

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 MARCH 2001 AT 7:30 P.M.

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CITY OF COCKBURN**MINUTES OF ORDINARY COUNCIL MEETING HELD ON
TUESDAY, 20 MARCH 2001 AT 7:30 P.M.**

PRESENT:**ELECTED MEMBERS**

Mr S. Lee	-	Mayor
Mr R. Graham	-	Deputy Mayor
Mrs S. Rennie	-	Councillor
Mr I. Whitfield	-	Councillor
Mr A. Edwards	-	Councillor
Mr K. Allen	-	Councillor
Mr L. Humphreys	-	Councillor
Mrs N. Waters	-	Councillor
Mr M. Reeve-Fowkes	-	Councillor
Mrs V. Oliver	-	Councillor

IN ATTENDANCE

Mr R. Brown	-	Chief Executive Officer
Mr D. Green	-	Director, Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mrs B. Pinto	-	Secretary, Finance & Corporate Services
Mr C Ellis	-	Communications Manager

1014. (AG Item 1) DECLARATION OF OPENING

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

Mayor Lee stated that he had two cheque presentations to be made.

The first was to the Fremantle Hospital Medical Research Foundation for an amount of \$10,000, which was the third of four donations Council was making to the Foundation. Mayor Lee invited Mr Len Hitchen,



Chairman of the Fremantle Hospital Medical Research Foundation to accept the cheque. These funds would be used towards the research into Osteoporosis, Diabetes and the effectiveness of treating Hepatitis C with Chinese herbal medicine, among other research projects.

The second cheque presentation was made to the Volunteer Home Support, for which the Chief Executive Officer, Danny Woodham accepted the cheque. Volunteer Home Support Inc. work hard to ensure that those in the community who would otherwise be institutionalised can remain in their homes. They provide gardeners and handymen to come around to help those who need a hand, as well as providing transport to and from home.

1015. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

1016. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member)

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

1017. (AG Item) (OCM1_3_2001) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)

The Presiding Member advised that he had received written advice from the Chief Executive Officer of a conflict of interest in Agenda Item 16.2 which will be read at the appropriate time.

1018. (AG Item 6.1) (OCM1_3_2001) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ms Playle - Public Question Time - Ordinary Council Meeting - 16 January 2001 - tabled a letter which asked a number of questions with regards to the Gerald and Doolette Streets traffic issue.



A response dated 24 January 2001 addressed each of Ms Playle's questions.

Mr Renner - Public Question Time - Ordinary Council Meeting - 20 February 2001 - referred to the Agenda Attachments for item 15.1 - Cheque List and requested an explanation as to why certain cheques were raised.

Immediately following the meeting the Acting Director, Finance & Corporate Services advised Mr Renner that he was referring to the January meeting's agenda attachments and the cheques he queried, had been ratified at the January Council Meeting. Mr Renner was satisfied with the explanation and advised that a written response was not required.

With regards to Mr Renner's comments on cat sterilisation etc, Council has on its budget, funds to subsidise the cost of having cats sterilised. The intent of this funding was to encourage cat owners to sterilise cats and by so doing, assist in reducing the number of cats within the City. This in turn would contribute toward reducing the level of damage to fauna within the City, particularly in the areas with conservation reserves.

The control of dogs is administered under the Dog Act which has been in operation for many years and accepted as a valid area of control by the general community. There is no similar act for cats in WA. Given their size, mobility and predatory nature, the control of cats is a far more difficult proposition than that of dogs. Further, the limited experience of other councils in WA in considering the control of cats, demonstrates a strong resistance by a substantial portion of the general community to the idea.

1019. (AG Item) (OCM1_3_2001) - PUBLIC QUESTION TIME

Mayor Lee read a response to a letter received from Community Networking Inc (Com-Net) dated 12 March 2001 concerning the proposed soccer grounds – Lot 14 Progress Drive, Bibra Lake – West Australian Croatian Soccer Club

Q1. Is the proposal in the best interests of the residents of Cockburn? Why is the City of Cockburn prepared to underwrite a sporting body that is not a "Cockburn" Association? At the risk of sounding peevish, Com-net applied to Council for funding a few years ago and was refused. One of the grounds for refusal



was that Com-Net was not a solely "Cockburn" group regardless that the majority of groups affiliated with this body are Cockburn Associations.

- A1. The decision taken at the time to proceed with the development of Lot 14 Progress Drive, was considered to be in the best interests of the residents of Cockburn. However, there are some that would disagree with this point of view.

It is true that Council incurred expenditure for the preparation of documents relating to the development in 1997/98, however some of this expenditure was on a shared basis. The Association has stated that approximately 90% of the WA Croatian Association membership live in the Cockburn area.

- Q2. The initial cost to ratepayers for the Council reserve (incorporating Tappers wetland Lot 40) was estimated at \$3,000. Is it true that the cost of maintaining this area could in fact cost Cockburn ratepayers hundreds of thousands of dollars?

- A2. The amount of \$3,000 relates specifically to Council's contribution to the costs of the compliance audit required by the environmental conditions imposed on the project by the EPA. This amount is included in the project budget.

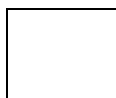
An independent review will determine Council's liability. Council's administration does not believe it will cost hundreds of thousands of dollars.

- Q3. Is the development of this lot bound by the contract of being the Croatian soccer field development?

- A3. The sale of Lot 21 Progress Drive is subject to a contract of sale. Lot 22 Progress Drive is to be leased to the WA Croatian Association for development as a soccer pitch at no cost to Council.

- Q4. Is the responsibility for the environmental commitment for Lot 21 and Lot 22 with Cockburn Council or is there to be joint responsibility with the sporting body? What will the ongoing costs for management of this proposal cost the ratepayers?

- A4. The decision making process in respects to this dealing, proceeded on the understanding that there was joint responsibility. It is now understood that technically, Council is the sole proponent although application has been made for joint proponentship.



The original Lot 14 Progress Drive has been subdivided to create two new Lots ie: Lot 21 and 22. The former will be sold to the WA Croatian Association and the latter is to be leased to the club for the development of a soccer pitch. The ownership of the remaining portion of Lot 14 will remain with Council. Any environmental conditions placed on Council as a proponent, will be passed to the Association by way of the lease.

- Q5. Why has this site (within the midge buffer zone) been chosen for a sporting venue? Is there likely to be midge problems for participants and spectators attending events on this site?
- A5. A number of sites were investigated by a consultant employed by Council but Lot 14 Progress Drive was chosen for the development. The WA Croatian Association is aware of the fact that there is a midge problem with the site and the Association has acknowledged in writing that it is fully aware of that fact.
- Q6. Is it correct that Council were presented with a 400-person petition opposing the siting of this development? Was this duly considered in the decision to support the proposal?
- A6. During the period of development of the final proposal for Lot 14, the matter was subject to vigorous scrutiny as a result of community concerns and with particular emphasis on environmental issues. Council received a petition on 30 June 1997 signed by 432 persons who opposed the development.

Council adopted the following in August 1997: *"That Council resolve to defer this matter until the Environmental Protection Authority has published its report concerning the proposed development of Lot 14 Progress Drive, Bibra Lake."*

The petition organiser was advised that it was anticipated the EPA Bulletin would be available in October 1997 and that Council would consider the petition when the recommendations contained in the Bulletin were considered. It appears the intention of the Council to consider the petition after the Environmental Protection Authority had published its report, was overlooked.

In dealing with the submissions relating to the Consultative Environmental review for the project, the EPA also received the petition and the EPA rejected the petition.

Mr Bert Renner, Spearwood spoke in relation to the proposed sale of the Administration Building and the erection of a new building in Success. He expressed concern that at the present time there are



many shops around the area which are vacant, and if Council land is to be commercialised, a similar sort of a situation would arise. He strongly felt that this is a pensioners area. It was his opinion that there should be no reason why Councillors from other Wards should suggest or decide what is to be developed in the West Ward. He stated that he was very disappointed that Clr Humphreys did not get the support from his fellow Councillors on the motion that was passed at the February Meeting of Council. Mayor Lee replied that it was a unanimous decision in support of the motion. He finally urged all Councillors to seriously consider the issue before a decision is made. Mayor Lee responded that the comments made by Mr Renner will be taken into consideration.

Mr John Marsden, Yangebup spoke in relation to Item 14.12.

Q1. He asked how do the changes mentioned in the recommendation today affect what has already gone through with the proposed Waste Treatment Plant in Bibra Lake and specifically, what protection do the regulations (Schedule 2) of that Act actually provide?

A1. Director, Planning and Development replied that, Council advertised the amendment to its Scheme to re-introduce the McNiece Ruling on the definition of noxious industry and was put out for public comment. Council made a decision to adopt the amendment and it was forwarded to the Western Australian Planning Commission (WAPC), where it has been decided that the Council can choose between two definitions, one which is a fairly short definition which only relates to Schedule 2 of the Act and the other which has been recommended to Council tonight which is the longer version and which relates to the Environmental Protection Regulations. The reason why this has been done is because where there is a choice between the two, Schedule 2 prevails over the Regulations. So it is the better option of the two offered to Council by the WAPC. The WAPC will make the final decision. But it does not provide much more protection than what Schedule 2 in the Health Act does.

Q2. Mr Marsden asked whether this has been forced on the community by the WAPC and does this mean that the community does not have discretionary rights to reject an application on the basis of the EPA Regulations?

A2. Director, Planning and Development replied it depends on which zoning it is in, but basically Council has to abide by the zoning within Council's Scheme, and the way in which Noxious Industry is defined. At the moment it is basically as per the definition in Schedule 2 of the Health Act. While the Act reads the way it



does Council has the powers provided by that Schedule. Council cannot go outside of that. Mayor Lee asked does this mean we do not have the protection? Director, Planning and Development responded the community only have the protection of Schedule 2.

Mr Joe Branco representing the North Lake Residents Association spoke regarding the Roe Highway. He congratulated Council for presenting a motion to oppose the Roe Highway. He requested that the recommendation by the officers be rejected on the grounds that all the recommendations had been presented in the past as far back as 1988. He was disgusted at the standard of the report, where the statistics mentioned did not seem to match, in his opinion. He made it clear that it was not just the North Lake Residents Association who were opposing the Roe Highway. He had a 1000 signature petition, which not only comprised of residents of Cockburn but from all over Perth who were strongly opposing the Roe Highway. He felt that there is no environmental argument anywhere in the report. He once again requested Councillors to support the motion to oppose the Roe Highway which was presented by Deputy Mayor Graham.

Mr Rex Sallur, ratepayer and resident of Cockburn spoke regarding the Community Needs Survey carried out in 1998. He said that it was stated in the Study that the community did not see the Roe Highway as an issue. He said the Coolbellup Community Association has been very active against the Roe Highway for at least 20 years. The Wetlands Conservation Society has been regenerating the areas around North Lake and Bibra Lake for at least 18 years. Cockburn Wetlands Education Centre has been doing the same for 6 years. He said the people of Cockburn do not want the Roe Highway. It was designed in the mid-50s, when the area was bush and swamp, now known as wetlands, and therefore to preserve these wetlands he strongly urged Council to oppose this Highway.

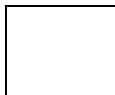
Mr Colin Crook, Spearwood spoke in relation to Item 16.2 and tabled a letter on behalf of about 20 residents pertaining to Gerald Street/Doolette Street Traffic Management. The letter outlined the uncertainty regarding this issue which was due to the unfair treatment that residents of Doolette Street had received over the past 13 years.

Mayor Lee responded that Council has gone far enough to reach a solution and commend the committee for its deliberations.

Ms Julie Baker, resident of Spearwood spoke in relation to Item 14.12 on Noxious Industry.



- Q1. With the Council's decision to allow this industry to go to change as the Ministry for Planning want to do, she asked what affect it will actually have on the McNeice decision? As she understands it the McNiece decision was holding the industrial zoning, for eg. South Lake being one of those industry zoned areas. Does that mean that any of these industries can be set up on that site especially as there are a lot of the general industry zonings that don't take into account ways of getting rid of waste water?
- A1. Director, Planning and Development replied that the McNiece ruling has now been overturned and that this has been done by the decision to amend Schedule 2 of the Health Act. The protection afforded by the words that included all other industries that required preventative measures is now gone. So now it only relates to a list of industries that are actually named in the Schedule, such as abattoirs and felmongers. So there is no protection by McNeice any more. The only protection there is, is the planning Scheme itself and under the Scheme the Council has no noxious industrial zone as such, except two; one relates to Watsons Abattoir and the other relates to the industries at North Coogee, which are specially zoned for that purpose. Other than that, noxious industries are not permitted. Within the general industrial zone where some industries may be obnoxious or have an unacceptable environmental outcome they are regulated by the EPA under a licence. That is basically the extent of the protection afforded under the Scheme and the EPA Act.
- Q2. What kind of protection is the community going to have against these industries?
- A2. Included in (1) above.
- Q3. What kind of insurance is the community going to have to pay to cover ourselves for having all these industries within short distance of our schools and homes.
- A3. Mayor Lee replied that the insurance matter cannot be answered.
- Q4. Ms Baker asked when there are discharges of gas, dust etc. that go out, all these things can actually go out into our environment and there is nothing at a Council level that we can do?
- A4. Director, Planning and Development responded that all Council can do is to make recommendations and put conditions on our development approvals. They would be appealable. Essentially



the control is by the EPA through its licencing arrangements which have conditions relating to the protection of the environment.

Q5. What about the water from these industries?

A5. Director, Planning and Development replied that some areas in the district cannot have industries which provide waste effluent without a sewer. Some other areas are going on to sewer, but where there is no sewer then obviously the waste goes to the ground unless it has to be collected, treated and taken away as part of and EPA licence. So the determination is made by the EPA as the extent of protection that is required for the groundwater. The other body involved is the Waters and Rivers Commission.

Mayor Lee added that all the Councillors and in particular Clr Reeve-Fowkes are very keen to see this imbalance addressed and Council is trying very hard to get this protection back.

1020. (AG Item 8.1) (OCM1_3_2001) - ORDINARY COUNCIL MEETING - 20/2/2001

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 20 February 2001 be confirmed as a true and accurate record.

COUNCIL DECISION

MOVED Clr Oliver SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

1021. (AG Item 13.1) (OCM1_3_2001) - PROPOSED NEW REGISTER OF DELEGATED AUTHORITY TO OFFICERS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the Register of Delegated Authority to Officers, as contained in the attachments to the Agenda.



TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Cllr Humphreys that

- (1) pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act") a committee be established comprised of Elected Members and a Council Officer in accordance with s5.9(2)(b) of the Act;
- (2) in accordance with s5.8 of the Act, the function of the committee will be to assist the Council, by (a) considering, and (b) subsequently making a recommendation to Council, on the following:
 1. The proposed new Register of Delegated Authority to Officers;
 2. The proposed new Manual of Council Position Statements; and
 3. The proposed new Manual of Council Policy Statements;
- (3) the committee be named the "Delegated Authorities, Position Statements and Policies Committee";
- (4) the committee be disbanded at the close of the Council Meeting at which a decision is made by the Council regarding the abovementioned documents;
- (5) the committee be provided administrative support for:
 1. Conducting research;
 2. Recording minutes of meeting proceedings in accordance with s5.22 of the Act;
- (6) the first meeting of the committee be held at a time to be agreed by the committee members, at which meeting a presiding member will be elected in accordance with s5.12 of the Act;
- (7) Council appoint
 1. Mayor Lee, Deputy Mayor Graham, Councillors Waters and Edwards; and
 2. The Director, Community Services, subject to the



approval of the CEO to be members of the Committee;
and

- (8) defer consideration of the proposed new Register of Delegated Authorities to Officers to the "Delegated Authorities, Position Statements and Policies Committee".

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Explanation

This matter was originally deferred by Council to enable the newly elected Council to consider these documents. The decision-making process would be improved by the proposed documents being considered by a committee prior to being adopted by Council.

The current process, from an Elected Member's perspective, begins and ends at a single Council Meeting. This does not allow for the newly elected Council to fully consider these documents.

Background

This matter was deferred by the previous Council in November 2000, to enable the newly elected Council to consider the document. Pursuant to Section 5.46(2) of the Local Government Act, 1995, Council is required to review all delegations made at least annually. As this review was last undertaken in November 1999, it is now necessary for the review to be considered again.

Submission

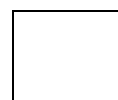
N/A

Report

During the most recent review of delegation of Council functions to officers, Council reduced the number of Policies requiring delegated authority to be performed, thus resulting in a significant streamlining of the process involved in administering the performance of delegated functions.

This outcome resulted in considerable time being saved by officers in having to conform with the onerous recording provisions which are administratively required as part of the delegation process.

However, it has been recognised that the numbering system attached to the delegations, particularly where they relate to the delegation of a Council Policy, is unwieldy and in many cases, confusing.



Therefore, it is considered appropriate to separate the Register of Delegated Authority into a more user friendly and easily identified format, particularly in relation to the Policies of Council, which are considered appropriate to delegate.

In order to achieve this, it is proposed to divide the Delegation Register into four distinct components, as follows:-

1. Delegations made under the Local Government Act, 1995 (including Council Local Laws), for which an annual review will be required;
2. Delegations made under other Legislative Heads of Power, for which no annual review is necessary;
3. Delegations made pursuant to Council's Administrative Policies, for which an annual review will be required; and
4. Delegations made pursuant to Council's Corporate Policies, for which an annual review will be required.

This methodology then enables the instrument of delegation in reference to Division (1) and (2) above, to be domiciled "as per the provisions of the (relevant legislative Head of Power)" under the heading of Legislative Requirements in each document of delegation.

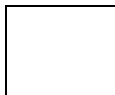
This will then enable all delegations to be simply included in an alphabetical order (according to the first letter of the Head of Power), thereby deleting the requirement for a numeric system which could prove to be inconsistent and/or confusing as changes are made throughout the year.

In addition, Divisions (3) and (4) of the Register (relative to Council Policies) can be conveniently referenced to the appropriate Council Policy number and by domiciling the Instrument of Delegation, under the title of Council Policy, "Council Policy No (insert number and title of Council Policy) refers".

Subsequently, any amendments, deletions or inclusions to those Policies subject to delegation can be easily managed and eliminates any potential confusion caused by the previous numbering system.

The system allows for simple electronic control and management of the Register and hard copies can continue to be colour coded for simplification in identifying the Council areas responsible for administering the delegations.

Strategic Plan/Policy Implications



Strategic Plan Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

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

Nil

1022. (AG Item 13.2) (OCM1_3_2001) - DELEGATED AUTHORITY - APPOINTMENT OF AUTHORISED PERSONS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council delegates authority for the Chief Executive Officer to appoint authorised persons to administer Council’s City of Cockburn (Local Government Act) Local Laws 2000, pursuant to the provisions of Sec. 9.10 of the Local Government Act, 1995.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr Allen SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

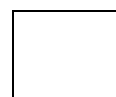
Background

In October 2000 Council appointed various staff to administer its (consolidated) Local Laws, pursuant to Sec. 9.10 of the Local Government Act, 1995. However, there are likely to be occasions when those staff leave the employ of the Council and new persons are appointed to those positions who will be required to carry out the same functions.

