

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 APRIL 2005 AT 7:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	2
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)	2
4 (OCM 19/04/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)	2
5 (OCM 19/04/2005) - APOLOGIES AND LEAVE ABSENCE	2
6 (OCM 19/04/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
7 (OCM 19/04/2005) - PUBLIC QUESTION TIME.....	8
8. CONFIRMATION OF MINUTES.....	20
8.1 <u>(MINUTE NO 2759)</u> (OCM 19/04/2005) - ORDINARY COUNCIL MEETING - 15/03/2005.....	20
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	20
10. DEPUTATIONS AND PETITIONS	20
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	20
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER	20
13. COUNCIL MATTERS.....	20
14. PLANNING AND DEVELOPMENT DIVISION ISSUES	21
14.1 <u>(MINUTE NO 2760)</u> (OCM 19/04/2005) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW).....	21
14.2 <u>(MINUTE NO 2761)</u> (OCM 19/04/2005) - EASEMENT TO WATER CORPORATION - LOT 100 HAMILTON ROAD, SPEARWOOD (2202282) (KJS) (ATTACH).....	22
14.3 <u>(MINUTE NO 2762)</u> (OCM 19/04/2005) - PROPOSED AMENDMENT TO SPECIAL USE 18 - TOWN PLANNING SCHEME NO 3 - LOT 401; 326 YANGEBUP ROAD, YANGEBUP - OWNER: DIVINE MERCY COLLEGE INC - APPLICANT: SJB TOWN PLANNING AND URBAN DESIGN (93026) (JLU) (ATTACH)	24

14.4	<u>(MINUTE NO 2763)</u> (OCM 19/04/2005) - REQUEST TO CLOSE PEDESTRIAN ACCESS WAY - ELDERBERRY DRIVE TO TREVALLYN GARDENS, SOUTH LAKE (450421) (KJS) (ATTACH).....	29
14.5	<u>(MINUTE NO 2764)</u> (OCM 19/04/2005) - ILLEGAL CLEARING OF EXISTING VEGETATION AND KEEPING OF LIVESTOCK - LOT 19 BEENYUP ROAD, BANJUP - OWNER: CERIVALE HOLDINGS PTY LTD (5519760) (GB) (ATTACH)	33
14.6	<u>(MINUTE NO 2765)</u> (OCM 19/04/2005) - RETROSPECTIVE APPLICATION FOR A TAXI OPERATION ON LOT 501 AND LOT 174; NO. 58 AND 56 BRITANNIA AVENUE, BEELIAR - OWNER: N & K LESLIE - APPLICANT: PETER WEBB & ASSOCIATES (3411572) (3412019) (MR) (ATTACH)	37
14.7	<u>(MINUTE NO 2766)</u> (OCM 19/04/2005) - JANDAKOT REGIONAL PARK DRAFT MANAGEMENT PLAN (9328) (8124) (AJB) (ATTACH)	45
14.8	<u>(MINUTE NO 2767)</u> (OCM 19/04/2005) - LOCAL STRUCTURE PLAN - LOT 15 LYON ROAD, AUBIN GROVE - OWNER: EMMAUS DEVELOPMENTS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT TOWN PLANNING AND DESIGN (9644C) (CP) (ATTACH)	53
14.9	<u>(MINUTE NO 2768)</u> (OCM 19/04/2005) - PORT COOGEE WATERWAYS MANAGEMENT TRANSFER FACILITATION AGREEMENT (9101033) (MR) (ATTACH).....	61
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	63
15.1	<u>(MINUTE NO 2769)</u> (OCM 19/04/2005) - BUDGET REVIEW - PERIOD ENDING 28 FEBRUARY 2005 (5402) (ATC) (ATTACH).....	63
	<u>(MINUTE NO 2770)</u> (OCM 19/04/2005) – EXTENSION OF TIME	65
15.2	<u>(MINUTE NO 2771)</u> (OCM 19/04/2005) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)	67
15.3	<u>(MINUTE NO 2772)</u> (OCM 19/04/2005) - TSUNAMI RELIEF APPEAL (5300) (KL)	70
15.4	<u>(MINUTE NO 2773)</u> (OCM 19/04/2005) - FREE THE BEARS FUND INCORPORATED - DONATION TO FREE A BEAR (5300) (SMH)	72
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	75
16.1	<u>(MINUTE NO 2774)</u> (OCM 19/04/2005) - ROCKINGHAM ROAD BETWEEN PHOENIX ROAD AND SPEARWOOD AVENUE - PROPOSED UPGRADE (450498) (JR).....	75
16.2	<u>(MINUTE NO 2775)</u> (OCM 19/04/2005) - ADHESIVE SPEED LIMIT SIGNS (4524) (JR).....	83
16.3	<u>(MINUTE NO 2776)</u> (OCM 19/04/2005) - HENDERSON LANDFILL GAS EXTRACTION AND UTILISATION - WASTE GAS RESOURCES - CONTRACT NO. EE974783B/1 (TENDER NO. 21/98) (3411566) (BKG) (ATTACH)	85

16.4	<u>(MINUTE NO 2777)</u> (OCM 19/04/2005) - BIBRA DRIVE - TRAFFIC CALMING AT RETIREMENT VILLAGE (450563) (SL/SMH) (ATTACH)	90
17.	COMMUNITY SERVICES DIVISION ISSUES.....	95
17.1	<u>(MINUTE NO 2778)</u> (OCM 19/04/2005) - SOUTH LAKE LEISURE CENTRE - FEES AND CHARGES 2005/06 FINANCIAL YEAR (8143) (SH).....	95
17.2	<u>(MINUTE NO 2779)</u> (OCM 19/04/2005) - CONCERT AT MANNING PARK (5402) (RA).....	99
18.	EXECUTIVE DIVISION ISSUES	101
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	101
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	101
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS	101
21.1	<u>(MINUTE NO 2780)</u> (OCM 19/04/2005) - COUNCIL REPRESENTATION ON THE ALCOA KWINANA ENVIRONMENTAL IMPROVEMENT PLAN REFINERY WORKING GROUP (RA) (9808).....	101
21.2	<u>(MINUTE NO 2781)</u> (OCM 19/04/2005) - VISION FOR COCKBURN COASTAL DIALOGUE: RECOMMENDATION FOR A WARD COUNCILLOR TO BE A MEMBER OF THE STEERING COMMITTEE (SC)(9523)	103
22	(OCM 19/04/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE	104
23.	CONFIDENTIAL BUSINESS.....	105
24.	<u>(MINUTE NO 2782)</u> (OCM 19/04/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)	105
25	(OCM 19/04/2005) - CLOSURE OF MEETING	106

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 APRIL 2005 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Ross	-	Acting Director, Planning & Development
Mr S. Hiller	-	Director, Engineering & Works
Mr A. Jones	-	Communications Manager
Ms V. Viljoen	-	Minute Clerk

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.03pm.

Mayor Lee presented Mr Kevin McMenemy with a cheque for \$10,000 being Council's annual contribution to Volunteer Home Support.

Mayor Lee also tabled a framed photograph received by Council from the Atwell Primary School Billabong Rangers, in recognition of Council support in the way of hats and badges, etc.



2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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.

4 (OCM 19/04/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received a written declaration of interest from Cllr Kevin Allen and from himself, which would be read at the appropriate time.

5 (OCM 19/04/2005) - APOLOGIES AND LEAVE ABSENCE

Cllr Martin Reeve-Fowkes	-	Apology
Cllr Alistair Edwards	-	Apology (Received late.)

6 (OCM 19/04/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Logan Howlett – Public Question Time – Ordinary Council Meeting – 15/02/2005 – in regard to enquiry from Southern Cross Aged Care Facility and the written response provided on 29 October 2004. Mr Howlett had requested a copy of the letter but had not received it. A copy of the letter has now been sent to Mr Howlett.

Patrick Thompson - Public Question Time – Ordinary Council Meeting - 15/02/2005 - in regard questions for presentation to the Annual Electors Meeting. Mr Thompson had been unable to attend, and therefore, was unaware of the responses given. The Mayor indicated that a response in writing would be provided and the following information was provided:

Q1. *Could Council please give a possible date for discussion of the provisions of "Cat Bill?" ("Cat Bill" – description by staff at the Cat Haven, Shenton Park).*



- A1. Response from the “Greens” is that the draft Cat Bill is going nowhere at the moment as they are in recess awaiting the election.

Giz Watson is the member who is promoting the Bill on behalf of the Greens and its progress will depend on her re-election and on which party is successful in government as to how far the Bill is progressed.

- Q2. *The Cat Haven advised implementation of the Bill would alleviate some of the onerous burden they have the job of carrying. They also advise that the implementation of the bill is at the sole discretion of the individual local Councils and can Council please confirm this is the case.*

- A2. The Cat Bill gives guidelines in relation to the keeping of cats, however it does to a certain extent rely on Local Councils developing their own local laws to augment the operation of the Bill. There are many problems associated with the interpretation of the draft Bill that have to be dealt with prior to its coming into operation, for example it states that a cat that is held longer than 3 months then becomes the property of the holder of the cat until its permanent removal from that place. This would imply that it must be held for 3 months before it can be rehoused. This is totally impractical. There are also no guidelines as to the impounding of cats in the Cat Bill so Local Councils would need to put these in place with Local Laws.

- Q3. *Can Council please provide a written breakdown of the sponsorship of each of its events?*

- A3. Council received sponsorship only for the 25th Anniversary Cocktail Party. The breakdown of contributions received was:

Property Resource Management	\$3000
Landcorp	\$3000
Cockburn Cement	\$3000
Australand Holdings	\$3000
Stockland Trust	\$3500
Total	<u>\$15500</u>

Zoe Inman – Public Question Time – Ordinary Council Meeting - 15/03/2005 - in regard to Port Coogee and the proposed residential/mixed use development at No. 52 (Lot 113) Rollinson Road, Hamilton Hill. The following response was provided:-

- **Port Coogee**

- Q. *“I assume all Council’s reservations were addressed and would like to request a copy of how the concerns were looked at to justify becoming the WM?”*



- A. The Council at its Ordinary Meeting held on 15 February 2005 resolved to conditionally accept the Waterways Environmental Management Program (WEMP) and to be the nominated Waterways Manager, subject to entering into a management transfer facilitation agreement.

The way in which the Council considered this matter is contained in Item 14.15 Minute No. 2712.

In respect to the motion moved at the Annual Meeting of Electors held on 1 February 2005, by yourself and seconded by Mr Dan Scherr, that Council withdraws its acceptance of the role of Waterways Manager and investigates an alternative manager, carried 56/39, the Council resolved to take no further action.

• **Multi-Storey Building, Rollinson Road, Hamilton Hill**

- Q. *"I would like to request a detailed account of zoning and planning changes, approval dates and the extent of community consultation associated with the approval of a high rise residential development at Council's last public meeting?"*

- A. The proposal to erect an 8 storey residential and office development at No. 52 (Lot 113) Rollinson Road, Hamilton Hill, was in accordance with the provisions of the adopted Structure Plan for South Beach Village.

No zoning or planning changes were required to facilitate the proposal.

Multi-dwellings in a Mixed Business zone are a discretionary use under the local scheme. The Council is not obliged to advertise the proposal, but in this case, the City wrote to adjoining landowners to ascertain their views prior to the application being determined. At the close of the comment period one submission had been received.

The Council considered the proposal and granted its approval subject to conditions, at its meeting held on 15 February 2005.

Laurie Humphries - Public Question Time – Ordinary Council Meeting - 15/03/2005 - in regard to the security service at the aforementioned meeting. A response was provided, as follows:-

In brief the duties of the security patrol officers are as follows:

- Respond to calls from the public by telephone or in person as required.
- Report observed damage to Council property.



- Take immediate evasive or emergency action if required and appropriate in call out situations.
- Patrol streets across the City.
- Maintain accurate and event log books, records and incident reports.

There have been numerous reports made by the security service on 'hoon' behaviour that are reported to the Police for action.

There was no report of the particular oil spill on the road outside your property (Waverley Road) that you refer to in your question. There have, however, been a number of reports by the security service on spills in the district.

Laurie Humphreys - Public Question Time – Ordinary Council Meeting - 15/03/2005 - in regard to the amount of consultancy fees that have been spent on all aspects of the Coogee Café, including the original one when you were on Council which was before architectural plans were prepared. A response was provided as follows:

Based on Council records, the City has spent \$29,014 since April 2003 on consultancy fees.

Andrew Sullivan, CCAC - Public Question Time – Ordinary Council Meeting - 15/03/2005 - in regard to the proposed Port Coogee Marina project which were taken on notice. A brief response to the questions is as follows:-

Q1. *“Does the fact that the Council has proceeded with accepting the role as Waterways Manager without any guarantee that the Government will provide any indemnity mean that Council has now fully accepted all the liability for all the environmental harm that is likely to be caused by this development?”*

A1. The Waterways Manager is responsible for implementing the Waterways Environmental Management Program (WEMP) to the satisfaction of the Environmental Protection Authority. At this stage there is no State Government guarantee underwriting the project, and based on informal advice this is highly unlikely.

Q2. *“Have the officers or Elected Members been involved in any dialogue with the Department of Planning and Infrastructure, the Planning Minister’s office or the Planning Commission regarding the Council’s requirement that the State Government provide an indemnity to the Council and the Waterways Manager in relation to the Port Coogee development, and if so can you tell us what has been discussed?”*

A2. Since the Council’s request for the State Government to consider underwriting the project in March 2004, there has been no formal dialogue with any State Department about the Government providing



an indemnity for the Port Coogee Marina. Informal advice is that it is highly unlikely that the State Government will underwrite the project.

Q3. *“Has anyone from the State Government indicated whether the State Government is likely to consider providing the indemnity?”*

A3. No.

Q4. *“If the indemnity is not provided, does that mean Council’s conditions in regard to the local Structure Plan will not have been met and that Council’s approval for the structure plan will subsequently lapse?”*

A4. No. The Council decision of 16 March 2005, advised the WAPC that the Council’s adoption of the modified Local Structure Plan was subject to 5 issues being negotiated with the Commission, one of which related to underwriting the project. There were no conditions or timeframes associated with these negotiations. The outcome of any negotiations cannot be certain and therefore should not jeopardise the validity of the Council decision to adopt the Local Structure Plan.

Q5. *“Will the Council commit to reviewing the Structure Plan if the State Government fails to provide an indemnity?”*

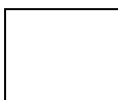
A5. This question is directed to the Council and therefore cannot be answered by the administration, suffice to say that the Local Structure Plan has been adopted by Council, subject to conditions and is currently under consideration for endorsement by the Commission. The Commission has been made fully aware of the modifications and requirements associated with its decision.

Q6. *“Is the requirement for an indemnity from the State Government also included as a condition in the Council’s proposed Agreement with the developer regarding the Waterways Management role?”*

A6. No.

Q7. *“Can the Mayor explain what possessed this Council to rush ahead with agreeing to become the Waterways Manager before the State had agreed to indemnify the Council and the Waterways Manager?”*

A7. This question is directed to the Mayor and therefore cannot be answered by the administration. Never-the-less, since the decision by the Council to conditionally adopt the Local Structure Plan in March 2004, the developer has agreed to ensure that a marina contingency fund is established, which will amount to at least \$1.6M at the time of handover, and the developer will assist the Council identifying and establishing appropriate insurance. Moreover, the Council has negotiated with the developer that all completed boat pens will be handed over to the City, so that the pens provide the primary source of income to manage and maintain the marina, a source not previously contemplated. This will reduce the City’s reliance on Specified Area



Rating as a means of funding the operation of the marina and associated facilities.

