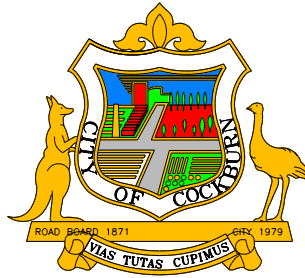


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 11 MAY 2006

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 MAY 2006 AT 7:00 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 MAY 2006 AT 7:00 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

Nil

5 (OCM 11/05/2006) - APOLOGIES AND LEAVE OF ABSENCE

Clr A Tilbury	-	Leave of Absence
Clr V Oliver	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM 11/05/2006) - ORDINARY COUNCIL MEETING - 13/04/2006

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 13 April 2006, be accepted as a true and accurate record.

COUNCIL DECISION

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. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil

13. COUNCIL MATTERS

13.1 (OCM 11/05/2006) - PROPOSED AMENDMENT TO LOCALITY OF JANDAKOT TO ESTABLISH A NEW LOCALITY OF COCKBURN (1050) (DMG) (ATTACH)

RECOMMENDATION

That Council:

- (1) conducts a survey of landowners affected by the proposal to change the boundaries of the locality of Jandakot to establish the new locality of Cockburn, as shown in the attachment to the Agenda; and

- (2) subject to a majority of affected landowners supporting the proposed locality change, submit an application to the Geographic Names Committee requesting the recommended amendments.

COUNCIL DECISION

Background

The current boundary for the suburb of “Jandakot” extends to the west of the Kwinana Freeway as shown in the attachments to the Agenda.

Submission

To amend the boundary of Jandakot and establish the new locality of “Cockburn”, as shown on the attachment.

Report

The current suburb of Jandakot extends West of the Kwinana Freeway, wedged between the suburbs of South Lake to the North, Success to the South and Yangebup to the West.

This is the result of an historical situation which existed well before the Freeway extension was constructed through the area, and which was predominantly occupied by industrial landholders. At the time it was logical to include these land uses in one single locality. However, with the closure of the industrial uses on the land west of the Freeway, and extensive redevelopment of the land occurring, it is timely for Council to reconsider this position.

Preliminary contact was made with the government department which administers such matters, to discuss any options available to address how this specific case may best be dealt with. Ultimately, the Geographic Names Committee (GNC) advised that it recognises the logic in creating a new suburb, given that the part of Jandakot west of the Freeway is now distinctly separate from the traditional and more recognisable part of the suburb which remains east of the Freeway.

This is despite the fact there is a small pocket of residential development already situated in the proposed new suburb, known as “Lakeridge Estate”. However in the circumstances, GNC is prepared to

deviate from its usually firm position of not re-allocating established residential areas to new suburbs, primarily due to the extensive workload involved in changing the details of addresses contained in data bases for public utility services providers, (ie. Telephone, power, vehicle and driver licenses etc).

This acknowledges that the area in question is small in size and the number of properties affected is minimal. On balance, it is more rational to include this area in a new locality area, rather than retain it, and other adjacent areas, in the current suburb of Jandakot.

One aspect of the issue which is not supported by GNC is the use of the suffix "Central" in applying a new suburb name to the area. Even though the Landcorp development and the adjacent railway station will be badged "Cockburn Central", it is essentially a marketing slogan, which GNC guidelines do not support, when applications for changed locality names are being considered. This is not considered to be detrimental to the objective of the City in having an area which can be identified as a "heart" of the district.

The preferred option for the GNC is to relocate the western boundary of the proposed new locality from Hammond Road, between North Lake Road and Beeliar Drive in a westerly direction to coincide with the lots surrounding the eastern shores of Lake Yangebup.

This is supported on the basis that the land has been earmarked for future development and would more logically relate to the new suburb, than with its current status of Yangebup, with which the residential area west of the lake is better associated.

Overall, the position notionally accepted by GNC is supported on the basis that it is acceptable to the majority of affected landowners.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

A costing estimate of \$2,500 has been determined to undertake a proposed survey. This would be funded from the Community Consultation Account.

Legal Implications

The Department of Planning and Infrastructure, through the Geographic Names Committee is the responsible authority for approving amendments to suburb boundaries.

Community Consultation

If the proposal proceeds, the affected community will be consulted through the landowners' survey, the results of which will determine the outcome.

