drive to the West Australian Croatian Association (WACA), until Council has the opportunity to fully consider community concerns raised in respect to on-going environmental commitments associated with the project; and



2) as settlement is due within 120 days of the issue of title, a report based on findings of the independent consultants report, be presented as soon as possible to a future Council meeting addressing such issues as:

- Proponency
- Financial Implications
- Environment Impact
- Legal Implications Placed on Council”

Furthermore, at a meeting Council held with representatives of the WA Croatian Association (Inc.) on the 28 March 2001 the Association presented a letter requesting that Council release \$70,000 of its funds.

Submission

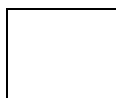
Advice provided by Council’s solicitors implies that Council has a legal obligation under the Contract of Sale to proceed with the transfer of Lot 21 Progress Drive, Bibra Lake to the WA Croatian Association (Inc.). Also the sum of \$6,115 can be returned to the Association, as project expenditure commitments have been satisfied, except that amount which is related to the bank guarantee of the sewerage condition of subdivision.

Report

The report entitled “Review of Environmental Issues associated with the CER and subsequent Environment Approvals for the ‘Soccer and Recreation Development,’ Progress Drive, Bibra Lake (Assessment 1076, Statement 475)” prepared by the consulting firm Brown & Root Services Asia Pacific Pty Ltd, has been received by Council. The report addresses the issues raised by Council on the 20 March 2001.

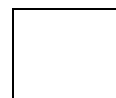
In the opening paragraph of the Summary of the report it states “The development proposed for Lots 21 and 22 Progress Drive, Bibra Lake does not pose any insurmountable environmental difficulties. Providing the proposal is implemented and operated in a manner that is consistent with Statement 475, the risk of unacceptable effects on the adjacent environment is minimal.”

Section 1 of the report sets out the terms of reference. Section 2 reviews the environmental commitments established under the Minister’s Statement 475, and provides control mechanisms to deal with the issues. It is important to note that the Consultative Environmental Review prepared by Council set out 32 commitments in relation to the project, however the Minister decided to impose only 13 of these commitments.



The issue of proponentcy has been reported upon and discussed at length, and the report emphasises that at this point in time Council is the sole proponent for the project, notwithstanding the fact that there was a letter from the Minister, which implied that a joint proponentcy existed between Council and WACA. It has been revealed that this position is not correct and Council has approached the Department of Environmental Protection to install the WA Croatian Association (Inc.) as a joint proponent to the project. Although no response has yet been received, there is no impediment to Council transferring the environmental commitments to the WA Croatian Association (Inc.) through the Lease for Lot 22, however this does not abdicate Council from its responsibility as the sole proponent of the project, in the meantime. The following table contains the mechanisms in place to provide Council with the required protection and places the burden of responsibility for compliance with the development conditions upon the WA Croatian Association.

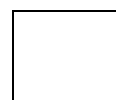
Code	Description	Control Mechanism
M4.1 M4.2	Site Access Plan	<p>Development Approval Process All final plans submitted for the Development Approval must be consistent with the approved Site Plan (As per Appendix B of the Brown & Root report).</p>
M5.1 M5.2	Nutrient and Irrigation Management Plan	<p>Development Approval Process Should include conditions to ensure compliance with construction techniques, final form and characteristics as described in the NIMP (As per Appendix D of the Brown & Root report).</p> <p>Lease Conditions Should include conditions to ensure operation, review, monitoring, compliance and reporting are consistent with NIMP requirements (As per Appendix D of the Brown & Root report). Should include a condition to the effect that any detrimental effects on Tappers Lake or Bibra Lake that can be attributed to non-compliance with the criteria in the NIMP shall be remediated by the lessee.</p>



