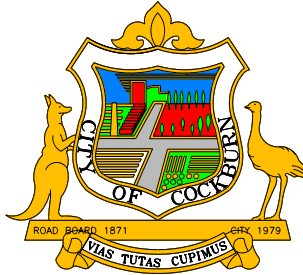


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 19 MARCH 2002**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 MARCH 2002 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 MARCH 2002 AT 7:30 P.M.

- 1. DECLARATION OF MEETING**

- 2. APPOINTMENT OF PRESIDING MEMBER (If required)**

- 3. DISCLAIMER (To be read aloud by Presiding Member)**
Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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

- 5. APOLOGIES AND LEAVE OF ABSENCE**

- 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

- 7. PUBLIC QUESTION TIME**

8. CONFIRMATION OF MINUTES

8.1 (OCM1_3_2002) - ORDINARY COUNCIL MEETING - 19/2/2002

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 19 February 2002 be accepted as a true and accurate record, subject to the following amendment:

1478 (Ag Item 17.2) – Establishment of a Cultural Advisory Committee - to show Deputy Mayor Graham as a Delegate and not Deputy Delegate.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING

13. COUNCIL MATTERS

13.1 (OCM1_3_2002) - MUSEUM MANAGEMENT COMMITTEE MEETING 2002 (1960) (DMG)

RECOMMENDATION

That Council conduct the 2002 Museum Management Committee Meeting on 2 April 2002, in lieu of 26 March, 2002.

COUNCIL DECISION

Background

At the Special Meeting of Council held on 12 December 2000, Council confirmed membership of the Museum Management Committee and its meeting date (4th Tuesday in March each year). However, this date in 2002 conflicts with the presentation sessions to Elected Members on Council's Service Units.

Submission

That the Museum Management Committee Meeting be deferred one week and conducted on 2 April, 2002.

Report

The primary purpose of this Committee Meeting is to receive Reports on the Annual operations of the Azelia Ley Museum and the Cockburn Historical Society, in addition to considering Budget proposals for the Museum for the forthcoming year. The proposed amended date will not adversely impact on its planning.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_3_2002) - REVOCATION OF PLANNING APPROVAL - FUNCTION CENTRE - LOT 9 (NO. 220) WATTLEUP ROAD, WATTLEUP - OWNER: V LOMBARDO (4412312) (MR)

RECOMMENDATION

That Council:

- (1) revoke the planning approval granted by the Council at its Ordinary Meeting on 18 July 2000, for a Function Centre - Lot 9 (No. 220) Wattleup Road Wattleup, pursuant to Clause 6.3.5 of the City of Cockburn Town Planning Scheme - District Zoning Scheme No. 2;
- (2) notify the owner and occupier of the Council's decision, explaining that the approval for the Function Centre was revoked because of:-
 - (a) a breach of Special Conditions 6 and 7 of Approval to Commence Development dated 22 July 2000.
 - "6. *The hours of operation being restricted to 8am to 7pm seven days a week. Any variation on these hours must be the subject of a fresh application to Council.*
 7. *The number of people attending a function on the site is not to exceed 30 people at any time. Any variation must be the subject of a fresh application to Council."*
 - (b) non-compliance with the terms of the 4-month performance based period granted by the Council at its Ordinary Meeting on 15 January 2002, requiring the occupier to give the City prior notification of function dates, attendee numbers, start and finish times to allow the City to carry out inspections and ascertain compliance with the planning approval.
- (3) advise the Western Australian Planning Commission, Council's Solicitor and residents who signed the petition of the Council's decision; and
- (4) erect a sign at the verge of Lot 9 Wattleup Road for at least 90 days with the following statement:-

"The Council at its Ordinary Meeting on 19 March 2002, resolved to revoke the planning approval for a Function Centre - Lot 9 (No. 220) Wattleup Road Wattleup, pursuant to the City of Cockburn District Zoning Scheme No. 2. Any further enquiries in relation to land use or development on this land should be

*directed to the Western Australian Planning Commission -
Phone 9264 7777."*

COUNCIL DECISION

Background

Council, at its Ordinary Meeting on 15 January 2002, decided to:-

- "(1) defer revoking the planning approval granted by the Council at its Ordinary Meeting on 18 July 2000, for a Function Centre - Lot 9 (No 220) Wattleup Road Wattleup, subject to (2) (3) and (4) below;*
- (2) re-affirm to Mr Vince Lombardo ("owner") and Mr Robert Buckby ("occupier") that private parties fall within the ambit of the Function Centre approval where compliance of the relevant conditions is mandatory;*
- (3) place the owner and occupier on probation for a 4-month performance based period where full compliance with conditions of approval must be achieved. The occupier must give prior notification of function dates, attendee numbers, start and finish times to allow the City to undertake inspections of the function centre operating to ascertain compliance with the planning approval; and*
- (4) during the 4-month probationary period, if the function centre is found to be in breach of any conditions of planning approval at any time, authorise the Director of Planning and Development to immediately proceed to revoke the function centre approval under authority of the Council."*

For further background to this matter, refer to OCM 15/1/02 Item 14.2 and OCM 18/12/01 Item 14.12.

A petition was recently received from 12 neighbouring residents to the Paradise Reception Centre objecting to excessive noise, safety of residents and inappropriate use in a Rural area. The petition calls for the approval to be revoked.

Submission

N/A

Report

The City has collected evidence that verifies breaches of approval for the Function Centre in respect of conditions 6 and 7 relating to hours of operation and the number of people attending a function.

On 16 February 2002, a function was held at the subject premises by an organisation understood to be the Mating Club. The function was attended by approximately 130 people. The function started at 9.30pm and did not finish until the morning of the following day. At the Saturday night function, a cover charge was required at the door and tickets could be pre-purchased. This function was a clear breach of Special Condition 6 - hours of operation restricted to 8am to 7pm seven days a week and Special Condition 7 - numbers of people not to exceed 30 people at any time.

The occupier, Mr Robert Buckby was also required to notify the City of function dates, attendee numbers, start and finish times as a term of the 4 month probationary period. Regular e-mail messages were received from Mr Buckby including the function of 16 and 17 February 2002 between the hours of 12 noon to 6pm both days. No reference was made to the Saturday 16 function commencing at 9.30pm.

All this points to a breach of the terms of the probationary period. The City also carried out previous inspections to 16 February for the week prior, for instance on Saturday 9 February. The functions are advertised during the day time hours with notice while others occur during evening hours without prior notice.

The Council has the authority to revoke a planning consent pursuant to clause 6.3.5 of the City of Cockburn District Zoning Scheme No. 2. Given the recent breach of conditions, it is recommended that the Function Centre approval be revoked without delay.

The revocation of approval will also clarify the responsibilities of the Western Australian Planning Commission pursuant to the Redevelopment Act. The City will continue to be responsible for health (noise) and building matters relating to the land.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

Budget/Financial Implications

If the revocation of approval is contested, the Council may be required to defend its position in the courts or on appeal. This would mean that the Council would incur legal costs.

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

Planning approvals for the affected land including illegal activities are now controlled under the provisions of the Hope Valley-Wattleup Redevelopment Act, which is administered by the Western Australian Planning Commission.

14.2 (OCM1_3_2002) - BREACH OF PLANNING APPROVAL - LOT 1; (NO.3) TAPPER ROAD, BANJUP - OWNER: GRAHAM D WHITE (5513724) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) serve a final 28 days notice on Mr Graham White of Lot 1 (No. 3) Tapper Road, requesting compliance with Special Conditions No. 9 and 10 of the Planning Approval granted under delegated authority of the Council on 14 January 2002; and
- (2) initiate legal proceedings for a breach of Section 10.4(a)(1) of the Town Planning and Development Act, in the event that any of the conditions of approval are not satisfied, (inclusive but not limited to Conditions 9 and 10) unless, in the opinion of the Director for Planning and Development, reasonable progress has been made towards completion of the above within the period stipulated in (1) above.

COUNCIL DECISION

Background

ZONING:	MRS:	Rural
	DZS:	Resource Zone
LAND USE:	Storage of firewood and mulch	
LOT SIZE:	4.079 ha	
AREA:	Approx. 2630m ²	
USE CLASS:	Plant Nursery consisting of storage of firewood and mulch	

On 21 September 2000, following a site inspection in the Banjup area, the City's Environmental Officer wrote to the Department of Environmental Protection ("DEP") raising concerns that the occupier of Lot 1, No. 3 Tapper Road was storing numerous piles of organic material in the EPP wetland area. The response from the DEP was only received a year later (ie 26 September 2001).

On 15 August 2001, the City was notified by a nearby landowner objecting to a large quantity of wood blocks on the property. This was the result of the water level in the wetland area rising, causing some of the wood blocks stored on No. 3 Tapper Road to drift onto the neighbouring property.

On 16 August 2001 the City wrote to Mr White and requested him to cease storing of wood and mulch on the property as no planning approval had been issued. The City gave Mr White 28 days to cease the operation which was 13 September 2001.

On 20 August 2001, the City's Environmental Officer contacted the Department of Environmental Protection ("DEP") requesting comments on the impact of the storage yard on the environmentally significant wetland.

On 25 September 2001 a meeting was attended by DEP officers, City's Planning and Environmental Officers and Mr White. Subsequent to the meeting and the City's letter dated 21 September 2000, the DEP wrote to Mr White and advised the following:-

"As you are aware the wetland on your property is one protected by the Environmental Protection (Swan Coastal Plains Lakes) Policy 1992. For the last two years there has been storage of mulch and wood within the wetland boundary. I note that some of this storage occurred outside the EPP boundary as defined on Miscellaneous Plan No 1815. However the goal of the policy is to protect the conservation values of the wetland. The DEP's advice is that this storage could harm these values and should not take place. Further information about the wetting and drying cycle of wetlands is enclosed.

At the meeting it was agreed that you would apply to the City of Cockburn for planning approval for the storage of firewood and mulch on your property within 28 days. The application should include a precise plan of the location of the storage on your property. It was further agreed that wood and mulch would be removed from the wetland areas by 1 January 2002."

Mr White was therefore instructed to lodge a Development Application to Council within 28 days and remove firewood and mulch material from the wetland and its buffer area. On 7 November 2001 Mr White submitted a Development Application with the City. Mr White refused to

pay the application fee as he stated he had been undertaking the activity for the last 15 years.

The City requested further information from the applicant, such as numbers of vehicle movements to the site per day, quantity of storage goods and management techniques for the storage of mulch and its composition. This information was finally provided verbally and was then given to the responsible authorities.

On 18 December 2001, the City wrote to the DEP and Water and Rivers Commission. The City also wrote to the WAPC given that the definition of the land use was undefined.

On 24 December 2001 the City wrote to the Water and Rivers Commission ("WRC") advising that it had not been able to come to an agreement with the applicant regarding the proposed boundaries of the storage activity. The applicant was not going to remove the wood and mulch from the wetland area by 1 January 2002 as required by the DEP.

On 24 December 2001 the WRC advised the City that it is not prepared to support the application as the proposed use is incompatible with the area and it is detrimental to the conservation value of the wetland.

On 27 December 2001 City officers met with WRC officers in order to finalise the assessment of the Development Application as Mr White was not prepared to remove the wood and mulch from the wetland area. Mr White was also not prepared to fence the area used to store firewood and mulch.

On 4 January 2002 the City wrote to the applicant advising that he had a further 28 days to remove the materials from the wetland prior to considering legal action by the City.

On 9 January 2002 The WRC advised the City that it supports the application on the basis that the applicant finally agreed to co-operate by relocating the storage area.

As the deadline of 1 January 2002 had passed, the DEP in response to the City's letter dated 18 December 2001 wrote advising of the following:

"The department in a letter dated 26 September 2001 to Mr White (the owner) indicated that the owner would need to remove the existing mulch and firewood material from the wetland areas by 1 January 2002 and apply to the City of Cockburn for development approval to continue this storage practice in a suitable area within 28 days.

As indicated by the City of Cockburn's photos (taken 21 December 2001) and by inspection by Mr Peter Johns of our department 31

December 2001 the wetland has receded adequately to allow Mr White to remove the material. Unfortunately it appears that Mr White has failed to remove the material from the wetland areas by 1 January 2002.

...the material storage appears to be outside the boundary of the EPP lake, however, the goal of the Policy is to protect the conservation values of the wetland. Therefore, the Department of Environmental Protection fully supports the City of Cockburn in their endeavours to pursue legal action on this issue."