Q8. *“Does the Mayor accept that the Council’s actions may expose future Councils and the ratepayers of this City to massive costs associated with rectifying the environmental harm that will be caused by this development?”*

A8. This question is directed to the Mayor and therefore cannot be answered by the administration. None-the-less, the Council has accepted the Waterways Environmental Management Program following receipt of independent expert advice on the program resulting in a number of consequential modifications to the document. In addition, the Council has agreed to be the nominated Waterways Manager subject to the preparation of a manager transfer facilitation agreement prepared in conjunction with the Council’s legal advisors, the DPI and the developer. The Council has relied on the assessment of the Environmental Review and the WEMP for the project by the Department of Environment, which is the government’s expert environmental agency. The Environmental Review and the WEMP have been approved by the EPA.

Based on the advice that the Council has received from the proponent’s professional consultants, in-house environmental officers, independent external experts, the assessments made by DPI and DoE and the comprehensive approvals issued by the EPA for the project, the Council is confident that the ratepayers should not be confronted with massive costs associated with the management and maintenance of the Port Coogee Marina.

Patrick Thompson - Public Question Time – Ordinary Council Meeting - 15/03/2005 - in regard to a Child Day Care Centre (ABC), at No. 157 Rockingham Road, Hamilton Hill being allowed to establish next to a scrap yard, and whether the Council was considering moving the scrap yard or wait for another disaster to occur. A response was provided as follows:-

The car wrecking yard located at 155 Rockingham Road, which adjoins the Child Day Care Centre site, has been located there for many years. It is a use that is not permitted in the Mixed Business Zone, however, because it has been operating from this property for so long, it has non-conforming use rights. These rights allow the use to continue, but cannot expand without Council approval. Non-conforming uses will hopefully cease operating and be redeveloped with conforming uses or become more conforming over time through changes to the predominant use.

The size of the car wrecking yard is comparatively small and not in the same category of risk as the huge pile of wrecked cars that recently caught fire in Bayswater.



Never-the-less, the Child Day Care Centre is a discretionary use in the Mixed Business Zone and, although not required of the Council, the proposal was advertised and a number of adjoining and nearby property owners notified. A number of submissions were received, nearly all of which raised concerns about potential traffic impacts. However, the owner of the car wrecking business did object because of the likely impact the Centre could have on his business, which may cause them to move.

The Council at its meeting held on 21 October 2003, approved the development with conditions. The centre is limited to 99 children. The proponent did not raise any concerns about the Child Day Care Centre being next to the car wrecking business.

The concern you raise is reasonable, however, all things considered, the Council decided that it was an appropriate use in the Mixed Business Zone and represented a change from a previous non-conforming Concrete Slab Manufacturing Business to a conforming use, Child Day Care Centre, which hopefully in time will be how the other non-conforming uses in this zone will eventually be replaced and be more compatible with the surrounding residential area.

7 (OCM 19/04/2005) - PUBLIC QUESTION TIME

Tonya Lamatoa, Haring Green, Atwell – advised that she was not happy about the procedure that Council had taken in regard to Atwell Place and was opposed to the closure of the public access way between Haring Green and Empress Court. Assessed as a roadway, not used as a PAW. Residents had not been informed of the closure. It is used by many people and it avoids children having to use busy roads. Its closure would turn a 15 minute walk into a 25 minute walk and gives access to shops, the school, buses and the new train station. Many people had purchased their properties with public services in mind and those services add value to the properties. A petition had been given to Deputy Mayor Graham.

Mayor Lee thanked Ms Lamatoa for her comments.

Mary Jenkins, Spearwood - stated that the Minutes of the Electors Meeting AGM held in February 2005 had not been tabled.

Mayor Lee advised that the Minutes were readily available on the Council website and were available at the front counter and at the library.



Robyn O'Brien, Munster – requested a reply from Council when she had finished with her questions. Ms O'Brien wrote two letters to Council last December and January asking if she could meet with Planning staff who wrote the report in the November 2004 meeting agenda that informed Council to request an Amendment of the Town Planning Scheme to change the Rural Zoning to Parks and Recreation or Rural Living. Ms O'Brien did not receive a reply to either of her letters referring to her property at Lot 5 Fawcett Road, Munster and the land affected by the water treatment plant, and requested a meeting with staff as soon as possible.

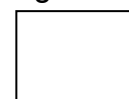
- Q1. Will the Council extend question time per person as each person has only three minutes, the meetings last generally in total to about 8.30pm and then the Council spends the rest of the evening having drinks when they could have extended Public Question Time so they are better informed to make decisions on behalf of the community?
- Q2. Will the Councillors who are standing for re-election, and the Mayor, vote in favour of the Amendment to rezone the land, even though duplex homes already exist on this land and the owners are against any rezoning?
- Q3. After the Water Corp finishes its Strategic Report on odour management at Woodman Point, if they won't control odours to remove the odour from the Urban Deferred land, will those Councillors standing for re-election say tonight whether they will support the homeowners against the Water Corp to insist the odours are reduced?
- Q4. Do any Councillors standing for re-election or the Mayor support the Urban Deferred Land being made into a golf course against the wishes of those who live and own the properties?

Mayor Lee responded by saying that Council had written to both the Water Authority and Ms O'Brien on many occasions stating that Council would like the odours reduced. All Councillors and Candidates want to reduce the odours.

Mayor Lee advised that as far as extending Question Time, Cockburn offered ratepayers the most generous Public Question Time of all local Councils, and would not be extending the time.

Mayor Lee advised that it was his understanding that Ms O'Brien has had many meetings with Staff from the Planning Department, however if Ms O'Brien wanted another meeting then she could call and make an appointment. Mayor Lee requested the Acting Director, Planning & Development to ensure responses to the two letters had been sent to Ms O'Brien.

Mayor Lee thanked Ms O'Brien and would not give a response to her question regarding the rezoning of the land being made into a golf course as



he understood she had been informed previously of Council's position on this matter.

Ms O'Brien advised she did not know Council's position on the golf course and questioned whether it was allowed that the question not be answered.

Bob Poole, Coogee Beach - asked whether Mayor Lee and/or the Councillors had discussed the subject of surety before "rubber stamping" the development of Port Coogee.

Mayor Lee advised that Council had not "rubber stamped" the development of Port Coogee and had received much detailed advice over the past four years before reaching its decision.

Mr Poole mentioned an article in today's newspaper which quoted the Mayor as saying that he had been trying to clean up the coast for 15 years, however Mr Poole pointed out that the Mayor had not been on Council for 15 years.

Mayor Lee responded by saying that he did not have to be on Council to have endeavoured to clean up the coast.

Mrs Robyn Scherr, Coogee - tabled questions regarding the proposed beach closures that will result because of the Port Coogee development. Mrs Scherr understood that the sand bypassing operation proposed for the Port Coogee development would result in the beaches either side of the development being temporarily closed. The beach closures were likely because of the massive engineering operations involved with moving sand from one side of the development to the other in an attempt to control the erosion of Coogee Beach. Mrs Scherr understood the beach north of the power station was effectively going to be mined with sand dug up with bulldozers and either pumped or trucked around to Coogee Beach. She also understood that the sand would either be pumped out straight onto Coogee Beach or dumped there in trucks and moved around with bulldozers. This would mean that both sections of beach would have to be closed during these operations which were destined to occur in late winter and spring, possibly every year. The Port Development was set to remove about a kilometre of one of Coogee's best beaches and it is now evident that more beaches will effectively be turned into mine sites and closed to the public. Mrs Scherr was greatly concerned that this could be just the tip of the iceberg and that as the development proceeds, more and more beaches will be affected by this development and be closed to the public. Mrs Scherr believed there must be another way.

Q1. Has the Council fully investigated exactly what impacts the sand bypassing will have on the remaining beaches at Coogee and, if not, why not?

Q2. Could the Mayor please explain the full extent of the beach closures



that would occur because of sand bypassing operations?

- Q3. Is the Mayor concerned that the Port Coogee development is going to result in beach closures?
- Q4. Does the Mayor consider it acceptable to have bulldozers mining sand on our popular beaches and large smelly pumps pumping thousands of cubic metres of sand onto the beach and into the ocean?
- Q5. What is going to happen to the jet ski hire if the section of beach where it is located is going to be closed to the public?
- Q6. Will the Mayor now undertake to ensure that the Port Coogee development is managed in a way that does not require the closure of any remaining beaches?
- Q7. Can the Mayor provide a guarantee here and now that the Cockburn community will not have to share its beautiful beaches to the north and the south of Port Coogee canal estate with noisy bulldozers and smelly diesel pumps?

Mayor Lee responded by saying that the precise details of the sand bypassing will be an evolutionary thing and if better systems are found, such as the Cockburn Cement barge which has an adaptation on it that from the ocean it can suck the sand into itself and take it round to the other side. Mayor Lee advised Mrs Scherr that she could rest assured the Council would do the best job it can when it becomes necessary to minimise the impact.

Mr Marlowe, Hamilton Hill - Asked whether the Mayor or the Council had discussed surety over the Coogee Canals.

Mayor Lee advised that Council had many discussions on financial matters with the developers of the Port Coogee development.

Mr Marlowe stated that at a previous Council Meeting the Mayor had advised that there had been no discussions regarding surety, however Mr Marlowe said that he had a letter from Mr Hiller stating there had been discussions.

Mr Hiller advised that Council has had extensive discussions with the developers, DPI, KPMG, their solicitors and Council's solicitors working through the agreement entered into between the Council and other parties. Council looked at agreements by Australand to underwrite the development of the project up until their responsibility retired, they also agreed to set aside a cash fund of up to \$1.6M to look after the marina harbour when it becomes Council's responsibility. Council has also been able to utilise the pens as a way of securing additional income to deal with erosion. There have been some major financial changes to the original format that was discussed.

Mayor Lee agreed that Council had secured an excellent agreement on behalf of its ratepayers and he was confident, should the Supreme Court



decide so, that Cockburn will have a world class facility.

Mr Hugh Needham, Coolbellup – Advised that he had received a beautiful brochure (presumably the piece of paper he held).

Mayor Lee advised that Mr Needham could not discuss political issues at this Council Meeting.

Mr Needham advised he was going to ask the Mayor a question, at which time he raised a piece of paper and said “as the Mayor, and it says ‘the Mayor Stephen Lee’, refers to a minority of people standing for Council”

Mayor Lee interrupted Mr Needham and advised that he was not going to discuss a political paper.

Mr Needham advised the Mayor that he would get legal advice on it.

Mayor Lee put the gallery on notice not to ask political questions at this Council forum, as it was for Council business not political business.

Ms Noleen Volkofsky, Atwell - lives close to the Haring Green walkway and understood it has been sold. When collecting the petitions she spoke with over 50 people, not one of them knew of the closure and they were all angry as their children used the walkway.

Q1. How can something be sold that is pertaining to all of us with no signs up, no survey done and nobody aware of it?

Q2. Has the walkway been sold?

Mayor Lee advised that as Deputy Mayor Graham was investigating the matter, it would be fully investigated and he would advise everyone as soon as possible.

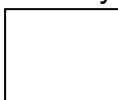
Patrick Thompson, Spearwood – raised the issue of the recycling centre.

Q1. Does the rubbish now sit in containers or whatever?

Q2. As ratepayers pay more for rubbish to be processed and as this presumably is not now being done. should we be getting some sort of rebate?

Q3. Other Councils have not been able to recycle their waste. Is Cockburn receiving waste from other Councils, that would otherwise have gone to the recycling centre? If so, presumably Cockburn would charge them for the privilege of utilising the Henderson tip.

Mayor Lee advised that yes, we would, but what happens with all the bins is that they are taken to the Southern Metropolitan Regional Centre (SMRC).



The Materials Recovery facility, which is where the yellow topped bin contents go, is also a municipal solid waste facility which processes the rubbish and produces compost. That has not been affected. A private contractor has gone broke – the bank has foreclosed and everybody is locked out - and the recycling industry in Perth is not able to cope with the extra recycling so the Councils that make up the SMRC have recycling going to a number of sites - some at Henderson, some processed in a factory in Maddington and we are endeavouring to settle with the bank so that we can have access to the facility, and we would purchase it and do it ourselves. We would no longer have a contractor doing that service for us. There is a residue of recyclable going to the landfill but every effort is being made to keep it to as small an amount as possible and in the meantime to re-establish a Materials Recovery facility.

Mr Thompson asked what was contained in the white refuse vehicles marked with Cockburn Council logo on the side because when he visited the tip there was a long line of white trucks waiting to get in.

Mayor Lee advised that some would be commercial waste and some would go to Canning Vale.

Mr Thompson stated that every year we come to Council and read the statement that “this is how much we should save from landfill – if you can’t process the rubbish and it is going to the tip, why not tell the public that is where it is going?”

Mayor Lee advised that it was all going to the tip and that the major contractor going broke had left a huge hole in the industry so we are going to do it ourselves. Cockburn Council as a shareholder with the SMRC, which will run the facility.

Laurie Humphries, Coolbellup –believed that an assurance from council was necessary to encourage ratepayers to continue to sort their rubbish. \$30M was raised from the ratepayers to enable the recycling to occur.

Q. Can Council guarantee that if rubbish is being stored at Amcor or wherever, that it meets the stringent health requirements when it is dumped at Henderson, such as the leeching and the covering, etc?

Mayor Lee advised that obviously some of this information is still sub judice. The Chairman of that organisation speaks for that organisation. Mayor Lee requested the Communications Manager to provide Mr Humphries with copies of any Press Releases.

Bert Renner, Ratepayer - was concerned with the attendance statistics of Councillors at the Council Meetings, in particular one Councillor who had attended 6 out of 18 meetings. The Mayor and Clr Whitfield had attended all meetings and Deputy Mayor Graham, Clr Limbert and Clr Reeve-Fowkes had only missed one meeting. With the new elections, will Council tolerate a



councillor only attending 6 out of 18 meetings.

Mayor Lee advised that there were changes to the Act which will be enacted on 7 May 2005, which will in future permit Councillors to participate in meetings electronically via landline or the internet, for example should a Councillor be in the Eastern States or overseas they could still take part in the meeting under the new changes in the Local Government Act.

Dan Scherr, Coogee – tabled questions regarding the likely impact of Port Coogee development on the Omeo shipwreck. It appears that the community's access to and enjoyment of the Omeo shipwreck is under threat from the proposed Port Coogee development. The proposed shipwreck is only 50 metres away from where the marina groynes are to be constructed. Because of this, the shipwreck is likely to be covered in sand in summer months when most people want to dive or snorkel around the wreck. In winter the same around the shipwreck will be scoured by winter storms and because of the location of the marina, the wreck is likely to deteriorate rapidly.

Mr Scherr also understood that the proposed by-passing system is likely to pump some 20,000 cubic metres of sand slurry into the waters next to the shipwreck and this will turn the water turbid and, in any case, this section of beach will be closed during these operations. The sand bypassing may end up being conducted every year in spring.

It appears that the Council has rushed into accepting the role of Waterways manager for the Port Coogee development without first ensuring that one of Cockburn's treasured recreational assets is to be protected.