On these occasions, it would be necessary for Council to appoint these persons as authorised to administer Council’s Local Laws.

As this is an administrative function, it is recommended that Council delegate it for the Chief Executive Officer to perform

Submission



N/A

Report

A copy of the proposed instrument of delegation is attached.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

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

Nil

1023. (AG Item 13.3) (OCM1_3_2001) - EXTRAORDINARY ELECTION - EAST WARD (1700) (DMG)

RECOMMENDATION

That Council:

- (1) pursuant to section 4.20(4) of the Local Government Act 1995, seek the written agreement of the Electoral Commissioner to conduct an extraordinary election for the vacancy of one Councillor in the East Ward to be held on 19 July 2001;
- (2) subject to receiving the agreement sought in (1) above, declare the Electoral Commissioner to be responsible for the election; and
- (3) pursuant to section 4.61(2) of the Local Government Act 1995, conduct these elections as postal elections.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr Allen SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Background



By letter dated 12 March 2001, Clr Rennie has submitted her resignation as a Councillor, effective from 18 July 2001, due to her leaving the District as a result of her spouse's employment transfer.

Submission

N/A

Report

Pursuant to Section 4.9(1)(a) of the Act, the Mayor has, in writing, fixed 19 July 2001 as the day upon which an extraordinary election will be conducted for the East Ward, to fill the vacancy created by Clr Rennie's resignation.

Hence, it is now appropriate to formalise that these elections be held by postal ballot under the responsibility of the Electoral Commissioner.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

The cost of a Postal Election, estimated at \$25,000, will need to be provided for within the 'Governance' function of Council's 2001/02 budget.

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

Nil

1024. (AG Item 13.4) (OCM1_3_2001) - COUNCIL POSITION STATEMENTS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council notes the Manual of Council Position Statements as contained in the attachments to the Agenda, to be utilised by Council officers as guidelines or practice notes in responding to any relative issues.

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Clr Edwards that Council defer consideration of the proposed new Manual of

Council Position Statements to the “Delegated Authorities, Position Statements and Policies Committee”.

CARRIED 10/0

Explanation

Consideration of this matter was deferred pending the deliberations of the Delegated Authorities, Position Statements and Policies Committee.

Background

This matter was deferred by the previous Council in November 2000 to enable the newly elected Council to consider the document. During the recent review of Council’s Policy Manual, an opportunity was identified to further streamline this process by removing many previously considered Council “Policy” statements and renaming these Council “Position” statements. In other words, reference to these positions previously adopted by Council will remain, but rather than include these statements in a Manual of Council Policies, it is considered they are more suited to becoming guidelines or reference notes for Council staff to follow on occasions when it is appropriate to follow a consistent course of action, based on these decisions of Council, which have been adopted in the past.

Submission

N/A

Report

Many of the statements appearing in previous Council adopted Policy Manuals have been identified as reasonably clear, simple and concise statements of how Council wishes to deal with specific or individual issues.

While it is appropriate for some of these to remain within the definition of Council Policy, it is apparent that the majority of them are capable of being utilised by staff to administer as a uniform and consistent process as part of their ongoing role, without approving anything on behalf of Council, which would normally require a Council decision.

In these circumstances, Council’s intentions are clear and it is not considered necessary for such statements to bear the title of Council “Policy”. It would be much simpler to note these decisions as Council’s Position Statement on that and similar matters and have them used by staff as guidance and reference notes to deal with relevant issues as part of their normal duties.



The benefit of adopting such a practice, is that such statements can be constantly reviewed for their effectiveness due to their continuous exposure to staff, therefore increasing the probability that changing circumstances will be noticed other than during a formal review of procedures, which could conceivably not happen for a number of years.

Consequently it is recommended that a Manual of Council Position Statements be noted and they be regularly monitored and reviewed by staff. It is not intended that these Statements will be referred to Council annually as will Policies which are delegated. However, should changes, which are considered to impact against the community's wishes be evident, then they will be submitted to Council for examination.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

1025. (AG Item 13.5) (OCM1_3_2001) - PROPOSED NEW POLICY MANUAL (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the Manual of Policy Statements, as contained in the attachments to the Agenda.

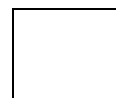
COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Cllr Edwards that Council defer consideration of the proposed new Manual of Council Policies to the "Delegated Authorities, Position Statements and Policies Committee".

CARRIED 10/0

Explanation

Consideration of this matter was deferred pending the deliberations of the Delegated Authorities, Position Statements and Policies Committee.



Background

This matter was deferred by the previous Council in November 2000, to enable the newly elected Council to consider the document. It is Council practice to review its Policies on an annual basis in November each year, in conjunction with the statutory requirement to review the delegation of its functions.

Submission

N/A

Report

The review of the Council Policy Manual has resulted in a departure in format from that of previous years. Although the Policy Statements themselves are largely reflective of the intent of Council's current policies, in many cases, there have been adjustments made to the wording of the Policies to either clarify their intent or bring them into line with current practices or requirements. A summary sheet detailing these changes is provided at the beginning of the Policy Statements.

The main reason for the proposed amendments to the Policy document format, is to separate those Council Statements which are clearly of more strategic or corporate significance from those which serve a more administrative function.

In addition, there has been a conscious effort made for the Council Policies to remain at the forefront of the organisation by clearly relating each one to a functional service delivery area (service unit) of Council and, in the case of the Corporate Policies, ensuring there is a connection with these Statements to Council's Corporate Strategic Plan.

Consequently, this review has resulted in the revamp of the Policy document format to firstly, clearly identify those Statements of a corporate nature and separate those from the more practically applied Administrative Policies. The final outcome is a format which is considered to be clear in its focus and easy to follow in its content. A new numbering system has been introduced to further enhance the clarity of the document and to more easily identify the responsibility areas of each Policy statement.

By separating the Policies into "Administrative" and "Corporate" and identifying the area of Divisional responsibility for each statement (i.e. Executive Services (ES), Community Services (CS), Council (C), Engineering and Works (EW), Finance and Corporate Services (FCS) and Planning and Development (PD)), it is then simply a matter of adding an individual number to each Policy to complete the system.



Hence, the Manual can be further divided by the use of this alpha/numeric system; e.g. A (Administrative) ES (Executive Services Division) 1 (number) equates to Policy number AES1. Similarly, a Corporate Council area Policy number CC6 is identified as C (Corporate), C (Council), 6 (number). This trend is obviously repetitive throughout the document in a clear and consistent manner.

The major difference between the format of “Administrative” and “Corporate” Policies is that Administrative Policies make reference only to Business and Service Unit responsibility, while Corporate Policies include an additional section relating to the Key Result Area, Vision and Objective of the Corporate Strategic Plan to these Statements.

Policies designated as being subject to Delegated Authority (DA) can easily be cross-referenced to the DA Register, as outlined in a separate report to Council on this matter.

Strategic Plan/Policy Implications

Strategic Plan Key Result Area “Managing Your City” refers.

Budget/Financial Implications

Nil

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

Nil

1026. (AG Item 13.6) (OCM1_3_2001) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 2000 (1332) (DMG) (ATTACH)

RECOMMENDATION

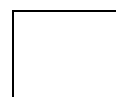
That Council adopt the Local Government Compliance Audit Return for the period 1 January 2000 to 31 December 2000, as presented.

COUNCIL DECISION

MOVED Cllr Whitfield SECONDED Cllr Waters that the recommendation be adopted.

CARRIED 10/0

Background



Amendments to the *Local Government (Audit) Regulations*, last year made the statutory compliance return mandatory from January 2000.

Each local government is to carry out a compliance audit for the period 1 January to 31 December 2000 in accordance with Section 7.13(i) of the *Local Government Act 1995* and *Local Government (Audit) Regulations* (Regulation 13). On completion of the compliance audit the local government is to complete a compliance audit return.

The compliance audit return is to be:

- (a) presented to Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) the adoption recorded in the minutes of the meeting at which it is adopted.

After the compliance audit return has been presented to the Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director, Department of Local Government by 31 March 2001.

Submission

The experience of the previous (voluntary) Returns as submitted by Council has confirmed that its completion will provide benefits to Council's Administration for internal control monitoring purposes, a management tool for the Chief Executive Officer and as a statutory reporting format to Council and to the Minister for Local Government.

Report

The completed Return is presented to Council for adoption, jointly certified by the Mayor and the Chief Executive Officer and returned to the Department by the end of March 2001. Returns of all Local Governments will be assessed by the Department and in cases of notified serious breaches, or a complaint received by the Department about the manner in which the return was handled by a local government, a follow up visit by a Departmental Officer may be carried out.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications



N/A

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

Nil.

MAYOR LEE READ ALOUD THE JOINT CERTIFICATE OF THE COMPLIANCE AUDIT RETURN

1027. (AG Item 13.7) (OCM1_3_2001) - COCKBURN WETLANDS EDUCATION CENTRE BOARD (1701;4617) (DMG)

RECOMMENDATION

That Council appoint _____ as its delegate to the Cockburn Wetlands Education Centre Board.

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Clr Allen that Council appoint Deputy Mayor Graham as its Delegate and Clr Whitfield as its Deputy Delegate to the Cockburn Wetlands Education Centre Board.

CARRIED 10/0

Explanation

Council believes that a deputy delegate should be appointed in case the appointed delegate cannot attend meetings.

Background

At the Special Meeting of Council conducted on 12 December 2000, Council decided not to appoint a delegate to the Cockburn Wetlands Education Centre Board.

Submission

Correspondence has been received from Cockburn Wetlands Education Centre (Inc.) requesting that Council appoint a delegate to this organisation.

Report

The Centre is involved in youth work, community education, park management, ecotourism and landcare. It is an asset of the City of



Cockburn and one that will only achieve its full potential if it is carefully nurtured. Hundreds of local residents use the Centre each month and more than 3000 school students are currently involved in education programs.

The Board is primarily concerned with strategic planning, financial accountability and reports from its officers. It meets on the second Monday of every month at 6.00pm at the Centre. Meetings rarely last longer than 90 minutes. Deputy Mayor Graham has registered an interest in being Council's representative.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

1028. (AG Item 13.8) (OCM1_3_2001) - COUNCIL DELEGATE - HIGH SCHOOL CHAPLAINCY COUNCILS (3637; 8301) (DMG)

RECOMMENDATION

That Council appoint _____ as its delegate to the Hamilton District High School Chaplaincy and the Lakeland Senior High School Chaplaincy Councils.

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Cllr Whitfield that Council appoint Deputy Mayor Graham as its delegate to the Hamilton District High School Chaplaincy and the Lakeland Senior High School Chaplaincy Councils.

CARRIED 10/0

Background

At the Special Meeting of Council conducted on 12 December 2000, Council decided not to appoint a delegate to the two High School Chaplaincy Councils in the District.



Submission

Correspondence has been received from Deputy Mayor Graham requesting that Council consider appointing him as its delegate to these organisations.

Report

Council has in the past provided representatives to these organisations as it contributes financially to them. However, since 1999 Council has opted not to, as their operations are largely autonomous and free of any Council influence.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

1029. (AG Item 13.9) (OCM1_3_2001) - CENTENARY OF FEDERATION NATIONAL CELEBRATIONS AND LOCAL GOVERNMENT MAYORS ASSOCIATION CONGRESS AND EXPO - ATTENDING: MAYOR LEE & CHIEF EXECUTIVE OFFICER (RWB) (1063)

RECOMMENDATION

That :

- (1) Mayor Lee and the Chief Executive Officer represent the City of Cockburn to witness the Joint Sitting of the Commonwealth Parliament and Commemoration Ceremony to be held in Melbourne on 9 May 2001;
- (2) Mayor Lee attend the Local Government Managers Australia National Congress to be held in Brisbane from 13-16 May 2001 and that Council notes the Chief Executive Officer will be attending the Congress under authority of Policy A5.12; and
- (3) expenses incurred with both events be paid in accordance with Policy A5.12.



COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Waters that the recommendation be adopted.

CARRIED 10/0

Background

Throughout 2001, Australia is celebrating the Centenary of our Federation to mark 100 years of nationhood.

Events have been arranged throughout Australia from a national to local level.

Mayoral/Councillor representation at the Local Government Managers Australia National Congress (formerly IMM) with a Council Officer (normally the CEO), has occurred in the past.

This has often coincided with a South West Groups visit to Canberra to discuss regional issues with government and opposition members.

Submission

See report.

Report

An invitation from the Prime Minister, Presiding Officers of the Commonwealth Parliament and the Premier of Victoria, is to be received by Mayor Lee for attendance at the Centenary of Federation National Celebrations in Melbourne on 9 May 2001.

Preliminary advice of the pending invitation has been received.

The two key events will be a Joint Sitting of the Commonwealth Parliament and an extensive Commemoration Ceremony. It is anticipated that some 7,000 guests will witness the historic event, representing every sector of Australian society.

In 1901, the Mayor of every local government was included in the opening ceremony and celebrations. Every local government will again be invited to send the Mayor or other representative to be part of the Centenary activities. The invitation will allow for only one accompanying person.

The timing of the Centenary of Federation activities is such that it could link with the Local Government Managers Congress and Expo to be held in Brisbane between 13-16 May. The Chief Executive Officer will be



attending the Congress pursuant to Council Policy A5.12. An elected member (normally the Mayor) has also attended the Congress as it has previously often coincided with a South West Groups visit to Canberra.

Regardless, with attendance by the CEO at the Congress, the opportunity exists for elected member attendance without referral to Council, should only one nomination be received.

Council Policy A5.21 allows for research/study visits as part of conference attendance. It is intended that the Policy be applied for visits to other local governments in Melbourne and possibly a joint local/state initiative in Brisbane to coincide with the period in between the Centenary Celebrations and National Congress.

Strategic Plan/Policy Implications

Council's Policies A5.12 and A5.21 apply.

Budget/Financial Implications

Funds are available in the Conference Account.

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

Nil

1030. (AG Item 14.1) (OCM1_3_2001) - APPOINTMENT OF AUTHORISED PERSON PURSUANT TO SECTION 9.10 (1) OF THE LOCAL GOVERNMENT ACT 1995 FOR THE PURPOSE OF ADMINISTERING THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (WJH)

RECOMMENDATION

That Council:

- (1) formally appoints Michelle Stewart pursuant to section 9.10 (1) of the Local Government Act 1995 to administer the following provisions of The City of Cockburn (Local Government Act) Local Laws 2000:
 - Divisions 4, 5, 6, 7 and 8 of Part II – Animals.
 - Divisions 3, 4, 5 and 6 of Part V – Dangerous and Offensive Things.
 - Part VI – Hawkers, Stallholders and Street Traders; and
- (2) issue Michelle Stewart a Certificate of Appointment as required, pursuant to Section 9.10(2) of the Local Government Act, 1995.



TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr Rennie SECONDED Cllr Waters that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The City of Cockburn (Local Government Act) Local Laws 2000 were published in the Government Gazette on the 9 October 2000. These local laws require that "Authorised Persons" be appointed by Council.

Michelle Stewart was appointed as an Environmental Health Officer on 11th December 2000.

Submission

N/A.

Report

Council's Health Service administers certain provisions of The City of Cockburn (Local Government Act) Local Laws 2000, through its Environmental Health Officers (EHO).

As an EHO, Michelle Stewart is required to administer certain provisions of these Local Laws. In order for Michelle to properly perform these duties it is necessary for Council to formally appoint Michelle Stewart as an authorised person for the appropriate provisions of The City of Cockburn (Local Government Act) Local Laws 2000.

Strategic Plan/Policy Implications

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

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

3. Conserving and Improving Your Environment



- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*

The Planning Policies which apply to this item are:-

Nil

Budget/Financial Implications

N/A

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

Nil

1031. (AG Item 14.2) (OCM1_3_2001) - NEW URBANISM CONFERENCE - MELBOURNE (9021) (AJB)

RECOMMENDATION

That Council agree to transfer \$2000 from Account No 505320 – Legal expenses and \$500 from Account No 505280 – Transparencies and Maps to Account No 505290 Conferences.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

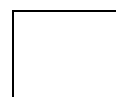
COUNCIL DECISION

MOVED Clr Rennie SECONDED Clr Waters that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

A conference on new Urbanism is to be held in Melbourne on 26-29th April 2001.



The conference has a range of international speakers and includes a series of design workshops. The conference is to outline the principles and implementation of the Liveable Neighbourhood principles that are being trialed in Perth and have been incorporated in several recent structure plans in Cells 9 & 10 Beeliar, Atwell South and Banjup.

It is considered beneficial that the Manager of Planning Services Allen Blood attend the conference.

There are inadequate funds in the conference account of Strategic Planning Services. Accordingly it is proposed to transfer surplus funds from other accounts within the service's budget to meet the expense of conference costs. It is considered that the funds being transferred will not be required for their currently designated purpose.

Given the timing of the conference this matter is submitted to Council for consideration outside the normal budget review process.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

PD25* Liveable Neighbourhoods - Community Design Codes

Budget/Financial Implications

The 2000/01 budget provided \$3000 for conferences (A/c. No.505290) which currently stands at \$328.

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



Nil.

1032. (AG Item 14.3) (OCM1_3_2001) - RESPONSE TO PETITION REQUESTING THE RE-ESTABLISHMENT OF THE FREE IMMUNISATION SERVICE AT THE SOUTH LAKE CHILD HEALTH CENTRE (1332; 6800) (WJH) (ATTACH)

RECOMMENDATION

That Council:

- (1) not re-establish the free immunisation service at the South Lake Child Health Centre;
- (2) advise Kelly Wilcox of 2 South Lake Drive, South Lake accordingly.

COUNCIL DECISION

MOVED Cllr Waters SECONDED Cllr Allen that the recommendation be adopted.

CARRIED 9/1

Background

At the Council meeting of 20 June 2000 Council considered a report regarding the implications of section 3.18(3) of the Local Government Act 1995 and recent developments in federal Immunisation policy in relation to Council's free immunisation service. The Council resolution was as follows:

"That Council:

- (1) *resolve to discontinue the provision of its free immunisation service to residents at all clinics except the Atwell clinic;*
- (2) *resolve to discontinue the provision of its free immunisation service to residents at Atwell clinic upon the establishment of a General Practitioners surgery in Atwell;*
- (3) *resolve to authorise the Principal Environmental Health Officer to organise the orderly phase out of the service so as to minimise inconvenience to existing patrons;*



- (4) *resolve to advise the Executive Director Public Health, the Fremantle Division of General Practice, the Medical Officer of Health and local Child Health Nurses of Council's decision."*

Submission

A petition (copy attached) with 23 signatures was presented to Council on 20th February 2001, requesting that the "...*Immunisation Service be re-installed to the South Lake Child Health Centre...*".