In order to obtain an extension past 1 January 2002 for the removal of the wood and mulch from the wetland, the Director of Planning and Development agreed to the preparation of an Action Plan with the applicant. The Action Plan was signed by the applicant and the City Officers on 11 January 2002.

After extensive negotiations with the applicant in relation to the draft planning approval conditions, the approval was given based on the agreed Action Plan.

Planning Consent was given on 14 January 2001 for a Plant Nursery consisting of storage of firewood and mulch.

The applicant was the subject of a previous legal action by Council in relation to illegally storing swimming pools on the property on 8 December 1998. The Prosecution case was withdrawn at its final stages of pursuing legal prosecution. No legal action was required by Council as the applicant agreed to remove the swimming pools and pay the legal costs incurred by the City.

Submission

The agreed Action Plan signed by Mr White and the City officers on 11 January 2002 is contained in the Appendix.

Report

The wetland affords the protection of the Environmental Protection (Swan Coastal Plains Lakes) Policy 1992 and the storage of treated firewood and the draining of mulch materials in the wetland fringe area is totally inappropriate.

Since August 2001, the City has tried every reasonable opportunity to reach a solution with Mr White to ensure the storage of materials does not impact on the wetland.

On 15 January 2002, the Planning Approval was granted 'in good faith' as an Action Plan reflecting the conditions of approval was signed by the applicant, and the applicant reviewed and agreed to the conditions

of approval and signed the Action Plan prior to development approval being issued.

The Action Plan's first component of removing the size of wood blocks and quantity of mulch outside the approved designated area by the end of February 2002 has not occurred.

Furthermore, the Action Plan components are linked to the Planning Approval conditions issued. Special Condition No. 10 has therefore not been fulfilled.

It is recommended that Council initiates legal action against the applicant for non compliance with planning conditions as the severe environmental impacts to the wetland cannot continue. The initiation of legal action will ensure the applicant will comply with the agreed Action Plan and related Special Planning.

Moreover, the site is in an exposed location at the corner of Tapper Road and Armadale Road.

In accordance with Council's Development Compliance Policy APD29, prior to undertaking legal proceedings the following principles must be observed:

- 1) *"There is a clear breach of the City of Cockburn Town Planning Scheme - District Zoning Scheme No. 2;*
- 2) *Every reasonable opportunity was given for the non-compliance matter to be resolved following the serving of notices set out in this policy;*
- 3) *A continuation of the breach would result in an adverse impact on the amenity of the area and the likelihood of a complaint being received;*
- 4) *The development conflicts with the principles of orderly and proper planning in a general sense."*

Every opportunity was given to the applicant, however, the notice as set out in the policy was not sent, given that the applicant was advised since September 2001 about the situation.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

SPD5 - Wetland Conservation Policy
APD29 - Development Compliance Process

Budget/Financial Implications

Initiating legal proceedings will require the use of funds from the City's Legal Expenses budget.

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

Nil.

14.3 (OCM1_3_2002) - ESTABLISHMENT OF A CAFE/KIOSK - LOT 309 PROGRESS DRIVE, BIBRA LAKE (1114553) (KJS)

RECOMMENDATION

That Council:

- (1) determine all the necessary approvals required to facilitate the construction of a Café/Kiosk on Lot 309 Progress Drive within the Bibra Lake Reserve and the level of support from the decision making authorities to the proposal;
- (2) subject to (1) above, engage the services of a suitably qualified commercial consultant to prepare a report on the viability of the proposed Café/Kiosk at Bibra Lake;
- (3) following the outcome of (1) and (2), prepare a Business Plan for the establishment and operation of a Café/Kiosk within the Bibra Lake Reserve;
- (4) incorporate the financial requirements of the Business Plan into the Council Budget;
- (5) based on the commercial consultants report (2) prepare a tender document for the leasing and operation of the Café/Kiosk.

- (6) call public tenders for the operation of the Café/Kiosk.
- (7) following the successful appointment of the operator of the Café/Kiosk, commission a suitably qualified and experienced architect to design a Café/Kiosk and complimentary landscaping in accordance with the adopted Business Plan.

COUNCIL DECISION

Background

At the Council meeting held on 21 September 2001 it was resolved to:-

- "(1) appoint a suitable consultant to undertake the market research to determine community acceptance and patronage of a restaurant/café/kiosk located on Lot 309 Progress Drive, Bibra Lake;*
- (2) appoint a suitable consultant to undertake environmental and geotechnical investigation on a site adjacent to and just south of the playground equipment located on Lot 309 Progress Drive, Bibra Lake, to determine the suitability of the site for a restaurant/café/kiosk;*
- (3) as part of the public consultation process and through the 'Cockburn Soundings', publicise and entice comments and submissions from the ratepayers and interested users of the parkland as to the proposed restaurant/café; and*
- (4) transfer \$15,000 from the Land Development Reserve Fund to undertake (1) and (2) above."*

Submission

N/A

Report

The market research was conducted by telephone interviews throughout the City of Cockburn local authority area based on sound statistical methods by consultants, Patterson Market Research. Of interest is that in a survey of users of the area it was determined that approximately 53% of visitors to the park come from outside the City of

Cockburn. This information was determined by a number plate survey in the carparks on a typical weekend.

The key findings of the market research were that the picnic area at Bibra Lake is well known and identifiable. 95% of respondents indicated that they were familiar with the area. Of these 93% said that they had visited the area before with 57% having visited within the past 6 months.

Most respondents had positive comments on the area, listing such qualities as scenery, beauty, relaxed and peaceful nature of the place. Notable, however, the playground area was mentioned by 32% of respondents as being a particular attraction.

The majority of respondents said that they were in favour of the development of a permanent food and drinks facility. 48% of the respondents indicated that the development of a permanent facility would increase their use of the area. Only 6% claimed that such a move would put them off future visits.

An article was placed in the Cockburn Soundings seeking comment on the proposal. Five letters were received opposing the proposal, while 10 letters supporting the proposal were received. People opposed to the proposal generally made the point that the area's attraction to families and its peaceful nature could be spoilt if over commercialised. It was pointed out that the existing caravan food vendor was sufficient for the needs of the area.

The letters supporting the proposal generally indicated that they would make use of the facility in conjunction with their current usage of the area.

The engineering and environmental report notes that insect problems, especially midge, will be a nuisance to users of the facility, especially between November to February and around dusk and dawn. The report recommends careful use of lighting, lighting traps and vegetation buffers to minimise the nuisance.

An example of a comparable facility would be the facility at Deepwater Point, Mt Pleasant which has a building area of approximately 150 square metres, plus approximately 90 square metres alfresco use. It provides seating for approximately 40 people inside and 40 outside plus the kiosk function. This facility is leased out by the City of Melville.

Council should engage the services of a commercial consultant to report on the viability of the project, leading to the preparation of a Business Plan. The commercial consultant report will estimate on the number of patrons expected throughout the year. This information will determine the optimum seating capacities and thus the size of the building. Using the estimated number of patrons over a 12 month

period an estimate of turnover can be determined. The turnover will then give an indication of what an operator might be prepared to pay in the form of rent. The estimated rental income could be used to determine what a prudent owner should outlay on the capital cost of the building and surrounds. The appointed architects brief will encompass the size of the building and the value of the building to be designed. The subsequent tenderers should be close to the architects projected prices. The commercial consultant would also be called upon to give advice on the structure of the lease and the quality of the tenderers. Investigations into the necessary approvals, tendering, design and budgeting need also to be undertaken.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

Funds for the engagement of a Commercial Consultant are available from the CEO's Consultancy Fund.

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

Nil.

14.4 (OCM1_3_2002) - FARRINGTON ROAD MEDIAN PLANTING AND ENTRY STATEMENT (450501) (KS) (ATTACH)

RECOMMENDATION

That Council:

- (1) initiate the redevelopment/enhancement of the median and verge planting in Farrington Road between Bibra Drive and Murdoch Drive, Bibra Lake;
- (2) stage the redevelopment/enhancement works with Stage 1 being the central median island and Stage 2 being the adjoining verges;
- (3) undertake Stage 1 the median island works to include the clearing, kerbing, street light pole replacement and replanting of the area with grass trees (*Xanthorrhoea preissii*);

- (4) accept the grass trees made available from the Landstart development site in Hamilton Hill and the transplanting be co-ordinated with the clearance of the Landstart land to maximise survival rates;
- (5) allocate funds from the Greening Plan budget from Stage 1 of the project;
- (6) advise the Department of Environmental Protection of its decision and seek its endorsement to the planting programme;
- (7) erect a sign at each end of the works area on Farrington Road advising the public of the works and where enquiries can be made; and
- (8) refer Stage 2, relating to the redevelopment/enhancement of verges to Farrington Road east of Bibra Drive, to the Greening Plan Reference Group to determine the priority of these works and the approach to the replanting programme.

COUNCIL DECISION

Background

In 1990, the City of Cockburn commissioned Ecoscape Environmental Consultants and Landscape Ecologists to prepare a Consultative Environmental Review for the City's proposal for the Farrington Road duplication, Murdoch Drive to west of Bibra Drive project. The Review outlined a number of commitments the City of Cockburn would make to ensure that environmental issues associated with the project would be managed appropriately. One of these commitments was that the area (including the verges) would be rehabilitated with locally endemic species.

The Minister for the Environment issued environmental approval for the project on 24 September 1991, subject to a number of environmental conditions based on the commitments outlined in the Consultative Environmental Review. These conditions were presented by the Department of Environmental Protection (DEP) in an audit table for assessment 330, statement 182. A number of these conditions were cleared within 2 years of the completion of the duplication while others remained outstanding and the progress towards meeting/completing these conditions required an annual report to be submitted to the DEP.

Submission

On 14 September 2001, the audit branch of the Department of Environmental Protection (DEP) rang to advise the City that our annual audit report for Farrington Road duplication project was due at the end of the month. The DEP advised that the report should focus on the progress the City had made in its rehabilitation commitments.

The Audit report was submitted to the DEP on 24 September 2001. The DEP then responded in a letter dated 5 October 2001. This letter stated that the DEP was aware that action taken by the City to rectify the non-compliance had not achieved the required rehabilitation objectives. The letter also stated that the possibility of removing the non-compliant vegetation and replacing it with locally endemic species would be considered an acceptable revised strategy to restore compliance.

Report

In December 1995, the City received notification from the Minister for the Environment of a possible Non Compliance with the conditions of environmental approval for the Farrington Road duplication, Murdoch Drive to Bibra Drive. Condition 2 requires the road duplication proposal to be implemented as per the designs, specifications, plans and other technical material submitted to the Environmental Protection Authority, including the Consultative Environmental Review (CER), which stated that rehabilitation of the road verges and median strip would use locally endemic species.

The Department of Environmental Protection (DEP) identified that the rehabilitation undertaken on the verges and the median strip did not conform to the CER species list and non-endemic species had been used. The DEP requested that a remediation program be agreed to and implemented.

In January 1996, the City of Cockburn proposed a remediation program for the possible non-compliance. This program outlined that planting with species detailed in the CER would be planted over the next 3 years and that the non-endemic species would progressively be removed. This program was agreed to by the DEP and implementation of endemic plantings was initiated.

As of 22 February 1996, the only remaining audit element required to be addressed in an annual report was elements M2.1 and P6 which relate to progress of rehabilitation and the agreed remediation program. Prior to submitting the Annual Audit/Progress Report for 2001, the City's Environmental Management section conducted a survey of the site. This survey indicated that there had been a low survival rate of the 1755 plus locally endemic plants planted as part of the non-compliance remediation program. The loss of these plants also

meant that the non-endemic plants had not yet been removed. A copy of the survey is attached in the Agenda attachments.

A meeting was held between the City's Environmental Management section, Parks and Gardens and the Engineering Services to determine how to resolve the continuing non-compliance. It was determined that the current remediation program needed to be reviewed and a new strategy developed that would ensure greater survival rates for the remediated site such that compliance was obtained.

As Farrington Road is a major traffic entrance into the City of Cockburn, it was suggested that compliance could be met in conjunction with making the site an effective entry statement. A landscape architect was commissioned to develop a concept plan for Farrington Drive Duplication, Murdoch Drive to Bibra Drive. The landscape architect has produced concept plans on how this would be achieved (see attachments 2 and 3).

The City of Cockburn has a commitment as set out in the environmental audit table that requires the City to rehabilitate the area (including the verges) with locally endemic species. To date this has not been accomplished.