- Q1. Will the Council, on behalf of the Cockburn community, now take steps to ensure that the Omeo dive wreck is not ruined by the Port Coogee Marina or the ongoing sand bypassing system required by that development?
- Q2. In particular, will the Mayor give a guarantee that the Omeo shipwreck will not be allowed to be affected by the Port Coogee development, and specifically guarantee that:-
- (a) the water around the shipwreck will not be allowed to become more turbid than the natural background levels on any given day during either the construction or management phases of development;
 - (b) the beaches and waters adjacent to the shipwreck will not be closed during the construction of the marina or as a result of the sand bypassing operation;
 - (c) sand will not be allowed to cover over the shipwreck during the summer months;



- (d) the same bypassing operations will not be allowed to pump sand straight into the ocean adjacent to the shipwreck.

Q3. Can the Mayor explain why the Council has not bothered to take all necessary steps to safeguard the Omeo shipwreck from the port Coogee development.

Mayor Lee thanked Mr Scherr for his comments and advised he would receive a written response.

Leanne Smith, South Lake - Speaking on behalf of the children who live in the Banjup area and whose families are horse owners. There was a small amount of consultation done before a gate was erected. Some residents responded saying they did not want a gate, there was no further consultation and the gate was installed. The residents are concerned the children now have to travel out onto Liddelow Road or float their horses, which is impossible for children.

Council advised Ms Smith the area had been closed off to avoid the spread of dieback. She did not believe that was the case.

Q. Can an independent report on dieback be done before any more closures or before any more attempts are made to affect the children's harness riding activities?

Mayor Lee advised this was an Agenda item tonight and Clr Whitfield also had an item on the matter.

Zoe Inman, Coogee –

Q1. Asked if Clr Allen, with his recent visit to Port Geographe still tainting his nostrils and as a party to this Council's Waterways Management Agreement for the proposed Port Coogee development, could he assure the community that we will not be burdened by a very similar ecological and financial disaster?

Ms Inman referred to the Vision for Cockburn Coast and advised a survey had been sent only to a certain percentage of members of the community. Having seen this survey Ms Inman believed the vision is not really for the whole coast at all as Woodman Point and Port Coogee were not included, only Robb Jetty.

Q2. Is Council concerned about the fact that this is not a true vision for our coast even though it has been touted to be and what measures will Council be taking to get a broader and true vision for our coast that includes the coast from Woodman Point to South Fremantle, and is available for comment for more than three weeks?

Mayor Lee advised that he and Clr Goncalves had been invited by the



Minister of Planning & Infrastructure to be part of the Steering Committee which will be looking at the Dialogue for the Coast which will be the Coastal Cockburn Vision.

Mayor Lee thanked Ms Inman for her comments.

Ron Kimber, Munster – queried whether Council had a position on excising part of Cockburn into Fremantle.

Mayor Lee advised that would not secede any part of Cockburn to Fremantle.

Pat Howlett, Ratepayer – advised that whilst walking around Beelias recently she had suffered from a very sore throat and sore eyes and asked what was being done about the quality of the air in this area?

Mayor Lee advised Ms Howlett that she should make the Director of the Environmental Department aware of the location of the problem.

Ms Howlett confirmed she and a lot of Beelias residents would do so.

Mayor Lee suggested she could also attend the Beelias Residents' Association meeting and requested the Acting Director for Planning and Development Services to look into the matter.

Jodie Taff, Port Banjup – Re Item 14.7 - horse trails in the Banjup area.

Would like to clear up an error – Under the Report at Item 1 - Figure 9 under paragraph headed "CALM Proposals for the Jandakot Regional Park" there is a section that says "... the plan does not promote a comprehensive network of trails through the Banjup Jandakot Reserve, as requested by the Banjup Bridle Trail Action Group (BBTAG). BBTAG did not request a network of trails to be put through that Denis de Young area, but did ask for perimeter usage which was on the plan provided by BBTAG in 2001.

It was originally advised that CALM had control over the Denis de Young Reserve, and that was the reason Council had stopped access. Now that CALM have agreed to perimeter use around the Denis de Young Reserve, Council is again recommending not to give approval. There is a view put forward by Council's Environmental Department (at Item 4 of the Report) that says

" ... The proposal to construct a trail around the whole perimeter of Denis de Young Reserve is considered problematic and impractical for the following reasons:

- *Unlikely to satisfy horse users given its relatively small size."*



The area is quite a big size and as BBTAG do not actually have anything in the area they believe it is a very good option to start with.

The other issue was that it was potentially likely to affect the wetland area within the Reserve. The perimeter is nowhere near the wetland area which is inside the Denis de Young Reserve.

Another section says that trails outside the existing fence as per CALM's proposal would be on Liddelow Road which would be unsafe given the volumes and high speeds of traffic on that road. Only one small side of Denis de Young backs onto Liddelow Road. If the fence was retained people could still ride inside that fence without riding on the vegetation.

Would ask Council to look kindly on this issue as nothing is currently provided.

Mayor Lee thanked Ms Taff for her comments.

Andrew Sullivan, Representing CCAC, Coogee – Regarding Item 14.9 – Port Coogee Waterways Management Facilitation Agreement. Was distressed to find out the agreement had already been executed but noted the recommendation that the agreement be tabled. Did not understand why this should be a confidential item as it was not a tender or commercial in confidence.

Mayor Lee advised that it was sub judice.

Mr Sullivan believed this was not correct as the matter of the Waterways Environment Management Plan was not in the Courts.

Mayor Lee stated that the legal advice received suggested that it should remain confidential.

Mr Sullivan asked that in future Council make it a part of any negotiations to let the community know what is being negotiated.

Mayor Lee advised there had been massive input into the project as it had evolved.

Clive Pellington, 16 Elderberry Drive, South Lakes - Spoke about the closure of the pedestrian access way from Elderberry Drive to Trevallyn Gardens. Mr Pellington lived alongside the pedestrian access way and had requests for its closure rejected five or six times. He suffered very bad experiences, such as syringes in his back yard, his front fence was currently lying on the ground having been smashed down three times over three separate nights by vandals, litter along his fence line and thrown into yard. Large rocks were thrown into his swimming pool from the laneway. People used it as an escape route after breaking into cars in the driveways. His daughter has nightmares about people using the laneway, the violence that



occurs in the laneway, and about her father being bashed in the laneway, about she and her sisters and brother being kidnapped by people from the laneway. His daughter is currently seeing a psychologist. Motorbikes ride up and down it regularly and they use it as a shortcut. Nothing has been done about it for years and people are putting up with it. Windows are getting smashed. Two weeks ago he had two bottles launched over his fence that smashed against the side of his house. Mr Pellington had Police reports on these incidences and had a bag of syringes. He was sick of putting up with nothing being done about it and he could not let his children play in their back yard without them being at risk of injury.

Mayor Lee advised there was an item before Council tonight and Cllr Tilbury has taken an interest in the matter.

Mr Pellington also advised that no one who lived on the laneway and in the near vicinity had been advised the matter was before Council tonight.

Glenda Lindsay, Elderberry Drive, South Lakes - would like the Councillors to sit in her front yard at 3.00am one morning and listen to the foul language coming from the walkway. She lived closer to North Lake Road but still had syringes, used condoms, McDonalds' packets, etc. in her yard and it was time something was done about it.

Mayor Lee thanked Ms Lindsay for her comments.

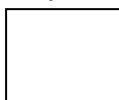
Daniel Wong, 14 Elderberry Drive, South Lakes - Item 14.4 – Just to add all the experiences that Clive has had, he had also experienced. Mr Wong understood the need to balance the needs of a few people with the greater need of the community in terms of accessing shopping centres and schools. Using that methodology was not fair in this instance because it would add only 350 metres walking distance, which was 5 minutes of inconvenience, however he was very worried for his mother who was in constant fear at night. When it comes to health and safety, these should be the priority. Please close the laneway.

Mayor Lee thanked Mr Wong for his comments.

Claude Iannello, Bibra Lake – suggested that people should utilise the security patrols as he had seen them patrolling 2 to 3 times a day and if there were any problems, to ring and Security would be there in a few minutes.

Mayor Lee thanked Mr Iannello for his comments.

Ms Fellowman, 14 Elderberry Drive, South Lakes – advised that her health was very bad because of the laneway. She constantly had people hitting and breaking her fence; she had no peace of mind and could not sleep at night. At 3.00am people were drinking and fighting in the laneway,



and in the morning there were broken bottles on the ground. Ms Fellowman had to see the doctor due to the stress of being in her back garden and seeing a man run across her yard. She had found condoms and needles, and the matter was now affecting her health. People would bang on her window which faced the laneway, and had smashed it on occasion. When Ms Fellowman looked to see who was there, a man exposed himself. Ms Fellowman had no peace and did not know what was going to happen for the rest of her life as she was becoming so ill. Have mercy and I thank you very much.

Mayor Lee thanked Ms Fellowman for her comments.

Shona, 18 Elderberry Drive, South Lakes - lived next to Mr Pellington and had things thrown into her yard from the laneway. Rocks were also thrown on her roof. The noise is quite excessive and occurs night or day, at any time. There is litter everywhere, the laneway is a big "pig-hole" and a health hazard. People just sit and drink and take drugs, it is a nightmare and it is very frightening.

Mayor Lee thanked Shona and advised that he and his Councillors understood fully what she and her fellow residents were saying.

Vanda Pellington, Elderberry Drive, South Lakes – The violence and vandalism happens quite often and their fence had been knocked over. It is now just lying on the ground. She and her husband did not have the resources to replace the fence, and asked whether Council paid for what was happening on Council property.

Mayor Lee thanked Ms Pellington for her comments.

Patrick Thompson, Spearwood - re Items 15.3 and 15.4 – Did not believe Council should be donating ratepayers' funds to charities but should rather assist people in the area.

Mayor Lee thanked Mr Thompson for his comments.

Mr Petkovic, 54 Britannia Avenue, Munster – was disappointed to see the recommendation to allow the running of a 24 hour per day, 7 day per week business next to my property in a residential and rural area. Mr Petkovic has lived in the area for 30 years, and believed he had received nothing in return.

Mayor Lee thanked Mr Petkovic for his comments.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2759) (OCM 19/04/2005) - ORDINARY COUNCIL MEETING - 15/03/2005

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Tuesday, 15 March 2005, as a true and accurate record.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

Nil



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 **(MINUTE NO 2760)** (OCM 19/04/2005) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW)

RECOMMENDATION

That Council endorse Mr James Martin employed as a Building Surveyor by the City of Cockburn as an authorised person pursuant to Part VIII, Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that that the recommendation be adopted.

CARRIED 8/0

Background

The Local Government (Miscellaneous Provisions) Act 1960, Section 245A requires that private swimming pools be inspected every 4 years. A person who is required to oversee or carry out this inspection function must be authorised by the local government for the purpose of Section 245A and have appropriate experience and/or qualifications.

Submission

N/A

Report

Due to staff changes within the Building Service it is required that Mr Martin be endorsed as an authorised person in regard to private swimming pools.

In order to implement publicly accountable practices and methods that permit flexibility in terms of provision of customer service by the Building Service, the person nominated in the recommendation should be endorsed as an authorised person for the purposes of Section 245A of the Act.



Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.2 (MINUTE NO 2761) (OCM 19/04/2005) - EASEMENT TO WATER CORPORATION - LOT 100 HAMILTON ROAD, SPEARWOOD (2202282) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept compensation of \$5,000 from Water Corporation for an easement interest for pipeline purposes on a portion of Lot 100 Hamilton Road, Spearwood;



- (2) transfer \$5,000 to the Land Development Reserve Fund, and that the Budget be amended accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr I Whitfield that that the recommendation be adopted.

CARRIED 8/0

Background

The Water Corporation gave notice and constructed a sewer pipeline across the western section of Lot 100 Hamilton Road, Spearwood approximately 3 years ago. The works were part of the Infill Sewerage Project.

Submission

Water Corporation have written to the City with an offer of \$5,000 conditional on the Water Corporation being able to lodge an easement on the City's Certificate of Title for Lot 100 Hamilton Road.

Report

The western alignment of the easement will have minimal impact on the land and its use as an active recreational area. The original offer of compensation as determined by the Water Corporation's Licensed Valuer was \$500. It was then pointed out to the Water Corporation that the alternative use for the land if not recreation, could be residential. The location of the easement would then impact on utilisation of the land. This concern was accepted by Water Corporation and the offer was raised to \$5,000. Advice was taken from the City's Licensed Valuer, Jeff Spencer, who agreed the basis of the revised offer.

Requirements of Section 3.58 of the Local Government Act do not apply as the Water Corporation is an agency of the Crown.

Strategic Plan/Policy Implications

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



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

Budget/Financial Implications

It is recommended that the funds received from the Water Corporation be transferred to the Land Development Reserve Fund.

Legal Implications

N/A

Community Consultation

N/A.

Attachment(s)

- (1) Location Plan.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.3 (MINUTE NO 2762) (OCM 19/04/2005) - PROPOSED AMENDMENT TO SPECIAL USE 18 - TOWN PLANNING SCHEME NO 3 - LOT 401; 326 YANGEBUP ROAD, YANGEBUP - OWNER: DIVINE MERCY COLLEGE INC - APPLICANT: SJB TOWN PLANNING AND URBAN DESIGN (93026) (JLU) (ATTACH)

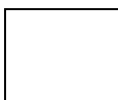
RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME – DISTRICT ZONING SCHEME NO. 3 AMENDMENT NO. 26

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



1. Amending the list of Special Uses permitted as part of Special Use 18 for Lot 401 (No. 326) Yangebup Road, Yangebup as follows:

No.	Description of Land	Special Use	Conditions
SU 18	Divine Mercy College 326 Yangebup Road, Yangebup	Private Education Establishment Child Care Premises Medical Centre Place of Worship	Planning Approval Car parking is to be integrated between the school and any additional uses to minimise crossovers onto Yangebup Road

Dated this day of 2005.

Chief Executive Officer

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the WAPC;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and
- (7) advise the applicant and the landowner of the Council's decision.



COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Mayor S Lee that that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS:	Special Use Zone No. 18
LAND USE:	Existing Private School	
LOT SIZE:	2.5ha	

Submission

SJB Town Planning and Urban Design on behalf of Divine Mercy College propose to add a number of uses to Schedule 4 – Special Uses Zone (SU18), Lot 401 Yangebup Road, Yangebup. The use of the Lot is currently restricted to a private educational establishment with the north-eastern portion of being vacant and in excess to the schools requirements. The school wants to establish a Child Care Premises on the vacant land, however, has also included Medical Centre and Place of Worship as being other potential uses that could be located on the vacant land.

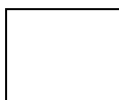
Report

The proposed Scheme Amendment has been put forward on the basis that part of the site is unoccupied and the additional uses are compatible with the school and the residential area opposite. The proposed additional uses are:

- Place of worship;
- Childcare premises; and
- Medical centre.

The Site

The site has an area of 2.5 ha, is occupied by the primary school and playing fields and is relatively underdeveloped. The site is bounded by residential properties to the north on Yangebup Road, to the east and south a school occupies the adjoining site and to the west of the site is a landscape reserve. Yangebup Road is a local distributor road and is a no-through road at its eastern end near the school. Yangebup Road, Osprey Drive and Dunraven Drive are all public transport routes which assists with accessibility to the school. On the opposite side of Dunraven Drive is a small neighbourhood centre. The centre contains small shops, a vacant premises and a disused petrol station.



The applicant has shown an area of 2,500m² that is proposed to be developed for the additional uses (see Agenda attachments). A pocket of remnant vegetation exists in the north-eastern corner (in the proposed 2,500m² area), however this vegetation is largely degraded.