Attachment(s)

1. Map identifying proposed locality changes.
2. Copy of letter of in principle support Geographic Names Committee.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 11/05/2006) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56(1) OF THE LAND ADMINISTRATION ACT 1997 - PORTION OF CS2726 RESERVE 15556 AND PORTION OF CS2130 RESERVE 29241 (4412147, 4412070) (KJS) (ATTACH)

RECOMMENDATION
That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate portions of CS2726 & CS2130 being portions of Reserves 15556 & 29241 respectively pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

Background

Reserves 15556 & 29241 are conservation and nature reserves managed by CALM. CALM has given consent for portion of the reserves to be excised and dedicated as Road Reserve.

Submission

Australand has sought the dedication of the land to enable the seamless construction of Russell Road within the MRS Road Reservation.

Report

Reserves 15556 and 29241 are A class reserves managed by the Department of Conversation and Land Management (CALM). CALM has given detailed consideration to the proposal to modify the boundaries of the reserves in order to create a road reserve that will accord with the Metropolitan Region Scheme Other Regional Road. CALM consent was given subject to conditions on fencing and rehabilitation of the existing road pavement area once the realigned road pavement has been constructed.

Construction of the new section of Russell Road east and west of the intersection of the new Hammond Road will tie in with current Hammond Road construction by the City north of Russell Road. The cost of the Russell Road section will be borne by Developer Contributions and the City.

The dedication of the realigned MRS is a legal requirement of the Land Administration Act.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

The legal requirements of dedicating the land as road reserve will have no financial implications. The dedication is pursuant to Section 56 of the Land Administration Act 1997.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Location Plan.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

14.2 (OCM 11/05/2006) - CLOSURE OF PORTION OF FRASER ROAD, BANJUP TO THE PASSAGE OF VEHICLES PURSUANT TO SECTION 3.50 OF THE LOCAL GOVERNMENT ACT 1995 (450057) (KJS) (ATTACH)

RECOMMENDATION

That Council close portion of Fraser Road from a point 200 metres north of Armadale Road to Jandakot Road, Banjup to the passage of vehicles for four (4) years.

COUNCIL DECISION

Background

The subject section of Fraser Road is only constructed for approximately 900 metres north of Armadale Road. The unmade section continues through to Jandakot Road.

Submission

ROCLA, CSR and Homeswest have written to the City seeking closure of section of Fraser Road to the passage of vehicles.

Report

An inspection of the area revealed that the area is a dumping ground and used by off road vehicles. This observation is backed up by Rocla and CSR representatives who state that weekend users of the area damage and steal their equipment.

The quarry operators have undertaken to construct a fence and gate at each end of the closure area. The gate will be locked using a standard "CALM" key. This will ensure access for FESA and other government agencies.

The proposal has been advertised in the local newspaper and at the conclusion of the advertising period there were no objections. The closure will only run until the land either side of the road is redeveloped. The owners plan to redevelop the land as special rural lots once the sand resource has been exhausted. The road reserve will then be utilised as part of the development and the Section 3.50 closure to vehicles will be withdrawn.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

N/A

Legal Implications

Temporary closures of roads by Local Governments is pursuant to Section 3.50 of the Local Government Act 1995.

Community Consultation

The proposal was advertised in the Cockburn Gazette. Service authorities and emergency services were advised.

Attachments

Location Plan

Advice to Proponent(s)/Stakeholders

The Applicant(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 May 2006 Council Meeting.

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

Nil.

14.3 (OCM 11/05/2006) - PROPOSED FINAL ADOPTION OF SCHEME AMENDMENT NO. 46 - LOT 24 LYON ROAD, AUBIN GROVE - OWNER: BELLCROSS HOLDINGS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (93046) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (2) advise the proponent of the Council's decision.

COUNCIL DECISION**Background**

ZONING:	MRS:	Urban
	TPS:	Public Purposes – Water Corporation Development Area 11 (DA11) Development Contribution Area (DCA7)
LAND USE:	Vacant	
LOT SIZE:	0.2400 ha	

Council at its meeting held 12 January 2006 resolved to initiate Amendment 46 to Town Planning Scheme No. 3 for the purpose of advertising.

Submission

The application has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment 46.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act*.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

No submissions were received during the advertising of the proposed scheme amendment. However, a structure plan applying to the subject lot was recently adopted by Council at its January 2006 Council Meeting (Minute No. 3068) and submissions from Western Power, Water Corp, Department of Education and Training and Department of Environment raised no objections or concerns regarding the structure plan.

A copy of the proposed amendment map is included in the Agenda attachments.