The petition gave a number of reasons for the re-installation of the immunisation service, which can be summarised as follows:

- The South Lake Child Health Centre provides easy and convenient access for young mothers and their children, particularly those without access to a motor vehicle.
- Most GPs do not bulk bill for immunisation and it is too expensive to attend a GP surgery for this service.
- It is difficult to obtain an appointment with a GP.
- Immunisation rates will decrease due to the associated expense and inconvenience.
- Immunisation ought to be encouraged not discouraged.

Report

This report is substantially the same as the report presented to Council for its consideration in June 2000.

Section 3.18(3) of the Local Government Act 1995 states that:

- "(3) *A local government is to satisfy itself that services and facilities that it provides –*
- (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State and any public body;*
- (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- (c) *are managed efficiently and effectively."*

The Health Act 1911 (the Act) is the principal act that determines service provision by Council's Health Service. The Act covers a wide range of public health issues and provides the head of power for approximately thirty sets of regulations and Council's Health Local Laws.

Section 26 of the Act provides that:



“Every local government is hereby authorized and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder...”

And Section 343A(4) requires that:

“A local government is to administer any regulation made under this section to the extent that it relates to any place where the local government may perform functions, as if the regulation was a local law.”

Whilst the Health Department of WA has relevant powers, these sections of the Act clearly place the responsibilities for administering the provisions of the Health Act on the relevant local government. Recent amendments to some regulations (eg Health (Public Buildings) Regulations, Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations) have resulted in further devolution of responsibility to local governments.

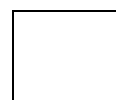
Section 340 of the Health Act states that “Any local government may provide for immunisation...” which shall be “...wholly free of cost to the person treated...”. Similar power rests with the Executive Director, Personal Health. Clearly the provision of immunisation services to the community is discretionary. Further it is a service which is also catered for by private industry in the form of GP surgeries.

Prior to the recent completion of the phase out, Council’s free immunisation service cost in the order of \$23,500 per annum (not including venue costs for which no charge is levied) or approximately \$24.80 per contact. Income of approximately \$5,500 per annum was received from the Health Insurance Commission for providing information regarding vaccines administered.

The City of Cockburn had provided a free immunisation service to the community for approximately thirty years. In the early days, Council was the major provider of immunisation services in the district, with proportionally far fewer doctors, a comprehensive program including schools immunisation, and significant support from the State Government. Local government delivered programs were seen as the main vehicle for providing immunisation.

Since the late 1970’s numbers of patients attending Council clinics has steadily declined reflecting the general decline in immunisation participation rates, and partly due to the increased number of doctors surgeries, shift of emphasis by the Commonwealth Government and incentives provided to GPs. In the past seven years the number of client contacts using Council’s service has fallen by 47% from 1410 to 751.

The Australian Bureau of Statistics (1995) reports that doctors surgeries provide 64% of Vaccinations and Local Council’s 19%. It is clear that



the majority of vaccinations are administered by local General Practitioners.

In February 1997 the Federal Government announced several initiatives as part of plan to increase declining immunisation levels. The “7 point plan” which includes incentives to GPs and links the payment federal benefits and rebates to parents to the maintenance of a child’s immunisation status.

Among these incentives was a \$6 (ACIR Payment) fee payable to all providers for reporting vaccination events. This fee is currently the only immunisation-derived income that Council receives.

In July 1998 the following incentives were made available to GPs.

- A service incentive payment of \$18.50 paid together with the ACIR payment on the completion of each schedule as per the National Health Medical Research Council (NHMRC) standards for childhood immunisation. The service incentive payment is made when the ACIR receives the completed notification from the GP;
- An outcomes payment is paid quarterly to practices that reach an immunisation level of 70%, 80% and 90% in the first year and 80%, 90% in the second year. The outcomes payments commenced on 1 August 1998.
- Incentives are provided to recognise the vital role Divisions of General Practice play, working closely with GPs and other immunisation providers in developing collaborative strategies to increase childhood immunisation. The funding provided to Divisions was \$3m in the 97/98 financial year and a further \$3m in each of the 1998-99 and 1999-2000 financial years.
- Funds have been provided for the development of State/National Coordinators to help Divisions set up appropriate structures to support immunisation on a national and state basis. This part of the program is designed to establish better links with other providers, develop education and training material and target groups with low immunisation levels.

These incentives are paid in addition to consultation charges for the administration of the vaccine. Federal government policy clearly favours service provision by GPs, which it has been reported has had some impact in increasing immunisation levels in the community. On 2nd February 2000 the Federal Health Minister, Dr. Michael Wooldridge reported that “...as at December 31 2000, 91.3% of children aged 12-15 months were fully immunised and 85.09% of children aged 24-27 months were fully immunised...” compared “...with a rate of only 53% five years ago...”.



In June 1997 the Metropolitan Environmental Health Management Group (MEHMG) (then known as the Metropolitan Principal Environmental Health Managers Group) formed an Immunisation Working Group to examine the role and effectiveness of local Government immunisation services. The final report of the group was presented to the MEHMG meeting of 8th March 2000.

The final report summarised some of the facts as follows:

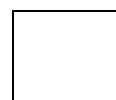
- *“There is no mandatory requirement under the Health Act to provide immunisation services.*
- There is a specific requirement under the Act that local government immunisation services be “free”.
- Local government is obliged to utilise doctors and nurses for immunisation delivery.
- Immunisation at a doctors surgery can be provided by an accredited nurse.
- Investigations with the Health Department of WA have failed to gain approval for Community Health Nurses providing immunisation.
- The Federal incentives provided for General practitioners clearly discriminate against local government.
- There is no funding or incentives proposed for Local Government now or in the foreseeable future for immunisation services.
- Local Government is not consulted in regard to changes to immunisation *schedules or immunisation practices.*”

In October 1999 the City of Wanneroo carried out a survey of immunisation services provided by local governments in the Metropolitan area this survey showed that 34.5% of metropolitan local governments did not provide a free immunisation service.

Clearly there are some major financial disincentives to Council continuing to provide immunisation services. Further, it can be argued the provision of immunisation services might constitute inappropriate duplication of services provided by a private body, particularly in areas where GPs are well established.

The following comment is provided in response to the points that the petition raises as reasons for re-establishing the immunisation clinic:

1. *“South Lake Child Health Centre provided easy and convenient access for Mothers with young babies”* :One of the two GP’s surgeries in South Lake is located within 50 metres of the Child Health clinic.
2. *“Most mothers do not own a car or have easy access to a car that will enable them to get to another immunisation service in the next available locality.”* :See 1 above. Whilst the one still operating immunisation clinic (Atwell) will provide immunisation services to anyone who attends it is meant to fulfill a need in a locality that



- does not have an alternative service provider (a GP surgery) at this time.
3. *“General practitioners do provide an immunisation service but most do not bulk bill and it is too expensive to attend”*: At the time of Council’s decision to phase out the immunisation service in June last year advice received from the Fremantle Division of General Practice indicated that of the 11 practices in the City of Cockburn; 7 bulk billed all patients, 2 bulk billed Health Care Card Holders and one bulk billed all patients under 16 years of age. Both practices in South Lake bulk billed all patients. Recent phone calls (6th March 2001) made to the two GP surgeries in South Lake confirms that they continue to bulk bill for the immunisation of children.
 4. *“It is difficult to obtain an appointment with a General Practitioner.” and “When children are ill and need to see a GP that day, many times appointments are not available and when GPs are providing the only immunisation service in the area Both South Lake GP surgeries confirmed by phone that they would generally be able to provide an appointment for childhood immunisation by the following day.”*: Both of the GP surgeries report that they will try to fit children in for an appointment on the day if they can otherwise an appointment can generally be made for the following day. When Council provided the free immunisation service at the South Lake Child Health Centre it only provided two half-hour windows per month. GP services appear to provide greater flexibility than Council run clinics.
 5. *“Immunisation rates will decrease due to the inconvenience and expense in accessing GPs for immunisations”*: From comment in 3 and 4 above GPs are neither expensive nor inconvenient. Further, recent figures (previously quoted) provided by the Federal government show that immunisation rates have increased markedly during the past 5 years, whilst patronage at council run clinics has declined significantly.
 6. *“The aim of ‘primary health’ is in disease prevention and an immunisation service is vital for the health and safety of the community”*: Immunisation is a key to the prevention of a number of diseases, however this service can be ably provided by GPs at no cost to the patient.
 7. *“South Lake Child Health centre is conveniently located and well attended.”*: A GPs surgery is located within 50 metres of the Child Health Centre.
 8. *“Immunisations are to be encouraged-not discouraged, which is what will happen if the service is removed”*: The federal government’s 7 point plan has been very effective in encouraging immunisation regardless of changes to Council’s service.

The re-establishment of Council’s Immunisation service at the South Lake Child Health Clinic would constitute duplication of a service, which is being provided by local GPs. Despite the assertions made in the



petition research has shown that South Lake Mothers and their children are not economically or physically disadvantaged by the absence of Councils immunisation service. Although it could be argued that the absence of Council's service is inconvenient due to the reduction of access to two half hour sessions per month the coverage provided by the GPs in the area offers far greater availability at no cost to local Mothers.

It is therefore recommended that Council not re-establish the immunisation clinic at the South Lake Child Health Centre.

Strategic Plan/Policy Implications

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

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

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

5. The Planning Policies which apply to this item are:-

N/A

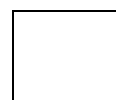
Budget/Financial Implications

Adoption of the officer recommendation bears no additional cost.

Re-establishment of the clinic at the South Lake Child Health Centre would cost approximately \$4,000 per annum, with income of approximately \$1,000. Clerical and Environmental Health Officer time of 60 hours per month will be lost from other Health Service program areas.

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

This agenda item is a direct consideration of this section of the Act.



1033. (AG Item 14.4) (OCM1_3_2001) - RECOGNITION OF NON-CONFORMING USE RIGHTS (MEAT PROCESSING FACILITY) - LOT 40; 4 QUARIMOR ROAD, BIBRA LAKE - OWNER: VALUE ADDED MEAT WHOLESALERS - APPLICANT: DE QUINTAL PTY LTD (4100012) (RH) (MAP 8) (ATTACH)

RECOMMENDATION

That Council:

- (1) recognise the existence of non-conforming use rights for the operation of a meat processing facility on Lot 40; 4 Quarimor Road, Bibra Lake pursuant to and being in compliance with Part 4 of the City of Cockburn District Zoning Scheme No.2;
- (2) advise the new owners De Quintal Pty Ltd (Value Added Meat Wholesalers) of their obligation to adhere to:
 1. any past conditions of Approval to Commence Development for the meat processing facility;
 2. the requirement that in the event that the meat processing facility use ceases for a period of six (6) months or more, the use of the land and buildings must thereafter be in conformity with the Scheme;
 3. the requirement that a further request for acknowledgment of non-conforming use rights will be required upon gazettal of the City of Cockburn Town Planning Scheme No. 3.

COUNCIL DECISION

MOVED Clr Reeve-Fowkes SECONDED Clr Oliver that the matter be deferred pending further information on the definition of the meat processing facility.

CARRIED 10/0

Explanation

The establishment mentioned in the recommendation stated that it was a Meat Processing Facility but the one approved in 1980 was described as a meat packing facility. It was felt that there may be a difference in the usage, which required some clarification before a decision is made.

Background

ZONING:	MRS:	Industrial
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	DZS:	General Industry
LAND USE:	Factory & Warehouse (Meat Processing)	
LOT SIZE:	6240m ²	
AREA:	N/A	
USE CLASS:	Special Industry A, 'X'	

Council, at its Ordinary Meeting in August 1980, resolved to conditionally approve a Meat Packing Facility at Lot 36, cnr Quarimor Road and Wellard Street (now Lot 40 Quarimor Road) pursuant to the previous District Zoning Scheme (No. 1). The operation was not an offensive trade and did not require an Offensive Trades Licence under the provisions of the Health Act, and as such the proposal was permitted.

Extensions and additions were approved in 1981 and 1985 under District Zoning Scheme No.1, and other extensions approved in 1994 and 1995 under the current District Zoning Scheme No.2 ("the Scheme").

Submission

De Quintal Pty Ltd (Value Added Meat Wholesalers) have introduced themselves as the new owners of Lot 40; 4 Quarimor Road, Bibra Lake. The previous owners, West Australian Meat Marketing Co-operative Ltd., ceased operations on the 15th December 2000.

The new owners intend to continue the use of the premises for meat processing by way of establishing non-conforming use rights. They wish to occupy the premises on or before the 12th March 2001 and commence production as soon as the requirements of Council's Health Services are satisfied.

Report

The subject Lot is zoned General Industry under the current Scheme (District Zoning Scheme No. 2). A General Industrial use, as defined in the Scheme means, *"an industry other than a cottage, extractive, hazardous, light, noxious, rural or services, Special A or Special B industry."* The current use can be defined as a Special A Industry which is, *"the use of Land and Buildings for the carrying out of any process for and incidental to the production of meat and allied products, in accordance with the provisions of the Health Act of 1911 and any Regulations or By-laws made under that Act."* Special Industry A is a use that is not permitted within a General Industrial zone under the Scheme. Such an activity could only operate on a non-conforming basis.

A non-conforming use means, *"a use of Land or Buildings which though lawful immediately prior to the coming into operation of the Scheme is not in conformity with any provision of the Scheme."* Under Part 4 of the Scheme – Non-conforming Uses, no provision shall prevent the continued use of any land or building for a non-conforming use (cl.4.2).



Clause 4.7.1 states that when a non-conforming use of any land or building has ceased for a period of six months or more that land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme. The applicant states that the previous owners ceased operations on the 15th December 2000, which is less than the prescribed six month period.

Therefore it is recommended that Council recognise the existence of Non-conforming Use Rights (meat packing facility) on Lot 40; 4 Quarimor Road, Bibra Lake on the basis that the use was approved by Council on 12th August 1980 and that, according to the applicant, the operation was continued until recently.

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 Planning Policies which apply to this item are:-

N/A

Budget/Financial Implications

N/A

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

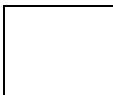
Nil

1034. (AG Item 14.5) (OCM1_3_2001) - NON APPROVED LAND USE - STORAGE OF MATERIALS - LOT 111, 13 PLUMRIDGE WAY, SOUTH LAKE - OWNER M SKINNER (5101474) (RH) (MAP 14) (ATTACH)

RECOMMENDATION

That Council:

- (1) instruct its solicitors to initiate legal proceedings under Section 10(4) of the Town Planning & Development Act against the



owner of Lot 111; 13 Plumridge Way, South Lake, Mr Martin Skinner, for the contravention of Council's District Zoning Scheme No. 2 through the unlawful use of the land (storage and repair of fuel pumps);

- (2) authorise the Director of Planning and Development to cease legal proceedings for the matter to be settled should an application be received, or the unlawful use cease prior to court appearance, subject to the owner paying all legal expenses incurred by the Council.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	DZS:	Residential
LAND USE:	Single dwelling and shed	
LOT SIZE:	702 M ²	
AREA:	N/A	
USE CLASS:	General Industry, 'X'	

The owner of the subject property currently manages a contracting business from home. The business involves two employees (one full time, one casual) who drive a vehicle used for servicing petrol pumps from the property to service stations across the state. Most of the work is done on site, but it is evident that some maintenance and repair work on pumps has been carried out at the residential property and this has prejudicially affected the amenity of an adjoining resident.

Many old pumps and equipment used in association with the business are stored on the property both in and around the shed. The quantities of materials and the nature of activity on the site is not consistent with what is acceptable as incidental to the domestic use of the property. No approval has been issued for the storage of materials or a home occupation. Council has received numerous complaints from a neighbour in relation to fumes and noise from the subject property.

Following is a summary of correspondence received from the complainant and the owner of the subject property, and subsequent action taken by City Officers:

- 18 December 2000:



Upon receipt of the first written complaint dated 18th December 2000 investigation was undertaken by Council officers to determine the source of the noise and fumes mentioned in the complaint. Upon investigation it was found that the owner of the property was advertising and operating a contracting business, Petroleum Services, from his home. After monitoring the property it was observed that work associated with the contracting business was being undertaken on the property.

• 5 January 2001:

The owner was sent a letter advising him that these activities were in contravention of the provisions of Council's District Zoning Scheme No.2, and he was given twenty eight (28) days to submit an application for Home Occupation or cease using the property for these purposes.

The owner of the property promptly contacted Council stating that he was not running a Home Occupation, but a licensed contracting business whereby he parks the vehicle used for the business at his property while it is not in use, and has an employee who drives the truck.

• 16 January 2001

Upon inspection of the property by Council's Environmental Health and Planning Officers, it was observed that work in association with the contracting business was being undertaken from the property. The owner was issued with a fourteen (14) day notice to cease using the property for the repair and maintenance of machinery from the contracting business. It was identified that the work being conducted would not be approved as a Home Occupation so the owner was not asked to submit an application.

• 1 February 2001

The owner of the property replied to the City's request outlining his intentions to secure other premises from which to conduct such maintenance work as cannot be done on site – as is the nature of his business. Until such time any maintenance or repair work from the contracting business will not be done on the property.

Since receipt of the final letter from the owner of 13 Plumridge Way, Council officers have received further complaints regarding noise from the subject property which have been addressed by Council's Planning and Environmental Health officers, and found to be unsubstantiated.

Submission

N/A

Report



The owner of 13 Plumridge Way has had sufficient time to secure other premises from which to conduct the business, or to make application to Council for the use of the land.

The owner can still legally park the vehicle used for the contracting business at the property, as it is not classified as a 'Commercial Vehicle' for which the owner would otherwise need permission from the City to park on a residential lot. The owner is also permitted to undertake work of a personal nature on his property so long as it complies with the Environmental Protection (Noise) Regulations 1997.

City officers monitoring the property have observed that work being conducted on the property associated with the business has ceased, but machinery and other materials are still being stored on the property.

Pursuant to clause 7.2.2 any person who fails to comply with any provisions of the District Zoning Scheme No.2 is guilty of an offence and is liable to the penalties prescribed under the Town Planning & Development Act ("the Act"). The Act prescribes a maximum penalty of \$50,000 and \$5,000 per day for a continuing offence.

As this matter could take time before a complaint is served and a court date confirmed, if significant progress is made with an application to Council for the use in a manner that addresses odour and noise concerns, then legal action can be halted.

Legal action should only be ceased if Council's costs are met by the owner.

Strategic Plan/Policy Implications

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

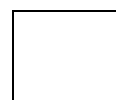
2. Planning Your City

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

Budget/Financial Implications

There are financial costs to the City associated with initiating legal action. Sufficient funds are available within the Statutory Planning Services Budget (Legal Expenses). A successful prosecution should enable the City to recoup legal expenses.