Proposed Uses

The owner of the subject land has indicated that the Child Care Premises is the most likely use of the vacant portion of the land, however the owner prefers to keep the end land use options open and hence have requested the inclusion of a Place of Worship and Medical Centre.

The proposed Place of Worship is a compatible additional use on the site. Similarly the proposed child care premises would also complement the activities of the school and assist parents with pre school age children.

The Council's Policy APD 44 – Location of Child Care Centres within Residential Areas – Design Guidelines states that:

“The preferred and encouraged location for child day care centres should generally be near commercial, community or recreation areas, but where applications for such uses are received within established residential areas the following criteria should be taken into account:-

Sites on busy intersections or Primary Regional Roads and Other Regional Roads are not preferred due to issues of traffic conflict, noise and possible health implications associated with vehicle emissions. They should be located adjacent or within close proximity to public transport route.

The proposed Child Care Premises use generally meets the requirements of Council's Policy, however concern is raised over the number of crossovers along Yangebup Road, which can be addressed as part of a future development application for the new uses. A plan showing the potential development of the site for a Child Care Premises is contained in the attachments.

In regards to the medical centre the proponent has put forward the following justification which is considered acceptable on planning grounds:-

“The shopping centre on the corner of Osprey Drive and Yangebup Road contains very little service facilities and there is no medical centre within this centre or the surrounding area bounded by North Lake Road, the railway line and Beeliar Drive. This is a sizeable area with a sizeable population with no local medical facilities. The nearest facilities are outside of this area at Lakes Shopping Centre and Gateways Shopping Centre. These are both some distance to travel.



A medical facility could also serve the large industrial area to the north on Stock Road and the Jandakot Industrial area just to the east.

A medical centre on the subject site would be within close proximity of the shopping centre accessible by district/local distributors of Yangebup Road and Osprey Drive."

The Yangebup General Practice is also located in the area at the Lakelands Shopping Centre. However enquiries with the practice revealed that it is currently working at capacity and is not taking on any additional patients.

Conclusion

The proposed additional uses of Place of Worship, Child Care Premises and Medical Centre are compatible with the existing school and would benefit parents and residents in the area. These additional uses could also compliment the nearby local centre on Yangebup Road. Crossover duplication on Yangebup Road can be addressed as part of the proposed scheme amendment conditions. Given that the proposed additional uses are considered compatible with the existing and surrounding uses, it is that recommended Council initiate Scheme Amendment No. 26.

Strategic Plan/Policy Implications

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

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

The Council Policies which apply to this item are:-

APD44 LOCATION OF CHILD CARE CENTRE WITHIN RESIDENTIAL AREAS – DEVELOPMENT GUIDELINES



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Following initiation the proposed Scheme Amendment would be advertised for a period of 42 days in accordance with the Town Planning and Development Act 1928 (as amended). All affected landowners and government agencies would be advised of the proposed amendment and asked to make comment.

Attachment(s)

- (1) Proposed area of development
- (2) Potential Child Care Premises development layout

Advice to Proponent(s)/Applicant

The Devine Mercy Collage Inc (owners) and SJB Town Planning and Urban Design (applicant) have been notified in writing that the proposed Scheme Amendment is being considered at the April 2005 Council meeting.

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

Nil.

14.4 (MINUTE NO 2763) (OCM 19/04/2005) - REQUEST TO CLOSE PEDESTRIAN ACCESS WAY - ELDERBERRY DRIVE TO TREVALLYN GARDENS, SOUTH LAKE (450421) (KJS) (ATTACH)

RECOMMENDATION

That Council advise the owners of 14 and 16 Elderberry Drive, South Lake that the Pedestrian Accessway Elderberry Drive to Trevallyn Gardens will remain open.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr L Goncalves that Council replace the recommendation with the following:

- (1) note the officers report;



- (2) defer a decision on the neighbours' request to close the pedestrian accessway between Elderberry Drive and Trevallyn Gardens, South Lake;
- (3) investigate measures outlined in Council's Pedestrian Accessway Closures Policy APD21 that can be introduced to help mitigate against anti-social behaviour occurring within the pedestrian accessway, such as improved lighting, fence heights, bollards, enclosure, security patrol inspections and for a report to be presented to the next meeting of Council with details on cost estimates;
- (4) maintain options to close the pedestrian accessway if following the introduction of management measures, to be determined by Council, that the problems associated with anti-social behaviour have not been reduced to the satisfaction of Council; and
- (5) advise the owners of 14 and 16 Elderberry Drive, South Lake accordingly.

CARRIED 8/0

Explanation

This Council survey has shown that this PAW is an important link within a pedestrian network for local residents in neighbouring streets to access a range of services and facilities close by such as shops, school, parks and public transport. The walkability to these facilities will be compromised if the PAW is closed without first attempting to resolve the anti-social problems and crime experienced along the PAW. Council has a responsibility to balance the negative impacts experienced by residents living near a PAW against the wider community need of the PAW.

If Council agrees to keep this PAW open then it must accept responsibility to spend appropriate funds to ensure that the amenity of neighbours is not adversely affected. If the problems cannot be resolved by undertaking physical improvements to the PAW then Council should still leave the option open to close the PAW.

Background

Council at its meeting held on 20 April 1999 resolved not to close the Pedestrian Access Way (PAW) Elderberry Drive to Trevallyn Gardens, South Lake.



Submission

The owners of 14 and 16 Elderberry Drive have written to Council requesting that the PAW be closed.

The Water Corporation has responded to requests by the owners of 14 and 16 Elderberry Drive and reversed its previous objection to closure. In a letter to the City, Water Corporation has agreed to support closure conditional on the proponents meeting the costs of cutting and capping the water main located in PAW.

Report

The proponents live on both sides of the PAW at the opening to Elderberry Drive. A planning report was prepared by the City's Planning Department prior to the issue being presented to Council for the meeting of April 1999.

Authority to close PAW's is the preserve of Western Australian Planning Commission (WAPC). The procedure required of Council if it seeks to close a PAW is to make a request to WAPC. WAPC require a planning report that addresses a list of criteria.

The planning report prepared in support of the item considered by Council at its April 1999 meeting addressed the criteria listed by WAPC. The issue central to WAPC's criteria is how the closure will affect the walkability of the surrounding properties. There is a view that if community facilities are within a 400 metre walk, people will choose to walk rather than use motor vehicles.

A target group of houses that would be most affected by the PAW closure was identified. A questionnaire was then prepared for the target group. The questionnaire listed local community facilities and invited the respondents to nominate which facility they walked to utilising the PAW. They were also asked to indicate how often they or members of their household used the PAW each week. A stamped reply envelope was included. At the end of the allotted time 30 of the 46 potential respondents replied. The most popular destination was the Lakes Shopping Centre and public transport. 24 out of the 30 respondents walked via the access way to the shops and 20 of the respondents used the access way to get to the bus stop. The distance to the supermarket within the shopping centre from the worst affected house is currently 814 metres. On closure this increases to 1353 metres.

The distance to the Fremantle bus is 483 metres. This is increased to 617 metres. The distance likewise to the Perth bus is 419 metres, this is increased to 661 metres.

One of the respondents raised the issue of there being only one road outlet from the area south of the walkway if the walkway was closed. In



the event of a fire or other emergency this could be a danger for a number of households.

It is recommended that the pedestrian accessway linking Elderberry Drive to Trevallyn Gardens remain open for the following reasons: -

1. Closure of the PAW will substantially increase pedestrian walking distance to bus stops and the Lakes Shopping Centre.
2. The Council survey indicated that people south of the accessway want the PAW left open.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Letter and survey with replied paid envelope was undertaken in February/March 2005.

Attachment(s)

1. Location Plan
2. Survey Results



3. Letter seeking PAW closure.

Advice to Proponent(s)/Applicant

The Applicant has been notified that this matter is being considered at the April 2005 Council meeting.

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

Nil.

14.5 (MINUTE NO 2764) (OCM 19/04/2005) - ILLEGAL CLEARING OF EXISTING VEGETATION AND KEEPING OF LIVESTOCK - LOT 19 BEENYUP ROAD, BANJUP - OWNER: CERIVALE HOLDINGS PTY LTD (5519760) (GB) (ATTACH)

RECOMMENDATION

That Council:

- (1) instruct its Solicitors to commence legal action against Cerivale Holdings Pty Ltd for contravening Section 10AB of the Town Planning and Development Act (1928) for the unlawful clearing of existing vegetation and the keeping of livestock on Lot 19 Beenyup Road, Banjup;
- (2) serve a Notice on the owner Cerivale Holdings Pty Ltd pursuant to clause 5.10.5 of Town Planning Scheme No. 3 to preserve specified vegetation outside of the existing building envelope to plant vegetation using local endemic species and to remove all stock unlawfully being kept on Lot 19 Beenyup Road, Banjup.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that Council adopt the recommendation with (2) being amended as follows:-

- (1) serve a 60 day notice on Cerivale Holdings Pty Ltd the owner of Lot 19 Beenyup Road, Banjup pursuant to clause 5.10.5 of Town Planning Scheme No. 3 to:-
 - (a) remove all stock unlawfully being kept on the property;
 - (b) remove limestone fill material applied outside of the approved building envelope, except where this is used as a means of vehicular access from the street to the building envelope;
 - (c) preserve existing local endemic vegetation outside of the approved building envelope; and



- (d) remove all exotic plants and revegetate the cleared area of land outside of the approved building envelope using local endemic species.

CARRIED 8/0

Explanation

The limestone layer of material and exotic plants located on land that has been unlawfully cleared must be removed to assist with the rehabilitation of the site. A notice period of 60 days is also needed to direct the enforcement of these requirements as a separate action to the commencement of legal proceedings against the owner.

Background

ZONING:	MRS:	Rural – Water Protection
	TPS:	Resource
LAND USE:	Unlawful Hobby Farm – Keeping of Livestock	
LOT SIZE:	2.0 ha	

An application by Mr Corentin to relocate and extend the building envelope was deemed refused on the 15 October 2001. A subsequent appeal against Council refusal to relocate the building envelope was lodged by Mr Corentin to the Minister for Planning and Infrastructure, where in November 2002 the appeal was dismissed to preserve the vegetation at the rear of the property. Hence the existing location of the building envelope was confirmed.

On the 11 November 2004 the City received a complaint from an adjoining owner regarding flies that were attracted to the livestock kept on the property.

An inspection on 12 November 2004 revealed that the owner is keeping 6 sheep, 2 alpacas and 1 horse without the prior approval of Council.

On 19 November 2004 the City received an application for retrospective approval for a Hobby Farm – keeping of livestock which was subsequently deemed refused on 21 March 2005 because the applicant had failed to provide additional supportive information.

A meeting was held on the 22 February 2005 with Mr Corentin to discuss his application for keeping the livestock and the unlawful clearing of the vegetation property. At the meeting Mr Corentin stated he would develop the property as he wanted and the Council may impose him with fines if they so required.



A further property inspection on 1 March 2005 with the City of Cockburn's Bushland Management Officer has determined that approximately 5,300m² of open Banksia Woodland had been cleared. Concern was also expressed regarding the impact on vegetation by the overgrazing. Two Alpacas, 1 horse and 11 sheep were unlawfully being kept at the property.

On 14 March 2005 the owner was notified of the Town Planning Scheme No.3 breaches and that the matter would be referred to the Ordinary Council Meeting on 19 April 2005.

Submission

N/A.

Report

The owner of the property has contravened clause 5.10.5 of Town Planning Scheme No.3 by indiscriminately clearing the land and with keeping of livestock without prior approval from the Council.

Clause 5.10.5 of the scheme states:-

"5.10.5 Protection of Land and Existing Vegetation

- (a) *No existing vegetation existing on a lot shall be cleared except for the purposes of —*
 - (i) *erecting an approved building or structure on the lot;*
 - (ii) *providing vehicular access;*
 - (iii) *complying with the Bush Fires Act;*
 - (iv) *complying with an approval issued by the local government.*
 - (v) *a rural pursuit being established for commercial purposes.*
- (b) *The clearing of vegetation on any lot other than for the purposes nominated in clause 5.10.5 (a) shall require the approval of the local government.*
- (c) *The local government may serve notice on any owner or occupier of land within the Rural Zone, Rural Living Zone or Resource Zone —*
 - (i) *to preserve any specified vegetation and the maintenance and protection of the vegetation so specified shall continue until the local*



government determines otherwise;

- (ii) to plant vegetation;*
- (iii) to remove stock where in the opinion of the Department of Agriculture the land has been overgrazed."*

It is recommended that Council initiate legal action against the owner of the property for contravening the City of Cockburn Town Planning Scheme No.3

Strategic Plan/Policy Implications

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

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."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
APD33	TOWN PLANNING SCHEME NO. 3 PROVISIONS
APD42	THE KEEPING OF HORSES AND OTHER ANIMALS IN THE RESOURCE ZONE

Budget/Financial Implications

Legal costs for the Council's Solicitors fees may be recovered if the prosecution is successful.

Legal Implications

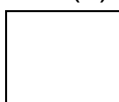
Town Planning and Development Act 1928.
Town Planning Scheme No.3

Community Consultation

N/A

Attachment(s)

- (1) Location plan.



- (2) The City of Cockburn copy of the Minister for Planning and Infrastructure's determination of Mr Corentin's appeal in November 2002.
- (3) Report by Dave Bright, Bushland Management Officer of the property inspection conducted on 1 March 2005.
- (4) Photos of property March 2005.

Advice to Proponent(s)/Applicant

The owner has been informed in writing that this matter would be referred to the April Meeting of Council.

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

Nil.

DECLARATION OF CONFLICT OF INTEREST

Mayor Stephen Lee declared a Conflict of Interest in Item 14.6. The nature of the interest being that of a proximity to the subject property.

MAYOR STEPHEN LEE LEFT THE MEETING AT THIS STAGE, THE TIME BEING 8.29PM.

DEPUTY MAYOR GRAHAM ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS STAGE.

- 14.6 (MINUTE NO 2765) (OCM 19/04/2005) - RETROSPECTIVE APPLICATION FOR A TAXI OPERATION ON LOT 501 AND LOT 174; NO. 58 AND 56 BRITANNIA AVENUE, BEELIAR - OWNER: N & K LESLIE - APPLICANT: PETER WEBB & ASSOCIATES (3411572) (3412019) (MR) (ATTACH)**

RECOMMENDATION

That Council:

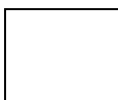
- (1) apply to the State Administrative Tribunal to vacate the directions hearing and grant a consent order for the disposition of the proceedings, to allow the retrospective application for a taxi operation on Lot 501 and Lot 174: No 58 and 56 Britannia Avenue, Beeliar subject to the following consent order conditions:-

1. Development may be carried out only in accordance with the terms of the application as approved herein and any



approved plan.