Conclusion

It is recommended that Council proceed to adopt the scheme amendment to rezone the subject land from 'Public Purposes' to 'Development' in order to facilitate residential subdivision and development of the land and refer it to the WA Planning Commission for final consideration.

Strategic Plan/Policy Implications

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

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

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning and Development Act
Town Planning Regulations

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 46 concluded on 5 April 2006. At the close of the advertising period no submissions were received.

Attachment(s)

- (1) Site Plan
- (2) Proposed Scheme Amendment Map

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 11 May 2006 Council Meeting.

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

Nil.

14.4 (OCM 11/05/2006) - PEDESTRIAN ACCESSWAY CLOSURE - WATTLE COURT, BIBRA LAKE (450449) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Western Australian Planning Commission give consent to the closure of pedestrian accessway Wattle Court, Bibra Lake; and
- (2) on receiving consent in (1) above request that the Department for Planning and Infrastructure - Land Asset Management Services close the pedestrian accessway Wattle Court, Bibra Lake.

COUNCIL DECISION

Background

The PAW was created as a condition of the surrounding residential subdivision as approved by the Western Australian Planning Commission (WAPC). The PAW connects Wattle Court to Mears Park allowing convenient access for 10 households to the recreational area.

Submission

Two properties adjoin the PAW. Both owners have requested the closure and agreed to purchase the land if closure proceeds. The administration fee of \$250 has been paid.

Report

The request for closure is assessed against the set criteria contained in Council Closure Policy APD 21.

Policy Consideration

The location of the PAW in relation to community facilities and services.

Schools

Bibra Lake Primary School is 1600 metres from the PAW. It is considered that closure of the PAW will have minimal adverse effect on the number of people walking to the school.

Shops

Lakes Shopping Centre is 760 metres from the PAW. Closure of the PAW will increase this distance by 250 metres for 4 households. It is considered that closure of the PAW will have minimal adverse effect on the number of people walking to the shops.

Public Open Space

Mears Park is located at the southern end of the PAW. Closure of the PAW will increase the walk distance to the park for 4 households by 300 metres. The alternative route is safe and along level footpaths. It is

considered that the closure will have minimal adverse effect on the number of people accessing the park.

Public Transport

Bus stops are located in Progress Drive and North Lake Road. The distance to these stops are 300 and 440 metres respectively. Closure of the walkway will have no effect on the walk distance to the bus stops and will have no impact.

Community Centres

Bibra Lake Community Centre in Parkway Bibra Lake is over 2 kilometres away. The closure of the PAW will not have any impact on the walk distance to the Centre.

The role of the PAW and its impact on the Bike Plan:

- City of Cockburn
- Seniors Community Facility

Degree of Nuisance Experienced by Adjoining Owners

The adjoining owner has reported late night anti social behaviour in the PAW although site inspection does not give any indication of such.

Alternative Access Routes

Alternative access routes are available along footpaths in Fantail Drive, Bibra Lake and Prout Way. The alternatives are safe, visible and on easy gradients.

Consideration of Alternatives to Closure of PAW

- Increased lighting – A street light is only 20 metres away in Wattle Court. The expense of providing additional lighting cannot be justified.
- Obstructive access to restrict vehicles. This is not relevant in this case.
- Increasing the fence heights. This measure is not considered to be an effective remedy.
- Locking the PAW between certain hours. This measure involves initial capital expenditure and ongoing costs for the security patrol to lock and unlock the gates morning and night. The costs of this measure are considered to be in excess of the possible benefits.

Security Patrols

The City of Cockburn security patrol covers this PAW but has not been shown to have an impact on the reduction of reported anti social behaviour.

Eliminating overhanging vegetation

A site inspection reveals that there is no vegetation causing problems of visibility.

The evidence that the PAW is the venue for excessive anti social behaviour has not been demonstrated conclusively.

It has been demonstrated that the PAW does not increase the level of walking or cycling in the associated neighbourhood. A mailout to all of the households likely to use the PAW has been undertaken with prepaid response forms attached. None of the respondents sought the maintaining of the PAW.

It is considered appropriate that as long as the adjoining owners are prepared to purchase the PAW that a consent for closure be forwarded to WAPC and if that consent is given that a request for closure be forwarded to the DPI Midland.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Letters were sent to surrounding landowners and, at the conclusion of the notification period, no submissions had been received.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 May Council Meeting.

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

Nil.

