

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18 JANUARY 2000 AT 7:30 P.M.

PRESENT:

COUNCIL MEMBERS

- | | | |
|------------------|---|--|
| Ms J L Smithson | - | Joint Commissioner (Presiding Member in the absence of the Chairman) |
| Mr M A Jorgensen | - | Joint Commissioner |

IN ATTENDANCE

- | | | |
|-----------------|---|---|
| Mr D M Green | - | Acting Chief Executive Officer |
| Mr R Avard | - | Acting Director, Community Services |
| Mr A T Crothers | - | Director, Finance & Corporate Services |
| Mr S Ryan | - | Acting Director, Planning & Development |
| Mr B K Greay | - | Director, Engineering & Works |
| Mrs S Ellis | - | Secretary to Chief Executive Officer |

388. (AG Item 1) DECLARATION OF OPENING

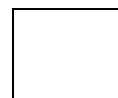
The Presiding Member declared the meeting open at 7:30pm.

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

Nil

390. (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.



391. (AG Item 5.1) (OCM1_1_2000) - APOLOGIES & LEAVE OF ABSENCE

Cmr J. Donaldson	Apology
Mr R. Brown	Annual Leave
Mr S. Hiller	Annual Leave

392. (AG Item 7.1) (OCM1_1_2000) - PUBLIC QUESTION TIME

Clr Ray Lees queried if there was any truth to rumors that the Commissioners or staff have been meeting with Technology Park or Landcorp negotiating a deal on the South Coogee Hall and its grounds.

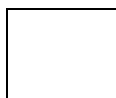
Acting Director Community Services advised that the only discussions he is aware of, are discussions with the management of the hall regarding bringing the management under the Council's umbrella.

Mr Lees briefly explained its history and suggested that the building, built around 1917, should be heritage listed and requested that if any discussions were to take place on its future, that he would be kept informed.

Mr Martin Reeve-Fowkes wished to speak to agenda item 17.1 (Organisational Status Report - page 23) and the sentence "*TPS No.3 proposes to create a general industry (licensed) to accommodate McNiece*". He queried why the word "accommodate" had been used in relation to the McNiece ruling as he took 'accommodate' to mean 'circumvent' which is what he believed that was intended to mean in that context and why the Council was still looking at it.

Cmr Smithson explained that the new scheme is based on the new Model Scheme Text that the Ministry for Planning has released which does not have a definition of noxious industry therefore, Council has to have definitions that are consistent with the new Model Scheme Text which is why there is a change in the actual wording of the definition.

Acting Director Planning added that the new Scheme has identified a number of, what would otherwise be, noxious industries to a category of general industry (licensed) which would have a mandatory advertising proposal as part of any Council consideration which is a matter that has to be addressed through the next Town Planning Scheme which is still in draft format at this stage.



Mr Reeve-Fowkes expressed his surprise that this matter had already been rejected by Council on a couple of occasions and was being tried once more.

Cmr Smithson stated that whilst the Commissioners have been here, they have not undertaken any form of substantial change to the Scheme Text that was previously before the Council.

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

Cmr Smithson asked if Council could take the query on notice and respond in writing.

Mrs Oliver wished to ask whether the WACA had fully paid for everything they had to in relation to Lot 14 Progress Drive.

Acting Chief Executive Officer responded that they had fully paid all commitments to date.

Mrs Mary Jenkins stated that the Inquiry appears to have shifted because originally it was only the Councillors being investigated but now it appears the administrators were receiving legal fees for their contribution to the Inquiry and queried whether that was contrary to the policy created and if so, how much had been paid so far for the Administrator's legal fees.

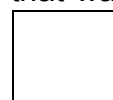
Cmr Smithson responded that legal representation was available to staff and Councillors in accordance with the original policy.

Acting Chief Executive Officer added that the total amount spent to date was not available at the meeting but that Mrs Jenkins would be advised in writing.

Mrs Jenkins further queried whether the Chief Executive Officer, Mr Brown, would be suing the Fremantle Herald and if so, who would be responsible for paying legal costs.

Cmr Smithson advised that that matter had not been brought to the Commissioners for consideration.

Mrs Jenkins, regarding the proposed Port Catherine Development (item 13.6) was concerned that the community had not had access to the plans which she believed had changed in the last 6 months. Mrs Jenkins also wanted to remind Council that developments such as this are normally handed back to Council after 5 years and that was when



the problems seemed to occur with regards to the environment etc. as has happened in other Councils with similar developments.

Cmr Smithson advised that Council would investigate what has happened in other Councils in terms of ongoing management and environmental issues were a key part of that. Also, when the Council formally considers any plans, they would be made available to the public.

Acting Director Planning added that the draft plan, for the purpose of the Metropolitan Region Scheme amendment process, would be publicly advertised when necessary.

Mrs Jacky Hill wished to ask a question regarding the 'Eclipse' proposal.

Cmr Smithson advised the gallery that as she had an interest in the matter, she would ask Cmr Jorgensen to take the chair and she would leave the room.

AT THIS POINT THE TIME BEING 7:43PM, CMR SMITHSON LEFT THE MEETING AND CMR JORGENSEN ASSUMED THE PRESIDING MEMBER'S POSITION.

Administrative Note: Whilst it is acknowledged that the absence of Cmr Smithson technically leaves the meeting lacking a quorum, it is considered that, as this part of the meeting is allocated for public address purposes only and precedes the discussion of any matter that requires a decision to be made by Council, Mrs Hill should be given the opportunity to ask her question and receive a response in accordance with the Local Government (Administration) Regulations 1996 (Reg. 7(2) and (3)).

Mrs Hill wished to query whether the Council would alert the Ministry of Planning to the error in the attachments that went with the proposal to the Ministry of Planning, namely the City of Cockburn Asset Information Services Department Map and an explanation as to why the measurements were incorrect.

Acting Director Planning responded that the amendment proposal is currently with the Department of Environmental Protection and he had no objection to forwarding that information as it was relevant to them as part of their assessment of the amendment.



AT THIS POINT THE TIME BEING 7:45PM, CMR SMITHSON RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

Clr Stephen Lee also voiced his concern at the McNiece statement in the Organisational Status Report and referred to Cmr Smithson's response to Mr Reeve-Fowkes. Mr Lee asked that if the Model Scheme Text says it must be called 'general industry (licensed)' and when the Town Planning Scheme No.3 goes to public consultation, Council has a number of ratepayers who want it called 'noxious industry' and not 'general industry (licensed)', can the Council keep the Town Planning Scheme No.3 with the word 'noxious industry'?

Cmr Smithson responded that if there are submissions that deal with the issue of noxious industry or there is overwhelming request for Council to, notwithstanding that it is not in the Model Scheme Text, include a provision that precludes it, then this Council will consider that and isn't bound by the Model Scheme Text in totality. It has simply tried to follow a model that the State Government is asking all local councils to follow. But that doesn't preclude the ability to either have a similar wording but achieve the same objective, or continue to have a noxious industry definition. If that is what that council wants to do, it would simply have to persuade the State Government that it had merit and why it wanted to proceed on that basis.

Cmr Jorgensen asked Mr Lee if what he was trying to say was that perhaps the Commissioners, on behalf of the community, should actually be taking the lead to try and get the wording correct in what the community would want before it went to advertising.

Mr Lee responded that he felt that would be the ideal situation but thought it had gone passed that stage.

Cmr Smithson advised that Council had resolved to seek consent to advertise the package that was sent into the Planning Commission and in fact, most of that was adopted before the Commissioners were appointed and they have not changed, particularly with regard to noxious industry, anything that was in that Scheme that was largely adopted by their predecessors. It is about to be advertised and would be going back on previous Council resolutions to now say that Council wanted to change certain elements of it. It is too late in the sense of what is going out to be advertised but it is certainly not too late for community groups to obviously be alerted, raise the issue and get submissions in. That is a fairly lengthy process that will go on probably after the Commissioners are no longer here.



Mr Lee wished to clarify whether the WAPC could disallow our Town Planning Scheme because it does not match the Model Scheme Text, could they decide that we have 'industry general (licensed)'?

Cmr Smithson replied that the WAPC could go to the Minister who could decide only to endorse the Scheme if the Council undertook modifications he wanted. If at the end of the day, he didn't agree with Council, he could override Council and say that it either has no new Scheme or we do this within the Scheme. But that was at least a year or more away before it would get to that point and the Minister would have to make that decision with full knowledge of the public submissions and the Council's recommendation on what should be in the final scheme.

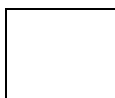
Mr Lee then referred to the Special Meeting of Electors held on the 11th January 2000 and queried when the minutes of that meeting would be available and when the Commissioners would be dealing with the resolutions carried by electors at that meeting.

Cmr Smithson responded that the minutes would be available in time for the February Council Meeting. The electors were advised at that meeting, that the resolutions would be discussed at the February Council Meeting however, the Commissioners did undertake to deal with the issue of tip passes at the January Council Meeting if possible and she anticipated that this matter may be added as a late item.

Mr Lee raised concern about the amount of roadside rubbish on Cockburn's main roads and in particular, Stock Road which he felt was generated by the Cockburn tip. He wanted to see a strategy adopted urgently, to address the question of rubbish within the city.

Cmr Smithson advised that the Commissioners toured the City and did notice the amount of roadside rubbish on Stock Road but the Director Engineering did not believe that the rubbish was being generated specifically by the tip as the rubbish extended quite a distance along the roads but perhaps from trailers littering on the way to the tip. The Commissioners want the city to be proud of its roads and verges and are therefore prepared to contact the Main Roads Department, to request that they clean it up more frequently or if that is not possible, whether they are prepared to pay the city to clean it for them.

Cmr Jorgensen added that just as ratepayers are a customer of Councils, the Council is a customer of Main Roads and are currently unhappy with the service. The Director Engineering has been requested to contact Main Roads to firstly ask them to clean the road verges more regularly; secondly if they are not prepared to do so, would they be prepared to pay Council to do it; or thirdly, what the likely



costs would be to the city to take on the responsibility for the good of the community.

Clr Ray Lees regarding item 13.13, commented that there were six objections to the proposal from residents and wished to query how the administration would police the clause in the report which stated that no fruit and vegetables from outside the locality would be used, as Cockburn now is a very small primary producer.