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



Nil

1035. (AG Item 14.6) (OCM1_3_2001) - ILLEGAL STORAGE YARD AND PARKING OF A COMMERCIAL VEHICLE - LOT 108 IMPSON GARDENS, SOUTH LAKE - OWNER: T HARTWIG (5517584) (MR)

RECOMMENDATION

That Council:

- (1) Instruct its solicitors to initiate legal proceedings under Section 10(4) of the Town Planning & Development Act against the owner of Lot 108 Impson Gardens, South Lake Mr T Hartwig, for the contravention of District Zoning Scheme No 2 through the unlawful use of the land (storage yard and the parking of a commercial vehicle);
- (2) authorise the Director Planning and Development to cease legal proceedings for the matter to be settled, subject to the owner paying any outstanding legal costs incurred by the Council, if all the materials in the storage yard are removed and the commercial vehicle is relocated from Lot 108 Impson Gardens prior to 30 April 2001.

COUNCIL DECISION

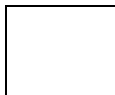
MOVED Clr Waters SECONDED Clr Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	DZS:	Residential
LAND USE:	Storage Yard	
LOT SIZE:	707m ²	
USE CLASS:	Use Not Listed	

There is an extensive history to the storage of materials by Mr Hartwig on various properties on Impson Gardens, South Lake commencing in March 1998. Mr Hartwig currently stores building materials on Lot 108 only, which include paving bricks, house bricks, second hand timber, tin sheeting, roof tiles, timber posts, 44 gallon drums, 2 trailers, a commercial vehicle, excavator attachment and other items. The storage yard is situated behind a screen wall/gates at the rear of an existing house with access being obtained from Impson Gardens.



Mr Hartwig initially indicated in March 1998 the stored building materials would be used in the construction of a residence on Lot 108. This was viewed as a legitimate use of the land on a temporary basis by the City. The storage of materials however continued over an extended period where finally building construction on Lot 108 occurred one year later in March 1999. Following the construction of the residence building materials were still stored on the vacant half of the lot.

The City has received several on-going complaints from nearby residents and at one stage received a petition of resident signatures objecting to the storage yard in the Street. Resident concerns were expressed regarding the existence and appearance of the yard and as a potential source of rodents. The storage of materials initially occurred on two properties in the Street owned by Mr Hartwig where following resident concerns it was decided to locate all the building materials on Lot 108 Impson Gardens.

Mr Hartwig believes that he was given permission from the City to store the building materials on Lot 108. This was only agreed to by the City on the basis the material would be used to build a residence on the subject lot.

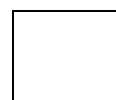
On 12th January 2001, Mr Hartwig was instructed by the City to remove all materials and a commercial vehicle from Lot 108 within 28 days expiring on 12th February 2001. Alternatively if it could be demonstrated that finance was obtained for a new house within the same period then a limited time extension could be considered. Mr Hartwig contacted the City on 12th February to advise he had verbally obtained finance approval to use the materials to build another house on a second residence situated on another lot along Impson Gardens. Supporting documentation verifying his finance approval was requested and was never received.

At a recent meeting with Council officers on 12 March, Mr Hartwig advised the materials on Lot 108 would be used to build a duplex development on Lot 102 Impson Gardens. The slab would be poured within the next 2 weeks and all of the materials would be removed from Lot 108 and placed onto Lot 102 by 30 April 2001. The truck would also be relocated to another locality, together with some roof tiles.

Mr Hartwig indicated it could take 6 months to build the duplex. The previous building licence for Lot 102 had expired and that he would be renewing this approval.

Submission

N/A



Report

The use of Lot 108 as a storage yard is not permitted under the City of Cockburn District Zoning Scheme No 2 (DZS2). The storage of materials has been the source of resident concerns for over two years. The owner used the same argument to build an earlier residence in March 1999 on Lot 108 and yet building materials are still stored on Lot 108.

Mr Hartwig has been given sufficient time to either use or relocate the building materials over the past 2 years. There are industrial sites available nearby for this activity to occur. The storage yard constitutes an offence under DZS2 and contravenes section 10 (4) of the Town Planning and Development Act where the maximum penalty is \$50,000 or \$5,000 per day for each day the offence continues. Recent negotiations with the owner may bring about a resolution to this matter. It is still recommended that legal action be initiated which could be suspended in the event that the owner resolves this matter prior to 30 April 2001 by removing the offending material/vehicle from Lot 108 as indicated at the time of writing this report.

There are no concerns with the owners intention to store the materials on Lot 102 on the basis that these are used to build the duplex within the approval timeframe.

Legal action should only be ceased if Council's costs are met by the owner.

Strategic Plan/Policy Implications

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

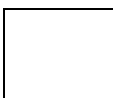
2. Planning your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community"*

Budget/Financial Implications

There are financial costs to the City associated with initiating legal action. Sufficient funds are available within the Statutory Planning Services Budget (legal expenses). A successful prosecution should enable the City to recoup legal expenses.

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

Nil.



1036. (AG Item 14.7) (OCM1_3_2001) - REVISED APPLICATION - PROPOSED ALTERATIONS TO EXISTING BOTTLESHOP BUILDING TO INCORPORATE TAVERN (RELOCATED FROM NEWMARKET HOTEL) - LOT 3 (NO 1) ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) Grant approval to the proposed alterations to the existing Bottleshop building to incorporate a Tavern/dining area (relocated from Newmarket Hotel) and Sports Bar at Lot 3 (No.1) Rockingham Road, Hamilton Hill subject to the following conditions:-

Standard Conditions.

1. Standard Conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of District Zoning Scheme No 2.

Special Conditions

1. The City further reaffirms the requirements of the covenant that within 6 months of the date of the issue of a Certificate of Classification (18th January 2001 issued for the bottleshop), for any part of the development a Conservation Management Plan approved by the Heritage Council of WA is required for the Newmarket Hotel.
2. Commencement of external restoration work to the Newmarket Hotel in accordance with the plan approved by the City by 18th January 2002 and failing that the approval will be automatically revoked without prior notice.
3. External restoration work to the Newmarket Hotel being completed in accordance with City approved plans by 18th Jan 2004.
4. The owner(s) shall prepare an easement in gross in favour of the public with the City (at the full cost of the owner) to provide for vehicular access and parking and pedestrian movement on Lot Pt 3. The easement must



be registered on the title within 60 days of any part of the development being occupied.

5. The car parking within the road widening on Cockburn Road will only be permitted if Main Roads WA advise that the road widening is no longer required, otherwise all the car parking provided on-site is not to include the area required for road widening.
6. In the event that the Main Roads WA does not require the road widening and the car parking bays are constructed within the road widening area, the construction, care and maintenance of the car parking bays within the road widening, will be the responsibility of the land owner, together with any reinstatement that may be required as a result of any works that may occur within the proposed road widening area.

(2) issue a revised MRS Form 2 Notice of Approval valid for a period of 2 years.

COUNCIL DECISION

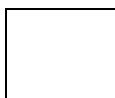
MOVED Cllr Wates SECONDED Cllr Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	DZS:	Commercial
LAND USE:	Bottleshop	
LOT SIZE:	4425m ²	
AREA:	Sports Bar 109m ² , Lounge/Dining 122m ² , Entry/Forecourt 46m ² , Bottleshop 158m ² , Hotel conversion to Office (or similar) 400m ² , Showroom 200m ² (retained from earlier approval)	
USE CLASS:	Tavern "P", Restaurant "P", Office "P", Showroom "P"	

6 Sept 1994 - At its ordinary meeting the Council considered an application to refurbish/convert the Newmarket Hotel to offices where it was decided that if no substantial objections were received during the advertising period the Director Planning & Development be authorised to approve the development subject to conditions. Advertising of the proposal was not carried out and an MRS form 2 Notice of Approval was not issued.



- 19 Aug 1997 - The Council resolved to approve a proposed tavern, bottleshop, showrooms and the redevelopment of the Newmarket Hotel. The proposal also included the demolition of the existing drive-in bottleshop and the Hotel lounge bar. Given that the application proposed internal and external restoration works to the Newmarket Hotel, variations to the Scheme provisions by way of car parking and setback concessions were supported.
- 19 May 1998 - Council resolved to authorise the Director Planning & Development to approve a revised application for the redevelopment of the Newmarket Hotel that included transforming the original Newmarket Hotel back to its original hotel use, showrooms, shops, drive-through bottleshop. In granting the approval a concession of 23 car bays was granted. There were also special conditions relating to conservation plan and conservation works being carried out on the Newmarket Hotel provided for in a legal agreement.

The status of the project in October 2000 was provided by the applicant:

- *“A new building housing a drive-in-bottleshop and a vacant shop has been completed (subject to minor works – protect fire hydrant, sign writing on hosereel door and provision of a fire extinguisher)*
- *Drainage works around the bottleshop have been completed and a contract has been entered into for bituminous pavement to be installed commencing 6 November 2000.*
- *Various ancillary structures have been removed from the hotel building. The hotel roof has been reclad. Internal demolition and formation of openings in stone walls has been completed. Cedar stairs have been installed and removal of termite damage has been commenced.*
- *The hotel has been connected to the sewer as has the new bottleshop. Electricity has been relocated to an underground supply point and by underground connection to the bottleshop.*
- *A fire hydrant has been installed and a hose reel located in the bottleshop building.*
- *Construction of new male, female and disabled persons toilets has commenced within the hotel building.*
- *The existing single storey tavern bar remains in use, along with toilets, office and kitchen in the hotel building.”*

Submission



The applicant seeks approval for revised land uses similar to the free standing tavern approved in 1997. The following uses would be contained within the new free standing building:

- A sports bar containing a TAB facility;
- A lounge/dining room;
- An entry forecourt are in front of the lounge (new extension);
- A Bottleshop and display area;
- Coolroom, stores, staff toilets, loading and yard facilities; and
- Toilet facilities for patrons.

Although substantial building work has already been carried out in the hotel building, it has been determined by the applicant that separating the bar and dining area from the bottleshop and coolroom is not economically viable for reasons of staffing, supervision and security. This has resulted in a re-examination of the new bottleshop building. The shop at the southern end remains unlet and the bottleshop is oversized for the amount of stock held.

The applicant stated it will still be necessary to retain the lounge bar extension to the existing hotel while work is carried out. When the tavern use is transferred, demolition of the lounge bar can proceed, the second stage of the carpark can be completed and works to the hotel building can then be commenced. The conditions of the Deed regarding the heritage building still apply between the owner and the City.

Car Parking

The applicant has provided the following comments relative to the provision of car parking:

- A total of 145 bays are required in comparison with 71 bays provided including those within the Main Roads WA road widening area.
- Lots 8 & 9 include provision for 51 car parking bays.
- The resulting shortfall is 23 bays which corresponds with the previous concessions agreed to by the Council at its meeting on 19 May 1998.

Report

WAPC Determination

The Western Australian Planning Commission (WAPC) issued their approval to the current proposal pursuant to the Metropolitan Region Scheme (MRS). The proposal is situated within a clause 32 area which is subject to further detailed planning with a view towards planning for future residential development. The proposal is a compatible use in this location. A separate approval from the Council is still required pursuant to District Zoning Scheme No 2 (DZS2).

Heritage Considerations



The Newmarket Hotel is included in the City's Municipal Inventory of Heritage Places. It has the highest management category of "A" which has a great deal of significance and where the highest level of protection is appropriate. Maximum encouragement should be provided to the owner under DZS2 to conserve the significance of the place. This may include density bonuses or variation to DZS2 standards such as car parking.

The revised proposal for the Newmarket Hotel does not include the transformation of the existing building back to its original use which was highly desirable. Instead the building is likely to revert back to the earlier 1994 proposal for an office or even hostel use. According to heritage principles ("Burra Charter") the best use of a place of cultural heritage significance is its original use as adaptation changes the building fabric. Although the final use of the Newmarket Hotel is undecided it is believed that disputes between the tenant and owner have resulted in the cessation of works on the hotel and termination of the building contract in mid 1999. The project was later reviewed by the owners with the view of reviving the other parts of the site that have undergone considerable construction.

Notwithstanding the above comments the heritage agreement has already been entered into between the City and the owners. This is a legally binding agreement requiring the owner to undertake conservation plan preparation and conservation works to the Newmarket building. Despite that the hotel licence would be transferred and the building vacated, the conservation works must be commenced by 18th June 2001 and completed by 18th January 2004. The City should further reaffirm in special conditions of approval for restoration works to the hotel to be undertaken in accordance with this agreement.

Car Parking

A total of 127 bays are required as opposed to 71 bays provided. The resulting shortfall of 56 bays remains. The applicant contends that the adjoining Lots 8 & 9 have 51 car parking bays that are available for use by way of reciprocal parking arrangements. This would result in a car parking shortfall of 20 car parking bays. There are no objections to this shortfall as a heritage incentive to the conservation of the former Hotel building provided an easement in gross be entered into to secure the parking area for general public use. As the conservation works are still required to the Newmarket building the resulting shortfall should still be accepted as this was part of an earlier approval.

Conclusion

The proposal in its modified form while not as desirable as the previous May 1998 proposal is still acceptable on the basis that the former hotel building is retained and conserved.

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."*

3. Conserving and Improving Your Environment

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

4. Facilitating the needs of Your Community

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

Budget/Financial Implications

N/A

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

Nil

1037. (AG Item 14.8) (OCM1_3_2001) - DEMOLITION OF RESIDENCE ON THE MUNICIPAL INVENTORY OF HERITAGE PLACES - 195 HENDERSON ROAD, MUNSTER - OWNER/APPLICANT: WATER CORPORATION (4314908) (MR) (MAP 10-DZS2) (ATTACH)

RECOMMENDATION

That Council grant its approval to the proposed demolition of the existing residence on 195 Henderson Road, Munster submitted by the Water Corporation subject to the following Special Conditions:

- (1) the applicant providing a photographic record and plans of the residence prior to demolition, to the satisfaction of the Council.
- (2) the applicant install a suitable plaque in a publicly visible location to indicate the significance of the place as part of the WWII Naval Radio Base Station built in 1940, at the applicant's cost and to the satisfaction of the Council.



COUNCIL DECISION

MOVED Cllr Rennie SECONDED Mayor Lee that Council grant its approval to the proposed demolition of the existing residence on 195 Henderson Road, Munster submitted by the Water Corporation subject to the following Special Conditions:

- (1) the applicant providing a photographic record and plans of the residence prior to demolition, to the satisfaction of the Council;
- (2) the applicant install a suitable plaque, incorporating seating in a publicly visible location, to indicate the significance of the place as part of the WWII Naval Radio Base Station built in 1940, (at the applicant's cost) to the satisfaction of the Council; and
- (3) the applicant retain the existing natural bushland and mature trees on site.

CARRIED 10/0

Explanation

Concerns were raised with regard to the destruction of a number of heritage sites on the heritage list, as well as the value that is placed on this heritage list. It seems to be destroying the local history, which really needs to be preserved.

In addition, the above amendment was also made so as to maintain the natural bushland on-site that could have otherwise been disturbed by the demolition works. The native vegetation is understood to be the subject to further investigations by the State Government for possible inclusion within the "Bushplan" document and to ensure the plaque is both noticeable and functional for visitors.

Background

ZONING:	MRS:	Rural
	DZS:	Rural
LAND USE:	Residence	
LOT SIZE:	m ²	
USE CLASS:	Use Not Listed	

The subject property has been entered onto the Municipal Inventory of Heritage Places by the Council. The existing residence is of fibro and weatherboard construction built c1940. The building is all that remains of a small complex built during World War II to service a Naval Radio Station on the crest of the highest hill west of Thomsons Lake.

Submission

The applicant has provided the following information in support of the proposal:

- The Water Corporation are the owners of the house.
- Unauthorised people have accessed the property and according to advice from neighbours where it is suspected people are squatting. The Corporation is concerned about the potential fire risk with unauthorised people gaining access to the building.
- There have also been reports of drug use by people on the property.
- The Corporation investigated the refurbishment of the property and the potential market return. The cost is approximately \$160,000 to bring the property to a habitable standard which is much higher than the value of the property.
- The Corporation on this basis seek Council approval to demolish the residence. In support of their proposal an Archival Record has been commissioned by the Commission and forwarded together with this proposal.
- Several letters of support were provided from local landowners and tenants expressing a concern regarding itinerant people visiting the property, noise from break-ins.

Report

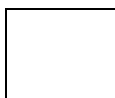
The Municipal Inventory management statement describes the place as:

“Significant but not essential to the understanding of the history of the district: photographically record the place prior to any major redevelopment or demolition. Should this house ever be demolished it is recommended that a plaque be erected to indicate the significance of the place.”

The applicant's heritage assessment by Ronald Bodycoat confers with the Council's heritage assessment on its Municipal Inventory.

“Notwithstanding that the House is a surviving remnant of an earlier group of housing servicing the Naval facility the place is not considered to be of such significance that its retention is essential to the understanding of the history of the District.”

Given the current security problems associated with retaining the residence and the unrealistic cost associated with retaining and conserving the place it is recommended that approval be granted to the proposed demolition of the residence subject to recording of the place by way of a plaque and photographic recording.



Strategic Plan/Policy Implications

The Corporate Strategic Plan Key result Area that applies to this item is:

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

Budget/Financial Implications

N/A

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

Nil

1038. (AG Item 14.9) (OCM1_3_2001) - COASTAL WORKS PLAN (9120) (PS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Coastal Works Plan as a guiding document to the current and future management and works within the coastal reserves;
- (2) advise CALM of the need to consider the plan's recommendations in preparing the Beeliam Regional Park Management Plan;
- (3) require the Council's Environmental Management Service to prepare a Coastal Works Plan Programme setting out a schedule of work priorities, time frames and costings for the Council's consideration, budget provisions and inclusion in the Principal Activities Plan.



COUNCIL DECISION

MOVED Cllr Whitfield SECONDED Cllr Edwards that the recommendation be adopted.

CARRIED 10/0

Background

The Integrated Coastal Management Strategy was adopted by Council on the 16th November 1999. The strategy dealt with providing a guide to coastal planning and management along the City of Cockburn's coastline. The report also briefly outlined management strategies for coastal areas owned by Council.

Council adopted the report and recommended the need to provide costings for the works and management of the coastal areas under Council control. The Coastal Works Plan addresses this recommendation.

The document outlines cost estimates to undertake works within a number of Council's coastal reserves which include: Manning Park, Catherine Point Reserve, Coogee Beach Reserve, Rotary Lookout, McNeil Field, and Redemptora Reserve.

Submission

N/A

Report

The Integrated Coastal Management Strategy (the strategy) was adopted by Council on the 16th November 1999. This strategy was funded by Coastcare/ Coastwest grants with matching funds provided by Council.

The overall aim of the Strategy was to guide future planning and management to ensure sustainability and enhancement of the natural, cultural and recreational values of Cockburn, and guide operations within the coastal reserves managed by Council.

