

CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 27 JULY 1999**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 27 JULY 1999 AT 7:30 P.M.

| | Page |
|---|------|
| 1. DECLARATION OF OPENING..... | 1 |
| 2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)..... | 1 |
| 3. DISCLAIMER (To be read aloud by Presiding Member) | 1 |
| 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)..... | 1 |
| 5. APOLOGIES AND LEAVE OF ABSENCE | 1 |
| 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 1 |
| 7. PUBLIC QUESTION TIME | 2 |
| 8. CONFIRMATION OF MINUTES..... | 2 |
| 8.1 (OCM2_7_1999) - CONFIRMATION OF MINUTES - 13/7/1999 | 2 |
| 9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE | 2 |
| 10. DEPUTATIONS AND PETITIONS..... | 2 |
| 11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned) | 2 |
| 12. ADDITIONS TO THE AGENDA..... | 2 |
| 13. COUNCIL MATTERS | 2 |
| 13.1 (OCM2_7_1999) - PROPOSAL TO MAKE A LOCAL LAW - STANDING ORDERS (1054) (DMG) (ALL WARDS) (ATTACH USC)..... | 2 |
| 14. PLANNING AND DEVELOPMENT DIVISION ISSUES..... | 4 |
| 14.1 (OCM2_7_1999) - PROPOSED CHURCH BUILDING - LOT 402, 304 YANGEBUP ROAD, YANGEBUP - OWNER: CATHOLIC CHURCH - APPLICANT: PERRINE & BIRCH ARCHITECTURAL DESIGN MANAGEMENT (4413000) (CC) (SOUTH) (MAPS 14 & 15) (ATTACH)..... | 4 |
| 14.2 (OCM2_7_1999) - SAND EXTRACTION - LOT 4 ARMADALE ROAD, BANJUP - OWNER: BORAL BESSER MASONRY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5513465) (CC) (EAST) (MAP 20) (ATTACH)..... | 7 |

| | | |
|-------|--|----|
| 14.3 | (OCM2_7_1999) - PROPOSED KWINANA INTERNATIONAL MOTORPLEX - ANKETELL ROAD, KWINANA - APPLICANT: WESTERN AUSTRALIAN SPORTS CENTRE TRUST (9637) (DW) (ATTACH)..... | 9 |
| 14.4 | (OCM2_7_1999) - PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY - BETWEEN GREBE GARDENS AND YANGETUP ROAD, YANGETUP (450459) (PT) (SOUTH) (MAP 14) (ATTACH) | 21 |
| 14.5 | (OCM2_7_1999) - PROPOSED SCHEME AMENDMENT NO. 212 - ADDITION OF BED AND BREAKFAST ACCOMMODATION TO SCHEME (921212) (MT) | 23 |
| 14.6 | (OCM2_7_1999) - ATWELL NEIGHBOURHOOD CENTRE / AMENDMENT NO. 158 - CNR LYDON BOULEVARD AND WATERS AVENUE, ATWELL - OWNER: LANDCORP - APPLICANT: HAMES SHARLEY AUSTRALIA (92158) (SR) (EAST) (ATTACH)..... | 26 |
| 14.7 | (OCM2_7_1999) - NORTH COOGEE MASTER PLAN REVIEW STUDY - COUNCIL'S CLAUSE 32 RECOMMENDATION TO WAPC (9523) (SA) (WEST) (ATTACH) | 28 |
| 14.8 | (OCM2_7_1999) - AMENDMENT NO. 186 - DISTRICT ZONING SCHEME NO. 2 - EXTRACTIVE INDUSTRIES - FINAL APPROVAL (92186) (SOS) (ATTACH)..... | 30 |
| 14.9 | (OCM2_7_1999) - ROTTNEST ISLAND AUTHORITY ACT 1987 (9131) (SMH)..... | 35 |
| 14.10 | (OCM2_7_1999) - REGULATORY IMPACT OF THE PROPOSED NATIONAL FOOD SAFETY REFORMS (6205) (WJH) (ATTACH) | 39 |
| 14.11 | (OCM2_7_1999) - SUBMISSION ON PROPOSED DEVELOPMENT APPLICATION FOR SEAWALL CONSTRUCTION, LAND RECLAMATION AND DREDGING - FOR SHIPBUILDING, REPAIR AND MAINTENANCE ACTIVITIES WITHIN JERVOISE BAY NORTHERN HARBOUR, HENDERSON (9500/34120) (SMH/SA) (COASTAL) | 45 |
| 14.12 | (OCM2_7_1999) - IMPROVEMENT PLAN NO. 31 - WATTLEUP AND HOPE VALLEY TOWNSITES - WAPC (9332) (SMH)..... | 53 |
| 15. | FINANCE AND CORPORATE SERVICES DIVISION ISSUES..... | 55 |
| 15.1 | (OCM2_7_1999) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)..... | 55 |
| 15.2 | (OCM2_7_1999) - MUNICIPAL BUDGET 1999/00 (5402) (ATC) (ATTACH)..... | 56 |
| 15.3 | (OCM2_7_1999) - MUNICIPAL BUDGET (5402) (ATC) (ATTACH)..... | 57 |
| 15.4 | (OCM2_7_1999) - ADOPTION OF MUNICIPAL BUDGET 1999/00 (5402) (ATC) (ATTACH)..... | 60 |
| 16. | ENGINEERING AND WORKS DIVISION ISSUES..... | 61 |
| 17. | COMMUNITY SERVICES DIVISION ISSUES..... | 61 |
| 18. | EXECUTIVE DIVISION ISSUES | 61 |
| 19. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... | 61 |
| 20. | CONFIDENTIAL BUSINESS | 61 |
| 21. | QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION | 61 |

22. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING 61

23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE 61

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)..... 62

25. CLOSURE OF MEETING..... 62

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 27 JULY 1999 AT 7:30 P.M.

1. DECLARATION OF OPENING

2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM2_7_1999) - CONFIRMATION OF MINUTES - 13/7/1999

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. ADDITIONS TO THE AGENDA

Nil

13. COUNCIL MATTERS

**13.1 (OCM2_7_1999) - PROPOSAL TO MAKE A LOCAL LAW -
STANDING ORDERS (1054) (DMG) (ALL WARDS) (ATTACH USC)**

RECOMMENDATION

That Council make a Local Law Relating to the Conduct of Proceedings and the Business of Council (Standing Orders), as contained in the attachment to the Agenda.

TO BE CARRIED BY A SPECIAL MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

At the Council Meeting conducted on 25 May, 1999, Council resolved to submit a reviewed Standing Orders document for public comment for a period of six weeks. The submission period closed on 9 July, 1999. No public submissions were received. Two minor amendments to Part 6, relating to "Order of Business" are recommended.

Submission

That Council adopts the Draft, with minor amendments, as its Standing Orders to be observed from this date onwards.

Report

The purpose of the Local Law is to provide guidelines which apply to the conduct of meetings of Council and Council Committees convened under the provisions of the Local Government Act, 1995.

The effect of the proposed Local Law is to provide for:

- (a) better and more open and accountable decision making by the Council;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) the community gaining a greater opportunity to be involved in the decision making process of the Council; and
- (d) the more efficient and effective use of time spent at meetings.

The proposed new Local Law endeavours to align itself as much as possible with the intent of the Act and, accordingly, is a major modification to both the content and context of the current Standing Orders, although those parts of the current Law which remain relevant have been integrated into the new legislation.

It is recommended that a new Clause 4.1(c) be included to enable some minor flexibility to be exercised in the Order of Business, if considered necessary.

Similarly, the Order of Business has been slightly amended to comply with Council's software requirements.

The Draft Local Law attached for consideration encompasses these two recommended amendments.

Following adoption, the Local Law will be published in the Government Gazette and will become operable 14 days following publication.

Copies of the Local Law have been provided to the Minister and, following Gazettal, will also be forwarded to the Joint Standing Committee on Delegated Legislation for its perusal.

Strategic Plan/Policy Implications

Action Plan Clause 1.7.1 Refers.

Budget/Financial Implications

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM2_7_1999) - PROPOSED CHURCH BUILDING - LOT 402, 304 YANGETUP ROAD, YANGETUP - OWNER: CATHOLIC CHURCH - APPLICANT: PERRINE & BIRCH ARCHITECTURAL DESIGN MANAGEMENT (4413000) (CC) (SOUTH) (MAPS 14 & 15) (ATTACH)

RECOMMENDATION

That Council:

- (1) Approve of the Proposed Church Building on Lot 402 Yangebup Road, Yangebup subject to the following conditions.
 - 1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by delegated officer under clause 7.6 of the Council's District Zoning Scheme No. 2
- (2) Issue a MRS Form 2 Notice of Approval valid for a period of 2 years.
- (3) Advise those that made a submission of the Council's decision.

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|-------------------------|
| COUNCIL DECISION |
|-------------------------|

Background

| | | |
|------------|----------------|---|
| ZONING: | MRS: | Urban Deferred Abuts Parks And Recreation |
| | DZS: | Rural |
| LAND USE: | Private School | |
| LOT SIZE: | 5.6 ha | |
| AREA: | | |
| USE CLASS: | AA use | |

Lot 402 is developed with a Private Primary School (MacKillop Primary School). The School has expanded over time with various approvals from the Council for additions to buildings and new facilities.

The School Oval is located on the adjacent land to the east (Lot 8) and is reserved for Parks and Recreation under the MRS. The north side of Yangebup Road is developed with single houses, and a smaller Christian school (Rehoboth Christian Primary School) is located on the adjacent site to the west.

Submission

Application has been made to develop a church building on the portion of Lot 402 fronting Yangebup Road. See Agenda Attachments for Site Plan and Elevations.

The main physical and operational aspects of the development are as follows.

- A church building of with a total floor area of approx. 891m².
- Two spires. Main spire above front entrance is 21 metres in height from ground level. Second spire at rear entrance is 15 metres from ground level.
- Setting capacity for approx. 500 people.
- Church building is to be attached to presbytery for which a building licence has already issued.
- The church is to hold regular Sunday Services in the morning and afternoon for the public, and is to be used infrequently for school services and assembly activities during school hours.
- Existing parking areas and access are proposed to be used.

Report

A Church building is classified as a religious establishment in District Zoning Scheme No. 2 and is an AA use in the Rural zone.

Two submissions were received from landowners at 17 Pioneer Drive, both generally objecting on the grounds of increased traffic. It is considered that Pioneer Drive is a local access road, not a distributor road or convenient shortcut for traffic to access the school. Traffic will be confined to Yangebup Road, Osprey Drive and Dunraven Drive rather than Pioneer Drive. See Agenda Attachments for Schedule of Submissions.

The Scheme requires the provision of one parking bay per 4 seats for religious establishments. It is proposed to use existing parking areas (approx. 125 bays) to accommodate the church-parking requirement. There are no objections as the School is not operational on Sundays.

In respect to issue of traffic, there is potential for an additional 200 to 250 traffic movements on Yangebup Road on Sundays. The traffic movements may be intense but confined to 4 times on Sundays just before and after services.

The Ministry for Planning raises no objections to the proposal.

The church building is a logical expansion of the activities of the School, and there will be a general community benefit derived from provision of the Church and its services. Accordingly, approval to the proposal is recommended.

Strategic Plan/Policy Implications

PD 16 Standard Development Conditions

Budget/Financial Implications

N/A

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

Nil

14.2 (OCM2_7_1999) - SAND EXTRACTION - LOT 4 ARMADALE ROAD, BANJUP - OWNER: BORAL BESSER MASONRY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5513465) (CC) (EAST) (MAP 20) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve a variation to Council's Development Approval of 17 February 1998 for sand excavation on Lot 4 Armadale Road, Banjup to allow for sand extraction on Lot 4 within the 20 metre buffer to R1820 Warton Road to minimum level of RL 30 and in accordance with the excavation plan dated 1 July 1999.
- (2) advise the applicant and referral authorities of the Council's decision accordingly.