The Council must decide how it wishes to rectify the status of rehabilitation at this site. It would be beneficial to the City if this could be decided as soon as possible and prior to the next audit report being sent to the DEP. Once the decision has been made, the proposed remediation plan needs to be sent to the DEP for approval. The DEP have agreed in principle to a review of the rehabilitation program such that vegetation can be removed and replaced with compliant species.

Grass trees (*Xanthorrhoea preissii*) is a species endemic to the area.

The concept of a stage program will stagger the disturbance in the area, will minimise the visual disturbance of removing the current vegetation and will minimise the effect to fauna that may use the area. It will also allow the cost of the project to be spread over a number of financial years rather than requiring one lump sum to be spent. As Farrington Road is a major road in Cockburn, it will also be subject to traffic management while the remediation program is taking place. Staging of the project will ensure that interruptions to traffic is minimised.

To accomplish concept plans (see attachment 2) from the Landscape architect, could cost approximately \$325,000. In addition to this, extra monies would be required for kerbing the median and replacing the current power poles. The estimated cost for this is approximately \$56,000. This brings the total of this option to \$381,000.

This is too expensive.

The City has the opportunity to obtain a number of grass trees (previously known as black boys) from the Landstart development site in Hamilton Hill, which is likely to be cleared in approximately a months time. These grass trees could be transplanted into the median strip to form the first stage of the remediation proposal. The use of the grass trees is highly recommended, as many of the grass trees at the Landstart site are considered significant due to their size and form. Some have trunks with a diameter of 600mm in contrast to the usual diameter of grass tree trunks of 400mm. It was estimated that approximately 80% of these specimens have a height greater than 1 metre with some exceeding a height of two metres.

This is a very unique opportunity that should be capitalised on. The collective effect of these plants will create a spectacular streetscape for this section of Farrington Road, while at the same time complying with the DEP requirement.

It is recommended that the Council accept the grass trees from the Landstart site and transplant these specimens in the Farrington Road median strip between Bibra Drive and Murdoch Drive.

The works programme should be as follows:

- Stage 1
 - median redevelopment
 - clear existing vegetation
 - kerb the median strip
 - fill and grade
 - erect replacement light poles (same as for poles east of the site)
 - irrigate as necessary
 - transplant grass trees
 - infill planting (ground cover/stabilisation/mulch)
- Stage 2
 - verge redevelopment
 - refer to Greening Plan Reference Group for consideration following the finalisation of design and works program based on concepts already prepared.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*

2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

Budget/Financial Implications

The estimated cost of Stage 1, transplanting 200 grass trees and maintaining them is \$46,000. The estimated cost of Stage 1 works is \$130,000. This includes kerbing and replacing power poles at a cost of \$56,000; transplanting grass trees from the development site to the median strip and watering the grass trees to a cost of \$46,000; rehabilitation the verges with locally endemic tube stock at a cost of \$26,000 and infill planting for visual amenity at a cost of \$2,000.

These funds can be sourced from the Greening Plan budget.

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

The Council currently has an obligation to comply with the commitments made in respect to Audit Table Assessment 330, Statement 182 relating to EPA Bulletin 517 (1991). This commitment may need to be reviewed in consultation with the DEP in respect to its relevancy and the ability to accommodate alternative plant material/works.

14.5 (OCM1_3_2002) - CONTAINER REFRIGERATION PTY LTD - LOT 121 O'CONNOR CLOSE, HAMILTON HILL - ILLEGAL CONTAINER STORAGE (2213440) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report; and

- (2) instruct its solicitors, McLeod & Co, to initiate legal action against Container Refrigeration Pty Ltd for the storage of containers on Lot 121 O'Connor Close, Hamilton Hill, without first applying for and receiving the approval of the Council.

COUNCIL DECISION

Background

It came to the attention of Council that sea containers were being stored on Lot 121 O'Connor Close without evidence of being approved.

This was brought to the attention of the owners in October 2000.

The owners made an application to store containers which was refused by both the Western Australian Planning Commission and the Council.

The owners then appealed against this decision. The Appeal was lodged by Greg Rowe & Associates on behalf of the owners on 27 April 2001.

Since this time, limited informal negotiations have taken place and mediation meetings set and cancelled.

The mediation in respect to the Appeal is now set for Monday 25 March 2002.

The Appeal is in relation to the refusal of Council on 2 March 2001, and does not relate to the fact that the company has no approval to store sea containers on Lot 121.

There has been an inordinate delay in resolving this matter.

Submission

N/A

Report

Given the length of time that it has taken to resolve this matter it may be appropriate to proceed with legal action for the apparent illegal use of Lot 121 for the storage of sea containers.

Up until now, legal action has not been advocated because of the pending appeal, together with the fact that at one stage, it appeared

that a time limited approval may have been a likely negotiated outcome. This has not been the case.

Given the slow progress in resolving this appeal and the fact that mediation has been set for 25 March, and it is not certain when the hearing will be held, it is recommended that in the circumstances, Council initiate legal action so that it may run in parallel to the Appeal. If the appeal decision becomes known before the finalisation of the legal action, then the action could be withdrawn if deemed appropriate.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

The Planning Policies which apply to this item are:-

APD29 Development Compliance Process

In the circumstances, it is considered appropriate that the process set out in Policy APD29 be set aside and legal action be initiated.

Budget/Financial Implications

Legal costs will be incurred. Depending on how far the legal action proceeds, costs could be awarded against the Council in the event that it discontinues the action and the respondent incurs costs or if the Council is unsuccessful, the court may award costs against it.

Based on informal legal advice and the information contained on the Council file a successful prosecution may be likely.

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

Nil

14.6 (OCM1_3_2002) - ROAD CLOSURE PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997 - PORTION TAPPER ROAD, ATWELL (450053; 5513645; 114521) (KJS) (ATTACH)

RECOMMENDATION

That Council request the Department of Land Administration to close

that portion of Tapper Road adjoining Pt Lot 161 Tapper Road and Lot 16 Myall Place, together with a 2 metre wide strip of Tapper Road adjoining the northern boundary of Lot 161 Tapper Road.

COUNCIL DECISION

Background

A request has been received from Landcorp, the owner of Lot 161 Tapper Road, to close portion of the unmade section of Tapper Road. Landcorp have in the past, applied to subdivide Lot 161 into 2 lots. Lot 161 has an area of 3.815 hectares, but the required minimum lot size for this lot is 2.0 hectares. The application to subdivide Lot 161 was not approved by the Department for Planning and Infrastructure due to the deficiency in area.

Submission

Requests to close portions of Tapper Road have been made by Landcorp and the owner of Lot 16 Myall Place, Banjup.

Report

The portion of Tapper Road in question has never been constructed. Landcorp, when it undertook the large scale urban subdivision of land west of Tapper Road, constructed an alternative location for Tapper Road. The alternative location established by Landcorp incorporated two sweeping curves rather than the original right angle bend in the unmade Tapper Road Reserve.

The portion of road land to be included into Lot 161 has an area of 2330 square metres, whilst the area designated for Lot 16 has an area of 1257 square metres. The road closures and land inclusion in respect of Lot 161 will enable the creation of two 2 hectare lots in keeping with the lot sizes on the east side of Tapper Road.

The owner of Lot 16 Myall Place has confirmed that he requires 1257 square metres of the closed road to be included into his lot.

Responses to the proposal have been sought of the service authorities which will, in turn, be forwarded to the Department of Land Administration. The closure will not preclude a link between Myall Place and Tapper Road if in the future, a pedestrian or vehicular link is required.

The proposal was advertised and at the conclusion of the statutory period, no objections to the proposal have been received.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

Budget/Financial Implications

N/A

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

Nil.

14.7 (OCM1_3_2002) - REQUEST TO PURCHASE LOT 24 RUSSELL ROAD, BANJUP (5517622) (AJB/KS)

RECOMMENDATION

That Council:

- (1) note that no submissions were received on the proposed sale of Lot 24 Russell Road to Australand Holdings during the advertising period required under the Local Government Act; and
- (2) sell Lot 24 Russell Road Banjup to Australand Holdings by private treaty for \$79,325 in accordance with valuation advice provided by Jeff Spencer and Associates.

COUNCIL DECISION

Background

In response to an approach from Australand, Council at its meeting held on 19 February 2002, resolved to sell Lot 24 Russell Road to Australand for \$79,325 subject to advertising as required by the Local Government Act (Item 14.13).

Submission

N/A

Report

Australand Holdings has confirmed in writing, its intention to proceed with the purchase of Lot 24 Russell Road as per Council's resolution of 19 February 2002.

The proposed sale was advertised in the West Australian on Saturday 23 February 2002, with a submission period of two weeks.

No submissions were received and accordingly, it is recommended that Council proceed to finalise the sale of Lot 24.

Strategic Plan/Policy Implications

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

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

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

Budget/Financial Implications

Proceeds are to be added to the land Development Account to fund future acquisition or development of Council owned land.

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

Nil

14.8 (OCM1_3_2002) - MINOR REVISION TO STRUCTURE PLAN - ATWELL WATERS - LOT 61 BEENYUP ROAD, ATWELL - OWNER: PEET & CO - APPLICANT: MASTERPLAN CONSULTANTS (9644) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the revised Structure Plan for Lot 61 Beenyup Road (Atwell Waters) as contained in the Agenda Attachments; and
- (2) advise the Western Australian Planning Commission and Masterplan Consultants of Council's decision accordingly.

COUNCIL DECISION

Background

Council, at its meeting held on 22 November 2000, adopted a structure plan for the development of a residential estate at Lot 61 Beenyup Road, Atwell. Lot 61 forms part of the Atwell South Development area and earthworks in preparation for its subdivision into approximately 230 lots are about to commence.

The structure plan for Lot 61 has been endorsed by the Western Australian Planning Commission and preliminary subdivision approval has been granted. The proponent is currently addressing the conditions of the subdivision approval and has recently commenced promoting the sale of lots in what is being marketed as the Atwell Waters Estate.

Submission

N/A

Report

In addressing one of the subdivision approval conditions that requires specific design controls for the development of certain lots within the estate, it has become evident that the adopted structure plan does not allocate a Residential Planning Code (R-Code) to each lot.

As Lot 61 is zoned "Development", it is necessary for the structure plan to allocate an R-Code to each residential property so as to provide an indication of its development potential and the corresponding requirements that will apply to construction of each dwelling.

It is therefore proposed that three broad R-Codes be allocated to the lots to be subdivided within the Atwell Waters Estate.

- Standard sized lots no smaller than 450m² – R20
- Smaller sized “Cottage” lots no smaller than 320m² in the laneway precinct – R25
- A 4000m² Grouped Housing Site – R40.

The allocation of R-Codes simply reflects the lot sizes established by the approved plan of subdivision.

The revised structure plan (see agenda attachments) also indicates minor road layout modifications that result from Council’s and the Commission’s assessment of the subdivision proposal, thus providing an updated indication of the manner in which the site is to be developed.

It is recommended that Council adopt the revised structure plan.

The updated plan will be included in Council’s inventory of adopted structure plans, which is available for public viewing.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil

14.9 (OCM1_3_2002) - REMEDIATION AND REHABILITATION OF THE JANDAKOT WOOL SCOURERS - HAMMOND ROAD, YANGETUP (4412998) (KS)

RECOMMENDATION

That Council:

- (1) refer the proposal by Jandakot Wool Scouring Company to remediate and rehabilitate Lot 7 Hammond Road Yangebup, to the Environmental Protection Authority under Section 38(1)(b) of the Environmental Protection Act, requesting that the proposal be formally assessed; and
- (2) adopt the report as the basis of a submission to the Environmental Protection Authority in support of the Council's request.

COUNCIL DECISION

Background

In the 1920's the Jandakot Wool Scouring Company was established at Lot 7 Hammond Road Yangebup, adjacent to Yangebup Lake. Tanning, fellmongering, tallow manufacturing and drum washing of wool have all taken place on the site with the resultant effluent discharged to unlined ponds since 1938.

The existence of contamination associated with operations at the Jandakot Wool Scourers has been recognised by regulatory authorities including both the Department of Environmental Protection (DEP) and the Water and Rivers Commission (WRC) for a number of years. Contamination on site is extensive with studies suggesting that the majority of soil contamination accumulated at the wool scouring site, has been caused by the long-term on site disposal of wool scouring and tannery effluent containing concentrations of arsenic, chromium and organochlorine pesticides.