With the adoption of the Strategy Council decided that there needed to be approximate costings for the works undertaken within the coastal reserves. Further grant funding was obtained to partly fund the preparation of a Coastal Works Plan (the plan). The firm Regeneration technology was appointed to prepare the Coastal Works Plan.

The Plan assessed the landform, vegetation structure and condition, vegetation community, significant features, existing uses and adjacent uses and negative features and safety issues of City of Cockburn's



coastal areas. This included Manning Park, Catherine Point Reserve, Coogee Beach Reserve, Rotary Lookout, McNiel Field, Redemptora Reserve and Henderson Reserve.

Following the completion of the physical assessment of the reserves, The consultant then undertook community consultation to provide community input into the project. This involved the undertaking of a community workshop. The workshop was attended by Cockburn residents who provided their knowledge and views towards the development of the plan. The aboriginal community also provided input into the development of the Plan. This involved aboriginal community representatives visiting the sites and providing comments to the consultant. This process provided useful insight into the constraints and community expectations.

With this information in hand the consultants examined management considerations such as vegetation, recreation, interpretation and fire management, and prepared a series of proposed actions and an estimation of costs for these activities, as required by the brief.

The draft Coastal Works Plan was released for public comment in October 2000. A number of submissions were received from Cockburn residents, CALM, Fremantle Port Authority and Port Catherine Developments.

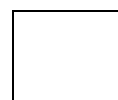
During the public comment period Council resolved at the November 2000 meeting to transfer control of the Henderson reserves to CALM. A copy of the Plan will be given to CALM with the expectation that they utilise the information collected and have an understanding of the community's expectation for the area.

Finalisation of the Coastal Works Plan now provides a document for Council to implement in conjunction with the community. Included in the agenda attachments are a set of the work plans for these reserves, attached preliminary costings and recommendations. The speed of the implementation of the proposed works will be dependent on future availability of funds.

Strategic Plan/Policy Implications

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

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



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

The Planning Policies which apply to this item are:-

Nil

Budget/Financial Implications

It is estimated that the Coastal Works Plan could cost between \$5 million and \$7.5 million, which is likely to be expended over an extended period of 5 to 10 years. Because of the significance of the programme it should form part of the Principal Activities Plan. It is also pointed out that some of the works proposed are not located on land owned by the Council, and due regard should be had for this when preparing the works programme and costings.

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

Nil

1039. (AG Item 14.10) (OCM1_3_2001) - LOCAL COMMERCIAL STRATEGY (9601) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report.
- (2) endorse the Draft Local Commercial Strategy report dated February 2001 and forward it to the Western Australian Planning Commission for agreement to advertise;
- (3) subject to WAPC agreement, advertise the Strategy for public comment for a period of 8 weeks;
- (4) require Strategic Planning Services to prepare and assess plans for the Phoenix Park precinct showing expansion options as an input into a "Centres Plan" for the district centre.



COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Edwards that the recommendation be adopted.

CARRIED 10/0

Background

The “Metropolitan Centres Policy Statement for the Perth Metropolitan Region” (the policy) published by the Western Australian Planning Commission (the Commission) provides a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region and is primarily concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district levels.

The policy also provides that Local Planning Strategies prepared by local governments in accordance with the policy are required to provide more detailed guidance for planning and development control and to justify floor space provisions which exceed the recommended limits.

A Retail Structure Plan for the City of Cockburn was produced in March 1987. There have been significant changes to the extent of urban development proposed within the City and decisions made such as the size of the Gateways Centre for example which have necessitated a complete review of the commercial structure within the City.

The 1987 Retail Structure Plan does not meet the requirements of the policy nor does it reflect more recent structure planning undertaken in the City. This is reflected in the Local Planning Strategy for TPS 3 which recommends as follows;

6.3 (a) (2) Prepare a Local Commercial Strategy to guide the future development of commercial centres where applicable.

Shrapnel Urban Planning has finalised the preparation of a draft Local Commercial Strategy (the strategy) for the City in accordance with the Metropolitan Centres Policy Statement.

Implementation of the recommendations of the draft strategy requires the following steps;

- Consideration and agreement by Council to the draft strategy document.
- Referral to the Commission for agreement to advertise.



- Advertising for public comment.
- Council consideration of submissions and recommendations to the Commission.
- Adoption of the Strategy by Council and endorsement by the Commission

Report

In January 2000 Council appointed Shrapnel Urban Planning to prepare a Local Commercial Strategy for the City. The purpose of the study was to determine the location, size, land use mix and related matters for all existing and proposed commercial centres within the City having due regard to the principles outlined in the Commission's "Metropolitan Centres Policy Statement for the Perth Metropolitan Region".

The study has involved the following aspects;

- Inspection and assessment of activities in all commercial centres within the City. This resulted in the production of a Centres Inventory.
- Assessment of the existing and projected population for stated time horizons as an input to the computer model.
- Analysis of data from a Commercial Facilities Survey undertaken by the City in March 2000.
- Computer modelling of various scenarios to determine the optimum level of retail floor space and its general distribution within the City.
- Reporting on the process, information and recommendations.

A summary of salient points on each aspect of the study is as follows;

The Metropolitan Centres Policy Statement For The Perth Metropolitan Region

The Policy defines the various levels of centres as follows;

- Strategic Regional centres are multi-purpose and major employment centres for a full range of retail, commercial administration, entertainment, recreational and regional community centres. Retail floorspace generally is up to 80,000 m² and includes department stores, discount department stores (eg Kmart, Target), major supermarkets and major specialised retail stores. Designated Strategic Regional centres south of the river include Fremantle,



Cannington, Armadale and Rockingham. There are none within the City of Cockburn.

- Regional centres are multi purpose centres for retail, office, community and entertainment facilities. Retail floorspace is generally up to 50,000 m² and includes discount department stores (eg Kmart, Target), supermarkets and speciality stores and convenience stores. Designated Regional centres south of the river include Thomsons Lake which has an approved floor space of 50,000 m², Booragoon and Maddington.
- District centres are centres for weekly retail and service shopping and local services and community services. Retail floorspace is generally up to 15,000 m² and includes minor discount stores, supermarkets, specialty stores and convenience stores. Phoenix Park is the only district centre within the City of Cockburn with a current floorspace of 19,600 m².
- All other centres within the City are designated either neighbourhood or local centres which are for convenience shopping with small offices and local services and community facilities. Retail floor space within neighbourhood centres is up to 4500 m² and includes supermarkets, convenience stores and local shops.

The policy also provides that the retail floorspace limits for each level of centre can be exceeded if supported by an adopted Local Commercial Strategy.

The retail modeling undertaken by Shrapnel tests the currently assigned floorspace allocations for all levels of centres and makes recommendations based on the assessment.

To ensure that Strategic Regional, Regional and District centres are developed as integrated, cohesive and accessible centres, the policy requires the preparation of “centre plans” which need to provide information such as existing land uses, public transport, vehicular movements, the siting and integration of existing and proposed buildings, streetscape treatments and the like.

Commercial Facilities Survey

As part of the study the City initiated a household survey in the March 2000 edition of Cockburn Soundings aimed at achieving a better appreciation of the existing habits and opinions of the shopping residents. Two hundred and forty seven forms were returned and analysed. Some of the key findings were as follows;

- Although it varies across the municipality, Garden City (Booragoon) features as the most commonly used regional centre for personal and



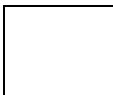
household goods shopping with 76 respondents. Fremantle came a mediocre second with 28 respondents and Rockingham one.

- Phoenix Park is the most heavily used centre for personal and household shopping with 100 respondents. This was primarily by residents in the western half of the City. The Bull Creek and Kardinya district centres within the City of Melville are also well used by City of Cockburn residents although this is expected to reduce as the level of facilities and services available at Thomsons Lake increases.
- As expected centre usage for food & groceries and local convenience goods is more localised than for personal and household goods. The Gateways Centre at Thomsons Lake is very heavily used particularly by residents in the eastern and south eastern sectors (82 respondents).
- Phoenix Park is the most heavily used centre for food & groceries and local convenience goods for people in the western suburbs (68 respondents) although residents of Coolbellup very clearly use their own neighbourhood centre (28 respondents). Only two respondents use Fremantle City Centre for food & groceries and local convenience shopping.
- For local convenience shopping the Gateways Centre at Thomsons Lake was used the most with 42 respondents followed by Coolbellup with 35 and Phoenix Park with 33 respondents. Only one respondent uses Fremantle City Centre for local convenience shopping.

The Commercial Facilities Survey has shown a clear preference of respondents to shop locally with the Phoenix Park centre and Gateways centre at Thomsons Lake being the centres of most usage. It is expected that this trend will grow as the Gateways centre is expanded from its current neighbourhood level to regional level over time and that Booragoon will remain important for personal and household goods shopping although this is likely to reduce as the Gateways centre is expanded to include personal and household goods. It is likely that Fremantle will remain relatively unimportant as a shopping destination for residents in Cockburn.

Demographic analysis

Compared to the average for the Perth Region, Cockburn has a relatively young population. The under 14 group represents 24% of the total population compared with the regional average of 21%. The 15-29 age group is similar to the regional average whilst the 30-39 age group at 17% is higher than the regional average of 15%. Above 40 the population is generally the same or less than the regional average except for the over 65's which at 8% is considerably less than the regional average of 11%.



Vehicle ownership figures show that on average motor vehicles per household within the City is higher than the average for the Perth Metropolitan Region but consistent with "Outer" metropolitan locations. The analysis also shows that households with no motor vehicles are most noticeably concentrated in the north western and central western suburbs.

1996 Census data shows that households in the City of Cockburn spend on average the same on retail goods and services as for the region as a whole. However the distribution of household incomes across the City is far from uniform. In general households averaging less than \$500 per week are fairly scattered but with most significant concentrations in the northern and south western parts of the City. Higher incomes of \$1000 and above occur in a wide band extending diagonally from the coast area around Woodman Point to Leeming. The semi rural and residential areas east of the Freeway are also well represented in the higher income group.

The demographic analysis highlights the need to provide retail and commercial services for a significant number of less mobile households in addition to the majority of highly mobile residents. In particular this applies to some of the north western areas which have low car ownership, low household incomes and a higher than average proportion of older people. This has particular relevance to planning for the provision of adequate and sustainable neighbourhood and district facilities.

Retail requirements

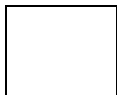
An analysis of retail floor space provision within the City as indicated by metropolitan averages has shown that;

- In 1997 the total amount of retail floorspace within the City was only 74% of that which could be supported by the 1966 population. However the supply of neighbourhood/local floorspace exceeded the actual requirement by 11% whereas there was an under-supply at the regional and district levels.
- Much of the local retail floorspace does not seem to be performing very well. However though struggling, local centres have a vital role to play in the interests of convenience, urban sustainability, and social equity.
- There is considerable potential for increasing the number of neighbourhood/local centres within the City. As this potential is mainly to accommodate increased population growth, the potential relates more to new centres rather than increases in the size of existing centres.



The main conclusions from the retail computer modelling are:

- The Gateways Regional Centre has the potential to expand over time to the approved limit of 50,000 m² retail floorspace.
- Some additional retail floorspace over and above the 50,000 m² allocated to the Gateways will be necessary within the Thomsons Lake City Centre that is being planned around the transit interchange.
- Phoenix Park complex has the potential to expand from its current size of around 20,000 m² to some 28,000 m² with the proviso that this should not include an additional supermarket as this would adversely impact on the surrounding local and neighbourhood centres. The report acknowledges that the expansion of Phoenix Park may be difficult to achieve due to the physical constraints and notes that the opportunity should be taken to improve the appearance and functioning of the centre.
- Additional large neighbourhood centres should be provided at Merevale Gardens Munster, Gibbs Road Banjup and Russell Road Banjup as provided for in approved structure plans for these localities. The strategy recommends that the retail floor space in the Merevale Gardens centre fronting Beelias Drive west of the railway line be in the order of 5500m². This is consistent with the Neighbourhood Centre Master Plan prepared by Taylor Burrell in August 2000 which recommended a retail floor space of 5000m².
- Smaller local centres such as that proposed at Panorama Gardens are consistent with the strategy.
- Some minor expansion of retail floorspace could be sustained at the Lakes Centre on North Lake Road. However there is no capacity on the site for this to occur. Alternatively the current restrictions of 4500m² retail and 4000m² other commercial as per TPS 2 could be varied or relaxed to enable retail to fluctuate up to a maximum of 5500m².
- The strategy identifies areas which can be developed for mixed business activities, that is showroom commercial type development and mixed use areas which are potentially suitable for shop retail uses, professional and other types of offices in a "Main Street" context as well as medium or higher density residential development.
- The proposed strategy is compatible with the objectives of "Liveable Neighbourhoods" which promotes walkable catchments and traditional main street developments.



A copy of the Strategy Map and specific recommendations for each centre are provided in the Agenda attachments.

The Strategy also considers the current designation of the Thomsons Lake centre and Phoenix Park. The strategy considers that Thomsons Lake should be designated as a Strategic Regional Centre as opposed to its current designation of Regional Centre. The strategic designation would be consistent with its overall size and range of functions proposed. The resultant relationship between Fremantle, Armadale, Cannington and Thomsons Lake would not be dissimilar to Stirling, Morley and Midland.

In respect to the Phoenix Park centre it is noted that whilst the amount of floor space proposed exceeds that normally provided in a district centre, its designation should not change. It is also noted in the draft "Metropolitan Centres Policy Statement for the Perth Metropolitan Region" March 1997 that nominated ultimate retail floorspace for other district centres such as Clarkson, East Victoria Park, Kwinana, Victoria Park, Yanchep North was in the order of 28,000 to 30,000 m². Accordingly the recommendation for Phoenix to remain a district centre is consistent with what has occurred elsewhere in the Metropolitan Area.

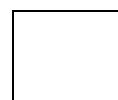
Conclusions

It is considered that the Draft Local Commercial Strategy is consistent with the requirements and principles of the "Metropolitan Centres Policy Statement for the Perth Metropolitan Region" and provides a workable blue print for a sustainable hierarchy of retail centres throughout the City.

Of particular note is the proposed expansion of the Phoenix Park Centre. This will provide further localised retail facilities which are considered important in the northern portion of the City due to low car ownership in the area and builds on the existing strong reliance on local facilities. More importantly the proposed expansion provides the opportunity for the upgrading of the centre, the opportunity to address and resolve existing problems and create further local employment opportunities.

It should be noted that the proposed expansion of the Phoenix Park centre is broadly consistent with Council's approval in July 1998 to expand the centre to some 24,900 m² to include a discount department store and additional specialty shops. However because the proposed floor space was in excess of that specified in the "Metropolitan Centres Policy Statement for the Perth Metropolitan Region" and there was no Local Commercial Strategy, the Planning Commission refused the application and no expansion has therefore taken place.

To further the proposed expansion of the Phoenix Park centre it will be necessary to prepare a "centres plan" in accordance with the



“Metropolitan Centres Policy Statement for the Perth Metropolitan Region”. It is considered preliminary work required to prepare a centre plan should commence immediately. This would include documenting all relevant background information, opportunities and constraints mapping and an assessment of options. A centres plan for Thomsons Lake regional centre is being prepared as part of a current brief to consultants engaged on behalf of the Thomsons Lake Implementation Steering Committee.

It recommended that the Draft Local Commercial Strategy be adopted by Council, submitted to the Western Australian Planning Commission for agreement to advertise and subsequently advertised for public comment.

Strategic Plan/Policy Implications

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

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

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

The Planning Policies which apply to this item are:-

PD20* Shopping Centres and Service Stations
PD25* Liveable Neighbourhoods - Community Design Codes

Budget/Financial Implications

N/A

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

Nil

1040. (AG Item 14.11) (OCM1_3_2001) - MARKET GARDEN SWAMPS (6128; 4855) (PS)



RECOMMENDATION

That Council:

- (1) support the need to examine options to prevent deleterious impacts on the natural environment of Market Garden Swamps caused by increased water and nutrients entering Market Garden Swamps;
- (2) liaise with relevant State Government authorities to examine options that could assist with managing the water quality of Market Garden Swamps.

COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Edwards that the recommendation be adopted.

CARRIED 10/0

Background

Market Garden Swamps are located generally between Rockingham Road and Hamilton/ Fawcett Road in the Munster/ Spearwood area. Urban development of the land around the wetlands has a number of potential impacts including increased water and nutrient flow into the Market Garden Swamps affecting water quality and giving rise to problems such as algal blooms, odours, increased midge and mosquito breeding, and impact on the wetland dependent vegetation which indirectly will affect bird life and other fauna.

Acacia Springs Environmental was engaged by the City to undertake a study of current and past information to determine the extent of change to the water level and nutrient status of Market Garden Swamps, and provide information on how to mitigate these impacts.

Submission

N/A

Report

Market Garden Swamps are situated within the existing and future residential areas of Spearwood and Munster. They consist of linear wetlands stretching for 2km covering an area of 39 hectares. The wetlands are in most parts surrounded by swamp paperbarks and is a significant habitat for birds and fauna. In terms of conservation, the wetlands are regionally significant and for some aspects they are



internationally significant and are included in the Beeliar Regional Park. Their importance to the community is supported by the continuing implementation of Council's Market Garden Swamps Management Plan.

Wetlands on the Swan Coastal Plan, such as Market Garden Swamps, are often affected by development of the surrounding land. In the case of urban development this can include impacts such as increased nutrients and water flow into the wetland effecting its normal hydrological cycle and water quality.

Historically the Market Garden Swamps have been highly seasonal in nature and often completely dry out over summer. However in recent times it has been noted by officers and nearby residents that the swamps appears to be holding water for longer periods of time. There also appears to be paperbark deaths along the fringes of the swamps which could be associated with flooding.

There are a number impacts of Market Garden Swamps retaining more water for longer periods of time. The longer retention time of water will affect the fringing vegetation and have further repercussions on the natural ecosystem. With the wetland not drying during summer there is potential for problem numbers of mosquito and midge, and frequent algal blooms.

To better understand the potential impacts on Market Garden Swamps, Acacia Spring Environmental were commissioned by Environmental Management Services in 1999 to review past hydrological work and assess likely water levels and nutrients flows into Market Garden Swamps. The work also entailed examining options to prevent these factors from impacting on the wetland. This work involved liaising with Water & Rivers Commission, Water Corporation and Department of Environmental Protection.

The study indicated that Market Garden Swamps will most likely continue the trend of holding water longer, impacting both on the wetland ecosystem and amenity of nearby residents.

There are a number of options open to the City of Cockburn, such as catchment management, community education, installation of nutrient stripping basins, water retention devices and possible disposal of water from the Market Garden Swamps.

To prevent further impacts on the Market Garden Swamps it will be necessary to assess all of these options and gain the support of a number of State Government Agencies.

It is recommended that Council initiate discussions with the relevant State Government Agencies to determine the most appropriate measures, to assess the implications of implementing modifications and



improvements to the existing drainage system and to agree on the parameters for drainage of the undeveloped areas around the swamps.