COUNCIL DECISION

Background

| | | |
|------------|---|------------------------|
| ZONING: | MRS: | Rural-Water Protection |
| | DZS: | Rural |
| LAND USE: | Sand Extraction Sand washing and paving stone factory | |
| LOT SIZE: | 58.77 ha | |
| AREA: | | |
| USE CLASS: | SA use | |

Lot 4 has been used for sand excavation for many years and the current approval is valid until February 2003. The operator (Boral Besser Masonry Ltd) also operates a brick and paving stone plant on the site. See Agenda Attachments for Location Plan

Portions of Lot 4 not yet excavated, have been identified in Perth's Bush Plan as regionally significant Bush Land – Recommended for Protection.

The site is bounded by Armadale Road to the south, and rural land to the west and north where sand excavation is also approved. The adjacent lot to the east (R1820) is reserved Parks and Recreation in the MRS. Rocla Quarry Products Ltd has been granted a mining lease (lease 70/357) by the Department of Minerals and Energy to excavate sand from R1820.

Rocla Quarry Products Ltd has advised the City that it has entered into an agreement with Boral Besser Masonry Ltd to excavate the remainder of the resource on Lot 4.

Submission

Application has been made to excavate within the 20 metre buffer to the boundary of R1820 to create a consistent level of RL 30 over both Lots. Under the mining lease for R1820 a 4 metre buffer to the site boundary with Lot 4 is required. See Agenda Attachments for Excavation Proposal.

Report

The current development approval (Condition 7) requires maintenance of 20 metre buffers to all site boundaries. Variation to this requirement is therefore sought.

Council's Extractive Industry By-Laws allow for excavation of buffer zones subject to the written approval of Council. Similarly, provisions in the Council's Proposed Extractive Industries Amendment also allow for excavation of buffer zones.

The Ministry for Planning has advised that, although the site is identified in Bush Plan, it has no objections to the proposal given that two approved excavation operations exist either side of the buffer.

The Department of Minerals and Energy has also advised that it has no objections to the excavation of the 4 metre buffer on R1820.

Approval to the proposal can be justified on the following grounds.

- Excavation of the common boundary will create a consistent level of RL30 over the two sites.
- Removal of the buffer zone will not result in any additional views to the pit area from public areas such as Armadale Road.
- No objections have been received from referral authorities.

Strategic Plan/Policy Implications

Extractive Industries By-Laws

Proposed Extractive Industries Amendment 186

Budget/Financial Implications

N/A

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

Nil

14.3 (OCM2_7_1999) - PROPOSED KWINANA INTERNATIONAL MOTORPLEX - ANKETELL ROAD, KWINANA - APPLICANT: WESTERN AUSTRALIAN SPORTS CENTRE TRUST (9637) (DW) (ATTACH)**RECOMMENDATION**

That Council

- (1) adopt the following position in relation to the proposal:-
1. The proposal in its current form is considered unacceptable as a result of the overall noise burden on communities within the southern portion of the City of Cockburn;
 2. Consider supporting the development without the drag racing component at the site, subject to a suitable level of acceptability among affected communities within Cockburn being demonstrated;
- (2) require staff to provide a technical submission on the PER and Societal Risk Report in line with the position outlined in resolution (1) above and the points detailed in the report.

COUNCIL DECISION**Background**

The Western Australian Sports Centre Trust recently released a Public Environmental Review (PER) and Societal Risk Report which provide details of the proposed International Motorplex to be located between Thomas, Anketell, Rockingham and Abercrombie Roads in Kwinana.

Comments on the PER are required to be forwarded to the EPA by 28 June, while comments on the Societal Risk Report are required to be forwarded to the WAPC by 9 August, 1999. Approval has been gained from the EPA for Council to provide a submission on the PER following the closing date for submissions to allow Council consideration of the report.

The proposed Motorplex facility includes a speedway track, drag strip, pits, grandstand, catering facilities, administration buildings, carparking and public amenities. There is also the potential for other activities to occur on the site, including the possible relocation of the Coastal Motorcross Circuit and Cockburn International Raceway (Go-Karts), as well as other events such as concerts.

The construction of the facility is proposed to commence in September 1999 and is required to be completed by September 2000 to allow operations to commence in October 2000. Figures showing the location of the site and proposed layout are attached to the Agenda. The site is owned by Alcoa, with a considerable portion of the site having been used for the disposal of residues from Alcoa's Kwinana operations.

While the site is totally within the Town of Kwinana, it is located approximately 3.5 kilometres from the townsite of Wattleup and approximately 7 kilometres from residential areas in Munster.

The Motorplex proposal has arisen out of the need to provide alternative sites for the Ravenswood Drags and Kwinana Speedway. This has arisen due to Claremont Speedway being given notice by the Royal Agricultural Society that it would have to vacate its current Claremont premises in April 2000. While the Ravenswood International Raceway has been operating from Ravenswood for 30 years, the State Planning Commission in 1994 determined that the operators would need to vacate the site before the whole of the Ravenswood townsite could be developed for residential purposes.

In order to find a site for the co-location of both of these facilities, an International Motorplex Facility Implementation Committee was established by the State Government in 1994. This Committee was chaired by the Minister for Planning and investigated 8 sites within the metropolitan region and determined that the Kwinana Alcoa site was the preferred site.

Council's role in relation to the proposal at this point is to provide comments to the EPA on the adequacy of the Public Environmental Review for the proposal and similarly, to the WAPC on the Societal Risk Report. Given the potential for impacts of the proposal on residents within the City of Cockburn, it is also important that Council develop a clear position in relation to the acceptability of the proposal, which will be necessary in providing advice to relevant decision-making authorities.

Submission

The PER provides a detailed description of the proposal and its intended operation. A copy of the executive summary is attached. In summary, the activities which will occur on the site include the following:-

- Championship Street Car Drag Races
- Championship Speedway events
- Local Speedway events
- Community based activities such as driver training
- Possible future relocation of Coastal Park Motorcross Circuit and the Cockburn International Raceway
- Other events such as musical concerts or festivals.

The PER is confined to the Drag and Speedway activities, with any future proposals for other activities to be subject to separate assessment.

The PER indicates that there would be in the order of 20 Saturday Drag Racing events and 25 major Speedway events held between October and April each year. Smaller events would also be held on some Wednesdays and Fridays. Spectator crowds of between 1,000 and 15,000 are expected, depending on the events being held. The duration of events would range from 12.00-10.30 pm for some Championship Drag Racing events and 5.30-10.30 pm for Speedway events. Attached to the Agenda is a table which outlines the likely type of events, the month, day and time of events, as well as likely spectator attendances expected for the Motorplex. While the majority of events would be held during the October - April period, the PER indicates that there would be some smaller events held throughout the winter months.

The proponent estimates that the combined Motorplex operations will generate expenditure of \$15.34 million annually across the major activities, with additional flow-on effects being the total impact of the operation to be around \$28.95 million annually. 179 full time equivalent jobs would be created with additional flow-on jobs of 183 persons. Construction of the facility is likely to cost in excess of \$16 million, with both direct and indirect employment associated with construction estimated to provide a total of 577 jobs. The other economic benefit promoted by the proponent relates to the location of the Motorplex on the Alcoa site as providing the opportunity for Government to make use of a site which would otherwise be constrained, for public purposes.

Alternative Sites Considered

Eight different sites were considered by the Implementation Committee. These sites are shown in the attachment and are as follows:-

- Kewdale Freight Terminal
- Forrestfield Marshalling Yards
- Wanneroo - Barbagallo Raceway
- Jandakot Botanic Park - Anketell

- Rockingham Marshalling Yards
- Henderson - Beeliar Regional Park
- Gnangara Road, Cullacabardee
- Alcoa Residue storage areas A, B and C (preferred location)

This range of options were assessed on the basis of transport, environmental, planning, financial and operational criteria. Based on this assessment, the PER states that the Forrestfield and Wanneroo sites emerged as the preferred sites. However, both sites were seen as having major obstacles to them for the use for the Motorplex, the Forrestfield site being required for industrial purposes and the Wanneroo site identified as requiring significant costly roadworks and was opposed by the future operators on the basis of commercial viability.

The Alcoa and Henderson sites were the next two preferred options, with the Henderson option being rejected on the basis of the impacts on Beeliar Regional Park and associated bushland being less acceptable than the impacts on the Alcoa site.

Report

The timeframe for public comment (4 weeks) and deadlines for the preparation of Agenda items has meant that Council officers have had less than 10 days to perform an assessment of the proposal and carry out relevant investigations associated with its impacts. Assessment and investigations have therefore been limited to review of the documentation, discussions with the DEP, Councils currently affected by the Speedway and Dragway and limited discussions with the Town of Kwinana and affected local residents. Some limited noise assessment was also carried out in order to determine typical background noise levels from within the Wattleup townsite. This has meant that the assessment of the proposal has been relatively superficial and has not allowed a sufficient level of community consultation to fully ascertain the views on the proposal from the portion of the community affected within Cockburn.

Based on this assessment, the following key issues have been identified as being relevant in terms of Council's position and comments on the proposal:-

- Location versus alternative sites
- Noise impacts
- Bushplan impacts
- Individual and societal risk.

A more detailed discussion on these issues is provided below.

While Council does not have a formal position on the proposal at this point, a briefing provided to full Council earlier in the year led to a

number of Councillors, particularly those representing the Coastal and South Wards, expressing concerns over the impact of noise from the facility on residential communities in the south-western portion of the City. Council's submission on the FRIARS report touches on the proposal to the extent that the proposed Motorplex has been included in Council's alternative option for FRIARS, however the report identifies residents' concerns about noise from the facility and highlights the need for further investigation of noise impacts.

Community concerns prior to the release of the PER were presented to Councils through several of the forums held in relation to FRIARS. At a meeting of land owners held on 19 May 1999, a number of resolutions were adopted, including one which sought to have no Speedway between Hope Valley and Medina. At the workshop held with representatives of Peak Community Groups from the Wattleup locality held on 26 May 1999, this resolution was clarified to the extent that it was indicated that if the uses of the Motorplex were rationalised to reduce the level of use and the potential level of noise, then the Speedway could be acceptable in the industrial area. This is not taken however as an endorsement of the proposal in its current or a modified form, as much more detailed community consultation would be necessary to determine this.

Assessment of Impacts of Proposal and the Adequacy of the PER in Addressing Key Issues of Concern

1. Suitability of the Kwinana Site versus Alternative Sites

As outlined previously, the Implementation Committee assessed 8 different sites including the preferred site for the proposal. Of the alternative sites, one was located within the City of Cockburn, being the Henderson area of the Beeliar Regional Park. This is an area of high conservation value and the proposal would be inconsistent with Council's previously stated preferred position for the retention of this area for conservation purposes.

Given the level of information provided and the timeframe for assessment, it is difficult to carry out a detailed analysis of the suitability of the existing site against the alternatives considered. The proposed site does have a number of positive attributes from a planning viewpoint. It is relatively central to the users of the site, has good access to major transport routes and provides the opportunity to make use of a constrained site for public purposes. The use is also consistent with the current land use on the site. The constraints to the suitability of the site for the proposed use from a planning viewpoint include the proximity to residential areas both north and south of the site, issues relating to individual and societal risk associated with its proximity to the Kwinana Industrial Area and the inclusion of the southern portion of the site in Bushplan.

A superficial review of the alternative sites assessed by the Implementation Committee tends to confirm the conclusions outlined in the PER which highlight the Forrestfield and Wanneroo sites as the preferred sites. Of the two, the Forrestfield Marshalling Yards would appear to have the most potential, particularly given its proximity to Perth Airport which creates a high level of background noise in the area, although it is within similar proximity of the proposed site to residential areas.