14.5 (OCM 11/05/2006) - REVESTING PEDESTRIAN ACCESSWAY - BLACKTHORNE CRESCENT TO LITTLE RUSH CLOSE, SOUTH LAKE TO PUBLIC UTILITIES RESERVE (451152) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request that the Minister for Planning and Infrastructure re-vest Pedestrian Access Way Blackthorne Crescent to Little Rush Close, South Lake to a Public Utilities reserve, subject to costs for any required fencing and gates being met by either the adjoining owners or Water Corporation;
- (2) review Policy APD21 'Pedestrian Accessway Closure' to include the option of re-vestment of pedestrian accessways where outright purchase by adjoining owner is impracticable;
- (3) review Policy APD21 'Pedestrian Accessway Closure' in 12 months.

COUNCIL DECISION

Background

Council at its meeting held on 20 January 2004 resolved to:

- “(1) request the Minister for Planning and Infrastructure to proceed with the closure of the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake; and*
- (2) advise those persons who made a submission of Council’s decision.”*

Submission

A letter from adjoining owners and nearby residents has requested that Council request that the Minister for Planning and Infrastructure revest the pedestrian accessway to a Public Utilities Reserve.

Report

Following the resolution of 20 January 2004, a request for closure was forwarded to the Department of Planning and Infrastructure in Midland (DPI). DPI compiled purchase prices taking into consideration the cost of cutting and capping a Water Corporation water main.

The purchase prices were then sent to the 4 adjoining owners. Although one owner was prepared to meet the cost of purchasing the land fronting Blackthorne Crescent the land fronting Little Rush Close was without a willing purchaser. DPI’s policy is that it is not prepared to close a PAW unless all of the land is purchased and amalgamated into the adjoining lots.

The closure of the PAW stalled until a delegation of residents met with local MLA Francis Logan. This meeting has resulted in an understanding that the Minister for Planning and Infrastructure will give favourable consideration to a request from the City of Cockburn for the revesting of the PAW to a Public Utilities Reserve. The Water Corporation have a water main in the PAW.

The revesting and granting of management of the reserve to the City of Cockburn will allow the City to legally restrict access to the reserve. It is anticipated that either the owners or Water Corporation will erect fencing of similar style and height to existing fencing with a gate at one end to facilitate maintenance.

The proposed closure method has been utilised successfully between Harfluer and Maxworthy Place in Hamilton Hill.

The land will be closed to the public with a gate at one end allowing access for maintenance. If in the future the adjoining properties change ownership and the new owners are in a position to purchase the land then the land can be revalued and a land transfer could take place. Alternatively, if in years to come there is a marked change in the demographic profile of the area the land could revert to its pedestrian function.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

The Council Policies which apply to this item are:-

APD21 PEDESTRIAN ACCESS WAY CLOSURES

Budget/Financial Implications

Nil.

Legal Implications

The reversioning is undertaken by DPI LAMS pursuant to the Land Administration Act.

Community Consultation

Community consultation was undertaken in the form of a letter drop and signs on site.

Attachment(s)

- (1) Location Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.6 (OCM 11/05/2006) - PROPOSED AMENDMENT NO. 48 TO TOWN PLANNING SCHEME NO. 3 FOR CONSISTENCY WITH AN AMENDMENT TO THE METROPOLITAN REGION SCHEME - LOTS 4995-4997, 500-502, 400, 303 & 4620 COCKBURN ROAD, LOTS 4291, 21, 2-5 & 101 RUSSELL ROAD, LOTS 4896 & 4898 JESSIE**

**LEE STREET, LOTS 106 & 105 RUSSELL ROAD - OWNERS:
VARIOUS - APPLICANT: DPS (93048) (JW) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 48

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

1. Amending the Scheme Map by extending 'Special Use Zone No.2' and 'Development Area No.15' to include lots 4995 – 4997 Cockburn Road and portions of Quill Way & Stuart Drive.
 2. Amending the Scheme Map by zoning Lots 500 – 502, 400, 303 & portion of Lot 4620 Cockburn Road, portions of Lots 4291, 21, 2 – 5 & 101 Russell Road, portion of 4895 Success Way, portion of Lot 4896 & 4898 Jessie Lee Street, and portions of the Success Way, Jessie Lee Street & Crane Street road reserves 'Industry'; and
 3. Amending the Scheme Map by zoning Lot 106 and portion of Lot 105 Russell Road 'Light and Service Industry'
- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to

the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;

- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) advise the applicant of Council's Decision and request the applicant to prepare five (5) copies of the amendment documents.