Code	Description	Control Mechanism
M5.3	Approval to go to Stage 2	<p>Development Approval Process Should only be supported subject to demonstrated compliance with NIMP criteria for Stage 1.</p> <p>Note: The NIMP would require review and updating to accommodate Stage 2. This review and associated costs may be passed on to the WACA as a condition of Council allocating funds to proceed to Stage 2.</p>
M6	Compliance Auditing (Project Compliance Reports)	<p>Lease Conditions Should include conditions requiring the preparation of PCRs within a timeframe suitable for Council to review and approve prior to submission to the DEP to meet reporting timelines.</p>
P1:1	Clearing and Dieback	<p>Contract of Sale Includes an existing clause stating that the WACA shall comply with the requirements of Ministerial Statement 475.</p> <p>Development Approval Process Should include conditions to: Tag trees to be retained within works areas prior to works on ground; Clearly mark 'extent of works'* prior to works on ground through the use of suitable barriers, fencing, and or signage; Confine storage, movement and operation of all machinery and other goods to within the area to be cleared; Ensure all goods, vehicles and other equipment brought to site, and leaving the site, are free of soil and plant material; and Ensure any fill material brought to the site is certified as 'dieback free'.</p> <p>Lease Conditions Should include conditions that are consistent with the Development Approval process. The Lease Conditions should include provision for penalties and any costs associated with remediation in the event of non-compliance.</p>



Code	Description	Control Mechanism
P1.2: 1 P1.2: 2	Revegetation and Landscape Program	<p>Contract of Sale Includes an existing clause stating that the WACA shall comply with the requirements of Ministerial Statement 475.</p> <p>Development Approval Process Should include conditions requiring: Implementation of the Revegetation and Landscape program approved by the DEP (As per Appendix C of the Brown & Root report). Implementation of the program as soon as practical following completion of bulk earthworks Notes regarding seasonal requirements for establishment success; lead time required to pre-order seeds and seedlings to ensure adequate seeds and seedlings are available for planting, should also be included on the approval.</p> <p>Lease Conditions Should include conditions consistent with the Development Approval. The Lease Conditions should include provision for penalties and any costs associated with remediation in the event of non-compliance.</p>
P2	Protection of tortoises – Monitoring, signage, fencing	<p>Council Activities Erect signs advising of tortoise crossing consistent with advice from CALM.</p> <p>Development Approval Process Should include conditions to alter fencing if necessary to address obvious effects on tortoise movements based on advice from CALM.</p> <p>Council Activities Monitor tortoise movements and population during the breeding season to report on any changes in numbers.</p> <p>Lease Conditions Should include conditions that are consistent with the Development Approval. The Lease Conditions should include provision for penalties and any costs associated with remediation in the event of non-compliance.</p>



Code	Description	Control Mechanism
P3	Rehabilitation of Tappers Lake and part of Bibra Lake	<p>Contract of Sale Includes an existing clause stating that the WACA shall comply with the requirements of Ministerial Statement 475.</p> <p>Development Approval Process Should include conditions to require implementation of the Revegetation and Landscape program consistent with requirements under P1.2:2.</p> <p>Lease Conditions The Lease Conditions should include provision for penalties and any costs associated with remediation activities in the event of non-compliance. Should Council wish to involve WACA in future responsibilities for the development of the remaining portion of Lot 14 (ie: Stage 2) then additional Lease conditions to this effect would be appropriate. Note: It is important to advise DEP of the boundary that defines Stage 1 and 2. The current approval is for both Stages with no clear 'line' between the two. There is a possibility that DEP would expect some of this work to be carried out as part of Stage 1 activities when the intent is that this work is tied to Stage 2.</p>
P4:1	Surface drainage to prevent flow to Bibra Lake	<p>Contract of Sale Includes an existing clause stating that the WACA shall comply with the requirements of Ministerial Statement 475.</p> <p>Development Approval Process The Development Proposal must include detailed drainage plans supported by correspondence from WRC specifically stating that WRC believe the proposed drainage plans are consistent with Commitment P4:1.</p>
P8:1	Midges	<p>Lease Conditions Should include a condition to ensure any proposed night time activities are consistent with the City of Cockburn's Integrated Midge Control Strategy.</p>