Unfortunately, the PER dismissed both the Forrestfield and Wanneroo sites on single issues, without a detailed explanation of the reasons why these issues could not be suitably overcome. A much more detailed analysis of the viability of these sites and the potential to overcome issues seen as constraining these sites would be particularly useful in order to be satisfied that the proposed site in Kwinana is superior to these other highly ranked sites.

2. Noise Impacts

The key environmental impact associated with the proposal relates to noise impacts on residential areas within the Town of Kwinana and City of Cockburn. Within Kwinana the areas of Hope Valley and Medina will be affected, whilst in the City noise impacts will occur within the Wattleup townsite and surrounding rural areas and possibly as far north as Munster and Coogee.

As outlined previously in the report, the majority of noise emissions from the facility will occur between the months of October - April which is essentially the Speedway and Drag Racing season. It is this time of the year that potential annoyance for residents is at its highest, given that people are outdoors more and people tend to have windows open as a result of warmer temperatures.

According to the report, noise emissions from Speedway activities will occur on almost all Friday nights between this period and will occur between 5.30 and 10.30 pm. Noise emissions will occur during race events which typically last around 3 minutes with a gap between races. Of the different types of vehicles racing, sprint cars are identified as having the highest overall noise emission.

With the drag racing component, this appears likely to occur on most Saturday nights during the October - April period. Whilst the actual racing component of the drags occur in the evening, practice events would be carried out on Saturday afternoons prior to the actual racing event. Noise emissions from drag racing vary depending on the type of vehicles being raced, with the top fuel or mini jet vehicles having the highest overall noise signal. According to the PER, these vehicles would be present at around 6 race meetings in any one season. The next loudest vehicles are the top comp vehicles which would be present at most meets, followed by super stock, super

street and motor cycles. During any one drag racing meet, a total of up to 120 races would be held of which, up to 20 races would include the top comp and top fuel dragsters. Each race would last approximately 10 - 15 seconds, with a race every 2 - 3 minutes. Prior to each race, the vehicles warm up by doing "burn outs", resulting in an additional burst of noise before each race.

In general terms, the noise characteristics of the two types of motor sport vary, with the Speedway generally having a lower overall noise emission over longer total period, with the drags exhibiting higher overall noise emissions over a shorter total period. The actual noise exposure period however, for the drags is longer than the Speedway, given that practice sessions are run on the afternoon of race meetings.

Noise impacts from the Motorplex will affect the southern portion of the City of Cockburn during most events, largely as a result of the predominantly southerly wind pattern experienced during the months of operation. Impacts will be most severe in and around Wattleup, while some impacts may also be likely in residential areas to the north of Wattleup such as Munster and Coogee.

The PER provides an assessment of likely maximum noise levels from the various events proposed to be held at the Motorplex on Wattleup. Maximum levels have been derived from modelling based on monitoring of noise levels from existing Speedway and Drag activities at Claremont and Ravenswood. The maximum predicted noise levels for Wattleup are shown on the table below, with levels of up to 78 dBA expected to be associated with top fuel dragsters. As can be seen from the table, these levels are generally well above the noise levels allowed under the Environmental Protection (Noise) Regulations 1997. In Wattleup, the actual assigned noise levels are considered to be artificially high as a result of a decision of the Government to require that land surrounding Wattleup be treated as commercial for the purposes of determining assigned noise levels under the Regulations.

When compared to noise levels for Wattleup in a situation whereby allowable noise levels are determined using actual land use, noise from the Motorplex will exceed these levels by a further 9 dBA. Probably the most accurate indication however of the noise impact can be gained from comparing the predicted noise levels associated with the various events to the actual background noise level within the area. Recent monitoring by officers of the City has shown that typically background noise levels within Wattleup are in the vicinity of 42 dBA. As can be seen from the table, noise levels associated with all of the events proposed for the Motorplex are significantly above background noise levels for Wattleup.

In particular, the levels associated with the top fuel dragsters and top comp dragsters far exceed background noise levels. Super gas dragsters and speedway events will also significantly exceed background noise levels. In summary, it can be seen that the operation of the Motorplex will have a substantial impact on the noise climate within Wattleup when events are being held. Future events such as concerts, motorcross etc would also be expected to have a similar footprint. These emissions will be highly likely to lead to significant impacts on the community within Wattleup, particularly when it is considered that emissions will occur on both Friday and Saturday nights for most weekends during the summer months.

Likely Maximum Noise Levels - Wattleup

| Race Vehicle Type | Predicted Noise Level | Assigned Noise Level (Regs)* | Assigned Noise Level (Normal) + | Background Noise Level |
|--------------------|-----------------------|------------------------------|---------------------------------|------------------------|
| Top Fuel Dragster | 78 | 64 | 55 - 61 | 42 |
| Top Comp Dragster | 66 | 64 | 55 - 61 | 42 |
| Super Gas Dragster | 58 | 54 | 45 - 51 | 42 |
| Speedway | 58 | 44 | 35 - 41 | 42 |

- * The Noise Regulations require land around Wattleup to be treated as commercial for the purposes of determining assigned noise levels.
- + Represents assigned noise levels if actual land use around Wattleup is used to determine levels. Variation shown highlights differences depending on location within townsite.

The PER does not provide an assessment of the impacts of noise emissions on the Motorplex on residential areas further north of Wattleup. Estimates have been determined however for Munster based on discussions with the DEP and are shown in the table below. These estimates show that the Top Fuel and Top Comp Drag races will be clearly audible within the Munster and Coogee areas and are likely to cause some annoyance. The other drag and speedway events may be audible above background noise levels, but are unlikely to cause annoyance to residents within these areas.

Likely Maximum Noise Levels - Munster

| Race Vehicle Type | Predicted Noise Level | Assigned Noise Level (Regs) | Background Noise Level |
|--------------------|-----------------------|-----------------------------|------------------------|
| Top Fuel Dragster | 68 | 55 | 43 |
| Top Comp Dragster | 56 | 55 | 43 |
| Super Gas Dragster | 48 | 45 | 43 |
| Speedway | 44 | 35 | 43 |

While the assessment of noise impacts outlined in the PER is considered to be generally adequate, it fails to address noise impacts

in areas of the City of Cockburn north of Wattleup which are clearly likely to be subject to excessive noise. Additionally, it does not incorporate adjustments to predicted noise levels for tonal components which are likely to be present in noise emissions. If a tonal component is included, the predicted maximum noise levels would be adjusted by a further 5 dBA, making the noise level exceedences even higher than are currently expected. The PER also down plays the impacts of noise from the facility on the basis that excessive noise emissions are not present for the whole period of drag and speedway events, rather only during actual races. Statistically, this results in excessive noise levels being present for a comparatively low proportion of the overall event period. This is not considered to be particularly valid however, as the overall period for which residents will be exposed to noise remain lengthy, particularly in the case of drags, with the regular bursts of noise throughout events having the potential to actually add to annoyance.

The PER also fails to adequately assess the overall cumulative impact of noisy events on both Friday and Saturday nights with possible days during the week on affected communities, rather focusing on single events. In terms of management measures for noise emissions, the PER states that noise levels have been mitigated as far as practicable through the design of the Motorplex, including the provision of noise barriers around the drag racing strip and speedway track, as well as lower the ground levels of the tracks. Very little detail is provided however, and consequently it is difficult to determine as to whether sufficient noise reduction measures have been incorporated into the design of the proposed operation of the facility. Based on the information provided, it is questionable as to whether the full range of possible reduction measures have been considered and incorporated into the proposal.

The main strategy to deal with noise emissions is to seek an exemption from the Minister for the Environment to the Environmental Protection (Noise) Regulations to allow the Operation of facilities with noise in exceedence of the Regulations. This requires the preparation of a Noise Management Plan which includes operational issues such as the specification of hours of operations, restrictions on the number of major events, as well as requirements from ongoing monitoring and implementation of complaints handling procedure. It is of considerable concern that the details of a Noise Management Plan are not provided in the PER to allow suitable public input and comment should the proposal be approved. The development of such a plan should include a high level of community consultation, with as much detail as possible provided to the public up front. Based on a preliminary assessment, issues which should be included as conditions to part of the plan would include the following:-

- Restrictions on the number of events, in particular those associated with high levels of noise such as top fuel dragsters.

- Restrictions on finish time for events, preferably with all events finishing by 10.00 pm.
- Restrictions on practice sessions and other noise emitting activities outside of main event times.
- Processes and procedures for the management of noise levels from the facility.
- Provisions for noise monitoring - in particular the burden for monitoring of noise levels should not fall with local authorities, rather it should rest with an independent contractor or Government Agency.
- Penalties and measures to ensure compliance with provisions of the Noise Management Plan.
- Consideration of the provision of compensation for residents adversely affected by noise should the proposal go ahead.

3. Impacts on Bushplan Site

The southern portion of the site is included within Bushplan Site No. 349. The overall Bushplan Site is 1,257 hectares in size and contains vegetation from a number of complexes including the Cottesloe Central and South. The Motorplex will impact on approximately 7 hectares of the Bushplan Site, largely as a result of the southern extension of the drag strip. The PER argues that this impact is minimal as its development will only remove .5% of the total area of Bushplan Site No. 349. This is of concern as the PER does not outline any realistic measures for offsetting the impact of losses of the Bushplan Site and sets a dangerous precedent for the management of development in the vicinity of Bushplan Sites, particularly when it is considered that the proponent for the facility is a State Government Agency.

4. Risk

Further to the PER document which includes an assessment of individual risk, the EPA have required that a Societal Risk Report be prepared and released for public comment. This document has recently been released and will be considered by the WAPC as part of the development application process for the facility. It is prudent for Council to consider this report in conjunction with the PER in its assessment of the proposal.

Risk assessment involves determining the probability of fatalities occurring due to an activity. Individual risk is a frequency of harm per year to a theoretical individual who is exposed to a hazard or hazards from a facility for 100% of the time. That is, no allowance is made for occupancy, escape or protection facilities. Societal risk in comparison, is a measure of the overall risk associated with a situation or system. It accounts for the likely impact, not just on one

individual exposed but on all individuals who may be exposed to the hazard and reflects a number of people exposed.

In relation to the proposal, the risk assessment relates to the likelihood of facilities amongst patrons and competitors of the proposed complex as a result of the cumulative effects of hazards which may be present from nearby industry in the Kwinana Industrial Area.

Individual risk has been evaluated in all hazardous industries built in Kwinana since 1988. The EPA has set an interim criteria for individual risk of 5 in a million per year (5×10^{-6} or less) for commercial development located in a buffer zone. A study of individual risk in the Kwinana Industrial Area for 1994 was completed in 1995 and was recently updated to produce an estimate of individual risk in the year 2020.

Results of this study show that the proposed location is acceptable according to the criteria for the current industry. However, the predicted individual risk for 2020 is above the maximum permitted under the interim criteria for individual risk. The PER recognises that the 2020 result is a prediction only. The level of individual risk at the site can be limited by careful control of industrial development in the vicinity of the proposed site in the future and consequently, the proposal if approved could pose a constraint to future heavy industry in adjacent areas.

The matter of societal risk is less straight forward. While the study results referred to above can be readily converted to given societal risk figures, there are no specific criteria for WA against which to compare them. The Societal Risk Report recognises this lack of specific criteria and discusses relationship of the KIA risk levels and criteria used elsewhere in Australia and overseas. The report concludes that "locating the Motorplex in the KIA buffer region is acceptable according to these criteria for multiple sites societal risk". It also suggests that due to the increased population the area will require careful planning to ensure levels of risk remain as low as possible.

Without the benefit of specific societal risk criteria and sufficient in-house expertise to assess the suitability of the criteria adopted in the report, it is difficult to be sure of the acceptability of the societal risk associated with the project.

Concerns are also held in relation to the design of the facility in terms of emergency exits. At present only one main exit is apparent, which would provide substantial difficulties for traffic movement out of the site should rapid evacuation be required.