2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. This approval shall extend to the taxi depot and ancillary activities including refuelling, cleaning and minor mechanical repair of taxis.
4. The operator shall keep a register of all taxis from time to time permitted to be accommodated at the site, identified by vehicle licence plate number.
5. The operator shall ensure that no taxi other than a taxi identified in the register pursuant to condition 4, is allowed to enter the site.
6. The operator shall ensure that all taxi drivers sign a daily register (which the operator shall keep permanently), recording:
 - (a) their time of arrival on site for the purpose of commencing a shift or where applicable, making preparations (eg refuelling) for commencing a shift);
 - (b) their time of departure by taxi to commence a shift, identifying which taxi they are taking by vehicle licence plate number;
 - (c) their time of arrival back on site at the end of every shift;
 - (d) their time of departure from site after completing a shift; and
 - (e) any other returns to or departures from the site in the course of a shift.
7. The operator shall make the registers pursuant to conditions 4 and 6 immediately available for inspection and copying if required, to an officer of the City upon request.
8. The operator shall ensure that no taxi arrives at or departs from the site at any time between the hours of 9.00pm - 4.00am, unless for health and occupational safety reasons where taxis are returned to the depot during this period.
9. The operator shall ensure that:
 - (a) the total number of departures of taxis from the site does not in any one period from 4.00am - 9.00pm, exceed 24; and
 - (b) the total number of arrivals of taxis to the site does not



in any one period from 4.00am - 9.00pm, exceed 24.

10. The operator shall ensure that no function of a taxi depot including the parking of a taxi, the parking of a taxi driver's vehicle during a shift, the refuelling or cleaning or the transfer of drivers of a taxi, is at any time carried on the Britannia Avenue road reserve or on any lot on Britannia Avenue other than the subject site.
11. If it appears to an officer of the City of Cockburn that condition 10 is being breached, then (without prejudice to any other remedy available to the City), the City shall be entitled to treat any arrival or departure of a taxi to or from the road reserve or a lot as the case may be, as being counted for the purposes of condition 9."
12. All alarms on-site to incorporate an automatic cut-off mechanism that is pre set to not greater than 10 minutes of activation.
13. No person shall install or cause or permit the installation of outdoor lighting (including security lighting) otherwise than in accordance with the requirements of Australian Standard AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting."
14. No major repairs are to be carried out at any time on the site, the verge or the road. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily contained liquid waste may be carried out on-site.
15. All liquid waste (that includes washing from the vehicle) must be disposed of on-site, or disposed of properly, so as not to create a nuisance or pollution. At no time are washings to enter the public street.
16. No signage advertising the taxi operation to be erected on-site.
17. This approval shall supersede any pervious planning approvals or claims of a non-conforming use right.
18. A maximum of 12 taxis only are permitted on-site at any one time.
19. A maximum number of 19 taxis only are permitted to operate, within the limits of this approval, from the taxi depot.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr I Whitfield that Council adopt the recommendation with the addition of (2) (3) and (4) :-

- (2) review compliance of the Taxi Operation against the conditions of the consent order within a period of 60 days from its service by the State Administrative Tribunal and undertake a subsequent compliance inspection within a period of 12 months after the service of the consent order;
- (3) advise the owner - Mr N Leslie that full compliance with the conditions of approval is expected and that Council reserves the right to undertake further action if in the opinion of Council that a breach of any conditions of approval has occurred;
- (4) advise the applicant of Council's decision accordingly.

CARRIED 6/2

Explanation

The owner must carry out the necessary steps to ensure full compliance with the approval conditions and a timeframe is needed to initiate inspections by Council's Development Compliance Officer. Council should also place the owner on notice that if there is a breach of any conditions then the appropriate action will be undertaken to ensure compliance with the City's Town Planning Scheme No 3. The adjoining owner should also be informed of Council's decision.

Background

ZONING:	MRS:	Rural
	TPS3:	Rural Living
LAND USE:	Taxi Depot (hardstand, fuel tank and dispenser workshop and 2 houses	
LOT SIZE:	Use Not Listed	
AREA:	Peter D Webb and Associated (Planning Consultants)	
USE CLASS:	C & J Leslie Pty Ltd – Lot 174, N Leslie – Lot 501	

Council at its Ordinary Meeting on 21 December 2004 (Item 14.15) as follows:-



“That Council:

- (1) *refuse the application for retrospective approval of the Taxi Operation on Lot 501 & 174 Britannia Avenue, Beeliar for the following reasons:-*
 1. *The proposed development is inconsistent with the objectives of the Rural Living Zone of Town Planning Scheme No 3.*
 2. *The scale of the taxi business and frequency of traffic movements to and from the site is significant and has an adverse impact on the amenity of the locality.*
 3. *The taxi business has grown considerably since it was commenced to the point where it has become unacceptable in the Rural Living zone.*
 4. *The business should be located in an industrial or commercial zone within the district.*
- (2) *grant the owner of the Taxi Operation a period of 12 months from the date of the Council decision to relocate the business from Lot 501 & 174 Britannia Avenue Beeliar, to another appropriately zoned site within the district, subject to Council approval, or to locate elsewhere;*
- (3) *require the Taxi Operation to cease upon the expiration of the 12 month relocation period granted in (2) above Lot 501 & 174;*
- (4) *suspend legal action against the owner of Lot 501 and 174 for operating a taxi business and review this action upon the expiration of the 12 month relocation period, unless further complaints are received; and*
- (5) *advise the submissioner(s) of Council’s decision accordingly.”*

Hardy Bowen Lawyers representing C & J Leslie Pty Ltd Leslie Taxis lodged an application for review (appeal) with the State Administrative Tribunal on 18 February 2005. The application for review is a class 2 appeal because the appeal is against a determination of a planning application to commence a development of a value greater than \$250,000. The grounds of the appeal against Council’s refusal of the taxi operation are included in agenda attachments.

Council’s solicitors attended the first directions on Friday, 4 March 2005. At the first directions hearing the City on legal advice confirmed that as the applicant was prepared to mediate so should the City be prepared to be involved in the mediation. Mediation compromise for settlement of the proceeding is not the only purpose of the mediation.



The mediation on the above matter was held on Tuesday, 22 March 2005 before a member of the State Administrative Tribunal. Mr Norm Leslie, his planning consultant and his solicitor were in attendance. Council's solicitor and Principal Planner represented the City during the mediation conference. The Principal Planner clearly indicated that while representing the City he didn't have the authority to determine the Council's position and would need to take any mediation outcomes back to Council for a decision.

Both Mr N Leslie and the City expressed opposing opening statements during mediation proceedings that initially appeared divergent to the point that it seemed unlikely that common ground could be achieved. The Tribunal member directed proceedings on the amenity of the area and the question of whether that amenity would be compromised by the continuation of the development. The applicant's solicitor and planning consultant drew attention to the existence of other businesses in the area and the injurious affect from the nearby Cockburn Cement works, indicating that the area was not a pristine rural living environment.

The Tribunal made the following orders:

1. The matter is adjourned to 29 April 2005 for directions;
2. The parties have liberty to apply to vacate the directions hearing if a consent order for the disposition of the proceedings, is lodged.

Submission

Mr Leslie's planning consultant has prepared the following additional information outlining the acceptance of his client to the preliminary mediation outcomes as follows:-

- Applicant sought to demonstrate the area where the taxi business operates is not considered to be a "pristine rural environment" where a number of residents operate commercial vehicles from their properties. Other people also operate businesses from their properties;
- The area is within the Cockburn Cement Buffer Zone which impacts on activities that can be conducted in the area;
- Council Officer in attendance agreed to support the proposition that 12 taxis and occasional site visits by refuelling vehicles could be supported that may be of a similar level of impact with other properties where commercial vehicles are parked;



The following request is provided by the applicant:-

“That C & J Leslie Pty Ltd be granted retrospective approval to operate a taxi depot, which use shall extend to refuelling, cleaning and mechanical repair of taxis, from Lot 174 (SN 58) AND Lot 501 (SN 56) Britannia Avenue, Beeliar (“Subject Site”) subject to the following conditions:-

- (a) [Peter Wittkuhn to draft condition addressing limit of 12 taxis, from pool of greater than 12 taxis. Condition should acknowledge ancillary use of Subject Site; ie., that the drivers of the 12 taxi’s will be parking their personal vehicles at the rear of the site. Condition also to address manner in which the letter and spirit of this condition is to be enforced];*
- (b) no change over of taxis between drivers to occur on the Subject Site between 9pm and 4am;*
- (c) mechanical work on the taxis carried out on the Subject Site shall be limited to service and maintenance;*
- (d) all alarms on the Subject Site to incorporate an automatic cut off mechanism that is pre set to not greater than 10 minutes;*
- (e) all security lighting on the Subject Site to comply with the applicable Australian Standards;*
- (f) the car wash facility on the Subject Site to comply with the applicable State and Federal health and safety requirements;*
- (g) no signage to be erected on the Subject Site;*
- (h) C & J Leslie Pty Ltd, or their agent, to provide a detailed site plan of the Subject Site to the City of Cockburn; and*
- (i) If there is any inconsistency between this approval and any prior approval or non-conforming use, the terms of this approval shall prevail to the extent of the inconsistency. [this may be slightly different from what was agreed. At the mediation it was agreed that all prior approvals be overridden. Our concern is to ensure that Mr Leslie is still able to use the petrol and gas fuel tanks in connection with the business.]”*

A complete copy of the applicant’s submission is included in the agenda attachments.



Report

Following the mediation proceedings and legal advice it was agreed to take these outcomes to Council on the provision that there is a substantial reduction in taxi movements equivalent to 12 taxis operating in shifts over a 24 hour period. This represents almost half of what the business has at peak times and subject to conditions of approval that are intended to address the concerns of the adjoining neighbour. Also, the owner has indicated the fleet now operates with 19 taxis, not 22 taxis.

If the form of development were substantially less intense than the present use as suggested then this would be a better outcome than the possibility of the development being approved in its current form.

Council has the ability to accept the mediation outcomes and lodge a proposal for consideration by way of a mediated compromise or not accept the mediation outcomes and withdraw from mediation proceedings. If Council withdraws from mediation it can seek the matter to be determined at a full hearing by the State Administrative Tribunal. If this occurs the City will continue to be represented by the City's solicitor and City Officers.

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."*
3. Conserving and Improving Your Environment
 - *"To conserve the character and historic value of the human and built environment."*

The Planning Policies which apply to this item are:-

Nil



Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3

Community Consultation

Community consultation was previously completed in accordance with the requirements of Town Planning Scheme No 3. At the close of the submission period one objection was received from an adjoining neighbour.

Attachment(s)

- (1) Site Plan
- (2) Applicant's submission

Advice to Proponent(s)/Applicant

Applicant advised that the matter will be considered at the April meeting of Council.

The objector to the proposal proceeding has also been informed in writing of the matter being reconsidered by Council at its April Meeting.

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

Nil.

MAYOR STEPHEN LEE RETURNED TO THE MEETING THE TIME BEING 8.32PM AND RESUMED THE ROLE OF PRESIDING MEMBER.

DEPUTY MAYOR GRAHAM ADVISED MAYOR STEPHEN LEE OF THE DECISION OF COUNCIL.

14.7 (MINUTE NO 2766) (OCM 19/04/2005) - JANDAKOT REGIONAL PARK DRAFT MANAGEMENT PLAN (9328) (8124) (AJB) (ATTACH)

RECOMMENDATION
That Council:

- (1) receive the report;
- (2) not support a bridle trail around Denis de Young Reserve as



proposed in the Jandakot Regional Park Draft Management Plan; and

- (3) submit the report in the Agenda attachments to the Department of Conservation and Land Management as Council's submission on the Jandakot Regional Park Draft Management Plan.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that Council adopt the recommendation with (2) being amended and the inclusion of (4) as follows:-

- (2) use the Draft Banjup Trails Master Plan as a basis for the possible establishment of appropriate locations for bridle trails in Banjup and where environmentally acceptable through the regional park;
- (4) hold a meeting with Banjup horse owners to discuss the suggestions for the establishment of bridle trails contained within the Draft Banjup Trails Master Plan, which are also subject to comment by the Department of Environment regarding the environmental implications associated with the Draft Plan.

CARRIED 8/0

Explanation

The Banjup area has a long history of horse usage. Horse riding is the biggest recreational use in the area. Dialogue needs to be continued with horse owners so that both the conservation needs and the recreational needs of the Jandakot Regional Park are met.

Background

Council considered the matter of bridle trails through the Banjup locality on three occasions during 2001. This was in response to a community request and proposal by the Banjup Bridle Trail Action Group.

Council's determinations on this matter are as follows;

Item 14.15 – OCM June 2001 (Min No. 1174) at which Council resolved to:



- “(1) receive the report;*
- (2) endorse the draft Banjup Trails Masterplan report for the purpose of undertaking a consultation program as outlined in the report;*
- (3) advise the Banjup Bridle Trail Action Group of Councils determination and provide a copy of the draft Trails Masterplan report for their information;*
- (4) initiate studies by Environmental Management Services to determine the current extent of die back in the Banjup reserves and the risk of this spreading within the area due to equestrian and other activities; and*
- (5) require the preparation of a report which details planning requirements for the keeping and agisting of horses in the Banjup locality and action required to redress the current situation.”*

The attachments to the Agenda contained an exhaustive report on bridle trails within the Banjup area which detailed all the opportunities and constraints and included a draft Banjup Trails Master Plan.

Item 14.13 – OCM November 2001 (Min No. 1366) at which Council resolved to:

- “(1) receive the Dieback Assessment Report on Denis De Young Nature Reserve and the Banjup Reserves prepared by Glevan Dieback Consulting Services;*
- (2) advise all owners within the Resource Zone within the localities of Jandakot, Atwell and Banjup that:*
 - 1. Under the provisions of Town Planning Scheme No 2. Planning approval is required for the use of any land or structure (stables) used for housing, keeping and feeding of horses, asses and mules and associated incidental activities.*
 - 2. Where land or structures are currently being used for such purposes without Planning approval from Council, the owners shall within 60 days, make application to Council for approval in accordance with the requirement of District Zoning Scheme No 2 .*
 - 3. Action may be taken against any owners affected by (2)2. above who fail to make application within the 60 day period.*



- (3) *require Strategic Planning Services to prepare and distribute to owners an information brochure which details the requirements of District Zoning Scheme No 2, information that will need to be provided as part of any application to keep horses and the approval process; and*
- (4) *accept in principal the Draft Banjup Bridle Trail Plan and undertake and seek community comment, over a 60 day period, and after Council consideration of the submissions and undertaking any required changes to the trail, the Plan will be submitted to the relevant State agencies for endorsement.”*

The attachments to the Agenda contained a report on the keeping and agisting of horses in the Resource Zone and the outcome of discussions with the State Government Agencies, community members and on ground inspections regarding the draft Banjup Trails Master Plan presented to Council in June 2001.

Item 13.2 – OCM December 2001 (Min No. 1389) at which Council resolved to:

“Revoke sub-recommendation (4) of Minute No 1366 (Agenda item 14.13) as adopted by Council at its meeting of 20th November 2001.”

The revocation was to enable the matters of keeping horses and other livestock in the Banjup/Jandakot locality separate from the proposal to develop bridle trails in the area. The question of bridle trails has not been raised or considered since this meeting.

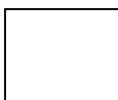
Submission

The Department of Conservation and Land Management has advertised the Jandakot Regional Park Draft Management Plan for public comment.

The Park includes several conservation reserves in the Banjup locality and includes Denis de Young Reserve and Reserve 1820 which are managed by the City of Cockburn. Accordingly the report is of direct interest to the City.

Report

The Jandakot Regional Park (the Park) Draft Management Plan has been prepared to provide broad direction for the protection and enhancement of the conservation, recreation and landscape values of the reserves which form the Park. Within the City of Cockburn the reserves which form part of the Park include Denis de Young Reserve, Shirley Bella Swamp, Reserve 1820 / Rose Shanks Reserve and the Pistol Club, and land in Acourt Street. The City manages and maintains



Denis de Young Reserve, Reserve 1820 and Rose Shanks Reserve. The balance is under or will be under management by CALM.