COUNCIL DECISION

Background

The subject scheme amendment was considered by Council at its meeting held on 13 April 2006.

Council resolved that the matter be deferred to the next Council Meeting, pending information regarding the future effects and safety of the community and industrial needs of the area.

Submission

The scheme amendment under consideration for the land in the Henderson Industrial area that will be affected by the gazettal of MRS Amendment 1071/33. The MRS Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Industrial', and is in its final stages of approval in Parliament.

Report

The land subject to this proposal measures 10.5 hectares in area and stretches along 3 kilometres of Russell Road and Cockburn Road within the Henderson Industrial Area (see agenda attachment 1).

The land is in a variety of ownerships, including both private and public, with various portions of the former MRS reservations having been acquired by the State Government in order to facilitate construction of the Fremantle Eastern Bypass.

Subdivision approvals have been granted over lots 4995 & 4997 Cockburn Road whereby the land is to be amalgamated and developed in conjunction with adjoining lots, which form portion of the Henderson Industrial Area (Australian Marine Complex).

The subject land is currently reserved under the Metropolitan Region Scheme (MRS) as either 'Primary Regional Road' and 'Other Regional Road'. The City of Cockburn Town Planning Scheme No.3 (TPS3) currently reflects the existing regional road reservations over the subject land (see agenda attachment 2 & 3).

Upon gazettal of MRS Amendment 1071/33, the land will be rezoned to 'Industrial' under the MRS (see agenda attachment 4).

However, the subject land will become 'unzoned land' under the TPS3 as a result of its removal from the Fremantle – Rockingham Highway Primary and Other Regional Road Reserve upon the gazettal of MRS Amendment 1071/33. The Scheme Amendment seeks to extend the current TPS3 zones of the adjoining industrial estates to encompass the 'unzoned' land. The Scheme Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Special Use' (SU2) and 'Development Area' (DA15) as well as 'Industry' and 'Light & Service Industry' Zone (see agenda attachment 5).

The Scheme Amendment will provide the Council with development control commensurate with that, which guides the adjoining industrial estates.

It is recommended that Council initiate the proposed TPS3 Amendment and refer the document the Environmental Protection Authority (EPA) for assessment. Following the receipt of formal advice from the EPA that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, Council advertise the Amendment under Town Planning Regulation 25.

With regards to Council resolution at its meeting held on 13 April 2006, it is informed that the future effects and safety of the community are matters that have already been considered as part of the Western Australian Planning Commission (WAPC) MRS Scheme Amendment 1071/33. The WAPC has determined that the land is not required to be ceded for road widening purposes and the potential road intersections and road widenings to ensure adequate traffic safety have already been considered and determined as part of the Scheme Amendment. Therefore the proposal should be supported to reflect the proposed

MRS Scheme Amendment. With regards to the industrial needs of the area it is considered that the subject land is subject to subdivision applications to the Western Australian Planning Commission which have already been approved. Furthermore the City of Cockburn has also recommended approval for the subdivisions and for the area to be used to be included as part of the industrial area. Therefore the need for industrial land is evident.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - "To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."
 - "To ensure that the development will enhance the levels of amenity currently enjoyed by the community."
3. Conserving and Improving Your Environment
 - "To conserve the quality, extent and uniqueness of the natural environment that exists within the district."
 - "To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."
4. Facilitating the needs of Your Community
 - "To facilitate and provide an optimum range of community services."

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Metropolitan Region Scheme
Town Planning and Development Act
Town Planning Regulations

Community Consultation

To be undertaken as part of the Amendment process.

Attachment(s)

- (1) Location Plan

- (2) MRS Zoning Plan
- (3) TPS3 Zoning Plan
- (4) MRS Amendment 1071/33 Plan
- (5) The Scheme Amendment Submission

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 11 May 2006 Council Meeting.

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

Nil.