Should the proposal proceed, it is imperative that the EPA develop an appropriate mechanism to ensure that future development around the Motorplex does not increase individual risk above current acceptable criteria. The EPA and WAPC should also develop a suitable specific criteria for societal risk as a matter of urgency and determine whether the facility complies with such criteria.

Conclusions

While the location of the facility at the Kwinana site does have some merit from a planning viewpoint, further exploration of the possible location of the proposal at alternative sites in particular the Forrestfield site should occur, given the noise impacts associated with the Kwinana proposal and the risk issue. This issue in particular remains unresolved for a societal risk, with the need to determine suitable criteria and the acceptability of the proposal against these criteria to be determined.

The key issue associated with the proposal for the City of Cockburn relates to the impact of noise emissions on community within Wattleup and further north to residential communities around Munster and Coogee. As outlined above, the proposal is considered to be unacceptable in its current form as a result of noise impacts on these communities. In particular the overall noise burden associated with both Friday Night Speedway and Saturday Night Drags throughout the summer period with the potential for additional noisy events during the week and around this would be likely to have an unacceptable impact on these communities.

A modified version of the proposal which focused on the relocation of Claremont Speedway only could be supported, providing that a reasonable level of acceptability among affected communities in Cockburn could be demonstrated. Reasons for this include the following:-

- Speedway would result in only one noisy event per week over a 4 hour period rather than the longer period associated with Drags.
- Noise levels associated with the Speedway are generally lower than Drags and less intense.
- The nature of noise from speedway emissions are potentially less annoying than those associated with drag events.
- The impacts on the Bushplan site would be removed as a result of the deletion of the southern extension of the drag strip.
- The reasons for the need to relocate Claremont Speedway are perhaps more acceptable than the Drags. The need to relocate Claremont Speedway has arisen through the Speedway being required to relocate by the Royal Agricultural Society as landowner, whereas the need for the Ravenswood Drag Strip to be relocated has arisen largely as a result of State Government decisions which

have allowed intensification of residential development in the vicinity of the site.

It is therefore recommended that Council adopt a position which does not support the proposal as outlined as a result of the overall noise impacts, with conditional support being provided for the development of the Speedway facility only at the site subject to acceptability of the local community. It is also recommended that Council require staff to provide technical submission on the PER and Societal Risk Report in line with this position and the points outlined above in the report.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

14.4 (OCM2_7_1999) - PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY - BETWEEN GREBE GARDENS AND YANGEBUP ROAD, YANGEBUP (450459) (PT) (SOUTH) (MAP 14) (ATTACH)

RECOMMENDATION

That Council:

- (1) seek the assistance of the Department of Land Administration (DOLA) to close the pedestrian accessway from Grebe Gardens and Yangebup Road, Yangebup;
- (2) request DOLA to seek a valuation taking into account the cost of any service relocation;
- (3) upon receipt of the above valuation, adjoining residents be requested to advise if they are prepared to purchase the land;
- (4) subject to the adjacent owners agreement to purchase the land, Council request DOLA to finalise closure procedures;
- (5) in the event that the adjacent owners are not prepared to purchase the land, the accessway will remain open.

COUNCIL DECISION**Background**

Council received a letter signed by a number of residents who live in the vicinity of the walkway. The letter was requesting Council to investigate the possible closure of the walkway.

Submission

The main grounds for this closure stem from the increasing incidence of theft, vandalism, burglary and noise pollution emanating from the walkway.

Report

A limited response was received from residents in the vicinity of the accessway. This may be due to the fact that a number of the residents had signed the initial letter that was submitted to the Council. There was one letter against the closure of the walkway. Refer to the Schedule of Submissions in Agenda Attachments.

The Ministry for Planning raises no objections to the closure, subject to the closed portion being amalgamated with abutting lots, the path system within the adjacent public open space area being connected to Grebe Gardens to facilitate alternative pedestrian access to Yangebup Road, and the servicing agencies supporting the proposal.

All associated costs involved with the connection of the public open space area to Grebe Gardens by way of a pathway, will be forwarded to the adjoining landowners as a service relocation cost. This cost is yet to be determined.

The Water Corporation also raises an objection as an existing water main is located within the closure. The main can be relocated at a cost of approximately \$2,000.

Letters received from the other major Government Departments that provide services to the area advise that they have no objections to the proposal.

The proposed closure was advertised by way of letters to the householders in the catchment area of the accessway.

In total one response was received by an owner of a unit that adjoins the walkway. This was in addition to the original letter that were sent in by the residents that live in the vicinity of the walkway. Refer to the Schedule of Submissions in Agenda Attachments.

The people who live adjacent to the accessway cite problems of anti-social behaviour, theft, burglary, break-ins, street fighting and vandalism.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.5 (OCM2_7_1999) - PROPOSED SCHEME AMENDMENT NO. 212 - ADDITION OF BED AND BREAKFAST ACCOMMODATION TO SCHEME (921212) (MT)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

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

AMENDMENT NO. 212

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) amend the above Town Planning Scheme by:-

1. Amending the Scheme Text by:-

- (a) inserting the definition within the Seventh Schedule – Interpretations as follows:-

Bed and Breakfast Accommodation: means short stay accommodation that is provided within a residential building(s) or ancillary building(s) with a resident owner / manager, and is subject to the following:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
 - (b) does not display a sign exceeding 0.2 square metres in area;
 - (c) adequate parking is provided, in accordance with the Fourth Schedule of this Scheme;
 - (d) does not include a lodging house or similar accommodation as defined in the Health Act 1911, or self contained rooms;
 - (e) has access to bathroom facilities.
- (b) amending the First Schedule – Zoning Table by adding the use “Bed and Breakfast Accommodation” below “Aged or Dependent Persons Dwellings” in the “Use Classes” column and applying the following notations in that row: -

**First Schedule
ZONING TABLE**

| USE CLASSES | Zones | | | | | | | | | Sch 6 |
|---------------------------------|-------------|------------|----------------|------------------|----------------|----------------------|----------------------|----------------------|-------|-------|
| | Residential | Commercial | Light Industry | General Industry | Mixed Business | Noxious Industry 'A' | Special Industry 'A' | Special Industry 'B' | Rural | |
| RESIDENTIAL USES | | | | | | | | | | |
| Bed and Breakfast Accommodation | SA | SA | X | X | X | X | X | X | SA | Sch 6 |

- (c) amending the Fourth Schedule – Car Parking Requirements by adding “Bed and Breakfast Accommodation” below “Hotel, Tavern” in the “Use” column and completing the row with “1 per Bed and Breakfast room plus 2 for the dwelling” in the “Number of Carparking Bays” column.

Dated this.....day of.....1999

Chief Executive Officer

- (2) sign the amending documents, and:-

1. refer the amendment to the Environmental Protection Authority for assessment under Section 7A2 of the Town Planning and Development Act;
 2. advise the WAPC of Council's decision;
- (3) subject to the advice of the Environmental Protection Authority the amendment to be advertised for public comment in accordance with the Town Planning Regulations and Western Australian Planning Commission Planning Bulletin No. 29 dated December 1998.

COUNCIL DECISION

Background

At present there is no provision in Council's Scheme for bed and breakfast or 'home based' accommodation. Applications received for this type of accommodation have been determined to be a 'Home Occupation' or a 'Use Not Listed'. There is a need to add the use to the Scheme and establish relevant guidelines.

Council at its Meeting on 16 March 1999 resolved to "*request the Planning Department to prepare an amendment to its scheme to provide for short stay accommodation.*"

Report

The proposed amendment adds a definition of Bed and Breakfast Accommodation to the Scheme. To ensure the accommodation is home based, the definition requires that residential buildings be used and that they be occupied by an owner/manager. The number of persons that can be accommodated is limited through the reference to a "lodging house" in the Health Act. A lodging house is defined as accommodation for more than 6 persons, and there are extensive regulations within the Act in relation to them. The use "lodging house" is already contained within the Scheme. Bed and Breakfast Accommodation will therefore be limited to 6 persons.

It is proposed that Bed and Breakfast be an "SA" use in the Residential, Commercial and Rural zones. This means any application for a Bed and Breakfast would require advertising, in line with the existing Scheme provisions. There is provision in the definition for Council to consider the impact of the accommodation on neighbouring properties by way of traffic or noise.

Parking must be provided for the development at a ratio of 1 bays per Bed and Breakfast room plus 2 for the dwelling. This should prove adequate.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.6 (OCM2_7_1999) - ATWELL NEIGHBOURHOOD CENTRE / AMENDMENT NO. 158 - CNR LYDON BOULEVARD AND WATERS AVENUE, ATWELL - OWNER: LANDCORP - APPLICANT: HAMES SHARLEY AUSTRALIA (92158) (SR) (EAST) (ATTACH)

RECOMMENDATION
That Council:

- (1) pursuant to Section 21 (2) of the Town Planning Regulations 1967, adopt the modifications required by the Hon. Minister for Planning contained in the Western Australian Planning Commission's letter (30.6.99) ;
- (2) forward three (3) copies of the modified Scheme Amendment documents to the Western Australian Planning Commission for final approval.

COUNCIL DECISION

Background

| | | |
|------------|---------|---|
| ZONING: | MRS: | Urban |
| | DZS: | Commercial / Residential R30 / Parks and Recreation |
| LAND USE: | Vacant | |
| LOT SIZE: | N/A | |
| AREA: | N/A | |
| USE CLASS: | Various | |

Council at its meeting of 17 November 1998 resolved to request the WAPC to seek final approval of Amendment No 158, subject to a range of modifications which are listed in the Attachment to the Agenda.

Submission

The purpose of the Amendment is to rationalise existing Commercial, Residential and Parks and recreation zoning boundaries to facilitate a revised development plan (refer Attachment) for the proposed Atwell Neighbourhood Centre and adjacent residential subdivision. The main component of the neighbourhood centre is a one(1) hectare commercial site to accommodate approximately 3000m² retail floorspace.

Report

The development plan adopts the principles of the "Liveable Neighbourhoods" and the Amendment incorporates Scheme provisions to control the location and form of buildings, including minimal street setbacks, verandah and building frontage controls. The amendment will also promote a mix of residential and compatible commercial uses for lots facing the shopping centre.

The modifications to the Amendment were agreed between Council and Landcorp and have been adopted by the WAPC and the Hon. Minister for Planning. They are designed to ensure that future development is integrated in conformity with the overall development plan, as the land subject of the Amendment is to be sold by Landcorp for private development..

Strategic Plan/Policy Implications

The Scheme Amendment (as modified) will promote the principles of the "Liveable Neighbourhoods" concept adopted by Council as Policy PD 41.

Budget/Financial Implications

N/A

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

Nil

**14.7 (OCM2_7_1999) - NORTH COOGEE MASTER PLAN REVIEW STUDY
- COUNCIL'S CLAUSE 32 RECOMMENDATION TO WAPC (9523)
(SA) (WEST) (ATTACH)**

RECOMMENDATION

That Council:

- (1) recommend to the Western Australian Planning Commission in regard to any development application received for any land included in the North Coogee Master Plan Review Study - Clause 32 Resolution Area, that determination of the application be deferred until the completion of the North Coogee Master Plan Review Study.

COUNCIL DECISION

Background

In January 1999, Consultants ERM Mitchell McCotter were appointed by the Ministry for Planning to undertake a review of the Coogee Development Agreement, which was established between the State Government and the City of Cockburn in 1988. The study generally covers the area between the railway line in the south, Douro Road in the north, the coast in the west and the region open space ridgeline in the east, please refer to attached plan.

The study is being overseen by the Coogee Implementation Committee which has representatives from the Ministry, DOCAT, Landcorp, DEP, Cities of Cockburn and Fremantle and the study consultants.

The review was deemed necessary by the Ministry and the Council because of changes that have taken place over the past 11 years that have caused the original plan, the basis of the Agreement, to be questioned. The purpose of the study is to determine the preferred development strategy for the locality, taking into account a range of considerations with a view to possibly providing for alternative land uses, such as residential.

It is anticipated that the report recommendations should be available in July or August, for the consideration of the Ministry for Planning, and other stakeholders such as the Council, before seeking landowner and public comment.

At the conclusion of the public comment period a final strategy will be determined, which may require an amendment to the Metropolitan Region Scheme, together with changes to the local scheme should a

change to the zoning be contemplated. If this occurs then the process could take between 18 months to 2 years before any zoning changes take effect.

Submission

N/A

Report

Council has been advised by the Western Australian Planning Commission (on 31 May 1999) that a MRS Development Control (call in) - Clause 32 has been put in place over the North Coogee Master Plan Review Study area, refer to attached plan for the defined Clause 32 area. As a result any applications received by Council (from June 1999), have and will be referred to the Western Australian Planning Commission for determination.

Council has previously been in the situation where three applications have been considered and approved by Council, as the applications were submitted in February 1999, prior to the landowners being notified of the Review Study. The Council has since advised all landowners, in writing, in the Review area (as per Council's resolution dated 11 May 1999) of the North Coogee Master Plan Review Study. Landowners have also been advised that if the Review Study results in the area becoming a residential zone, the existing uses would obtain "Non-Conforming Use" rights.

It is recommended to advise the Western Australian Planning Commission in regard to any application received for any land included in the North Coogee Master Plan Review Study - Clause 32 Resolution Area, that consideration and determination of the application should be deferred until the Review Study has been completed.

Strategic Plan/Policy Implications

The Council's recently adopted Ultimate Strategic District Plan, shows the North Coogee area as Urban. This is also reflected in the Council's draft TPS No. 3.

The Council supports the review of the Coogee Master Plan.

Budget/Financial Implications

The Council has contributed \$10,000 to the Coogee Master Plan Review.

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

Nil

14.8 (OCM2_7_1999) - AMENDMENT NO. 186 - DISTRICT ZONING SCHEME NO. 2 - EXTRACTIVE INDUSTRIES - FINAL APPROVAL (92186) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the attached Schedule of Submissions.
- (2) in accordance with advice from the Western Australian Planning Commission and the Department of Environmental Protection, adopt the following modified Amendment text for final approval:

Amending Part 5 of the Scheme Text by adding Clause 5.12 - Industry - Extractive and the following Sub-Clauses:-

5.12.1 Planning Consent

No person shall commence an extractive industry on any land within the district without first having applied for and received the planning consent of the Council under **Clause 3.2.2**.

5.12.2 Application Requirements

(a) Unless the Council waives any particular requirement each application for Planning Consent for an extractive industry shall include the following information in addition to the requirements of **Clause 6.1**:-

- (i) a report detailing the existing physical environment including geology, soil profiles, surface and ground water hydrology, identified sites of historic/heritage or cultural significance, current land use, zoning, surrounding land use and potential external impacts;
- (ii) a flora and fauna report for the site prepared by a qualified botanist to the specifications and satisfaction of Council. The report is to include consideration of any declared rare flora or priority species and declared sites of environmental significance;
- (iii) a vehicle access plan detailing site ingress/egress, road haulage routes, frequency of vehicle movements and proposals for any vehicle maintenance and fuel storage facilities;
- (iv) a plan showing excavation stages, existing and final site levels together with cross-sections;

(v) a management plan detailing the measures to be taken to control dust, noise, erosion, soil and groundwater pollution, fire and weeds, including demonstrated compliance with any relevant standard and the protection of any features of the land to be retained or preserved;

(vi) a rehabilitation plan and implementation programme to either restore the land as close as possible to its condition prior to the extraction of materials or to provide for a future use appropriate to, and consistent with the zoning of the land;

vii) details of the proposed times of operation.

(b) The information provided pursuant to **Sub-Clause 5.1.2.2 (a)** and **Sub-Clause 6.1.2** shall, having due regard to **Sub-Clauses 5.12.3** and **5.12.4** and **Clause 6.1**, form the basis of Council's determination of the application for Planning Consent.

5.12.3 Setbacks and Screening

(a) A setback of not less than 40 metres wide to a road reserve or other public reserve and not less than 20 metres wide to all other boundaries to the lot shall be provided unless determined otherwise by the Council.

(b) The setback shall comprise the existing vegetation which shall remain undisturbed except for:-

(i) accessways for entering and leaving the extractive industry site;

(ii) firebreaks as may be required under the Bush Fires Act;

(iii) re-vegetation to reinstate or supplement the existing vegetation to provide an effective visual screen from adjoining and nearby public and private owned land.

(iv) public and private utility infrastructure.

5.12.4 Rehabilitation

(a) Permanent rehabilitation of the site shall occur progressively at a similar rate as the extraction or at a time agreed between the quarry operator and the Council.

(b) Soil profiles shall be reconstructed to facilitate rehabilitation of the site.

(c) Revegetation shall be based on the planting of native flora typical of the locality with the species and plant density to be determined by the Council having regard to the rehabilitation plan submitted pursuant to **Sub-Clause 5.12.2 (a) (vi)**.

(d) The rehabilitation and stabilising of completed excavations are to be progressively implemented in accordance with the approved rehabilitation plan and shall be managed, maintained and monitored by the landowner for a minimum of 2 years to the Council's satisfaction.

(3) Advise those persons who made a submission of Council's decision.

(4) in anticipation of the Hon Minister's advice that final approval will be granted, the modified documents be signed, sealed and forwarded to the Western Australian Planning Commission.

Council DECISION

Background

Council, at its meeting held on 19 May 1998, resolved to initiate Amendment No.186 to District Zoning Scheme No.2. The amendment proposes the introduction of a set of provisions into the Scheme detailing requirements for extractive industries.

The Ministry for Planning advised that several modifications to the content of the amendment would be required prior to consent being granted for advertising. A modified Amendment No.186 was subsequently adopted by Council at its meeting held on 15th December 1998.

The Ministry eventually granted consent to advertise the amendment in March 1999. The Ministry's consent was subject to several conditions including a requirement for additional minor modifications to be made to the amendment text and the referral of the amendment to the Department of Minerals and Energy and all operators involved in extractive industry activities for comment.

The previous report to Council (May 1998) relating to this amendment is included in the Agenda Attachments.

Submission

A total of twelve extractive industry operators were invited to comment on the amendment in addition to the Department of Minerals and Energy and the Water and Rivers Commission.

Four submissions were received on the amendment, one of which was late. Of the four submissions, two were in support of the amendment, one endorsed the initiative but questioned its real impact and one was in objection. A schedule of the submissions is included in the Agenda Attachments.

Report

The purpose of Amendment No.186 is to incorporate specific provisions for extractive industries into the Scheme. The provisions essentially reflect what has been Council policy since 1997 whereby the requirements for the information to be submitted in support of extractive industry applications is listed in addition to the detailing of the requirements for rehabilitation and site management.

The Department of Minerals and Energy and the Water and Rivers Commission have both expressed strong support for the amendment provisions in their submissions. It is also worth noting that the Department of Environmental Protection commended Council for the initiative when assessing the amendment.

Only two of the twelve industry operators made submissions; Rocla Quarry Products and CSR Readymix. Rocla generally gave its support to the amendment, particularly if it would lead to better consistency between the rehabilitation performance of different operators. CSR Readymix lodged an extensive submission in objection. Much of CSR's submission dealt with minor details of the amendment and a response to the matters raised is contained in the schedule of submissions.

There are, however, two issues common to both industry submissions that warrant comment in this report, namely the requirements for;

- Rehabilitation to replicate native flora typical of the locality to a condition similar to that before mining; and
- Such a level of rehabilitation when the end land use may either be of an intensive nature or simply not known due to policy constraints (eg groundwater zone).

Industry objection to these two issues is not new to Council. Replicating native flora on a site is acknowledged as being difficult to achieve. However it is important that a high level of rehabilitation is aimed for. A pragmatic approach in dealing with quarry operators is

taken and it is recognised that most will not be able to achieve total rehabilitation, but lowering the standards will only lower the rehabilitation performance. Effective rehabilitation is an evolving science and aiming for native flora replication reflects best practice in environmental management and the expectations of the local community.

The distribution of quarry sites in Cockburn is generally either within the Jandakot sand resource area or the Wattleup/Henderson limestone area. For different reasons there has been uncertainty regarding the likely land use for most quarry sites in these areas. Where a specific end land use is known, determining the level of rehabilitation has been straightforward (eg remediation of the sand extraction site in Cocos Park industrial area required only stabilisation to create a suitable landform for industrial development). However in Jandakot uncertainty has existed regarding acceptable future land use of quarry sites on the water mound. In Wattleup, similar uncertainty has existed due to a variety of factors, not least being the Environmental Protection Policy associated with the Kwinana Buffer zone.

The industry has consistently argued against a high level of rehabilitation where the end land use was indeterminable. Fortunately some certainty is beginning to emerge regarding the potential use of land, particularly in Jandakot with the creation of the MRS Groundwater Protection zone and Statement of Planning Policy No.6. In Jandakot, the SPP makes it clear that no intensive development, be it industrial or urban, will be permitted in the Groundwater Protection zone and that where possible vegetation should be retained or enhanced. It has been established that Special Rural/Rural Living development (2 hectare minimum lot size) will be the preferred land use on the water mound. The adoption of this position only reinforces the need for a high level of rehabilitation whereby quarry sites will need to be revegetated to a standard capable of providing a suitable environment for rural living and to aid conservation of the water resource through enhanced vegetation coverage on the water mound.

The future land uses of quarry sites around Wattleup is not as clear as Jandakot has become, but is obviously the subject of current planning and debate as part of the FRIARS report. Whilst end land uses remain unclear, it is considered that the amendment provisions will provide adequate flexibility to adapt the level of rehabilitation to the specific nature of the quarry site.

It is recommended that the amendment be adopted for final approval. Council should note that a modified text requires adoption. The modifications are minor and reflect advice from both the Department of Environmental Protection and the Ministry for Planning and in response to some of the points raised in the industry submissions. The complete amendment text provisions have been reproduced in the recommendation.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.9 (OCM2_7_1999) - ROTTNESST ISLAND AUTHORITY ACT 1987 (9131) (SMH)**RECOMMENDATION**

That Council:

- (1) include references to Rottnest and Carnac Islands in its proposed Town Planning Scheme No. 3, because these fall within the boundary of the district of the City of Cockburn;
- (2) write to the Minister for Tourism, Mr Norman Moore, with a request that he give consideration to the membership of the Rottnest Island Authority being expanded under Section 6 of the Act, to provide the City of Cockburn with representation, given that Rottnest Island forms part of its municipality;
- (3) use the report as the basis for the reasons for the Council to be represented and the contribution it could make to the planning and development of Rottnest Island;
- (4) write to the Western Australian Planning Commission advising that Rottnest Island should be included within the Metropolitan Region Scheme Map as it officially forms part of the Metropolitan Area.

COUNCIL DECISION**Background**

Consideration of this matter was raised when the Heritage Council of WA wrote to the Council concerning the following heritage sites, on the

basis that they are within the municipality of the City of Cockburn, namely:-

- 8/6/99 - Rottnest Island Seawall
- 25/6/99 - Oliver Hill Battery, Rottnest Island
- 25/6/99 - Bathurst Light House, Rottnest Island.

The staff were not sure what to do with this information given that the Municipal Inventory is complete and only dealt with the mainland within the district.

This led to some brief enquiries about the district boundary which found that:-

- On the 18 May 1966, the boundary of the City of Cockburn was re-defined to add to it:-

"Amending the said Schedule A by adding after the passage 'point' in the record last line, the passage, 'Inclusive of Rottnest, Carnac and other islands adjacent' "

- On 26 November 1987, the Electoral Distribution (Rottnest Island) Amendment Act, was assented to describe the Metropolitan Area as:-

"(a) The region that was, as at 1 January 1987, described in the Third Schedule to the Metropolitan Region Town Planning Scheme Act 1959 and

(b) Rottnest Island."