Strategic Plan/Policy Implications

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

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

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

The Planning Policies which apply to this item are:-

N/A

Budget/Financial Implications

N/A

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

Nil

1041. (AG Item 14.12) (OCM1_3_2001) - NOXIOUS INDUSTRY DEFINITION AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 (OFFENSIVE TRADE - SCHEDULE 2 HEALTH ACT) (92225) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the modifications as generally requested by the Western Australian Planning Commission to Amendment 225 to District Zoning Scheme No 2 pursuant to Section 7 of the Town Planning & Development Act by deleting the definition of industry – noxious from the Seventh Schedule – Interpretations and replace with:-



“Industry-Noxious means an industry in which the processes involved constitute an offensive trade within the meaning of Schedule 2 Health Act but where an offensive trade is also included as a category of prescribed premises or premises subject to registration under the Environmental Protection Regulations, Schedule 2 of the Health Act prevails, and includes a landfill site, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm or rabbit farm.”

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

COUNCIL DECISION

MOVED Cllr Reeve-Fowkes SECONDED Cllr Edwards that Council:

- (1) defer the adoption of the Western Australian Planning Commission’s suggestion in light of the change of the State Government; and
- (2) write to the new Minister, suggesting that the changes to the Health Act 1911, gazetted on 17 November 2000 be reversed; and
- (3) request the Minister to re-instate the provisions within the Health Act until adequate alternatives have been established under the Planning Legislation.

CARRIED 10/0

Explanation

It was stated that under either of the Western Australian Planning Commission’s suggested options, the proposed Waste Treatment Plant in Cocos Park would still be permitted in a General Industry zone. General Industry still exists less than 50 metres from the residential zone, and until there is an adequate definition of Noxious Industry in a General Industry zone there will continue to be a negative impact on residents.

Background

On 19 December 2000 the Council initiated Amendment 225 to District Zoning Scheme No 2 (DZS2). The Scheme amendment proposes to delete the definition of industry – noxious and replacing it with –



“Industry – noxious means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911, and in addition to the offensive Trades specified in Schedule 2 of the Act also includes:-

- (a) *any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or other noxious or offensive trade, business or manufacture, and any trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district, but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm;*

a waste disposal site for disposal of liquid and dry waste of any nature.”

The background to this matter was extensively discussed in item 14.1 (OCM1 12 2000).

The Ministry for Planning and the Health Department of WA were involved in changing Schedule 2 of the Health Act gazetted on 17 November 2000 (Gazette 6289) which deleted the following words:

“..or any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or any noxious or offensive trade, business, or manufacture:

and any trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district.”

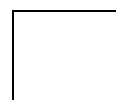
The above statement restricted the ability to provide for ‘traditional’ types of industries in the general industrial zone. The change to the Act now makes the definitions contained in proposed Town Planning Scheme No 3 (TPS3) relating to General Industry (Licensed) superfluous. TPS3 can now be made to comply with the Model Scheme Text in relation to the definition of General Industry, subject to reference to noxious industry being included.

Submission

N/A

Report

The 42 day public consultation period for Amendment 225 concluded on 7 March 2001. At the close of the advertising period no submissions were received. A copy of the proposed Scheme Amendment was forwarded to the Department of Environmental Protection (DEP) for



comment. The EPA decided that the environmental impact of the Scheme Amendment would not be severe enough to warrant assessment under the EPA Act and no advice was given in this regard.

The Western Australian Planning Commission have recently advised the City of their recommended changes to TPS3, that are directly relevant to the progress of amending the definition of noxious industry and general industry in DZS2. In their recommendations to the Minister it is proposed to delete the definition of “*industry –general (licensed)*” and modify the definitions of “*industry-general*” and “*industry-noxious*” in TPS3. The reinstating of the former closing words of Schedule 2 of the *Health Act* is not supported by the Commission. They have also advised the Government recently amended the *Health Act* to delete the closing words of Schedule 2 because of difficulties in the administration of schemes referring to Schedule 2 in the definition of Noxious Industry arising from decisions in the Supreme Court.

The Commission referred to the interpretation of the Supreme Court in that any industry involving preventative measures as described in Schedule 2 *Health Act* is an offensive trade even though no emissions result. Thus regardless of any actual environmental or health impacts, any industrial proposal which employs measures designed to prevent atmospheric or other emissions must necessarily be classified as a noxious industry. Consequently, in schemes where noxious industry is prohibited in the Industry zone, most industries, other than light industry, would not be permitted to establish within the zone. This is not consistent with the purpose and intent of the General Industrial zonings in planning schemes and is a major restriction on businesses wishing to establish accepted types of industries in the zone.

The concept of noxious industry based on the *Health Act* when the Act was the predominant instrument used to regulate offensive trades, has now been superseded by the *Environmental Protection Act 1986*. For this reason, the Commission did not include a standard definition of a noxious industry within the Model Scheme Text (MST). The MST does provide the Council with some scope to vary the core definitions if necessary to describe uses in more specific terms. In this case, the approach adopted by the Council in the advertised version of Town Planning Scheme No 3 is accepted with some modifications to the definitions of “*industry-general (licensed)*” and “*industry-noxious*” to provide for generally accepted types of industries in the Industry zone. Alternatively a definition of noxious industry based on Schedule 2 of the *Health Act* as amended would be acceptable to the Commission.

Option One – Amend DZS2 Provide for generally accepted uses

This would modify the definition of Industry Noxious to provide for some acceptable land uses and exclude those by their specific nature as being offensive. Reference is also made to industries in the *Environmental Protection Act* that must have works approvals or be licensed or



registered under the *Environmental Protection Regulations* that are described as 'prescribed premises'. The occupiers of these premises are required to obtain works approvals and hold licences in respect of those premises. Prescribed premises are set out in Schedule 1 of the *Environmental Protection Regulations* (as attached). Offensive Trades under the *Health Act* are set out in Schedule 2 of the *Health Act* (as attached). The scope of this definition does not achieve what the Council previously resolved but does capture more noxious industries than the Option Two definition that just refers to Offensive Trades set out in Schedule 2 of the *Health Act*. The Commission's modified noxious definition is stated as follows:

"Industry-Noxious means an industry in which the processes involved constitute an offensive trade within the meaning of Schedule 2 Health Act but where an offensive trade is also included as a category of prescribed premises or premises subject to registration under the Environmental Protection Regulations, Schedule 2 of the Health Act prevails, and includes the disposal of liquid or dry waste of any nature, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm or rabbit farm."

Option Two – Amend DZS2 in accordance with Schedule 2 of the *Health Act (as modified)*

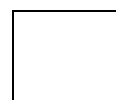
This is an alternative option from the Commission which is based on referring directly to Schedule 2 of the Health Act to state:

"Industry – Noxious means an industry in which the processes involved constitute an offensive trade within the meaning of Schedule 2 Health Act.

This definition would only include those uses listed in Schedule 2 such as for instance but not limited to abattoirs or slaughter houses, dry cleaning establishments, bone mills, dye works, poultry farming, shellfish and crustacean processing establishments etc. This is the least preferred definition as it conflicts with other land use definitions. For instance a poultry farm is expressly included in two definitions when it should be in one or the other.

Recommendation

Given the limited options available it is recommended that the Council adopt further modifications to District Zoning Scheme No 2 in accordance with Option One above which includes the broader scope of industrial activities. This option should include a minor modification to delete reference to dry or liquid waste which is too broad for the purpose of this definition, (ie would include onsite domestic effluent disposal system). On recent discussion with a representative from the Ministry for Planning, Option One is also their preference and they would consider minor changes to the definition for clarity purposes or appropriateness. As a substitute reference to landfill sites would be included and in the



absence of a definition of landfill in DZS2 to refer to the common dictionary definition. TPS3 will include a definition of landfill in this respect.

This definition of noxious industry does not provide the same protection as the 'McNiece' decision that has been withdrawn by the Government by changes to Schedule 2 of the *Health Act*. The Commission have requested the Council to modify the definition of noxious industry by either adopting one of the above two alternative definitions (Option One and Option Two) in order for the Scheme Amendment to proceed.

Strategic Plan/Policy Implications

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

1. Managing Your City

- *“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.”*

2. Planning Your City

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

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act 1995

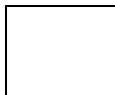
Nil

1042. (AG Item 14.13) (OCM1_3_2001) - PLANNING APPLICATION FEES FOR SCHEME AMENDMENTS (9003) (MR)

RECOMMENDATION

That Council:

- (1) amend the Schedule of Planning Fees adopted by the Council on 21 November 2000 to include provision for the 50% refund of application fees for Amendments to District Zoning Scheme No 2 where permission to advertise is not granted;
- (2) adopt the revised 'Up-Front' fees for the purposes of Part 2



(Maximum Fees: Scheme Amendments) and Part 3 (Maximum Fees: Structure Plans) of the Regulations as follows:-

	Minor	General	Major
Scheme Amendments (upfront)	\$1,100	\$2,200	\$3,300
(Final payment upon consent to advertise)	\$1,100	\$2,200	\$3,300
Structure Plans	\$1,100	\$2,200	\$3,300
(Final payment upon consent to advertise)	\$1,100	\$2,200	\$3,300

These fees exclude sign and advertising costs but includes GST costs.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Waters that the recommendation be adopted.

CARRIED 10/0

Background

In September 2000, the WA Planning Commission published Planning Bulletin No. 44 - "Town Planning (Local Government Planning Fees) Regulations 2000" to establish a standard set of maximum fees and charges for planning services for local government across the State.

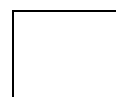
On 21 November 2000 the Council adopted new Planning Fees in accordance with the requirements of the Town Planning (Local Government Planning Fees) Regulations 2000. Refer to Item 14.1 Ocm 21 November 2000.

Submission

The City has recently received objections from applicants to the payment of Scheme Amendment Fees where there is no provision for planning fees to be refunded if the Council does not adopt the amendment for the purpose of advertising. In absence of a process to record time spent calculations to determine a precise costing for payment the Council adopted a guide as follows:

	Minor	General	Major
Scheme Amendments	\$2,000	\$4,000	\$6,000
Structure Plans	\$2,000	\$4,000	\$6,000

Report



The schedule of planning fees adopted by the Council are an upper limit to development fees. The Council can exercise its discretion to reduce the development application fee where it considers it unreasonable or inappropriate to apply the full fees or to request fees in stages.

It is proposed to introduce a 50% pre-funding of the total amount of application fees for both Scheme Amendments and Structure Plans to ensure greater equity between the applicant and the Council, rather than charging the full upfront maximum fees. This revised fee structure was similar to the Council's previous requirements prior to the introduction of the Regulations and worked effectively with no concerns from applicants.

The revised fee structure recommends the Council adopt the 'Up-Front' fees for the purposes of Part 2 (Maximum Fees: Scheme Amendments) and Part 3 (Maximum Fees: Structure Plans) of the Regulations as follows:-

	Minor	General	Major
Scheme Amendments (upfront)	\$1,100	\$2,200	\$3,300
(Final payment upon consent to advertise)	\$1,100	\$2,200	\$3,300
Structure Plans	\$1,100	\$2,200	\$3,300
(Final payment upon consent to advertise)	\$1,100	\$2,200	\$3,300

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

The expected revenue from the change in fees proposed are more reflective of the costs involved in upfront processing of applications.

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

The Council is complying with a Town Planning Regulation.

1043. (AG Item 15.1) (OCM1_3_2001) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)



RECOMMENDATION

That Council receive the List of Creditors Paid for February 2001, as attached to the Agenda.

COUNCIL DECISION

MOVED Cllr Whitfield SECONDED Cllr Oliver that the recommendation be adopted.

CARRIED 10/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

1044. (AG Item 15.2) (OCM1_3_2001) - COOGEE BEACH - ESTABLISHMENT OF SHOP/KIOSK - ANCILLIARY TO RESERVE 24306 (3300004) (KJS) (ATTACH)

RECOMMENDATION

That Council:

(1) receive the results of the Survey by Patterson Market Research

which indicate that while a restaurant located at Coogee Beach would not be supported there is significant market potential for an upgraded Coogee Beach Shop;

- (2) investigate the possible replacement/upgrading of the existing Coogee Beach Shop, with a report being presented to the May meeting of Council.

COUNCIL DECISION

MOVED Cllr Allen SECONDED Cllr Edwards that Council:

- (1) receive the results of the survey by Patterson Market Research, which indicates support for a café/dining establishment at Coogee Beach;
- (2) investigate the possible replacement/upgrading of the existing Coogee Beach Shop, with a café establishment; and
- (3) be presented with a report at its May meeting.

CARRIED 10/0

Explanation

It was felt that contrary to the evaluation provided, the report does support the need for an eating establishment at Coogee beach. It may not need to be an a-la-carte style eating establishment, but the report definitely indicates a two-third support for a café establishment at Coogee.

Background

Council at its Meeting held on 19 December 2000 resolved to commission Patterson Market Research to determine the likely level of community usage of a possible restaurant/café and similar facilities if located at Coogee Beach. The report has now been completed and a copy of the Executive Summary is attached to the Agenda.

Submission

N/A

Report

The Report prepared by Patterson Market Research canvassed opinions from residents in Cockburn and the suburb of Hilton. The survey shows that Cockburn residents largely purchased fast food locally but for café



and restaurant meals they are prepared to travel further with Fremantle being the preferred location. Cockburn residents have a high level of awareness of the Coogee Beach Shop and the current shop appears to be a popular venue with at least half of those surveyed having frequented the establishment on at least one occasion.

The report in summary states that *on the surface it would appear that there is a significant market potential for an upgraded Coogee Beach Shop (particularly among the higher income segments of the local population) with two-thirds of the survey sample indicating that they would be at least quite likely to frequent such an establishment.* This potential however is contingent upon other competitive sources to prepared meals.

To be noted though the survey revealed that 40% of respondents claimed that they would frequent a marina/boat, harbour development (between Coogee and South Fremantle) in preference to an upgraded Coogee Beach establishment. The recommendation of a shop/kiosk rather than a two-storey shop restaurant, is based on the findings of the survey, that indicated that a large percentage of the potential customers would prefer to frequent restaurants to be established in the proposed development between Coogee and South Fremantle. These proposed developments, such as the Port Catherine Development and the re-development of the South Fremantle Power Station could be in place around 2007/08. The establishment of a restaurant at Coogee is considered to be too risky, financially for either the City or a private entity. A 1997 Southern Region Design Partnership Report quoted the cost of a two-storey shop/restaurant at approximately \$980,000.

Another difficulty is the need to create a new reserve separate from the existing "A" Class reserve. The Department of Land Administration is unable to give any estimate on how long the establishment of a new reserve would take but our best estimate is that it would be up to 2 years and involve detailed submissions and further community consultation. The preferred scale of facility would be similar to the current shop, but modernised and equipped to meet current needs and standards.

Any proposal that is developed must be acceptable to the Department of Land Administration. The test that the Department of Land Administration makes is that the facility is ancillary to that of the "A" Class reserve and its recreational use. The current shop is the subject of a lapsed lease that has the approval of DOLA. The lapsed lease included a provision for the continuation of the tenancy on a monthly basis at the end of the lease period. It is envisaged that any new lease would reflect the current lease provisions in order to comply with DOLA requirements. Further investigation should therefore be undertaken regarding the possible replacement/upgrading of the existing Coogee Beach Shop.



If Council wish to proceed with construction of a restaurant then further investigations will need to be made and a report submitted to Council.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

1045. (AG Item 15.3) (OCM1_3_2001) - TEMPORARY CLOSURE - AHROY ROAD, SPEARWOOD - SECTION 3.50 OF THE LOCAL GOVERNMENT ACT (9503; 450123) (KJS)

RECOMMENDATION

That Council resolve to temporarily close Ahoy Road, Spearwood for a period not exceeding 4 years.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

CARRIED 10/0

Background

The Western Australian Planning Commission on behalf of the State Government together with Port Catherine Developments Pty Ltd is responsible for delivering the Port Catherine Project in South Coogee. Ahoy Road will be incorporated into the proposed subdivision design but is not currently being utilised by any adjoining properties.

Submission

The Ministry for Planning has requested that Ahoy be temporarily closed as the area has become a dumping ground for illegal rubbish.

Report



All the properties in Ahoy Road are owned by the Western Australian Planning Commission. All of the service authorities have been notified and there has been no objection subject to the provision of appropriate padlocks being placed on the gates. The Western Australian Planning Commission has undertaken to install the fencing and gates and keys to accommodate all interested parties. The proposal has been advertised and there has been no response.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

1046. (AG Item 15.4) (OCM1_3_2001) - CLAIM FOR REIMBURSEMENT OF LEGAL AND OTHER EXPENSES - J GRLJUSICH AND M PECOTIC (1335) (ATC) (ATTACH)

RECOMMENDATION

That Council reject the claim by Mr J Grljusich and Mr M Pecotic for reimbursement of legal and other expenses incurred as a result of the Martin and Vicary and Douglas Inquiries, because of the adverse findings by the Douglas Inquiry against them.

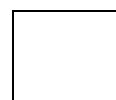
COUNCIL DECISION

MOVED Cllr Humphreys SECONDED Cllr Waters that:

- (1) the matter be deferred to a Special Meeting of Council to be held at a date and time to be fixed by the Mayor, pursuant to Section 5.4(a)(l) of the Local Government Act 1995, following confirmation of the availability of Council's legal representative; and
- (2) the subject item be considered behind closed doors pursuant to Section 5.23(20(d) of the Act.

CARRIED 8/2

Explanation



The above amendment was made so that all Councillors are able to receive advice and question the legal representative on matters of concern regarding this issue.

Background

Mr J Grljusich and Mr M Pecotic were members of Council at the time it was suspended and subsequently dismissed. They incurred legal costs during the course of the Martin and Vicary Inquiry and the Douglas Inquiry and are now seeking reimbursement of those costs.

Submission

Attached to the Agenda are copies of correspondence received from:

- (1) Mr Grljusich claiming reimbursement of \$50,212.53 in respect of costs incurred as a result of the Martin and Vicary Inquiry and the Douglas Inquiry.
- (2) Mr Pecotic claiming reimbursement of legal costs and payment for time lost in respect of the Martin and Vicary Inquiry and the Douglas Inquiry, totalling \$45,565.98.

Report

At its Meeting on 17 October 2000 Council considered a confidential report by the Director Finance and Corporate Services concerning the possible recovery of legal expenses paid to ex-Councillors and staff during the Douglas Inquiry. A copy of Minute No.790 of that meeting concerning the report is attached to the Agenda. A copy of the confidential report is forwarded under separate cover.

Council's decision at that meeting was to:

- (1) receive the confidential report of the Director, Finance and Corporate Services;
- (2) rescind Policy A1.18;
- (3) advise former Councillors J Grljusich, M Pecotic, J Ostojich and B Wheatley and former employee J Scharf that the City considers that, by virtue of Clauses 18 and 19 of Policy A1.18, the authorisation of financial assistance in respect of the Douglas Inquiry be revoked.