**14.7 (OCM 11/05/2006) - SALE OF COUNCIL OWNED LAND (4809) (KJS)
(ATTACH)**

RECOMMENDATION

That Council:

- (1) accept offers to purchase Lot 380 Congdon Avenue, Beeliar, Lot 814 Phoenix Road, Spearwood and Lot 709 Southwell Crescent, Hamilton Hill, subject to:
 - 1. The sale price being at least market value as determined by a Licensed Valuer; and
 - 2. The provisions of Section 3.58 of the Local Government Act 1995, being complied with.
- (2) amend the 2005/06 Budget to provide for the income received and expenses expended in the course of the sale of the lots;
- (3) transfer funds received to the Land Development Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council, at its meeting held on 18 January 2005, in relation to the disposal of its land resolved to:-

- “(1) receive the report;*
- (2) adopt the Land Management Strategy 2005 – 2010;*
- (3) proceed with the development and sale of Council owned land, in accordance with the Land Management Strategy 2005 – 2010, consistent with the Principal Activities Plan revised from time to time; and*
- (4) allocate all proceeds from the sale of land into the Land Development Reserve Fund.”*

Submission

N/A

Report

The Land Management Strategy 2005 – 2010 adopted by Council on 18 January 2005 identified a number of vacant lots owned by Council that could be sold. These lots do not require any additional development and are appropriately zoned.

The three (3) lots to be sold are:

- Lot 380 Congdon Avenue, Beeliar,
- Lot 814 Phoenix Road, Spearwood; and
- Lot 709 Southwell Crescent, Hamilton Hill.

The lots have been valued by a Licensed Valuer, Jonathon Tyson from McGees. Three local real estate agents have supplied costings to market and sell the lots.

There has been a degree of public interest in some of these lots due in part to the current intense property market.

An offer has been presented for the purchase of Lot 380 Congdon Avenue which is in excess of the market value and a similar offer is anticipated in the near future for Lot 814 Phoenix Road, Spearwood.

If required one of the local real estate agents will be engaged through usual administrative procedures to market any of the lots not sold through past public inquiry. It is considered that the current real estate market provides the environment to sell these lots quickly at attractive purchase prices.

Section 3.58 of the Local Government Act requires that details of land proposed to be sold by private treaty be advertised in a newspaper having state-wide distribution. The advertisement lists details of the proposed disposition and market valuation and allows for submissions to be made by a date not less than 2 weeks after the notice is given.

Should there be any submissions of a substantive nature then the matter would be referred back to Council for its consideration.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Income will be transferred to the Land Development Reserve Fund.

Legal Implications

Section 3.58 of the Local Government Act 1995.

Community Consultation

Any individual land sale will be advertised in a newspaper that gives state-wide distribution.

Attachment(s)

- (1) Location Plans of subject lots.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 11/05/2006) - LIST OF CREDITORS PAID - MARCH 2006 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for March 2006, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

Legal Implications

Section 13 of the Local Government (Financial Management) Regulations 1996.

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – March 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 11/05/2006) - STATEMENT OF FINANCIAL ACTIVITY - MARCH 2006 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated documents for the period ended 31 March 2006, as attached to the Agenda.

COUNCIL DECISION

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:–

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for January 2006.

Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed leave provisions). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

For the 2005/06 financial year, Council has adopted a materiality threshold of 10% or \$10,000, whichever is the greater.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

As the mid-year budget review has already been conducted and was based on financial information as at 31 December 2005, any further material variances of a permanent nature will now impact upon Council's end of year surplus/deficit position.

Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, refer.

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for March 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 11/05/2006) - MINUTES OF THE COCKBURN CENTRAL YOUTH CENTRE ADVISORY COMMITTEE MEETING - 01/02/2006 AND 04/04/2006 (8648) (MA) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Minutes of the Cockburn Central Youth Centre Advisory Committee meetings held on 1 February 2006 and 4 April 2006 and adopts the recommendations contained therein; and
- (2) note that the recommendation is seeking to increase the cost of this project from an approved amount of \$2.0M to a sum of at least \$3.3M, but the final figure will depend on the tender process and the revised amount of \$3.3M has been factored into the City's Ten Year Capital Works Program.

COUNCIL DECISION

Background

The Cockburn Central Youth Centre Advisory Committee conducted meetings on 1 February 2006 and 4 April 2006. The Minutes of the Meetings are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Cockburn Central Youth Centre Advisory Committee Meetings are attached to the Agenda. Items dealt with at the Committee Meetings form the Minutes of that Meeting.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council.

An Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Cockburn Central Youth Centre Advisory Committee Minutes 1 February and 4 April 2006, Indicative Schedule, Cost allocations and two plans.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the May 2006 Council Meeting.

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

Committee Minutes refer.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22 (OCM 11/05/2006) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Whitfield has requested that a report be prepared and presented to Council concerning the cost, size and position of suitable signage at the City's proposed Stadium site.

23. CONFIDENTIAL BUSINESS

Nil

24. (OCM 11/05/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) 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
- (3) managed efficiently and effectively.

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil