

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 SEPTEMBER 2000 AT 7:30 P.M.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 SEPTEMBER 2000 AT 7:30 P.M.

PRESENT:

COUNCIL MEMBERS

Mr J F Donaldson	-	Chairperson of Joint Commission
Ms J L Smithson	-	Joint Commissioner
Mr M A Jorgensen	-	Joint Commissioner

IN ATTENDANCE

Mr D M Green	-	Acting Chief Executive Officer
Mr A T Crothers	-	Director, Finance & Corporate Services
Mr S M Hiller	-	Director, Planning & Development
Mr S Ryan	-	Manager Planning
Mr J Radaich	-	Acting Director, Engineering & Works
Mrs S Ellis	-	Secretary to Chief Executive Officer
Mrs C Button	-	Customer Services Manager

734. (AG Item 1) DECLARATION OF OPENING

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

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

Nil

736. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member)

Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first



seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

737. (AG Item 4.1) (Ocm1_9_2000) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS

Cmr Donaldson advised that he had received written advice from Cmr Smithson of a financial interest in Agenda Item 13.13 which he read at the appropriate time.

738. (AG Item 5.1) (Ocm1_9_2000) - APOLOGIES AND LEAVE OF ABSENCE

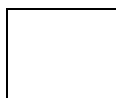
Mr R. Brown	Annual Leave
Mr B. Greay	Apology

739. (AG Item 6.1) (Ocm1_9_2000) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Colin Crook - Public Question Time - Special Council Meeting - 25 July 2000 - Mr Crook tabled a letter at the meeting which criticized staff for the delay in having the complete agenda budget booklets available for public scrutiny until after their acceptance.

A response dated 7th August 2000 from the Director Finance, clarified that Book I of the Budget was available for inspection by 5pm on the 21st July 2000. This Book contained all the details of fees and charges, projects, works, plant and equipment purchases etc for the 2000/01 Budget, as well as a report by the Director, Finance and Corporate Services, giving an overview of the entire Budget. Book II, which represented the Budget in a statutory summarised format, was available by 2:45pm on the 24th July. Therefore the Budget Papers were not kept from public scrutiny until after their acceptance as stated by Mr Crook.

Mrs Mary Jenkins - Public Question Time - Special Council Meeting - 25 July 2000 - felt that the \$20,000 allocated to upgrade the changing rooms and toilets at Coogee Beach was insufficient to carry out the necessary works. Cmr Donaldson had responded that the



Works Department would be approached to consider the Coogee Beach toilets and see if the Budget allocation was sufficient.

A response dated 14th August 2000 advised that the capital works allocation of \$20,000 was for the following improvement works:

- Rendering of all internal & external walls to a limestone finish
- Commercial grade floor tiling through the ablution building
- Wall tiling to shower cubicles
- Graffiti coating to rendered walls.

In addition, approximately \$3,000 of the maintenance budget for the building would be used to:

- Replace eight damaged doors
- Repair chipped internal wall partitions
- Repaint previously painted surfaces.

Mrs Jenkins also took issue with the safety of children using playground equipment with the risk of syringes and other material being discarded in sand and requested that Council remove the sand as soon as possible from all playgrounds in Cockburn and be replaced with a safe floor covering such as rubber or synthetic floor covering.

Letter dated 8th August 2000 informed Mrs Jenkins that the City was unable to agree to her request at this time as the cost of replacing the sand in each of the City's 103 playgrounds was estimated to be \$1.5 million. However, Council is aware of the danger of needle sticks and therefore as part of routine park maintenance, sand pits will be raked and cleaned each time a scheduled maintenance visit is undertaken.

Using rubber under-surfacing was still being considered and a single small playground has had rubber under-surfacing installed as a test site. Elements being tested are the cleaning requirements, resistance to vandalism (particularly from being set on fire) and ongoing maintenance costs.

Stewart Bonser - Public Question Time - Ordinary Council Meeting - 15 August 2000 - in relation to the WA Croatian Association project on Lot 14 Progress Drive, asked how can the cost, for example for clearing/vegetating, be met where Council, as joint proponents, are limited to \$3,000 expenditure? Also why Council was continuing to support the WA Croatian Association giving them a further extension to a contract of sale.

In a response dated 5 September 2000, Mr Bonser was provided with a copy of the Business Plan adopted in 1998, which depicted anticipated levels of expenditure for various activities including funds for revegetation and site works. In September 1998, Council resolved that



Council's liability for the compliance audit would be limited to a maximum of \$3,000.

In response to Mr Bonser's second question, Council is the proponent to the subdivision of Lot 14 Progress Drive. The Western Australian Planning Commission issued the conditions of subdivision to the City of Cockburn (not the WA Croatian Association). Under the Contract of Sale, Council has an obligation to finalise the subdivision of Lot 14 Progress Drive and is working toward that end and non-compliance of this obligation may leave Council open to action.

Mary Jenkins - Public Question Time - Ordinary Council Meeting - 15 August 2000 - asked if there could be an appeal to the Governor on the decision that the Minister for Local Government has made, with regard to funding the Inquiry.

A letter dated 4th September 2000, informed Mrs Jenkins that Council had instructed that legal advice be sought to ascertain if any avenues for appeal exists. When that advice is available, it will be presented to Council.

Harley King - Public Question Time - Ordinary Council Meeting - 15 August 2000 - was concerned about safety issues at the Waverley Road/North Lake Road and Winterfold Road/North Lake Road intersections due to the installation of light poles on the median strips obstructing visibility.

Letter dated 6 September advised that an on-site inspection indicated that the light poles at the Waverley Road/North Lake Road intersection represent a nuisance however, they do not obstruct visibility with normal care and attention and the Road Traffic Rules being observed.

The sight distance at the Winterfold Road/North Lake Road intersection in regard to the City of Melville limestone wall entry statement in the median, although compromised, is adequate for traffic to negotiate safely. Drivers' sight distance is not compromised by the entry statement if motorists exercise safe practice. However, to improve safety, the City of Melville have indicated they will propose the construction of a seagull island in the median break in their forward plan.

740. (AG Item 7.1) (Ocm1_9_2000) - PUBLIC QUESTION TIME

Mr Peter Mirco, Bibra Lake asked if the Commissioners had a personal interest in reference to making decisions on behalf of this



Council, in paying the Inquiry bill, considering that the Minister employed them on a salary basis, paid by the City of Cockburn, to run the Council. Mr Mirco believed that the Commissioners should have declared a personal interest in this issue at past meetings since they were getting paid to do a job under instruction of the Minister. He felt that, for that reason, the Commissioners were not acting in the best interest of the City.

Cmr Donaldson responded that the Commissioners are not paid by the Minister. They were appointed by the Minister and the City of Cockburn pays the Commissioners in exactly the same way as it would for elected members under the Local Government Act. There is no conflict of interest that pertains to Commissioners or elected members, carrying out their duty in the manner in which Mr Mirco suggests.

Cmr Jorgensen added that it was extremely important to note that he had never received any instructions from the Minister. He took an oath to serve the citizens of Cockburn and he was not acting under any instruction from the Minister or anyone else.

Mr Mirco also wished to ask, in regards to newspaper articles which suggested that the Commissioners had made their decision in regards to the payment of the Inquiry bill, whether a decision had already been made.

Cmr Donaldson responded that the issue is on this meeting's agenda although he did wish to clarify that the Council does have a Minister Order to pay the bill.

Mrs Mary Jenkins, Spearwood, with regard to agenda item 12.6, requested that Council not make a decision on this matter until she has heard from the Governor's office in response to a Petition of Last Resort on behalf of the Citizens of Cockburn which the Governor has acknowledged receipt of and which contains approximately 800 signatures. Mrs Jenkins also requested Council get a second opinion about the advice given by Council's Solicitor, Clayton Utz, on the worthwhile prospect of action occurring as she felt that a petition had been made and accepted and therefore, the conclusions in the agenda based on lawyer's advice, was not relevant.

Mrs Jenkins also stated that she had met with a Commissioner and staff at Coogee Beach to discuss the renovations of the ablutions area. At the meeting, it had been agreed that renovations will go ahead and she wished to thank Council for that.

Mrs Val Oliver, Coolbellup with regard to agenda item 12.6, was concerned about the money being paid for the Inquiry and suggested



that nothing be done about this issue until Cockburn has an elected Council.

Mrs Heather Smedley, Munster with regards to item 13.4, the wetlands crossing structure at Lake Coogee, firstly requested clarification about whether Council would be responsible for initial capital costs as well as ongoing maintenance of the bridge.

In addition, Mrs Smedley was concerned about a document called "The Woodman Point Enhance Group" which is being distributed by the Water Corporation and which she felt, was very misleading and spoke about the project as being an environmental plus for the whole community which is hardly true given that the crossing over Lake Coogee will impact on Lake Coogee in that it contravenes the Environmental Projection Policy for Lake Coogee. Mrs Smedley queried if Council was aware of the document.

Cmr Donaldson advised that Council will take her queries on notice and respond in writing.

Mr Bob Long, Munster regarding item 13.13.

AT THIS POINT THE TIME BEING 7:48PM, CMR SMITHSON LEFT THE ROOM AS SHE HAD DECLARED AN INTEREST IN THIS ISSUE.

Mr Long asked that should Council not agree to the request not to allow amendment 217, would they visit Mr Long's home in six months time and share a glass of water with his family.

Cmr Donaldson thanked him for the invitation and said that he would.

Mr John Grljusich, Munster regarding item 13.13, agreed with the sentiments of speakers at the Special Electors Meeting earlier. He asked Council to note the previous Council's decision that the City would not approve any more tipping sites within Cockburn other than the site which is owned by the Council and in that direct precinct.

Mr Grljusich advised that in relation to Lot 51 Russell Road, he was aware that the Council had a Deed of Agreement with the owner of that land, Cockburn Cement, which was in relation to the extraction of limestone. He believed that deed was still in effect and queried if Council had seen that deed and whether it affects this proposal.

Cmr Donaldson advised that Council was not aware of the deed and would take it on notice to investigate as to whether the deed applies.



Mr Grljusich suggested that Council should defer a decision until it had that information. Also, if there is a deed, requested that Council make it available for public viewing.

Cmr Donaldson responded that advice would be required on whether there was any legal implications to making the deed available to the public.

Mrs Jacky Hill, Munster advised that she was in receipt of a letter from Cockburn Cement to say that they do not own the land. It has been sold, is now freehold and is owned by Eclipse Resources so there was no reason why a decision couldn't be made at this meeting.

Mr John Garside, Wattleup - regarding conditions of item 13.13 and the environmental impact of that landfill site, understood that the Department of Environmental Protection had not yet made their decision and queried if that was the case.

Director, Planning & Development responded that the EPA have dealt with one part of their assessment process being the assessment of the amendment itself and said that the environmental impacts weren't so severe that require a formal assessment. They did provide advice on some of the things that could apply to operations of that particular proposal. The other thing is whether or not a works license will be issued for the purposes of operating and that can't happen until the land use is approved. The EPA has done one part of the work but still has other things to do once the decision is made, whether the land is suitable for this particular project.

Mr Garside queried that Council would be making decisions on that site without the full knowledge of how those regulations were applied to that site.

Director, Planning responded that was because there are two processes. The first is the scheme amendment itself which deals with land use. The EPA have assessed and made their decision known on that. If it goes ahead as a zoned site, the next thing is the applicant makes a development application and then there are decisions made on what conditions will apply in terms of the works license, which is made by the Department of Environmental Protection at that time.

Mr Stephen Lee, Beeliar asked if Council felt this would set a precedent in the City of Cockburn.



Cmr Donaldson felt that was an interesting issue because if this proposal occurs, what would happen to the other ex-quarries. That would present the City with a dilemma because people don't want these holes in the ground to stay that way. Ultimately, people want to see them used in some way or returned to a usable state and the only way that can happen in a lot of cases, is for some form of fill to be applied to the site.

In answer to Mr Lee's question in part, if the Commissioners were to vote against the recommendation and changed it in some way that provided an opportunity for the project to proceed, that may be deemed as a precedent. However, even if the Council votes for the recommendation, the issue of what Cockburn will do with its ex-quarry sites remains and I this is something the next Council must attend to. The community doesn't want these holes in the ground to stay there as barren wasteland without any vegetation or proper use.

Mr Lee agreed that something would need to be done about it. However, there is that possibility that it will set a precedent and urged Council to support the Officer's recommendation and also requested that Council not defer the item any longer.

Mr Greg Mannow, Russell Road and the closest home owner to the site, with regards to drinking water, asked what Council would do about any pollution to local rainwater tanks. Would Council make provision to scheme water for the residents in the event of this going ahead and secondly, will the Council's Health Department be doing regular tests of drinking water from rainwater tanks?

Cmr Donaldson advised that if Council votes against the recommendation, it would write to residents saying what it would do about testing rainwater and give some indications as to whether the water issue is a real one. If Council supports the recommendation, there is no need to write.

John Dennick, Wattleup asked if Council was aware of the Ministry of Planning guidelines that state "Good planning decisions are those that benefit the community"? In relation to the quarry, this is not a typical hole in the ground type quarry and not an eyesore which needs rehabilitation. It is much too close to homes and well outside the D.E,P guidelines of good practice. So where is the benefit to the community?

Tom Barrett, Munster commented that he estimated the 'hole' on Moylan Road to be no more than 2m deep and therefore, where would all this stuff go when there is no hole to fill. That therefore seems that the fill is going to rise above Moylan Road very quickly. Mr Barrett felt



that this site would be better suited to commercial development than this proposal and asked if Council had considered that option.

Cmr Donaldson advised that it had been considered however, the unusual irony of this issue is the land could quite quickly be developed for industrial use. Were it to be filled as per the proposal, the land would probably be a park or similar but the community has made the decision not to have it filled and left as open space with vegetation, they seem to want it left as is.

Mr Barrett felt that the area was far more valuable to the community to be developed. In terms of creating a precedence, other similar property owners may then decide to use their vacant land for fill.

Mr Barrett was also concerned about the polluting of the water table similar to the situation he now faces with his businesses near a previous tip site in Bibra Lake where the water is now carrying a lot of bacteria etc. He also feels that the quality of liners currently used, is not adequate and therefore, the contamination of ground water must be considered.

Cmr Donaldson advised that the issue of ground water contamination is subject to an item in the report and has been considered.

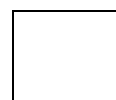
Mr John Grljusich, Coogee regarding the statement that Cockburn Cement had sold the land, still suggested that Council should sight the deed and see what affect that has on the piece of land because there may have been an agreement between Cockburn Cement and the Council, that may preclude any other future development.

Mrs Evelyn Massey, Coogee is a volunteer fire fighter who is concerned about the burning of tyres and asked if Council had considered that.

Cmr Donaldson agreed that the stockpile of tyres and vandalism was a consideration.

AT THIS POINT THE TIME BEING 8:23PM, CMR SMITHSON RETURNED TO THE MEETING.

Mr Laurie Humphreys, Coolbellup in regards to item 16.1 and bearing in mind that Council must make another decision on this issue in November, wished to suggest that Council again look into what it was going to cost the ratepayers of Cockburn, to do what Environmental Protection require. He believed the City should not be in a position



where ongoing costs are to be afforded Council for years and years. He suggested that prior to the next meeting, Council should get the expected costs of the environmental commitment Council is expected to meet. Mr Humphreys added that he believed the land should stay in its natural state and in November, Council should decide to stop the development.

Cmr Donaldson advised that the Commissioners received a deputation from community interest groups and have requested that they put their concerns in writing including the issues with respect to environmental management and attended costs. The Commissioners have given an undertaking that they will look at that after they have had discussions with the staff.

Mr Tom Barrett raised the issue of a power transformer being installed on Lot 14 and queried the necessity to spend \$20,000 on a transformer which he felt was not necessary at this time and arguably too big for its purpose.

Cmr Donaldson wished to clarify for the gallery, that the Council, some years ago, decided to proceed with this project on the basis of a number of commitments being met. A business plan was developed and the Council has not as yet rescinded its intention to cease works. The City is proceeding. There has been no decision to rescind the decision to proceed and until Council is convinced that that isn't the proper and prudent way to go, the plan and the decision made by Council in 1998 to proceed with this, still stands.

Cmr Jorgensen added that in the order of \$170,000 was committed to this project by the previous Council as part of that business plan. There seemed to be confusion in the community that it is the current Council (the Commissioners) that have made that decision. What the Commissioners believe they are doing, is honouring the previously elected Councillors' commitment to that project. Some of the areas of concern that have been raised by the community, are being taken on board and considered. This is not a new issue, it is the previous Council's initiative.

