

## CITY OF COCKBURN

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 NOVEMBER 1998 AT 7:30 P.M.

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#### PRESENT:

##### COMMITTEE MEMBERS

Mr J Grljusich	-	Mayor
Mr J Ostojich	-	Deputy Mayor
Mr R A Lees	-	Councillor
Mr S Lee	-	Councillor
Mr C Elpitelli	-	Councillor
Mrs S Hunt	-	Councillor
Mr L Humphreys	-	Councillor
Mr L Howlett	-	Councillor
Mrs N Waters	-	Councillor
Mr M Pecotic	-	Councillor
Mr J Gianoli	-	Councillor
Mr J McNair	-	Councillor

##### IN ATTENDANCE

Mr R W Brown	-	Chief Executive Officer
Mr D M Green	-	Director, Administration & Community Services
Mr K Lapham	-	Manager, Finance
Mr S M Hiller	-	Director, Planning & Development
Mr B K Greay	-	Director, Engineering (Arrived 7:52pm)
Mrs S Ellis	-	Secretary to Chief Executive Officer

The Presiding Member declared the meeting open at 7:30pm and read aloud, letters addressed to the Council from Mr Watson representing the Lakeside Villas and also from the Friends of the Cockburn Wetlands, both expressing their concerns regarding CDC Item 14.4 and the effects this proposed road would have.

#### 1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

Nil



## 2. PUBLIC ADDRESS SESSION

**Mr Don Watson** thanked the Mayor for reading out his letter and spoke in regards to CDC Item 14.4. He asked Councillors to support the Committee's recommendation and tabled a petition signed by 548 residents.

**Mr Adrian Fini** spoke regarding CDC Item 14.4 on behalf of the residents of the Lakeside Villas who are concerned about protecting their lifestyle.

**Mr Don Watson** queried why the Mayor had not also read aloud a letter Council received from the Bibra Lake Primary School P & C which voiced their opposition to the proposed road. Cllr Howlett provided a copy of the letter and the Chief Executive Officer read it aloud.

**Ms Heather Smedley** spoke to CDC Item 6.1. She felt that Council should be commended for the manner in which Council dealt with this item in a precise and proper manner. She asked that Council address point 3 of the recommendation to better clarify its position.

**Mr Jeff Richards** spoke to CDC Item 9.1 and gave a brief history of his company and their reasons for the application to be considered at this meeting.

Nil

## 3. WRITTEN REQUEST FOR LEAVE OF ABSENCE

Nil

## 4. CONFIRMATION OF MINUTES

### 4.1 (OCM11/98) - MINUTES OF ORDINARY COUNCIL MEETING - 20/10/98

Moved Cllr Lees seconded Cllr Humphreys, that the Minutes of the Ordinary Council Meeting held on the 20<sup>th</sup> October 1998 be confirmed.

**CARRIED**



**4.2 (OCM11/98) - MINUTES OF SPECIAL COUNCIL MEETING - 22/10/98**

Moved Clr Howlett seconded Clr Humphreys, that the Minutes of the Special Council Meeting held on the 22<sup>nd</sup> October 1998 be confirmed.

**CARRIED**

AT THIS POINT THE TIME BEING 7:52PM, DIRECTOR ENGINEERING JOINED THE MEETING.

**4.3 (OCM11/98) - MINUTES OF SPECIAL COUNCIL MEETING - 22/10/98**

Moved Clr Lees seconded Clr Howlett, that the Minutes of the Special Council Meeting held on the 22<sup>nd</sup> October 1998 be confirmed.

**CARRIED**

**4.4 (OCM11/98) - MINUTES OF SPECIAL COUNCIL MEETING - 9/11/98**

Moved Clr Elpitelli seconded Clr Howlett, that the Minutes of the Special Council Meeting held on the 9<sup>th</sup> November 1998 be confirmed.

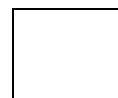
**CARRIED**

**5. APOLOGIES AND LEAVE OF ABSENCE**

Clr B. Wheatley - Apology

**6. ADDITIONS TO THE AGENDA**

Nil



## 7. DEPUTATIONS

Nil

### DECLARATION OF FINANCIAL INTEREST

**Clr Howlett** declared a financial interest in Item 8.1, the nature being that his brother and son, both work for financial institutions and he is in partnership with them.

**Deputy Mayor Ostojich** declared a financial interest in Item 8.1, the nature being that his wife works for a financial institution.

AT THIS POINT THE TIME BEING 7:54PM, CLR HOWLETT AND DEPUTY MAYOR OSTOJICH LEFT THE MEETING.

**Clr Lees** informed the meeting of his financial interest in a financial institution as he has bank accounts but is not a shareholder. The Chief Executive Officer advised that all Councillors would have a banking account of some sort and therefore the interest is a common one and therefore was not required to be declared at the meeting.

## 8. COUNCIL MATTERS

### 8.1 (OCM11/98) - PROPOSED NEW REGISTER OF DELEGATIONS TO OFFICERS AND POLICY MANUAL (1054) (DMG)

#### RECOMMENDATION

That Council:

- (1) adopt the Register of Delegated Authority to officers of Council, as contained in the attachments to the Agenda; and
- (2) adopt the Council Policies as contained in the attachments to the Agenda.

**TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL**

#### COUNCIL DECISION

Moved Clr Humphreys seconded Clr Lees, that the recommendation be adopted.





Moved Cllr Humphreys seconded Cllr Lee, that the motion be put.

**CARRIED**

**MOTION PUT AND LOST DUE TO  
LACK OF ABSOLUTE MAJORITY OF COUNCIL**

AT THIS POINT THE TIME BEING 8:17PM, CLR HOWLETT AND DEPUTY MAYOR OSTOJICH RETURNED TO THE MEETING.

Moved Cllr Elpitelli seconded Cllr Lee, that the matter be resubmitted to the December Council Meeting.

*Note: The Chief Executive Officer advised that, as the motion did not effect the personal interest of the Councillors concerned, they were not required to leave the meeting.*

**Amendment To Motion**

Moved Mayor Grljusich seconded Cllr Pecotic, that the matter be resubmitted to the December Council Meeting with the view that first and foremost, that Council consider if it is willing to go to 2 Full Council Meetings and to eliminate the Committee Meeting process as a priority.

**AMENDMENT CARRIED BY THE CASTING VOTE OF THE  
PRESIDING MEMBER**

**AMENDED MOTION PUT AND CARRIED BY THE CASTING VOTE  
OF THE PRESIDING MEMBER**

**Background**

This explanation also applies to Item 8.2.

At the Council Meeting held in March 1998 Council resolved that the Council Meeting structure be part of an ongoing review process and that a Working Party be formed consisting of the Mayor, Deputy Mayor and Councillor Pecotic, with Councillor Humphreys as Deputy together with three staff appointed by the Chief Executive Officer to oversee this process.

Subsequently, the Working Party has met on three occasions to discuss mechanisms which, if implemented, would positively contribute to the streamlining of Council business. A variety of



issues were raised and discussed by the Working Party and are contained in the notes taken from the Meetings, a copy of which was previously circulated.