- On 9 December 1987, the Rottnest Island Authority Act 1987 was assented to, to establish an Authority to control and manage the Island, and the Authority replaced the Rottnest Island Board.

According to the advice of the then State Electoral Commission the Local Government Area of the City of Cockburn includes Rottnest Island and Carnac Island as being within the district and within West Ward.

Submission

N/A

Report

Given that Rottnest Island is clearly part of the municipality and permanent residents on the island may vote in the Council's Municipal Elections, it seems appropriate the Council be acknowledged by being at least represented on the Rottnest Island Authority.

Under Section 6 of the Act, the Authority is comprised of:-

"Membership of Authority

6. (1) *The Authority shall consist of-*
- (a) *a chairman appointed by the Governor on the nomination of the Minister made in accordance with subsection (2).*
 - (b) *5 other members appointed by the Governor on the nomination of the Minister made in accordance with subsection (2).*
- (2) *Nominations by the Minister for the purposes of subsection (1) (b) shall be so made that not less than-*
- (a) *one member is a person who in the opinion of the Minister has practical knowledge of and experience in the conservation of the environment;*
 - (b) *one member is a person who in the opinion of the Minister has practical knowledge of and experience in the preservation of buildings of historic value;*
 - (c) *one member is a person who in the opinion of the Minister is a person of sound commercial experience; and*
 - (d) *one member is a person who in the opinion of the Minister is a regular user of the Island for recreational purposes.*
- (3) *The Minister shall appoint a member to be deputy chairman.*
- (4) *Appointment of a person as a member does not of itself render the Public Service Act 1978, or any other Act applying to persons as officers of the Public Service of the State, applicable to that person, or affect or prejudice the application to him of those provisions if they applied to him at the time of his appointment."*

It can be seen that it is an Authority of 6 people, of which one is the Chairman and 4 are nominated because of their specific knowledge and experience. This means that there is one position on the Authority which is open to the Minister to make an "other" appointment. This position could be filled by the local government, on the recommendation of the Minister and appointment of the Governor.

Alternatively, to ensure that the local government had a confirmed position on the Authority, Section 6 (2) could be amended by adding:-

"(e) one member is a person who in the opinion of the Minister is a person who could appropriately represent the local government."

To enable the Minister to either recommend an appointment to the Authority or comply with an amended sub-section 6 (2), the Minister could request three names of officers or elected members (if appropriate) to be submitted to him for his consideration on which he would make a recommendation.

The local government could make a worthwhile contribution to the Authority because of the specialist services available to provide advice on matters relating to engineering, environment and health, building, strategic and landuse planning, park management, waste collection and recycling and community services, as appropriate to the management and control of the Island.

It is interesting to note that the functions of the Authority are in general terms confined to:-

- provide and operate recreational and holiday facilities on the Island;
- protect flora and fauna of the island; and
- maintain and protect the natural environment and the man made resources of the Island and, to the extent that the Authority's resources allow, repair its natural environment.

The Authority is to manage and control the Island in accordance with a management plan, which is to be reviewed every 5 years.

The management plan is to contain Statements of Policies or guidelines and a summary of works to be undertaken over the 5 year period.

It is significant that the functions of the Authority do not specifically refer to planning and development which seems to be fundamental to the preparation of structure plans as the basis for the management plans.

The Council could provide expertise and advice in respect to these matters as it does in relation to the planning and development of other parts of the district.

It is also important to note that in relation to the East Perth Re-development Authority, the Subiaco Re-development Authority and the proposed Midland Re-development Authority, that the respective local governments are or will be represented on the Authority. The Rottneet Island Authority is no different in its purpose from the other Authorities, in respect to its operation within a local government area and its

relationship to the powers, functions and responsibilities of the local government.

The City of Wanneroo was not represented on the Joondalup Development Corporation, because it was a corporation rather than a development authority. However, the City continued to perform its local government planning and development functions in relation to the Joondalup City Centre.

In addition, the MRS Map does not show Rottnest Island as part of the Metropolitan Region and should do in accordance with the decision taken on 26 November 1987 to include it as part of the Metropolitan Area.

Rottnest Island should be referred to in the Scheme Text of proposed TPS No. 3 as being part of the district, but be noted that its control and management is undertaken by the Rottnest Island Authority under the provisions of the Rottnest Island Authority Act 1987.

The Scheme Map of proposed TPS No. 3 should include within the district Rottnest and Carnac Islands. Rottnest should be shown white, and notated "Controlled and Managed by the Rottnest Island Authority" and Carnac Island be shown as Waterways Reserve in accordance with the MRS, and notated "Under the Control of CALM".

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

14.10 (OCM2_7_1999) - REGULATORY IMPACT OF THE PROPOSED NATIONAL FOOD SAFETY REFORMS (6205) (WJH) (ATTACH)

RECOMMENDATION

That Council:

- (1) write to the State Minister for Health detailing Council's concerns regarding the additional costs likely to be incurred in enforcing the proposed national food safety reforms and requesting that the Minister ensures that local governments

have access to an adequate source of funding, for enforcement of the reforms, should they be adopted;

- (2) write to WA Municipal Association detailing Council's concerns regarding the additional costs likely to be incurred by Council in enforcing the proposed national food safety reforms and requesting that WAMA actively pursue the State Government to ensure that Local Governments have access to an appropriate source of funding for the enforcement of all food related regulation.

COUNCIL DECISION

Background

In 1995 the Commonwealth, State and Territory health ministers asked the Australia New Zealand Food Authority (ANZFA) to develop nationally uniform food safety standards for Australia. ANZFA has developed four draft standards, which will be recommended to the Australia New Zealand Food Standards Council (ANZFSC) in the middle of this year. If approved, the standards will be adopted into the *Food Standards Code* and become law in each State and Territory of Australia.

The standards will replace current State and Territory food hygiene regulations which:

- lack national consistency;
- rely on inspections and do not promote a preventative approach;
- are in significant need of updating in some States and Territories; and
- do not align with international best practice or the standards of our major trading partners.

Four standards are proposed as part of the food safety reforms. Standard 3.1.1 *Interpretation and Application* sets out the interpretation and application provisions that apply to the other food safety standards. Standard 3.2.1 *Food Safety Programs* requires food businesses to develop and comply with a food safety program where one or more hazards are identified in their food handling operations. This includes physical, chemical and microbiological hazards.

Standard 3.2.2 *Food Safety Practices and General Requirements* requires food businesses to:

- carry out specific practices in relation to food handling, cleaning, sanitising and personal hygiene to ensure food is safe and suitable;
- notify the relevant authority of their existence and the nature of the food business;
- provide for food recalls; and
- ensure their staff and supervisors have the skills and knowledge
- in food safety commensurate with their work activities.

Standard 3.2.3 *Food Premises and Equipment* sets out design and construction parameters for food premises and the equipment used in food premises.

The proposed reforms reflect an approach, which has already gained acceptance and been implemented by most of the larger food businesses in Australia. Assuring safe food requires management and control of microbiological, chemical and physical hazards—food safety programs based on Hazard Analysis and Critical Control Points (HACCP) are seen as being effective tools to achieve this end. HACCP is increasingly seen as the basis for good business practice.

Internationally, our major market competitors (including the United States, Canada, New Zealand and Europe) are establishing safe food systems comparable to those proposed for Australia, with the clear goal that assurances of safe food will deliver a market return.

The proposed standards are one of five options considered for food safety regulation in Australia. The options considered were:

1. continue with the current system;
2. introduce the proposed outcomes-based food safety reforms;
3. introduce nationally uniform prescriptive requirements;
4. apply the proposed food safety reforms to high risk businesses only; and
5. rely on industry self-regulation and consumer education.

Submission

A Regulatory Impact Statement (RIS) has been prepared by ANZFA, which recognises the following costs and benefits for the various stakeholders.

ANZFA estimates that the proposed standards will have an average initial cost of approximately \$300 per business with an annual on-going cost of \$1,080. The annual costs are not in addition to current costs but will partially replace them. For small retail businesses, compliance with current food regulations excluding capital costs has been estimated as \$1,640 per annum.

Reducing the incidence of foodborne illness will have a positive impact on the food industry, which will far outweigh the costs. The reforms will

enhance Australia's reputation as both a supplier of safe food and as a safe tourist destination. Industry will also benefit through removal of prescriptive, out-of-date, inconsistent and complex food hygiene regulations; fewer legislative boundaries will exist, innovation by industry will be encouraged. Furthermore, the reforms are in line with international trends and will enhance the competitiveness of Australian food exports on international markets.

The proposed standards were drafted with a view to achieving a 'paddock to plate' approach to food safety. They avoid duplication by recognising initiatives in the primary industry sector, which achieve an equivalent level of food safety. Low risk businesses in the primary industry sector will not have to meet the requirements of the food safety standards. This will be reviewed in 2002. However, medium and high-risk primary industry sector operations which do not have an independently audited food safety program in place would be expected to develop one as the food safety standards are implemented.

An immediate reduction in the incidence of foodborne illness is not envisaged with the introduction of the reforms. However, ANZFA anticipates there will be a reduction over time as the food industry complies with the requirements of the standards.

The current cost of foodborne disease to the Australian community is estimated at over \$2.6 billion per annum. The application of HACCP principles in other countries has resulted in lower levels of pathogens in food and the preventative nature of the standards is expected to reduce the incidence of foodborne illness in Australia. A 20 per cent reduction in the incidence of foodborne illness would realise an annual saving of over \$500 million. The proposed food safety standards represent a tangible means of achieving highly significant savings and improvement in public health, which would benefit the entire Australian community.

If governments are to realise the significant cost savings, which will result from a reduction in foodborne illness, there will have to be increased investment, both initial and ongoing.

As a result of implementing the proposed food safety reforms, government would incur an estimated 'one-off' cost in the first two years of \$16.7 million and an annual cost thereafter of \$70.6 million. This annual cost supersedes the current cost of \$47.7 million and is not in addition to it. Hence there will be a \$22.9 million increase in the annual cost to government as a result of introducing the reforms.

Additional cost recovery, at the same percentage rate, as is undertaken currently would reduce the additional cost to government to \$8.9 million. **Local government currently bears 74 per cent of the net cost of enforcing food hygiene regulations and would require additional resources to implement and enforce the standards effectively.**

ANZFA recognises that the best way to gauge the success of the standards is to monitor the incidence of foodborne disease over the next 10 years as the standards are implemented and businesses become attuned to new requirements and operating procedures.

Currently, Australia does not have a food borne disease surveillance system to assess how many people are affected every year by foodborne illness. Consequently, we are not well placed to monitor accurately any changes to the incidence of foodborne disease, which may result from the food safety reforms. ANZFA recognises the need for a system to accurately measure the incidence of foodborne illness to assess the effectiveness of the food safety reforms. Without accurate baseline data on the current rates of foodborne illness, it will be difficult to quantify the long-term impact of the reforms, particularly as the majority of cases are hidden, are not notified and do not gain media attention.

Report

The benefits of the proposed regulatory reform to the community in general and to the food and related primary industries are recognised. These benefits make the proposal worthy of support.

However, it is clear from the RIS that the enforcement of the proposed reforms will result in a significant increase in costs to government and to local government in particular. The RIS estimates that the implementation of the reforms will result in a 32% increase in costs in the first two years and an 18% increase in costs thereafter (assuming adequate enforcement of current provisions).

Costs for the enforcement of the current food hygiene regulations in the City are estimated at \$97,000 for the 1999/00 financial year. Applying the RIS estimates to the City of Cockburn, it is estimated that costs will be \$128,000 for the first two years and \$114,500 for every year thereafter (without accounting for the effects of inflation or increase in the number of food premises).