Code	Description	Control Mechanism
P8:2	Maintenance of vegetation	Lease Conditions Should include a condition requiring monitoring and management of landscaped and revegetated areas under the Revegetation and Landscaping program are maintained in an appropriate condition. Reporting would be via the PCR prepared annually.
P9:1	Surface drainage to contain water on site	Development Approval Process The Development Proposal must include detailed drainage plans including correspondence from WRC specifically stating that WRC believe the proposed drainage plans are consistent with Commitment P9:1.
P9:2	Amendments in swales	Development Approval Process Should include a condition to ensure swales include soils consistent with removal of nutrients (ie: PRI >10)
P9:3	Plantings in swales	Development Approval Process Should include a condition to ensure appropriate species of sedge, shrub and wetland plants are established in the swales to help remove nutrients from stormwater. The developer (in this case WACA) should be required to demonstrate the species selected are consistent with current advice from WCS. Ensure the species of plants selected are consistent with WRC publications and general advice.
P9:4	Management of drainage water from Adventure World and Forrest Road	Development Approval Process The Development Proposal must include detailed drainage plans that are consistent with correspondence from the City of Cockburn to the DEP dated 5 October 2000 regarding management of this drainage water.
P11	Provision of adequate carparking	Development Approval Process The Development Proposal must include detailed plans that are consistent with the site plan approved by the DEP (As per Appendix B of the Brown & Root report).



Code	Description	Control Mechanism
P13	Community Consultation	<p>Development Approval Process</p> <p>This process should ensure adequate consultation with the community when the development approval is being considered including:</p> <p>Signage at the lot; Advertising in the local newspaper; Detailed plans being made available for perusal at council offices; and Availability of appropriate Council staff to respond to 'over the counter' enquiries.</p>

* *'Extent of works' is the area that will be disturbed during construction. The purpose of demarcating this area is to ensure contractors on the site are fully aware of where they are permitted to go. There should be no disturbance of any kind beyond this area.*

The report has reviewed the community concerns and has stated that they are generally unfounded, nevertheless some minor extra expenditure is recommended. Table 5.1 depicts the additional expenditure recommended to cover such activities as "Council Inspection of Works", "Community Consultation" and "Clearance of Outstanding Conditions." There is scope within the existing project budget to fund these activities due to the budget surplus. For example, Council's budget is \$172,450 and expenditure to date amounts to \$78,970, therefore there is sufficient surplus to cover the additional suggested expenditure of \$18,400.

The report briefly covers the legal position of the project and it makes reference to five primary legal issues regarding the project as follows:

- * Proponent status and proponent responsibilities under the *Environmental protection Act (1986)*;
- * The ability of a proponent to transfer environmental requirements to third parties via contractual arrangements;
- * Current status of the Contract of Sale of Lot 21 to the WACA;
- * Implications for Council should the contract be binding and Council wish to withdraw; and
- * The ability of Lease Conditions to effectively transfer financial risk associated with environmental issues to a third party.

Proponency – Council is the sole proponent, however there is a possibility that a joint proponency may exist in the future, subject to approval of the Minister.



Transfer of Environmental Requirements – it is possible to transfer the environmental requirements to the WA Croatian Association (Inc.) through mechanisms mentioned earlier in the report.

Contract of Sale – a legally binding Contract of Sale exists between Council and the WA Croatian Association (Inc.) and Council could be exposed to financial risk if it elects to withdraw from the contract.

Lease Conditions – it is possible to transfer financial risk associated with environmental issues related to the establishment and operation of the soccer playing facilities to the WA Croatian Association.

Turning now to the letter dated 28 March 2001, from the WA Croatian Association (Inc.), in which Council was requested to release \$70,000 of the Association's funds. Council does not hold such an amount – details are provided below. It is true that the Association has paid to Council the amount of \$152,487.00 and this amount is made up as follows.

Payment of Deposit – Lot 21	\$ 10,000.00*
Contribution to preparation of additional documents to facilitate EPA process	\$ 16,924.00*
Contribution to Works	<u>\$125,563.00</u>
Total	\$152,487.00

* These amounts are non-refundable.