Acting Director Planning responded that the locality would be the Cockburn and Kwinana rural area and therefore believed there was sufficient sources to run a business of this type.

Mr Lees queried how far the locality would extend considering the limited sources of fruit and vegetables in the nearby areas and was concerned about issues such as controlling the increased traffic to the site, the hours of operation etc and the impact it will have on the residents. He urged Council to take these matters and the six objections into consideration when deliberating on the matter.

Mr John Cooper read a statement in relation to the recent resolution from the Special Meeting of Electors regarding tip passes and urged the Commissioners to take heed of the residents' concerns and "support the wishes of the people of Cockburn".

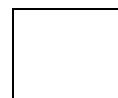
393. (AG Item 8.1) (OCM1_1_2000) - ORDINARY COUNCIL MEETING - 21/12/1999

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the Minutes of the Ordinary Council Meeting held on Tuesday, 21st December 1999 be confirmed subject to item 13.8 (Min. 359) being amended to read as follows:-

"COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that in the opinion of Council, there is no unequivocal or absolute information that has been received to justify a change in the previous Council's recommendation that this is a noxious industry. Therefore this Council determines the proposed use as a noxious industry and the application is refused, as a noxious industry is a prohibited use within the general industry zone."

CARRIED 2/0



394. (AG Item 13.1) (OCM1_1_2000) - SUBMISSION ON DRAFT SOUTHERN RIVER - FORRESTDALE STRUCTURE PLAN (9154) (MT) (ATTACH)

RECOMMENDATION

That Council:

- (1) instruct Council officers to prepare a submission on the Southern River – Forrestdale – Brookdale – Wungong Draft Structure Plan.
- (2) adopt the officer’s report as the basis for the submission, including the following advice:-
 1. That Council supports the reservation and upgrade of Warton Road but that an alternative alignment should be found along the boundary of the Priority 2 Water Source Protection Area.
 2. Jandakot Road should not be extended beyond Warton Road into the future urban area.
 3. That Council is concerned at the recommendation that Rowley Road be reserved as an ‘Other Regional Road’ in the MRS and further investigation would need to identify funding sources for the proposed widening.

COUNCIL DECISION

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

CARRIED 2/0

Background

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Submission

In October of this year, the Ministry for Planning released the Draft Southern River – Forrestdale – Brookdale – Wungong Structure Plan. Council has the opportunity to make comment on the structure plan, which seeks to guide development of greenfields land in the City of Armadale and the City of Gosnells. It includes the suburbs of Southern River, Forrestdale, Brookdale and Wungong. The area covered by the



Structure Plan shares a boundary with the City of Cockburn along Warton Road, on Council's north-east boundary. The Plan proposes potential development areas, road networks, major community facilities, conservation and Bushplan areas and a neighbourhood structure. A copy of the Draft Structure Plan is attached to this agenda.

Report

The majority of the plan does not impact on the City of Cockburn. However, the road network proposed in the study, potentially affects the management of regional traffic within the City. A number of concerns are raised with the proposed treatment of certain roads within the study area. It is therefore recommended that Council make a submission to the Ministry for Planning, commenting on the following matters:-

1. Warton Road

It is proposed in the report to investigate the reservation of Warton Road south of Ranford Road as Other Regional Road under the Metropolitan Region Scheme. Further investigation would be undertaken to examine the road reserve requirements to upgrade the road to dual carriageway. This includes the section of Warton Road along the boundary with the City of Cockburn.

It is recommended that Council express its support of the reservation of Warton Road and the proposed widening but recommend that investigation be undertaken of an alternative alignment of Warton Road south of Nicholson Road and incorporated in the structure plan. Warton Road carries in the order of 8000 vehicles per day including a high proportion of trucks and this will significantly increase when the residential development proposed in the structure plan occurs. The current alignment is not considered appropriate for widening because it is close to Water Corporation production bores and a gas pipeline. There are eleven special rural properties fronting Warton Road on the western side and the landowner's enjoyment of their property will be adversely affected by the upgrading of the road. Further, each lot presently has a crossover onto Warton Road, an undesirable situation if the road was dual carriageway.

A more appropriate outcome is for Warton Road to follow the boundary of the Priority 2 Water Source Protection Area. A plan is attached to this agenda detailing a possible alignment. The realigned Warton Road would become the interface between the large lifestyle properties to the west and residential development to the east. The existing Warton Road could then be retained as a local distributor road.

Council officers provided similar advice to the City of Armadale in November when they were determining an application for a Research & Development Village on the corner of Nicholson and Warton Roads. The



recommendations that provision for a 40 metre road reserve and realignment of Warton Road be allowed for in the development of the village were rejected, with the City of Armadale instead agreeing to a 32 metre road reserve. Given the approval of the Research & Development Village by the City of Armadale, any realignment of Warton Road would have to begin to the south of the village area.

2. Jandakot Road

An associated issue is the impact of the road network proposed in the draft plan on Jandakot Road. The structure plan shows the extension of Jandakot Road into the future residential area beyond where it currently terminates at Warton Road, using a currently unmade local road (Mason Road). This link will encourage traffic to use Jandakot Road and Berrigan Drive to access the Kwinana Freeway. This presently occurs with vehicles travelling along Warton Road using Jandakot Road to cut through to the Freeway to avoid the intersection of Warton and Armadale Roads. Traffic should be discouraged from using Jandakot Road, with preference instead for Warton and Armadale Roads. Jandakot is a single carriageway rural road and Council has no intention of upgrading it.

The upgrade and realignment of Warton Road proposed previously in this report, will discourage traffic from using Jandakot Road. It will also eliminate the need for the extension to Jandakot Road because it will provide the link, via Armadale Road, for traffic from the residential areas heading to the west, including the freeway. It is recommended Council's submission outline that it is opposed to the extension of Jandakot Road. Even if the Ministry does not accept the realignment of Warton Road, a road link through to Warton Road south of Jandakot Road would be more appropriate than the extension of Jandakot Road itself.

3. Rowley Road

The Ministry is examining the extension of Rowley Road within the City of Cockburn, to provide a dual carriageway link from the Kwinana Freeway west to the coast. A control on development via the declaration of a Clause 32 Area on the rear of lots fronting Wattleup Road, is currently in place while examination of the proposed route takes place. The Draft Structure Plan indicates that the widening of Rowley Road east of the Kwinana Freeway should also be examined. The Draft Structure Plan Report states:

"In the Structure Plan it is proposed that Rowley Road be upgraded to an Important Regional Road as an east-west connector between the South West Highway, Tonkin Highway; Kwinana Freeway and Rockingham Road along the southern edge of urbanisation in both corridors. In this way, the two (2) urban corridors will be directly linked. However, this is a



strategic road planning issue that should be further investigated by the Ministry for Planning."

With regard to the proposal, it is recommended that the Ministry be advised that the City is concerned by the proposal to widen Rowley Road east of the freeway. It would need to be demonstrated that another east-west link between the South Western Highway and the Kwinana Freeway is required. Thomas and Armadale Roads already perform this function. The creation of another major trucking route over the Jandakot Water Mound is not a desirable environmental outcome. The Water and Rivers Commission would need to be satisfied that drainage from the road and potential spillages could be managed acceptably. Rowley Road, similar to Warton Road, is fronted by rural properties and any upgrading would adversely affect the landowner's enjoyment of their property. A source of funding for the upgrade would also need to be demonstrated. There is no subdivision potential along the section in the City of Cockburn so there is no opportunity for developer contributions.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

395. (AG Item 13.2) (OCM1_1_2000) - FREMANTLE EASTERN BYPASS - INTERIM CONNECTIONS (9702) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Report by SMEC entitled "Southern Interchange - Draft Final Traffic Report" dated 6th December 1999;
- (2) advise Main Roads Western Australia that in the event that the Fremantle Eastern Bypass is constructed, that:-
 1. Council is strongly of the view that Roe Highway should be constructed between the Bypass and Stock Road at the same time as the Bypass and there should be no interim connection to the local road network;



2. Transform WA funding allocated to the Fremantle Rockingham Highway, should be reprioritised to enable the timely construction of the Roe Highway;
3. In the event that Roe Highway is not constructed, Option D is preferred;
4. All works to the road network required to achieve an interim connection including upgrading of Carrington Street, appropriate intersection lighting and traffic management measures to Forrest, Carrington, Hampton, Rockingham and Phoenix Roads, are to be undertaken at the expense of Main Roads WA .

COUNCIL DECISION

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

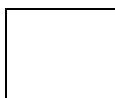
CARRIED 2/0

Background

Council at its meeting held on 10th August 1999 (Item 14.2), considered options for the interchange of the Fremantle Eastern Bypass and Roe Highway as outlined in a report prepared for Main Roads WA by Ove Arup.

Council resolved to advise Main Roads WA that in the event that the Bypass is constructed, that the grade separated option connecting the Bypass and Roe Highway to Stock Road is supported in principle. Council also advised Main Roads WA that Transform WA funding allocated to the Fremantle Rockingham Highway, should be reprioritised to enable construction of a single carriageway of the Roe Highway to be built to Stock Road and opened at the same time as the Bypass. Interim connections to Forrest Road and Rockingham Road were not supported for safety and amenity reasons.

In respect to interim connections, the report noted that if Main Roads WA and the Minister for Transport did not agree to the construction of Roe Highway, then it was considered preferable to establish a link to Forrest Road which more closely aligns with the ultimate road system than Rockingham Road.



Subsequent to Council's determination, SMEC Australia have prepared a traffic report which examines options for interim connections without the Roe Highway.

Submission

SMEC Australia has prepared a traffic report for Main Roads WA which assesses short term connections of the Bypass to the existing road network at the Carrington Street end and provides parameters for the design.

Council has been invited to comment on the Report.

Report

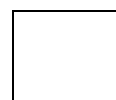
The brief for the traffic study required the assessment of alternative short term connections of the Bypass to the existing road network and to model future traffic volumes for 2006 and 2011 as the basis of the road design. The connections assessed are as follows;

- A. Forrest Road with a connection to Rockingham Road.
- B. Forrest Road.
- C. Roe Highway to Carrington Street with a connection to Rockingham Road.
- D. Roe Highway to Carrington Street.
- E. Rockingham Road.

Plans of the ultimate arrangement together with the short term options are included in the Agenda attachments.

In October 1999, Main Roads WA were requested to consider extending the brief to SMEC to include an assessment of the option of constructing that section of the Roe Highway between the Bypass and Stock Road, in accordance with Council's preferred position. Main Roads WA subsequently advised that the section of Roe Highway to Stock Road will be assessed separately as part of the ongoing program for the Roe Highway, not part of the Bypass.

The study includes traffic modelling for each option for 2006 and 2011 and provides details for the am peak. A major criticism of the report is that it does not include current am peak traffic data or base case (no Bypass) estimates for 2006 and 2011. Accordingly, it does not allow an assessment of the extent of increased traffic but rather, only a comparison of the options which is unsatisfactory. SMEC have been requested to provide current am peak data.



Modelled am peak volumes for each option are shown on a table in the Agenda attachments. Volumes for 1998 were taken from a report prepared by BSD Consultants on the Rockingham-Fremantle Transitway.

The data shows that significant increases in traffic of between 50 - 100% is expected on the road network between 1998 and 2011. This increase is generally consistent with previous modelling undertaken by Ove Arup and Halpern Glick Maunsell.

Conclusions that can be drawn from the traffic forecasts for 2006 are as follows:

- As expected, the direct connection of the Bypass to Rockingham Road (Option E) produces the highest volumes on Rockingham Road and Phoenix Road. Surprisingly though, the volumes on Forrest Road for Option E are almost at the same level as would occur if the Bypass was connected to Forrest Road (Option B).
- Forrest Road (Option B) produces significantly higher volumes on Carrington Street north of Forrest Road than for any other option and similarly for that section between Forrest Road and Rockingham Road, except for Option D when for a short section between the end of Roe Highway at Carrington Street and Rockingham Road, the volumes are slightly higher than for Option B.
- Traffic volumes on Rockingham Road between Carrington Street and Phoenix Road do not vary significantly for Options A - D.
- Traffic on Cockburn Road south of Rollinson Road does not vary significantly between the options. Option E produces the lowest volume on Cockburn Road with the direct connection to Rockingham Road presenting a more attractive southern connection and hence, having the highest volume.
- Under Options C and D, the operating conditions and volumes on the section of Forrest Road west of Carrington Street and the section of Rockingham Road between Carrington Street, will be the same as in the ultimate arrangement.
- Traffic volumes on Hamilton Road for Options A - D do not vary significantly. Option E produces a reasonably lower figure, perhaps at the expense of Rockingham Road which has higher volumes under this option.

The traffic report also provides a comparison of the options in terms of traffic, social, staging and overall costs. A copy of Table 12: Comparison of Interim Connections is included in the Agenda attachments.



Having assessed the options, the report recommends Option D as the preferred interim connection given that it provides the most attractive route for regional traffic with low (in relative terms) social and environmental impacts, superior staging opportunities and although having high construction cost, has minimal absorption works.

In addition to the above, the following observations are made in support of Option D.

- Leaves the shortest length of Roe Highway to be constructed at a subsequent date. The lower the cost for the remaining link, the greater the possibility of convincing the Minister for Transport that the whole of Roe Highway should be constructed up front or at a very early time.
- Traffic congestion on that section of Carrington Street between Roe Highway and Rockingham Road will to some degree, limit the potential for further increases in traffic volumes in the area. Accordingly, congestion on this section of road may force the early construction of the balance of the Roe Highway to Stock Road.
- Enables traffic to effectively use both Forrest and Rockingham Roads, thus dissipating through traffic rather than channelling it as in Options B and E.

For the reasons outlined above, it is considered that the best option outside of Council's stated position of a direct connection of the Bypass to Stock Road via Roe Highway, is Option D as recommended in the SMEC report.

Strategic Plan/Policy Implications

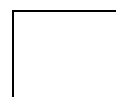
Items 6.4.1 and 6.4.4 of the Corporate Strategic Plan refer to the Fremantle Bypass and Roe Highway.

Budget/Financial Implications

N/A

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

Nil



396. (AG Item 13.3) (OCM1_1_2000) - PROPOSED AGRICULTURAL AND RURAL LAND USE PLANNING POLICY - OCTOBER 1999 - WAPC - SUBMISSION (9332) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Officer's report (attached to the agenda);
- (2) adopt the report as the Council submission to the Western Australian Planning Commission on the proposed "Agricultural and Rural Land Use Planning Policy" (SPP No. 11);
- (3) advise the Western Australian Planning Commission that:-
 1. it supports the Policy as the basis for protecting the Agricultural Priority Management Area within Wattleup;
 2. it re-affirms its opposition to the Preferred Option 4 - "Integrated Industrial Expansion" (Figure 5.7) for FRIARS, together with the "Indicative Structure Plan for Kwinana Buffer Areas" (Figure 7.1) and the "Zoning Strategy" (Figure 7.2);
 3. it confirms its support for the Council's recommended Options 5 and 6 for FRIARS contained in its submission dated June 1999, which provides for the proposals contained in the proposed Agricultural and Rural Land Use Planning Policy;
 4. any decision in relation to FRIARS should be deferred until a final decision is made on the Agricultural and Rural Land Use Planning Policy.

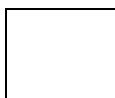
COUNCIL DECISION

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

CARRIED 2/0

Background

Council at its meeting of the 21st December 1999, resolved:-



" ...

- request the Western Australian Planning Commission to defer any decisions on the Fremantle Rockingham Industrial Area Regional Strategy (FRIARS) until such time as decisions have been made by the Commission on the proposed Agricultural and Rural Land Use Planning Policy (Statement of Planning Policy No.11) following the close of submissions in February 2000;
- advise the Western Australian Planning Commission that:-
 1. The proposals contained in the proposed Policy could have a significant effect on the future planning and development of the land affected by the FRIARS Study."

Submission

The Agricultural and Rural Land Use Planning Policy (SPP No. 11) was published for public comment in October 1999.

Submissions are to be lodged with the WAPC by Friday, 11th February 2000.

Report

A submission on the proposed Policy has been prepared for the Council's consideration and is attached to the Agenda.

Strategic Plan/Policy Implications

Town Planning Scheme No. 3 was adopted by the Council on 21st December 1999 (Item 13.4) with a request that it be advertised in February 2000.

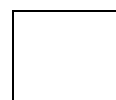
The Scheme proposes, in accordance with the MRS, that the land to the north and east of the Wattleup townsite be retained as rural, this reflects the "Agricultural Priority Management Areas" contained in the proposed SPP No. 11 Policy.

Budget/Financial Implications

N/A

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

Nil



397. (AG Item 13.4) (OCM1_1_2000) - AMENDMENT NO. 202 - GROUNDWATER PROTECTION - MODIFICATIONS (92202) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Modifications as contained in the Agenda Attachments to Amendment No.202;
- (2) execute the required modifications to the Amendment documents and return to the Western Australian Planning Commission;
- (3) advise the Western Australian Planning Commission and the Water and Rivers Commission of Council's expectation of support from these authorities, in carrying out the work involved in the monitoring and enforcement of recommended conditions on referred development approvals.

COUNCIL DECISION

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

CARRIED 2/0

Background

Council, at its meeting held on 28th September 1999, resolved to adopt Amendment No.202 for final approval (See Minutes OCM 28/9/99 Ag Item 13.8 – Min. 255). Amendment No.202 involves the rezoning of land in the Jandakot groundwater area and the introduction of associated Scheme land use controls in accordance with the Statement of Planning Policy No.6.

Submission

The Western Australian Planning Commission has recently advised the City that the Hon Minister for Planning has dealt with public submissions in accordance with Council's resolutions, but has decided not to approve Amendment No.202 until a series of modifications are effected.

In all, the Minister for Planning requires nine modifications. The full extent of modifications is detailed in the Agenda Attachments.



Report

Modifications to an adopted amendment require the resolution of Council prior to being effected.

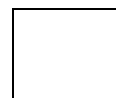
With the exception of Point 6, the required modifications are minor and of a technical nature and do not materially affect the intent of the Amendment. Given this, there is considered to be no need for this report to further expand upon the changes required, other than to note that they pose no more or no fewer land use restrictions than originally proposed by the Amendment.

Point 6 is the most significant of the modifications and requires the deletion of four clauses of the Amendment text (proposed clauses 5.5.2 (2) to (5)). These clauses were to set out the requirement for Council to refer development applications involving "AA" land uses to the Water and Rivers Commission for comment and the associated processes involved in determining such applications.

The Planning Commission has advised of its intent to produce a Clause 32 Resolution under the Metropolitan Region Scheme, dealing with the process of referral of discretionary uses to the Water and Rivers Commission. There is no objection to this approach as opposed to Scheme provisions outlining the referral process. The only implication of any significance for Council, is the deletion of the clause requiring the Water and Rivers Commission to be responsible for monitoring and enforcing any condition it recommends on a referred development application. The implication of this, is that it burdens Council with this responsibility which is a concern Council has flagged with the Planning Commission since the groundwater protection initiatives were first proposed.

The Water and Rivers Commission has, at officer level, indicated it would lend support to help monitor compliance as part of its ongoing monitoring programmes however, the Planning Commission on a number of occasions, has reinforced its view that local authorities must take the statutory responsibility for approvals it issues under its Scheme and thus share a role in groundwater protection.

It is difficult to predict what level of monitoring and enforcement will be necessary, though it could be a small role given the restrictive nature of the Statement of Planning Policy No.6 and the limited range of land uses it actually allows. It is likely that most of the monitoring of the groundwater area, will actually involve enforcement of non-approved uses for which Clause 5.5.2 would not apply in any event. Council already carries a responsibility for enforcing Scheme compliance in regard to non-approved uses however, this is outside the bounds of the issues the required modifications raise.



In view of the overall merit of the Amendment in helping to protect groundwater resources, it is recommended that Council accept the required deletion of Clauses 5.5.2 (2) to (5), but advise the Planning Commission and the Water and Rivers Commission of the expectation that assistance will be given in monitoring and enforcement.

It is recommended that the complete set of required modifications to the Amendment documents be adopted and returned for the Minister for Planning's endorsement.

Strategic Plan/Policy Implications

Policy PD 43 applies.