Current food related income from eating house registrations and licences is approximately \$37,000, less debtors' costs. This current eating house licence system only applies to food premises which prepare meals. Many other food premises, including high risk premises such as butchers shops and large food manufacturers, do not pay any fees whatsoever.

The maximum fee chargeable is set by statute (\$300) and does not cover current costs (approx. \$333) for monitoring these premises let alone increases in costs due to the proposed reforms. Not only is this discriminatory it is inadequate even under the present regulatory environment. It is estimated that the City of Cockburn's current cost per

food premises for food hygiene enforcement is \$323 per premises (all food premises) with eating house fees providing income of approximately \$112 per premises. The shortfall of \$201 is funded through the municipal budget. Ongoing costs under the proposed reforms will be approximately \$382 per premises.

It is understood, from discussions with the Principal Food Scientist (PFS) at the Health Department of WA, that the adoption of the National Food Act will result in the repeal of the eating house registration provisions of the Health Act. Thus removing the current source of funding for food hygiene enforcement. The PFS has indicated that Local Governments are likely to continue to play a major role in the enforcement of the new food hygiene provisions and are to be able to recoup some costs through charging fees for contestable third party audits and through the use of on-the-spot fines. He indicated that the issue of funding for the implementation and ongoing enforcement of the reforms had not yet been properly considered at the Ministerial or departmental level.

This lack of detail about funding arrangements for the proposed reforms and recent trend of the state government promulgating Health legislation which places responsibility for enforcement on Local Government without adequate funding provisions is cause for concern.

- Recent discussions with the Policy Officer at WAMA indicate that WAMA have not yet considered this funding issue nor have they developed a policy or approached the State Government in relation to it. This issue is relevant to all Local Governments and it is appropriate that WAMA takes a leading role in resolving this matter satisfactorily. Council should attempt to ensure that adequate funding arrangements are adopted along with the proposed food hygiene reforms.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Implementation of the proposed reforms will result in additional costs to Council in the first two years of approximately \$31,000 p.a. and \$17,500 p.a. thereafter.

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

Nil

14.11 (OCM2_7_1999) - SUBMISSION ON PROPOSED DEVELOPMENT APPLICATION FOR SEAWALL CONSTRUCTION, LAND RECLAMATION AND DREDGING - FOR SHIPBUILDING, REPAIR AND MAINTENANCE ACTIVITIES WITHIN JERVOISE BAY NORTHERN HARBOUR, HENDERSON (9500/34120) (SMH/SA) (COASTAL)

RECOMMENDATION

That Council:

- (1) advise the Western Australian Planning Commission that Council strongly opposes the proposed development for the following reasons:
 1. the environmental impact the proposal could have on:
 - the overall water quality of the area,
 - dredging and the effect on the ground water in flows,
 - impact upon marine ecology in the area;
 2. the proposal would have a detrimental impact upon the existing and future recreational uses within the Northern Harbour, particularly the access to the Cockburn Power Boats jetty and launching ramp;
 3. the proposal will result in the destruction of two nearshore shipwrecks, the SS Alacrity and the Abemama;
 4. there is no current Structure Plan in place over the Northern Harbour development area, resulting in a ad-hoc approach to planning and development, therefore no further development should be approved until a Structure Plan is approved by both local government and the Commission for the Northern Harbour;
 5. there does not appear to be any clear justification for the need to construct the seawall and reclaim additional land for lots 165A, 165B and 167;
 6. the application is inadequate in respect to it not being signed by the owners of the land, and the information in support of the application is insufficient to enable a decision to be made about the proposed development, therefore the matter should be deferred;
- (2) in the event the proposed development is approved by the Western Australian Planning Commission, it is recommend that the following conditions be included:
 1. In order to reduce the encroachment into the existing recreational boating area, the separation between the

proposed shiplift (refer to CER) and the existing groyne should be maximised. Consequently, the proponent is required to demonstrate that the western extent of the seawall and the extent of the dredging has been restricted to that required for the design of the shiplift basin and other launching/mooring facilities, rather than being extended for the purpose of obtaining fill material for the hardstand area.

2. A minimum fifteen (15) metre wide landscaped visual and acoustic bund is to be constructed along the northern boundary of Lot 165B as part of the earthworks for the land in accordance with previous commitments made for the site by Landcorp on 4 July 1996. The design and landscaping of the bund is to be to the satisfaction of the City of Cockburn.

The design criteria for the bund being to ensure that noise from the proposed operation of the new industries complies with the Environmental Protection (Noise) Regulations, 1997; and the design is to be based upon an acoustic Consultant's report, with the adjacent Regional Recreation Reserve being classified as a "Noise Sensitive Premises".

3. Direct property access from Cockburn Road is to be provided to Lot 165A and Lot 167 with acceleration and deceleration lanes being provided to the access points to Lots 165A, 165B and Lot 167.
4. In the event that the access to Lots 165A and 167 is to be via the Water Corporation easement then reciprocal rights of access will be required.
5. As part of the earthworks, each lot to provide on-site drainage and stripping ponds before discharging into the harbour.
6. Any retaining walls that will be required to accommodate level changes between the existing southern lot and Lot 167 is to be shown on the plans and a separate building licence issued.
7. Compaction of the reclaimed and recontoured land.
8. Amalgamation of Lots 165A and 165B with Lot 166, and Lot 167 with Lot 168.
9. Stabilisation of the earthworks and a Dust Management Plan.

- (3) forward a copy of the Officer's report to the Western Australian Planning Commission for their consideration.

COUNCIL DECISION

Background

| | | |
|------------|----------------------------|-----|
| ZONING: | MRS: | N/A |
| | DZS: | N/A |
| LAND USE: | Vacant Land And Water Ways | |
| LOT SIZE: | N/A | |
| AREA: | N/A | |
| USE CLASS: | N/A | |

A Consultative Environmental Review (CER) was recently released for public comment for the proposed development of a seawall, land reclamation and dredging adjacent to Lots 165 and 167, including Lots 166 and 168 Cockburn Road, Henderson and the maintenance of shipbuilding, repair and maintenance facilities.

The Council report on the CER concluded that if the proposal proceeded, extremely careful management would be required to prevent the development leading to further degradation of the water quality within the Northern Harbour, and it would have significant impact upon the existing and future recreational uses within the harbour.

The applicant previously submitted the same plan to Council for determination in April 1999, which resulted in the application being returned as the boundary of the proposed development area is not consistent with the alignment of DZS No. 2 scheme or municipality boundary, or the boundary of the Metropolitan Region Scheme, as a result of the development being largely located west of low water mark. Therefore, Council has no jurisdiction to approve or determine that part of the proposal outside the municipal boundaries.

Submission

The proposed development is located immediately to the north of existing shipbuilding activities within the Jervoise Bay Northern Harbour and will allow for the establishment of further shipbuilding, repair and maintenance industries within the Northern Harbour. This development will integrate with land currently owned by Landcorp immediately to the east of the proposed development, allowing the construction of sheds and other facilities associated with shipbuilding.

The submitted application indicates development works associated with the Jervoise Bay project including:

- A 600m long limestone wall
- Dredging of an area of up to 80 metres from the seawall to allow for safe launching, recovery and mooring of ships, and to provide additional fill material for the land reclamation program
- Earthworks, including clearing of the site, excavate and reclamation works for the area between the proposed seawall and existing shoreline
- Provision of access via Cockburn Road
- Provision of services, including reticulated sewerage, water supply, telecommunications and underground power.

There is no advice contained in the development application or in the CER that justifies the need for the additional land.

In contrast to the CER the development application does not include the two jetties or shiplifter proposed to extend into the northern harbour from the seawall, which impacts on the access to the boat club's jetty and launching ramp at the northern end of the harbour.

Report

One of the Council's roles at this point is to provide a comment to the Western Australian Planning Commission (WAPC) on the proposed application. Council strongly opposes the proposed development for the following reasons:

1. Environmental

The proposal has the potential to lead to further degradation of water quality within the Northern Harbour and subsequently nearshore waters outside the harbour in a number of ways. The physical construction of the seawall, dredging and land reclamation could affect the water quality and the ground water in flows, especially during construction phase.

The potential exists for the development to impact on marine ecology within the harbour, in particular seagrass. Currently no clear framework or agency exists for the management of ongoing water quality problems within the harbour. Further development within the harbour highlights the need to develop a suitable framework and responsible agency in order to properly manage water quality within the harbour over the long term.

The construction of the proposed facility has the potential to create offsite noise and dust impacts if not properly managed.

The ongoing operation of facilities once developed for shipbuilding purposes may also lead to noise impacts on the local community, in particular the Woodman Point Caravan Park.

The industrial rezoning of the land east of the high water mark associated with this development also led to local community concern. The key causes of deterioration in water quality within the harbour over recent years have been a combination of reduced flushing associated with the construction of the Northern Breakwater, coupled with the inflow of nutrient rich groundwater from the west and disturbance of harbour sediments associated with dredging and construction activities.

2. Recreational Use

The proposal is likely to have significant impacts on existing recreational uses within the Northern Harbour. Major conflicts are likely to occur with current recreational boating activities, particularly in relation to the movement of recreational and industrial traffic within and adjacent to the harbour entry and proposed industrial facilities.

Currently the area proposed for development and the northern portion of the harbour is used by the community for a number of recreational uses, most notably recreational boating. The Cockburn Power Boat Club is located immediately to the north-west of the development area and a public boat launching ramp is located adjacent to the club. Substantial usage of these facilities occurs during week days and in particular on weekends.

The area of the harbour proposed for development also contains an area of beach which is used for dog exercise. The proposal has the clear potential to impact on and create conflicts with these recreational uses.

3. Shipwrecks

Two shipwrecks are located within the area proposed for the construction of the seawall and land reclamation. These wrecks will be buried as a part of the proposed development. However, this would be acceptable to the Maritime Museum.

4. Lack of Structure Planning

Currently there is no adopted structure plan in place for the northern harbour development, but rather there is an ad hoc approach to planning. Before this or any application is determined, a structure plan should be adopted by both local government and the Commission, for the area.

The structure plan should be developed in consultation with the landowners, relevant servicing authorities, local government and environmental authorities. This would provide the area with a cohesive plan, which would address the concerns raised.

To demonstrate this point, Amendment No. 150 to the local scheme to amend the region reserve to general industrial commenced in August 1996 and finalised in July 1997. The complementary Amendment No. 160 commenced in November 1996 and was gazetted in July 1998. Despite the fact that the amendment process for this land ran from August 1996 to July 1998, it was in November 1998 that Landcorp advised that it proposed to build a seawall and to reclaim part of the northern harbour, generally as proposed in this application. This was only 4 months after the finalisation of the last amendment. The only reason given at the time was to provide for the expansion of Austal. Even today there has been no justification for the need for the increased land area.

It seems from the CER and the development application that the reclamation is to provide the space for dumping the dredged material to deepen the harbour for the shiplifter. If this is the case it is not acceptable.

5. Other

There is confusion about the application. The CER refers to Lots 165 to 168, but the planning consultants letter with the application refers to Lots 165, 167 and 189.

The CER refers to the reclamation of 2.9 ha, the letter with the application refers to 4.4 ha. The area has been measured to be 3.52 ha.

The unallocated crown land (Lots 166 and 168) which forms part of the application is not owned by the WA Land Authority, and therefore the MRS Form 1 must also be signed by DOLA, otherwise it is not a lawful application. It is not certain who owns the seabed to be reclaimed.

The plans submitted do not provide all the information necessary to make a properly informed decision in that:-

- The two jetties and shiplifter shown on the CER are not shown on the development application. These facilities will have a significant impact on access in and around the northern harbour. (This information needs to be added or have they now been deleted from the overall proposal?)
- It appears that the justification for the size and shape of seawall and reclamation is based on the location of the two wrecks so that they can be buried and dredging of the

harbour can proceed without any impediments. (The wrecks are shown in the CER but not on the development application).