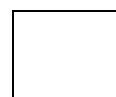
WACA Subdivisional Works Program Costs

	Contribution Paid	Amount Spent	Balance
Electricity	\$ 21,813	\$ 13,763	\$ 8,050
Sewerage	\$ 34,000	\$ 28,678*	\$ 5,322
Water	\$ 65,000	\$ 64,891	\$ 109
Headwork Charges	\$ 4,000	\$ 4,445	\$ (445)
Drainage headwork Charges	\$ 750	\$ 3,456	\$ (2,706)
Legal Fees	Nil	\$ 1,442	\$ (1,442)
Survey Costs	Nil	\$ 2,773	\$ (2,773)
	\$125,563	\$119,448	\$ 6,115

* Contained within this amount is the sum of \$27,200 being the Association's financial commitment to the bank guarantee. Therefore, the sum of \$27,200 and the surplus of \$6,115 equals \$33,315.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.



Budget/Financial Implications

As per the Business Plan previously adopted by Council.

Implications of Section 3.18(30 Local Government Act 1995

Nil

1085. (AG Item 17.2) (OCM1_4_2001) - PROPOSED NEW SUBURB NAMES - PART OF BIBRA LAKE (1050) (DMG) (ATTACH)

RECOMMENDATION

That Council apply to the Geographic Names Committee for:-

- (1) the addition of the name "St Paul's Estate" to the addresses of property located in that part of Bibra Lake bounded by Phoenix Road, North Lake Road, Stock Road and the Roe Highway Alignment; and
- (2) the addition of the name "Bibra Lake Industrial Estate" to the addresses of property located in that part of Bibra Lake bounded by Phoenix Road, Stock Road, Barrington Street, Railway Line and North Lake Road as depicted on the attachments to the Agenda.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Rennie that the recommendation be adopted.

CARRIED 10/0

Background

During the community consultation process undertaken in 1999 in relation to the review of Ward Boundaries and Councillor representation, one of the findings of the resultant research was that Council should endeavour to align its Ward and Suburb boundaries to reduce the possibility for confusion to be caused at Council elections. (Respondents to the survey were concerned that most suburbs were divided between Wards, as they existed at the time, and many were uncertain about which Ward they resided in).



As a consequence of this, Council's review of its Ward Boundaries resulted in the three new Wards created being aligned as closely as possible with current suburb boundaries. The exception was the suburb of Bibra Lake which was divided at North Lake Road into Central Ward and East Ward.

Further to this outcome, Council subsequently resolved to seek the opinions of residents, landowners and business operators in the area located between North Lake and Stock Roads on the possibility of creating a newly named suburb which would be located entirely in Central Ward.

This process involved an article in "Cockburn Soundings" and the "Half Page", Council's fortnightly advertisement in the Cockburn Herald seeking public opinion on the proposal and, if supported, suggestions for the naming of the area.

Sufficient support resulted from this process for Council to extend its consultation to include a direct mail questionnaire giving respondents a choice of preferred suburb name. However, because the original feedback indicated that residents in the area felt that the residential and industrial areas should have separate names, Council resolved that the questionnaire be tailored to include options to apply separate names to both these areas, which would have the effect of creating two new suburbs.

Submission

N/A

Report

The Council decision of November, 2000, had the effect of Council supporting the most favoured response from the two areas surveyed in order to identify the most preferred name(s) for the subject area(s).

The response from the residential area overwhelmingly supported the name "St Paul" or "St Pauls" to be allocated to that area. From a response rate of 42%, there were 89% in favour of this suggestion.

Interestingly, however, the response from the Industrial area was significantly different. From a response rate of 23%, the majority (60%) supported no change to the suburb name with the remainder relatively evenly divided between the three choices of name provided. Reasons cited by business operators were mainly related to increased costs in advertising and stationery which would be necessary if the suburb name changed.



Accordingly, in line with Council's direction, a submission was forwarded to the Geographic Names Committee (GNC) to have the affected residential area renamed "St Paul" or "St Pauls". However, no submission was prepared relating to the industrial area, because the majority of respondents were against any suburb name change, principally for commercial reasons.

In preparing the submission related to the "St Pauls" area, it was identified that some of the guidelines prepared by GNC could not be complied with, because the original intention of creating one new suburb had been amended, with a reviewed objective being the creation of two new suburbs. Hence, the guidelines relating to area and lot numbers were unable to be met when pursuing this revised objective. Consequently, GNC rejected Council's submission to rename part of Bibra Lake to "St Pauls".