Budget/Financial Implications

N/A

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

Nil

- 398. (AG Item 13.5) (OCM1_1_2000) - PROPOSED COMMERCIAL VEHICLE PARKING - LOT 138, 6 ROSA PLACE, SPEARWOOD - OWNER: P DELLA BONA - APPLICANT: J GAULT (3317991) (SA) (MAP 8) (ATTACH)**

RECOMMENDATION

That Council:

- (1) refuse the proposed commercial vehicle parking on Lot 138, 6 Rosa Place, Spearwood for the following reason:
 1. the proposed use will detrimentally affect the residential amenity of the locality,
- (2) issue a MRS Form 2 Notice of Refusal;
- (3) advise those who made submissions, of Council's decision accordingly;
- (4) advise the applicant they have twenty eight (28) days to comply with Council's decision and if the vehicle remains on site after the 28 day period, Council's solicitors will be advised to initiate legal action.



COUNCIL DECISION

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

CARRIED 2/0

Background

ZONING:	MRS:	Urban
	DZS:	Residential R30 - Packham Urban Development Area
LAND USE:	Dwelling	
LOT SIZE:	570m2	
AREA:	N/A	
USE CLASS:	AA	

Submission

The submitted application is to park a 5 metre long Volvo prime mover in the battleaxe access leg to the subject lot. The applicant has advised that the vehicle will be parked from 6pm to 7am. The application was advertised for public comment and four submissions were received, all objecting to the proposal. Refer to Agenda Attachments for further details and the Schedule of Submissions

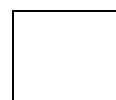
Report

Council's Ranger Department received a complaint from a landowner in regard to the noise and parking of the prime mover on the subject lot. A site inspection by Council Officers revealed that the subject commercial vehicle was parking on site. The occupier of the property was advised to apply to Council for a Commercial Vehicle Parking approval.

Commercial Vehicle Parking is listed as a "AA" (discretionary use) use in a Residential zone. However, in this case there has been some objections to the use from the surrounding neighbours, in particular noise, vibration and fume issues; and the time the truck starts in the morning. It is therefore considered that the proposed use will affect the residential amenity of the locality and it is recommended that application be refused.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

N/A

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

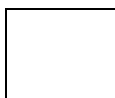
Nil

399. (AG Item 13.6) (OCM1_1_2000) - PROPOSED PORT CATHERINE DEVELOPMENT - MANAGEMENT OF WATERWAYS (3209006) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the advice from Port Catherine Developments (PCD) dated 22nd December 1999;
- (2) advise Port Catherine Developments (PCD) that before the Council considers its possible future role of 'Relevant Managing Authority' under the proposed deed, the Council requires:-
 1. The Structure Plan for the Marina and Residential Area to be adopted by the WAPC and the Council in order to determine the extent of the areas of potential responsibility, together with the number of residential lots, dwelling unit densities and commercial areas to determine the scope for potential income to service the on-going needs of the project.
 2. Further explanation of 'body corporate responsible for Land Management Obligations' in respect to the management of waterways, associated structures and other areas, as provided for under proposed Clause 18 of the deed and under Clause 2.2.4 of Policy DC 1.8.
 3. Advice on comparative management arrangements (deeds) with other local governments responsible for boat harbours, canal developments and marinas sufficient to provide an understanding of the role and responsibilities of the local governments in this arrangement and the way in which their involvement is funded.
 4. Advice on the liability, if any, relating to possible external detrimental impacts that the marina construction could have on the coast to the north and south of the development on the Relevant Managing Authority.



- (3) advise Port Catherine Developments (PCD) that subject to (2) above, it is keen to work closely with the developer in order to develop options for the future management of the marina.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) receive the advice from Port Catherine Developments (PCD) dated 22nd December 1999;
- (2) advise Port Catherine Developments (PCD) that before the Council considers its possible future role of 'Relevant Managing Authority' under the proposed deed, the Council requires:-
1. The Structure Plan for the Marina and Residential Area to be adopted by the WAPC and the Council in order to determine the extent of the areas of potential responsibility, together with the number of residential lots, dwelling unit densities and commercial areas to determine the scope for potential income to service the on-going needs of the project.
 2. Further explanation of 'body corporate responsible for Land Management Obligations' in respect to the management of waterways, associated structures and other areas, as provided for under proposed Clause 18 of the deed and under Clause 2.2.4 of Policy DC 1.8.
 3. Advice on comparative management arrangements (deeds) with other local governments responsible for boat harbours, canal developments and marinas sufficient to provide an understanding of the role and responsibilities of the local governments in this arrangement and the way in which their involvement is funded.
 4. Advice on the liability, if any, relating to possible external detrimental impacts that the marina construction could have on the coast to the north and south of the development on the Relevant Managing Authority.
 5. The acceptance by PCD that it would be responsible for any legal costs of the City associated with Council's Solicitors reviewing Draft Deed(s) and related matters.
- (3) advise Port Catherine Developments (PCD) that subject to (2) above, it is keen to work closely with the developer in order to

develop options for the future management of the marina.

- (4) explore the possibility of outsourcing the management and maintenance of the project in the event that the Council accepts a role as the 'Relevant Managing Authority'.

CARRIED 2/0

Explanation

Council considered that its response to the applicant should contain clarification that it expects them to pay for any legal expenses incurred in ensuring any proposed Deeds are reviewed.

In addition, Council is keen to explore the option of outsourcing the function of "Managing Authority" if necessary in the future.

Background

The Port Catherine Marina Development has been an ongoing project over a number of years.

The project is the subject of a development agreement between the State Government and the marina developers. The Council is not a party to the agreement.

A meeting was held on the 16th December 1999 with the developer and his consultants, with senior Council staff to discuss future maintenance responsibilities.

Submission

In a letter dated 22nd December 1999, Port Catherine Developments (PCD) requested Council consider:-

- "1. In respect of clause 16, that it agree to become the Relevant Managing Authority that will eventually take over the obligations of PCD, and*
- 2. In respect of clause 18, that it agree to become the body corporate referred to which would eventually take over the Land Maintenance Obligations as outlined.*

WAPC Policy No. DC 1.8 Canal Estates And Other Artificial Waterway Developments and in particular clause 2.2.4 outlines the basis of any agreement entered into between a proponent and local government regarding waterways management.



Obviously PCD and Council will need to work together closely to fine tune any agreement, however, for now we seek Council's formal ratification that it is prepared to become the Relevant Managing Authority as defined in clause 16 and the body corporate responsible for Land Management Obligations as defined under clause 18."

Clause 16 of the proposed Agreement dealing with the Management of Waterways and Associated Structures and the Management of Other Areas is as follows:-

"16. MANAGEMENT OF WATERWAYS AND ASSOCIATED STRUCTURES

16.1 *PCD shall prior to the end of the advertising period of the town planning scheme amendment submit to WAPC a management plan incorporating provisions for the ongoing management, maintenance, repair and replacement of the Marina ("the Waterways Obligations" which expression includes the Waterways Obligations as amended or varied from time to time by agreement between PCD and the Relevant Approving Authority) including:*

- (a) detailed information and cost estimates of the Waterways Obligations for the period of not less than 5 years from the date of completion of construction and development of the Marina;*
- (b) proposals for the establishment of a corporate body with a secured income adequate to carry out the Waterways Obligations and to indemnify the State and all relevant State instrumentalities and Relevant Approval Authorities against any costs or liabilities they may incur in respect of the Waterways Obligations; and*
- (c) proposals for securing the income referred to in (b) whether by way of contributions of owners of land from time to time within the Development Plan Area supported by covenants binding on such properties and secured by charges over such properties, by the establishment of a fund by PCD or otherwise.*

16.2 *PCD agrees with WAPC subject to the approval of the plan referred to in clause 16.1 that PCD will enter into an agreement ("Waterways Obligation Agreement") with a relevant public authority nominated by WAPC (**Relevant Managing Authority**) to comply with the obligations of PCD in the plan.*

16.3 *PCD acknowledges that PCD will be responsible, at its cost, for the Waterways Obligations until released therefrom in accordance with clause 17 at no cost to WAPC, the Relevant Managing Authority, the State or any instrumentality thereof unless otherwise agreed by them and PCD covenants with WAPC and*



the State to fulfil the Waterways Obligations and to keep those therein indemnified in respect thereof accordingly.

16.4 *Without limiting the preceding provisions of this clause, PCD covenants with WAPC that all transfers of land to third parties of land adjoining the waterways and other associated improvements referred to above in the Development Plan Area shall contain a covenant from the transferee that the transferee will, from the date of transfer, maintain to the satisfaction of WAPC and the Relevant Managing Authority all walls, supports for the waterways and other associated improvements contained within the boundaries of the land being transferred."*

and

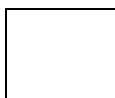
"18. MANAGEMENT OF OTHER AREAS

18.1 *Without limiting clause 16, PCD shall provide to WAPC prior to the end of the advertising period of the town planning scheme amendment proposals for the ongoing management and maintenance of any other areas of land within the Development Plan Area by PCD which are the subject of management or maintenance requirements relating to environmental considerations or otherwise (the **Land Maintenance Obligations**) by the State or any State instrumentality or any Relevant Approving Authority at the cost of PCD one of such proposals being for the establishment of a body corporate with income adequate to carry out the Land Maintenance Obligations and to indemnify the State and WAPC against any costs they may incur in respect of the Land Maintenance Obligations.*

18.2 *Subject to clause 18.3, PCD covenants with WAPC and the State to fulfil the Land Maintenance Obligations and to keep WAPC and the State indemnified in respect thereof accordingly.*

18.3 *WAPC agrees with PCD that it shall release PCD from its obligations pursuant to clause 18.2 if it is satisfied that the body corporate referred to in clause 18.1 is established with a structure and/ or secure income to enable that body to carry out the Land Maintenance obligations for such period as WAPC shall consider appropriate."*

It should be noted that these extracts are from a draft agreement and at this stage have not been agreed to. Finalisation of the Clauses will require further negotiation between the developers and the Council.



Report

Under the WAPC Policy DC 1.8 relating to Canal Estates which applies to marinas, outlines the basis to an agreement and to responsibilities.