In March 2000, the Department of Environmental Protection issued the Jandakot Wool Scouring Company (JWSC) with its last 3 month operating licences for Wool Scouring at Hammond Road, Yangebup. By the end of June 2000, the JWSC had ceased to operate at the Hammond Road site with the company relocating its operations to Rockingham.

The JWSC then embarked on a series of studies to determine how the site would be remediated and rehabilitated which would then allow the company to develop the land and subdivide for commercial purposes. The reports include Sampling and Analysis Plan, Detailed Site Investigation Program and a Preliminary Risk Assessment for the site. Since June 2000, these studies have consisted predominantly of soil and groundwater sampling on site.

The studies have proposed some soil removal and suggested allowing natural attenuation of contaminants as remediation techniques. Council officers have reviewed these studies and don't believe the extent of the studies is adequate, the suggested remediation techniques are appropriate or that the City has been given enough opportunity to be involved in the process to date. The City therefore has not been able to protect the interests of the community under the system currently being used to determine appropriate remediation and rehabilitation for the JWSC's Hammond Road site in Yangebup.

Submission

N/A

Report

By 1953, six discharge ponds had been established approximately 190 metres from the edge of Yangebup Lake. In 1959, the pond system was expanded and by 1963, eleven ponds had been established with the closest being 95 meters from the edge of Yangebup Lake.

Prior to 1973, two additional ponds were established immediately adjacent to the then edge of Yangebup Lake. They were subsequently abandoned and became part of the lake when water levels rose, but they were exposed whenever the water level in the lake fell sufficiently. After 1983, the pond system continued to expand and by 1994, nineteen ponds were in existence. In 1994, when the water level in the lake was 16.7 metres Australian Height Datum the lake flooded part of the pond system.

The ponds were unlined so final disposal of the effluent was by a combination of infiltration to groundwater and evaporation. There is also anecdotal evidence that effluent would often overtop the ponds and flow onto surrounding land and into Yangebup Lake.

The wool scouring process essentially consists of washing oil, grease and dirt from wool fleeces in an aqueous solution containing detergents. Process effluents therefore contain natural oils and greases together with naturally occurring soils and contaminants that are derived from the handling of sheep. A major contaminant of concern is arsenic, which originated from the wool scouring operation when arsenic was being used in chemical dips to control lice in sheep.

High concentrations of phosphorus have also originated from the wool scouring facility.

The presence of arsenic and organochlorine pesticide contaminants appear to be the result of a historical and now discontinued practice of using these materials as sheep dip ingredients. The cause of chromium contamination at the site is considered to have been the tanning activities that occurred on the property between 1966 and 1975. Other areas of relatively high metal contamination appear to have been the result of importing fill on to the site.

Contaminants have also been identified in Yangebup Lake with arsenic and other metal plus phosphorus levels in the Lake being directly linked to the activities of the Jandakot Wool Scourers in a study commissioned by the City of Cockburn in May 2000. In addition, a groundwater plume containing contaminants (arsenic, chromium, cadmium, lead and zinc) has also been identified in a south western direction from the site.

The contaminants that exist on the JWSC site at Hammond Road include the following: arsenic, cadmium, copper, chromium, lead, nickel, zinc, Aldrin, dieldrin, chlordane, DDT, and Diazinon. The studies undertaken to date have stated that based on hydrogeological assessment, it can be estimated that 30% of wastewater from the ponds at the wool scourers migrates via the upper aquifer into Yangebup Lake. Yet no water quality or sediment samples from Yangebup Lake have been undertaken during JWSC's studies. In addition, the remediation of Yangebup Lake, which now has high levels of contaminants including arsenic, has not been discussed in these studies.

The studies undertaken for the JWSC have suggested that Yangebup Lake will recover naturally. The arsenic contamination originates from the dips used for sheep up until 1975. It could be expected then, that concentrations would have declined in the 27 years since these products were used. The studies however, do not show this and arsenic concentrations in Yangebup Lake are still high. It must be questioned then if Yangebup Lake will recover naturally.

In addition to this, should JWSC not be held responsible for remediating Yangebup Lake, then the lake will remain contaminated and pose a liability for the City in the future. Yangebup Lake lies within a conservation reserve currently vested in and managed by Council. Yangebup Lake may therefore become a large liability for the City of Cockburn given the recent release of the State Government's Draft Contaminated Sites Bill.

The remaining 70% of wastewater from the ponds virtually flow into the lower aquifer where it migrates west and southwest in the direction of the prevailing hydrology. A groundwater plume with contaminants of

arsenic, chromium, cadmium, lead and zinc is migrating from the site in a south westerly direction. The studies conducted for the JWSC have suggested that the contamination in the groundwater will dissipate and naturally attenuate. Further investigation will be required however, to a) determine the extent of the plume and b) to determine appropriate management options for the groundwater plume.

Further studies should address how far southwest the plume has travelled and what the levels of contamination are further down stream. The proponent needs to determine what the users of groundwater further down gradient use their groundwater for and what the potential is for human contact with the contaminated groundwater.

The City requested to be involved in determining the process for the remediation and rehabilitation program since the wool scourers finished operating in June 2000 (20 months ago). Since then, the City of Cockburn has only been invited to one formal meeting to determine the desired outcomes of the remediation and rehabilitation plans. That meeting was in November 2001 and the City of Cockburn has yet to be contacted by the JWSC or its consultants regarding the City's comments on their reports submitted to date.

Given the nature and extent of these contaminants, the remediation and rehabilitation of the site should be conducted in close consultation with the community. In addition to the on site contamination, the activities of the operation of the Jandakot Wool Scourers at Hammond Road Yangebup has also lead to off site contamination. These issues not only need to be addressed in the remediation and rehabilitation process, but also need to be assessed in close consultation with the community.

The current informal process being undertaken by the agencies to determine the process to be undertaken for the remediation and rehabilitation of the Jandakot Wool Scourers site in Hammond Road Yangebup, is clearly not the appropriate approach. A more formal approach needs to ensure the most appropriate level of consultation and ensure a focus on the most appropriate remediation for both the site contamination and for the contamination that has migrated off site, such that the best environmental outcomes are achieved.

Under section 38 of the Environmental Protection Act 1986 (WA), a proposal that appears likely if implemented to have a significant effect on the environment may be referred in writing to the Environmental Protection Authority. It is clear that should the JWSC implement the remediation and rehabilitation programs they have suggested in their reports submitted to date, there will be ongoing environmental impacts both on site and off site from the contamination.

To pursue a more formal approach to assessing this proposal, it is recommended that Council refer the remediation and rehabilitation

proposal for the Jandakot Wool Scourers site on Hammond Road Yangebup to the Environmental Protection Authority under section 38. of the Environmental Protection Act.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Planning Policies which apply to this item are:-

- | | |
|-------|---|
| SPD5 | Wetland Conservation Policy |
| APD26 | Control Measures For Protecting Water Resources In Receiving Environments |

Budget/Financial Implications

Should Council inherit the contamination under the State Government's Draft Contaminated Sites Bill, there may be heavy financial implications for the City.

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

Nil

14.10 (OCM1_3_2002) - PROPOSED AMENDMENT NO. 219 - ADDITIONAL USE - FRUIT AND VEGETABLE DISTRIBUTION CENTRE - LOT 81 WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: POWERWIDE CORPORATION (92219) (CP)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

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

MODIFIED AMENDMENT NO. 219

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

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

Street	Particulars	Additional Use Permitted
Wattleup Road	Lot 81 on Plan 8190 Being on Certificate of Title Volume 1313 Folio 552	<p>Fruit and Vegetable Warehouse and Distribution Centre for the handling, processing, treating, packing and carrying of fruit and vegetables limited in floor area to that in plans approved by Council at its meeting of 18th June 2000.</p> <p>In order to protect the amenity of the locality, Council may impose conditions at its discretion for the development relating to the following:</p> <ol style="list-style-type: none"> 1. Controlling off-site noise impacts by the orientation and layout of buildings and ensuring that all processing and handling is undertaken within buildings. In addition, all noise generated must comply with the <i>Environmental Protection (Noise) Regulations 1997</i>; 2. Limiting hours of operation to between 9am and 5pm Monday to Friday only, accepting that any changes

Background

ZONING:	MRS:	Rural
	DZS:	Rural
LAND USE:	Approved-Fruit and Vegetable Packaging Facility (local produce)	
LOT SIZE:	2.6 ha	
AREA:	7000m ²	
USE CLASS:	N/A	

Council at its meeting of 18 January 2000, resolved to conditionally approve a fruit and vegetable packaging facility (local produce) on Lot 81 Wattleup Road, comprising 900m² floorspace.

To consider the owner's desire to allow for the packaging of non-local produce (esp. potatoes from Manjimup) for export, Council at its Ordinary meeting of 18 April 2000, resolved to adopt Amendment 219 to District Zoning Scheme No. 2 for advertising for an Additional use of Fruit and Vegetable Warehouse and Distribution Centre on the site.

Following the Ordinary meeting of Council on 21 November 2000, the modified amendment was referred to the Western Australian Planning Commission ("WAPC") in order to obtain final approval from the Minister for Planning. However, the WAPC recently responded to the Council requesting further modifications to the amendment.

In particular, the WAPC requested further information regarding:

- The carrying capacity of Wattleup Road and its ability to accommodate the additional traffic generated by the proposal;
- A strategy to address various concerns raised in submissions with respect to building setbacks, landscape buffers and other amenity controls.

In regards to the latter, the public submissions received identified the following concerns:

- increased noise from equipment, fork-lift, trucks and coolers 24 hrs in summer;
- land will be devalued especially adjacent urban deferred land;
- increased truck traffic will reduce safety on Wattleup Road;
- proposal not in keeping with rural zone resulting in loss of rural lifestyle and amenity;
- washing of vegetables and use of chemicals will impact on ground-water quality; and
- development should be located in industrial type zone.

Submission

The applicant's consultant has provided the following information:

"Based on the carrying capacity of Wattleup Road being 3000 VPD and a current traffic count of 1500 VPD, it is evident that the road can accommodate the small numbers of vehicles associated with the proposed fruit and vegetable operation. An increase in traffic numbers of 20 vehicles and 8 trucks per day (increasing to 30 vehicles and 12 trucks per day if extensions are undertaken) will have a negligible impact on traffic flows".

Furthermore, the following amended wording has been submitted in order to address issues raised in submissions, with particular emphasis on maintaining amenity values:

"Fruit and Vegetable Warehouse and Distribution Centre for the handling, processing, treating, packing and carrying of fruit and vegetables limited in floor area to that in plans approved by Council at its meeting of 18th June 2000. In order to protect the amenity of the locality, Council will impose conditions of development approval relating to the following:

- *The management of off-site noise impacts by controlling the orientation and layout of buildings and ensuring that all processing and handling is undertaken within buildings. In addition, all noise generated shall comply with the Environmental Protection (Noise) Regulations 1997;*
- *Limiting hours of operation to between 9am and 5pm Monday to Friday only;*
- *The management of off-site dust impacts by ensuring the construction of all manoeuvring and parking areas in accordance with Council's requirements; and*
- *Requiring that development setbacks and landscape buffers comprising suitable screening vegetation species are installed in accordance with Council requirements as stipulated in Town Planning Scheme No. 2".*

Report

It is considered that the changes recommended by the Scheme Amendment satisfactorily address the concerns raised from the public submissions and the issues raised by the WAPC. As such, it is recommended the modifications to the amendment be adopted by the Council subject to amending the text as indicated above.

Strategic Plan/Policy Implications

Planning Your City

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

Budget/Financial Implications

N/A

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

Nil

14.11 (OCM1_3_2002) - TOWN PLANNING SCHEME NO. 3 - MINISTER FOR PLANNING AND INFRASTRUCTURE FINAL MODIFICATIONS (9485) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) agree to consider the late submissions received after 3 October 2001, and include them in the Schedule of Submissions;
- (3) approve the following changes to the Scheme Text:
 1. Technical changes to the Scheme Text made on advice of Officers in accordance with Schedule 1.
 2. Modifications to the Scheme Text in accordance with the recommendations made in respect to each of the submissions contained in the Schedule of Submissions attached to the Agenda in accordance with Schedule 3.
- (4) approve the changes to the Scheme Map made on the advice of Officers in accordance with Schedule 2.
- (5) proceed with proposed Town Planning Scheme No. 3;
- (6) adopt proposed Town Planning Scheme No 3 subject to the modifications as contained in Schedules 1, 2 and 3, including the Council Report above and forward the Council decision to the Western Australian Planning Commission requesting that the Hon. Minister for Planning and Infrastructure grant final approval under Town Planning Regulation 21;

- (7) in anticipation of the Hon. Minister for Planning and Infrastructure granting final approval; the proposed Scheme Text and Scheme Map be modified in accordance with the Council decision and the documentation be signed by the Mayor and the Chief Executive Officer ready to be forwarded to the Western Australian Planning Commission upon receipt of the Hon Minister's advice under Town Planning Regulation 24;
- (8) advise each person who made an individual submission or a submission on behalf of a group of person's, or an organisation of the Council's decision; and
- (9) upon the gazettal of Town Planning Scheme No 3 revoke Policy APD 23 Town Planning Scheme No 2 Amendments following Final Adoption of Proposed Town Planning Scheme No 3.