Mr Valentine Jackovich, Spearwood was confused by the comments of previous speakers. As the President of the WA Croatian Association, he wished to clarify that the money people keep talking about, is not their money but the money that the Association paid to the Council to spend on the project.

Mr John Grljusich, Coogee referred to item 12.6 and queried whether the legal advice received, was only in relation to the Minister's ability to



be able to impose the Inquiry costs on the City or did it also relate to natural justice.

Cmr Donaldson advised that the order is from the Minister therefore he is the legal entity with respect to the order and that the issue of natural justice is not under consideration by the Commissioners.

Mr Grljusich suggested that Council seek legal advice in relation to natural justice as he did not feel it was afforded to himself or the others who had adverse findings against them. If the legal opinion was that natural justice was not conferred on those involved, then the onus would be on the Minister and the Council could make a decision not to pay any of the costs.

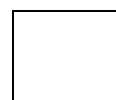
Cmr Donaldson responded that the Commissioners have assiduously avoided making any comment and will continue to do so, on the content of the Inquiry. The matter currently before Council, relates to funding, not to areas of natural justice, fact, areas of omission or what other allegational claim may be made. That is a matter which Mr Grljusich, as a citizen, may wish to do.

Mr Tom Barrett, Bibra Lake asked if it was the Commissioners' position that Cockburn shouldn't be paying the \$1.8 million and is that what has been argued with the government?

Cmr Donaldson explained that Council has made its position very clear that it doesn't believe that it is fair or equitable, that the City of Cockburn should pay all of the costs and that position has been argued that with the Minister.

Mr Barrett suggested that as the Commissioners were in the final moments of their tenure, they could refuse to authorise the payment and resign from their positions. That would put the Minister in a difficult position with an oncoming election.

Cmr Donaldson explained that Council has an Order from a Minister of the Crown which it has fought very hard on behalf of Cockburn, to seek some equity and to see that the Crown share some of the costs because Council believes that in a lot of instances, issues were relevant to all of local government. To date, that has been unsuccessful. If the Commissioners were to refuse that Order, the Minister would probably sack them, appoint an Administrator or send an officer to carry on.



741. (AG Item 8.1) (Ocm1_9_2000) - ORDINARY COUNCIL MEETING - 15/8/2000

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the Minutes of the Ordinary Council Meeting held on Tuesday, 15 August 2000 be confirmed as a true and accurate record.

CARRIED 3/0

742. (AG Item 8.2) (Ocm1_9_2000) - SPECIAL COUNCIL MEETING - 13/9/2000

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that the Minutes of the Special Council Meeting held on Wednesday, 13 September 2000 be confirmed as a true and accurate record.

CARRIED 3/0

743. (AG Item 12.1) (Ocm1_9_2000) - PROPOSED AMENDMENT TO THE LOCALITY BOUNDARY OF YANGEBUP AND BEELIAR (1050) (LCD) (ATTACH)

RECOMMENDATION

That Council inform Urban Focus that it is not willing to support the changing of the locality boundary name as shown on Attachment B to the Agenda from Yangebup to Beeliar.

COUNCIL DECISION

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

CARRIED 3/0

Background

The present locality boundary of Yangebup and Beeliar is shown on Attachment A and has been in that position for sometime, however Urban Focus has made an application on behalf of the landowners of the land hatched in Attachment A, to change the locality name to Beeliar.



Submission

The submission presented by Urban Focus reads:-

“We have been formally appointed by landowners in the Cell 9 Development 9 to assist in the development of their properties to create a residential housing estate.

A number of owners in the area have indicated a preference for the Cell 9 area to be incorporated into the suburb of Beeliar.

The area is currently bounded by Yangebup Road to the north, Spearwood Avenue to the east, the proposed Beeliar Drive to the south and a railway line to the west. The area covers approximately 55 ha comprising twenty six certificates of title under the ownership of twenty individual proprietors. The east/west orientation of Yangebup Road and the Railway Line is considered a logical and appropriate demarcation between the suburbs of Yangebup and Beeliar.

Owners have indicated their desire to create an estate, which will require new purchasers to abide by building guidelines incorporating specifications on dwellings, outbuildings, fences and gardens. Owners of each new lot created will be required to comply with the guidelines via the imposition of a restrictive covenant. Furthermore, intersection treatments and landscaping are proposed to provide an attractive high standard development. A significant number of lots within the Cell 9 area will have ocean views and a number with views of the Darling Escarpment.

It is considered that the implementation of the proposed covenants in addition to the landscaping feature will meet the high expectation of the purchasers.

It is intended the area will be developed to meet the expectations of second and third homebuyers, thus incorporating a number of two storey homes. The existing landowners are strongly of the view that the suburb name “Beeliar” is more directly related to the planned status of the Bayview Estate that is currently under construction.

It is the owners wish that their land be included in the Beeliar locality as it is likely they, with new owners, will also patronise the proposed Beeliar Commercial and Shopping Centre adjacent to the railway line, have their children attend the proposed Beeliar Primary School and use the existing area of public open space on Watson Road and/or the proposed area of public open space on the south west corner of Cell 9. It is also proposed to create a local neighbourhood centre in Cell 9.

We trust you are able to give this request your favourable consideration and we look forward to an opportunity to meet and discuss the proposal



with you. For your further reference and in support of the above request, we also enclose sixteen duly signed Support Statements from the existing owners that fervently support the name change. A plan listing the properties of those owners that have signed the above referred statements is also enclosed.

Report

It is submitted that the proposal presented by Urban Focus to change the present Yangebup/Beeliar locality boundary is somewhat unsubstantiated and preliminary comments from the Geographic Names Committee supports this view. There are twenty-six landowners involved in the proposal to change the locality name. Letters of support for the proposal have been received from fifteen landowners and the acceptance rate is better than 50%.

The existing suburb of Beeliar lies south of Beeliar Drive and will have an ultimate population of between 9,000 and 9,500 people. The proposal put forward by Urban Focus would add an additional 1,000 people to the suburb of Beeliar. Furthermore it would be the only area north of Beeliar Drive included in the suburb of Beeliar. There seems to be a somewhat tenuous link suggesting that the suburb of Beeliar is more marketable than Yangebup, even though the developer will probably give the area an estate name.

Strategic Plan/Policy Implications

Key Result Area "Planning Your City" refers.

Budget/Financial Implications

N/A

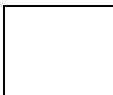
Implications of Section 3.18(3) Local Government Act, 1995

Nil

744. (AG Item 12.2) (Ocm1_9_2000) - PROPOSED AMENDMENT TO THE JANDAKOT/BANJUP LOCALITY BOUNDARY (1050) (LCD) (ATTACH)

RECOMMENDATION

That Council recommend to the Geographic Names Committee, that the current locality of Jandakot and Banjup as shown on Attachment A to the Agenda, be amended to reflect what is shown in Attachment B to the Agenda.



COUNCIL DECISION

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

CARRIED 3/0

Background

The present location of the Jandakot/Banjup locality boundary is shown on Attachment A. However an application has been lodged by the town planning consultancy of Koltasz Smith and Partners on behalf of the owners of Lots 12 and 13 Solomon Road and Lot 14 Dollier Street, to amend the locality boundary.

Submission

N/A

Report

Lots 12 and 13 Solomon Road and Lot 14 Dollier Street are currently in the locality of Banjup and under Town Planning Scheme No 2, the land is zoned Noxious Industry and it is intended under the proposed Town Planning Scheme No 3 to rezone the land to Mixed Business.

The owners of the property Navarac Pty Ltd are currently subdividing the land into commercial size lots for sale and therefore, the proposition is advantaged in that the proposed commercial precinct should be within the locality of Jandakot rather than Banjup. The latter locality is linked to rural pursuits.

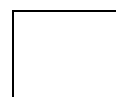
A preliminary approach has been made to the Geographic Names Committee regarding this proposal and a favourable reply has been received. All that is required from Council is a plan showing the overall planning of the area. The Proposed Town Planning Scheme No 3 will meet this requirement.

Strategic Plan/Policy Implications

Key Result Area "Planning Your City" refers.

Budget/Financial Implications

N/A



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

Nil

745. (AG Item 12.3) (Ocm1_9_2000) - SPECIAL ELECTORS MEETING - 10 AUGUST 2000 - COCKBURN SOUND MANAGEMENT COUNCIL REPRESENTATIVE (RWB) (9334)

RECOMMENDATION

That :

- (1) Council receive the motion passed at the Special Electors Meeting held on the 10th August 2000 in regards to Council's representation on the Cockburn Sound Management Council; and
- (2) given the timeframes required by the Water and Rivers Commission to make a change of representation, Council continue to be represented by Cmr Smithson until such time as an Elected Member is appointed following the 6th December elections.

COUNCIL DECISION

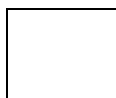
MOVED Cmr Jorgensen SECONDED Cmr Donaldson that Council:

- (1) receive the motion passed at the Special Electors Meeting held on the 10th August 2000 in regards to Council's representation on the Cockburn Sound Management Council; and
- (2) reiterates its previous decision that at the time of selecting a nominee, Council was of the opinion that it was important that an Elected Member (or in this instance, a Commissioner) should be appointed to represent the interests of Cockburn.

CARRIED 3/0

Explanation

The Council believes that it is important to have someone of Elected Member status representing Cockburn on the Management Council.



Background

At the Ordinary Meeting of Council in May 2000, it was resolved that Cmr Smithson be appointed as Cockburn's representative to the Cockburn Sound Management Council.

The Council was established by the State Government for the purpose of co-ordinating planning and environmental management of Cockburn Sound to protect the marine environment. It has been established as a Committee of the Board of the Water and Rivers Commission.

The membership of the Council is 26 members comprising an independent Chairman, individual community groups, community groups (including Com-Net nominee, conservation, recreation and fishing groups), industry and Local, State and Commonwealth Government representatives.

At the time of selecting a nominee, Council was of the opinion that it was important that an Elected Member (or in this instance, a Commissioner) should be appointed to represent the interests of Cockburn.

This is still the Administration's belief.

It should be noted that the representatives from the Town of Kwinana and the City of Rockingham are an Elected Member.

Submission

On the 10th August 2000, Council convened a Special Meeting of Electors at which approximately 70 people attended.

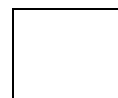
At the meeting, the following resolution was carried:-

"Cockburn Management Authority: Council representation on the committee.

MOVED Mrs Mary Jenkins SECONDED Mrs Heather Smedley, that the residents of Cockburn request Council, that they be represented by Allan Blood or another permanent employee in his department, on the Cockburn Management Committee, as this would offer the community of Cockburn, long term representation and commitment as well as continuity on this important committee."

Report

At the 16th May 200 Council Meeting, Cmr Smithson was appointed as Council's representative. It was considered that she was best placed to represent the community, due to her experience and knowledge and on the basis that in the future, an Elected Member would be Council's



representative and therefore, it was not appropriate for an officer to be appointed.

This nomination has been received on the basis that she be Council's representative until the end of the Commissioner's term of office.

The first meeting of the Committee was held on the 9th August 2000. A staff representative attended the meeting as Cmr Smithson was out of the country at the time.

As a result of the public concern expressed at the Special Electors Meeting and in the media, the Administration contacted the Water and Rivers Commission, seeking their advice. The following information was received:-

Q1. Are there to be any other Management Council meetings to be held before the 6th December 2000?

A. The next meeting is expected to be held in early November (final date to be confirmed).

Q2. What is the process involved in having Cmr Smithson replaced by another Council representative, given the term of her office and the timetable involved?

A. The appointment process to replace Cmr Smithson is as follows:

- A formal request is made to the Board of the Water and Rivers Commission to consider the change in membership at its monthly meeting - the last Friday of each month.
- The Board's recommendation is then forwarded to the Chairman of the Ministerial Council for Cockburn Sound. The Chairman (Minister for Water Resources) refers the recommendation to the other five Ministers on the Ministerial Council for consideration.
- Following consideration by the Ministerial Council, a Cabinet Submission is prepared and submitted.
- Following the Cabinet decision, the Board of Commission is required to formally ratify the appointment.

The timeframe normally allowed for this process is approximately eight to twelve weeks, as it is dependant in part, on the Cabinet workload.



- Q3. Should Cmr Smithson remain Council's nominee until 6th December, what is the process for Council to put forward a replacement nominee and the timetable involved?
- A. Following the replacement of the Commissioners by the local election process, the City of Cockburn will need to advise the Board of the Commission of its new representative.
- Q4. What is the process to enable a proxy to represent the appointed member, should an appointed member be not able to attend a meeting?
- A. Proxy members for non-government agencies are not permitted for meetings of the Council. However, where an appointed member is unable to attend, permission from the Chairman can be sought for an *observer* to attend prior to the meeting.

Once the newly elected Council is in place and appoints their representative to the Cockburn Sound Management Council, it is simply a matter of Council advising the Board of the replacement, the Board would accept that advice at its monthly meeting and the new representative would then be able to attend the next meeting which is anticipated to be in February and quarterly thereafter.

Given that a period of 8-12 weeks is required to make an immediate change of representative, the December election is 11 weeks away and that the next meeting is expected to be in November, it is considered reasonable to continue with Cmr Smithson as the appointed representative, until an Elected Member can be selected.

Strategic Plan/Policy Implications

Participation on the Cockburn Sound Management Council appears consistent with the City of Cockburn's stated objectives of:

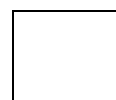
1. "To conserve the quality, extent and uniqueness of the natural environment that exists within the district"; and
2. "To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."

Budget/Financial Implications

No sitting fees are available for government members.

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

Nil



746. (AG Item 12.4) (Ocm1_9_2000) - REVIEW OF CITY OF COCKBURN BY-LAWS RELATING TO PEST PLANTS (1133) (LCD) (ATTACH)

The Presiding Member read aloud, a statement of the purpose and effect of the local law is to provide for the regulation, control and management of noxious weeds within the district.

RECOMMENDATION

That Council:

1. receive the proposed City of Cockburn Local Law relating to Pest Plants 2000, as attached to the Agenda and which forms part of this report; and
2. advertise the proposed Local Law for public comment pursuant to section 3.12 of the Local Government Act 1995.

COUNCIL DECISION

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

CARRIED 3/0

Background

The City of Cockburn By-laws relating to Pest Plants was published in the Government Gazette of 31 December 1981.

Submission

The following statement is to be read aloud to the meeting.

"The purpose and effect of this local law is to provide for the regulation, control and management of noxious weeds within the district."

Report

Council is required to review all of its local laws before 31 December 2000 and this review of the By-laws relating to Pest Plants will comply with the requirement so stated.



Although the local laws are made primarily under the Agriculture and related resources Protection Act 1976, the procedures of the Local Government Act 1995 for the making of a local law will apply.

Strategic Plan/Policy Implications

Key Result Area "Conserving and Improving Your Environment" refers.

Budget/Financial Implications

N/A

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

Nil

747. (AG Item 12.5) (Ocm1_9_2000) - REVIEW OF BY-LAWS RELATING TO THE ESTABLISHMENT, MAINTENANCE AND EQUIPMENT OF BUSH FIRE BRIGADES (1114) (LCD) (ATTACH)

The Presiding Member read aloud a statement, that the purpose and effect of this local law is to provide for the regulation, control and management of Bush Fire Brigades within the district.

RECOMMENDATION

That Council:

- (1) receive the proposed City of Cockburn Bush Fire Brigade Local Law 2000 as attached to the Agenda and which forms part of this report; and
- (2) advertise the proposed Local Law for public comment pursuant to section 3.12 of the Local Government Act 1995.

COUNCIL DECISION

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

CARRIED 3/0

Background

The By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades was adopted by Council on the 13th July 1982 and published in the Government Gazette on the 24th September 1982.



This by-law is somewhat out of date and the review has produced a more up-to-date local law.

Submission

The following statement is to be read aloud to the meeting:-

"The purpose and effect of this local law is to provide for the regulation, control and management of Bush Fire Brigades within the district."

Report

The City of Cockburn Bush Fire Brigade Local Law 2000 has been drafted in a manner to provide better control over the brigades by putting in place, requirements for the brigades to meet.

For example; there is a structure relating to the officers of the brigade command at a fire, the making of rules to govern the brigades. Also the managerial role of the Chief Bush Fire Control Officer is covered, the duties of the Chief Bush Fire Control Officer are provided for and the conduct relating to meetings and the membership of the bush fire brigades. The old by-laws did not deal with such matters.