Clause 2.2.4 of the Policy states:-

"2.2.4 Deed of Agreement

The purpose of the Deed of Agreement between the Local Government, and the proponent is to agree to:

- *commitments to seek and obtain planning approval and undertake development within a defined period;*
- *the identification of the ultimate waterways manager, if the waterways manager is not the proponent or the Local Government then the waterways manager must be a party to the agreement;*
- *the transfer of the "waterway" area at no cost to the Department of Land Administration for subsequent vesting;*
- *the construction, monitoring and maintenance of specific artificial waterway and channel works;*
- *monitoring and management of water quality to specified requirements;*
- *identification of funding sources for the construction and maintenance work referred to above;*
- *the continuing commitment of the proponent - the proponent shall not cease to be a part to the agreement until at least five years after the date of practical completion of the project and should there be a recurring problem then this period may be extended with the approval of the Commission year by year;*
- *the application of a Deed of Agreement to each stage of a development involving artificial waterways;*
- *the period of time for which the proponent is responsible for maintenance;*
- *the setting out of maintenance obligations, including water quality and sediment monitoring programmes, monitoring water depths (ie hydrographic surveys), entrance dredging, monitoring erosion or accretion of shorelines associated with the waterways;*
- *provision of maintenance bonds;*
- *provision of waterways headworks contributions;*
- *arrangements regarding the source of revenue for ongoing maintenance at expiration of proponent's responsibility; and*



- *a bank guarantee against default of the above commitments and to cover any defects which might become evident during the period of the developer's obligation;*

Sources of revenue may include such items as fees paid for the use of public facilities such as boat launching ramps, marine pen fees, commercial leases, lump sum payments made by the developer for this purpose, as well as rating revenue via general, special area or differential rating methods.

The Deed of Agreement may not need to address all the environmental issues as these will be the subject of conditions under which the project is permitted to proceed pursuant to the Environmental Protection Act."

Clauses 1.4 and 3.6 set out what the WAPC expect to be local government responsibilities:-

"1.4 Local Government

The Local Government should be requested to advise whether, in general planning and local engineering terms, the proposal is acceptable and the circumstances under which it would be prepared to proceed with an amendment to its town planning scheme (ie a rezoning of the land) when formally requested to do so.

Long-term maintenance of the public areas such as the waterways, connecting channels, breakwaters, and artificial waterway walls and embankments where these abut land set aside for use by the public at large will normally be the responsibility of Local Government. The Local Government will need to be satisfied regarding the economic viability of the proposal and its capacity to meet ongoing maintenance costs.

The proponent will normally be responsible for maintenance of the entire project for the initial period (normally five years) apart from those responsibilities assumed by purchasers of lots within the Canal Estate."

and

"3.6 Except as otherwise agreed between the proponent or manager of an artificial waterways project and the State and/or a Local Government, responsibility for the management of an artificial waterway or a connecting channel shall rest with:-

- *the Local Government for matters such as the dredging and maintenance of waterway depth, maintenance of breakwaters, monitoring and management of water quality, the collection and removal of weed or waste, the repair and replacement of pumps and equipment required for water exchange and flushing;"*



Following the completion of the project, the developer will be expected to be responsible for the ongoing maintenance of the marina for at least 5 years before handing it over to the relevant managing authority, which is normally the local government, as indicated in WAPC Policy DC 1.8.

The Council should be prepared to do this, subject of course to the terms and conditions of the Deed of Agreement being satisfactory to the Council and that the extraordinary costs associated with the management and maintenance of both the waterside and landside, is at least revenue neutral.

The cost of managing and maintaining the Port Catherine Marina development and subdivision, should be paid for by the landowners who directly benefit from the "special" features of this unique waterside estate.

There are however, some matters that need to be addressed before the Council makes a commitment to become the Relevant Managing Authority, such as:-

1. The adoption of the Structure Plan for the development.
2. The exploration of alternative management approaches (ie Corporate Body).
3. The comparison with other arrangements and deeds.
4. The liability associated with external impacts, if any.

Although it is likely that the Council will become the Relevant Managing Authority, it is necessary to gain a better understanding of the implications associated with any agreement before making any commitments.

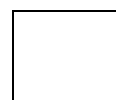
Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The Council does not have the expertise or resources to manage and maintain a marina development.

The way funds could be raised from the project area to pay for the extraordinary costs associated with the management and maintenance of the waterside and landside areas, would be by using Section 6.37 of the Local Government Act. This allows the Council to raise a specified area rate to spend on specific work, service or facility that will benefit the ratepayers or residents.



The Council should seek copies of other comparable marina arrangements with local governments such as Joondalup (Boat Harbour), Mandurah (Canals) and Busselton (Marina).

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

Nil

400. (AG Item 13.7) (OCM1_1_2000) - RECONSIDERATION OF DELEGATED REFUSAL - LOTS 152, 772 AND 773 PHOENIX ROAD, SPEARWOOD - OWNER/APPLICANT: LRC PTY LTD (2212214/ 2212215/ 2207385) (SR) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Applicant that Council has reconsidered the Delegated Refusal dated 13th December 1999 as follows, on the basis of the Amended Plan dated 20.12.99;
1. Delete Reasons 1, 2, 3 and 5 of the Form 2 Notice of Refusal ;
 2. Amend Reason 4 to read "Inadequate provision of manoeuvring space for the carports servicing Units 5 and 8".

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council authorise the Manager Development Services to approve a revised plan which provides adequate manoeuvring space (ie: not more than a single 'standard' reversing movement) for vehicles exiting the carports servicing units 5 and 8. Any such approval to be further subject to the standard conditions.

CARRIED 2/0

Explanation

Council considers that as there is only one minor non-compliance aspect of the 'R' codes, the application should be approved provided that the discrepancy can be resolved with the relevant officer.



Background

ZONING:	MRS:	Urban
	DZS:	Residential R60
LAND USE:	Vacant	
LOT SIZE:	1994m ²	
AREA:		
USE CLASS:	'P'	

An application for Planning Approval for 10 grouped dwellings was recently refused under Delegated Authority (see Attachment for copy of Refusal). Subsequent officer discussions with the Applicant, failed to produce an acceptable outcome and consequently, Council's reconsideration has been sought by the Applicant.

A revised plan has been submitted in support of the reconsideration request.

Submission

Refer Applicant's letter dated 20.12.99 attached and Plan.

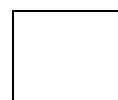
Report

The original plan was deficient in a number of respects under the Residential Planning Codes ("Rcodes"). The Applicant's revised plan has satisfactorily addressed previous Officer concerns about the Phoenix Road crossover and headlight glare to bedroom windows.

The concern about the lack of adequate manoeuvring space for the carports servicing Units 5 and 8 has however, not been overcome. In the case of Unit 5, a "5 point turn" is required for the resident's vehicle to exit their carport, whereas in the case of Unit 8, at least a 5 point turn is required. Alternatively for Unit 8, the resident would have to reverse their vehicle into the carport.

All residential developments should provide an acceptable minimum standard of convenience and functionality for their occupants and the development as proposed, does not meet this fundamental criterion. In the officer's opinion, the proposal constitutes an overdevelopment of the site. Achievement of full development potential of grouped dwelling sites under the R60 zoning in almost all cases, necessitates two storey development. This proposal has attempted to achieve full development potential with a single storey development and the Applicant is seeking a concession due to economic or market constraints, which are not relevant planning considerations.

The amendment to the wording of Reason 4 is to correctly identify Unit 8 (not Unit 7) as the non-complying carport.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

401. (AG Item 13.8) (OCM1_1_2000) - MODIFICATIONS TO AMENDMENT NO. 193 - DEVELOPER CONTRIBUTION REQUIREMENTS (92193) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the modifications to Amendment No. 193 in accordance with the requirements set out in the Western Australian Planning Commission's letter of 4th January 2000 contained in the Agenda Attachments;
- (2) forward the modified documents to the Western Australian Planning Commission.

COUNCIL DECISION

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

CARRIED 2/0

Background

Council, at its meeting held on 12th October 1999, resolved to adopt extensive modifications to Amendment No.193.

Amendment 193 proposes the introduction of Scheme provisions applying to land included within identified Developer Contribution Areas. In particular, the Amendment will provide the statutory basis for formalising developer obligations in regard to the contributions to be



made towards the provision of certain development infrastructure items (see Agenda Item 13.2 - Min.272 for additional background).

Submission

The Western Australian Planning Commission has advised that consent for Amendment No.193 to be advertised for public comment, will be granted following additional modifications being made to the Amendment documents.

The modifications required involve the following:

1. Clauses 12.1 to 12.14 of the Amendment are to be replaced with the Ministry for Planning's model text provisions for Cost Contributions;
2. Removal of the word "Infrastructure" from Clause 12.10.1(b) of the Amendment text.

Report

The need for additional modifications to Amendment No.193 stems from changes made to the Ministry's model text provisions for Cost Contributions. The Ministry has sought to ensure that Amendment No.193 is consistent with the corresponding provisions contained within Council's draft of proposed Town Planning Scheme No.3.

Indeed, Council has already endorsed the required modifications as part of the modifications recently adopted in relation to Town Planning Scheme No.3 (See Min 329 - OCM 16/11/99).

It is a procedural formality to again present this matter to Council, as specific resolution is required to modify Amendment No.193.

Strategic Plan/Policy Implications

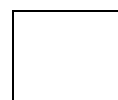
The Amendment is to result in a refined planning process for areas of new subdivision and development and determining appropriate developer contributions, particularly where land is fragmented into numerous ownerships.

Budget/Financial Implications

Nil

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

Nil



402. (AG Item 13.9) (OCM1_1_2000) - MODIFICATIONS TO AMENDMENT NO. 192 - STRUCTURE PLANNING AND DEVELOPMENT AREAS (92192) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the modifications to Amendment No.192 in accordance with the requirements set out in the Western Australian Planning Commission's letter of 4th January 2000 contained in the Agenda Attachments;
- (2) forward the modified documents to the Western Australian Planning Commission.

COUNCIL DECISION

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

CARRIED 2/0

Background

Council, at its meeting held on 12th October 1999, resolved to adopt extensive modifications to Amendment No.192.

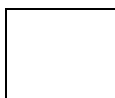
Amendment No.192 proposes the introduction of Development Areas into the Scheme, coupled with associated requirements for the preparation and adoption of Structure Plans within these areas (see Agenda Item 13.2 - Min.271 for additional background).