COUNCIL DECISION

Background

Council at its Ordinary Meeting held on 20 November 2001 resolved to receive the report and advise the Hon Minister for Planning and Infrastructure that:-

- “1. *it is not prepared to proceed with the final adoption of proposed Town Planning Scheme No. 3 under Regulation 17(1)(a) of the Town Planning Regulations until the definition of "Industry - Noxious" has been resolved to the Council's satisfaction;*
2. *if the matter is not resolved to the Council's satisfaction within 6 months of the expiry date of the public submission period, then the Council will consider not proceeding with proposed Town Planning Scheme No. 3 to final adoption under Regulation 17(2)(b) of the Town Planning Regulations.”*

Regulation 17 requires the Council to review all submissions and consider if the Scheme should be modified accordingly or whether the submission should be rejected. This must occur within 6 months of the expiry period specified by the Commission or the Minister. The 6 months outlined in (2) above expired on 3 March 2002.

In a memorandum to Elected Members dated 16 January 2002 a detailed explanation was given regarding the use class of noxious industry and other industry classifications proposed in TPS3. The impasse related to one aspect of the proposed scheme, which has

been discussed with the Department for Planning and Infrastructure (“DPI”) and advisors in the Minister’s Office.

The Executive Director for Statutory Services at DPI addressed the Elected Members on this matter on Wednesday, 27th February.

The following provisions are proposed in TPS3:-

The Zoning Table to provide as follows:-

- Industry – General is only permitted (P) in the Industry Zone – no Council discretion.
- Industry-General (Licensed) is not permitted (D) in the Industry Zone unless the Council allows it – Council discretion, but is appealable.
- Industry – Noxious is not permitted (X) in the Industry Zone – no Council discretion required or appeal rights.

The definition of the industry - general remains unchanged:-

“industry – general: *means an industry other than a cottage, extractive, general (licensed), light, mining, noxious, rural or service industry, or motor vehicle repair or motor vehicle wrecking.”*

The definition of industry - general (licensed) and industry - noxious are proposed to be amended by:-

<p>industry - general (licensed)</p>	<p>means an industry which is a category of prescribed premises set out in Schedule 1 - Prescribed Premises and Schedule 2 – Premises subject to Registration, under the Environmental Protection Regulations, notwithstanding the production or design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme.</p>
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By making the production or design capacity specified in the Schedule for each category of prescribed premises redundant, means that the Council deals with each category of premises based only on use and the other measures do not apply. This will give the Council more effective control and delete any doubt about the industries ability, based on production or design capacity to be dealt with as either a general or a general (licensed) industry.

By virtue of the change to the definition of industry - general (licensed), the definition of industry - noxious needs to be amended namely:-

industry noxious:	- means an industry in which the processes involved constitute is an offensive trade within the meaning of Schedule 2 Health Act but where an offensive trade is also included as a category of prescribed premises in Schedule 1 of the Environmental Protection Regulations, or premises Regulations, Schedule 2 of the Health Act prevails and includes a landfill site, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm or rabbit farm.
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The amended definitions would provide the Council with a clearer and stronger position in relation to the control of prescribed premises in the industry zone.

All new Schemes are required to comply with the Model Scheme Text (“MST”) gazetted as Regulations in 1999. TPS3 is based on the new MST Regulations. TPS3 has been in the making since 1997, a period of 5 years. Should the Council decide not to proceed with TPS3, the Minister has the power under the Act to finalise the Scheme as if she were the Council.

There is a high community expectation that TPS3 will replace DZS2, so that the benefits of the new zones and provisions and residential densities can be applied to land within the district.

Submission

At the close of the 28 day public submission period 39 submissions were received. 11 submissions were received after the closing date, making a total of 50.

The submissions have been categorised into the following groupings:-

Topic	No of Submissions
Development Contribution Area 6 – Munster (Developer contributions towards Beeliar Drive extension between Stock Rd and Cockburn Rd)	24 Objections
Development Contribution Area 5 – Beeliar (Developer contributions towards Spearwood Avenue Extension south of Beeliar Drive)	1 Objection
Watsons - Map and Text Change - Support rezoning of land Mell/Rigby Rd and object to buffer area.	1 Objection 3
Individual Sites - No objections - Text Change	5 1

- General Matter	1
- North Coogee Industry	3 Objections
Late Submissions	11
Total Number of Submissions	50

Each submission was promptly acknowledged in accordance with Regulation 16.

Nearly half of the submissions received objected to being included in Development Contribution Area (DCA) 6 (Development Area 5) Munster. This area is the unsubdivided land generally bounded by Mayor Road (Beeliar Drive), Lake Coogee, Frobisher Avenue and its extension and Stock Road with some land on the north side of Mayor Road within the Packham Area.

Cost sharing requirements in new development areas are not new. TPS3 incorporates scheme provisions and procedures for developer contributions already embodied in DZS2 by Amendment 193. The scheme provisions are more equitable and reasonable than the procedure that previously existed. The developer contributions are also in accordance with WAPC Bulletin 18, which sets out the responsibility between the developer and the Council obligations.

District Zoning Scheme No 2 includes the two following DCA's:-

- **DCA2 Success Lakes** – unsubdivided land bounded by Bartram Road, Thomsons Lake, Russell Road and the Freeway in Success.
- **DCA3 Gaebler Road** – unsubdivided land bounded by Russell Road, Frankland Avenue, Gaebler Road and the Freeway in Banjup.

Proposed Town Planning Scheme No 3 includes the following DCA's:-

- **DCA1 Success North** – unsubdivided land generally bounded by Beeliar Drive, Thomsons Lake Reserve, Bartram Road and the Freeway in Success. Roads to be built from DCA funds – Hammond Road between Beeliar Drive and Bartram Road.
- **DCA2 Success Lakes** – as for DZS2. Roads to be built from DCA funds – Hammond Road between Bartram Road and Russell Road and half of the cost of Russell Road between the Freeway and Frankland Avenue.
- **DCA3 Gaebler Road** – as for DZS2. Roads to be built from DCA funds – Hammond Rd/Frankland Ave between Russell Road and Gaebler Road and half of the cost of Russell Road between the Freeway and Hammond Rd/Frankland Ave.
- **DCA4 Yangebup West** – unsubdivided land bounded by Stock Road, West Churchill Avenue, the railway line and the industrial area at the north. Roads to be built from DCA funds – Beeliar Drive

between Spearwood Avenue and Stock Road and a portion of Spearwood Avenue south of Beeliar Drive.

- **DCA5 Yangebup East** – unsubdivided urban land between the railway line and Spearwood Avenue and south of Yangebup Road. Roads to be built from DCA funds – same as DCA5.
- **DCA6 Munster** – as described above. Roads to be built from DCA funds – Beeliar Drive (Mayor Road portion) between Stock Road and Cockburn Road.

The Schedule of Responses includes 11 submissions that were received after the closing date, but despite this, comments and recommendations were made on these given the importance of the re-advertised Town Planning Scheme No 3. The Council is under no obligation to take account of submissions, received after the closing date.

Report

The proposed solution to the Council's concerns relating to planning controls over Noxious Industry uses in TPS3 is to introduce a new industry category into the Scheme called "Industry – General (Licensed)". This allows the Council to use its discretion on each application that requires EPA licensing to operate in the Industry Zone. The Minister has explained this approach by:-

"It will: prohibit those uses considered Noxious Industry under the Health Act; give Council authority to control the siting and location of uses listed under the headings of "Prescribed Premises" and "Premises subject to Regulation" in the Environmental Protection Regulations (irrespective of size or production capacity); and permit other uses falling within the "Industry – General" category under Scheme No 3 (on which Council can still impose amenity controls)."

This approach gives the City greater control over the location of industrial activities than currently provided in the Model Scheme Text and will allow it to deal effectively with amenity issues in cases where sensitive or incompatible zonings are located nearby."

Noxious Industry in TPS3 is not permitted in the district. TPS3 does not include a Noxious Industry Zone. The current District Zoning Scheme No 2 has 3 types of noxious industry zones ("Noxious Industry, Special Industry A & Special Industry B").

The recommendations have been divided into separate schedules comprising the Summary of Submissions, Scheme Text and Scheme Map. Modifications to the scheme text and maps:-

- Generally include the changes instructed by the Hon. Minister;
- Respond to relevant submissions;

- Ensure greater consistency with the Model Scheme Text (Regulations);
- Include recent relevant Scheme Amendments to DZS No.2; and
- Resolve minor Scheme Map and Text errors.

These recommended changes are contained in Schedules 1, 2 and 3 attached to the Agenda and more specifically outlined below:

Additional modifications to TPS3 Text and Maps

1	Simper Road Triangle Yangebup	Delete Additional Use "AU12" and Mixed Business Zone and include the land designated as DA21 as Light and Service Industry and allow Council the ability to impose conditions relative to landscaping, building location and fencing to screen industrial development from residential areas and prevent noise from impacting on the locality.
2	Robb Jetty Industrial Park North Coogee	Delete Additional Use AU15 - Special Industry and uses and include the land within a Restricted Use 'RU' that is consistent with the existing Special Industry A Zone.
3	Port Catherine	Include the site in the Development Zone and Development Area 22 and provisions to comply with the Council's resolution dated 18 December 2001.
4	Lot 222 and Lot 22 Cockburn Road Hamilton Hill DSC Drum Services	Include the land within an AU - Drum Recycling. Reinstate the Industry Zone with RU9 uses consistent with Special Industry A Zone generally in accordance with DZS2. (Area south of McTaggart Cove).
5	Amcors Paper Mill Lot 501 and Lot 502 Phoenix Road / Sudlow Road, Bibra Lake	Include Lot 502 Sudlow Road in the description of land as an addition to Lot 501 within the Special Use Zone 'SU12'. Rephrase the text by deleting reference to conservation area, buffer area and add point 4 to SU12. "Any other use which is incidental or ancillary to the manufacture or recycling of paper products in conformity with the Papermill Agreement Act." The modifications being in conformity with Council's resolution OCM19/3/02, item 14.14.
6	South Fremantle Power Station	Modify the Scheme text to include the site within a Development Zone to replace the Parks and Recreation Reserve. Include text provisions for - "1. Area Fremantle Power Station, 2. Provide for residential, recreation, tourist activities, business and commercial development."
7	North Coogee Industrial Area - south of McTaggart Cove	Delete the Development Zone and substitute with Special Industry A and Light Industry Uses and Parks and Recreation Reserve in accordance with DZS2.
8	Cable Ski Water Park Munster	Modify the boundary of SU10 to include the entire area of Pt Lot 501 Troode Street by deleting the proposed Parks and Recreation Reserve.
9	DCA's 4, 5 and 6	Amend the list of developer contribution plan requirements to include pedestrian crossings,