However, it is possible to seek the approval of the GNC to include the title of "St Paul's Estate" as an addition to the official address of lots in the area viz, "St Paul's Estate, Bibra Lake 6163".

It is considered that if this approach was taken for the residential (St Pauls) area, then it would also be appropriate to apply the title "Bibra Lake Industrial Estate" to the remainder of the area under consideration.

This action would not require any additional burden on businesses, as the suburb name does not alter and, if anything, enhances its identity as a specific section of the Bibra Lake suburb, as the land is predominantly "industrial" by zoning.

By taking this course, Council's objective in aligning suburb boundaries with Ward boundaries would be addressed, in so much as those areas of Bibra Lake contained in Central Ward are clearly identifiable.

Strategic Plan/Policy Implications

Key Result Area "Planning Your City" refers.

Budget/Financial Implications

Nil

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

Nil



1086. (AG Item 17.3) (OCM1_4_2001) - SECURITY PATROLS BEELIAR - PANORAMA GARDENS (8957) (RA) (ATTACH)

RECOMMENDATION

That Council not proceed with Security Patrols for Beeliar -Panorama Gardens as there was a less than a 50% response rate to the survey by the due date from property owners prepared to pay a service charge.

COUNCIL DECISION

MOVED Cllr Reeve-Fowkes SECONDED Deputy Mayor Graham that:-

- (1) Council accept and recognise all responses to the Beeliar Panorama Gardens Security Patrols Survey received as at 10 April 2001;
- (2) Council recognise that the votes cast constitute a response rate of greater than 50% of property owners in the area in agreement to paying the service charge for a security patrol service;
- (3) Council implement the Council decision of 16 January 2001 on this basis; and
- (4) a colour copy of a map be provided to Elected Members which defines the related area.

CARRIED 10/0

Explanation

The intent of the original decision to conduct the survey was to indicate to Council, whether there was majority support amongst residents for the establishment of a security patrol service, given that they would have to pay a service levy of \$60 in addition to their rates. It is now clear that there is majority support to establish the security patrols. It is therefore considered that Council should proceed with establishing the security patrols. It was also suggested that Council be provided with a map of the exact area to be subject to the patrols.

Background

Council has had a number of resolutions related to the instigation of security patrols in the Panorama Gardens area of Beeliar.

Council decision 16th of January 2001.



- (1) call tenders for a one (1) year 35 hour per week security patrol contract for the area known as Panorama Gardens Beeliar for the period 1 July 2001 to 30th of June 2002;
- (2) on the identification of the preferred tenderer, advise the property owners of the calculated cost per week for the security patrols and seek the owners agreement to pay a Council rated service charge to fund the patrols;
- (3) Proceed to formalise a contract with the preferred tenderer as of the 1st of July 2001 for 1 year, should the response rate in agreement to pay the service charge, be greater than 50% of property owners in the area (other than the Ministry of Housing whose property vote shall be considered as one); and
- (4) Impose a service charge on the affected landowners, equivalent to the total cost of the tender, divided equally among the landowners receiving the service, pursuant to Section 6.38 of the Local Government Act, 1995.

Council decision 20th of February 2001;

- (1) Council Advise the Beeliar Residents Acton Group (BRAG) that;
- (2) Council will distribute and collect the survey questionnaire that will determine whether the landowners of Panorama Gardens section of Beeliar are prepared to pay the service levy on their rates for Security Patrols to commence on the 1st of July 2001;
- (3) BRAG will be advised of the date on which the survey questionnaire has been provided to Australia Post for distribution; and
- (4) Council refer to the Ministry of Housing as having one vote only for the vacant land that it owns and it will have a vote for each of the developed rental properties it owns.

Council decision also of the 20th of February 2001;

That the information of who the survey questionnaire are sent to and the approximate time they are distributed by Australia Post are provided to BRAG.

A copy of the proposed letter and survey form was sent to the BRAG for their consideration and approval. On viewing the proposed form and letter BRAG declined the opportunity to submit an accompanying letter to go out with the survey forms. They also declined the offer to be advised of who the survey forms were to be sent to. BRAG and Council



administration came to an amicable agreement on the process for the survey to be carried out and the information to be sent out.

Submission

Due to the closeness of the vote, the number of late votes and several factors possibly influencing the vote the matter is referred to Council for its further consideration.

Report

The security survey was distributed to owners of properties in Panorama Gardens Beeliiar by Australia Post at the end of February 2001 with the closing date being Friday the 30th of March 2001. The survey forms (copies of which are attached to the agenda) were forwarded in personally addressed envelopes to owners of properties as recorded on Councils property database. Included in the envelope was a letter explaining the survey and free return post envelope for the completed forms. BRAG was advised of when the survey letters were provided to Australia Post and when they were likely to be distributed.

A total of 531 survey forms were sent out to property owners and the Ministry of Housing advised in a letter that they had 63 votes in accordance with the council decision. The total of votes then available was then 594 and hence for the patrols to proceed there would need to be 298 votes in favour of the proposal.

The results of the survey were as follows:

Yes votes received by the due date	270
(Includes 63 Ministry of Housing Votes)	

No votes received by the due date	63
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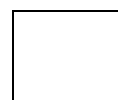
Late votes as at the 10th of April 2001:

Yes votes	32
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No votes	4
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There were 2 survey letters returned by Australia Post as the owners were not known at the address provided although the address used was that on the property data base. Hence at the time of preparing the report there was 231 survey forms not returned. The above results, including late votes, show that the total yes vote to be 302 or a 50.8% response rate which is 4 votes over the plus 50% required by council to proceed.

Administration established the Friday the 30th of March 2001 as a convenient close of date to ensure some control over the return of survey forms. As the 50% plus was not achieved by the closing date, in



accordance with Council's decision, the recommendation is not to proceed with security patrols. It is however within Council's power to accept late votes if it so desires.

There has been comments made by several residents that they saw themselves living in Beeliar Heights Beeliar and not Panorama Gardens as was stated on the survey which described the area as Panorama Gardens Beeliar the new name given by the joint venture partners. These residents stated that they did not fill out the survey form, as they believed it did not relate to them. This is in spite of the letter personally addressed to the owner in both the Yes and No question reading "as **an owner** of a property in Beeliar Panorama Gardens...". Never the less there may have been some owners for this reason who believed that the survey did not apply to them and did not respond or voted no as they believed others should not get the service if they could not.

Strategic Plan/Policy Implications

"Managing Your City" refers.

Key Result Area "1.2 to conduct Council Business in an open public forums and to manage the Council Affairs by employing publicly accountable practises"

Budget/Financial Implications

Should the patrols proceed they will be funded through a service charge to property owners.

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

Nil.

1087. (AG Item 17.4) (OCM1_4_2001) - ATWELL RESERVE LIGHTS (8146) (RA)

RECOMMENDATION

That Council:

- (1) receive tenders for the lighting of Atwell Reserve (tender 15/2001) as submitted and advised in the report; and
- (2) accept the revised tender submitted by Musco Lighting Australia Pty Ltd for the sum of \$70,000.



COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Allen that the recommendation be adopted.

CARRIED 10/0

Background

Council has allocated on its 2001/02 budget the sum of \$40,000 to provide lighting to the Atwell Reserve which combined with the previously agreed contribution from the South Fremantle Football Club of \$30,000 gives an overall budget for the lighting of the reserve of \$70,000. On the 24th of February 2001 Council tendered for the supply and installation of the lights.

In accordance with Council policy signs have been placed on the reserve notifying the public of the intention to install the lights. There had been no complaints received on the matter by the required notification date.

The tender specifications prepared by the consultants for the project Wright Mackay and Associates were developed very cognisant of the need to minimise the impact on local residents particularly in respect to light spillage and at the same time ensure illumination of the playing field was of a adequate standard.