Submission

The Western Australian Planning Commission has advised that consent for Amendment No.192 to be advertised for public comment, will be granted following additional modifications being made to the Amendment documents.

The modifications required involve the following:

3. Clauses 8.1 to 8.9 of the Amendment are to be made consistent with the provisions of the Ministry for Planning's model text provisions for Structure Planning in terms of detailed wording and the order in which the clauses appear;



4. All references to an “adopted” Structure Plan are to be replaced with “approved”; and
5. The “Development” zone reference in the First Schedule Zoning Table being amended to include reference to Clause 8.8.

Report

The need for additional modifications to Amendment No.192, stems from changes made to the Ministry’s model text provisions for Structure Plans. The Ministry has sought to ensure that Amendment No.192 is consistent with the corresponding provisions contained within Council’s draft of proposed Town Planning Scheme No.3.

Indeed, Council has already endorsed the required modifications as part of the modifications recently adopted in relation to Town Planning Scheme No.3 (See Min 329 - OCM 16/11/99).

It is a procedural formality to again present this matter to Council, as specific resolution is required to modify Amendment No.192.

Strategic Plan/Policy Implications

The Amendment is to result in a refined planning process for areas of new subdivision and development. The Amendment has been modified in accordance with the current model text provisions.

Budget/Financial Implications

N/A

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

Nil

- 403. (AG Item 13.10) (OCM1_1_2000) - PROPOSED RECLASSIFICATION OF LOT 502 SPEARWOOD AVENUE, SPEARWOOD, FROM LOCAL RESERVE PUBLIC PURPOSE FIRE STATION TO RESIDENTIAL R15 - LOT 502; 246 SPEARWOOD AVENUE, SPEARWOOD - OWNER: WA FIRE BRIGADES BOARD - APPLICANT: VIC SMITH & ASSOC (92213) (CC) (AT**

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions as contained in the Agenda Attachments;



- (2) adopt Amendment 213 for final approval;
- (3) in anticipation of the Hon. Minister for Planning's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise the applicant of the Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 2/0

Background

ZONING:	MRS:	URBAN (ABUTS MRS OTHER REGIONAL ROADS)
	DZS:	LOCAL RESERVE – PUBLIC PURPOSE – FIRE STATION
LAND USE:	DISUSED FIRE STATION	
LOT SIZE:	2011M2	
AREA:	N/A	
USE CLASS:	P	

Council at its meeting of 24th August 1999, resolved to amend District Zoning Scheme No. 2 by reclassifying Lot 502 (No. 246) Spearwood Avenue, Spearwood from Local Reserve-Public Purpose – Fire Station to Residential R15.

The rezoning of the land the Residential R15 was supported on the following grounds:

- the land is surplus to fire brigade requirements;
- the proposed zoning is consistent with the surrounding zoning; and
- the rezoning will allow for the development of land with appropriate uses.

See Agenda Attachments for August Item.



Report

No submissions were received from adjoining landowners and the Water Corporation advises that the land is on the sewerage infill program scheduled for 2002-2003.

Given the above, Amendment 213 should proceed to finalisation.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

- 404. (AG Item 13.11) (OCM1_1_2000) - PROPOSED HOME OCCUPATION (COSTUME HIRE) - LOT 246, 9 STYLE COURT, BIBRA LAKE - OWNER/APPLICANT: J & G CLARKE (1115569) (SA) (MAP 13) (ATTACH)**

RECOMMENDATION

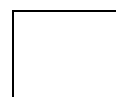
That Council:

- (1) refuse the proposed home occupation (costume hire) on Lot 246, 9 Style Court Bibra Lake for the following reason:
 1. the proposed activity would have a detrimental impact on the residential amenity of the locality;
- (2) issue a MRS Form 2 Notice of Refusal;
- (3) advise those who made submissions, of Council's decision accordingly;

COUNCIL DECISION

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

CARRIED 2/0



Background

ZONING:	MRS:	Urban
	DZS:	Residential R 15
LAND USE:	Dwelling	
LOT SIZE:	732m2	
AREA:	N/A	
USE CLASS:	"AA"	

Submission

The applicant wishes to use half the double garage to operate a costume hire business called "Inhibitions Costume Hire", which would hire out a variety of costumes and accessories to suit. The intended days and hours of operation are as follows:

Monday 9.30am to 6.30pm,
 Wednesday to Friday 9.30am to 6.30pm, and
 Saturday 9.30am to 4.30pm.

The application was advertised for public comment due to the nature of application and one submission was received objecting to the proposal. Refer to Agenda Attachments for further details.

Report

One submission was received during the advertising period from an adjoining landowner, who was concerned about the increase of vehicles in the cul-de-sac street, loss of privacy and the precedent set by approving this application.

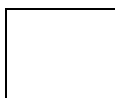
These are all valid concerns, especially as the applicant intends to operate on a commercial basis, including being open to the customers after normal office hours. This indicates that the nature of the business is not suited for a quiet residential locality, but should be located in a commercial or industrial zone therefore, the application is recommended to be refused.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A



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

Nil

- 405. (AG Item 13.13) (OCM1_1_2000) - FRUIT AND VEGETABLE PACKAGING FACILITY - LOT 81 WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: POWERWIDE CORPORATION (4411477) (CC) (MAP 17) (ATTACH)**

RECOMMENDATION

That Council:

- (1) approve the application for fruit and vegetable packaging facility at Lot 81 Wattleup Road, Wattleup subject to the following:
1. Standard conditions and footnotes as contained in Council Policy PD 17 as determined appropriate to this application by delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2;
- Special Conditions
1. Prior to the issue of a building licence, detailed plans of the development at an appropriate scale are to be submitted to and approved by Council's Planning Department. Such plans to include the following:
 - (1) A site plan showing the location of all proposed buildings including dimensions, areas and a north point.
 - (2) The location of proposed uses within the buildings and on land including provision of 10 parking bays, access-ways and crossovers, loading and unloading vehicular circulation including the extent of sealed areas.
 - (3) Elevations and cross section of proposed buildings.
 - (4) Type of building materials and colours.
 - (5) The number, location and size of any signs proposed.
 2. No fruit and vegetables from outside the locality are to be handled, processed or packaged on site unless otherwise



allowed for in future, under the City of Cockburn District Zoning Scheme.

Special Footnote

1. Council's approval to the development should not be construed as an endorsement to proposed Amendment 219 to the City of Cockburn Town Planning Scheme No. 2 to allow for the additional use of fruit and vegetable warehouse and distribution centre on a portion of Lot 81.
- (2) issue a MRS Form 2 Notice of Approval valid for 24 months to the applicant; and
- (3) advise those who made submission of the Council's decision.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) approve the application for fruit and vegetable packaging facility at Lot 81 Wattleup Road, Wattleup subject to the following:
 1. Standard conditions and footnotes as contained in Council Policy PD 17 as determined appropriate to this application by delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2;

Special Conditions

1. Prior to the issue of a building licence, detailed plans of the development at an appropriate scale are to be submitted to and approved by Council's Planning Department. Such plans to include the following:
 - (1) A site plan showing the location of all proposed buildings including dimensions, areas and a north point.
 - (2) The location of proposed uses within the buildings and on land including provision of 10 parking bays, access-ways and crossovers, loading and unloading vehicular circulation including the extent of sealed areas.
 - (3) Elevations and cross section of proposed buildings.



- (4) Type of building materials and colours.
 - (5) The number, location and size of any signs proposed.
 - (6) That the setback from Wattleup Road be increased to maximise the retention of the existing trees at the front of the property.
 - (7) No deliveries or activities causing noise and/or inconvenience to neighbours being carried out before 6am or after 7pm Monday to Saturday.
2. No fruit and vegetables from outside the locality are to be handled, processed or packaged on site unless otherwise allowed for in future, under the City of Cockburn District Zoning Scheme.

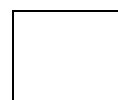
Special Footnote

- 1. Council's approval to the development should not be construed as an endorsement to proposed Amendment 219 to the City of Cockburn Town Planning Scheme No. 2 to allow for the additional use of fruit and vegetable warehouse and distribution centre on a portion of Lot 81.
- (2) issue a MRS Form 2 Notice of Approval valid for 24 months to the applicant; and
- (3) advise those who made submission of the Council's decision.
- (4) advise the applicant that any increase in the scale of operations will need to be the subject of a separate application to Council.

CARRIED 2/0

Explanation

Council considered the addition of Special Conditions 1. (6) and (7) and sub-recommendation (4) would address any aesthetic and amenity concerns regarding the proposal.



Background

ZONING:	MRS:	RURAL
	DZS:	RURAL
LAND USE:	vacant	
LOT SIZE:	2.6735	
AREA:	N/A	
USE CLASS:	Rural-Industry SA use	

Lot 81 is an undeveloped rural property.

The landholding to the east is developed with a turf farm and the lot to the west is developed with 2 residences and outwardly appears as a Special Rural development. A substantial house with market garden has been developed on the adjacent side of Wattleup Road opposite Lot 81. The locality is characterised by market gardens, turf farms and associated development such as houses and sheds.

A development application was lodged with Council in October 1999, to develop a fruit and vegetable packaging facility on site. It was proposed that trucks deliver produce sourced from outside the locality to the site to be packaged for overseas export.

Council solicitors advised that the development proposal could not be considered as 'Industry-Rural', as the fruit and vegetables were not to be sourced from the locality. The legal advice indicates that the use may be considered as Light Industry, a use not permitted in the Rural zone, or a discretionary 'SA' use subject to the development only packaging fruit and vegetables from the locality. *See Agenda Attachments for solicitors advise.*

The proponent of the development has modified the proposal and made written undertaking to Council, to only package local produce thereby making the proposal consistent with the 'Rural-Industry' classification (SA use) of the Scheme.

The proponent however, still seeks to be able to source produce from non-local areas and has requested Council amend the Scheme accordingly. *Amendment 219 is presented in this agenda*

Submission

Application has been made to develop the land with a fruit and vegetable packing facility for local produce. The operation and physical characteristics of the proposal are as follows:

- A packing shed of approximately 600 m² including an office, meeting room, loading and packing areas.
- A house/living quarters for 2 employees.