Most of the issues are adequately addressed in the report included in the Agenda attachments. The issue of horse trails around Denis de Young Reserve requires more detailed consideration given the history and previous Council decisions on this matter. Relevant details are as follows;

1. CALM Proposals for the Jandakot Regional Park

Figure 9 – Recreation Masterplan shows the general proposals for the Jandakot Regional Park. In respect to Denis de Young Reserve the plan shows existing horse riding facilities in the south west corner and a proposed horse riding trail around the entire perimeter of the reserve. The plan does not promote a comprehensive network of trails through the Banjup/Jandakot reserves as requested by the Banjup Bridle Trail Action Group.

The extent of the horse trails envisaged is clarified in Table 1 – Management Zones which states that horse riding may be permitted on the perimeter trails outside the fence in designated areas and also in Section 31 – Recreation Masterplan which states that horse riding may be allowed in specified areas on existing perimeter tracks. The clear intention is that horse trails may be considered subject to constraints including that they use existing tracks and they are controlled to the perimeter of the site by fencing. Section 33 – Horse Riding also provides that proposed horse riding areas within the Jandakot Underground Pollution Control Area (JUPCA) or within 200 metres of a conservation category or resource enhancement wetland will be reviewed by the Department of Environment (DoE) to ensure ground water quality and wetlands will not be adversely affected. Denis de Young Reserve contains a series of conservation category wetlands and is within the JUPCA and accordingly will need to be approved by DoE.

2 . Issues associated with horse riding in the Jandakot Regional Park

Section 33 of the Park report deals specifically with the issue of horse riding within the Park area although there are other references throughout the report. Section 33 acknowledges horse riding and other equestrian uses within the Jandakot Botanical Park and in particular Denis de Young Reserve within the City of Cockburn, Anketell block within the Town of Kwinana and Anstey-Keane block within the City of Armadale and states that the objective is to manage horse riding to minimise adverse impacts on the values of the Park and avoid conflict with other Park users.

The primary issues are as follows;



- ❑ Conflicts between equestrian and conservation values including the spread of weeds and dieback.
- ❑ The need for ongoing monitoring as being essential to determine if the values of the park are being degraded as a result of horse use.
- ❑ The need for best management practices to be implemented and the development of a code of conduct to minimise environmental impacts.

3. The view of Council's Environmental Officers

Council's Environmental Officers have long been of the view that horses should not be permitted in conservation reserves primarily due to the potential for the spread of dieback and weeds leading to increased management costs and degradation of the environmental values. This is particularly the case for Denis de Young Reserve which is of high conservation value containing several conservation category wetlands and being the only significant area of Banksia-Jarraah open forest in the Park area.

4. Options for horse riding in Denis de Young Reserve

- Status quo

Currently horse riding and equestrian uses are limited to the south western portion of the reserve which has been developed with the training track and pony club facilities. There is some illegal riding of horses throughout the reserve which occurs generally as a result of perimeter fences being cut.

- Draft Banjup Trails Master Plan proposals

The draft Banjup Trails Master Plan presented to Council in November 2001 was considered to be a compromise between the proposals submitted by the Banjup Bridle Trail Action Group and the conservation objectives of the reserves and concerns expressed by Council's Environmental Officers. In respect to Denis de Young Reserve it was proposed to create a link from Coffey Road through the reserve to the trotting and pony club area in the south-west corner then linking to the pipeline reserve down the east side of the reserve via Oxley Road. The trail follows an existing track and is shown on the copy of the draft Banjup Trails Master Plan included in the Agenda attachments.

The estimated cost to limestone the track and install fencing on either side as well as fencing along the eastern pipeline reserve would be \$8,000 and \$16,500 respectively giving a total cost of \$24,000.

- Jandakot Regional Park proposal



The proposal to construct a trail around the whole perimeter of Denis de Young Reserve is considered problematic and impractical for the following reasons;

- Unlikely to satisfy horse users given its relatively small size.
- Unlikely to get the approval of DoE given the potential significant impacts on conservation category wetlands within the reserve and the water quality objectives.
- Trails outside the existing fence as per CALM's proposal would be on Liddelow Road which would be unsafe given the volumes and high speeds of traffic on that road.
- Formalisation of a horse trail on the existing fire breaks would not be acceptable as horses create deep channels of loose sand which make the fire breaks inaccessible to fire vehicles. The fire breaks could be used for trails if they were constructed with a limestone pavement.

The estimated cost to limestone the fire breaks around Denis de Young Reserve and create an inner fence to control indiscriminate access to the inner parts of the reserve is \$73,000 and \$30,000 respectively giving a total cost of \$103,000.

Conclusion

Councils Environmental Officers recommend against any upgrading of horse activities in Denis de Young Reserve for the reasons outlined in the preceding sections and in particular the impact that dieback and weed infestation would have on the high environmental values of the reserve. However, if Council was of a view to support trails in Denis de Young Reserve then the proposals of the Draft Banjup Trails Master Plan would be preferred to the Jandakot Regional Park Plan given that the overall impacts of the Draft Banjup Trails Master Plan would be considerably less.

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."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD5	WETLAND CONSERVATION POLICY
APD42	THE KEEPING OF HORSES AND OTHER ANIMALS IN THE RESOURCE ZONE

Budget/Financial Implications

Agreement to horse trails in Denis de Young Reserve will result in the need for limestone tracks and new fencing estimated to cost in the order of \$24,000 - \$103,000 depending on the option chosen. There is no money in the Principle Activities Plan, current or anticipated future budgets for this expenditure. If Council agrees with the trails proposal a specific allocation will need to be made by Council in future budgets.

The Jandakot Regional Park report states that the local authorities and CALM will implement the Plan within the framework of available resources.

Legal Implications

Nil



Community Consultation

Community Consultation is being undertaken on the Draft Jandakot Regional Park plan by the Department of Conservation and Land Management.

Attachment(s)

Draft Jandakot Regional Park Recreation Masterplan

Advice to Proponent(s)/Applicant

Letter to CALM advising the report will be considered at the April meeting of Council.

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

Nil.

14.8 (MINUTE NO 2767) (OCM 19/04/2005) - LOCAL STRUCTURE PLAN - LOT 15 LYON ROAD, AUBIN GROVE - OWNER: EMMAUS DEVELOPMENTS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT TOWN PLANNING AND DESIGN (9644C) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Local Structure Plan for Lot 15 Lyon Road, Aubin Grove, subject to the following changes being made to the Structure Plan and Structure Plan Report, to the satisfaction of the Director, Planning and Development:-
 1. Modify the Structure Plan Report upon receipt of further information clarifying the status of the agricultural activity occurring on Lot 12 Lyon Road and incorporating measures to mitigate the potential adverse effects of any such activity on the future residents of the developed Lot 15 Lyon Road;
 2. Modify the Structure Plan and Structure Plan Report by deleting reference to the Mixed Use (Medical Centre) from the Structure Plan and including Residential Lots in its place;
 3. Modify the Report to state that a Detailed Area Plan be prepared to guide development of the Church/Child Care site, or in the event of these uses not proceeding, then to guide development of the site for Residential R-40;



4. Clarify the status of the agricultural activity occurring on Lot 12 Lyon Road and incorporating measures to mitigate the potential adverse effects of any such activity on the future residents of the developed Lot 15 Lyon Road;
- (2) advise the applicant that a traffic report shall be submitted with the subdivision or development application clarifying traffic volumes, the role of Lyon Road in the roading hierarchy and appropriate standard to which it should be upgraded;
- (3) the matters indicated in the summary of submissions as requiring advice to be provided to the applicant;
- (4) adopt the Officer's comments contained in the Schedule of Submissions as contained in the Agenda attachment;
- (5) advise those persons who made a submission of Council's decision; and
- (6) subject to (1) above, forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr V Oliver that Council adopt the recommendation subject to the deletion of (1)4.

CARRIED 8/0

Explanation

Corrects an error in the duplication of Condition 4 and Condition 1.

Background

ZONING:	MRS:	Urban
	TPS3:	Development (DA11)
LAND USE:	Existing piggery operation	
LOT SIZE:	4.5953ha	
AREA:	N/A	
USE CLASS:	N/A	



Submission

A Local Structure Plan has been submitted by Taylor Burrell Barnett Town Planners for Lot 15 Lyon Road, Aubin Grove (refer to the Agenda attachments).

The proposed Structure Plan provides a framework for subsequent subdivision and development of the land. Key elements of the Structure Plan include:

- Residential density codings varying between R20, R30 and R40 densities, with the creation of single dwelling and grouped dwelling Lots;
- The creation of a Lot for the development of a Church and associated Childcare Centre;
- The creation of Lots with a Mixed Use designated landuse, intended to be used for the purposes of a Medical Centre with residential use on the first floor;
- The provision of land for Public Open Space, incorporating a drainage function;
- Internalising street access to all Lots, including restricting access to residential Lots abutting Lyon Road via an internal laneway system;
- Restricting street intersections onto Lyon Road to a single point, with appropriate treatments;
- Boulevard treatments for the main subdivision entry road;
- Providing a pedestrian/cycle access way between the subject land and Gibbs Road to facilitate a connection with the future Railway Station to the north;
- Maintaining connectivity with adjoining land to the south.

Report

The Structure Plan was advertised for public comment in accordance with Town Planning Scheme requirements, whereupon 8 submissions were received. A summary of submissions is contained in the Agenda attachments.

Although no submissions objected outright to the Structure Plan, the submission on behalf of LandCorp raised the most significant issues, including:

- The impacts the proposed Childcare and Medical Centre landuses may have on the viability of the future Harvest Lakes Village Centre (neighbourhood centre) proposed on the northern side of the intersection of Gibbs and Lyon Road.

These and other key issues are covered in the following discussion.



Landuses

Within the Structure Plan it is proposed to zone the site on the corner of Gibbs and Lyon Roads "Residential R-40", with specific provision for the development of a Church, ancillary Childcare and associated carparking. The location of the site provides the Church with suitable exposure and good accessibility, while from an urban design perspective the building itself could potentially frame the intersection well, given the proximity to the future Harvest Lakes Village Centre to the north. It is recommended a Detailed Area Plan be prepared to guide future development on this corner in the event of the Structure Plan being adopted. The site would otherwise be developed as Residential R-40 in the event of the Church development not proceeding.

A mixed-use site is proposed to be created among the Residential R-30 Lots adjoining Lyon Road, south of the main entry road and proposed Church site. The Structure Plan envisages development of a Medical Centre on this site, with the opportunity for residential use on the first floor.

The LandCorp submission opposes inclusion of the both the Childcare and Medical Centre landuse components on the basis that they could fragment the commercial and community uses in the area, relative to the range of uses proposed for the future Harvest Lakes Village Centre to the north. It has been submitted that this could detract from the core function, and potentially threaten the long term viability of the village centre.

At the time of preparation of the Structure Plan for the subject land, the proposed uses within the Harvest Lakes Village Centre were unknown. The LandCorp submission has provided some clarity in this regard and it is accepted that the proposed Medical Centre would be a use more specifically suited to locating within the future Village Centre, for the reasons stated above. In addition, it is noted that the Southern Suburbs District Structure Plan (Stage 2) makes no provision for a commercial use such a Medical Centre to establish on the site.

In terms of the proposed Childcare Centre however, it is understood that this is a use that would be purely ancillary to the operation of the Church and would therefore not operate at a level normally associated with such uses. The proposed Childcare Centre use has little relationship to the future Village Centre and being *ancillary* to the Church, is considered to be an acceptable landuse on the site in the circumstances.

Residential use is proposed for the remainder of the Structure Plan area, with the eastern half of the site accommodating medium density residential (i.e. R-30 & R-40), while low and medium density residential (i.e. R-20 & R-30) is proposed for the western half of the site.



Southern Suburbs District Structure Plan

The proposal is generally consistent with the Southern Suburbs District Structure Plan (Stage 2) (i.e."SSDSP2"), with the exception of inclusion of the Church/Childcare and Medical Centre uses discussed above. In addition, SSDSP2 provides for the establishment of an Additional Use - Tourism activity on Lot 15 Lyon Road, such as a museum and restaurant. There is no proposed tourism component to the current Structure Plan, as this is not considered to be economically viable or consistent with the current owner's development expectations for the site.

Constraints

The site has been used for a piggery operation for a number of years, which is due to close by 30 June 2005. An environmental report submitted with the Structure Plan indicates there to be potential soil and groundwater contamination issues associated with the piggery landuse. It is normal for these matters and any necessary remediation be dealt with in detail at the subdivision and development stage.

The site is categorised as Priority 3 Source Protection Area, being located within the Jandakot Underground Water Protection Control Area. The north-eastern corner of the site is affected by a Wellhead Protection Zone. In general, the landuses proposed are relatively benign and landuses within the wellhead protection buffer must be managed in accordance with the Department of Environment Guidelines on "Land Capability in Public Drinking Water Source Areas".

The proximity of the subject land to the Bush Forever Site (492) on Lot 204 Lyon Road (which is also a Conservation Category dampland) means that measures are required to mitigate any adverse effects of the development on the dampland. As indicated in the submission from the Department of Conservation and Land Management, Lyon Road itself provides an appropriate buffer and hard edge between future development and the Bush Forever dampland. Surface water drainage will occur entirely onsite in order to avoid impact on this dampland.

The site is within an acid sulphate soils moderate to low risk area. Identification and management of any acid sulphate soils would normally be addressed at the subdivision or development stage of the process.

Aerial photography indicates agricultural activity is being undertaken on the land adjoining the subject site to the south, in the form of what appears to be a tree nursery. This was verified upon inspection of the site. Limited information is available regarding the landuse on Lot 12 Lyon Road, and to this extent it is recommended that further information is sought on the agricultural activity prior to adopting the Structure Plan. This is due to the implications for the development of Lot 15 Lyon Road, should the agricultural activity involve the application of sprays. Potential effects could include impacts of spray



drift on the future residents. In this instance, measures to mitigate the effects of spray drift would need to be employed, that could include requiring the retention of existing vegetation and the erection of appropriate screen fencing on the site.

A positive consequence to the piggery on the site closing is the removal of the noise and odour buffers associated with the piggery operation, that impact on the development potential of surrounding and nearby land.

Public Open Space

The Public Open Space ("POS") has been placed centrally on the southern boundary of the site to enable the coordinated provision with the adjoining Lot 12 Lyon Road to the south.

Public Open Space has been provided in the form of land, based upon 10% of the net subdividable area. The area of the land upon which the Church is to be constructed has been deducted from the gross subdividable area. However, in the event that the Church development does not proceed, then an additional contribution in the form of cash-in-lieu will be required to make up the full 10% provision.

Roading

Access to the proposed Lots abutting Lyon Road will be via rear laneway, with restrictive covenants recommended to be imposed on the relevant Lots at the subdivision stage to enforce this.

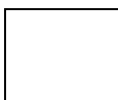
The intersection of the cul-de-sac with the main entry road and the internal north-south road will need to be designed to clarify to motorists that the main entry road does not terminate in a cul-de-sac and that a left turn is required in order to travel south. The intersection will also need to be designed to satisfy Austroads standards. This can be addressed at the subdivision stage.

Lyon Road will require upgrading with appropriate intersection treatment and traffic management devices. A traffic report should be submitted with the subdivision or development application clarifying traffic volumes, the role of Lyon Road in the roading hierarchy and appropriate standard to which it should be upgraded.