The former Councillors and staff were informed accordingly. Despite being advised of Council's decision that no financial assistance would be given to them, Mr Grljusich and Mr Pecotic have now written to Council



requesting reimbursement of their costs as outlined above. As Policy A1.18 was rescinded Council must now consider these requests on their merit.

Further legal advice was sought from John Woodhouse of Watts Woodhouse concerning these claims. A copy of the legal advice is forwarded under separate cover.

The legal advice concludes that the City has no liability in respect of these claims having sent letters revoking all authorisations after its decision at the meeting on 17 October 2000.

However, even though it has no legal liability it is open to Council to accede to the requests from the former Councillors. In other words, the Council could choose to do so but is not obliged to do so.

At its meeting on 21 November 2000 Council decided to reimburse legal expenses to former Councillor Mr Gianoli (\$4,056.67) even though the process of Policy A1.18 was not followed. This decision was based on the fact that Mr. Gianoli was exonerated by the Douglas Inquiry.

Taking into account:

- (1) the terms of Policy A1.18 and the Council's decisions on 28 September 1999 regarding Mr Grljusich and Mr Pecotic's claims for additional funding;
- (2) the adverse findings by the Douglas Inquiry against Mr Grljusich and Mr Pecotic;
- (3) Council's decision on 17 October 2000;
- (4) legal advice that Council has no liability to make reimbursement of the costs claimed, it is recommended that no payment be made to Mr Grljusich and Mr Pecotic.

Strategic Plan/Policy Implications

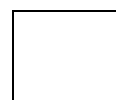
N/A

Budget/Financial Implications

The Investigation Expenses Account in Council's Budget has a balance of \$51,373.00.

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

Nil.



1047. (AG Item 16.1) (OCM1_3_2001) - TENDER NO. 1/2001 - HIRE OF DOZER OR TRACKLOADER AT HENDERSON WASTE DISPOSAL SITE (4900) (BKG) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the offer to hire a Trackloader from Source Equipment Pty Ltd for Tender No.1/2001 – Hire of Dozer or Trackloader at Henderson Waste Disposal Site, for the period 1st April 2001 to 31st March 2002 at an hourly rate of \$117.00, inclusive of all fuel, labour, repairs and servicing and in accordance with the contract documents; and
- (2) sell Traxcavator (Plant No.93) and it be removed from the Assets Register.

COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 10/0

Background

Tenders were called and closed on the 8th February 2001 for the hire of a dozer or trackloader at the Henderson Waste Disposal Site for the period 1st April 2001 to 31 March 2002.

Submission

Eight (8) tenders were received for Tender No. 1/2001 - Hire of Dozer or Traxcavator at Henderson Waste Disposal Site, a summary of which is attached to the Agenda..

Report

At Henderson Waste Disposal Site Council currently owns and operates a Caterpillar 963 Traxcavator. The machine is used for spreading the waste and covering it at the site.

The machine was purchased in 1995 and is due for replacement.



The operation of a machine at the waste disposal site is high risk. The environment of dust and waste is very damaging to conventional machines.

If damage does occur a high repair bill can result. In a regimented budget environment such as local government it is not easy to access additional funds at short notice. It is preferable to know what the operation costs for an item of plant will be for a total year.

After using a dozer and a tracked loader at the landfill site during the past 8 weeks, the site supervisor has concluded that a tracked loader is the preferred machine.

The analysis of the 3 firms that offered the tracked loader resulted in the following scores:

Source Equipment Pty Ltd	98
Mayday Earthmoving	90
Thomas Earthmoving Pty Ltd	90

This resulted from the criteria specified in the tender documents that were to be used to assess the tenders.

These criteria were:

Price	65%
Backup Service	15%
Safety	5%
Experience	10%
References	5%

It is recommended that the offer from Source Equipment be accepted.

This company supplied the plant and labour at the Melville Landfill Site over the period 1987 to its closure in 1998.

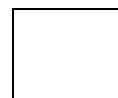
The hourly rate is very competitive when compared to Council purchasing a new machine and operating it.

This may be due to the number of landfill sites that have closed over the past 57 years and an availability of Traxcavators in the market place.

Strategic Plan/Policy Implications

In the Corporate Plan one of the objectives is to "maximise revenue from alternative sources". The Henderson Landfill Site is a major contributor to revenue.

Budget/Financial Implications



Up to 60% of the cost of operating a waste disposal site is plant hire. Traditionally plant has been owned and operated by Council. It is essential to market test this component to ensure it offers the best value.

There is also a higher risk in operations plant at a landfill site and it is considered to be to Council's advantage to share the risk.

The cost of hiring the machine will be less than Council purchasing and operating a similar machine.

There is an amount of \$370,000 for the purchase of the machine. It is intended to retain these funds in the Plant Replacement Reserve Fund to allow for earlier trade-ins of the rubbish trucks.

The cost of hiring a machine for a year is approximately \$350,000.

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

This recommendation is to hire plant from a private company for use at the Henderson Landfill Site.

DECLARATION OF CONFLICT OF INTEREST

Mayor Lee read the Chief Executive Officer's advice that he had a financial interest in Agenda Item 16.2 – Gerald Street/Doolette Street Traffic Management Occasional Committee – Report. The nature of the interest being that he and his wife own property and live in the area which is the subject of the proposed works.

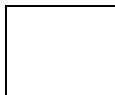
THE CHIEF EXECUTIVE OFFICER LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.30 PM

1048. (AG Item 16.2) (OCM1_3_2001) - GERALD STREET/DOOLETTE STREET TRAFFIC MANAGEMENT OCCASIONAL COMMITTEE - REPORT (450037; 450036) (JR) (ATTACH)

RECOMMENDATION

That Council re-open the left turn movement from Phoenix Road into Gerald Street on the following basis:

- (1) Treatments at a total indicative cost of \$58,000 be provided in Gerald Street as follows -



1. A fixed treatment at the Gerald St/ Phoenix Rd intersection to improve the safety of the left turn movement from Phoenix Road.
 2. A fixed treatment at the Gerald St/ Glendower Way intersection to allow for all left turn movements only.
 3. A fixed chicane treatment at the Gerald St/ Freeth Rd intersection.
 4. A plateau treatment between Phoenix Road and Glendower Way and located in consultation with local residents; and
 5. A plateau treatment, if required, between Glendower Way and Freeth Rd and located in consultation with local residents.
- (2) the provision of traffic management treatments in Gerald Street between MacMorris Way and Spearwood Avenue be noted for possible inclusion in the 2001/02 Budget following an assessment of the impact of the re-opening of the left turn from Phoenix Road.
- (3) the remaining funds of \$112,000 on the current Budget earmarked for Gerald Street traffic management treatment (Account No. 695352) be re-allocated at the next Budget Review.

COUNCIL DECISION

MOVED Cllr Allen SECONDED Cllr Edwards that Council re-open the left turn movement from Phoenix Road into Gerald Street on the following basis:

- (1) Treatments at a total indicative cost of \$58,000 be provided in Gerald Street as follows -
 1. A fixed treatment at the Gerald St/ Phoenix Rd intersection to improve the safety of the left turn movement from Phoenix Road.
 2. A fixed treatment at the Gerald St/ Glendower Way intersection to allow for all left turn movements only.
 3. A fixed chicane treatment at the Gerald St/ Freeth Rd intersection.
 4. A plateau treatment between Phoenix Road and Glendower

Way and located in consultation with local residents; and

5. A plateau treatment, if required, between Glendower Way and Freeth Rd and located in consultation with local residents.
- (2) the provision of traffic management treatments in Gerald Street between MacMorris Way and Spearwood Avenue be noted for possible inclusion in the 2001/02 Budget following an assessment of the impact of the re-opening of the left turn from Phoenix Road.
- (3) the remaining funds or part thereof on the current Budget be reallocated for traffic calming to Mayor Road, Coogee.

CARRIED 6/4

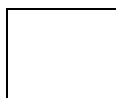
Explanation

It was stated that residents in the locality of Mayor Road have complained about the speeding traffic, particularly between Hamilton and Cockburn Roads. There were a number of requests received by Council, but due to the non-availability of funds, this matter could not have been attended to. Now that these funds are surplus to the Budget, it was felt that it would be appropriate for this to be reallocated to traffic calming in Mayor Road.

Background

At the Ordinary Meeting of Council held on Tuesday 19 December 2000 it was resolved that:

- " (1) *an occasional committee be formed in accordance with Council Policy C2.3. The purpose of the committee is to assess the various options available to this Council with regards to traffic movements and traffic calming in the Gerald Road/Doolette Street area;*
- (2) *the \$170,000 budgeted funds not be reallocated at this moment in time;*
- (3) *the committee is to consist of two (2) Elected Members, two local residents (one from Gerald Road and one from Doolette Street) and a staff member allocated by the CEO (preferably the Manager, Engineering);*
- (4) *the committee is to be provided secretarial support and is to report back to Council no later than 31st March 2000;*



- (5) *community representatives on the committee are to be selected by the Elected Members (Council) from expressions of interest; and*
- (6) *Elected Members on the committee to be Cllr Edwards and Cllr Humphreys."*

Accordingly and subsequently, Alan Powell from Gerald Street and Thomas Pitt from Doolette Street were appointed to the Occasional Committee as the community representatives.

Submission

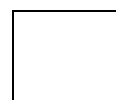
The Occasional Committee has met on two occasions and the Minutes of these Meetings are attached to the Agenda as follows:

- Confirmed Minutes subject to a correction from the Meeting held on Tuesday 27 February 2001, which includes the development of a Concept Plan for the next meeting.
- Unconfirmed Minutes from the Meeting held on Tuesday 6 March 2001, which includes recommendations for the re-opening of Gerald Street.

The following is the Committee recommendation for Council's consideration:

The Gerald Street/Doolette Street Traffic Management Occasional Committee recommends to Council that the left turn movement from Phoenix Road into Gerald Street be re-opened on the following basis:

1. *Treatments at a total indicative cost of \$58,000 be provided in Gerald Street as follows -*
 - *A fixed treatment at the Gerald St/ Phoenix Rd intersection to improve the safety of the left turn movement from Phoenix Road.*
 - *A fixed treatment at the Gerald St/ Glendower Way intersection to allow for all left turn movements only.*
 - *A fixed chicane treatment at the Gerald St/ Freeth Rd intersection.*
 - *A plateau treatment between Phoenix Road and Glendower Way and located in consultation with local residents; and*
 - *A plateau treatment, if required, between Glendower Way and Freeth Rd and located in consultation with local residents.*



2. *The provision of traffic management treatments in Gerald Street between MacMorris Way and Spearwood Avenue be noted for possible inclusion in the 2001/02 Budget following an assessment of the impact of the re-opening of the left turn from Phoenix Road.*
3. *The remaining funds of \$112,000 on the current Budget earmarked for Gerald Street traffic management treatment (Account No. 695352) be re-allocated at the next Budget Review.*

Report

The Minutes from the two Occasional Committee Meetings are self-explanatory and the Committee's recommendation is submitted for consideration.

Strategic Plan/Policy Implications

A Council Corporate Objective is *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

Funds have been set aside in the current Budget to undertake traffic management treatments in Gerald Street in conjunction with the re-opening of the left turn from Phoenix Road.

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

Nil.

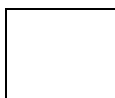
THE CHIEF EXECUTIVE OFFICER RETURNED TO THE MEETING THE TIME BEING 8.36 PM

1049. (AG Item 16.3) (OCM1_3_2001) - GLEN IRIS DRIVE - TRAFFIC MANAGEMENT TREATMENTS (451120) (SL) (ATTACH)

RECOMMENDATION

That Council:

- (1) proceed with the installation of 2 speed humps/plateaus in Glen Iris Drive near Bunker Gardens;
- (2) install fencing in Bunker Gardens to prevent children from racing out of the park and across Glen Iris Drive; and



- (3) advise the Glen Iris Residents Association of Council's decision.

COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Rennie that Council:

- (1) proceed with the installation of one(1) speed hump/plateau in Glen Iris Drive near Bunker Gardens as per Option 2 provided;
- (2) install advisory signs to warn drivers to slow down;
- (3) install fencing in Bunker Gardens to prevent children from racing out of the park and across Glen Iris Drive; and
- (4) advise the Glen Iris Residents Association of Council's decision.

CARRIED 10/0

Explanation

In 1999 Council approved funds which was originally for chicane treatments. This was not favoured by those residents who would have had the chicanes in front of their homes. Later the Glen Iris Residents' Association was formed. The Glen Iris Residents Association requested for chicane treatments and not speed humps. As a result of this it reached a "No win" situation. It was then considered that street calming should be introduced as was initially recommended. This position represents a compromise of considerations.

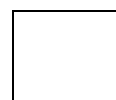
Background

Bunker Gardens is a park, with a children's playground situated adjacent to Glen Iris Drive, at the end of a straight road on one end and a "S" bend on the other.

During the assessment of the proposed subdivision, Council officers were concerned that the park was positioned to face a relatively long straight road. A recommendation was made to Western Australian Planning Commission for the installation of a traffic-calming device on Glen Iris Drive, as a condition of subdivision of adjacent land. However, the recommendation was not supported.

Submission

A petition with 34 signatories was received on 29th December 2000 requesting the City to install two large speed humps on Glen Iris Drive near Bunker Gardens.



Report

After the residential developments in the western section of the Glen Iris Estate, residents started to express concerns regarding the safety of their children using Bunker Gardens. They requested the City in late 1998 to install traffic calming measures on Glen Iris Drive.

Traffic investigations were subsequently undertaken. The findings are as follows.

- The prevailing speed of traffic in Glen Iris Drive was identified in 1998 to be 69km/h. However, the speed restriction in a built-up area is 60km/h, according to Road Traffic Code 2000; and
- Glen Iris Drive has a relatively safe history, according to the accident report of Main Roads for a period between 1/1/1996 to 31/12/2000.

In addition to staff traffic investigations, two information signs were erected on Glen Iris Drive in December 1998. Submissions were invited regarding the suitability of installing traffic calming devices in Glen Iris Drive. Thirty-seven residents in Glen Iris Drive and The Pines Grove responded in favour of traffic calming measures.

Accordingly, recommendations were made to Council for funding consideration in the 1999/2000 Budget. In August 1999, Council approved the inclusion of this capital work in the Budget.

Council's Design Service proposed chicane treatments for Glen Iris Drive. Sixty (60) letters were delivered to forty-three (43) property owners in January 2000 inviting comments on the proposed traffic scheme. By the end of the public consultation on 31st January 2000, only three responses were received: two in favour and one against. The objection came from the householder, whose property would be directly fronting the proposed chicane. However, after subsequent discussions between the householder and our Design staff in February 2000, the householder concurred with the proposed traffic measures. A construction drawing was subsequently issued to the Construction Service for implementation.

In May 2000, immediately after the chicane was set out for construction, two affected householders strongly objected to the implementation of the traffic scheme. They believed the chicane device would detract value from their properties and intrude on their privacy and front lawns. Consequently, the City suspended the works.

Although the affected householders and the other three residents would prefer a speed hump to a chicane (see attached), redesign works have



not been rescheduled due to uncertainty if the majority of residents would support the speed hump treatments.

On 29th December 2000, the Member for Southern River - Monica Holmes, presented a petition to the City from 34 residents in Glen Iris Estate requesting the installation of two large speed humps on Glen Iris Drive near Bunker Gardens.

However, the petition was referred on 8th January 2001 to the newly established Glen Iris Residents Association for deliberation. The Association advised the City on 1st March 2001 that the chicane treatments were its favoured option, as bus and ambulance services would not favour speed humps.

The City has installed quite a number of speed humps on its road network. Hamilton Road and Troode Street are examples, which have higher traffic volumes than Glen Iris Drive. Bus and ambulance services may not favour speed humps but have been willing to compromise the inconvenience with the safety of the majority of road users.

Strategic Plan/Policy Implications

A Council Corporate Objective is: *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

Funds are available in the current Budget for the works. Account No. 695532.

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

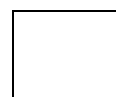
Nil

1050. (AG Item 17.1) (OCM1_3_2001) - COMMUNITY NEEDS SURVEY (9621) (DMG) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Report on the Community Needs Survey, 2000;
- (2) not re-prioritise its current expenditure programs at this time; and



- (3) seek further information on how to address community concerns held in relation to graffiti and vandalism issues for consideration during the 2001/02 Budget process.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

The City of Cockburn undertook its triennial Community Needs Survey in September 2000, with the results prepared and reported to Council in November 2000.

At that time Council accepted the Report and directed administration to consider the contents and key outcomes of the survey and to present a response for Council consideration.

Subsequent to the election of a new Council in December, 2000, a presentation to Council on the survey results was undertaken by the Consultants.

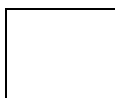
Submission

It is submitted by administration that the areas of most concern in the community are being addressed as the result of previous Council allocation of resources. While the effect of Council initiatives may not be fully identified within the Community, it is considered that the flow-on benefits of Council programmes introduced in the past 2 budgets should be given an opportunity to prove their value to the community, prior to any significant change of direction in Council strategies to address current concerns of the community.

Report

The survey found that crime against individuals and property and syringes in local parks and recreation areas were the most important issues among respondents. Given the high levels of concern in these areas, it was not surprising that the research revealed that residents would like to see the City of Cockburn concentrate on providing the following:

- A security service in response to calls.



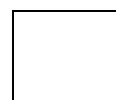
- An increase in the level of safety and security for people living and working in the area so that there are only a few areas or situations where people might feel unsafe.
- The introduction of a 24 hour response to vandalism and graffiti.
- The introduction of proactive inspections of parks on a weekly or even daily basis to ensure that safety concerns are adequately dealt with.
- Improvements in the standards of footpaths to: “good, with problems tackled promptly”.
- Improvements to the appearance of local parks to “well maintained, reticulated with some landscaping”.

Respondents are fully aware that increasing the levels of service in the above areas could potentially cost the City of Cockburn a significant amount of money. In fact, some respondents had already expressed concerns about the current costs of rates (8.6%) and others (8.2%) criticised the previous Council (many references to corruption and the Inquiry). The trade-off analysis was designed so that each level of service had a cost allocated. Respondents were then able to trade one service off in favour of another, higher priority service.

In view of the levels of service requested above, respondents were willing to sacrifice other services they were already receiving from the Council in order to pay for their requests. The following services were therefore of far less priority and these reductions in service levels were recommended:

- A reduction in bulk and green waste rubbish collections from one free annual collection plus three free green waste collections per year to one free annual bulk collection plus one free green waste collection.
- A reduction in the number of rubbish tip passes from six to two.
- A reduction in the level of recreational programmes including specific projects aimed to enhance healthy living and purpose built facilities (e.g. BMX and skateboarding) to only offering a wide range of traditional recreation programmes, including targeted programmes for the aged, youth and specific events.
- No further installation of traffic calming devices.