- 10 employees.
- 2 to 3 trucks delivering fruits and vegetables per day.
- Shed to be approximately 6 metres in height.
- Building setbacks in accordance with Council policy.

Report

Six(6) submissions have been received from nearby and adjoining landowners, objecting on the grounds of property devaluation, noise from trucks and machinery and increased traffic. See *Agenda Attachments for summary of submissions*.

Outwardly, the facilities proposed including a shed (600^{m2}), residence and parking area, would be similar in nature to other sheds and residence in the locality. In comparison, 3 sheds of 1280m2 used for hydroponics have been developed on Lot 77 Wattleup Road. See *Agenda Attachments Surrounding Development/Landuse*.

The estimated number of truck movements (2-3 per day) is minimal and unlikely to have a noticeable impact on traffic and safety.

The City of Cockburn has the 4th highest value of horticultural production within a study ('*Coastal land and ground-water for horticulture from Gingin to Augusta*' - Agriculture Western Australia) of metropolitan and country local authorities. The sourcing of local produce for the proposal appears a realistic proposal. The proponent has also advised that sourcing of local produce reduces transportation costs.

Although the plans submitted in support of the development lack the finer detail, they are sufficient for consideration of the use and concept of the development. Any planning approval should require further detailed plans to Council's satisfaction.

It is considered that the proposal is consistent with the intent of the Rural zone. The proponent of the development should be advised however, that approval to this proposal should not be construed as an endorsement to Amendment 219 to allow for non-local produce to be dealt with at the facility.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A



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

Nil

- 406. (AG Item 13.12) (OCM1_1_2000) - AMENDMENT NO. 219 - ADDITIONAL USE - FRUIT AND VEGETABLE WAREHOUSE AND DISTRIBUTION CENTRE - LOT 81 WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: POWERWIDE CORPORATION (92219) (CC) (MAP 17) (ATTACH)**

RECOMMENDATION

That Council:

- (1) Adopt the following amendment:

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

AMENDMENT 219

1. Adding to the Second Schedule of the Scheme Text under the headings the following:

Street	Particulars of Land	Additional Use Permitted
Wattleup Road	Lot 81 on Plan 8190 Being on Certificate of Title Volume 1313 Folio 552	Fruit and Vegetable Distribution Centre for the handling, processing treating, packing and carrying of fruit and vegetables

2. Adding to the Scheme Map, the additional use symbol and annotation 'Fruit and Vegetable Warehouse and Distribution' over portion of Lot 81 Wattleup Road, Wattleup.

- (2) forward a copy of a signed document to the Environmental Protection Authority in accordance with section 7 A(1) of the Act;



- (3) forward copies of the signed documents to the Western Australian Planning Commission, requesting consent to advertise be granted following receipt of written advice from the Environmental Protection Authority, that the Scheme Amendment is not required to be assessed under section 48A of the Environmental Protection Act; and
- (4) advise the applicant of the Council's resolution.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that this matter be deferred to seek additional information from the proponent with regards to the implications of the amendment on the scale of the operation.

CARRIED 2/0

Explanation

The Council deferred the Amendment in order to seek additional information from the proponent with regard to the implications of the amendment on the scale of the building and operation and any amenity issues such as hours of operation, additional truck movements etc.

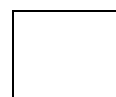
Background

ZONING:	MRS:	RURAL
	DZS:	RURAL
LAND USE:	Vacant Rural Land	
LOT SIZE:	2.6735	
AREA:	7000m2	
USE CLASS:	Rural Pursuit 'P' use	

Lot 81 is an undeveloped rural property.

The landholding to the east is developed with a turf farm and the lot to the west is developed with 2 residences and outwardly appears as a Special Rural development. A substantial house with market garden has been developed on the adjacent side of Wattleup Road, opposite Lot 81. The locality is characterised by market gardens, turf farms and associated development such as houses and sheds.

A development application was lodged with Council in October 1999, to develop a fruit and vegetable packaging facility on site. It was proposed



that trucks deliver produce sourced from outside the locality to the site to be packaged for overseas export.

Council solicitors advised that the development proposal could not be considered as 'Industry-Rural' as the fruit and vegetables were not to be sourced from the locality. The legal advice indicates that the use may be considered as Light Industry - an X use, a use not permitted in the Rural zone, or a discretionary 'SA' use subject to the development only packaging fruit and vegetables from the locality. See *Agenda Attachments for solicitors advise*.

The proponent of the development has modified the proposal and made written undertaking to Council, to only package local produce and seeks approval to the development proposal on the basis of this understanding. Six(6) submissions of objection were received in respect to the development application. *The development proposal is presented in this agenda.*

The proponent however, still seeks to be able to source produce from non-local areas and has requested Council amend the Scheme accordingly.

Submission

The landowner has requested Council amend TPS No. 2 to allow for the development of a fruit and vegetable packaging facility over a 7000m2 portion of the site. The following amendment is proposed:

1. Adding to the Second Schedule of the Scheme Text under the headings the following:

Street	Particulars of Land	Additional Use Permitted
Wattleup Road	Lot 81 on Plan 8190 Being on Certificate of Title Volume 1313 Folio 552	Fruit and Vegetable Distribution Centre for the handling, treating, processing, packing or carrying of fruit and vegetables

2. Adding to the Scheme Map, the additional use symbol and annotation 'Fruit and Vegetable Warehouse and Distribution' over portion of Lot 81 Wattleup Road, Wattleup.

Report

A fruit and vegetable distribution centre is located nearby, close to the corner of Wattleup and Mandogalup Roads within Cockburn and



Kwinana. This proposal took place in the Rural Zone via an amendment to the TPS No.1 in 1982.

The proponent has advised that although the sourcing of the produce from the locality is economical due to savings in transport costs, some produce such as potatoes, are not grown locally and need to be sourced from non-local areas such as the south west of the state.

The additional use is proposed for the front portion of Lot 81, to limit the size of the operation but still allowing for possible future expansion.

Outwardly, the facilities proposed including a shed (600^m²), residence and parking area, would be similar in nature to other sheds and residence in the locality. In comparison, 3 sheds of 1280m² used for hydroponics have been developed on Lot 77 Wattleup Road. See *Agenda Attachments Surrounding Development/Landuse*.

The estimated number of truck movements (2-3 per day) is minimal and unlikely to have a noticeable impact on traffic and safety.

It is considered that the use of a portion of the site for warehousing and packaging of fruits and vegetables, is consistent with the intent of the Rural zone.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

- 407. (AG Item 13.14) (OCM1_1_2000) - PROPOSED LEGAL ACTION - UNAUTHORISED DEVELOPMENT - LOT 897, CNR MARVELL AVENUE AND ROCKINGHAM ROAD, MUNSTER - OWNER: RAESIDE PTY LTD (3314397) (SR) (ATTACH)**

RECOMMENDATION

That Council:

- (1) instruct Council's Solicitors to undertake legal action against Gull Petroleum (WA) Pty Ltd, Raeside Pty Ltd and Garavanta Nominees Pty Ltd under the Town Planning and Development



Act (1928), in respect of unauthorised development on Lot 897, corner of Marvell Avenue and Rockingham Road, Munster.

- (2) delegate the carriage and conduct of proceedings in the matter to the Chief Executive Officer.

COUNCIL DECISION

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

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

Background

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

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

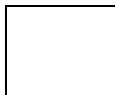
ZONING:	MRS:	Urban
	DZS:	Commercial
LAND USE:	Service Station	
LOT SIZE:	2295m2	
AREA:		
USE CLASS:		

Submission

N/A

Report

A Stop Work Order under Section 374 of the Local Government (Miscellaneous Provisions) Act 1960 was recently issued under Delegated Authority.



The application for Planning Approval is currently being assessed. This involves review of the plans by a traffic consultant and an acoustic consultant. The proposed redevelopment of the workshop requires expert assessment to determine the likely compliance or otherwise with noise regulations, due to its proximity to residential development.

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

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

408. (AG Item 13.15) (OCM1_1_2000) - AUTHORISED PERSON - PRIVATE SWIMMING POOL INSPECTIONS (3211) (VG) (ATTACH)

RECOMMENDATION

That Council authorise the following person to inspect land and swimming pools pursuant to Sections 245A (1) and 245A (5) and exercise the powers pursuant to Section 245A (6) of the Local Government (Miscellaneous Provisions) Act 1960, within the City of Cockburn, namely;

Heath McAlister

COUNCIL DECISION

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

CARRIED 2/0



Background

A person needs to be authorised to comply with amendments to the Local Government (Miscellaneous Provisions) Act 1960, to allow private swimming pools to be assessed periodically for compliance with the relevant Regulations within the City of Cockburn.

Submission

N/A

Report

Council's Private Swimming Pool inspection contractor (Royal Life Saving Society) has engaged a new person to join the inspection team within the City of Cockburn. This person must be authorised to enter land upon which a private swimming pool is located and issue notices where required and take such measures as considered necessary (within the limitations Council may impose), in order to prevent a swimming pool from being a danger to the public. (Letter attached)

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

409. (AG Item 14.1) (OCM1_1_2000) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 2/0



Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

410. (AG Item 14.2) (OCM1_1_2000) - REQUEST FOR RATES EXEMPTION - M & T TRUHELKA (5216) (KL)

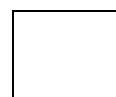
RECOMMENDATION

That Council advise M & T Truhelka that it is not prepared to exempt the properties at 23 Leonard Way and 4 Hudson Court Spearwood, from paying rates to the City of Cockburn.

COUNCIL DECISION

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

CARRIED 2/0



Background

Vela-luka Park in Spearwood has been closed to the public since 31st May 1997. The park was closed soon after the Water & Rivers Commission discovered coal tar on the surface of the park. The park has just recently been reopened.

Submission

Correspondence has been received from M & T Truhelka of 23 Leonard Way Spearwood, wishing to apply for rates exemption at 23 Leonard Way and 4 Hudson Court, Spearwood. The reasons for applying for a rates exemption are:

- (1) the location of the properties is in the area as being identified as being contaminated.
- (2) due to this contamination being given widespread publicity, land values have decreased and properties have become almost impossible to sell.