		include land requirements in addition to that reserved in the MRS.
10	Amend Clause 6.3.2 of TPS3 Text	Include the following "Administration Costs" means such costs as are necessary for the implementation of the Development Contribution Plan.
11	Amend Clause 6.3.5(e) (liability for cost contributions)	This clause is redundant if Clause 6.3.4(b)(i) and (ii) which limited the life of the Development Contribution Plan to 5 years is deleted as proposed.
12	Delete Clause 6.3.5(e) which required payment on the expiry of the Development Contribution Plan.	
13	Amend Clause 6.3.4(c)(iv) Content and Principles of Development Contribution Plans. (See Schedule 1)	
14	Amend Clause 6.3.6(b)(i) Collection and enforcement. (See Schedule 1)	
15	Delete Clause 6.3.3(d) and insert a new clause. (See Schedule 1)	
16	Amend the first paragraph of Schedule 12 DCA5 provisions to include reference to the closure of Yangebup Road.	
17	Amend the first paragraph of Schedule 12 DCA6 provisions to include a percentage contribution of 23.4% of the cost of Beeliar Drive (Mayor Road in part) between Stock Road and Cockburn Road.	
18	Amending Clause 5.8.5 to delete reference to a home office requiring planning approval.	
19	Amend the Vehicle Parking Standards for shops, showroom, tavern, retail filling station, health studio.	
20	Amend the R-Code provisions where a detailed area plan should take precedent.	
21	Amend the eastern boundary of Development Area 3 and Development Zone to include the adjoining land reserved for public open space, lakes and public purpose, as previously resolved by the Council.	
24	Include Lot 196 Berrigan Drive as Residential Zone - R20 and Lot 195 and 194 as Local Centre - Restricted Use - RU6 and modify the Scheme Text Schedule 3 - Restricted Uses RU6 to apply to Lots 194, 195 ad 197 Berrigan Drive, Jandakot.	
25	Amend Clause 5.10.8 to reaffirm that planning approval is not required to park a commercial vehicle on a Rural Living Zone and the Resource Zone while maintaining the ability of the Council to require the removal of the commercial vehicle at any time for any reason.	
26	Amend the Additional Use provisions relating to Amendment 219 - DZS2 as resolved at the OCM 19/3/02 - relating to a fruit and vegetable Distribution Centre - Lot 81 Wattleup Road, Wattleup.	
27	<p>Include those proposals within the district as set out in:</p> <ul style="list-style-type: none"> • MRS Amendment No. 1040/33 - Tapper Road Extension Banjup • MRS Amendment No. 1032/33 - South West Metropolitan Transit Route • MRS Amendment No. 1010/33 - Port Catherine • MRS Amendment No. 1038/33 - Thomsons Lake Region Centre <p>where these changes are finalised prior to the Minister's endorsement of TPS3.</p>	
28	Amend the definition of General Industry (Licensed) and Noxious Industry as provided for in this report.	
29	Other minor text and map amendments including administrative corrections.	

Having considered the issues raised by the major modifications and public submissions, it is recommended that Council adopt the refinements to the scheme and forward a copy of the modified documents to the Western Australian Planning Commission seeking the final endorsement from the Hon. Minister for Planning and Infrastructure.

The Commission will examine the submissions on the modifications to the Scheme and the Council recommendations and make its recommendations to the Hon. Minister.

The Hon. Minister will then consider the submissions and the proposed modifications to the Scheme as appropriate, together with the recommendations made by the Council and the Commission and either refuse or approve the Scheme (with or without modifications) or direct that further modifications to the Scheme be readvertised.

Strategic Plan/Policy Implications

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

Planning Your City

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

Conserving and Improving Your Environment

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

Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*

- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

Budget/Financial Implications

The total expenditure for the preparation of TPS No. 3 is \$29,700 (approx). TPS3 has been prepared in-house, using the Model Scheme Text, which has resulted in the Council saving a large amount of money in the preparation of a Local Planning Strategy, Scheme Text and Scheme Map.

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

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

14.12 (OCM1_3_2002) - DRAFT ENVIRONMENTAL PROTECTION (COCKBURN SOUND) POLICY 2001 (6111) (PS) (ATTACH)

RECOMMENDATION

That Council adopt the report; as the basis of a submission to the Environmental Protection Authority on the Draft Environmental Protection (Cockburn Sound) Policy 2001, Draft Environmental Quality Criteria Reference Document (Cockburn Sound) and Draft Environmental Management Plan for the Cockburn Sound and its Catchment.

COUNCIL DECISION

Background

Cockburn Sound is an intensively used marine embayment that extends from Woodman Point in the north to Garden Island in the west and almost to Point Peron in the south. Cockburn Sound is used for a range of different activities. This includes a range of community activities (ie swimming, sailing, fishing, scuba diving), as well as a range of commercial and industrial activities ranging from nature

tourism to industry. These activities rely directly or indirectly upon a healthy marine ecosystem

The associated hinterland supports a wide range of land uses including urban, agricultural, industrial, defence and nature conservation. An expected increase in these activities, coupled with an increase in the catchment population by 30% within the next 10 years, places increased pressure on the Cockburn Sound environment. To protect the Cockburn Sound environment, all present and future activities need to be undertaken in a sustainable manner. To accomplish this requires proper management of this resource.

The Cockburn Sound Management Council (CSMC) was established by the Government in August 2000, to ensure appropriate environmental planning and management of the Sound. This body draws on the legislative powers of the *Water and Rivers Commission Act 1995* and the *Environmental Protection Act 1996*.

There has also been the development of a number of documents pertaining to the management of Cockburn Sound.

Submission

The Environmental Protection Authority (EPA) have developed the "Draft Environmental Protection (Cockburn Sound) Policy 2001" to provide for management of Cockburn Sound. The CSMC have prepared the "Draft Environmental Management Plan for Cockburn Sound and its Catchment" to support the EPP policy.

The purpose of this report is twofold:

- (a) Outline the scope and purpose of the three documents which have been released for public comment being:
 1. Draft Environmental Protection (Cockburn Sound) Policy 2001;
 2. Draft Environmental Quality Criteria Reference Document (Cockburn Sound); and
 3. Draft Environmental Management Plan for the Cockburn Sound and its Catchment.
- (b) Submit officer comments to the above reports for adoption by Council

Report

1. Draft Environmental Protection (Cockburn Sound) Policy 2001

The stated purposes of the "Draft Environmental Protection (Cockburn Sound) Policy 2001" are as follows (as stated in section 2):

“to declare, protect and maintain the environmental values of Cockburn Sound;

- a) to abate pollutants and restrict activities that diminish the environment
- b) to establish a program of protection for the environmental values of Cockburn Sound;
- c) to give effect to the environmental quality objectives and the environment quality criteria for Cockburn Sound; and,
- d) to give effect to the Environmental Management Plan”

The policy area boundary is outlined in Schedule 1 (see Agenda attachments).

In achieving the purpose of the policy a number of “Environmental” values have been identified. This includes:

- ecosystem health,
- seafood safe for eating,
- aquaculture,
- recreation and aesthetics,
- and industry water supply.

The policy outlines environmental quality objectives (EQO) for each of these values (Section 7). Each of these EQOs have environmental quality criterias (EQC) to measure their state within the Sound (see attached figure outlining the environmental quality management framework)

All these “environmental” values apply to the whole of Cockburn Sound, except for the “ecosystem health” which is not applied equally across the whole Cockburn Sound. The policy divides Cockburn Sound into areas whereby the ecosystem integrity is offered different levels of protection.

- “Area of High Protection” allows for only small changes in the quality of water, sediments and biota.
- “Area of Moderate Protection” allows for moderate changes in the quality of water, sediments and biota.
- “Area of Low Protection” allows for reduced level of environmental quality

Schedule 2 of the policy features the different areas of ecosystem protection throughout the Sound (with the exception of the Area of Low Protection). The EPP Policy designates the ecosystem health of the HMAS Stirling maintenance area and of the coastal waters ranging from Jervoise Bay to past the Wesfarmers CSBP Ltd Industrial outlet, as requiring moderate protection. The remaining part of the Cockburn Sound ecosystem is provided high protection. Except for the area of

low protection which will be located east of the boundary between the area of high protection and medium protection, located on the eastern side of Cockburn Sound. This will require further refinement and maybe varied by the EPA on a case by case basis.

The EQCs (discussed in Section 8 of the policy), are explained in detail in the “Draft Environmental Quality Criteria Reference Document (Cockburn Sound). This document will be discussed and reviewed later in the report. The EQC’s can be divided into two main types, Environmental Quality Guidelines (EQG) and Environmental Quality Standards (EQS). The EQG are either threshold numerical or narrative statements that if met, there is a high degree of certainty that the environmental quality objectives have been met. These guidelines are intended to be relatively simple and easy to measure indicators of environmental quality. If not met, a more detailed assessment against the EQS is triggered. The EQS are threshold numerical or narrative statements that indicate a level beyond which there is significant risk to the environmental quality objective and a management response is triggered. It is worth noting that these EQC define limits of acceptable change to environmental quality. They do not present pollution levels that trigger enforcement levels.

The policy states that activities and practices within the policy area undertake “reasonable and practicable” measures to achieve the Environmental Quality Objectives. If this is not accomplished, then the detailed assessment is undertaken using the EQS.

The procedure for assessing the EQC is outlined in the Schedules 3 to 5 within the policy. If there is an exceedence of the environmental quality standard, then the relevant public authority will report this to the EPA as soon as “practicable”. This will coincide with an investigation to the cause and reporting to the Minister. If a licensed premise is responsible, then the licensee and the relevant authority will implement a management response. If the EPA believes that an unlicensed premise may be responsible, then EPA will make recommendations to the Minister on what actions should be taken.

The ultimate responsibility for the monitoring of Cockburn Sound is unclear. The monitoring of the EQCs is dependent on the relevant public authority, defined in the EPP Policy as the “Minister of the Crown acting in his official capacity, department of the Governor, State agency or instrumentality, local government...”. While Local Government Authority may have involvement in the monitoring, it appears restricted to simply providing the CSMC with monitoring information the City may have available. This and other collected information would be published as part of CSMC annual performance report.

The EQC is intended to apply to all current uses within Cockburn Sound, although the Policy (section 9 (8)) recognises existing authorisation within the policy area.

The protection of the Cockburn Sound environmental values would be achieved through the:

- implementation of the Environmental Management Plan;
- implementation of strategic planning mechanisms over the land portion of the policy area;
- public authorities taking decisions and actions that are consistent with the EQO;
- promotion and understanding of this policy;
- and the co-operation of public authorities, industry organisations and the general public in the implementation of this policy.

These tasks will be achieved through the EMP, Cockburn Sound Management Council and Public authorities (ie Local Government Authorities) which have management responsibility within the area.

The City of Cockburn would have involvement in all aspects of protecting Cockburn Sound's environmental values. Currently this would involve making decisions consistent with the policy and employing best management practices regarding drainage, sewerage, wastewater and discharge of waste and nutrients which may effect the policy area.

Comments on the EPP policy are as follows:

Section 6

- The “environmental” values need to be reviewed. Environmental values should apply only to the marine ecosystem health. This reflects the purpose of the EPP Policy, which is to protect the Cockburn Sound ecosystem. The value to society of the remaining values is understood, but these values need to be undertaken in a sustainable manner with the ecosystem health. The other environmental values (seafood safe for eating, aquaculture, recreation and aesthetics, and industry water supply) should be titled as “Values of Cockburn Sound”.

Section 7

- There is a need for proper map grid references for the High level and Moderate levels zones. Experience with the EPP Wetland Conservation Policy has demonstrated to the City the difficulty in managing wetland issues when the boundaries are ill defined.
- The definition of the High level, Moderate and Low levels of Protection are too vague and would prove pointless to apply to the real life situation. Firstly the use of “small” and “moderate” as degrees of change does not present what percentage is acceptable. There is also the possibility that the cumulative effect of “moderate”

changes can lead to degradation of the High Protection and Moderate protection zones.

- *The low protection zones must be mapped into Schedule 2 of the EPP Policy.*

Section 9

- There needs to be a clear understanding on the City of Cockburn monitoring responsibilities, if any.
- Will there be any routine baseline monitoring of Cockburn Sound or will the EPP policy and the associated Environmental Management Plan be dependent on whatever current monitoring is currently being undertaken in the Sound? What is the current monitoring regime?
- Reporting exceedences to the Environmental Protection Authority when “practicable” is not acceptable. There needs to be set time limits. A suggestion would be notification to the Environmental Protection Authority as soon as possible with the report completed within 7 days.
- If there is a discharge which exceeds the EQS. The relevant public authority should be advisory and not be obligated to assist with any management response.
- There should be, if not already, a procedure to deal with this scenario (outlined within Section 9 (6) without the need to await the Minister’s approval of recommendations. A quick response is required to any situation that threatens Cockburn Sound.
- Subsection 8 should be expanded to including the comment that “these authorisations, when reviewed, will fall inline with the EMP. If the renewal does not occur within the next 12 –24 months. There will be negotiations to put into effect the necessary changes”. This should eventually lead to the removal of existing authorisations that may not comply with the EMP objectives.