Submission

N/A

Report

The following tenders were received:

TENDERER	PRICE	COMMENTS
Aarat Electrical Services U38/123B Colin Street WEST PERTH WA 6005	\$48,909.00	20m. poles
	\$57,638.90 + GST	25m. poles
Electrical Construction & Maintenance Pty Ltd PO Box 1431 CANNING VALE WA 6155	\$77,300.00 + GST	25m. poles
Musco Lighting Australia Pty Ltd 14 Tepko Road TERREY HILLS NSW 2084	\$85,500.00 + GST	25m. poles
	\$75,600.00 + GST	20m. poles
Nilsen Electric (WA) Pty Ltd PO Box 1305 BIBRA LAKE WA 6965	\$91,900.00 +GST	25m. poles

Amber Electrical Services 32 Orr Street MADDINGTON WA 6109	\$116,580.00 GST INCLUSIVE	25m. poles
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The lighting consultants for the project Wright Mackay and Associates assessed the tenders and advise that the only compliant tender was that of Musco Lighting Australia Pty Ltd. All other tenderers utilised a Sylvania Lighting system which does not meet the AS 4282 for light spill. It ought to be noted that the AS4282 spill level standard is 10 lux. The Sylvania lighting system exceeds this limit by 2 lux although in the view of the consultant this can be corrected by adjustment in floodlight aiming angles so that the spill level would not be exceeded on Benchley Drive and Malloy Court. The lowest tenderer Aarat Electrical Services provided no supporting technical documentation and hence must also be considered a non-conforming tender.

Musco Lighting has provided a 2-year warranty on the luminaries and a 7-year warranty on the poles and fittings. The next lowest tenderer providing technical documentation using the Sylvania Lighting system was Electrical Construction and Maintenance Pty Ltd who gave a 1-year warranty on the luminaries, poles and fittings.

The tender specifications called for prices for both 20m and 25m poles and a 100-lux illumination over the playing field. The South Fremantle Football Club contributors to the project and Councils Recreation Services advise that a 60 lux level over the playing surface is quite adequate for training purposes. The 25m pole is considered most desirable as it provides for a more even illumination of the playing surface and less light spillage. It is strongly recommended that the 25m pole option be followed.

The total budget for the project excluding GST is \$70,000, which is below the lowest conforming tender price from Musco of \$85,500. In accordance with section 20(1) of the Local Government (Functions and General) Regulations 1996 administration through the consultants negotiated with Musco Lighting to seek to achieve a revised price to come closer to or achieve the budget figure.

Musco Lighting Australia Pty Ltd has submitted a revised tender price of \$70,000 with the following conditions:-

- That the lights used are those that were previously used for a week during the Olympic Games and that the pole steps be removed.
- The reduction in cost from an initial tender price of \$85,500 for the 25m poles to \$70,000 for the same poles is quite significant.



- The proposal to utilise second hand lights is acceptable as besides their apparent limited usage, the two(2) year warranty on the lights still stands.
- The pole steps were in the specifications but due to the height of the poles and the need to have two hands free to change the globes is necessary, it is likely a 'cherry picker' would be required even if there were pole steps available.

Strategic Plan/Policy Implications

Facilitating the Needs of Your Community

“To facilitate and provide an optimum range of community services”

Budget/Financial Implications

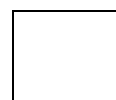
Funds available (\$70,000) within Council’s current Budget.

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

N/A

1088. (AG Item 22.1) (OCM1_4_2001) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE

- (1) Deputy Mayor Graham requested a brief report on traffic calming in the City of Cockburn. Specifically, the following should be included:-
 - a) background on:
 - the process of identifying the need for traffic calming;
 - the current traffic calming devices and methods used.
 - b) alternative options to speed bumps/plateaus and chicanes;
 - c) an examination of traffic calming methods used in other districts.
- (2) Mayor Lee requested that Council investigate the purchase of a community speed monitoring device.
- (3) Cllr Humphreys requested a report be made to Council advising Councillors of current charges being levied for Council halls as there seems to be some confusion as to the hire charges and



smaller groups are having difficulty managing the increased fees.

1089. (AG Item 24.1) (OCM1_4_2001) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

MOVED Clr Whitfield SECONDED Clr Allen 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 10/0

Meeting closed at 8:25pm.

CONFIRMATION OF MINUTES

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

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