Drainage

Although the subject land falls within the catchment of the Russell Road Arterial Drainage Scheme (i.e."RRADS") prepared by David Wills and Associates, it is outside the Developer Contribution Area for regional drainage (i.e. DCA No.7). Nevertheless, it is proposed to dispose of stormwater from the development site using water sensitive design principles and the principles contained in the RRADS.

It is proposed to dispose of stormwater from residential lots via soakwells onsite, while road stormwater will be drained to dry



landscaped basins at appropriate locations. In addition, a drainage swale may be incorporated within the Public Open Space. Stormwater management for the carpark developed as part of the proposed church site will need to incorporate provision for the removal of grease and oil, but this would be addressed via conditions at the development approval stage.

A Nutrient Removal and Management Plan, incorporating water sensitive design principles will be required as a condition of subdivision approval.

Other Matters

Uniform fencing is required along the boundaries of the lots abutting the Public Open Space as well as Gibbs Road (in part) and the Kwinana Freeway. Fencing treatments along the Freeway and Gibbs Road boundaries should have an objective of attenuating traffic noise and be designed to an appropriate acoustic standard. Fencing along the common Lot/POS boundary must satisfy objectives for passive surveillance. Uniform fencing will be included in recommended subdivision conditions.

Detailed Area Plans should be required to control the development on all the proposed Residential R-40 Lots, including for the proposed Church development.

The Parks Department has indicated the proposed boulevard treatment of the main entry road may be acceptable subject to widening the median island to 5 metres width in order to prevent trees planted in the island overhanging the road carriageways.

In conclusion, the proposed Structure Plan generally accords with sound planning principles and can be supported subject to:

- receiving further information clarifying the status of the agricultural activity occurring on Lot 12 Lyon Road and incorporating measures in the Structure Plan to mitigate the potential adverse effects of any such activity on the future residents of the developed Lot 15 Lyon Road;
- deleting reference to the mixed use (Medical Centre) site from the Structure Plan.
- requiring a Detailed Area Plan be prepared to guide development of the Church/Childcare site, or in the event of these uses not proceeding, then to guide development of the site for Residential R-40.

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."*
3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
 - *"To manage the City's waste stream in an environmentally acceptable manner."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD4	'LIVEABLE NEIGHBOURHOODS'
APD4	PUBLIC OPEN SPACE
APD16A	STANDARD SUBDIVISION CONDITIONS AND REASONS FOR REFUSAL
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD31	DETAILED AREA PLANS
APD34	UNIFORM FENCING SUBDIVISION AND DEVELOPMENT

Budget/Financial Implications

Nil

Legal Implications

Possibility of having to defend the Council decision in the event of a request for a review being lodged with the State Administrative Tribunal.

Community Consultation

The proposed Structure Plan was advertised for public submissions in accordance with statutory requirements.

Attachment(s)

- (1) Lot 15 Lyon Road Structure Plan



(2) Summary of Submissions

Advice to Proponent(s)/Applicant

The proponent and submitters have been advised in writing that the matter is to be considered at the April Council meeting.

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

Nil.

DECLARATION OF CONFLICT OF INTEREST

Councillor Kevin Allen declared a Conflict of Interest in Item 14.9. The nature of the interest being one of proximity to the subject property.

COUNCILLOR KEVIN ALLEN LEFT THE MEETING AT THIS STAGE, THE TIME BEING 8.35PM.

14.9 (MINUTE NO 2768) (OCM 19/04/2005) - PORT COOGEE WATERWAYS MANAGEMENT TRANSFER FACILITATION AGREEMENT (9101033) (MR) (ATTACH)

RECOMMENDATION

That Council make the Port Coogee Waterways Management Transfer Facilitation Agreement available for public inspection at the City's Administration Office subject to agreement with Australand Holdings Limited and Port Catherine Developments Pty Ltd.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0

Background

Council at the Ordinary Meeting on 15 February 2004 decided to accept the Waterways Environmental Management Program ("WEMP") and enter into the "Port Coogee Waterways Management Transfer Facilitation Agreement.

During public question time of the Ordinary Meeting of Council on 15/03/2005 Mr Andrew Sullivan, Coogee, on behalf of the Coogee Coastal Action Coalition, asked questions in relation to the Port



Coogee Waterways Environment Management Program which were responded to by Mayor Lee accordingly:-

“Mayor Lee replied that the legal agreement has been finalised and ready for execution. He stated that at the time the agreement was being prepared by solicitors of both parties, no comments could be made. Director, Planning and Development replied that the decision was taken by Council to maintain this as a confidential document. Mayor Lee assured Mr Sullivan that this matter will be placed on the next Agenda, to decide whether to make this document public or not. The rest of the questions will be taken on notice and responded to in writing.”

The Port Coogee Waterways Management Transfer Facilitation Agreement (“Agreement”) was recently executed by Port Catherine Developments Pty Ltd, the City of Cockburn and Australand Holdings Limited in accordance with Council’s decision at the Ordinary Meeting on 15 February 2005.

Submission

The purpose of this report is for the Council to decided whether or not to make the Port Coogee Waterways Management Transfer Facilitation Agreement public or not.

Report

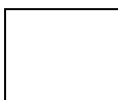
Australand were contacted prior to finalising this report and advised they would need to inspect the document further before agreeing to its release for public inspection. It is therefore appropriate for this document to be made available for public inspection subject to approval of Australand.

The Agreement could be made available for public inspection immediately following Council’s Meeting and subsequently at the City’s Administration Offices and on the City’s website subject to agreement from Australand.

Strategic Plan/Policy Implications

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

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



Budget/Financial Implications

N/A

Legal Implications

Freedom of Information Act 1992

Community Consultation

N/A.

Attachment(s)

A copy of the "Port Coogee Waterways Management Transfer Facilitation Agreement" was circulated under separate cover to elected members.

Advice to Proponent(s)/Applicant

Australand have been advised of this matter being considered at the April Meeting of Council

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

Nil.

COUNCILLOR KEVIN ALLEN RETURNED TO THE MEETING THE TIME BEING 8.36PM.

THE PRESIDING MEMBER ADVISED COUNCILLOR ALLEN OF THE DECISION OF COUNCIL.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2769) (OCM 19/04/2005) - BUDGET REVIEW - PERIOD ENDING 28 FEBRUARY 2005 (5402) (ATC) (ATTACH)

RECOMMENDATION

That Council amend the Municipal Budget for 2004/05 as set out in the attached report, summarised as \$3,302,983 – Income and \$3,302,983 – Expenditure.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr Limbert, SECONDED Clr Goncalves that the recommendation be adopted subject to:

- (1) An amount of \$300,000 being allocated for the installation of traffic lights at Yangebup Road / Spearwood Avenue;
- (2) An amount of \$69,000 being allocated for the installation of refrigerated air conditioning at the South Lake Gymnasium;
- (3) The proposed transfer to the Rubbish Development Reserve Fund being reduced by \$300,000; and
- (4) The proposed transfer to the Major Buildings Refurbishment Fund being reduced by \$69,000.

AMENDMENT TO MOTION

MOVED Clr Allen, SECONDED Mayor Lee that the recommendation be adopted subject to Items (1) and (3) being deleted and Items (2) and (4) retained, as follows:-

- (2) An amount of \$69,000 being allocated for the installation of refrigerated air conditioning at the South Lake Gymnasium;
- (4) The proposed transfer to the Major Buildings Refurbishment Fund being reduced by \$69,000.

CARRIED ON A CASTING VOTE OF PRESIDING MEMBER 4/4

AMENDMENT TO MOTION

MOVED Deputy Mayor Graham, SECONDED Clr Allen that the recommendation be adopted subject to the numbering of Items (2) and (4) be amended to read Items (1) and (2), and that Item (2) be amended to increase the figure from \$69,000 to \$71,400, and that an additional Item (3) be included, as follows:-

- (1) An amount of \$69,000 being allocated for the installation of refrigerated air conditioning at the South Lake Gymnasium;
- (2) The proposed transfer to the Major Buildings Refurbishment Fund being reduced by \$71,400.
- (3) The allocation to Account OP7471 Yangebup Family Centre Donation be increased from \$20,000 to \$22,400.

CARRIED 8/0

AMENDMENT TO MOTION

MOVED Clr Tilbury, SECONDED Clr Whitfield that the recommendation be adopted to subject to Item (1) being funding for the



refrigeration be removed, with Item (2) being reduced by \$69,000, and the recommendation to read as follows:

- (2) The proposed transfer to the Major Buildings Refurbishment Fund being reduced by \$2,400.
- (3) The allocation to Account OP7471 Yangebup Family Centre Donation be increased from \$20,000 to \$22,400.

MOTION LOST 3/5

(MINUTE NO 2770) (OCM 19/04/2005) – EXTENSION OF TIME

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr K Allen that pursuant to Clause 4.14 of Council's Standing Orders, Council grant an extension of time for one hour to enable the unresolved business of the meeting to be considered.

CARRIED 8/0

AMENDMENT TO MOTION

MOVED Mayor Lee, SECONDED Deputy Mayor Graham that as this had now become a complex issue, that the recommendations be considered separately. Adopt the recommendation subject to Item (1) being extracted from the current motion and that Items (2) and (3) become a separate motion and be voted on separately, as follows:-

- (1) An amount of \$69,000 being allocated for the installation of refrigerated air conditioning at the South Lake Gymnasium;
- (2) The proposed transfer to the Major Buildings refurbishment Fund being reduced by \$69,000.

MOTION LOST ON CASTING VOTE OF PRESIDING MEMBER DUE TO A LACK OF ABSOLUTE MAJORITY 4/4

AMENDMENT TO MOTION

MOVED Mayor Lee, SECONDED Deputy Mayor Graham that the recommendation be adopted subject to:-

- (1) The allocation to Account OP7471 Yangebup Family Centre Donation be increased from \$20,000 to \$22,400.
- (2) The proposed transfer to the Major Buildings refurbishment Fund being reduced by \$2,400.

CARRIED 8/0

Explanation

At its meeting on 15 February 2005 Council gave approval for the Yangebup Family Centre Management Committee to draw up to \$2,400 from the \$20,000 already allocated by Council in its 2004/05 budget, for the provision of storage, for the immediate provision of shade over the playgroup outdoor play equipment. It is proposed to increase the amount allocated so that the full \$20,000 is available for the extensions for which the donation was originally approved.

Background

Council reviews its Budget twice each year for the periods ending October and February.

Submission

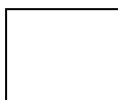
N/A

Report

A report on the review of the Municipal Budget for the period 1 July 2004 to 28 February 2005 is attached to the Agenda. The report sets out details of all proposed changes and a brief explanation as to why the changes are required.

The proposed changes can be summarised as follows:

Service Unit	Income \$	Expenditure \$
Accounting Services	0	3,322
Animal Control	0	8,000
Building Services	105,000	54,250
Customer Services	0	25,500
Environmental Services	-65,873	-25,621
Facilities Maintenance Services	-7,155	109,177
Governance	0	7,500
Land Administration Services	-3,090,000	-3,158,766
Management Libraries Services	0	0
Executive Services	0	2,750
Health Services	5,000	12,700
Social Services	0	2,000
Other General Purpose Income	390,000	5,000
Parks Services	0	17,464
Plant Maintenance Services	200	200
Ranger Services	12,000	3,000
Rates Services	384,640	2,370
Records Services	0	20,500



Service Unit	Income \$	Expenditure \$
Roads Services	445,375	433,825
Safer City Services	-20,000	0
Statutory Planning Services	25,100	45,930
Strategic Planning Services	-7,270	-16,650
Transfers to Reserves	0	1,444,566
Waste Disposal Services	-1,480,000	-2,300,000
TOTAL	-3,302,983	-3,302,983

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

A number of amendments to the Budget are recommended.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Schedule of Budget Amendments.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

15.2 (MINUTE NO 2771) (OCM 19/04/2005) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Report on the Financial Statements for the second tri-annual period ending 28 February 2005, as attached to the Agenda.



COUNCIL DECISION

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

CARRIED 7/1

Background

Section 6.4 of the Local Government Act 1995, requires the City to prepare financial reports as prescribed. Regulation 34(1) (b) of the Local Government (Financial Management) Regulations 1996, prescribes that a local government is to prepare either quarterly or tri-annual financial reports.

Council has elected to receive tri-annual financial reports, which are due for periods ending 31 October, 28 February and 30 June. Further, Regulations 34(1)(a) allowed Council to resolve not to receive a report for periods ending 30 June. Council has previously resolved not to receive this report as it is deemed unnecessary due to the preparation and presentation of annual financial statements.

The October and February reports coincide with Council's budget review periods.

Submission

N/A

Report

Attached to the Agenda are the following financial statements for the period ending 28 February 2005, together with a report providing commentary on each statement.

Operating Statement

The Operating Statement details operating income and expenditure at a statutory program level and compares it to the adopted budget. Also included is the projected budget, which incorporates amendments and revisions made to the budget since adoption (including those of the February 2005 budget review).

Municipal Summary of Financial Activity

The Municipal Summary reports both Operating and Capital Income and Expenditure and reconciles these back to a cash position.



Statement of Reserve Funds

This statement reports the current balance for all reserve funds and provides details of interest earnings and of transfers in and out of each reserve for the year to date.

Restricted Funds Analysis

This statement summarises bonds, deposits and infrastructure contributions held by Council as at the reporting date. These funds are deemed restricted in accordance with Accounting Standard AAS27.

Investment Reports

Council's Investments Policy (Corporate Policy – SFCS1) requires monthly reporting to Council on the performance of its investment portfolio. This is facilitated through the inclusion of a report in the Elected Members' Newsletter addressing purely performance for the pertaining month.

In contrast, the purpose of the report included in the tri-annual statements is to analyse the portfolio performance over the year to date period, as well as providing details on the extent of exposure to categories restricted within the policy.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The February 2005 Budget Review addresses all significant variations of a permanent nature identified as at 28 February.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Financial Statements for the period ending 28 February 2005.

Advice to Proponent(s)/Applicant

N/A



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

Nil.

15.3 (MINUTE NO 2772) (OCM 19/04/2005) - TSUNAMI RELIEF APPEAL (5300) (KL)

RECOMMENDATION

That Council donate \$4,706.10 to the Australian Red Cross towards the Tsunami Relief Appeal and acknowledge the generosity of Council staff who have already donated an amount of \$3,745.04 from their personal salaries.

COUNCIL DECISION

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

CARRIED 7/1

Background

Council at its meeting held on Tuesday, 18 January 2005 resolved to :

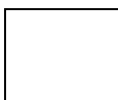
- (1) *allocate \$1,000 from the Emergency Disaster Fund Account and \$2,192 from the Flood Appeal funds held, towards the Tsunami Relief Appeal being organised by the West Australian Local Government Association and the Australian Local Government Association;*
- (2) *forward funds collected by Elected Members at Council's "Summer of Fun" events over the next few months to the same Appeal; and*
- (3) *review this issue after fund-raising is completed to see if further assistance could be afforded.*

Submission

N/A

Report

Council collections from the 'Summer of Fun' have amounted to \$1,514.10. Added to the \$2,192 held in Restricted Funds and



\$1,000.00 from the Emergency Disaster Fund, total Council contribution to a Tsunami Relief Appeal will be \$4,706.10.

City Officers were moved by the devastation caused by the Tsunami and immediately responded by organising a Tsunami Appeal Fund shortly after the disaster. Those Council staff who had not already donated, were able to donate a day's pay or other amount, with a total of \$3,3,745.04 being raised and sent to the Australian Red Cross.