Report

Mr T Truhelka has verbally contacted the Valuer General's Office on advice from Council's Rates Section, in regards to the valuation on his properties. The Rates Clerk has written to the applicants advising that they could lodge an objection against the Gross Rental Valuation with the Valuer General's Office if they wished. Informal advice from the Valuer General's Office, is that the values on the properties reflect rents being received in the area.

Regardless of the appeal process, rates must be paid and if the valuation is incorrect, then a refund will be given.

The properties owned by the Truhelka's, fall within the category of Rateable Land and do not meet any criteria under the Local Government Act 6.26, which would justify them being exempt from rates.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil



411. (AG Item 15.1) (OCM1_1_2000) - ROCKINGHAM/FREMANTLE SYSTEM 21 BUS SERVICE - BUS SHELTERS (9710) (JR) (ATTACH)

RECOMMENDATION

That Council advise Transport that it endorses the proposed Boulevard bus shelter design as supplied by Adshel Street Furniture Pty Ltd and the installation of the shelters along Rockingham Road, subject to the approval for each location by the Director - Engineering & Works.

COUNCIL DECISION

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

CARRIED 2/0

Background

Transport intends to commence the Rockingham/Fremantle System 21 bus service at the same time as the opening of the new Kwinana bus station in February 2000. The service will feature a regular frequency service, every fifteen minutes throughout the day and more frequent in peak periods as well as providing late night Friday and Saturday services. Also featured are new, easy access, refrigeration air-conditioned buses, stop specific timetables at each stop and new bus shelters at selected stops in which real time passenger information will be provided. A traffic signal bus priority system is also scheduled to be introduced.

Submission

To be able to provide new bus shelters at selected stops along the Rockingham/Fremantle corridor, Transport has called tenders for the supply of 30 shelters with the supplier to contribute toward all or part of the capital and maintenance costs through the display of advertising or any other means. Adshel Street Furniture Pty Ltd is the preferred tenderer. The proposed agreement will require Adshel to supply and install 30 shelters at locations of Transport's choosing. Adshel will maintain the shelters (including weekly cleaning and graffiti and vandalism repairs) for a period of twenty years at the expiration of which, the shelters will become the property of Transport.



The selected design of shelter is the Boulevarde, a perspective print of which is attached to the Agenda. This shelter has a modern, open design that is relatively not intrusive. It provides protection to passengers with alternative roof configurations and designs.

Transperth is thus seeking Council's endorsement to install about ten shelters within the City of Cockburn, predominantly along the northbound carriageway of Rockingham Road. Where existing shelters need to be removed, these would be returned to the City for installation in new locations.

Report

The System 21 bus service is along Rockingham Road through the City from Hampton Road to the Council's southern boundary at Wattleup. It is the same high frequency public transport service identified for the proposed dedicated Rockingham - Fremantle Transitway, but will be operating in mixed traffic.

The proposed new shelters, which would be at no cost to Council, should be supported as they would vastly improve the streetscape aesthetics of Rockingham Road. However, the location of shelters is of great importance. Matters such as sight distances from driveways, footpath widths and general public amenity will need to be addressed. Transport undertakes to address these matters with Adshel in consultation with Council officers. Adshel will provide concrete paving for the installation of shelters or work with Council for the reinstatement of brick paving. Transport will provide a tactile treatment at all System 21 stops, as well as paving for the stops where new shelters will not be installed for people with disabilities.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil



412. (AG Item 16.1) (OCM1_1_2000) - POOL FILTRATION SYSTEM UPGRADE - SOUTH LAKE LEISURE CENTRE (10155) (8143) (GMAC) (RA)

RECOMMENDATION

That Council:

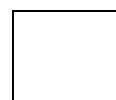
- (1) receive tenders submitted as follows:-
 - Jako Industries Pty Ltd \$ 623,000.00
 - Shenton Enterprises \$ 608,845.00
 - Envar Engineers and Contractors Pty Ltd \$ 589,000.00
- (2) accept the tender from Envar Engineers and Contractors Pty Ltd of \$589,000.00;
- (3) allocate an additional \$94,000.00 from the Community/Recreation Facilities Reserve Fund, for the Centre's pool filtration system upgrade and outdoor pool marquee and the budget be amended accordingly;
- (4) delegate authority to the Director, Community Services to negotiate minor variations to the contract to a total value of \$619,000.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) receive tenders submitted as follows:-
 - Jako Industries Pty Ltd \$ 623,000.00
 - Shenton Enterprises \$ 608,845.00
 - Envar Engineers and Contractors Pty Ltd \$ 589,000.00
- (2) accept the tender from Envar Engineers and Contractors Pty Ltd of \$589,000.00;
- (3) allocate an additional \$94,000.00 from the Community/Recreation Facilities Reserve Fund, for the Centre's pool filtration system upgrade and outdoor pool marquee and the budget be amended accordingly;
- (4) delegate authority to the Director, Community Services to



negotiate minor variations to the contract to a total value of \$619,000.

- (5) request the Director Finance to identify potential increased earnings and/or cost savings so that, at the next Budget Review, Council can endeavour to reimburse the Community/Recreation Facilities Reserve Fund with the \$94,000 mentioned in (3) above.

CARRIED 2/0

Explanation

Council is concerned that the required funds will be a drain on the Reserve Fund and consequently, the Reserve Fund should be reimbursed at the next Budget Review.

Background

The South Lake Leisure Centre's existing water treatment plant has remained unchanged since initial construction however, patronage and bather loads have increased markedly throughout the facility's life span. Current attendance and bather loads resulted in the existing plant being unable to cope with demand. Resultant problems include poor water quality, skin irritations and strong chlorine smell.

A review of the South Lake Leisure Centre's pool water treatment systems and pool basin has been undertaken, with recommendations made and specifications drafted on a future upgrade/improvement.

Council, within the 1999/2000 Municipal budget, has allowed \$550,000 for this project.

Commissioners were advised in a letter dated 18th August 1999, that the proposed works to the pool water handling system would result in the indoor pool being closed for 3 months. The proposal was put forward to allow for the external pool to be heated and covered by a marquee which would allow for core swimming activities such as lessons and water aerobics to continue for the construction period. Commissioners were advised that the cost of the additional works for external pool heating which has been included in the tender specifications and marquee hire had an estimated cost of \$55,000.00 which would be off-set by a reduction in the deficit which occurs in operations during the 10th April - 23rd June Winter period. Furthermore, the continuation of core swimming activities would assist in maintaining the customer base and good will.



Registrations of Interest were called for from suitably qualified and experienced contractors, with a total of eight (8) submissions being received. Available Energy/Engineering Consultants (AEEC) have been contracted to carry out the design, documentation, assessment of tenders and supervision of works associated with the upgrade of filtration system. Based upon advice from AEEC, four (4) companies were invited to submit a tender for the filtration upgrade under delegated authority DA - F4. The Registrations of Interest were assessed by the Consultants (AEEC) in accordance with Council Policy F1.14 and confirmed by Council Administration.

Submission

N/A

Report

The lowest conforming tender of the 3 tenders submitted was submitted by Envar Engineers and Contractors Pty Ltd and it is proposed that this tender be accepted subject to the requirements of the Local Government (Functions and General) Regulations 1996 Part 4. Submitted tenders did not allow for a contingency sum which is deemed necessary for a project of this nature.

A non conforming tender was submitted by Shenton Enterprises which has not been considered in this report and it is proposed that it not be received by Council.

Summary

• Budgeted allocation 99/00		\$550,000.00
• Tender Envar	\$589,000.00	
• Marquee	\$ 25,000.00	
• Contingency	\$ 30,000.00	
	<hr/>	\$644,000.00

Additional Funds Required \$94,000.00

Available Energy/Engineering Consultants suggested that the above budget tenders were the result of original estimates being produced six months ago and since that time, significant increases have been experienced in the following: -

- Building works – resulting from the demands on trades prior to application of GST on 1/7/2000.
- ABS pipework – (10%) resulting from a significant increase in crude oil prices.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Council in the 1999/2000 Municipal budget, had allowed \$550,000 for the total project. An additional \$94,000 will be required based upon the acceptance of the lowest tenderer.

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

Nil

413. (AG Item 17.1) (OCM1_1_2000) - CHIEF EXECUTIVE OFFICER'S ORGANISATIONAL STATUS REPORT (1054) (RWB) (ATTACH)

RECOMMENDATION

That Council receive the Organisational Status Report from the Chief Executive Officer dated January 2000.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) receive the Organisational Status Report from the Chief Executive Officer dated January 2000; and
- (2) commend the staff on the quality of the report.

CARRIED 2/0

Explanation

Council felt the quality of the Report warranted a mention of commendation to staff responsible for its preparation.

Background

At its meeting of the 9th March 1999, Council determined that a report on matters of interest be provided to Council on a quarterly basis.



The Organisational Status Report replaced the report previously prepared relating to performance measurement.

As Council received the last Status Report in October 1999, it is now time for the next report to be provided.

Submission

N/A

Report

Directors, Managers and staff have generally contributed to the information report which has been titled "Organisational Status Report".

The Status Report will be provided to Council on a quarterly basis highlighting issues that may be of interest to Council.

The Report provides a snapshot of issues at a particular point of time, even though they may currently be in the process of being considered by Council.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Nil

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

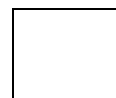
Nil

414. (AG Item 20.1) (OCM1_1_2000) - PASSES FOR ENTRY TO HENDERSON LANDFILL SITE (4300) (BKG/RJ)

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) acknowledge the strong concerns raised at the Special Meeting of Electors and therefore consider that more time is required to be able to reassess the options and ramifications before the matter is dealt with at the next Council Meeting; and
- (2) Irrespective of the reconsideration, Council wishes to reassure



residents that there will be no loss of or charge for tip passes before the 2001/02 financial year.

CARRIED 2/0

Explanation

At the Special Meeting of Electors held on the 11th January 2000, the electors resolved:

"That this meeting puts a resolution to the Commissioners that at the next Council meeting, they consider reversing their decision for its new rubbish policy and retain the six tip cards."

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

The Commissioners gave an undertaking at the Special Electors Meeting, that they would endeavour to receive the resolution at the January Council Meeting.

415. (AG Item 23.1) (OCM1_1_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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

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

CARRIED 2/0

Meeting closed at 8:37pm.



CONFIRMATION OF MINUTES

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

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