This item was previously listed for discussion at the lapsed Special Meeting of Council held on 22 October 1998.

### **Submission**

N/A

### **Report**

The primary emphasis of the Working Party was to investigate the following matters:

1. Mechanisms by which procedural matters could be dealt with at administrative level, thus alleviating the need to burden the Council and Committee Agendas with such items; and
2. Meeting procedures to identify ways in which the business of Council be streamlined, thus eliminating the need for lengthy and unruly meetings.

Accordingly, the Working Party has concentrated on these matters and developed the following documents:

- (i) Updated Delegated Authority Register containing the delegation of Council Policy statements to officers. In addition, the latest document contains additional information relative to guidelines, conditions, extent of authority and legislative and/or Council Policy controls which must be considered by Officers when using delegated authority;
- (ii) Updated Policy Manual containing a cross-reference to the Delegated Authority Register, where applicable, thereby acting as a ready reference source to assist staff in the decision-making process;
- (iii) Amend Draft Standing Orders containing a number of new mechanisms which are aimed to guiding the Presiding Member and Councillors towards conducting the business of Council in a more orderly and streamlined manner in the future;



- (iv) Minor amendments to the Codes of Conduct (for Councillors and Staff).

It is anticipated that the following issues, specific to the Draft Standing Orders, will wish to be considered by Council:

1. Part 21 - Declaration of Conflict of Interest (Non-Financial)
2. Clause 4.13 - Closure of Meeting
3. Clause 4.10 - Urgent Business
4. Clause 4.12 - Matters to be investigated
5. Parts 9, 10 and 15 - Debating Procedures

For the purpose of (5) above, a Draft *prompt* sheet will be prepared and presented to the meeting.

While there are no other matters the administration wishes to specifically raise, it will obviously be competent for Councillors to bring any matter to the attention of the meeting for discussion in relation to these items.

#### **Strategic Plan/Policy Implications**

N/A

#### **Budget/Financial Implications**

N/A

### **8.2 (OCM11/98) - PROPOSED NEW CODES OF CONDUCT AND STANDING ORDERS LOCAL LAW (1054) (DMG)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the Codes of Conduct for Councillors and Staff as contained in the attachments previously circulated;
- (2) submit for public comment the proposed Draft Local Law Relating to the Conduct of Proceedings and the Business of Council, known as *Standing Orders*, as contained in the attachments previously circulated; and
- (3) reconsider the issue of the Council Meeting format in February 1999, following final consideration of the Draft Standing Orders



Local Law in January 1999, as the result of any public submissions received.

**COUNCIL DECISION**

Moved Clr Elpitelli seconded Clr Lee, that this matter be resubmitted to the December Council Meeting.

**CARRIED BY THE CASTING VOTE OF THE  
PRESIDING MEMBER**

**Background**

Refer to information provided at Item 8.1.

**Submission**

N/A

**Report**

Refer to information provided at Item 8.1.

**Strategic Plan/Policy Implications**

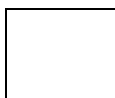
N/A

**Budget/Financial Implications**

N/A

**8.3 (OCM11/98) - STRATEGIC & POLICY COMMITTEE REPORT - 3/11/98**

Moved Clr Lee seconded Clr Humphreys, that the report of the Strategic and Policy Committee Meeting held on the 3<sup>rd</sup> November 1998 be received and the following recommendations adopted.



**Item 10.1 (SPC11/98) - TRAVELSMART PROPOSAL FOR PERTH (9635) (AKG) (ALL)**

**COUNCIL DECISION**

That Council:

- (1) endorse the value of the TravelSmart program by the Department of Transport in its endeavours to encourage more people to use public transport;
- (2) approach the Department of Transport requesting the extension of the TravelSmart Program to cover the City of Cockburn to coincide with the implementation of the Rockingham to Fremantle Transitway and the railway to Thomsons Lake.

**Item 10.2 (SPC11/98) - FREMANTLE-ROCKINGHAM ACCESS HIGHWAY - COCKBURN ROAD RE-ALIGNMENT - APPLICANT: MAINS ROADS WESTERN AUSTRALIA (9710) (AJB) (COASTAL) (MAPS 4, 5, 9, 10 &11)**

**COUNCIL DECISION**

That Council:

- (1) receive the alternative road network configuration plan prepared by Main Roads Western Australia;
- (2) advise Main Roads Western Australia that:-
  1. The alternative Cockburn Road network configuration plan forwarded to Council by letter dated 9 October 1998 is supported in principle;
  2. Detailed consideration needs to be given to the staging and timing of works associated with the closure of Cockburn Road south of Russell Road including the following:-
    - (a) The realignment of Russell Road and construction of a light controlled intersection with Rockingham Road should be undertaken as a priority in the Works Program to ensure adequate parking is maintained at the school, access is retained and the impact of noise from increased traffic volumes minimised;

- (b) Construction of the new carriageways within Rockingham Road being undertaken as an integral part of the project;
  - (c) The diversion of Cockburn Road south of Mayor Road and along the west of Lake Coogee being deferred and funds reallocated to construct Roe Highway between the Fremantle Eastern Bypass and Stock Road as shown on Concept Plan 2;
3. The Controlled Access Highway Reserve south of Russell Road be deleted from the Metropolitan Region Scheme and that land not required for the southern link road being reserved for Parks and Recreation and incorporated in the Beeliar Regional Park.
4. Council is unable to support Stock/Rockingham Roads realignment/reconfiguration until further details are available in respect to:
- (a) the vegetation within the affected road reserves.
  - (b) access and egress on to Stock/Rockingham Roads and in particular the Wattleup Townsite.
  - (c) the intersection of Stock and Rockingham Roads.
  - (d) the necessity of the realignment of Stock/Rockingham Road north of Russell Road.
  - (e) the details of Stock/Rockingham Roads and Rowley Road intersection.

**Item 10.3 (SPC11/98) - STRATEGIC PLAN FOR FUTURE EXTENSIONS TO THE METROPOLITAN FIRE DISTRICT (MFD) (1554) (JJ)**

**COUNCIL DECISION**

That Council adopt the Strategic Plan for the future extensions to the Metropolitan Fire District (MFD).



**Item 11.1 (SPC11/98) - COOGEE MASTER PLAN REVIEW (9501) (SMH)**

**COUNCIL DECISION**

That Council:

- (1) receive the report;
- (2) agree to contribute \$10,000 to the review of the Coogee Master Plan.

**Item 11.2 (SPC11/98) - APPOINTMENT OF AUTHORISED PERSONS FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF CLAUSE 8.3 OF THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) BY-LAWS (1050) (1054) (WJH) (ALL)**

**COUNCIL DECISION**

That Council:

- (1) appoint the following persons as Authorised Persons for the purpose of carrying into effect the provisions of clause 8.3 of the City of Cockburn (Local Government Act) By-laws:-

Chief Executive Officer  
Principal Environmental Health Officer  
Environmental Health Officers

**Item 14.1 (SPC11/98) - OBJECTION TO APPLICATION FOR PROSPECTING LICENCE - RESERVE 39584, HENDERSON (3412304) (3412167) (DW) (COASTAL)**

**COUNCIL DECISION**

That Council:

- (1) confirm the actions of officers in objecting to prospecting licence application 70/1320 by Danehill Nominees;
- (2) authorise the Manager Environmental Services to

continue with the carriage of the matter on behalf of Council.

**Item 14.2 (SPC11/98) - RURAL BUSHFIRE RISK MANAGEMENT STRATEGY (4504) (1550) (DW)**

**COUNCIL DECISION**

That Council:

- (1) adopt the Rural Bushfire Risk Management Strategy prepared by Ecoscape as the basis for the preparation of a Bushfire Management Plan to implement the recommendations contained in the report;
- (2) place priority on the management of fuel loads on verges identified in the report as having high potential risk, and community awareness strategies in the Bushfire Management Plan.

**Item 15.1 (SPC11/98) - WASTE MINIMISATION PROGRAMME (6109) (BKG)**

**COUNCIL DECISION**

That Council:

- (1) meet the objective of diverting a minimum of 50% of its waste going to landfill by 2002;
- (2) reaffirm its decision to support the Southern Metropolitan Regional Council's Waste Management Strategy including the Regional Resource Recovery Centre;
- (3) receive the Business Plan prepared for the five participating Councils to establish the Regional Resource Recovery Centre at Canning Vale, but ensure that there is no additional cost to ratepayers in disposing their domestic rubbish;
- (4) make the decision on whether or not to participate in the project at the Full Council Meeting to be held on 15 December 1998;
- (5) contribute to the cost for the preparation of a due diligence





report on the business plan, up to a maximum of \$5,000;  
and

- (6) prepare a report on the ways and means of minimising or off-setting any additional costs for the City of Cockburn ratepayers, in disposing of their domestic waste.

**Item 15.2 (SPC11/98) - ISSUE OF TIP PASSES FOR HENDERSON LANDFILL SITE (4900) (RJ) (COASTAL)**

**COUNCIL DECISION**

That:

- (1) Council resolve to retain the existing Policy E4.1 - Access to Landfill Site - Residents/Ratepayers in Council's Policy Manual; and
- (2) A report be prepared to investigate the green waste pick-up and the recycling system to industrial/commercial areas.

**Item 16.1 (SPC11/98) - WARD BOUNDARIES AND COUNCILLOR REPRESENTATION (1035) (DMG) (ALL)**

**COUNCIL DECISION**

That Council:

- (1) take no action in respect of changing Ward boundaries at this stage, due to the insignificant effect any change would have on the current status;
- (2) consider the matter further in early 1999 following the preparation of a Report covering a variety of options open to Council, in accordance with Schedule 2.2 of the Local Government Act, 1995, for possible implementation in time for either the 2001 or 2003 elections.



**Item 16.2 (SPC11/98) - FACSIMILE EDITION -  
"COCKBURN - THE MAKING OF A COMMUNITY" (760500)  
(DKF)**

**COUNCIL DECISION**

That Council recommit this matter to the next Strategic and Policy Committee Meeting, awaiting the outcome of further information.

**Item 17.1 (SPC11/98) - RURAL SUBDIVISION POLICY  
PD12 (9002) (SMH)**

**COUNCIL DECISION**

That Council:

- (1) receive the report;
- (2) adopt the revised Rural Subdivision Policy PD12 subject to amending the wording of Precinct 1 under the heading *Status* to read:

*To maintain the viability of rural production lot sizes should be maintained at 4,000 sq.m. minimum size.*

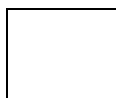
- (3) advise the Ministry of Planning accordingly.

**Item 17.2 (SPC11/98) - HENDERSON INDUSTRIAL AREA -  
DEVELOPMENT CONTROL POLICY (9500) (SMH)**

**COUNCIL DECISION**

That Council:

- (1) receive the report;
- (2) adopt the "PD40 Henderson Industrial Area - Development Control Policy" and incorporate it in the Council's Policy Manual;
- (3) prepare an improvement strategy for the existing public areas of the Henderson Industrial Area for the Council's consideration and for funding to be proposed for inclusion in the 1999/2000 financial year.



**Item 18.1 (SPC11/98) - SUPREME COURT ACTION - APPEALS PROCESS - CITY OF FREMANTLE VS. HON MINISTER FOR PLANNING (1172) (SMH)**

**COUNCIL DECISION**

That Council:

- (1) receive the report;
- (2) support the decision of the City of Fremantle to challenge the Hon. Minister's decision in respect to an appeal relating to the ICI site in North Fremantle;
- (3) advise the City of Fremantle that the Council is prepared to contribute a maximum of \$1,000 towards the cost of the Supreme Court action, to be paid on request by the City of Fremantle by the Director of Planning and Development.

**CARRIED**

**8.4 (OCM11/98) - COMMUNITY DEVELOPMENT COMMITTEE REPORT - 10/11/98**

Moved Clr Lees seconded Clr McNair, that the report of the Community Development Committee Meeting held on the 10<sup>th</sup> November 1998 be received and the following recommendations adopted.

**Item 7.1 (CDC11/98) - FINAL ADOPTION - AMENDMENT NO. 182 - LOT PT 1 AND LOT 781 CNR NORTH LAKE ROAD AND BERRIGAN DRIVE, SOUTH LAKE - OWNER: B & R INVESTMENTS PTY LTD - APPLICANT: BSD CONSULTANTS (92182) (SMH) (EAST) (ATTACH)**

**COUNCIL DECISION**

That:

- (1) the matter be deferred until Amendment No.155 has been determined by the appropriate authorities;
- (2) the Minister be requested for an extension of time, in considering the submissions that have been made in relation to this



development, until Amendment No.155 has been determined and finalised in the City's Town planning Scheme;

(3) following the adoption of Amendment No.155, that Amendment No.182 be presented to Council for reconsideration.

**Item 7.2 (CDC11/98) - INDUSTRIAL LAND USE STUDY - McNEICE RULING (92185) (4412617) (SMH)**

**COUNCIL DECISION**  
 That Council:

(1) receive the report;

(2) not proceed with the Study.

**Item 7.3 (CDC11/98) - ATWELL NEIGHBOURHOOD CENTRE - CNR LYDON BOULEVARD AND WATERS AVENUE, ATWELL - OWNER: LANDCORP - APPLICANT: HAMES SHARLEY AUSTRALIA (92158) (SR) (EAST)**

**COUNCIL DECISION**  
 That Council:

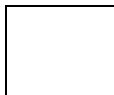
(1) request the Western Australian Planning Commission to seek final approval of Amendment No. 158, subject to the following modifications:

(a) Adding the following to the 'Second Schedule - Additional Uses':-

	Street	Particulars
7	Waters Avenue	Portion of Pt Lot 161

Additional Use Permitted:-

Aged or dependent persons dwelling (P)  
 Civic building (P)  
 Grouped dwelling (P)  
 Home occupation (P)  
 Multiple dwelling (P)  
 Consulting rooms (P)  
 Child Care Centre (P)



Health studio (P)  
 Medical centre (P)  
 Museum (P)  
 Office (P)  
 Restaurant (P)  
 Educational establishment (AA)  
 Place of public worship (AA)

**Building Location:** The buildings shall have a maximum front setback to "main street" of 3.0 metres. Nil side setbacks are permitted.

**Building Frontage:** Buildings shall have active frontages to the "main street", with windows/doors comprising not less than 50% of the façade.

**Building Form:** Buildings shall have pitched roofs of not less than 26 degrees.

**Carparking:** No parking will be allowed in front of the building. Council will consider reciprocal parking arrangements with other "main street" developments.

**Service Areas:** All service areas are to be concealed from public view and accessed from the rear lane.

**Vehicle Access:** Vehicle access shall be from the rear lane, only crossovers indicated on the Plan will be permitted on "main street".

**Pedestrian Amenity:** Buildings shall provide weather protection with verandahs, awnings or colonnades at entries.

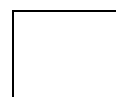
(b) Adding the following to the 'Third Schedule - Restricted Uses' :-

	Street	Particulars
17.	Lydon Boulevard	Portion of Pt Lot 161

Restricted Use

Those uses which may be permitted within the Commercial Zone as set out in the First Schedule (Zoning Table), to be developed in accordance with the following:-

**Building Location:** The building shall be located on the eastern portion of the site with maximum setbacks to the



south and east boundaries of between nil and two metres, where indicated on the Plan.

**Building Frontage:** Frontage to the "main street" shall be active with windows/doors comprising not less than 50% of the area of the façade. Major retail entry points shall front "main street".

**Building Form:** Roof pitch shall not be less than 26 degrees unless adequately treated by parapets.

**Carparking:** Reciprocal parking rights shall be applied to the retail carpark to allow use by the community centre and patrons of the child care centre and other small establishments along "main street".

Carbays provided within the public road reserve will be credited to the retail development.

Carparking shall be provided predominantly in the western part of the site.

**Service Areas:** The main service area shall be screened from the public view, located away from the "main street" pedestrian environment and accessed from Lydon Boulevard.

**Vehicle Access:** Vehicle accesses shall be restricted to those indicated on the Plan.

**Pedestrian Amenity:** Weatherproof verandahs, awnings or colonnades shall be provided to the south and east facades of the building. Pedestrian paths around the development shall be a minimum of 2.5 metres wide.

- (c) Inserting the Plan depicting the 'Commercial - Restricted Use' Zone and the 'Residential - Additional Use' Zone between the 'Second Schedule' and the 'Third Schedule' of the Scheme Text.
- (d) Substituting the words 'Commercial - Restricted Use' for 'Commercial' in the Amendment Text.
- (e) Inserting the words 'Residential R40 - Additional Use' after the words, 'Residential R40' on the third line of the Amendment Text.



- (f) Modifying the Scheme Amendment Map in accordance with the Hames Sharley plan dated 2.4.98 (Option 4 Rev. 1H).
- (2) adopt the Schedule of Submissions attached to the Agenda;
- (3) advise the applicant and the Atwell Community Association of Council's decision.

**Item 9.2 (CDC11/98) - SAND EXCAVATION - LOT 130 JANDAKOT ROAD, BANJUP - OWNER: VINCENT NOMINEES PTY LTD - APPLICANT: NLG SAND SUPPLIES EARTHMOVING CONTRACTORS (5513178) (CC) (EAST) (MAP 19)**

**COUNCIL DECISION**

That Council:

- (1) Approve the application subject to the following conditions:
  1. Nothing in this approval shall exclude compliance with all relevant laws in the commencement and carrying out of development.
  2. Development being carried out in accordance with the commitments and plans contained within report 'Extension to Extractive Industries Licence and Excavation Management Plan Lot 130 Jandakot Road, Banjup NLG Sand Supplies dated 6 April 1998' as amended by 'Additional Notes to Extension to Extractive Industries Licence Lot 130, Jandakot Road Banjup', unless superseded by conditions of this approval or subsequent plan required by this approval.
  3. Excavation works being restricted to between the hours of 7AM to 6PM Monday to Saturday and not at all on Sunday of Public Holidays.
  4. All stormwater to be contained on site.
  5. An annual report being prepared and submitted to Council by 30 September each year detailing excavation and rehabilitation activity undertaken over the past 12 months period and proposed excavation and rehabilitation for the following 12 month period.

6. Adequate safety fencing and warning signs being placed around the perimeter of the site.
7. No burning of stockpiled vegetation or any other material to occur on site.
8. No disturbance of the native vegetation to remain uncleared to occur.
9. This approval remains valid for a period of five (5) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.
10. The minimum excavation level being not less than 30 metres ADH.
11. No stockpiling of materials other than materials associated with sand excavation occurring on site or rehabilitation of the site. Existing dumped rubble and fill material to be removed from the site.
12. The rehabilitation bond for the site to continue to be held by the City of Cockburn until rehabilitation of the site has been completed in accordance with this approval or any subsequent approval that the City may grant.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN EXCAVATION LICENCE**

13. The owner(s) of the land entering into an agreement with the City covenanting to excavate and rehabilitate the land in accordance with this approval and conditions. Such Deed shall create a caveatable interest in the land in favour of the City and allow the City powers to effect rehabilitation of the land in the event of default by the operator, using the existing bonds and bond/guarantee held in trust by the City, by seven (7) days notice in writing and the deed shall contain such matters as are relevant to the conditions herein mentioned. The Deed is to be prepared by the City's solicitors at the cost of the applicant.
14. A bank guarantee or bond for the rehabilitation of the site in a form acceptable to and from a bank approved by the City, in the sum of \$74,000 to be lodged with the City. If demand is made under the guarantee and the money



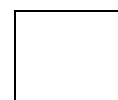


paid by the guarantor to the City, the applicant shall, within 7 working days of such payment by the guarantor restore the amount of the guarantee to \$74,000.

15. Maintenance of a 40 metre buffer (including bunds where necessary) to Jandakot and Fraser Roads and a 20 metre buffer to the land reserved for Parks and Recreation. All existing vegetation within the buffers to be retained and additional tree and shrub planting to be completed in the buffers to Jandakot and Fraser Roads. A plan illustrating additional planting to be submitted to the satisfaction of the Council's Planning Department prior to the issuing of an Extractive Industries Licence.
16. A species list for the annual planting program of existing pasture areas to be rehabilitated, being prepared and submitted to the satisfaction of the Council's Environmental Services.
17. The staging plan for topsoil transfer being prepared and submitted to the satisfaction of the Council's Environmental Services.

#### Footnotes

1. The operator shall comply with all environmental standards as specified in any works approval, licences or conditions of approval applied under the Environmental Protection Act.
  2. In respect to Condition 15 you are requested to liase with Colin Connor of the Council's Planning Department regarding the preparation and implementation of the plan for screen planting within buffers.
  3. The operator is requested to make arrangements with the owner of Lot 146 Jandakot Road, Banjup for the simultaneous excavation of the land within the 20 metres either side of the common boundary and the preparation and submission of plans to Council prior to excavation.
- (2) advise the applicant, Western Australian Planning Commission, other referral authorities, and local residents that made submissions of the Council's decision;
- (3) advise the applicant that the approval of the Western Australian Planning Commission is also required.



**Item 9.3 (CDC11/98) - SAND EXCAVATION - LOT 77 JANDAKOT ROAD, JANDAKOT - OWNER: SCHAFER CORPORATION - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5513079) (CC) (EAST) (MAP 19)**

**COUNCIL DECISION**

That:

- (1) Council defer the matter to the next CDC Meeting with a detailed report incorporating specified measurements of the buffer zone areas;
- (2) an on-site meeting be arranged with East Ward Councillors and Council officers.

**Item 9.4 (CDC11/98) - PROPOSED RECYCLING OF GREEN WASTE, LIMESTONE RUBBLE AND ROUGH FILL - JAA 236, LOT 1 ROCKINGHAM ROAD, HENDERSON - OWNER: COMSE NOMINEES PTY LTD - APPLICANT: EVERY READY RESOURCES (3411117) (SA) (COASTAL)**

**COUNCIL DECISION**

That Council:

- (1) refuse the proposed recycling of green waste, limestone rubble and rough fill on Lot 1 Rockingham Road, Henderson for the following reason/s:
  1. the proposed use is classified as "Industry - General" which is listed as an "X" use (not permitted) in a Rural zone, therefore Council has no jurisdiction to approve such a use;
- (2) issue an MRS Form 2 Notice of Refusal;
- (3) advise those people who made submissions of Council's decision accordingly.



**Item 10.1 (CDC11/98) - LEGAL INVESTIGATION INTO THE SUBDIVISION OF LOTS 14 AND 15 THOMAS STREET, SOUTH LAKE - GAMEHILL (SMH) (993745) (9002)**

**COUNCIL DECISION**

That Council:

- (1) receive the report;
- (2) engage the services of Watt and Woodhouse, Solicitors to investigate the potential to take legal action against the engineers and others associated with the subdivision of Lots 14 and 15 Thomas Street, South Lake; and
- (3) adopt the attached "Policy PD41 - Subdivision Requirements for the Thomas Street Residential Area South Lake" and include it in the Council's Policy Manual and Delegated Authority Register.

**Item 10.2 (CDC11/98) - EXTENSION OF TIME FOR RELOCATION OF NON-APPROVED TRANSPORT DEPOT - JAA 158; LOT 10 FALCON PLACE, JANDAKOT - OWNER: G & D GOODCHILD (5514587) (SA) (EAST) (MAP 19)**

**COUNCIL DECISION**

That Council:

- (1) advise the landowners of Lot 10 Falcon Place that they have until 31 January 1999 to cease the not permitted "transport" depot use on the subject lot;
- (2) instruct its solicitors to initiate legal action against the owners of Lot 10 Falcon Place, Jandakot for;
  - (a) contravening Council's District Zoning Scheme No. 2 provisions for Special Rural Zones;

if the owners do not comply with Council's DZS No.2 requirement for Special Rural Zone - 3.0 Solomon Road by 31 January 1999;
- (3) inform the landowners and Water and Rivers Commission of Council's decision accordingly; and
- (4) advise the owners that there will be no further extension after the expiration of 31 January 1999, and that following this date, if

the activity continues the Chief Executive Officer has the authority to proceed with legal action in accordance with Council's resolution.

**Item 11.3 (CDC11/98) - AMENDMENT OF RESERVES 24309, 15741, 39455 AND 39584 JERVOISE BAY DEVELOPMENTS (9500; 450002) (KS)**

**COUNCIL DECISION**

That Council:

- (1) prepare an advice to the Department of Land Administration, that the City of Cockburn supports the amendments to Reserves 15741, 39455 and 39584;
- (2) seek from Jervoise Bay Projects, fully costed undertakings to reinstate fencing and other infrastructure associated with the affected reserves;
- (3) seek from Jervoise Bay Projects, undertakings that they will promote to the State Planning Commission of Western Australia, the re-vesting of the Metropolitan Region Scheme Road Reserve, being the Cockburn Road Deviation south of the northern prolongation of Reserve 39455 and that the land be included in the Beeliar Regional Park;
- (4) when 2 and 3 above have been complied with, send advice contained within 1 above to the Department of Land Administration; and
- (5) defer consideration of the request from Jervoise Bay Projects to amend Reserve 24309 until the Council has received a full report from the Planning Services Department on the EPA Report and recommendations on the "Industrial Infrastructure and Harbour Development, Jervoise Bay - October 1998".

**Item 14.2 (CDC11/98) - CARRINGTON STREET BEND BETWEEN HEALY AND CLONTARF ROADS (450001) (JR) (WEST)**

**COUNCIL DECISION**

That Council:



- (1) not consider the widening of Carrington Street between Dodd Street and Rockingham Road until a decision on the construction of the Fremantle Eastern Bypass and the Roe Highway between Cockburn Road and Stock Road is made by the Minister for Transport;
- (2) include the necessary horizontal kerb and profile adjustments on the bend in undertaking the current Budget project to resurface Carrington Street between Dodd Street and Forrest Road; and
- (3) advise Main Roads WA of Council's decision.

**Item 14.4 (CDC11/98) - PROPOSED COCOS DRIVE CONNECTION TO NORTH LAKE ROAD - COCOS PARK INDUSTRIAL ESTATE - OWNER: CROWN/ WHITE RIVER PTY LTD - APPLICANT: LOMBARDO & CO/G BLACK AND OTHERS (SMH) (450010)**

**COUNCIL DECISION**

That Council:

- (1) receive the report;
- (2) not provide for a regional east-west link road connecting North Lake Road to Spearwood Avenue, between Phoenix Road and Beeliar Drive at this time;
- (3) advise Main Roads WA of the Council's decision;
- (4) not proceed with a road connection between the Cocos Park Industrial Area and North Lake Road;
- (5) advise Main Roads WA and the petitioners of the Council's decision accordingly.

**Item 19.1 (CDC11/98) - TENDER NO. 21/98 - SUPPLY AND INSTALLATION OF LANDFILL GAS EXTRACTION AND UTILISATION SYSTEM - HENDERSON LANDFILL (4900) (RNJ) (COASTAL)**

**COUNCIL DECISION**

That Council:

- (1) accept Waste Gas Resources' submission for Tender No. 21/98 - Supply and Installation of Landfill Gas Extraction and Utilisation System at Henderson Landfill for a gas management extraction system and manage the recovered gas for a period of 2 years at no cost to Council;
- (2) take over the gas management infrastructure for the lump sum payment of \$55,000 if, following this two year evaluation and development phase, Waste Gas Resources consider the commercial sale of gas from this site not to be a viable option;
- (3) accept Waste Gas Resources' royalty payments as follows, should the commercial sale of gas from the site become viable:

Year 1	5%	of Gross Gas Sales
Year 2-10	15%	of Gross Gas Sales
Year 11 onwards	17%	of Gross Gas Sales.

**Item 19.2 (CDC11/98) - TENDER NO. 30/98 - EARTHWORKS FOR PROPOSED BEELIAR DRIVE BETWEEN WATSON ROAD AND RAILWAY UNDERPASS (450953) (JR) (COASTAL)**

**COUNCIL DECISION**

That Council accept the tender from Italia Limestone Company for Tender No.30/98 - Earthworks for Proposed Beeliar Drive between Watson Road and Railway Underpass in the sum of \$168,045.

**Item 19.3 (CDC11/98) - TENDER NO. 45/98 - CONSTRUCTION OF CLUBROOMS AND COMMUNITY CENTRE UPGRADE AT NICHOLSON RESERVE (6939) (4309463) (JR) (SOUTH)**

**COUNCIL DECISION**

That Council accept the tender from Aspect Constructions for Tender No. 45/98 - Construction of Clubrooms and Community Centre Upgrade at Nicholson Reserve in the sum of \$228,394.



**Item 20.1 (CDC11/98) - REPORT ON FINANCIAL STATEMENTS (5005) (NM)**

**COUNCIL DECISION**

That Council receive the Report on the Financial Statements for the month of September 1998.

**Item 20.2 (CDC11/98) - LIST OF CREDITORS PAID (5605) (NM)**

**COUNCIL DECISION**

That Council receive the List of Creditors Paid for October 1998 for information.

**Item 21.1 (CDC11/98) - VELALUKA PARK - PROGRESS REPORT (2200661) (WJH) (WEST)**

**COUNCIL DECISION**

That Council:

- (1) reaffirm that Council is not prepared to provide a contribution to fund the implementation of remedial work at Velaluka Park;
- (2) advise the Minister for the Environment and other relevant Members of Parliament of the status of Velaluka Park and respectfully request that they pursue the urgent granting of funds for the clean up of the park, from the State government; and
- (3) advise the Minister for the Environment and the EPA, that there is strong community pressure for Velaluka Park to be remedied as soon as possible for use by the local community, as they feel it has been outstanding for far too long.

**Item 21.2 (CDC11/98) - RESERVE 1820, LOT 140 WARTON ROAD, BANJUP - FUNDING FOR REMOVAL OF CONTAMINATED SOIL - OWNER - RESERVE: CITY OF COCKBURN (5513035) (WJH) (EAST)**

**COUNCIL DECISION**

That Council:



- (1) refer the matter of the removal and disposal of contaminated soil from Lot 140 Warton Road, Banjup to Council's Solicitors for an opinion of Council's liability; and
- (2) advise the Water and Rivers Commission of Council's resolution (1) above.

**Item 21.3 (CDC11/98) - JANDAKOT AIRPORT: FLIGHT PATHS AND CIRCUIT TRAINING REVIEW - FINANCIAL CONTRIBUTION AND NOMINATION OF COUNCIL STEERING COMMITTEE REPRESENTATIVE (1211) (WJH) (ALL)**

**COUNCIL DECISION**

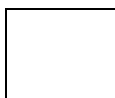
That Council:

- (1) contribute \$5,000 from Account Number 200462 to the Jandakot Airport Flight Paths and Circuit Training Review, as proposed by the Department of Transport;
- (2) nominate Councillor Elpitelli and the Principal Environmental Health Officer as Council's representatives on the Jandakot Airport Flight Paths and Circuit Training Review Steering Committee;
- (3) advise the Department of Transport of 1 and 2 above; and
- (4) advise the North Lake Residents Group that Council is willing to donate \$2,000 to assist in the employment of a consultant to research aircraft noise, flight path and circuit issues, providing the group is an incorporated body.

**Item 22.1 (CDC11/98) - AMALGAMATION OF LOCAL GOVERNMENT AND COUNTRY ASSOCIATIONS (1332) (RS)**

**COUNCIL DECISION**

That Council advise the Local Government Association of WA and the Western Australian Municipal Association, that it supports the recommendation to amalgamate the Country Shire Councils Association (CSCA), Country Urban Councils Association (CUCA) and Local Government Association (LGA) into a single body – namely





WAMA.

**CARRIED**

**Item 6.1 (CDC11/98) - DEPUTATION - COM-NET - PROPOSED JERVOISE BAY DEVELOPMENTS (9500) (450002) (DLW) (COASTAL)**

**COUNCIL DECISION**

Moved Clr Lee seconded Clr Elpitelli, that Council:-

- (1) receive the deputation from Com-net;
- (2) advise the Department of Commerce and Trade, Landcorp, Western Australian Planning Commission and the Environmental Protection Authority, that based on the recently released Report and Recommendations by the EPA on the "Industrial Infrastructure and Harbour Development, Jervoise Bay" dated October 1998, which concluded that the project could not meet the EPA's objectives on the key environmental issues and will have a detrimental impact on Cockburn Sound, the Council is strongly opposed to the Southern Harbour Development.

Amendment To Motion

Moved Clr Humphreys seconded Mayor Grijusich, that the motion be amended by the addition of the following sub-clause (3):-

- (3) write to the Minister for the Environment and the Minister for Planning and advise that, as a result of the EPA's report, this Council strongly recommends that the current damage that has been done to the Sound, be remedied as a matter of urgency, prior to consideration of any further development by the Government.

**AMENDMENT PUT AND LOST**

Moved Clr Lee seconded Clr Lees, that the original motion be put.

**CARRIED**

**ORIGINAL MOTION PUT AND CARRIED UNANIMOUSLY**

Moved Clr Humphreys seconded Clr Elpitelli, that Council write to the Minister for the Environment and the Minister for Planning and advise

that, as a result of the EPA's report, this Council strongly recommends that the current damage that has been done to the Sound, be remedied as a matter of urgency, prior to consideration of any further development by the Government.

*Note: The Chief Executive Officer advised that the motion could not be dealt with because it had been negated unless an Absolute Majority of Council resolved to do so, in accordance with Clause 99 of Council's Standing Orders.*

Moved Clr Pecotic seconded Clr Elpitelli, that in accordance with Clause 99 of Council's Standing Orders, the consent of an Absolute Majority of Council be obtained to now entertain the previously negated amended motion.

Moved Clr McNair seconded Clr Gianoli, that the motion be put.

**CARRIED**

**MOTION PUT AND LOST**

Moved Clr Elpitelli seconded Clr Pecotic, that:

- (1) the request that Council write to the Minister for the Environment and the Minister for Planning to advise that, as a result of the EPA's report, this Council strongly recommends that the current damage that has been done to the Sound, be remedied as a matter of urgency, prior to consideration of any further development by the Government, be resubmitted to the December meeting; and
- (2) the Environmental Manager prepare a report which provides the basis for a detailed response by the Council to the Minister for the Environment, on the EPA's Report and Recommendations for the December SPC meeting.

**CARRIED UNANIMOUSLY**

*Note: Owing to the fact that this matter was Carried Unanimously, in the presence of 12 Councillors, it was considered sufficient that the Absolute Majority provisions, as required under Clause 99 of Council's Standing Orders, have been complied with.*

AT THIS POINT THE TIME BEING 9:18PM, CLR HOWLETT LEFT THE MEETING AND RETURNED AT 9:19PM DURING DISCUSSION OF THE FOLLOWING ITEM.



DEPUTY MAYOR OSTOJICH LEFT THE MEETING AT 9:19PM AND RETURNED AT 9:21PM DURING DISCUSSION OF THE FOLLOWING ITEM.

**Item 9.1 (CDC11/98) - PROPOSED 2 ADDITIONAL STORAGE SHEDS, HARD STAND AND 2 IMPERMEABLE DRAINAGE BASINS - LOT 186 ACOURT ROAD, JANDAKOT - OWNER/APPLICANT: A RICHARDS PTY LTD (5513304) (CC) (EAST) (MAP 19)**

**COUNCIL DECISION**

Moved Mayor Grljusich seconded Clr McNair, that Council:

- (1) approve the application for the development of two additional storage sheds, additional hard stand and the development of two impermeable drainage detention basins as shown on the submitted plan, subject to the following conditions:

Standard Conditions

1. Standard conditions and footnotes contained in Council Policy PD 20-Standard Development Conditions and Footnotes as determined appropriate to this application by delegated officer under clause 7.6 of City of Cockburn Town Planning Scheme-District Zoning Scheme No. 2;

Special Conditions

1. The extended hard-stand area and drainage detention basins to be fenced to the satisfaction of Council.
  2. No material to be worked or stored outside hard-stand areas.
- (2) issue a Metropolitan Region Scheme Form 2 Notice of Approval to the applicant valid for 2 years; and
- (3) advise the Water and Rivers Commission and the Western Australian Planning Commission of Council's decision.

**CARRIED**

**CLR ELPITELLI WISHED THAT HIS VOTE AGAINST THE MOTION BE RECORDED.**

**CLR LEES REQUESTED THAT ALL VOTES BE RECORDED.**



**FOR: CLR MCNAIR, CLR GIANOLI, CLR HOWLETT, CLR HUMPHREYS, CLR HUNT, DEPUTY MAYOR OSTOJICH AND MAYOR GRLJUSICH.**

**AGAINST: CLR PECOTIC, CLR WATERS, CLR ELPITELLI, CLR LEE AND CLR LEES.**

**Item 9.5 (CDC11/98) - REQUEST TO MODIFY MUNICIPAL HERITAGE INVENTORY - DELETION OF ITEM NO. 62 (WOODY PEARS) - PT LOT 90 SUDLOW ROAD, BIBRA LAKE - OWNER: PEET & CO - APPLICANT: RICHARD PAWLUK & ASSOCIATES (92172) (1100250) (SA) (NORTH)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Ostojich, that Council:

- (1) agree that the Woody Pears (*Xylomelum occidentale*) located on Lot 90 Sudlow Road, Bibra Lake should be preserved and protected;
- (2) advise the applicant of the following:
  1. it is not prepared to delete Item 62 (Woody Pears) from Council's Municipal Heritage Inventory and confirms the preservation of the Woody Pears in the Municipal Heritage Inventory; and
  2. Council's Planning and Development Department will assess each application for a proposed dwelling on lots in the subject subdivision (Ref No 100249) in accordance with Clause 5.8 of Council's DZS No. 2, subject to the final approval of the Hon. Minister for Amendment No. 172;
- (3) advise the purchasers of any lots affected by Item 62 (Woody Pears) in the Council's Municipal Heritage Inventory that an owner shall not carry out works associated with development without first applying for and receiving the approval of the Council, subject to the final approval of Amendment No. 172 by the Hon. Minister.

**CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER**



AT THIS POINT THE TIME BEING 9:38PM, CLR PECOTIC LEFT THE MEETING AND RETURNED AT 9:42PM, DURING DISCUSSION OF THE FOLLOWING ITEM.

**Item 11.1 (CDC11/98) - PROPOSED MEDICAL CENTRE - LOT 359, 7 LA FAYETTE BOULEVARD, BIBRA LAKE - OWNER: TAN & TAN PTY LTD - APPLICANT: STRAITS REAL ESTATE (1116731) (MT) (NORTH) (MAP 7)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Humphreys, that Council not approve the application of the Medical Centre on Lot 359, 7 La Fayette Boulevard Bibra Lake, because the people bought their land in this location on the expectation that it was a residential area.

**CARRIED UNANIMOUSLY**

**DECLARATION OF FINANCIAL INTEREST**

**Clr Gianoli** declared a financial interest in CDC Item 11.2, the nature being that he is a partner of Evans and Gianoli, who are acting on behalf of clients in the area.

AT THIS POINT THE TIME BEING 9:46PM, CLR GIANOLI LEFT THE MEETING.

**Item 11.2 (CDC11/98) - CONSTRUCTION OF BEELIAR DRIVE SUBDIVISION - AREA CELLS 9 & 10 YANGEBUP AND BEELIAR (450953) (KJS)**

**COUNCIL DECISION**

Moved Clr Lee seconded Clr McNair, that this matter be deferred to the December CDC meeting.

Procedural Motion

Moved Clr Pecotic seconded Clr Elpitelli, that Council proceed behind closed doors.



Moved Clr Waters seconded Clr McNair, that the motion be put.

**CARRIED**

**PROCEDURAL MOTION PUT AND LOST**

Moved Clr Lee seconded Clr McNair, that the original motion be put.

**CARRIED**

**ORIGINAL MOTION PUT AND CARRIED**

AT THIS POINT THE TIME BEING 9:55PM, CLR GIANOLI RETURNED TO THE MEETING.

**Item 14.1 (CDC11/98) - COUNCIL DRAINAGE EASEMENT - PT LOT 458 AND LOT 501 HAMMOND ROAD, SUCCESS (450012) (5500017) (JR) (EAST)**

**COUNCIL DECISION**

Moved Mayor Grljusich seconded Clr Elpitelli, that this matter be deferred and that a report by the Planning Department be provided on the Agenda to the December CDC Meeting in relation to the future overall drainage of this particular area.

**CARRIED**

DURING DISCUSSION OF THE ABOVE ITEM, CLR LEE LEFT THE MEETING AT 9:59PM AND RETURNED AT 10:00PM.

**DECLARATION OF FINANCIAL INTEREST**

The **Chief Executive Officer** declared a financial interest in CDC Item 14.3, the nature being that he lives and owns property in the area.



**Item 14.3 (CDC11/98) - SPEARWOOD TRAFFIC STUDY - GERALD STREET / FREETH ROAD / DOOLETTE STREET AREA (450037) (JR) (WEST)**

**COUNCIL DECISION**

Moved Clr Lees, seconded Clr Lee, that Council:

- (1) engage Uloth & Associates Pty Ltd to undertake a traffic study of the Gerald Street / Freeth Road / Doolette Street area at a fee of \$7,950 plus survey costs;
- (2) draw funds for the traffic study from Account No. 580851 (Baker Square - Toilet Block) on the current Budget and adjust the Budget accordingly;
- (3) notify all residents in Gerald Street/Freeth Road/Doolette Street of progress to date, in relation to the traffic study.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**Item 16.1 (CDC11/98) - PROPOSAL TO MAKE A LOCAL LAW - SOUTH LAKE LEISURE CENTRE (1116) (8143) (DMG) (EAST)**

**COUNCIL DECISION**

Moved Clr Lees seconded Clr Elpitelli, that Council make a Local Law Relating to the South Lake Leisure Centre, as contained in the attachment to the Agenda.

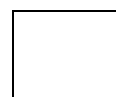
**CARRIED BY SPECIAL MAJORITY OF COUNCIL**

**Item 20.3 (CDC11/98) - DEBT WRITE OFF - COCKBURN SKILLSHARE LOAN (5651) (NM)**

**COUNCIL DECISION**

Moved Clr McNair seconded Clr Gianoli, that Council write off the amount of \$8,368.12 owed by Cockburn Skillshare, this being the outstanding principal on the loan made by Council for the installation of airconditioning at the Council annexed to the Coolbellup Library.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**



**8.5 (OCM11/98) - TENDER NO. 43/98 - HEAT PUMP FOR SOUTH LAKE LEISURE CENTRE (8143) (RA)**

**RECOMMENDATION**

That Council resolve to accept the tender from T O'Connor for \$64,430 plus \$3,370 for the use of Australian Pacific Air Conditioning heat pump and the tender from NRP Electrical Services for \$4,250.

**COUNCIL DECISION**

Moved Clr Lees seconded Clr Waters, that the recommendation be adopted.

**CARRIED**

**Background**

Council placed on its 1998/99 Budget as follows:-

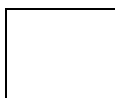
Heat Pump installation	\$70,000.00
Energy Management system software upgrade	\$6,000.00
Professional Fees	\$10,000.00
Project contingency	\$7,500.00
<b>Total Project</b>	<b>93,500.00</b>

**Submission**

N/A

**Report**

Available Energy Consultants under authority from Council, recently called for registrations of interest and tenders for the installation of a heat pump heating system and associated management software in accordance with Section 21 of the Local Government (Functions and General) Regulations 1996.





The following tenders were received:

<b>NAME OF TENDERER</b>	<b>TENDER AMOUNT</b>
NRP Electrical Services (Control Systems for heat pump only)	\$4,250.00
T O'Connor	\$64,430.00
John Shenton (Shenton Enterprises)	\$80,385.50
Direct Engineering Services P/L	\$77,738.00
Jako Industries P/L	\$63,785.00

The four tenders received varied significantly both in terms of price and unit configuration and were impossible to effectively compare without further clarification and negotiation. Available Energy Consultants renegotiated with all tenders on behalf of Council with the final outcome being detailed below.

#### **Heat Pump Tenderers**

	<b>Cost</b>
T O'Connor	\$67,800.00
Jako Industries Pty Ltd	\$68,000.00
Direct Engineering Services P/L	\$77,738.00
Shenton Pumps	\$82,250.00

#### **Energy Management Software**

	<b>Cost</b>
NRP Electrical Services	\$4,250.00

The consultants Available Energy, Consultants have recommended T. O'Connor revised tender of \$67,800 be accepted and NRP Electrical Services as the only energy management software tender of \$4,250 also be accepted.

#### **Strategic Plan/Policy Implications**

N/A

#### **Budget/Financial Implications**

The works can be accommodated within the budget allocation.

### **9. ADMINISTRATION**

Nil

### **10. PETITIONS**

Nil



**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 (OCM11/98) - REVOCATION OF ITEM 14.2 - CDC9/98 - COMMUNITY GROUP NEWSLETTER SUBSIDY (8163) (RA)**

**RECOMMENDATION**

That the matter be considered by Council.

**TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

Moved Cllr Humphreys seconded Cllr McNair, that Council's previous decision relating to CDC Item 14.2 dated the 15<sup>th</sup> September 1998, be revoked.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

Moved Cllr Humphreys seconded Cllr McNair, that:

- (1) Council advise Incorporated Progress and Community Associations of the availability of funds to assist in the publication of newsletters for their locality or suburb;
- (2) provided the applicants meet the following criteria, the Chief Executive Officer be delegated the authority to authorise payments to the Association:
  1. a draft copy of the publication with quotes for the cost of the production of the newsletter is provided with the funds requested from Council clearly identified;
  2. the newsletter must be widely available and free of charge to those who live in the area;
  3. the newsletter must not promote the individual interests or platform of a Councillor or an individual who is seeking election to Council;
  4. articles must be accurate and factual and provide a balanced view of the issue considered.

**CARRIED**



## Background

At the Council Meeting of 15 September 1998, Council considered a recommendation from the Community Development Committee Meeting regarding the funding of Community and Progress Association Newsletters.

The Committee recommended:

*That Council resolve to adopt the following criteria as provided for the funding of Community and Progress Associations Newsletters:-*

- The funded organisation must be an incorporated Progress or Community Association which represents a locality or suburb within the City of Cockburn.*
- The newsletter must be widely available and free of charge to those who live in the area.*
- The newsletter must not promote the individual interests or platform of a councillor or an individual who is seeking election to Council.*
- Articles must be accurate and factual and provide a balanced view of the issue considered.*
- At least 25% of the newsletter space shall be available for community notices and Council information if required.*
- The newsletter must provide space such as a letter to the editor section to allow individuals or groups to respond to articles or matters of interest.*
- All contributions to the newsletter must be traceable to the author although this information does not have to be published.*
- The maximum donation available to an organisation is \$1,500 per edition of the newsletter for up to 4 newsletters per year with funds paid in advance.*
- A copy of each newsletter shall be forwarded to Council.*



- *The Director of Community Services will have the authority to withhold newsletter funding to an association if in his view the aforementioned requirements are not met.*

Council after some debate determined as follows:

*"that Council:*

- (1) *gauge the requirements of the community throughout the district and through that, work out a schedule of amounts required by the groups and the funds be available on that basis once the publication has been published and proof and demonstration that the expenses were actually incurred before Council makes payment.*

### **Submission**

By letter received on 30 October 1998, the Chief Executive Officer has been notified of the intention of Councillors Humphreys, Gianoli, Lee, Lees and Deputy Mayor Ostojich, to seek the revocation of the decision taken by Council at its 15 September 1998 Meeting.

The revocation notice further states that if successful, the following replacement motion will be sought:

*The Administration advise registered Community Groups that funds are available to publish newsletters in their locality or suburb and provided the publication has been vetted and quotes obtained, which meet the guidelines as laid down by Council, the Chief Executive Officer can authorise the publication and payment thereof.*

### **Report**

The proposed replacement resolution refers to guidelines as laid down by Council. No such guidelines exist.

If the revocation is successful and is considered, the following replacement motion is more appropriate:

*That Council resolve:*



- (1) *to advise Incorporated Progress and Community Associations of the availability of funds to assist in the publication of newsletters for their locality or suburb;*
- (2) *that provided the applicants meet the following criteria the Chief Executive Officer be delegated the authority to authorise payments to the Association:*
  1. *a draft copy of the publication with quotes for the cost of the production of the newsletter is provided with the funds requested from Council clearly identified;*
  2. *the newsletter must be widely available and free of charge to those who live in the area;*
  3. *the newsletter must not promote the individual interests or platform of a Councillor or an individual who is seeking election to Council;*
  4. *articles must be accurate and factual and provide a balanced view of the issue considered.*

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

\$20,000 provided in the 1998/99 Budget.

**12. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING**

Nil

**13. CONFIDENTIAL MATTERS**

Nil



**14. CLOSING**

**Meeting closed at 10:08pm.**

**CONFIRMATION OF MINUTES**

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

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