- A contextual plan needs to be submitted similar to that in the CER to show the relationship of the proposed development on the northern harbour so that the impact on the Cockburn Power Boat Club jetty and public launching ramp can be properly appreciated. (The application is totally inadequate in this regard and is necessary to make an informed decision).
- The Parks and Recreation Reserve adjoining Lot 165B is vested in CALM and the comments of that department should be sought.
- That section of Cockburn Road immediately abutting Lots 165A, 165B and 167 is reserved as WSD under the MRS and the Water Corporation comments should be sought.
- Access onto Cockburn Road is shown for Lot 165B, but not for Lots 165A and 167. Are these to gain access via the easement? Will a reciprocal right of access be required for the lots with the Water Corporation or will access to these lots be provided some other way?
- Neither the CER nor the development application show cross-sections of the proposed seawall and reclaimed area, therefore it is not clear why the dredging needs to be so extensive if the sea side of the wall is to be tapered rather than vertical.
- The contours on the base plan do not include levels, only a finished level for the lots of 3.0m RL.
- In relation to Lots 166, 165A and 165B, part of the land is zoned outside the Municipal boundary (which is the low water mark), while in respect to Lot 167 and Lot 168 the zoning conforms to the Municipal boundary, but the balance of land within the boundary of TPS No. 2 is unzoned.
- The MRS zone and waterways reserve differ from the local scheme.
- There is no constraints map showing vegetation, seagrass or on-site drainage provisions for nutrient stripping before discharging into the harbour from the hardstand area.
- Is the easement to be a separate lot or does it fall within Lot 165A or Lot 167?
- How will the level changes be dealt with along the southern boundary of Lot 167 adjoining Austal (ie retaining walls etc) and on the northern boundary of Lot 165A, the parks and recreation reserve? (This should show the visual / acoustic bunding commitment by Landcorp 4 July 1996).

- The likely end use of the new sites should be advised as part of the application, given that under the local scheme the land can be used for shipbuilding through to the fabrication of off shore modules, each having a significant difference on the type and frequency of use of the northern harbour.
- Lots 165A and 165B should be amalgamated with Lot 166 and Lot 167 should be amalgamated with Lot 168 as a condition of development.
- The surface of the hardstand is not described in the application to determine the run-off co-efficient for the land.

6. Community Views

The Commission is urged to gain this additional information before making its decision and to also advertise the proposal for public comment as the Council would do, given that the reclamation did not form part of either the MRS Scheme Amendment 986/33, or local Scheme amendments 150 and 160. This is an important community issue that should be advertised.

It is likely that there will be a significant reaction by the community to a further encroachment in respect to the impact the proposal could have on the public access to the boat club jetty and public boat launching ramp.

Until these and the other matters identified by the Council as reasons for not supporting this application have been satisfactorily addressed any decision by the Commission should be deferred.

Moreover, the planning application should be complete in its own right. It should not be necessary for the responsible planning authority to have to refer to the CER document to gain some understanding about the planning application. The purpose of the two processes and their outcomes are quite different and should stand alone.

The Council should oppose the application as presented in the absence of adequate information to justify the proposal.

Strategic Plan/Policy Implications

Corporate Strategic Plan - Clauses 2.1; 2.2; 2.3 (e) & (g); 3.1; 4.1; 4.2 and 4.4.

Budget/Financial Implications

N/A

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

Nil

14.12 (OCM2_7_1999) - IMPROVEMENT PLAN NO. 31 - WATTLEUP AND HOPE VALLEY TOWNSITES - WAPC (9332) (SMH)**RECOMMENDATION**

That Council:

- (1) advise the Western Australian Planning Commission of its concern that Improvement Plan No. 31 for the Wattleup and Hope Valley Townsites was gazetted on Friday 18 June 1999 without reference to the affected local governments and prior to the close of the public comment period of the Fremantle Rockingham Industrial Area Review Strategy (FRIARS);
- (2) advise the Western Australian Planning Commission that the gazettal of an Improvement Plan to facilitate the preferred government option (Option 4) in the FRIARS report, if adopted, should have properly been part of the implementation of the preferred strategy, as appropriate following the conclusion and assessment of the public submissions, otherwise it gives the impression that the outcome has been pre-determined.

COUNCIL DECISION**Background**

On 26 March 1999, the Minister for Planning released the FRIARS report for public comment. The public comment period closed on 30 June 1999.

The Council lodged a comprehensive submission on the proposed Strategy.

Submission

Improvement Plan No. 31 for Wattleup and Hope Valley was made pursuant to Section 37A of the Metropolitan Region Town Planning Scheme Act.

The purpose of the plan is to advance the planning, development and use of all land within the Wattleup and Hope Valley townsites, for

clearing, rehabilitation, consolidation, replanning, redesigning, developing and re-subdivision, for uses that may be appropriate.

The Improvement Plan No. 31 was:-

- (1) Passed by the WAPC on 20 April 1999. Only 6 days after the date of the letter (14 April 1999) with a copy of the FRIARS report attached was sent to the Council for comment by 30 June 1999.
- (2) The seal of the WAPC was affixed to the Certificate and Recommendation for the Improvement Plan on 27 May 1999.
- (3) The Recommendation by the WAPC was approved by the Governor on 15 June 1999.
- (4) Improvement Plan No. 31 was gazetted on 18 June 1999, 12 days before the close of the public comment period.

Report

The Council should express its concern that Improvement Plan No. 31 was proceeded with and gazetted prior to the close of the public comment period.

Regardless of the fact that the Improvement Plan once adopted will only serve to facilitate the acquisition of land and the re-design of the Townsites should either Option 3a, 3b or 4 be the adopted Strategy for FRIARS, the timing of such a decision prior to the close of the public comment period, sends a message to the community that the outcome for FRIARS has already been determined, despite any public submissions received and considered.

Given that FRIARS is an important and sensitive community issue, the adoption of any improvement plan to implement FRIARS should have properly followed the consideration of the public submissions and the adoption of the final Strategy. This is seen as the appropriate approach to a publicly accountable process.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM2_7_1999) - LIST OF CREDITORS PAID (5605) (KL)
(ATTACH)**

RECOMMENDATION

That Council resolve to receive the List of Creditors Paid for June 1999, as attached.

COUNCIL DECISION

Background

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

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

N/A

**15.2 (OCM2_7_1999) - MUNICIPAL BUDGET 1999/00 (5402) (ATC)
(ATTACH)**

RECOMMENDATION

That Council:

- (1) receive the report by the Director, Finance and Corporate Services on the Municipal Budget 1999/2000;
- (2) Include the items listed in the following schedules attached to the Agenda in the 1999/00 Municipal Budget:
 1. Summary of Fees and Charges;
 2. New Staff;
 3. Proposed Non-Recurrent Projects;
 4. Donations/Contributions;
 5. Furniture and Equipment - Over \$500;
 6. Information Technology - Budget 1999/00;
 7. Henderson Landfill Site;
 8. Plant and Equipment - South Lake Leisure Centre;
 9. Road Construction;
 10. Footpath Construction;
 11. Park Construction;
 12. Environmental Services Projects;
 13. Buildings;
 14. Light Vehicle;
 15. Major Plant;
 16. Minor Plant; and
 17. Plant and Equipment - Volunteer Fire Brigade.
 18. Operational items carried forward.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council is required to adopt an annual budget by 31 August each financial year.

Submission

N/A

Report

A report by the Director Finance and Corporate Services on the 1999/2000 Budget is attached to the Agenda, together with schedules of items included in the proposed Budget. Items considered but not included in the proposed Budget are attached to the report prepared by the Director, Finance and Corporate Services.

Strategic Plan/Policy Implications

The Budget provides funds for Council's activities in 1999/2000.

Budget/Financial Implications

The above recommendations are included in the proposed Budget for 1999/2000

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

N/A

15.3 (OCM2_7_1999) - MUNICIPAL BUDGET (5402) (ATC) (ATTACH)

| RECOMMENDATION | | |
|--|---------------------|-------------------|
| That Council adopt the following in its 1999/00 Municipal Budget: | | |
| (1) the rate in the dollar and minimum rate for Council's rate categories be: | | |
| Category | Minimum Rate | Rate in \$ |
| Residential Improved | 390.00 | 6.1524 |
| Commercial/Industrial Improved | 582.00 | 6.1524 |
| Residential/Vacant | 390.00 | 10.6570 |
| Commercial/Industrial Vacant | 582.00 | 10.6570 |
| UFL Residential Improved | 390.00 | 5.5371 |
| UFL Residential Vacant | 390.00 | 9.5913 |
| Rural/Special Rural | 390.00 | 0.4310 |
| UFL Rural | 390.00 | 0.3879 |
| (2) The charges for rubbish services be as follows: | | |
| (i) The Rubbish Collection Charge be levied at \$107.00 per assessed collection service for a weekly domestic rubbish collection, with a mobile bin levy of \$27.00 applying to ratepayers who received their bin after 1 July 1996. | | |
| (ii) The Rubbish Collection Charge be levied for non-rateable | | |

properties at an annual rate of \$265.00 per assessed service for a weekly collection.

- (iii) The Commercial, Industrial and Residential premises be charged \$107.00 per assessed service for a bulk service weekly collection, with a bulk bin levy of \$27.00 for all bins delivered after 1 July 1995.
 - (iv) The new rubbish services commencing during the year 1999/2000 be levied a mobile bin service charge of \$27.00 and a pro-rata charge based on \$107.00 p.a.
- (3) a discount of 5.00% be allowed on current rates provided that all rates and charges due are paid within thirty-five (35) days of the date of issue of the rate notice.
- (4) offer payment options for Rates and Service Charges of:
- (i) Pay in full and receive discount (on current rates only);
 - (ii) Pay in two instalments; and
 - (iii) Pay in four instalments
- provided that in all cases the first payment must be received within thirty-five days of the issue date of the Rate Notice.
- (5) sets the following payment dates for instalment options:
- (i) Two instalments.
 - First payment due 14 September 1999
 - Second payment due 18 January 2000
 - (ii) Four instalments.
 - First payment due 14 September 1999
 - Second payment due 16 November 1999
 - Third payment due 18 January 2000
 - Fourth payment due 21 March 2000
- (6) charge an administration fee of \$5.00 for the second and subsequent instalments with alternative arrangements for payment of rates and charges being subject to administration charges of \$5.00 per instalment up to a maximum of \$20.00 per assessment with instalment interest rates and late payment interest rates to apply.
- (7) the interest rate on instalment payments be 5.5% per annum and the late payment interest rate be 11.00% per annum.
- (8) once off extensions up to sixty (60) days be charged instalment

interest from the due date but no administration fee.

- (9) the Rates Incentive Scheme prizes apply for full payment within thirty five (35) days of the date of issue of the rate notice.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

N/A

Report

The recommendations shown above relate to the rate in the dollar to be charged, rubbish service charges, discount, payment options and penalty interest rates in the proposed budget for 1999/00.

Strategic Plan/Policy Implications

The budget provides funds for Council's activities in 1999/00.

Budget/Financial Implications

The above recommendations are included in the proposed Budget for 1999/00.

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

N/A

15.4 (OCM2_7_1999) - ADOPTION OF MUNICIPAL BUDGET 1999/00 (5402) (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Municipal Budget for 1999/00 as attached to the Agenda, as presented/amended.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council is required to adopt an annual budget by 31 August each year.

Submission

N/A

Report

The Municipal Budget, in the required AAS27 format, is attached to the Agenda.

Strategic Plan/Policy Implications

The Budget provides funds for Council's activities in 1999/00.

Budget/Financial Implications

The above recommendation adopts the Budget for 1999/00.

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

N/A

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. CONFIDENTIAL BUSINESS

Nil

21. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

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

Nil

23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

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

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

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

25. CLOSURE OF MEETING

Nil