If the proposed City of Cockburn Bush Fire Brigade Local Law 2000 is adopted, the provisions of section 3.12 of the Local Government Act 1995 will be implemented, allowing the public the opportunity to comment on the proposed local law.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

748. (AG Item 12.6) (Ocm1_9_2000) - COSTS OF THE INQUIRY INTO THE CITY OF COCKBURN - LEGAL ADVICE RECEIVED (1335) (RWB) (ATTACH)

RECOMMENDATION

That Council:



- (1) receive the advices from Clayton Utz dated 4 and 12 September 2000, regarding avenues of appeal against the Minister for Local Government's decision for Council to pay the cost of the Inquiry;
- (2) based on the advice from Clayton Utz, take no further action to appeal the legal legitimacy of the decision; and
- (3) note the response dated 29 August 2000 from the Minister for Local Government, that he does not propose reviewing his decision with regard to the City of Cockburn paying the Inquiry cost.

COUNCIL DECISION

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

CARRIED 3/0

Background

At its meeting of the 15th August 2000, Council determined the following:

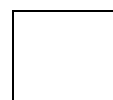
- "3) seek legal advice on any avenues which may be open to it to appeal the decision taken by the Hon. Minister under Section 8.27 of the Local Government Act 1995;"

And

"That Council, on behalf of the residents of Cockburn, appeal to the Minister for Local Government, Paul Omodei and the Premier, Richard Court, to reconsider their decision to force the City of Cockburn to pay any of the costs (\$1.8m) of the Inquiry into the City of Cockburn, on the grounds that :-

- 1) The ramifications of their decision to make residents pay the full costs could have serious implications for every serving Mayor and Councillor in local government in WA today; and
- 2) The Douglas Inquiry into Cockburn highlights, not only time consuming costs and inefficiencies, but also the limited and questionable terms of reference of such an inquiry, which does not have the legitimacy of a Royal Commission. "

Clayton Utz was requested to provide legal advice.



Submission

A copy of the advices from Clayton Utz are attached to the Agenda.

Report

Council has requested legal advice on any avenues of appeal against the Minister's decision for Council to pay for the cost of the Inquiry into the City.

Original advice received on 4th September, stated the view that the *"only avenue open to the City is to commence Supreme Court proceedings against the Minister on administrative law grounds. We do not recommend that the City pursue this avenue as; based on our present instructions, the prospects of success are minimal"*

The advice from Clayton Utz canvasses the various reasons for consideration of an appeal to the Supreme Court and in each instance, does not support a proposition for Council to proceed with an appeal.

Clayton Utz was asked to comment on the proposition of an appeal to the Governor. A petition of residents to this effect has been circulating in the community. The petition, in part, states :-

"Under the symbol of the Magna Carta, which guarantees many kinds of inherited rights to the citizens of the Crown against unjust fines imposed upon them, I plead with your Excellency, to relieve the citizens of Cockburn from this massive debt that is against the principle [sic] of natural justice."

The advice from Clayton Utz is that there is no authority quoted, whether by Magna Carta or elsewhere, in regard to the foregoing paragraph.

The advice from Clayton Utz traces through various legislative empowerment.

They conclude with the view that "even admitting the theoretical possibility that just such a petition could be made and secondly, that it could be acted upon by the Governor, I do not consider that there is any worthwhile prospect of such actions occurring."

Based on the advice, it is not considered appropriate for Council to pursue the matter of appeal further.

It should be noted that by letter dated 29th August 2000, Minister Omodei has advised that he does not propose to review his decision.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

749. (AG Item 13.1) (Ocm1_9_2000) - POLICY PD53 - COMMUNITY FACILITIES INFRASTRUCTURE - 10 YEAR FORWARD PLAN (9003) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) adopt Policy PD53 "Community Facilities Infrastructure - 10 Year Forward Plan" as attached to the Agenda and incorporate it into the Council Policy Manual.

COUNCIL DECISION

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

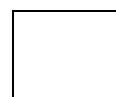
CARRIED 3/0

Background

The Council's Strategic Planning and Community Services Department have worked together over the past months, to prepare a plan for the existing and future provision of community and active recreation facilities, to serve the needs of the projected resident population for the district to the year 2010.

Submission

N/A



Report

Because of the potential for infill development in the existing residential areas within the district, together with the development of additional residential areas in the south-west and south-east sectors, there is a need to determine the type, extent and location of facilities to meet the need of the future resident population.

A report entitled "Community Facilities Infrastructure - 10 Year Forward Plan" was prepared and is attached to the proposed Policy, which incorporates the Community and Active Recreation Facilities Plan.

The plan is important to ensure that the planning of existing and new communities by others, includes the provision of adequate facilities in locations that rationalise the catchments regardless of land ownership. Moreover, it is important that landowners and their consultants are aware of the likely requirements before they commence the planning of areas within the district.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

4. Facilitating the needs of Your Community

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

Budget/Financial Implications

N/A

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

Nil



750. (AG Item 13.2) (Ocm1_9_2000) - POLICY PD17 STANDARD DEVELOPMENT CONDITIONS AND FOOTNOTES - ADDITIONAL ENVIRONMENTAL CONDITION (9003) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advertise the following condition for public comment in accordance with Clause 11.1.1 of District Zoning Scheme No. 2:-

" ***Flora and Fauna Survey***

D42A Before any site works are commenced, the developer is to have provided a flora and fauna survey of the land and a management plan identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna."

COUNCIL DECISION

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

CARRIED 3/0

Background

The Council has a similar condition relating to standard conditions for subdivision, namely S69A.

Submission

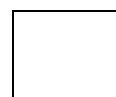
N/A

Report

Council adopted a Policy relating to the protection and conservation of flora and fauna habitats within the City some time ago.

The policies are currently being reviewed.

As part of the review, it was found that a standard condition for subdivision recommendations relating to flora and fauna surveys had



been added to reflect the Council Policy, but had not been added to the standard development conditions.

The standard subdivision condition S69A should also apply to development conditions.

Policy PD17 "Standard Development Conditions and Footnotes" should be advertised so that it can be made consistent.

Strategic Plan/Policy Implications

Policy PD17 "Standard Development Conditions and Footnotes" applies.

Budget/Financial Implications

N/A

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

Nil

751. (AG Item 13.3) (Ocm1_9_2000) - RURAL STREET ADDRESSING (3002) (AJB)

RECOMMENDATION

That Council:

- (1) advise the Department of Land Administration that it is prepared to continue with the Rural Street Addressing Program and supply the posts and numbers for the residents to erect in accordance with the Department's Guidelines;
- (2) agree to charge rural landowners a fee equivalent to the cost of the materials which is to be paid at the time of collection of a building licence; and
- (3) amend the 2000/01 Budget by creating appropriate income and expenditure accounts for the amount of \$1,000.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED 3/0

Background

In February 1998, the Department of Land Administration (DOLA) wrote to Council regarding the Rural Street Addressing Project. Under the Scheme, lot numbers are replaced by a sequential number based on the distance of the house from the start of the road.

The benefits of the Scheme are:

- Ensure properties have a logically established street address;
- Is sufficiently flexible to handle future land subdivisions;
- Emergency services will be able to respond more quickly to a call;
- Assist local government officers locate properties in the field;
- Help local government in the delivery of services and administration;
- Make it easier for those who deliver mail and other goods.

Council at its meeting held on 18 August 1998, resolved to support the Rural Street Numbering Scheme and authorise DOLA to implement the Scheme on Council's behalf.

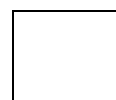
Submission

DOLA has requested Council to consider supplying posts and street numbering plates within the rural areas in accordance with the Rural Street Addressing Project.

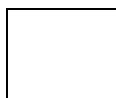
Report

Implementation of the Rural Street Number Scheme has resulted in the allocation of street numbers to rural buildings based on their distance from the start of the road and the erection of a green backing plate with white reflective numbers which is mounted on a post located within the verge area.

Agreed responsibilities for the Scheme were as follows:



1. Council: Authorise DOLA to commence rural addressing in the City of Cockburn
2. DOLA: Nominate road start points for rural numbering
3. Council: Validate road start points for rural numbering
4. DOLA: Nominate property numbers within the City of Cockburn
5. Council: Validate property numbers within the City of Cockburn
6. DOLA/Council: Liaise to finalise outstanding issues
7. DOLA: Liaise with local community group to erect post and numbers
8. DOLA: Purchase posts, number plates, numerals and fixing hardware for the City of Cockburn
9. DOLA: Supply final plots with addresses for entire City to Council and to the local community group
10. DOLA: Prepare, print and post resident notification package
11. DOLA: Supply posts, number plates, numerals, fixing hardware and appropriate installation tools (on loan) to local community group
12. Council: Liaise timing with local community group for erection of numbers to coincide with postage of resident notification flyer
13. DOLA: Send advice notices to WA Police, Australia Post, Fire Brigade, Bureau of Statistics, WA Electoral Commission, Water Corporation, Australian Electoral Commission, St. John Ambulance
14. Council: Supply and erect road signage with number ranges to meet the Australian standard
15. DOLA: Changes made to PSA database
16. Council: Changes made to Council database



The project has now been completed and all affected properties have been required to use their new numbers since December 1999.

We are now in the *maintenance* stage of the project ensuring that the new rural street numbering system is used when new buildings are erected on rural properties.

This is currently being achieved by:

1. Identifying all new rural dwellings in the monthly building report.
2. Where the Building Licence Site Plan shows the location of the proposed driveway, a new street number is allocated to the building in accordance with the Rural Street Numbering Guidelines.
3. The new number is added to Council's Maps and the Property System and the owner is advised of the new address by letter. The owners are requested to display the number clearly in a prominent position near the driveway entrance.

No requirements for the style or standard of numbers are specified.

DOLA has advised that national experience has shown that unless numbered plates are provided to residents, implementation of the program can be uneven with serious impacts on the benefits to the community. The handbook circulated by DOLA, promotes the purchase of posts and plates by Council with the associated costs being passed on to the residents when they apply for building licences. DOLA advises that this procedure has been endorsed by the Western Australian Municipal Association (WAMA) as best practice.

DOLA has requested Council to consider providing the posts and plates as per their handbook. Investigations with other Councils participating in the program, show most Councils charge an additional fee of \$10.00 at the time of issuing a building licence and the owners are requested to collect the numbers from the Council offices. City of Gosnells and the Shire of Serpentine-Jarrahdale install the numbers for the residents. It is considered more practical in terms of Council resources, for residents to collect the numbers from Council offices.

Enquiries with the suppliers indicate a cost of \$5.75 for the green plate with six reflective numbers and \$5.17 for the post. Approximately 25-30 rural houses are approved annually giving a total cost of approximately \$300.00. Further investigations are necessary to determine minimum quantities particularly for the plates which are manufactured in Queensland.



It is recommended that:

- Council agree to continue its participation in the Rural Street Numbering Program.
- Council charge rural landowners an additional fee at the time of getting a building licence to cover the cost of materials.
- The Cartographic Officer continue to allocate numbers for houses in the rural area, be responsible for the purchase of the plates and posts and the notification of these details to residents.
- The Director, Finance and Corporate Services make the necessary modifications to the 2000/01 Budget to allocate sufficient funds to acquire the materials and create a new account under the Schedule of Fees and Charges.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is:

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

Budget/Financial Implications

No funds have been allocated for the purchase of materials. Changes to the 2000/01 Budget will be necessary if the program is to be implemented this financial year.

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

Nil

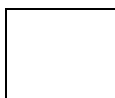
752. (AG Item 13.4) (Ocm1_9_2000) - LAKE COOGEE WALKWAY - MAINTENANCE AND LIABILITY (9100) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Water Corporation that it is prepared to enter into an arrangement to secure an easement over the Lake Coogee Walkway subject to:

1. The negotiation of acceptable terms and conditions.



2. The easement covering the dual use path and the bridge area between Fawcett Road and the southern boundary of the Water Corporation's land.
 3. Council paying 50% of the costs associated with preparing the necessary documentation and statutory fees and charges.
- (2) authorise the City Surveyor/Land Officer to negotiate suitable terms and conditions with the Water Corporation in consultation with Council's Insurers and Solicitors.

COUNCIL DECISION

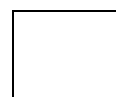
MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) advise the Water Corporation that it is prepared to enter into an arrangement to secure an easement over the Lake Coogee Walkway subject to:
 1. The negotiation of acceptable terms and conditions.
 2. The easement covering the dual use path and the bridge area between Fawcett Road and the southern boundary of the Water Corporation's land.
 3. Council paying 50% of the costs associated with preparing the necessary documentation and statutory fees and charges.
- (2) authorise the City Surveyor/Land Officer to negotiate suitable terms and conditions with the Water Corporation in consultation with Council's Insurers and Solicitors, in particular, addressing Council limitations on public liability to matters of Council responsibility.

CARRIED 3/0

Explanation

Council wants to ensure that its limitations are only on those matters that Council is responsible for.



Background

The Water Corporation is upgrading the Woodman Point Wastewater Treatment Plant which includes a new pump station (No.3) west of Lake Coogee and the extension of the Bibra Lake main sewer from the existing Mayor Road pump station across the northern edge of Lake Coogee to pump station 3.

Council at its meeting held on 16 February 1999, considered the Public Environmental Review Report and advised the Water Corporation as follows:

- "(1) its preferred option for the proposal is the location of the new pump station on the western side of Lake Coogee with the main sewer alignment within the proposed Beeliar Drive road reservation;*
- (2) that given the constraints associated with the use of the Beeliar Drive road reservation, that the proposed low bridge route is acceptable."*

Planning and design of the infrastructure has proceeded on the basis of the low bridge option across the northern edge of Lake Coogee.

The bridge has been designed to accommodate a pedestrian/cycle path and observation platform and integrates with an overall plan for Lake Coogee.

To accommodate the proposed main sewer the Water Corporation requires an easement over a portion of Council Reserve 30861. In October 1999 the City Surveyor advised the Corporation through its agent DTZ Debenham International that an easement would be supported and that Council sought an access easement over the Corporation's land to give public access to Lake Coogee as identified in the Lake Coogee Management Plan.

Submission

The Water Corporation has proposed to grant Council an easement over the bridge and pedestrian/cycle path to allow public access, subject to Council accepting responsibility for the maintenance of the walkway structure and insuring liabilities (copy attached to Agenda).

Report

As part of the upgrading of the Woodman Point Wastewater Treatment Plant, it is necessary to construct a gravity sewer line across the northern edge of Lake Coogee. The initial design was for this to be a pipeline on piles. However, following discussion with the City of



Cockburn, the design was modified to include a pedestrian/cycleway deck and observation platform which would form part of the public pathway system around the lake which is shown on the plan included in the Agenda attachments.

The bridge structure is to be built to the following specifications:

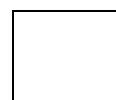
- Concrete super-structure painted in green tones and anti-graffiti paint.
- Red bitumen pavement.
- Canter-levered timber observation platform.
- Galvanised handrail.

The structure is being built to a high standard and general maintenance is expected to be minimal. The design minimises the opportunity for graffiti. Nevertheless cleaning may be required from time to time.

The bridge structure is being built over land owned by the Water Corporation and a Council reserve (30861 - Lake Coogee). The connecting link to Fawcett Road and to the west of Lake Coogee, is on Water Corporation land.

Points that need to be taken into account in considering the request from the Water Corporation are as follows:

- Council's Lake Coogee Environmental Management Plan (March 1993) provides for a dual use path around Lake Coogee with a link roughly in the location of the Water Corporation bridge structure (copy attached to Agenda).
- The initiative by the Water Corporation is consistent with the Management Plan.
- If the dual use path was constructed by Council as per the Management Plan, Council would be responsible for the ongoing maintenance as well as the initial capital costs, albeit through grants and/or general purpose revenue.
- The bridge will be a feature of the Lake Coogee dual use path system, offering elevated views of both the Lake and adjoining wetland. The viewing platform was located to maximum view potential and was the result of an on-site inspection using an elevated platform.
- Council previously advised the Water Corporation and the Department of Environmental Protection, that the main sewer should be constructed within the proposed Beiliar Drive Road Reserve.



- The Beelias Drive option was unacceptable to Water Corporation and the low bridge option was pursued by the Water Corporation as the preferred option.
- The inclusion of the dual use path on top of the pipe structure by the Water Corporation, was seen as an opportunity to minimise the environmental impact (ie. rather than having a separate pipe and dual use path across the existing access causeway) and to provide community betterment through the project.
- There was no discussion at the time, of Council being responsible for the maintenance and insuring liabilities.
- The proposed bridged pathway more easily achieves disabled access particularly for the section between Fawcett Road and Lake Coogee.

Whilst not in the original Lake Coogee Environmental Management Plan, the proposed bridged pathway is regarded as an important element in the Lake Coogee Dual Use Path System. In overall terms, the cost of maintenance and liability associated with the bridged pathway, will not be significantly different to that associated with the originally proposed dual use path and on this basis, it is recommended that Council enter into arrangements with the Water Corporation to secure an easement over the bridge and dual use path within the Water Corporation land and accept the management, maintenance and insuring liabilities associated with the infrastructure.

Comments on specific responsibilities outlined in the Water Corporation's letter are as follows:

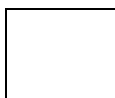
(a) *The walkway of the structure including replacement as and when necessary*

This should be limited to the pavement materials on the bridge structure being the bitumen and timber decking and the base material and bitumen to the balance of the dual use path (ie. excludes expansion joints and the like which are part of the structure).

(b) *All handrails and those parts of the structure which are ordinarily painted*

Council should only be responsible for the handrails. The super-structure should remain the responsibility of the Water Corporation.

(c) *All improvements and signs which may at a later date be erected or carried out by Council*



Accepted subject on the proviso that the pathway and bridge shall not be open to the public until appropriate signs have been erected.

- (d) *Council will be responsible for all public liability issues and is to specifically indemnify the Water Corporation against any and all loss or claims*

The Water Corporation will not grant public access unless Council agrees to this item.

- (e) *The City shall assume a managing role over the structure carrying out all repairs for which it is liable in a responsible manner*

Repairs should be limited to the pavement, handrails, signs and graffiti removal. Water Corporation should be responsible for general maintenance of the structure including painting and reinstatement of the pavement following any maintenance work or other damage caused by Water Corporation activities.

- (f) *The Water Corporation is to have access to the bridge structure and can close off the structure at any time with or without notice*

The right of the Water Corporation to access the bridge structure and to prevent public access is acknowledged. However, it should be specified that the right to prevent public access should only be as a result of maintenance repairs or an emergency where public safety or health is at risk.

The Water Corporation should be required to provide advance notice whenever possible and if not possible, then as soon after the closure as is practical. Such advice should include the expected duration of a closure so that the public can be adequately advised.

- (g) *Council is to pay all costs associated with the easement document*

The Water Corporation requires Council to pay the cost of preparing the easement document stamp duty and other outgoings. The cost to prepare the easement documents is expected to be in the order of \$1,000.00.

It is recommended that Council only agree to pay 50% of the costs given that the proposed development is beneficial to both parties and that Council's Solicitors will also be required to review the documentation at Council's cost prior to signing.

In addition to the above costs, it will be necessary to allow for the following in the 2001/02 budget:



Capital Costs:

- Provision and erection of appropriate signage.

Ongoing Maintenance Costs:

- Replacement of signs.
- Maintenance of the area immediately adjacent to the pathway (Manager, Parks advises this could be in the order of \$4,000 - \$5,000 p.a.)

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.*
 - *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 ensure that the development of the district is undertaken in such a way that the balance between natural and human environment is maintained.*
4. Maintaining Your Community Facilities
 - *To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use.*



Budget/Financial Implications

Council's costs involved in preparing the easement document should be paid from Account No.495320 - Legal Fees (\$3,000). The cost of signage can be paid from Account No.497968 - Lake Coogee Enhancement (\$20,000).

The cost of ongoing maintenance will need to be included in either budgets for Environmental Services or Parks, with an appropriate adjustment in the Principal Activity Plan.

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

Nil

753. (AG Item 13.5) (Ocm1_9_2000) - BEELIAR REGIONAL PARK, HENDERSON - VESTING AND MANAGEMENT (AJB) (9509) (ATTACH)

RECOMMENDATION

That Council:

(1) advise the Department of Conservation and Land Management that Council supports the transferring of the reserves nominated in CALM's letter dated 7 August 2000, including Lot 3000 Rockingham Road (unallocated Crown Land) to the National Parks and Nature Conservation Authority to enable CALM to manage the area for conservation purposes as part of the Beeliar Regional Park, subject to CALM providing written agreement to the following:-

1. The land is to be used for conservation purposes and no further leases or exclusive use rights will be granted to private clubs, companies, etc;
2. In the event that existing leases on Reserves 39455 and 37426 are not renewed at any time by either CALM or the lessees, then consideration will be given to rehabilitating the areas as an integral part of the Park or they be used for public purposes.

In the event that an alternative use is considered for those reserves then CALM will consult with and seek Council's agreement;

3. In respect to the lease by the WA Radio Modellers Club on Reserve 39584, that no transfer of the lease to any



other entity or a change in use be permitted and in the event that the lease ceases, the area be developed as a public activity area within the Park or rehabilitated in keeping with the surrounding bushland.

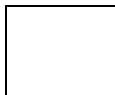
4. CALM agreeing to take over and administer the existing leases.
 5. CALM continuing to liaise with Council as appropriate on the finalisation of the draft Beeliar Regional Park Management Plan and its subsequent review, together with any proposal which is inconsistent with the Management Plan.
- (2) recommend that the Naval Base Caravan Park Reserve 24308 be transferred to CALM as part of the Beeliar Regional Park for the purpose of care, control and management subject to the land continuing to be used as a caravan park until it is required for other conservation purposes and that the lessees rights and privileges are protected; and
- (3) advise current leaseholders of Council's decision.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) advise the Department of Conservation and Land Management that Council supports the transferring of the reserves nominated in CALM's letter dated 7 August 2000, including Lot 3000 Rockingham Road (unallocated Crown Land) to the National Parks and Nature Conservation Authority to enable CALM to manage the area for conservation purposes as part of the Beeliar Regional Park, subject to CALM providing written agreement to the following:-
1. The land is to be used for conservation purposes and related activities and no further leases or exclusive use rights will be granted to private clubs, companies, etc;
 2. In the event that existing leases on Reserves 39455 and 37426 are not renewed at any time by either CALM or the lessees, then consideration will be given to rehabilitating the areas as an integral part of the Park or they be used for public purposes.

In the event that an alternative use is considered for those reserves then CALM will consult with and seek



Council's agreement;

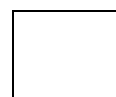
3. In respect to the lease by the WA Radio Modellers Club on Reserve 39584, that no transfer of the lease to any other entity or a change in use be permitted and in the event that the lease ceases, the area be developed as a public activity area within the Park or rehabilitated in keeping with the surrounding bushland.
 4. CALM agreeing to take over and administer the existing leases.
 5. CALM continuing to liaise with Council as appropriate on the finalisation of the draft Beeliar Regional Park Management Plan and its subsequent review, together with any proposal which is inconsistent with the Management Plan.
- (2) recommend that the Naval Base Caravan Park Reserve 24308 be transferred to CALM as part of the Beeliar Regional Park for the purpose of care, control and management subject to the land continuing to be used as a caravan park until it is required for other conservation purposes and that the lessees rights and privileges are protected; and
- (3) advise current leaseholders of Council's decision.

Explanation

Council understands that CALM has a management plan that does apply for passive recreational use of the conservation area and it does not want to encourage absolute public exclusion from the Regional Park.

Submission

The Department of Conservation and Land Management (CALM) has requested the City to formally consider the proposal for that portion of the Beeliar Regional Park area located between the coast and Rockingham Road which is under Council control to be transferred to the National Parks and Nature Conservation Authority so that the area can be managed by CALM as a single entity in accordance with the Beeliar Regional Park Management Plan.



Report

A significant proportion of the Henderson section of the Beeliar Regional Park is vested in the City of Cockburn. A schedule of reserves and location maps is included in the Agenda Attachments.

There are a number of leases over the area including the Coastal Motorcycle Club (Reserve 39455), Tiger Kart Club (Reserve 37426), Sea Search & Rescue (Reserve 39584) and WA Radio Modellers Club (Reserve 39584). These leases should be taken over by CALM as a result of the transfer. The area proposed to be transferred to CALM does not include the Naval Base Caravan Park being Reserve 24308.

Given the location of the Naval Base Caravan Park, this should be included within the Beeliar Regional Park under the care, control and management of CALM. It is emphasised that the Council recommends that the use as a caravan park be continued and the rights of the existing lessees be protected.

In addition to Council's reserves, the Regional Park is to include Part Lot 3000 Rockingham Road which is unallocated crown land. CALM needs Council support for this to be included under their control.

CALM advises that significant capital works are required in the area in the near future to help protect the area's unique conservation values and to provide for appropriate recreation facilities, such as walkpaths and interpretation signs that have been identified in the draft Beeliar Regional Park Management Plan and the Jervoise Bay Conservation and Recreation Enhancement Plan.

CALM will be in a position to commence the works shortly whilst the process of finalising the Beeliar Regional Park Management Plan and subsequent tenure changes will take some time to complete.

Since taking on the responsibility for co-ordinating the management of Beeliar Regional Park, CALM has been working in close liaison with the City regarding the Park's future management. This has included the preparation of the Beeliar Regional Park Management Plan.

Given Council's strong interest in the conservation of the Henderson section of the Beeliar Regional Park, it is imperative that Council continues to take an active interest in the development and management of the area.

In agreeing to the transfer it is considered that assurances should be sought from CALM on the following:-



- That the land is to be used for conservation purposes and that no further leases or exclusive use rights will be granted to private clubs, companies, etc.
- That in the event that existing leases on Reserves 39455 and 37426 are not renewed at any time by either CALM or the lessees then consideration will be given to rehabilitating the areas as an integral part of the Park or they be used for public purposes.

In the event that an alternative use is considered for those reserves then CALM will consult with and seek Council's agreement.

- In respect to the lease to WA Radio Modellers Club on Reserve 39584, that no transfer of the lease to any other entity or a change in use be permitted and in the event that the lease ceases the area be developed as a public activity area within the Park or rehabilitated in keeping with the surrounding bushland.

It is considered that the above assurances are necessary to ensure that uses that are not compatible with the conservation objectives and function of the Park are excluded in perpetuity.

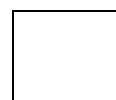
Subject to receiving assurances on the above the proposed transfer of the nominated reserves and unallocated crown land to the National Parks and Nature Conservation Authority and being managed by CALM is supported.

All formalities required to effect the changes will be undertaken by CALM at no cost to the City.

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 conserve the character and historic value of the human and built environment."*

Budget/Financial Implications

Loss of income from the leases based on 1999/00 rates being \$10,085.

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

Nil

754. (AG Item 13.6) (Ocm1_9_2000) - DISTRICT ZONING SCHEME NO. 2 - AMENDMENT NO. 205 - RIGBY AVENUE, PACKHAM - URBAN FOCUS (92205) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) amend its resolution dated 18 July 2000 to advertise Amendment No. 205 to District Zoning Scheme No. 2, by deleting (2) 3 of the resolution which stated:-

"(2) 3. No subdivision or development of incompatible uses will be permitted within the 500m generic buffer associated with the operation of market gardens located within the Packham Urban Development Area, until the buffer is scientifically determined and approved by the Department of Environmental Protection or the use ceases."

- (2) advise the Western Australian Planning Commission, the Department of Environmental Protection and the applicant accordingly.

COUNCIL DECISION

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

CARRIED 3/0



Background

Council at its meeting held on 18 July 2000 adopted the following recommendation:-

- "(1) *forward a copy of the signed document and a copy of Council's report, to the Western Australian Planning Commission with a request to advertise the amendment,*
- (2) *modify Part 8 of District Zoning Scheme No. 2 Clause 8.11 "Packham Urban Development Area" to include the following provisions:*
 - "2. *No subdivision or development of incompatible uses will be permitted within the 500m generic buffer prescribed for the rendering plant at Watsons which is located within the "Special Industry B" zone, until the buffer is scientifically determined and approved by the Department of Environmental Protection, and*
 - 3. *No subdivision or development of incompatible uses will be permitted within the 500m generic buffer associated with the operation of market gardens located within the Packham Urban Development Area, until the buffer is scientifically determined and approved by the Department of Environmental Protection or the use ceases."*
- (3) *advise the Western Australian Planning Commission, the Department of Environmental Protection, Watson's and the applicant of Council's decision, accordingly."*

This recommendation was based on the advice of the DEP following referral of the amendment as required under the Planning Act. The advice was:-

"Odour - buffer around Watsons Foods

The north west corner of the site is within 500 metres of the Watsons Foods Plant.

The 500 metre buffer from the Plant should be maintained until such time as a modified buffer is agreed to, taking into account the latest odour/air quality studies undertaken for Watsons Foods. It is understood that the Kwinana branch of the Department has received a copy of a recent odour survey but has not finalised its review of the survey.

It is recommended that the planning authorities continue to liaise with the Department on the matter of the buffer.



Odour, dust, noise - market gardens

Should any market gardens remain near the subject land, it is recommended that subdivision and development should be prohibited within 500 metres of the market garden or within such lesser area as is demonstrated through modelling and site studies to be acceptable to the relevant authorities."

The advice from the DEP is not legally binding.

Submission

The amendments documents were sent to Urban Focus to be modified in accordance with the Council resolution.

Urban Focus are concerned about the provision to be included in the amendment relating to the 500 metre buffer to operating market gardens.

A copy of the Urban Focus response dated 4 September 2000 is attached to the Agenda.

Urban Focus want (2)3 of the Council resolution deleted because it has an adverse impact on the subdivisional potential of the land.

Report

The case put by Urban Focus in its letter is considered acceptable and appropriate in the circumstances.

The matters raised by Urban Focus in support of its case are self explanatory.

The buffer relating to operating market gardens in the Packham Urban Development Area is inappropriate and impractical given the context of the Packham Area, the Structure Plan and the fact it is zoned urban under the MRS.

Moreover, the advice from the DEP relates to subdivision and development, not zoning. When a subdivision is applied for, the DEP has the opportunity to impose conditions as it sees fit at the time. Such conditions would be the subject of appeal.

The local scheme is required to be made consistent with the MRS in any event. A criticism of the Council by the Minister for Planning when dismissing the appeal relating to the subdivision conditions for Lot 17 Hamilton Road, Spearwood, land within the Packham Area was that Council had been tardy in making its scheme consistent.



In addition, the Council received the same advice from the DEP in respect to Amendment No. 214, as for Amendment No. 205, which is re-zoned land immediately south of the subject land, which has now been finalised with no provision included relating to either Watsons or market garden buffers.

In the circumstances it is recommended that the Council proceed with the amendment as proposed, subject to the provisions relating to the market garden buffer being deleted.

Should the Council decide to amend its resolution it should advise the WAPC, the EPA and Urban Focus accordingly.

Strategic Plan/Policy Implications

Policy PD23 states that:

"The City of Cockburn requires that where a proposal for a change in landuse conflicts with an existing buffer zone, then the onus is on the buffer beneficiary to show that the buffer is current, has been scientifically determined and is based on the use of best practicable management practices for minimising emissions. Unless this can be clearly demonstrated by the buffer beneficiary, then Council will fully support the proponent of the proposed landuse change providing that other planning and environmental considerations are properly met."

Budget/Financial Implications

N/A

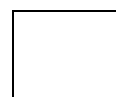
Implications of Section 3.18(3) Local Government Act, 1995

Final approval of the Amendment is required to be given by the Hon. Minister for Planning.

The generic buffers applied by the EPA are contained in **Draft** Policy No. 3 dated July 1997 entitled "Policies, Guidelines and Criteria for Environmental Impact Assessment - Industrial - Residential Buffer Areas (Separation Distances)".

- 755. (AG Item 13.7) (Ocm1_9_2000) - PROPOSED MOBILE PHONE TOWER AND BASE STATION - PT LOT 202; 39 MIGUEL ROAD, BIBRA LAKE - OWNER: BIRIGHITTI HOLDINGS PTY LTD - APPLICANT: THE PLANNING GROUP (4413026) (MT) (MAP NO. 8) (ATTACH)**

RECOMMENDATION



That Council:

- (1) approve the application for a mobile phone tower and base station on Part Lot 202; 39 Miguel Road, Bibra Lake subject to the following conditions:

Standard Conditions

1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme N° 2;

Special Conditions

1. The tower being designed so as to enable other telecommunications carriers to co-locate on the facility.

- (2) issue a Form 2 Approval to Commence Development to the applicant.
- (3) advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 3/0

Background

ZONING:	MRS:	INDUSTRIAL
	DZS:	GENERAL INDUSTRY
LAND USE:	FACTORY BUILDING	
LOT SIZE:	10 099m ²	
AREA:	N/A	
USE CLASS:	"Use Not Listed"	

Submission

The proposed development comprises:

- A 40 metre high steel monopole;
- Three 2.3 metre long panel antennae at a height of 38.8 metres;



- Two 0.6 metre diameter parabolic antennae at a height of 36 metres;
- An equipment shelter with an area of 3m by 2.5m, with a height of 2.65m;
- Interconnecting gantry;
- A security chain wire fence;

The submitted site plans and elevations are attached to this agenda.

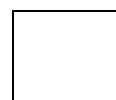
The application was referred to all landowners within a 400 metre radius of the tower to provide them with an opportunity to comment. Three submissions were received opposing the development. A summary is included is attached to this agenda.

Report

The facility will have some visual impact by virtue of it being 40 metres high. The photo montages submitted by the applicant indicate it will be visible to some extent from the residential areas in Yangebup. However, the location is sufficiently separated from the residential area such that it could not be considered to have any significant impact on residential amenity. The location is low-lying, with the land to the west rising steeply. The new slimline pole design with flush mounted antennae is less bulky and visually intrusive than the alternative lattice towers. Further, the proposed location is within an industrial area, where the level of amenity is not what it might be in a commercial or residential area. Overall, it is not considered the proposal will negatively affect the amenity of the locality.

Some of the landowners surrounding the site are opposed to the development. However, the proposal meets all of the location requirements of Council Policy PD32 - Location of High Voltage Overhead Power Lines and Microwave Towers. The Policy states that where possible they should be in industrial, commercial or non-residential areas and should be as far as possible from any residences. The closest residence is 450 metres away. It is in line with the wider community's request that structures with mobile phone antennae be located in industrial or rural areas.

Vodafone have deferred an application for Lot 2 Corokia Road (approximately 850 metres from Lot 202 Miguel) which received strong opposition from residents in Yangebup. Council officers have been working with the consultants for Optus and Vodafone to attempt to find a site that will suitable both carriers network requirements. Optus has advised that they have previously sought a site to the east of the subject lot (closer to the proposed Vodafone tower) but where unable to find a suitable location that met network requirements. The consultants for Vodafone are yet to formally reply to the City's request that they examine the possibility of locating on the Optus tower. However preliminary advice is that it is unlikely it will meet their coverage requirements.



Strategic Plan/Policy Implications

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

- 1. 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."*

The Planning Policies which apply to this item are:-

- PD31* Telecommunications Policy - High Impact Facilities
- PD32 Location of High Voltage Overhead Power Lines and Microwave Towers

Budget/Financial Implications

N/A

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

Nil

756. (AG Item 13.8) (Ocm1_9_2000) - PROPOSED COMMERCIAL VEHICLE PARKING - LOT 145, 10 HURFORD ROAD, HAMILTON HILL - OWNER/APPLICANT: T GALINDO (2212192) (SA) (ATTACH)

RECOMMENDATION
That Council:

- (1) refuse the proposed commercial vehicle parking on Lot 145, 10 Hurford Road, Hamilton Hill for the following reasons:
 - 1. the proposed use will and has detrimentally affect the residential amenity of the locality,
 - 2. the applicant/owner of the truck and property does not live at the property where the commercial vehicles are parked, therefore the application does not comply with Council's District Zoning Scheme No. 2 requirements for commercial vehicle parking;



- (2) issue a MRS Form 2 Notice of Refusal;
- (3) advise applicant that if the commercial vehicle is not removed within sixty (60) days from the date of the MRS Form 2 Notice of Refusal, then Council officers will initiate legal action against the landowner of the subject lot;
- (4) advise those who made submissions of Council's decision accordingly.

COUNCIL DECISION

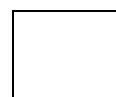
MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) refuse the proposed commercial vehicle parking on Lot 145, 10 Hurford Road, Hamilton Hill for the following reasons:
 - 1. the proposed use will and has detrimentally affect the residential amenity of the locality,
 - 2. the applicant/owner of the truck and property does not live at the property where the commercial vehicles are parked, therefore the application does not comply with Council's District Zoning Scheme No. 2 requirements for commercial vehicle parking;
- (2) issue a MRS Form 2 Notice of Refusal;
- (3) advise applicant that if the 4 tonne truck is not removed within sixty (60) days from the date of the MRS Form 2 Notice of Refusal, then Council officers will initiate legal action against the landowner of the subject lot;
- (4) advise those who made submissions of Council's decision accordingly.

CARRIED 3/0

Explanation

There is also a 1.5 tonne truck which Council has no jurisdiction to require the owner to remove therefore, it is important to stipulate the vehicle to which the refusal applies.



Background

ZONING:	MRS:	Urban
	DZS:	Residential R20
LAND USE:	Single House	
LOT SIZE:	478m2	
AREA:	N/A	
USE CLASS:	AA	

Submission

The submitted application is to park two trucks on the subject lot at the rear of the lot, which has been fenced off and a non-approved cross over constructed, prior to the applicant applying for Council approval.

The applicant wishes to park a 1.5 tonne truck and a 4 tonne truck, at the rear of the property. The applicant stated that one truck *"will only be started and driven once or twice a week (always in the afternoons and therefore will not awake anyone). The second truck to be stored there will only be left there over the weekend (it will be left the Saturday afternoon, and will be picked up Sunday evening at approximately 5.00pm)"*

The application was advertised for a period of 21 days, and 4 written submissions were received all objecting the proposal. Refer to the Agenda Attachments for further details and the Schedule of Submissions.

Report

Council's Planning Department received several complaints from adjoining landowners in regard to the parking of commercial vehicles on the subject lot, and also the construction of the fence and non-approved cross-over onto Foppoli Mews.

Site inspections by Council Officers revealed that commercial vehicles were parking on site, and the owner of the property was advised to apply to Council for a Commercial Vehicle Parking approval. An application was only required for the 4 tonne truck as any truck under 3.5 tonne in tare weight is not included in the definition of a Commercial Vehicle.

The applicant advised in a letter attached to the application, dated 11 July 2000, that *"what started to be the solution to a parking problem we had a 9 Parakeet Way, Coogee, where the trucks blocked the whole frontage of the house has turned into a larger problem as we will have no where at all to park these trucks if they are not permitted at Hurford Way."*



The applicant further advised that *"there will mainly be one truck left there during the week, and times these trucks are started will always be times that do not and will not disturb any residents in the area."*

However the problem with the commercial vehicles is not the starting time, but rather the impact of the vehicles on the small cul-de-sac. One resident states they were unable to exit Foppoli Mews, and had to drive out over the verge, as the truck took up the entire width of the road.

Commercial Vehicle Parking is listed as a "AA" (discretionary use) use in a Residential zone. However, in this case there has been objections to the use from the surrounding neighbours, in fact Council received a phone call and/or letter from every residents in the Foppoli Mews and landowner abutting the subject lot, concerned about the commercial vehicles. The major concerns were that:

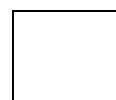
1. the small cul-de-sac street (Foppoli Mews) could not contain the commercial vehicle parking use, without detrimentally impacting on the amenity and lifestyle of the residents in the area;
2. the noise created by the commercial vehicle movements;
3. the construction by the applicant of the non-approved crossover, and the fencing off the rear section of the subject lot;
4. the applicant does not live at the subject property, and has been parking the commercial vehicles on the subject lot without Council approval and with little regard for other residents in the street.

It is therefore considered that the proposed use has and will affect the residential amenity of the locality, and it is recommended that application be refused.

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

- 757. (AG Item 13.9) (Ocm1_9_2000) - PROPOSED SHOWROOM GARDEN CENTRE - LOT 500 ARMADALE ROAD, JANDAKOT - OWNER: COMMERCIAL PROPERTIES WEST PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5517201) (CC) (ATTACH)**

RECOMMENDATION

That Council:

- (1) refuse the proposed showroom and garden centre development on Lot 500 Armadale Road for the following reasons and the following footnote:

Reasons for Refusal

1. Approval to the proposal would have a detrimental impact on traffic safety in the locality by reason of a significant number of motorists accessing and egressing the site having to make u-turns as a result of the lack of facility for right turn movements on Armadale Road adjacent to the site.
2. The sites strategic location within the Thomsons Lake Regional Centre near the intersection of two major regional roads warrants a high quality landmark development that can be safely and conveniently accessed by the community. The failure of the development to provide full and proper access and egress is inconsistent with the long-term amenity of the locality which is served by the establishment of a fully functional and high quality development on this site.
3. The proposed egress from the site opposite Freshwater Drive is premised on the future removal of right-turn traffic movements into and out of Freshwater Drive. The option to retain full movements at the intersection of Armadale Road and Freshwater Drive should be preserved in the interest of orderly and proper planning.



Footnote

1. Full access and egress from the development may be readily secured via an easement over adjacent Crown Land (Reserve 27950). Council would be prepared to re-consider its decision where full access and egress over the adjacent Crown Land is provided to the proposed development.
- (2) issue a Form 2 'Refusal to Commence Development' to the applicant;
- (3) advise the applicant and MRWA of the Council's decision.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council approve the application subject to standard conditions.

CARRIED 3/0

Explanation

This is a permitted use within the scheme, which means Council does not have the ability to refuse it unless it doesn't comply with the development standards or there are matters of planning concern. There was a concern regarding access which had been referred to Main Roads and they have supported the access therefore, Council has no dependable planning rationale to refuse the application.

Background

ZONING:	MRS:	INDUSTRY
	DZS:	LIGHT INDUSTRY
LAND USE:	VACANT LAND	
LOT SIZE:	3.03HA	
AREA:	N/A	
USE CLASS:	N/A	

Lot 500 is a highly visible site located at the north east corner of the Kwinana Freeway and Armadale Road interchange and falls within the Thompson Lake Master Plan Area.

The land on the northern boundary (Reserve 27950) is vested in the Department of Lands Administration and is known to contain a fibre optic cable and gas main.



Site access is currently only available from Armadale Road.

Submission

Application has been made to develop a showroom and garden centre on the site with the following characteristics:

- Single building with 8366m² of showroom, storage and office space.
- Building height of 6 metres
- Outdoor garden centre 1209m²
- 205 parking bays
- left in left out access only onto Armadale Road.

Report

Showroom and Garden Centre are permitted uses under the land's Light Industry zoning in TPS No. 2 and parking and landscaping provision are in accordance with Scheme requirements.

The pivotal issue is access to and from the site. The proposed development with 205 car parking bays has potential to create a large number of traffic movements.

An initial plan submitted by the applicant with a single cross over for left in left out was not supported by the City and MRWA on the grounds that traffic safety at the intersection of Armadale Road and Freshwater Drive would be compromised. There was potential for traffic leaving the site crossing two lanes to access the turning lane to Freshwater Drive.

In respect to the existing traffic arrangements at Armadale and Freshwater Drive, Council at its meeting of June 1999 resolved to take no action to alter the current traffic pattern in Freshwater Drive, but review the situation should the Armadale and Tapper Road intersections be upgraded.

Furthermore, motorists leaving the site and seeking to travel west on Armadale Road would be forced to make inappropriate u-turns possible at Solomon or Tapper Roads. Motorists travelling west on Armadale Road and seeking to access the site would have to also make inappropriate u-turns on the west-side of Kwinana Freeway possibly at Gateway Shopping Centre.

The Council and MRWA requested the applicant explore the possibility of gaining access over Reserve 27950 to Knock Place for egress purposes thereby allowing vehicles to make left and right turn movements at the intersection of Solomon and Armadale Road.



The applicant has advised the City and MRWA that access over the reserve is not possible. Consultants verbally advised the City that the land was too timely and expensive to acquire and of issues relevant to existing services. No written advice from the Department of Lands and Administration has been provided to verify circumstances under which access may or may not be provided, however it is considered that an access easement should be possible.

The applicant proposes an interim access arrangement until the median at Freshwater Drive is closed. The interim measure is for an egress at the intersection of Armadale Road and Freshwater Parade with a 'seagull' island/median to prevent right turn movements of vehicles from the site. Upon closure of the median the access is proposed to revert back to a single crossover for both access and egress, however as mentioned above there is no guarantee that the median at Freshwater Drive will be closed. **See Agenda Attachments for interim access plan and ultimate access plan.**

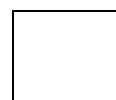
MRWA has advised that it only supports the interim access arrangement (separate access/egress and seagull island) on the grounds that the applicant provides proof that access over the Reserve to Knock Place cannot be obtained. The applicant has not provided any correspondence from DOLA in this regard. It is therefore considered that MRWA does not support either the original or interim access plan.

The proposed location of the egress and the construction of the seagull-island eliminates the potential problem of vehicles accessing the turning lane to Freshwater Drive, however the issue of motorists making inappropriate u-turns as discussed above would remain.

In view of the likely traffic volumes from the site combined with the issue of u-turns and the fact that the applicant does not appear to have made a serious endeavour to negotiate with the Department of Lands Administration regarding access over R2750 to Knock Place, Council should not support the proposal.

Strategic Plan/Policy Implications

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."*

Budget/Financial Implications

N/A

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

Nil.

758. (AG Item 13.10) (Ocm1_9_2000) - PLANNING AND DEVELOPMENT DIVISION POLICY MANUAL REVIEW (SCHEME POLICIES) (9004) (MT) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following draft Policies as attached to the Council Agenda for the purpose of advertising under Clause 11.1.1 of District Zoning Scheme No. 2:-
 - Discretion to Modify Development Standards
 - Aged Persons Accommodation - Development Guidelines
 - Ancillary Outbuildings (Sheds)
 - Aged or Dependent Persons Dwellings and Ancillary Accommodation on Rural and Resource
 - Domestic Satellite Dishes Policy
 - Telecommunications Policy - High Impact Facilities
- (2) advertise the Policies in accordance with Clause 11.1.1 of the Scheme.

COUNCIL DECISION

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

CARRIED 3/0



Background

The Planning and Development Division is currently undertaking an annual review of its policies. It is proposed that the policy manual be divided into the Five Service Units within the Division (Statutory Planning Services, Health Services, Building Services, Strategic Planning Services and Environmental Management Services) and the revised policies allocated accordingly. This report will deal with those policies from Statutory Planning Services which should be advertised prior to inclusion in the policy manual.

Amendment 191 to TPS No. 2, gazetted in July 1999, introduced 'Part 11 – Policies' to the Scheme. Clause 11 provides a procedure for formal adoption and amendment of those policies that provide clarification of Scheme provisions or introduce other development standards. A policy that has been adopted under Part 11 (a 'Clause 11 Policy') would carry greater weight in an appeal.

To the present only three policies have been subjected to the Part 11 process. PD28 'Aged or Dependent Persons Dwellings and Ancillary Accommodation on Rural and Special Rural Lots', 'PD45 Wetland Conservation Policy' and PD 54 'Design Guidelines for the East Jandakot Industrial Area and North Lake Road Frontage – Berrigan Drive to the Freeway' which is currently being advertised.

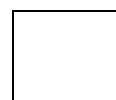
Report

It is proposed that all the Statutory Planning Services policies that require advertising be proceeded with. The review of the other policies will be the subject of another report at the November Council meeting.

Clause 11.4 of the Scheme states:

"Prior to adoption all existing policies shall go through the procedure as set out in Clause 11.2.3. Only after having gone through this procedure shall the Council declare such a policy to be a Clause 11 Policy."

In accordance with the requirements of Part 11, a notice will be placed in a local paper for two consecutive weeks. It will advise that the policies are being adopted and submissions are invited for a four week period. The detail of each policy will be available for viewing at Council. The policies will also be available on the Council web site. All submissions will be considered and the final policies will be prepared for adoption by Council at the November meeting.



The majority of the policies to be advertised have been modified to reflect current circumstances and requirements. The policies are attached to the Agenda. A description of the changes to each policy is contained below:

1. **Discretion to Modify Development Standards** (currently PD2)

This new Policy is a combination of the Rural Setbacks Policy (PD2) and Delegated Authority PD15 Discretion to Modify Development Standards. It will provide one policy to deal with modifications of Scheme development requirements. The Policy relates to rural setbacks and factory units.

2. **Aged Persons Accommodation – Development Guidelines** (currently PD6)

There were no major modifications to the intent or provisions of this Policy. Some irrelevant information was removed to reduce its length and simplify it.

3. **Ancillary Outbuildings (Sheds)** (currently PD18)

There are no changes to this recently modified policy.

4. **Aged or Dependent Persons Dwellings and Ancillary Accommodation on Rural and Resource** (currently PD28)

This Policy has been adopted as a Clause 11 Policy. The current Policy refers to Special Rural lots. The Schedules for the Special Rural have been removed from the Scheme and all the land is now zoned 'Resource'. The Policy title and provisions have been modified accordingly.

5. **Domestic Satellite Dishes Policy** (currently PD30)

There are no changes to this recently modified policy.

6. **Telecommunications Policy – High Impact Facilities** (currently PD31)

The advertising process has been included in the policy to provide clear guidance to Council, the community and the carriers on the process that will be undertaken for all telecommunication applications. Provisions dealing with the appropriate location of telecommunications infrastructure has been transferred into this policy from PD32 'Location of High Voltage Overhead Power Lines and Microwave Towers'. PD32 will not be included in the new policy manual.



Strategic Plan/Policy Implications

The report deals with the proposed modification and adoption of some of the Planning and Development polices.

Budget/Financial Implications

N/A

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

Nil

759. (AG Item 13.11) (Ocm1_9_2000) - REVIEW OF THE CITY OF COCKBURN HEALTH BY-LAWS - EATING HOUSES (1149) (LCD) (ATTACH)

The Presiding Member read aloud the statement that the purpose and effect of the local law is to provide for the regulation, control and management of eating houses within the district.

RECOMMENDATION

That Council:

1. receive the proposed City of Cockburn Eating Houses Local Law 2000, as attached to the Agenda and which forms part of this report; and
2. advertise the proposed Local Law for public comment pursuant to section 3.12 of the Local Government Act 1995.

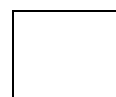
COUNCIL DECISION

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

CARRIED 3/0

Background

The Health By-Laws-Eating Houses were adopted by Council on the 5 March 1996 and were published in the Government Gazette on 17 May 1996.



Submission

The following statement is to be read aloud to the meeting.

"The purpose and effect of this local law is to provide for the regulation, control and management of eating houses within the district."

Report

Council is required to review all of its local laws prior to the 31 December 2000 and this review of the Eating Houses Local Law satisfies that requirement.

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

760. (AG Item 13.12) (Ocm1_9_2000) - **DEVELOPER CONTRIBUTION ARRANGEMENTS FOR THOMAS AND BRIGGS STREET, SOUTH LAKE STRUCTURE PLAN AREA - CELL 21 - OWNER: VARIOUS - APPLICANT: DAVID BARNAO & ASSOCIATES (9628) (AJB) (MAP 14) (ATTACH)**

RECOMMENDATION

That Council:

- (1) support in principle cost sharing arrangements for strategic drainage infrastructure and works including Council studies and administration, for land within the defined drainage catchment area of Cell 21;
- (2) prepare an amendment to formalise developer contributions for strategic drainage infrastructure and works including Council studies and administration, for land within the defined catchment area of Cell 21;
- (3) modify Policy PD 41 'Subdivision Requirements for the Thomas



Street Residential Area South Lake' to redefine the responsibilities of Council and landowners/developers and include the requirement for Council to request the Western Australian Planning Commission impose conditions on subdivision for the payment of drainage head-works contributions, including Council studies and administration for land within the defined catchment area of Cell 21; and

(4) advise David Barnao & Associates of the Council's decision.

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

CARRIED 3/0

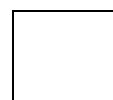
Background

LOCATION:	Land bounded by Berrigan Drive, Thomas Street, Semple Court and inclusive of Lot 13 (Western Power Easement)	
ZONING:	MRS:	Urban
	DZS:	Residential R15
LAND USE:	N/A	
LOT SIZE:	N/A	
AREA:	30ha	
USE CLASS:	N/A	

The Cell 21 Structure Plan Area in South Lake is defined by the boundaries of Berrigan Drive to the north, Thomas Street to the south, Semple Court to the east and a Western Power transmission easement to the west.

Council adopted a draft structure plan for the area in October 1994 subject to, among other requirements, the preparation of an overall drainage management plan by developers prior to Council's formal endorsement of the Structure Plan and consideration of subdivision applications.

In May 1995, an appeal against a deemed refusal to subdivide Lots 14 and 15 was upheld by the Minister for Planning, prior to drainage issues being adequately resolved. The drainage design and associated earthworks for stage 1 of the subdivision, have since been determined to be ineffective for the following reasons:



- Failure to remove peat from the site and/or insufficient clearance of the land from a perched water table.
- Portion of drainage infrastructure directing stormwater into the site.
- Failure of design in respect to off-site drainage infrastructure.
- Subdivision occurring in the absence of a comprehensive drainage design.

In November 1998, the Council adopted Policy PD 41 'Subdivision Requirements for the Thomas Street Residential Area South Lake' to outline developer responsibilities, pre-requisites for subdivision particularly in respect to drainage and the scope to which Council would become involved in facilitating subdivision of the land. In the policy, Council undertook not to collect monies (go banker) in respect to major or shared infrastructure items.

The Council also commissioned two reports to examine drainage for Cell 21. The report by Evangelisti and Associates indicated a requirement for detention basins for outflows from Cell 21 prior to discharge into off-site drainage channels on North Lake Road. The report by GHD identified the need and requirement for fill, drainage detention basins and upgrading of the drain along North Lake Road.

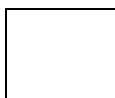
Three Landowners, through consultants, purchased adjacent Lot 13 Thomas Street (Western Power Easement) to accommodate drainage detention basins and undertook investigation into the sizing of the basins and the catchment. Preliminary investigations were also carried out in respect to the down stream drainage requirements and preliminary costings, including those for Council studies, have been prepared. **See Agenda Attachments 'Costs For Cell 21 Drainage Infrastructure' and Drainage Catchment Plan.**

Submission

David Barnao & Associates, through various landowners, are seeking the in-principle endorsement of Council to implement cost sharing arrangements as indicated in the Agenda Attachments 'Costs for Cell 21 Drainage Infrastructure for Landowners' within the defined catchment boundary via a Scheme Amendment for developer contributions.

Detailed costs for each of the infrastructure components has to be provided by the developer/subdivider prior to preparation and presentation to Council of an Amendment.

It is proposed that upon formal initiation by Council of an amendment for developer contributions for Cell 21, Council shall support subdivision



proposals subject to a pro-rata drainage head-works contribution condition in accordance with detailed costs.

Developers pre-funding major infrastructure works, will be made aware of the financial risk should the amendment not proceed to finalisation.

Council will not be required to pre-fund any of the drainage head-works but will take on the role of banker so that as surplus funds become available, developers/landowners pre-funding the major infrastructure components may be reimbursed.

Report

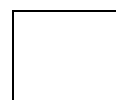
Given the history of drainage problems within Cell 21 resulting from the lack of an overall drainage management plan and the ineffective drainage of the subdivision occurring on Lot 14 and 15, it is considered appropriate that Council support in principle, an amendment for cost sharing arrangements to facilitate the resolution of drainage issues and the orderly and proper subdivision of the land.

The Engineering Department has reviewed the proposal and supports the drainage concept in principle, but acknowledges that the resolution of drainage issues is still subject to detailed design.

Council will be required to modify the existing Council Policy PD 41 'Subdivision Requirements for the Thomas Street Residential Area South Lake' to redefine the role of Council and requirements for subdividers to pay the required drainage head-works contribution. A revised policy shall guide Council decision making pending finalisation of developer contributions Amendment for Cell 21.

Strategic Plan/Policy Implications

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."*
3. Conserving and Improving Your Environment



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

PD41* Subdivision Requirements for the Thomas Street Residential Area South Lake.

Budget/Financial Implications

Council required to collect funds and manage accounts for developer contributions.

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

Nil

DECLARATION OF FINANCIAL INTEREST

CMR Smithson declared an interest in agenda item 13.13 - District Zoning Scheme No.2 Amendment No. 217. The nature being that her employer, BSD Consultants, acts for Eclipse Resources.

AT THIS POINT THE TIME BEING 8:58PM, CMR SMITHSON LEFT THE MEETING.

761. **(AG Item 13.13) (Ocm1_9_2000) - DISTRICT ZONING SCHEME NO. 2 AMENDMENT NO. 217 - LOTS JAA 241 AND 242 RUSSELL ROAD, WATTLEUP - BSD CONSULTANTS - ADDITIONAL USE - LANDFILL (92217) (SR) (ATTACH)**

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the recommendations contained in the Schedule of Submissions attached to the Agenda;
- (3) advise the Western Australian Planning Commission that in accordance with Regulation 17(2)(b), the Council does not wish to proceed with Amendment No. 217 to District Zoning Scheme No. 2;
- (4) under Regulation 18, forward the Amendment documents



together with copies of the submissions on Amendment No. 217 with the Council recommendations to the Commission;

- (5) under Regulation 18(1)(e), forward a copy of the Council Report containing a summary of the reasons why the Council does not wish to proceed with the Amendment to the Commission;
- (6) advise each person or organisation who lodged a submission on the proposed amendment of the Council's decision; and
- (7) advise the applicant of the Council's decision.

COUNCIL DECISION

MOVED Cmr Jorgensen that Council defer this item to the next meeting of Council, to enable further consideration of the Elector's Meeting input, questions on deeds with regards to Cockburn Cement, FRIARS status and other technical issues that need further clarification.

MOTION LAPSED FOR LACK OF A SECONDER

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

Amendment to Motion

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that the following points be added to the recommendation:-

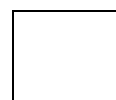
- (8) provide the Western Australian Planning Commission with details of Council's previous decisions in respect to no further establishment of waste disposal sites within the City; and
- (9) staff investigate the legal status of any deed relating to the rehabilitation of this site by Cockburn Cement.

AMENDMENT CARRIED

AMENDED MOTION CARRIED 2/0

Explanation

Council understands the strong sentiments and objection by the community to this issue. It does feel that the rehabilitation of land in this area is important. However, given the level of community opposition, will support the officer's recommendation.



The Director Planning & Development added that Council's decision on this issue is basically a recommendation to the Minister and that with regards to Amendments, there is no right to appeal by the applicant.

Background

Council at its meeting on 16 November 1999, resolved to amend the scheme to provide for an inert landfill site.

The reason for the amendment was that a landfill site is an 'X' use in the Rural zone because it is included in the definition of 'Noxious' industry.

The amendment, as required, was referred to the EPA for assessment, and it determined that the environmental impacts were not so severe as to require it to be assessed.

Because the amendment complied with the Town Planning Regulations and Bulletin No. 29, the Council advertised the amendment and notified affected owners.

A large number of submissions was received (refer to the Schedule of Submissions).

Submission

Refer to the attachment to the Agenda.

Report

Refer to the attachment to the Agenda.

Council's initiation of the Amendment was based on the potential acceptability of the proposal, however, it should not be construed that Council's decision to initiate any Amendment necessarily represents its formal position on a proposal. The due process under the Town Planning Regulations requires that the Council is to consider the public submissions made when it makes its recommendation to the Minister for Planning as to whether:

- a) the Scheme Amendment be adopted with or without modifications; or
- b) that it does not wish to proceed with the Scheme Amendment.

Although a case can be made to either proceed or not to proceed with the amendment, on balance, based on the submissions and other



planning considerations, it is recommended that Amendment No. 217 not be proceeded with.

A comprehensive report is attached to the Agenda.

In essence the reason for recommending not to proceed with Amendment No. 217 is based on:-

1. The extent and nature of the public submissions against the proposal; and
2. The fact that the FRIARS Final Report (April 2000) has been released by the WAPC and the associated Hope Valley and Wattleup Redevelopment Bill is currently before the Upper House of State Parliament.

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."*

The land the subject of the amendment is located within the proposed FRIARS Redevelopment Area.

This area is proposed to be removed from both the control of the MRS and the local scheme as provided for in the Hope Valley and Wattleup Re-development Area Bill which is currently before State Parliament.

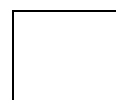
This will mean that all existing and proposed zones and scheme provisions under both District Zoning Scheme No. 2 and proposed Town Planning Scheme No. 3 will not apply. This, therefore, will render the amendment ineffective.

The implementation of the FRIARS Master Plan will be by Landcorp and the approval of all development within the re-development area will be by the WAPC. The Council is likely to have a recommendation role.

Budget/Financial Implications

N/A

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



The Council is complying with the requirements of the Planning Act and Regulations.

The final decision on the amendment will be made by the Minister for Planning.

AT THIS POINT THE TIME BEING 9:05PM, CMR SMITHSON RETURNED TO THE MEETING.

762. (AG Item 14.1) (Ocm1_9_2000) - LIST OF CREDITORS PAID (KL) (5605) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2000, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 3/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications



N/A

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

Nil

763. (AG Item 14.2) (Ocm1_9_2000) - CITY OF COCKBURN INQUIRY - COSTS - MINISTER FOR LOCAL GOVERNMENT (1335) (ATC)**RECOMMENDATION**

That Council:

- (1) give one months local public notice of its intention to use funds from the Rubbish Disposal Development Reserve Fund to pay the Department of Local Government, the first installment of the Douglas Inquiry costs; and
- (2) note that should the final decision be made in November to utilise those funds for the payment of the costs, it will have a long term impact on Council's ability to provide for community infrastructure.

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

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) give one months local public notice of its intention to use funds from the Rubbish Disposal Development Reserve Fund to pay the Department of Local Government, the first installment of the Douglas Inquiry costs;
- (2) note that should the final decision be made in November to utilise those funds for the payment of the costs, it will have a long term impact on Council's ability to provide for community infrastructure;
- (3) note that future year's budgets will require rate increases or redirection of funds to reinstate the payments from the Reserve Fund to ensure that in the long term, sufficient funds are available for the required Rubbish Disposal infrastructure works; and
- (4) request the Minister for Local Government's earliest response



for answers to the outstanding issues which include the request for an extension of the repayment period from three years to four years, the request for an itemised account of the costs applicable to each issue investigated by the Inquirer and the request for capital items purchased by the Inquirer that form part of the costs to be paid by the Council, to be forwarded to Council for its use.

CARRIED 3/0

Explanation

If Council is required to pay the amount on behalf of the community, it is very important that it has sound financial management in place. Whilst there are reserve funds available, if used, those funds should then be replaced as quickly as possible. Council also felt that it was totally inappropriate to agree to any payment until it has answers to those matters that it has asked the Minister to address.

Background

In April 1999, the Hon. Minister for Local Government suspended the Council and appointed Commissioners to manage the affairs of Council.

An Inquiry was instigated under Division 2 - Part 8 of the Local Government Act 1995. This followed an Inquiry under Division 1 - Part 8 of the Act (Martin and Vicary).

An Inquiry Panel consisting of Mr Neil Douglas was appointed to inquire into the operations and affairs of the City of Cockburn.

The Inquiry concluded in April 2000 and the Hon. Minister for Local Government, tabled the Report in Parliament on 4 May 2000.

Council, at its Special Meeting held on 23 May 2000, has since responded to the recommendations of the Inquiry

By letter dated 15 June 2000 (received 19 June), the Hon. Minister for Local Government advised:

"Section 8.27 of the Local Government Act 1995 provides that if an Inquiry Panel makes findings adverse to a local government, or its Council or any member, or to any of its employees the Minister may order the local government to pay all or part of the costs of the inquiry. This determination is irrespective of whether the suspended Council is dismissed or reinstated."



It is clear from the Report of the Inquiry that there are sufficient adverse findings to warrant consideration of S8.27.

I have given careful consideration to the question of whether the State Government should bear any proportion of the cost. I have formed the view that there are no, or insufficient, issues of a general Local Government nature which would warrant the State Government paying part of the cost of the Inquiry.

Accordingly I have determined that the City will pay the whole of the costs of the Inquiry.

At this stage the estimated total cost is \$1.8m.

I am prepared to consider spreading the cost over several years and to consider submissions in that regard.

I therefore invite you to put a submission to me in regard to the recovery of costs arising from the Inquiry Report. Such submissions should be received by my office by 30 June 2000."

The Chief Executive Officer requested an extension of time to respond to the issue and by letter dated 22 June 2000, the Hon. Minister advised that it would be in order to receive the response "on or about 21 July 2000".

At its meeting on 18 July 2000, Council decided as follows:

That Council:

- (1) receive the letters from the Hon. Minister dated 15 June and 22 June 2000;
- (2) advise the Minister that in response to his letter, it is of the opinion that there are sufficient issues of a general Local Government nature, which would warrant the State Government paying part of the cost of the Inquiry;
- (3) request the Hon. Minister for Local Government:-
 - (i) To use his discretion as provided for under Section 8.27 of the Local Government Act 1995, for the apportionment of the cost of the Inquiry to be negotiated between the State Government and the Council, on the basis that some of the conclusions and recommendations as outlined in the officer's report, would also be of widespread interest to the Local Government industry.



- (ii) In the interests of public accountability, provide Council with an itemised account of the costs applicable to each of the issues investigated by the Inquirer, in the event that the Minister orders the Council to pay all or portion of the cost of the Inquiry into the City of Cockburn.
 - (iii) To agree that any payment to be made by the City of Cockburn, be spread equally over four(4) consecutive financial years, with the first payment due in February 2001.
 - (iv) To provide specific clarification on the circumstances surrounding the Cockburn and Wanneroo Inquiries which resulted in the City of Cockburn being expected to pay the full cost of the Inquiry and the City of Wanneroo being relieved of any cost imposition.
 - (v) To provide any details of initiatives to amend Part 8 of the Local Government Act 1995, in respect of Inquiry Panel processes, which may be contemplated as an outcome of the City of Cockburn Inquiry.
- (4) advise the Hon. Minister that it will be necessary for Council to explore all possible options to meet the final legal costs apportioned to the City, which may include the use of:
- reserve funds,
 - sale of assets,
 - reduction in services,
 - loan funds,
 - rate increase.

In a letter dated 15 August 2000 addressed to the Chief Executive Officer, the Minister for Local Government advised as follows:

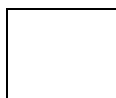
"CITY OF COCKBURN INQUIRY COSTS

I refer to your recent submission and to my subsequent meeting with Mr Donaldson and yourself in regard to the above.

I have given careful consideration to the propositions advanced by Council as to the allocation of the cost of the Inquiry now finalised at \$1,722,494.

In accordance with S8.27 of the Local Government Act 1995 I have determined that the City of Cockburn will be required to pay the entire cost of the Inquiry.

I require the City to reimburse the Department of Local Government:



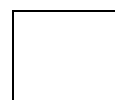
- \$722,494 on or before 30 October 2000
- \$500,000 on or before 30 October 2001
- \$500,000 on or before 30 October 2002

In making this determination I had regard for:

- *the prior Inquiries by the Department of Local Government and the Ombudsman and Council's responses;*
- *the range of findings against Councillors and staff covering various issues;*
- *the fact that it was the behaviour of the Council itself which led to the establishment of the Inquiry.*

Following receipt of the Minister's letter dated 15 August 2000, at its meeting on 15 August 2000 Council resolved to:

- 1) *receive the letter dated 15th August 2000 from the Hon. Minister for Local Government, requiring Council to reimburse the Department of Local Government, the full cost of the Inquiry, being \$1,722,494.00;*
- 2) *in acknowledging receipt of the letter, record its extreme disappointment in the decision which has been taken by the Minister, despite the strong representation made by the Council and the strong opposition demonstrated by the community;*
- 3) *seek legal advice on any avenues which may be open to it to appeal the decision taken by the Hon. Minister under Section 8.27 of the Local Government Act 1995;*
- 4) *Seek from the Hon. Minister, an extension of time until 31st December 2000, to make the first payment of \$722,494, bearing in mind :*
 - a) *Council statutory obligations under Section 6.11 of the Local Government Act, to give one months public notice of any proposal to use funds held in reserve account for another purpose, should Council finally determine that funds held in reserve be transferred for the purpose of paying towards the cost of the Inquiry;*
 - b) *The need for a full report to be prepared and considered by Council on the alternative source of funds as previously identified by Council and subsequently advised to the Hon. Minister;*
- 5) *strongly request the Hon. Minister to again consider Council's request for the Inquiry costs which are to be borne by the City, to be apportioned over four financial years;*



- 6) *reaffirm its request to the Hon. Minister for Council to be provided with an itemised account of the costs applicable to each of the issues investigated by the Inquirer, noting that the information provided with the Minister's letter of the 15th August was a cash expenditure analysis on a line item basis and not attributed across the issues of the Inquiry as previously requested on the basis of public accountability;*
- 7) *note that there are a number of capital purchases included in the cash expenditure analysis and request that such items be forwarded to Council with appropriate documentation; and*
- 8) *require the Chief Executive Officer to have urgent discussions with Members of Parliament and WAMA, to seek their support in opposing the proposition that the City of Cockburn should pay the full cost of the Inquiry.*

Submission

In response to Council's decisions on 15 August 2000 the Minister for Local Government replied on 4 September 2000 as follows:

I refer to your letter of 16 August 2000 requesting an extension of time until 31 December 2000 to make the first payment of \$722,494.

I acknowledge the lead time required of S6.11 of the 'Local Government Act 1995' which was partly the reason for the timeframe proposed in my original determination.

Had my direction been considered and dealt with expeditiously then Council could have considered your report and resolved to advertise soon after its meeting on 15 August 2000.

Given that Council is not to meet again until 19 September 2000 and 30 days notice will go beyond its next meeting on 17 October 2000, it seems that the 21 November 2000 meeting will be the earliest that Council can confirm the change of purpose of part of the reserve account.

Accordingly, I am prepared to defer payment of \$722,494 until 23 November 2000 but not until 31 December 2000 as you request.

Report

Section 8.27 of the Local Government Act 1995, provides that if adverse findings are made against a local government, or to its Council or any member or any of its employees, *the Minister may order the local government to pay all or part of the cost of the inquiry and the local government is to comply with that order.*



The Hon. Minister for Local Government, by way of letter dated 15 August 2000, has determined that the City will be required to pay the entire cost of the Douglas Inquiry despite a strong case put by Council, that many of the conclusions and recommendations of the Inquiry would be of widespread interest to the local government industry and should therefore be apportioned accordingly.

Council had requested that any payments to be made by Council, be spread over four years with the first payment due in February 2001. However in his letter dated 15 August 2000, the Minister directed that payments be made as follows:

- \$722,494 on or before 30 October 2000
- \$500,000 on or before 30 October 2001
- \$500,000 on or before 30 October 2002

Following Council's request at its meeting on 15 August 2000 the Minister has agreed to defer the first payment until 23 November 2000.

The source of funding for the repayment of the \$1,722,494 now needs to be identified.

At its meeting on 18 July 2000, Council decided that all possible options to meet the final legal costs apportioned to the City, should be examined including:

- sale of assets
- reduction in services
- use of loan funds
- rate increase
- use of Reserve Funds

These options are discussed below.

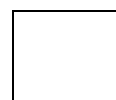
SALE OF ASSETS

Some of the assets that could be sold are:

- light car fleet;
- heavy plant fleet;
- freehold land.

The sale of these assets is not recommended because:

- 1) It is not recommended business practice to sell assets (capital) to fund operating costs.



- 2) The assets were accumulated to provide services in a cost-effective manner. The sale of the asset does not diminish the need for the plant/equipment and therefore, the items would have to be leased. This would result in an increase in operating expenditure.
- 3) Funds available from the sale of land holdings may not be easily realised unless sold at a price less than the proper value. There is a requirement to prepare business plans for major land transactions with a requirement to advertise the business plan for public comment for a period of six weeks. The timeframes involved and the need to pay the first payment by 23 November 2000, does not make this a viable option.

The sale of assets is therefore not considered to be an appropriate option.

REDUCTION IN SERVICES

The Council currently provides a wide range of services. A reduction in service to achieve the cost savings required, would have a significant impact on the level of service to the community.

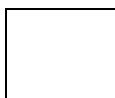
The community has in the most recent Community Satisfaction Survey, indicated that they wish current services to be retained. A reduction in services is therefore not considered to be an appropriate option.

LOANS

Council could borrow the \$1,722,494 from the W.A. Treasury. Repayments over a period of say 10 years, would be around \$250,000 per year based on current interest rates, a total repayment of \$2.50m. This would represent a rate increase of 1.6% in the first year based on current rate revenue, with the 1.6% dropping off in the 11th year. An amount of around \$778,000 in interest would be paid over the term of the loan. This option is therefore not recommended if alternative funding can be found.

RATE INCREASE

As the Budget for 2000/01 has been adopted, a supplementary general rate (LGA S6.32 (3)(a)) could be levied for 2000/01 to cover the \$722,494. The supplementary rate would need to be an additional 4.5% to cover the payment due. Previous considerations were based on repaying the amount due over a four-year period, which would have required a rate increase of 2.8% held for a period of four years. It is considered that while 2.8% may have been acceptable to ratepayers, the 4.5% increase required would not be acceptable.



The supplementary general rate would be based on the Gross Rental Value or Unimproved Value of properties as appropriate. The amount paid by each ratepayer would vary accordingly. Properties with lower values would be levied less than those with higher values.

A rate increase of just over 3% would be required in 2001/02 which would remain in force for 2002/03, to cover the \$500,000 payments due in those years before dropping off in 2003/04.

There will also be a proposed increase of about 2.5% each year to provide for the services demanded by a growing local government.

As a supplementary rate levy of 4.5% in 2000/01 to cover the Inquiry costs would have a direct and immediate impact on ratepayers, it would be preferable to find another funding source.

RESERVE FUNDS

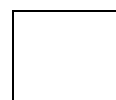
The Council currently has 20 cash-backed reserves which fall into three major areas:

- 1) funds to cover future employee entitlements;
- 2) funds to cover capital expenditure from year to year to allow internal businesses to function efficiently and in a cost-effective manner; and
- 3) funds to cover large expenditures for infrastructure work required in the future.

All Reserve Funds have been examined to determine whether funds held are at appropriate levels for the short and longer term and whether the use of those funds to pay for the Inquiry, would result in a need in future to borrow funds and/or increase rates income to provide the funds for the identified and approved projects.

The Rubbish Disposal Development Reserve Fund has been identified as having surplus funds for the next three years, with any long term shortfall caused by use of these funds to pay the Inquiry costs, being capable of being covered in the longer term from increased revenue from tip fees in future years. Preliminary planning had identified that a portion of the increased tip fees could be used to assist in the funding of community facilities rather than using loan funds. The use of these fees to cover the Inquiry costs, may result in delays to the provision of some facilities.

Preliminary consideration was also being given to using part of the tip fees to subsidise the increase in rubbish rates that will occur in 2001/02 as a result of the introduction of the recycling bin system. Any possible



subsidy will need to be delayed until 2003/04 if the Reserve Fund is used for the Inquiry costs. Even though a subsidy is being considered, in the long term, a problem would arise when the income from the landfill site ceases and therefore cannot be used as a subsidy. It should be noted the general rates are currently being subsidised by \$1.5m from Tip Fees and long term planning will need to phase out the general rates subsidy over the life of the tip.

While a delay in the provision of facilities may result, the use of these Reserve funds is considered to be preferable to raising a supplementary rate of 4.5% in 2000/01 to cover the Inquiry costs, as rates have a direct and immediate impact on all ratepayers of the district.

In order to use the money in a Reserve Fund for a purpose other than which it was set aside, Section 6.11 of the Local Government Act 1995 requires Council to give one months local public notice of the proposed use. If such a change of purpose is made as part of the Budget adoption, then such advertising is not required. Advertising will therefore be required of a proposal to use funds from the Rubbish Development Reserve Fund to pay Inquiry costs in 2000/01.

At its meeting on 21 November Council will be required to approve payment of the amount of \$722,494 using funds from the Rubbish Disposal Development Reserve Fund, to meet the Minister's deadline for payment on 23 November 2000.

OTHER ISSUES

The Minister's reply dated 4 September 2000 did not address Council's request for an extension of the repayment period from three years to four years, the request for an itemised account of the costs applicable to each issue investigated by the Inquirer, and the request for capital items purchased by the Inquirer that form part of the costs to be paid by Council to be forwarded to Council for its use.

A further letter has been sent to the Minister requesting him to address these issues.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The use of monies from the Rubbish Development Reserve Fund to pay the Inquiry costs, will not have any immediate financial impact but will require long term planning to ensure that in the longer term, sufficient funds are transferred from tip fees to cover the funds withdrawn.



It is to be noted that the Leader of the Opposition, Geoff Gallop and Shadow Minister for Local Government, Mark McGowan, have stated that should the Australian Labor Party win office at the next State Election, Council will not be required to pay the Department of Local Government, any outstanding repayments for the Inquiry costs.

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

Nil

764. (AG Item 14.3) (Ocm1_9_2000) - DEDICATION OF PORTION OF RESERVE 27950 TO ROAD RESERVE - KENTUCKY COURT, JANDAKOT (4500024; 450959) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the Dedication of portion of Reserve 27950 as Road Reserve - Kentucky Court, Jandakot pursuant to Section 56(1)(a) of the Land Administration Act 1997;
- (2) indemnify the Minister for Lands against any claim in respect of Section 56(4) of the Land Administration Act; and
- (3) subject to (1) and (2) above being conditional, the Department of Land Administration undertakes all survey and land transfer costs associated with the creation of portion of dedicated road.

COUNCIL DECISION

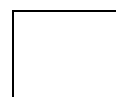
MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

CARRIED 3/0

Background

The Department of Land Administration, responding to a request from the Water Corporation, has written to Council with a suggestion that portion of Reserve be re-vested as road reserve.

The Water Corporation proposes to put plant in this portion of land. As road reserve, the Water Corporation will be relieved of the necessity to create a Crown Easement over that portion of land.



Submission

N/A

Report

The area identified has a formed sealed road and connects North Lake Road to Kentucky Court. The Reserve 27950 is a former railway reserve but is now controlled by the Department of Land Administration.

The indemnification against costs is a requirement of the Land Administration Act 1997 and only pertains to cost and expenses that the Minister reasonably incurred, in considering and granting a request for compensation. Given that the land in question is Crown land managed by the Department of Land Administration, this requirement can be seen as a formality of the Act.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

765. (AG Item 15.1) (Ocm1_9_2000) - REGIONAL RESOURCE RECOVERY CENTRE - DRAFT SECURED LENDING FACILITY AGREEMENT (4904) (BKG) (ATTACH)

RECOMMENDATION

That Council:

- (1) agrees with the terms and conditions of the Western Australian Treasury Corporation Draft Secured Lending Facility Agreement dated 18 August 2000 in relation to the funding for the construction of the Regional Resource Recovery Centre and resolves to enter into a secured lending facility agreement between Southern Metropolitan Regional Council, City of Canning, City of Cockburn, City of Fremantle, City of Melville, Town of East Fremantle and Western Australian Treasury Corporation and a charge agreement between the Council and



Western Australian Treasury Corporation in, or substantially in, the form of those draft agreements; and

- (2) authorises the Chairman of Commissioners and the Chief Executive Officer to sign the Western Australian Treasury Corporation Draft Secured Lending Facility Agreement and Charge Agreement.

COUNCIL DECISION

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

CARRIED 3/0

Background

Council resolved at its meeting on 20 April 1999, to participate as a project participant in the Regional Resource Recovery Centre (RRRC) project.

The project was established through the Southern Metropolitan Regional Council (SMRC) and involves the Cities of Canning, Cockburn, Fremantle, Melville and Town of East Fremantle, in the development of a waste processing plant and a recyclable and green waste facility at Canning Vale.

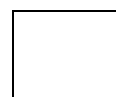
The capital construction of the facility will be funded from borrowings as indicated in Project Business Plan. The Regional Council would obtain and administer the borrowings and the project participants would make annual contributions towards the repayment of these borrowings. The contributions are based on participants' populations over the term of the loan.

Clauses 2.3(5) & (6) of the Project Participants' Agreement requires a project participant to undertake to guarantee or secure the borrowing if it is a requirement from a financial institution from which the borrowing is to be made by the Regional Council. The guarantee or security is limited to the proportion of liability for each participant (based on population).

Submission

N/A

Report



The Draft agreements are in two parts:

1. Secured Lending Facility Agreement
 2. Charge Agreement
-
1. The Draft Secured Lending Facility Agreement is between the Western Australian Treasury Corporation (WATC) (*lender*) and the Regional Council (SMRC) (*borrower*) and the five project participants (*participants*). In summary, the agreement provides that the SMRC promises to pay the loan at the times and in the manner set out and gives as security, the project participant's annual contributions as prescribed in the recently amended regulation in the *Local Government (Functions and General) Regulations*. The Project Participants agree to meet their "share" based on a percentage of the liability as certified by the SMRC. Only if SMRC default, will WATC demand payment from the Project Participants or if only a partial default, then WATC will demand payment from the defaulting Project Participant. It should be noted that whilst each participant is severally liable for their share only, any default may have an impact on all participants if not resolved early.
 2. The "Charge Agreement" is between a project participant and WATC. Each project participant is required to sign its own agreement with WATC to promise to pay any outstanding monies of its "share" or a charge over its general funds as identified in the Secured Lending Facility Agreement.

As the Council is a party to these two agreements, it is then required to sign both documents.

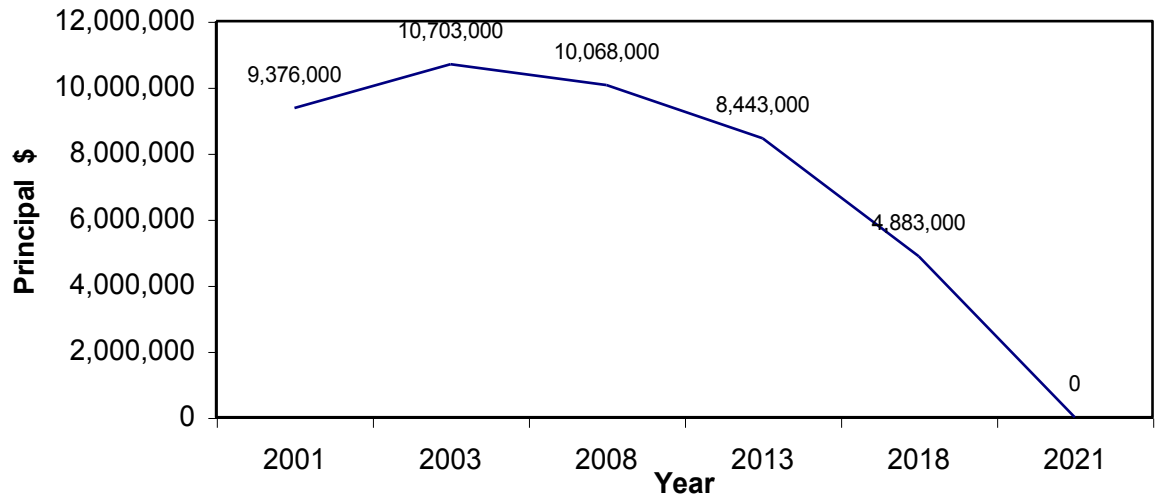
Financial Implications

The Council's estimated share of the \$40M lending facility is based on population percentages (census figures each 5 years) over the term of the loan. The Council's share of the estimated annual contribution of principal and interest over the twenty-year loan period, is \$845,000 to \$1.1M (\$34 - \$37 pa per household).

The graph below shows the Council's estimated outstanding loan principal at each five-year period after census adjustments, until the loan is fully paid in December 2021.



Cockburn's Estimated Share of the RRRC Loan Liability



Legislation Implications

Section 6.21(2) of the Local Government Act 1995 and Regulation 24H of the Local Government (Functions and General) Amendment Regulations 2000.

The City of Canning, on behalf of the other participating Councils, asked McLeod & Co. to review the agreements.

Copies of the letters dated 3 August 2000 and 8 August 2000 are attached to the agenda.

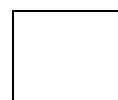
The letter of 3 August 2000 states in paragraph 4:

"In our opinion the provisions of the loan facility agreement are sufficiently clear and unequivocal for the participants to be confident that the provisions will have effect as intended."

However, in the same letter in paragraph 6, he also explains there may be some interconnectedness between member local governments.

The letter of 8 August 2000 expands on this comment.

In this letter the explanation of the interconnectedness is that if the Southern Metropolitan Regional Council does not inform the WATC of which Council is in default should a default occur, then WATC has the right to recover from member local governments regardless of which is in default.



This is considered to be of a minor nature as it is the member local governments that control the SMRC.

The agreement has been drafted to ensure that the WATC recovers its debt only from the local government that is in default.

The copies of the Secured Lending Facility Agreement and the Charge Agreement are also attached to the agenda.

It is recommended that Council agrees to the signing of agreement to allow the Regional Council, on behalf of the 5 project participants, to borrow up to \$40,000,000 from the WA Treasury Corporation for the construction of the Regional Resource Recovery Centre at Canning Vale.

The City of Canning has agreed to the proposals.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to "reduce the amount of waste from residential properties going to landfill". The construction of this facility will allow 80% of the waste coming from residential properties, to be recycled and reprocessed into compost.

Budget/Financial Implications

Up to \$40,000,000 is to be borrowed to construct the waste processing plant at Canning Vale.

The City of Cockburn's commitment is to pay its share back over 20 years. Its commitment varies from \$845,000 to \$1,100,000. The higher contributions result from the higher population of Cockburn in years to come.

There is also the gate fee that has to be paid to the Regional Council.

As previously outlined, this will result in an increase in rubbish rates of approximately \$70.00 over 2 years.

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

Nil

AT THIS POINT THE TIME BEING 9:10PM, MR STEVE RYAN, MANAGER PLANNING LEFT THE MEETING AND DID NOT RETURN.



766. (AG Item 15.2) (Ocm1_9_2000) - TENDER NO. 18/2000 - ONE (1) WHEEL LOADER CLASS 90KW-120KW (4407) (BKG) (ATTACH)

RECOMMENDATION

That Council decline to accept any submission for Tender No. 18/2000 for the supply of one (1) wheel loader for Henderson Landfill Site.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) decline to accept any submission for Tender No. 18/20000 for the supply of one(1) wheel loader for Henderson Landfill Site; and
- (2) require a report to be prepared comparing the financial implications of outsourcing the hire of a wheel loader at the Henderson Landfill Site, to the purchasing of a loader.

CARRIED 3/0

Explanation

Any move to outsource Council's services, if cost effective, is appropriate however, it is important to check it out carefully before it becomes a long standing practice.

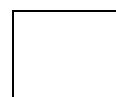
Background

At the meeting of Council held on Tuesday 18 April 2000, it was resolved to purchase a wheel loader with 1.4 cubic metre bucket for use at the Henderson Landfill with funds from the rubbish development fund and that the replacement machine for the Caterpillar 963 Traxcavator not be purchased at this time.

Accordingly tenders were called.

Submission

At the close of the tender period, fourteen(14) submissions were received and the results are attached to the Agenda.



Report

During the tender period, an earthmoving contractor located his business adjacent to the Henderson Landfill Site which provides an opportunity to hire a loader on an as required basis.

The Landfill Site Supervisor has held discussions with the contractor and it will be possible to hire a loader from the contractor for the work that is required.

It is recommended that no tenders be accepted and the loader is hired from a contractor as required. This can be reviewed in 12 months or when the requirements of the trailer waste transfer station are known.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to maximise revenue sources. The operation of the landfill site is an area where this occurs. The hire or purchase of plant is required to be able to operate this business.

Budget/Financial Implications

The funds for the capital purchase of a machine will not be required at this stage.

The funds were to be drawn from the Rubbish Reserve Account. The operating cost will be similar.

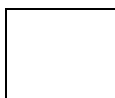
Implications of Section 3.18(3) Local Government Act, 1995

Nil

- 767. (AG Item 15.3) (Ocm1_9_2000) - TENDER NO. 66/2000 - TRAFFIC SIGNAL ALTERATIONS PHOENIX ROAD/ROCKINGHAM ROAD (WEST) (450498) (450005) (JR)**

RECOMMENDATION

That Council accept the tender from Quality Traffic Management Pty Ltd for Tender No. 66/2000 - Traffic Signal Alterations Phoenix Road/Rockingham Road in the sum of \$93,447.08, plus GST.



COUNCIL DECISION

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

CARRIED 3/0

Background

There is a Blackspot allocation on the current Budget of \$132,785 to undertake geometric and traffic signal modifications at the Phoenix Road/Rockingham Road intersection to improve traffic safety.

Submission

The project involves civil works and major traffic signal modifications to accommodate dedicated right turns for Phoenix Road traffic. BSD Consultants Pty Ltd were engaged to prepare the traffic signal design and tender documentation for the traffic signal works. These are to be completed by a suitably experienced contractor in conjunction with Council's Roads Department who will be undertaking the civil works.

Accordingly, tenders were called for the traffic signal alterations and three (3) submissions from two (2) tenderers were received as follows:

Quality Traffic Management

Pty Ltd		\$93,447.08 plus \$9,344.71 GST
Stork Electrical Pty Ltd	#1	\$90,748.93 plus \$9,074.89 GST
Stork Electrical Pty Ltd	#2	\$86,690.21 plus \$8,669.02 GST

Report

The tenders have been assessed by Council's consultant under the following criteria, which were clearly outlined in the tender documents:

A	Price	60%
B	Evidence of company stability and experience	10%
C	Demonstrated past and current experience of work of a similar nature [Outline 3 projects undertaken within 24 months of the time of this Tender, detail the project description, the project value, the Superintendent's Representative (Name and Company) and the Principal.]	10%
D	Demonstrated ability to manage projects	20%

	requiring: <ul style="list-style-type: none"> • A high level of on site management • High level of finish • An interface with the public using existing associated facilities • Sound practices regarding environmental protection • Provision of a safe working environment through an approved safety management plan • Delivery within time required (This should relate to each of the 3 projects specified above)	
		100%

Tenderers were required to provide adequate information in their tender submission to allow for scoring against each criteria.

Whilst Quality Traffic Management supplied all the information requested in the tender documentation, Stork Electrical failed to address the third criterion regarding experience over the past 24 months. Consequently, their scoring in the associated criteria was substantially reduced and only based on one project that they were involved in with the consultant. In addition, Stork Electrical would not accept a clause in the Conditions of Contract in regard to insurance and sole liability for damage to persons and property other than the works, and would only accept it to the extent of their insurances.

Notwithstanding these shortfalls in Stork Electrical's submissions, the assessment scored the following:

Quality Traffic Management	93%
Stork Electrical # 1	80%
Stork Electrical # 2	83%

Consequently, with consideration given to the qualitative criteria and the information supplied, the submission from Quality Traffic Management is the most advantageous to Council and should be supported.

Strategic Plan/Policy Implications

The maintenance of a safe road system is a principal objective of the Corporate Strategic Plan and addressing identified accident Blackspots is an essential component of maintaining a safe road system.



Budget/Financial Implications

The works can be accommodated within the Budget allocation for this project. The funds are provided from the Blackspot Programme which is a government sponsored initiative.

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

Nil

768. (AG Item 15.4) (Ocm1_9_2000) - TENDER NO. 73/2000 - SUPPLY AND INSTALLATION OF INFIELD IRRIGATION AT ANNING PARK (4412) (AC)

RECOMMENDATION

That Council:

- (1) accept the tender price of \$71,962 (including GST) submitted by Malua Reticulation for Tender No. 73/2000 for the Supply and Installation of Infield Irrigation at Anning Park; and
- (2) reallocate an expenditure amount of \$14,162 from Account Number 575942 Bibra Golf Practice Range Irrigation Installation, to account number 575209 Anning Park - Replace Irrigation, and the budget be amended accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

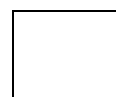
COUNCIL DECISION

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

CARRIED 3/0

Background

During the preparation of the 2000/01 Budget, the infield irrigation system of Anning Park was identified as having reached the end of its serviceable life and required replacement.



Submission

Tenders were called for the supply and installation of infield irrigation at Anning Park. Seven (7) tenders were received as follows:

Malua Reticulation	\$71,962.00
Stirling Irrigation	\$73,007.00
Total Eden	\$76,103.50
McDonald Building & Plumbing	\$79,850.00
West Coast Water Works	\$83,952.00
Rellney Nominees	\$91,674.00
Bibra Lake Irrigation	\$90,915.00

Report

The lowest tender received was from Malua Reticulation, who have satisfactorily completed similar work for the City of Cockburn within the previous twelve months.

Malua Reticulation has satisfactorily met all the requirements of the tender evaluation process, for Tender No. 73/2000. Consequently, it is recommended that their tendered price of \$71,962, for the supply and installation of infield irrigation at Anning Park be accepted.

Strategic Plan/Policy Implications

Maintenance of parks is a principal objective of the Corporate Strategic Plan and infield irrigation is an essential component in maintaining parks.

Budget/Financial Implications

An amount of \$57,800 is allocated in the 2000/01 budget for this work, leaving a shortfall of \$14,162 from the lowest tender price received.

It is recommended that \$14,162 is reallocated from surplus funds in account number 575942 Bibra Golf Practice Range Irrigation Installation, to cover this shortfall.

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

Nil

- 769. (AG Item 16.1) (Ocm1_9_2000) - ENVIRONMENTAL MANAGEMENT REPORT - SUBDIVISION OF LOT 14 PROGRESS DRIVE, BIBRA LAKE (1100231) (LCD) (ATTACH)

RECOMMENDATION



That Council notes the information provided by the Minister for the Environment as is attached to the Agenda and which forms part of this report.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that :

- (1) Council notes the information provided by the Minister for the Environment as is attached to the Agenda and which forms part of this report; and
- (2) a detailed estimate of environmental and financial costs of this development proposal be presented to the next Council meeting.

CARRIED 3/0

Explanation

Council is seeking an estimate of Council's obligations to this project so that it is clear what the community is expected to bear.

Background

This item of business has arisen by reason of a Council decision at the 15 August 2000 meeting of Council, instructing that an Environmental Management Report concerning the subdivision of Lot 14 Progress Drive, be presented to the next meeting of Council.

Submission

N/A

Report

In November 1996, the subdivision of Lot 14 Progress Drive was to proceed based on an Environmental Management Plan. However, the Department of Environmental Protection deemed that the subdivision should be formally assessed by a Consultative Environmental Review.

The Consultative Environment Review was prepared and statutory processes were satisfied.

After due process had been followed, the Minister for the Environment issued statement No 000475 entitled a "Statement that a proposal may



be implemented (Pursuant to the Provisions of the Environmental Protection Act 1986) – Soccer and Recreation Development, Progress Drive, Bibra Lake.”

A copy of Statement No 000475 is attached to the Agenda.

Strategic Plan/Policy Implications

Key Result Area "Facilitating the Needs of Your Community" refers.

Budget/Financial Implications

The financial implications of compliance with statement 475, is the Compliance Audit of which Council is responsible to fund to the value of \$3,000 only. Any residue in costing, belongs to WACA.

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

Nil

770. (AG Item 16.2) (Ocm1_9_2000) - BEELIAR COMMUNITY FACILITIES (9519) (RA)

RECOMMENDATION

That Council accepts the tender (No 64/2000) submitted by Holton Connor Architects and Planners, for the sum of \$58,477 (GST inc) to carry out the design, documentation and supervision of construction for the Beeliar Community Centre.

COUNCIL DECISION

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

CARRIED 3/0

Background

The need for a multi-functional community centre to serve the new residential area of Beeliar has been identified. The proposed facilities will be approximately 670m² include change/club rooms to serve the already constructed ovals, children’s activity areas, a small multi-functional hall meeting room, office space and the requisite toilets and kitchen facilities.



Council has placed on its 2000/01 budget, the sum of \$34,000 for Architectural Services for preliminary design work for the development of community facilities for the suburb of Beeliar (Panorama Gardens). In the Principal Activity Plan, there is a commitment to construct these facilities in the 2001/02 with a budget allocation of \$450,000.

Submission

N/A

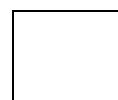
Report

Under delegated authority, Council called tenders from suitable qualified and experienced architectural firms to carry out design, documentation and supervision of construction for the Beeliar Community Centre. Tenders were received from six (6) firms. An assessment of these tenders were made using the following selection criteria:

- Demonstrated technical expertise of the Architectural firm for this type of building. Weighting 20.
- Credentials and experience of key personnel. Weighting 15.
- Evidence of stability of the firm including length of time the firm has been in continued existence and has performed this type of commission. Weighting 10.
- Resource capacity and ability to meet the time line. Weighting 10.
- Credentials of nominated secondary consultants. Weighting 10.
- Quality endorsement or demonstrated intention to achieve Quality endorsement. Weighting 10.
- Fee schedule. Weighting 15.
- References. Weighting 10.

The following is the average score of the 3 assessors of the tenders:

- | | |
|---|-------|
| • Bateman, Grundman and Wilson Architects | 78.53 |
| • Paterson Group Architects | 75.93 |
| • Woodland International B.D.H. | 75.5 |
| • Adcroft Architects | 71.03 |



95

- Dubczuk Architects 77.5
- Holton Connor Architects 82.56

On the above selection criteria, the firm Holton Connor Architects and Planners received the highest score. On the basis of this selection, it is proposed that the tender from this firm be accepted.

Strategic Plan/Policy Implications

Key Result Areas "Managing the City in an Open and Accountable Manner" and "Facilitating a Range of Facilities Responsive to Community Needs" refer.

Budget/Financial Implications

There are sufficient funds in the Beeliar Facilities Design Account to cover the initial costs of design and documentation. The balance of the funds required, will be drawn from the construction account in 2001/02. Council has committed \$450,000 to the building and its fit out in 2001/02 and has had a very positive response from officers from the Lotteries Commission and the Ministry of Sport and Recreation, for contributions of approximately \$250,000 each. The developer has verbally committed to a similar figure.

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

Nil

771. (AG Item 23.1) (Ocm1_9_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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

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

MEETING CLOSED AT 9:15PM



CONFIRMATION OF MINUTES

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

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