The research indicated that if the Council offered the identified service levels and funded them by sacrificing the above, the majority of respondents (68% businesses and 64% of residents) would prefer the new combination of service levels the Council was able to offer. It should be noted that at present, 39.6% of respondents indicated they felt the current level of service provided by the Council was “good” or “excellent”.



The research indicated that if the Council were not prepared to make sacrifices in levels of service above, the community priority was to have these improvements, but few were prepared to pay for them. The cost was estimated to be \$25 per household. The majority of residents however, would be unwilling to accept a \$25 increase in rates. In fact, only 5% would be willing to pay \$15 or more.

Additionally, the survey concluded that there are some gaps between the service the Council feels it is currently providing and services which ratepayers and residents feel they are currently receiving. This indicates either a lack of communication to residents and ratepayers of Council's intentions or failure to deliver to residents' and ratepayers' expectations. Specifically those gaps exist in the following areas:

- Cycleways – ratepayers feel these are only provided on demand and there is no planned system.
- Appearance of verges on main roads – mown twice a year, but not reticulated or landscaped.
- Facilities at Coogee Beach – unaware of beach cleaning.
- Information and consultation about Council plans and activities – information only provided on request.
- Cultural activities – little recognition of the annual fair and grants programme.
- Recreational programmes – unaware of specific projects to enhance healthy living, the building of the skateboard park and BMX track.
- Community facilities – unaware of the neighbourhood facilities.
- Environmental management – unaware of the year round programme of midge and mosquito reduction.

In addressing the survey findings, Council officers were requested to examine the key issues raised and comment on their appropriateness and how best they could be addressed. As a result of this process, the following analysis of the priority issues was reached.

Security Service in Response to Calls

This is a matter that is of current interest to Council, with the impending Security Patrol trial to the "Panorama Gardens" area in Beeliar. This is a self-funding project and has no impact on the Municipal Rate. Similarly, Council could consider an alternative security patrol based programme to the entire District on a similarly self-funded levy base to all ratepayers.

A response based security service, which would provide a "hotline" to which residents report incidents of concern and result in an investigation of the report by contracted security staff, would be a downgrade of a mobile proactive security service. However, the costs of such a service are considerably less: estimated to be \$130,000 per annum for an after



hours only service, ranging up to about \$500,000 for a complete 24 hour per day service.

While the issue of safety and security in the community is one of concern to Council, it is difficult to adopt a position that would be of any known benefit to the community at this stage.

Therefore, it is reasonable for Council to gauge the results of the Beeliar trial before making a final assessment on how best to progress this matter in the future.

An Increase in the Level of Safety and Security

The survey results indicate that the community would be prepared to “trade off” other areas of Council expenditure to increase the resources allocated to increase safety and security measures within the City.

This issue, which encompasses a broad range of general law and order concerns, was also a very high priority finding in the original Community Needs Survey in 1997.

As a result of those findings, Council has increased its commitment to the point that it now has expenditure of over \$280,000 allocated in its 200/01 budget to address areas of concern. A variety of programmes and services have been introduced to the community and a dedicated Safer City Business Unit established to coordinate Council’s effort in this regard, as highlighted in the attachment to the Agenda.

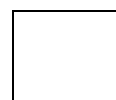
While law and order issues continue to register as the primary concern in the community, Council’s commitment is assisting with the development of programmes and strategies to address these issues on a planned, priority basis.

Therefore, it is not considered appropriate at this time to add further resource to this area without sufficient supporting documentation to justify any additional funds provided.

The role of Council’s Safer City Co-Ordinator is to monitor and manage this function on Council’s behalf and ongoing consideration to law and order issues will be presented to Council on an as required basis in the future.

An Introduction of 24 Hour Response to Vandalism and Graffiti

This is a matter that is of increasing concern, both within the community and Council’s Facilities Maintenance Service Unit, which is responsible for repairing damage associated with vandalism and graffiti to Council property.



Currently, Council only responds to damage that affects its own property. Resources do not allow funds to be expended on repairs to the property of other owners (i.e. private property or government managed facilities).

There are various examples of property damage which are perceived to be the responsibility of Council, but is, in fact, the property of others. In these cases, Council staff have acted as a reporting agency to inform the owner of the problem, however, the response to dealing with them remains out of Council's control to a large degree.

Graffiti is typical of these circumstances where it is applied to a government facility such as a bus stop, power pole or telephone booth. These are not Council facilities, however, are readily accessible for the public to view and there is a community expectation that Council will be involved in their upkeep.

Accordingly, Council staff are reviewing their current policies and procedures in these areas in an endeavour to identify a workable arrangement which can have the effect of responsibly managing these issues.

In all likelihood, this review will result in the need for additional resource to be allocated to the Facilities Maintenance Unit.

At present, Council deals with such maintenance issues within current staff levels, however, it is likely that an additional service would need to be established involving a vehicle, equipment and labour components, totaling an estimated \$75,000 per annum.

It is anticipated that a report will be prepared for Council to consider extra recurrent funding to address this problem during the 2001/02 Budget process.

Introduction of Weekly or Daily Inspection of Parks/Playgrounds

This issue has predominantly been raised as the result of isolated instances of hazards (broken glass, used syringes) being discovered in sandpits, playground areas, drainage outlets and toilet blocks located at Council owned parks and reserves throughout the District.

While public safety is an area of great concern to Council, it is difficult to justify a proactive approach to the extent of introducing daily park inspections, which would prove to be a very costly exercise requiring an additional estimated \$700,000 per annum.

The introduction of a weekly inspection of all reserves would double the inspection programme currently in place and cost an estimated additional \$70,000 per annum to implement.



Council has already introduced an appearance improvement programme for public open space areas throughout the District, which will increase the Parks Maintenance Budget by about \$700,000 by the 2003/04 financial year.

To complement this initiative with a service which is entirely devoted to speculative clearing of sandpits and playground areas is of doubtful value.

Council's current programme of inspecting and ensuring the safety of such areas to users on a fortnightly basis has operated to a satisfactory standard in the past and there have only been minor clean ups of hazardous materials required. There have been infrequent reports of hazards apparently being purposely located to deliberately injure users of parks, which have received urgent response and action by Council staff. Although more frequent inspections would reduce the likelihood of these isolated incidents, there can be no guarantee that this will be the case, and therefore the cost effectiveness of such an initiative is questionable. It is proposed that where there are requests or other evidence that certain parks are of greater than normal risk because of such activity occurring, then Council install warning signage informing the public of the potential danger.

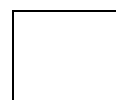
While Council may be criticised in some quarters for taking such an approach, the reality is that any such deliberate efforts to sabotage public use areas is unlikely to be successfully combated by merely increasing an inspection regime. Such incidents are rare and the result of extremely irresponsible actions of a few people only. It is likely that community vigilance would be just as effective as a massive increase in a Council funded, labour intensive programme, in addressing this issue.

Improve the Standard of Maintenance to Footpaths

In analysing the survey findings relevant to this issue, it is considered that there may be some residents in areas of the City which have not yet benefitted from the footpath upgrade programme which was implemented some years ago on a priority funding basis.

That programme, which combined the replacement of slabbed footpaths with in-situ concrete and saw the construction of a new cycleway network commence, now constitutes a total of nearly \$900,000 spent annually on the footpath construction and maintenance programme.

To increase the capacity of routine maintenance to provide a more constant repair programme would increase this amount to around \$1 million. It is considered that this additional maintenance need will diminish in future as slab footpaths are superseded and maintenance requirements for in-situ footpaths are vastly reduced. The current program of replacement of footpaths will be completed by June 2005.



Therefore, it is not considered necessary to increase Council's footpath maintenance commitment at this stage, until the slab replacement programme has had time to have an effect throughout the District. If, as expected, there is widespread community acceptance of the upgraded footpath and cycleway network, it is anticipated that Council's strategy in this regard will be seen as successful and that Council's rating in future surveys will increase.

Improvements in the Appearance of Local Parks

As previously mentioned, Council has provided additional resources in its Principal Activities Plan to upgrade the aesthetic appearance of its local parks. This additional commitment was made as a result of the 1997 survey, which raised the issue as one of the priority areas for Council to address.

This has resulted in a planned increase in expenditure to upgrade parks of over \$1 million over a four year period, ending 2003/04. Hopefully, this extra expenditure will translate to noticeable improvements in the appearance of the parks and increase the community acceptance.

The previous analysis demonstrates that it is possible to address or respond to the service priorities, without any major alteration to Council's expenditure commitments in other areas. The exception is likely to be the manner in which Council responds to community expectations relative to graffiti and vandalism issues. However, it is expected that this can be addressed through the normal budgeting process.

This now raises those services provided by Council, which the survey indicated respondents would be willing to "trade off" to fund those priority functions previously identified. Again, it is necessary to analyse these issues in the context of their impact on the overall delivery of Council services.

No More Traffic Management Devices

Currently, Council allows \$443,000 (2000/01 Budget) to address traffic management concerns.

In addressing such matters, the process begins with the receipt of requests for traffic control measures to be introduced in local areas where concerns are raised.

Council staff then assess the area in question and commence an ongoing programme of designing and, if appropriate, installation of a suitable device.

This process continues until available funds for each year are exhausted.



If Council were to eliminate or dramatically reduce its expenditure to this function, it could have an impact on staff requirements as well. This would most likely be in the form of having to terminate design engineering staff who are specifically employed to deal with traffic control measures.

It is most unlikely that there will never be a need for this service and it is considered that, on recent experience, it will always be of some concern in some areas of the City, and therefore Council's commitment should be retained.

Reduction in Recreational Programmes

It is considered that Council has produced excellent results for the community with its commitment to various recreational programmes and activities in recent years.

While it is clearly possible to reduce expenditure in this area, it can only be done by having a direct impact on the amount of programmes and activities made available to the public.

Again, this could impact on the need for staff, resources currently employed to participate in the organisation and implementation of these functions.

More localised feedback indicates that those involved in Council funded recreation programmes are positive in their attitudes and acceptance of them as being beneficial in the community.

Only programmes which are proven to be well attended and embraced by the community are continued and any speculative programmes or activities which fail to attract reasonable community interest are not persisted with.

Reduction in Bulk/Green Waste Collections and Tip Passes

The survey findings indicated that respondents would be prepared to accept less than the current level of service provided in these areas, resulting in a cost saving of around \$500,000 per annum, if implemented.

However, as Council is a member of the Regional (Waste Management) Council, it is considered that any decision which would have such an effect, be given an opportunity to be considered in line with the waste management strategies to be introduced over time by the Regional Council.

Summary and Conclusions



The survey identified a number of matters which will be of great benefit to Council in the future. In identifying prominent issues of concern in the community, the survey findings provide an ideal opportunity for Council to reassess its strategic objectives and funding priorities on behalf of the community on a regular basis.

The quality and integrity of the survey is of a high standard and is considered to accurately reflect community opinion.

However, under scrutiny, it is suggested that Council's current strategic obligations are being enhanced, although in some areas, results are slow to flow into the community and in some instances, the effects are yet to be experienced.

With this in mind, it is suggested that Council should continue with its planned activities and objectives and closely monitor the effects of its strategies prior to the next survey being undertaken in 2003.

It is concluded that there is no need for Council to reprioritise its expenditure programmes at this time, however, a report on how Council could address the community concerns held in relation to graffiti and vandalism issues will be provided to Council during the Budget process.

Strategic Plan/Policy Implications

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

Policy C2.1 "Strategic Consultation with Community Stakeholders" refers.

Budget/Financial Implications

As per Principal Activities Plan.

Possible increase in Public Facilities Maintenance expenditure of approximately \$75,000 per annum, to address community concerns relative to graffiti/vandalism.

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

Nil

1051. (AG Item 19.1) (OCM1_3_2001) - THE ROE HIGHWAY - COUNCIL POSITION (9701) (SMH) (ATTACH)

MOTION

100

That Council write to the Minister for Transport expressing opposition to the construction of Stage 8 of the proposed Roe Highway, given that it would impact adversely upon environmentally sensitive wetland areas between North Lake and Bibra Lake."

RECOMMENDATION

That Council:

- (1) defer consideration of the future of Roe Highway until such time as:-
 1. a decision has been made on the future of the Fremantle Eastern Bypass;
 2. all options including the "*No Roe Highway options*" and alternative alignments have been fully assessed;
- (2) advise Main Roads WA that the current alignment of Roe highway through Roe Swamp located at the corner of Bibra Drive and Hope Road is not environmentally acceptable and that alternative alignments need to be prepared and assessed.

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Cllr Reeve-Fowkes that Council write to the State Hon. Minister for Transport, local members of the Legislative Assembly, the Legislative Council and the local member of the House of Representatives, expressing opposition to the construction of Stage 8 of the proposed Roe Highway, given that it would impact adversely upon environmentally sensitive wetland areas between North Lake and Bibra Lake.

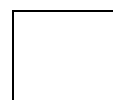
CARRIED 8/2

Explanation

Council was of the view that it should make an unequivocal statement of opposition to the construction of Stage 8 of the Roe Highway, as the recommended motion was not sufficiently clear.

Background

At the Council Meeting held on 20 February 2001, the Deputy Mayor gave notice of the following motion to be considered at the Council meeting to be held on 20 March 2001:-



"MOTION

That Council write to the Minister for Transport expressing opposition to the construction of Stage 8 of the proposed Roe Highway, given that it would impact adversely upon environmentally sensitive wetland areas between North Lake and Bibra Lake."

Council at its meeting held on 1 March 1994 resolved as follows:-

"3698 CLAUSE 11: REQUEST TO RECONSIDER SUPPORT OF ROE HIGHWAY EXTENSION - M JENKINS (1713) (9701) (BKG)

Resolved to recommend that Mrs Jenkins be advised that the City of Cockburn supports the extension of Roe Highway from Kwinana Freeway to the Eastern Bypass road but does realise the current alignment will have to be modified to minimise the effects on the environment.

CARRIED

EXPLANATION

At the Electors' Meeting Mrs Jenkins of 1b Ross Court, Spearwood, requested that the Council reconsider the construction of Roe Highway between Kwinana Freeway to Stock Road to the Eastern Bypass Road."

This is the Council's current position in respect to the Roe Highway.

The Roe Highway has formed part of the planned regional network since it was included as a "Controlled Access Highway" in the Metropolitan Region Scheme in 1963. Since that time the road has been progressively constructed in accordance with the plan as part of the Metropolitan ring road system.

Submission

Notice of Motion adopted by the Council at its meeting on 20 February 2001.

Report

Refer to the attached report.

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."*

Budget/Financial Implications

N/A

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

The Roe Highway is a Reserve under the Metropolitan Region Scheme. Regional Reserves are automatically included into the Council's local planning scheme.

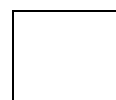
The local scheme is required to be consistent with the MRS.

1052. (AG Item 19.2) (OCM1_3_2001) - CLR RENNIE - LOT 14 PROGRESS DRIVE, BIBRA LAKE (1100231) (RWB)

MOTION

That Council:

- (1) instruct the Chief Executive Officer not to proceed with settlement of the transfer of land of Lot 14 Progress Drive to the West Australian Croatian Association (WACA), until Council has the opportunity to fully consider community concerns raised in respect of the on-going environmental commitments associated with the project; and
- (2) as settlement is due within 120 days of the issue of title, a report be presented to a future Council meeting addressing such issues as:
 - Proponancy
 - Financial implications
 - Environmental impact
 - Legal implications placed on Council.



RECOMMENDATION

That Council:

- (1) instruct the Chief Executive Officer not to proceed with settlement of the transfer of land of Lot 14 Progress Drive to the West Australian Croatian Association (WACA), until Council has the opportunity to fully consider community concerns raised in respect of the on-going environmental commitments associated with the project; and
- (2) as settlement is due within 120 days of the issue of title, a report based on findings of the independent consultant's report, be presented as soon as possible to a future Council meeting addressing such issues as:
 - Proponency
 - Financial implications
 - Environmental impact
 - Legal implications placed on Council.

COUNCIL DECISION

MOVED Clr Oliver SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 9/1

Explanation

It was considered the report being sought should be presented to Council as soon as possible, due to the time constraints of this transaction.

Background

Council is under contract of sale to sell Lot 21 Progress Drive (formally part of Lot 14) to the Western Australian Croatian Association (WACA). The dealing also entails the lease of Lot 22 Progress Drive and some environmental work on the balance of Lot 14.

The land has been subdivided and under the contract of sale, is to be settled within 120 days of the issue of title.

The titles were received by Council's Solicitors on 7 March 2001.

A number of letters have been received from the North Lake Residents Association expressing the opinion that the cost of the project including compliance with environmental conditions, will be high and therefore Council should reconsider its position with regard to the dealing.



The dealing has progressed in accordance with an adopted business plan.

Submission

By letter received by Council on 1 March 2001, Clr Rennie has given written notice to seek a stay in the settlement of the sale of part Lot 14 Progress Drive (now Lot 21) to the Western Australian Croatian Association, until such time as Council has considered a report which is to address issues such as propanancy, financial implications, environmental impact and legal implications placed on Council.

Report

The development and land transactions relating to Lot 14 Progress Drive, have been the subject of considerable Council and community discussion.

All approvals which were required to facilitate the subdivision of Lot 14 to Lot 21, Lot 22 and Lot 14, have been completed.

Council has been verbally advised that the WACA is prepared to settle upon the issue of the titles.

Council has a contract to sell Lot 21 to WACA. Not to proceed to settlement within the 120 days of issue of title, would be a breach of that contract and the WACA would be entitled to seek damages from Council.

Council has received a number of letters from the North Lake Residents Association raising questions, particularly in regard to the cost of environmental compliance. Responses forwarded by Council's administration have not satisfied the concerns raised.

The development of the land has been subject to detailed investigation by the Department of Environmental Protection. Approval was granted subject to conditions.

The newly elected members of Council are conscious of the community concerns and have sought to be fully appraised of the dealing and Council's responsibilities.

Prior to receiving the notice from Clr Rennie, the CEO had determined that an independent report should be sought, detailing Council's and the WACA's obligations.

The report will cover the issues raised by Clr Rennie, thus establishing an independent view of Council's responsibilities. The report will also be



used as the basis for the completion of the project following the sale of Lot 21.

Clr Rennie's motion, subject to minor amendment, is supported on the basis that it is appropriate for Council to be fully informed on the project and the independent report will provide relevant information. Any concerns should be addressed prior to settlement.

Strategic Plan/Policy Implications

Key Result Area "Facilitating a range of services responsive to Your Community" refers.

Budget/Financial Implications

Funds for the consultancy report will be drawn from the Chief Executive Officer's Consultancy Account.

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

Nil

1053. (AG Item 24.1) (OCM1_3_2001) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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

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

CARRIED 10/0

MEETING CLOSED 8.55 PM



CONFIRMATION OF MINUTES

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

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