Schedule 1

- There is a need for proper map references to outline the policy area boundary. Information is needed on how the land area of the policy is determined ? Does it relate to catchment hydrology ?

Schedule 2

- The low protection zones should be included in this schedule.

Schedule 3, 4 and 5

- There needs to be set time limits on the completion of each of the steps within the decision scheme.

Schedule 3

- With respect to Section 5, when revising the monitoring program the same EQG that identified the problem, should be examined as well as the EQS.

2. Draft Environmental Quality Criteria Reference Document

The document outlines the Environmental Quality Criteria (EQC) which are used within the EPP policy. These EQC have been developed to monitor the “environmental” values of Cockburn Sound. Most of the EQCs have been based on the “Australian and New Zealand Guidelines for Fresh and Marine Water Quality” (ANZECC & ARMCANZ, 2000), as well as the “Western Australian Shellfish Quality Assurance Program” (HDWA & FWA, 1999), the “Australian and New Zealand Food Standards” (ANZFA, 2000) with advice from the Health Department of Western Australia.

The comments to the Draft Environmental Quality Criteria Reference Document are as follows:

- There is no comparison between the EQCs and actual data from Cockburn Sound. How can the CSMC be certain that the EQCs are not already exceeded and if so, what course of action will be taken?
- The document should outline the appropriate methodology to undertake each EQC. This will ensure the validity of the data and consistency of the data. The document should reflect proper timeframes. How soon must resampling take place ?

3 Environment Management Plan for Cockburn Sound and its Catchment

The aim of the management plan is to co-ordinate the activities within Cockburn Sound and foster Best Management Practice within the catchment to protect the values of the Sound. To assess the state of Cockburn Sound the management plan makes use of the EQC outlined in the EPP Policy.

The recommendations of the Environmental Management Plan will be implemented over the next year. An implementation plan will be developed as part of the final EMP.

It is expected that the Environmental Management Plan will be reviewed after five years. An annual report of progress will be submitted to the Minister for the Environment, Heritage and Water Resources.

As the EMP is a working document of the EPP policy there are a number of similar comments. To avoid repetition, those comments similar to the ones made in the review of the EPP policy have been excluded from this section.

Comments on the Environmental Management Plan are as follows:

p1

“Clarence” should be removed from Figure 1b. This is not a recognised suburb name.

p12

The report card should have an additional column outlining the actual results for each of the parameters and the accepted EQC.

p14

Water quality

Is there an issue with nutrient store within the sediments ?

Seagrasses

There should be a more recent figure on the number of hectares of seagrass

Development Proposals

The plan identifies dredging as an impact on the Cockburn Sound, but does not mention the activities of Cockburn Cements shellsand mining which should be appropriately addressed.

p16

Recommendations 18

How will the CSMC be able to ensure that Cockburn Sound will experience no net loss of ecological or social function when there is no information on the carrying capacity of the Sound, or any real assessment of the sustainability of current and future activities. Individual activities complying to the EQC does not guarantee sustainable management of Cockburn Sound.

p26

The Regional Park boundary in Figure 2 is not correct. In Figures 2 – 6 and 10, the title “Copolup Lake” needs to be moved north to actually sit next to the water body.

p33

The City of Cockburn has an “Integrated Coastal Management Plan” not a “Coastal Management Strategy”.

p39

Department of Planning and Infrastructure and the Western Australian Planning Commission will need to be involved when considering aesthetic values as part of development proposals.

p43

The industrial land use section is poor with little information provided on the impacts of these industries on the Sound and how the EMP will provide any useful management of these impacts, or to achieve the objectives of this section.

A more detailed analysis of the industrial impacts is needed. The complete lack of information on shellsand mining highlights this deficiency. A recommendation should be to define the impacts of the industrial strip on Cockburn Sound, and if found acceptable, how to ensure the activities are sustainable.

Another impact on coastal uses is the impact of shellsand dredging which may deposit shell sand grit on the beach.

p49

More detailed work is required on the Cockburn Sound ecosystem. This would involve monitoring the plant/animal communities and other abiotic factors. This is necessary to be able to manage Cockburn Sound in a sustainable manner.

p63

The development a conceptual model for Cockburn Sound, and an agreed method to evaluate the cumulative impacts of current and future activities, should be given a very high priority. To the extent that once completed the EMP should be reviewed in light of the new information

Conclusion

The Environmental Management Plan requires a lot more detail, both in relation to protecting the marine ecosystem and catchment management before it can be seen as a useful "on-ground" document. In particular there is a lack of information regarding how current and future activities will be undertaken in a sustainable manner for the benefit of the community. It is hoped that this would improve with each EMP review.

The EPP policy needs to be less anthropocentric and instead provide protection to the Cockburn Sound environment. Once this has been accomplished then there can be sustainable management of activities in Cockburn Sound.

Strategic Plan/Policy Implications

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

3. Conserving and Improving Your Environment

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

Budget/Financial Implications

N/A

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

Nil

14.13 (OCM1_3_2002) - COCKBURN CENTRAL (THOMSONS LAKE) REGIONAL CENTRE - DRAFT STRUCTURE PLAN (9629) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the recommendations outlined in the Schedule of Submissions;
- (2) forward a copy of the Schedule of Submissions to the Department for Planning and Infrastructure for consideration;
- (3) recommend to the Department for Planning and Infrastructure that the draft Structure Plan be adopted as the basis of more detailed planning; and
- (4) advise BSD Consultants and LandCorp accordingly.

COUNCIL DECISION

Background

Council at its meeting held on 20 November 2001, resolved to receive the Cockburn Central (Thomsons Lake) Draft Regional Centre Structure Plan prepared by BSD Consultants and to advertise the plan for public comment. The advertising period which coincided with the advertising of MRS Amendments 1038/33 (Thomsons Lake Regional Centre) and 1032/33 (South West Metropolitan Transit Route) closed on 1 February 2002.

Submission

Advertising of the Draft Structure Plan was accompanied by a comprehensive community consultation program which included the distribution of 30,000 copies of a flyer and "Centrepiece" newsletter, advertisements in the local papers, info panels, infoline, community open day and website.

During the consultation period, 25 people called the infoline, 357 hits were recorded on the website and more than 300 people attended the open day at the Gateways shopping centre. Twenty six of the 34 questionnaires distributed at the open day were returned to the project office. A summary of these together with comments made during the open day is contained in the Agenda attachments. In addition, 17 submissions on the Structure Plan were received by Council. These are summarised in the Schedule of Submissions included in the Agenda attachments.

Report

Analysis of the submissions is as follows;

	Number of submissions	Matters raised in submission
Very supportive	3	<ul style="list-style-type: none"> • Nil
Supportive with issues	7	<ul style="list-style-type: none"> • Adequate car parking • Disabled access particularly between Gateways and the Town Centre. • No factories, disabled access between Gateways and the Town Centre. • Justification for and impact of North

		<p>Lake Rd extension.</p> <ul style="list-style-type: none"> • More street trees, more nature & wildlife conservation, parks and lakes. • Location of the Town Square. • Higher priority for pedestrians, save as much wetland & bushland as possible.
Request for facilities to be incorporated within Cockburn Central	4	<ul style="list-style-type: none"> • Site for church and community centre. • Senior Citizens facilities. • Performing arts centre. • Major indoor sporting facility that can accommodate rhythmic gymnastics.
Advice provided	2	<ul style="list-style-type: none"> • Water Corporation on servicing aspects. • Main Roads regarding the design of North Lake Rd.
Oppose with issues	1	<ul style="list-style-type: none"> • Environmental impacts including loss of vegetation, wetland impacts, fauna habitat, biodiversity and environmental sustainability. • Develop the Town Centre on the Gateways site. •
Total Submissions	17	

Comments on the issues raised are as follows;

Councils Town Planning Scheme prescribes car parking requirements for land use activities which are applied at the time of development. Council has expressed its concern to DOT about the extent of car parking at the Thomsons Lake transit interchange particularly in the light of the decision not to include the South Lake station in stage 1 of the Perth Mandurah rail system which provided overflow capacity. As street parking is to be provided on the local street system, detailed consideration will need to be given to car parking requirements as planning of the project proceeds to the detailed design phase. It is not a matter that needs to be addressed at the structure plan stage.

Disabled access is a requirement for all development. A pedestrian underpass has been constructed under Beeliar Drive at the Freeway. However further detailed consideration will need to be give to the connectivity between the Gateway Centre and the Town Centre along the balance of the Beeliar Drive frontage. LandCorp will be requested to examine this matter at the detailed design phase.

The Town Centre area will be for uses such as civic cultural, office, entertainment, mixed use residential and local retail activities. No factories will be permitted.

The proposed extension of North Lake Road across the Kwinana Freeway and through the east Jandakot industrial area was proposed for the following reasons;

- Earlier traffic studies highlighted that Beeliar Drive between Tapper Road and Wentworth Parade would not be able to cope with the projected traffic volumes (2021). The proposed North Lake Road extension provided relief to the relevant section by providing an effective bypass for Fremantle bound traffic that uses North Lake Road. The suggested alternative of Beeliar Drive and Cockburn Road does not address this issue.
- Accessibility, circulation and effective linkages between the various elements will be a key in the success and functioning of the Town Centre. The North Lake Road link is an essential and integral component of the road network servicing the Town Centre.
- The issue of impact on the Solomon Road wetland has been previously assessed by the Department of Environmental Protection as part of the Cleland Cold Stores project.

The inclusion of the North Lake Road is strongly supported and should be retained in the road network. It should be noted the North Lake Road extension was part of the recent MRS Amendment and will be considered as part of that process.

Councils adopted Greening Plan and principles of Liveable Neighbourhoods promote the provision of street trees as part of the streetscape treatment. LandCorp is committed to the creation of a high quality environment. Street trees are to be provided in both the perimeter and internal streets. Wetland and bushland values in the area west of existing North Lake Road are to be retained and enhanced as part of the project.

The Town Square has been located centrally within the Town Centre and near the railway forecourt for the following reasons;

- Provide amenity for residents living within the Town Centre.
- Provide a public focus.
- Provide the opportunity of resident interaction.
- Provide an attractive aspect for restaurants, alfresco dining etc.

- Provide a reason for people to visit, stay a while or move through the Town Centre as a higher level of usage and public activity will create a safer and more vibrant area.

It is considered that the suggested alternative location adjacent to existing North Lake Road will significantly diminish the level of the amenity and activity within the Town Centre and is not supported.

Detailed consideration is to be given to the pedestrian environment including aspects such as the safe crossing of adjoining major roads and protection from the elements by way of verandahs etc at the detail design phase of the project. The road system is to be designed as a low speed environment. Consideration of increasing the capacity of Polletti Road will be considered if the current traffic study identifies problems on the link road between the North Lake Road extension and Beeliar Drive.

Cockburn Central will contain a range of recreational, civic and cultural facilities. These have not yet been clearly defined or appropriate sites determined. The requests submitted will be noted and considered as the project advances.

In response to concerns about the loss of wetland and vegetation on the Town Centre area it was suggested that the Town Centre be located on the Gateways site. This option was canvassed back in 1996 before Gateways was given final approval. It was rejected by the then shopping centre owners primarily for the following reasons;

- Insufficient area to accommodate both the shopping Centre and the transit station and associated infrastructure on the site.
- Concern that transport users would occupy shoppers car bays at the expense of shoppers (constant conflict at Joondalup).
- Experience elsewhere shows that most shoppers access regional shopping centres by car, not public transport.

This is no longer an option given the current approvals that have been issued for development on the Gateways site. Notwithstanding this, the proposed site north of Beeliar Drive does provide advantages over the Gateways site in that it has a better opportunity to generate walk on patronage from the residential area that will develop on the north side of North Lake Road and it provides access to the industrial area east of the Freeway and as such Thomsons Lake will operate as both an origin and destination station on the network thus making better use of the investment in public transport infrastructure. If this is achieved there will be benefits in terms of reduced reliance/use of cars and reductions in green house gas emissions. Also the integrated residential use that is proposed within the Town Centre will provide a higher level of safety

and security to users of the public transport system compared to a facility integrated into a shopping centre which is dead after hours.

The submission also focused heavily on the loss of environmental values. Whilst not exhaustive, it is considered that the Structure Plan report adequately addressed the environmental issues at the structure planning stage. Further detailed work will be required as the project progresses. This will include the preparation of a Drainage and Nutrient Management plan, and management/rehabilitation plans for the conservation bushland and wetland areas west of existing North Lake Road.

In summary there are some issues raised which need to be addressed at the detailed planning phase of the project but do not materially affect the underlying principles of the advertised Cockburn Central (Thomsons Lake) Regional Centre draft structure plan. Whilst the environmental issues raised are not lightly dismissed, it is considered that there are other imperatives for the site which need to be taken into account which are of equal or greater importance. This includes the creation of a strong community focus which builds on and compliments Gateways, the local provision of an appropriate range of facilities for the existing and future large community in the eastern part of the City, the provision of a major public transport hub and the increased number and range of job opportunities.

Accordingly it is recommended that Council resolve to endorse the draft Structure plan as the basis of more detailed planning and to submit this together with the recommendations outlined on the Schedule of Submissions contained in the Agenda attachments to the Department of Planning and Infrastructure for consideration. It should be noted that the Department of Planning and Infrastructure will not approve the draft Structure Plan until such time as Metropolitan Region Scheme Amendment No 1038/33 (Thomsons Lake Regional Centre) has been processed.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*

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

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

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD2	Community Facilities Infrastructure - 10 Year Forward Plan
SPD3	Native Fauna Protection Policy
SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas

Budget/Financial Implications

There are no financial implications in the approval of the Structure Plan. Councils financial commitment to the Cockburn Central and North Lake Road are yet to be determined

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_3_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for February 2002, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15.2 (OCM1_3_2002) - DEPARTMENT OF LOCAL GOVERNMENT - DOUGLAS INQUIRY COSTS - CONTRA PAYMENT (1335) (KL)**RECOMMENDATION**

That Council amend the 2001/02 Municipal Fund Budget as follows:

- (1) Expenditure A/c. No.110471 - Douglas Inquiry costs - increase from \$0 to \$500,000;
- (2) Income A/c. No.110066 - Douglas Inquiry costs - increase from \$0 to \$500,000; and
- (3) provide for an additional income and expenditure of \$500,000 in the 2002/03 Budget for the 3rd payment of the Douglas Inquiry costs.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

At the completion of the Douglas Inquiry into the City of Cockburn, the previous Government advised that Council would be charged with Inquiry costs of \$1,722,494. This was later amended to \$1,662,687

With the election of the new Government in February 2001, Council was advised that the debt was no longer payable and the Council was refunded the first instalment of the debt paid amounting to \$662,687.

Submission

A letter has been received from the Department of Local Government requesting Council to forward the second instalment of \$500,000.00 of the Douglas Inquiry costs, which would then be reimbursed by the Department of Local Government to complete the necessary administration.

Report

It was assumed following the refund of the first instalment paid of the Douglas Inquiry costs, that no debt remained. However, the Department of Local Government has advised that State Treasury will not allow the debt to be written off. In order to honour the State Government's intention that Council not pay any of the Douglas Inquiry costs, the arrangement outlined by the Department is that Council would pay to the Department of Local Government and Regional Development the following:

\$500,000.00 in 2001/02
\$500,000.00 in 2002/03

In turn, the Department would issue a cheque to the City of Cockburn for:

\$500,000.00 in 2001/02
\$500,000.00 in 2002/03

While this approach is cumbersome, the Department advises that State Treasury will not allow the debt to be written off but rather, that payment is required to be made and at the same time refunded to Council.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

At the time of Budget preparation in July 2001, this item was not anticipated. The expenditure needs to be authorised by Council prior to payment.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM1_3_2002) - TENDER NO. 55/2001 - PURCHASE OF TWO 6X4 SIDE LOADING REFUSE COMPACTOR TRUCKS (PLANT NOS.49 AND 52A) (4408) (GG) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the tender from Skipper Trucks for Tender No. 55/2001 - Purchase of Two 6x4 Side Loading Refuse Compactor Trucks, for the outright purchase of two (2) Acco F2350G/250 6x4 trucks with side-loading refuse compactor bodies for a net price to Council of \$587,532 including GST, plus the following options:
 - (a) “Elphinstone” weighing system for \$28,221.60 (incl GST)
 - (b) Third LCD camera for \$4,758.60 (incl GST)
 - (c) Wastemaster 23m³ side loading compactor body in lieu of MacDonald Johnston Engineering 22m³ side loading compactor body for \$1,986.60 (incl GST);
- (2) accept the tender from W & P Truck and Machinery Sales for Tender No. 55/2001 - Purchase of Two 6x4 Side Loading Refuse Compactor Trucks, for the outright sale of trade-in vehicles 49 and 52A for \$99,440 including GST; and
- (3) remove Plant Nos. 49 and 52A from the Assets Register.

COUNCIL DECISION

Background

In the Major Plant Budget, there is a requirement to replace three (3) of Council’s Waste Collection 4x2 side loading refuse compactors (Plant Nos. 49, 52A and 51A) and the outright purchase of one (1) 6x4 side loading refuse compactor. With Council’s decision to dispose of domestic waste at the new Canning Vale Resource Recovery Centre in Bannister Road, Canning Vale in November 2002, operational needs will require larger capacity trucks due to lead times and additional travelling distances involved.

It is recommended, rather than replacing the existing 4x2 side loading refuse compactors with same, to replace them with two (2) 6x4 side loading refuse compactors, which will enable a larger carrying capacity. This will therefore provide a more efficient collection and disposal service.

Accordingly tenders were called.

Submission

At close of the tender period, six (6) submissions were received as detailed in the summary table attached to the agenda. Two of the submissions did not comply with the specifications. One submission was for outright purchase of the trade-in vehicles only.

Report

The most advantageous purchase to Council is from Skipper Trucks with the Wastemaster side loading refuse compactor with stated options at a net price of \$622,498.80 including GST.

A weighted evaluation was carried out as per the qualitative criteria indicated in the tender documentation. This involved Council's Fleet Consultant, Waste Services and Plant Departments to evaluate the whole of life costs, technical specifications, back up service and operator suitability.

The collective weighed scores are as follows:

Hino Ranger (MacDonald Body)	Skipper Trucks (Wastemaster Body)	Skipper Trucks (MacDonald Body)
31%	91.8%	89.8%

The "Elphinstone" weighing system and the installation of a third camera were priced separately in the submissions and were the same price in all submissions.

The "Elphinstone" weighing system is recommended to maximize payload and reduce the liability of overloading. This system is already installed in Council's existing trucks, but not on the trade-ins. It is a transferable system.

The additional camera is required as a health and safety issue, as it allows drivers to focus attention forward rather than turning their head to locate bins.

The most advantageous outcome for both trade-in vehicles is as an outright sale to W & P Truck Machinery, at a net credit to Council of \$99,440, including GST.

It is recommended that Council retain Fleet No. 51A, as it is mechanically sound. However, the compactor body requires refurbishment at an approximate outlay of \$50,000.

There is an allocation of \$136,000 to replace truck No. 51A. It is intended that the estimated refurbishment cost of \$50,000 be taken from this account.

Strategic Plan/Policy Implications

To manage the household waste streams by providing an efficient collection and disposal service.

Budget/Financial Implications

The total cost of the 2 trucks with the optional extras is \$565,900 excluding GST.

In the budget there is an allocation under major plant of:

	Trade-in \$	Reserve Funds \$	Total \$
(1) Replace International Compactor Truck (No. 49)	103,000	143,000	246,000
(2) Replace International Compactor Truck (No. 52A)	110,000	136,000	246,000
		279,000	
Trade-in values of \$45,200 have been received for each truck.		90,400	
		369,400	

There is a shortfall of \$565,900 - \$369,400 = \$196,500.

It is recommended that the shortfall be funded by not purchasing a new rubbish truck as proposed in this year's budget.

As the waste is to be transported to Canning Vale and not Henderson, it was decided at budget time that another truck would be necessary. However it is now intended to purchase 2 larger trucks and defer the purchase of an additional truck.

There is an allocation of \$280,000 under major plant for the purchase of a new truck.

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM1_3_2002) - LEASE AGREEMENTS COCKBURN VACATION CENTRE/WATTLEUP PRE-SCHOOL (RA) (8227) (1105101)**RECOMMENDATION**

That Council:-

- (1) enter a five year lease with the Education Department for the use of the Wattleup Pre-Primary School at a lease fee of \$1,980 p.a. plus CPI; and
- (2) exercise the option to extend the lease of the building used by the Cockburn Vocational Centre with the option to expire on 30 June 2003.

COUNCIL DECISION**Background**

There are several lease agreements with organisations for the use of Council buildings that have expired. A decision is required by Council to enter lease agreements or extend lease options for these properties.

Submission

The Education Department and the Cockburn Vocational Centre have sought to have their respective leases for the Wattleup Pre-School and the Coolbellup Training Centre renewed.

Report**Wattleup Pre-school**

The Education Department has, for many years, leased the Wattleup Pre-School from the City. The Lease expired on 31 December 1998 and has been continued on a yearly basis because numbers at school have been uncertain. The Department of Education has determined that it has an ongoing requirement for the centre and has requested that a new lease agreement be established for a 5-year period. The current annual lease fee is \$1980, which is adjusted annually in accordance with the Consumer Price Index. As the building has been used by the Education Department for many years, is designed as a pre-school and there are no other readily identifiable uses for it, a new lease ought to be approved by Council.

Cockburn Vocational Centre

The Cockburn Vocational Centre has had a lease of the portion of the Building attached to the Coolbellup Library for several years (portion of

location 2126 Reserve 30189). There is scope within the lease agreement for further terms of two years. The Cockburn Vocational Centre (Inc.) has been paying a lease fee of \$8,585 per annum with a Council subsidy of a further \$8,585 to reflect the market value of the lease. Whilst there is no alternative user for the premises at this time and the centre offers skill development services of value to the community, it is proposed that the option to extend the lease for two-years be exercised. There may well be the need to look at alternative accommodation for the Vocation Centre when the redevelopment of the community infrastructure occurs.

Strategic Plan/Policy Implications

To facilitate and provide an optimum range of community services.

Budget/Financial Implications

The income generated from the proposed leases will remain as budgeted.

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

Leases are with the Education Department and a community association that tenders for government contracts. Hence Council is not a competitor in the market place for these services.

18. EXECUTIVE DIVISION ISSUES

18.1 (OCM1_3_2002) - USE OF COUNCIL VEHICLE DURING ANNUAL LEAVE (RWB) (PF 042)

RECOMMENDATION

That Council delegate the authority to the Chief Executive Officer to approve the use of the Council vehicle by the Director of Planning and Development to travel to Adelaide whilst on annual leave during the period 8 July to 19 July 2002.

COUNCIL DECISION

Background

The Employment Contract for the Director of Planning and Development requires that Council must provide a motor vehicle for

both private and business use and must pay all the cost of repairs, insurances, services and petrol in respect of that vehicle, subject to:-

- the terms and conditions of the Council's insurance policy; and
- the terms and conditions set down by the Chief Executive Officer in relation to use.

Use of the vehicle is set out in Council Policy - "Council Owned Vehicle Usage - AES8" and applies as follows:-

- The CEO and Directors have unrestricted use of a Council vehicle within the State of Western Australia of a suitable standard with all costs of purchasing or leasing and operating the vehicle being met by Council.

This was confirmed in the letter of appointment dated 21 March 1996.

In a memo dated 17 December 1996, the CEO confirmed that the vehicle can be used during periods of leave and fuel would be limited to 100 litres per week.

Submission

The Director of Planning and Development is seeking the approval of the CEO to use the Council vehicle to travel to Adelaide between July 8 to July 19, 2002.

The reason the request is being made is because the CEO does not have the delegated authority to approve travel outside the State.

Report

When previously employed at the City of Swan, the Director of Planning and Development was granted approval by the CEO to travel to Adelaide using the Council vehicle in order to attend National Sailing Championships. Other than on this occasion, the Director has never requested permission to use a Council vehicle outside the State. This demonstrates that this is a special request and that approval has been granted by a local government in the past.

Under the existing policy, the Director of Planning and Development may travel to Kununurra, Western Australia, a distance of 3324 kms from Perth without approval. The distance to Adelaide is 2925 kms. The road is fully sealed between Perth and Adelaide.

Given the standard of road, together with the fact that it is closer than driving to some parts of Western Australia, it is hopeful that the Council will support this request.

Strategic Plan/Policy Implications

Policy "Council Owned Vehicle Usage" - AES8 applies.

Budget/Financial Implications

N/A

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

Nil.

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

Nil

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

RECOMMENDATION

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.

25. CLOSURE OF MEETING