Now that the "Summer of Fun" has concluded a decision now needs to be made by Council, as to where these funds should be sent.

Recommendation (1) stated that the funds should be directed to the West Australian Local Government Association (WALGA) and the Australian Local Government Association. Unfortunately, neither of these organisations are collecting monies or distributing funds to any charitable organisations.

As originally recommended the funds could be sent to World Vision Tsunami Relief, the Australian Red Cross or Care Australia.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Emergency Disaster Fund – OP9004 - \$1,000.00.
Restricted Funds – Flood Appeal – GL 80—5756 - \$2,192.00.
General Deposits - \$1,514.10.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.



15.4 (MINUTE NO 2773) (OCM 19/04/2005) - FREE THE BEARS FUND INCORPORATED - DONATION TO FREE A BEAR (5300) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) make a donation of \$2,000 to the Free The Bears Fund Inc., PO Box 1393, Osborne Park DC, WA 6916, for the specific purpose of freeing a bear and that the freed bear be named 'Cockburn', using funds from Account OP 9335 General Welfare;
- (3) include in the consideration of the 2005/06 Budget the making of an annual donation to Free The Bears Fund Inc. to sponsor the Freed Bear of \$250.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 7/1

Background

For some time now it has been public knowledge that in certain parts of Asia, bears are poorly treated, and there has been a concerted campaign to have bears released from bear farms and other unacceptable forms of abuse.

Submission

On 25 March 2005, the Free The Bears Fund celebrated its 10 years of operation. In recognition of this a street appeal was undertaken on 8 April to collect money for freeing the bears.

A collection was made at the City Administration Office for voluntary donations which was well supported.

The submission has been initiated by the Director Engineering and Works for the Council to consider donating money to the fund to free a bear and to provide annual sponsorship.

It is understood that for \$2,000 a bear can be freed and for \$250 per year sponsorship of a bear can be made.



It is also understood that the person or body who pays to free a bear can name the bear. Should this be supported by the Council it is suggested that the bear be named "Cockburn".

Report

The fund has dedicated supporters who continue to sponsor the bears in all the sanctuaries. Sponsorship is of the utmost importance to the fund as it provides everything that is required to keep the bears healthy, as well as physically and mentally fit and happy in their environment. The fund cannot look after the bears as well as it does without the continued support through sponsorship and donations. All of these funds go directly to the care of the bears.

The fund looks forward to another year of rescuing bears from the streets of India, confiscating more bears from poachers, restaurants and market traders and to give them a home in our sanctuaries where they can live out their days not wanting for anything.

1995 - Donated funds to International Fund for Animal Welfare (IFAW) to build a sanctuary at Pan Yu, China for the first bears rescued from bear bile farms and campaigned very heavily for the closure of all farms - the fund still campaign for the bears in China having broken the record for numbers of signatures gathered on petitions. The fund raised awareness across Australia about the plight of these poor bears.

1997 - Relocated to Taronga Park Zoo, Sydney, three sun bears destined for the restaurant trade in Cambodia. Built a sanctuary in Lopburi Zoo Thailand to give 10 bears there a better place to live rather than being kept in small cages. Built the first sun bear enclosure in the Phnom Tamao Zoological Gardens and Wildlife Rescue Centre, Cambodia.

1998 - Relocated 3 sun bears to Perth Zoo and paid for 3 keepers from Cambodia for in-situ training at Perth Zoo. The very successful "I Care for a Bear" sponsorship program was initiated. Built a further enclosure for Asiatic Black also rescued from poachers.

1999 - Built a nursery for rescued orphaned cubs. Both of these new enclosures have been established along-side the sun bear enclosure in Cambodia.

2000 - Signed an agreement with the Cambodian Government to train poachers to become park rangers. Protect rather than poach.

2001 - Campaigned against the restaurant trade in Cambodia and as a result, together with Wildaid, another organisation working in Cambodia, 70% of exotic animals have now disappeared from the menus in Phnom Penh.



2002 - Negotiated with the Indian Government and Wildlife SOS (India) to bring to an end the 'dancing bear' trade in India. Funding the Kalander Rehabilitation Program in which 'seed money' is offered to the Kalander to begin a business or another source of income to support their family. In return the Kalander surrenders his licence and the bear comes into the Agra Bear Rescue Facility in Agra. On Christmas Day 2002, the first 25 bears came into the rescue centre.

2003 - New night dens were funded in Agra to accommodate more bears. Also in 2003 the fund established a sanctuary in Luang Prabang - Laos which is now home to 5 Asiatic black bears which were destined for the markets.

2004 - The number of 'dancing bears' rescued in India climbed to just over 90. Also in 2004 the fund established a small sanctuary at Puttaparthi just 4 hours drive south of Bangalore. This is now home to "Barney" an ex-dancing bear and there is room for more bears to keep her company.

The fund has protected, preserved and enriched the lives of over 161 bears to date, established trust within governments of SE Asia, given employment to the indigenous people and built many sanctuaries to give home, safety and shelter to these bears.

In conclusion it is recommended that the Council give consideration to donating to the Fund for the release of a bear from the current Budget and to sponsoring a bear on an annual basis in the 2005/06 Budget.

It is suggested that if the Council supports the proposal, the bear be named to reflect the name of the City, "Cockburn".

Strategic Plan/Policy Implications

1. Managing Your City refers.

Budget/Financial Implications

Funds are available in Account OP9335 Welfare General Donations:-

OP 9335	Welfare General	\$2,000
---------	-----------------	---------

No claim has been made against these funds.

An absolute majority of Council is required to reallocate funds from OP 9397 to OP 9335 to enable the required donation to be made.

The future sponsorship of a bear could form part of the 2005/06 Budget deliberations. The annual cost of the donation would be \$250.



Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Nil. However, a copy of the February 2005 Newsletter, Ten Years On Free The Bears Fund Inc can be made available on request from the Director Engineering and Works.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2774) (OCM 19/04/2005) - ROCKINGHAM ROAD BETWEEN PHOENIX ROAD AND SPEARWOOD AVENUE - PROPOSED UPGRADE (450498) (JR)

RECOMMENDATION

That Council:

- (1) does not proceed with the upgrade of Rockingham Road between Phoenix Road and Spearwood, as allocated under Budget Account No. CW 2103;
- (2) reduce Expenditure Account No. CW 2103 – Rockingham Road [Phoenix / Spearwood] from \$883,759 to \$51,400 and reduce Income Account No. 2103 – Transfer from Regional Road Reserve Fund from \$883,759 to \$51,400; and
- (3) proceed with the installation of a raised continuous central median island in Rockingham Road between Phoenix Road and Lancaster Street.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council adopt the recommendation with (3) being amended to read as follows:

- (3) proceed with the installation of a raised continuous central median island in Rockingham Road between Phoenix Road and Lancaster Street, subject to breaks in the island being made to facilitate the safe and convenient pedestrian crossings in locations agreed to by the Director Engineering and Works.

MOTION LOST BY CASTING VOTE OF PRESIDING MEMBER 4/4

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that this Item be deferred until the next Ordinary Council Meeting.

CARRIED 5/3

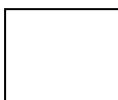
Explanation

There are many pedestrians who cross this busy section of road to access the bus stop and other facilities. Breaks in the median island will facilitate safer and more convenient crossings for pedestrians and also enable access for people in wheelchairs or parents with prams.

Background

At the Ordinary Meeting of the Council held on 19 August 2003, it was resolved that Council:

- (1) confirm its favoured position for the re-development of Rockingham Road between Phoenix Road and Spearwood Avenue is to traffic calm the road to one lane in each direction;
- (2) support the undergrounding of powerlines for that section of Rockingham Road;
- (3) survey all affected property owners and tenants fronting that section of Rockingham Road with the concept plan to seek support –
 - (a) For the proposed revised road pattern, and
 - (b) To contribute to the cost of undergrounding power;
- (4) forward the proposed concept plans of the road modifications to the Department for Planning and Infrastructure and request comments on its impact for proposed public transport links; and



- (5) extend the brief of Sinclair Knight Merz to investigate the possible traffic impacts on the adjoining road system in the event that Rockingham Road is reduced to one lane in each direction, between Phoenix Road and Spearwood Avenue and also to report on the effect to the road system if traffic flows increase along Rockingham Road in the future.

Accordingly, there are remaining funds of about \$832,000 on the current Budget to undertake the refurbishment of Rockingham Road to reduce traffic flows from 2 lanes in each direction to 1 lane each way so as to create a more people friendly environment. The concept plan was prepared by traffic engineering consultant Sinclair Knight Merz.

Submission

David Porter Consulting Engineer was engaged as the Project Manager to facilitate development of the proposal and project.

The undergrounding of power is an integral and expensive component of the project. A detailed application was made to the Office of Energy for funding assistance under the Round Three Localised Enhancement Projects under the WA Government's State Underground Power Program. Unfortunately, the submission was unsuccessful. Costs were also sought from Western Power for the undergrounding of the power.

A correspondence survey of the affected residential and business property owners was undertaken. The Department for Planning and Infrastructure was also approached to comment on the impact of the proposal on the proposed public transport links.

Sinclair Knight Merz was engaged to investigate the possible traffic impacts on the adjoining road system in the event that Rockingham Road is reduced to one lane in each direction between Phoenix Road and Spearwood Avenue.

Report

There are various issues associated with the project that have been identified and/or addressed during the consultation and design development phase:

1. Undergrounding Power

There was general negativity from the affected residential property owners to contribute to underground power connections for their properties. Western Power originally provided a budget quote (June 2003) of \$420,000 to underground the power in Rockingham Road between Phoenix Road and Spearwood Avenue. This included design, all



materials, trenching (cap rock) and cable laying, removal of existing overheads and street lighting design and installation. It did not include customers' connections and reinstatements. Decorative light poles were also at extra cost to the standard light poles quoted.

Western Power has now (October 2004) provided a detailed quotation of \$781,120.91 (plus GST) for the same work. The reason given for the big difference in quotes is because all cables need to be installed in protective conduits and directionally drilled by contractor as this section of Rockingham Road is in a 'cap rock' zone. In addition, Council will be responsible for arranging underground power connections to properties at extra cost, negotiation with landowners for the provision of land for switchgear sites and incorporation into the road reserve, all reinstatements and relocation of any other affected underground utilities. There are two switchgear sites to be located on current private property, two on the existing road reserve and one on Council property. There is a 12 sq.m. land requirement for each switchgear site, and this would probably cost nominally \$20,000 to acquire from the private property owners. There may also be planning ramifications with resulting reduced parking areas.

An indicative quotation (December 2003) of \$91,202 (plus GST) has been received to undertake all the underground property connections following the undergrounding of power.

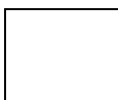
2. Roadworks/Streetscape Concept

As a result of the initial survey the primary issues of concern raised included:

- Restricted access to business and residential properties due to the new median islands (no right turns)
- Increased congestion and queuing (as one through lane each direction not enough)
- Public transport and emergency vehicle provisions
- Contribution to undergrounding power
- Visibility due to tree planting
- No pedestrian / cyclist facilities indicated

Accordingly, to address these and any other issues, an informal workshop was undertaken in March 2004 at the Civic Centre Halls and affected business owners / operators and residential owners / tenants attended.

As a result of the consultations and workshop the plans were further developed to reflect many of the suggestions made and to address the various concerns. The final concept plans were



developed by Council's engineering consultant, Sinclair Knight Merz (road improvement plan) and landscaping consultant, Gerard Healy and Associates (streetscaping plan). The plans maintain accessibility to the existing business and residential properties and at the same time calming traffic movements along the road.

The proposed streetscaping was extended from the initial basic minimal treatment to a comprehensive integrated treatment more appropriate to Council's intentions for the function and character of the section of road. This incorporates entry statements, mature lines of trees, low wall screenings, pedestrian seating areas, etc. The entry statements need some incorporation into adjacent private property.

The final concept plans were displayed in November 2004 at the Civic Centre Halls and interested and affected parties invited to view the proposals and make any comments. No objections were received from the small response, though there was an objection after the display to the use of palm trees in the streetscape. This was from a resident not directly affected by the proposed treatment.

The original allowance for a minimal streetscape treatment was in the order of \$75,000. A comprehensive treatment reflecting the intended character and amenity of the 'town centre' type refurbishment would cost in the range of \$710,000 (plane trees and eucalyptus) to \$785,000 (palm trees and eucalyptus), depending on the extent and variety of entry statements, mature tree plantings and pedestrian area facilities.

3. Fremantle-Rockingham Bus Transitway

The Department for Planning and Infrastructure objected to the downgrade of the intended function of Rockingham Road as a District Distributor of traffic, particularly as an important public transport route and the detrimental effect on the possible future dedicated Transitway. It should be noted that Council resolved in December 1999 not to support a dedicated Transitway in Rockingham Road until the effects of the Hampton Road Transitway were reviewed.

The Department has conducted a limited study into the before and after effects on traffic of the Hampton Road Transitway. A review of the traffic volumes before and after the implementation of the bus lanes on Hampton Road was undertaken to determine any subsequent traffic impacts that have occurred on Hampton Road and the adjacent road network.



The daily traffic flow on Hampton Road has decreased by 8% from 22,870 vehicles per day (May 2000) to 20,960 vpd (September 2001). The bus lanes were installed in July 2001. However, the traffic volumes in the adjacent network, on Stock Road, Carrington Street, South Terrace and Marine Parade, all increased by up to 10%. As an indication the current traffic volume in Rockingham Road is about 16,000 vpd.

A limited investigation has been conducted to determine the impact of the Hampton Road Transitway on properties, such as noise vibration, property access and values. The effects must have been minimal as there have been no public complaints in these areas.

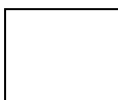
The above Hampton Road findings would be indicative of the effects of reducing Rockingham Road to one through lane in each direction.

4. Raised Central Island – Phoenix Road/Lancaster Street

At the Ordinary Meeting of Council held in April 1997, it was resolved to proceed with the design and construction of an unbroken raised continuous median island in Rockingham Road between Phoenix Road and Lancaster Street, to be funded by trust funds being held for that purpose (about \$10,000) and provided by the property developers on both sides of the section of Rockingham Road, any shortfall being provided from Budget funds allocated for the development of the public areas in the Phoenix Civic Precinct. This was a planning condition of the redevelopments on both sides of Rockingham Road to improve traffic safety by eliminating right turns. Following strong objections from the new adjacent business operations, Council at its Ordinary Meeting held in August 1997 decided to defer the installation of a raised central island in Rockingham Road between Phoenix Road and Lancaster Street for 12 months or when a planned rear link access road in Phoenix Plaza was completed.

This rear link access road between Phoenix Road and Lancaster Street has just been completed. Consequently, there is now a requirement to construct the median island. It should be noted that at least 16 traffic accidents in the four year period to 31st December 2004 could have been avoided if the median island was in place.

The redevelopment of Rockingham Road with one through traffic lane in each direction can accommodate a right turn pocket in the widened central median that will afford improved protection for turning traffic. The adjacent businesses are requesting more than one turning pocket. Consequently, it is



considered that, should the redevelopment of Rockingham Road proceed in accordance with the concept plan, one right turn protected pocket for each side of the road could be provided to provide access relief for the businesses.

5. Traffic Impacts on Adjoining Road System

Sinclair Knight Merz investigated the possible traffic impacts on the adjoining road system in the event that Rockingham Road is reduced to one lane in each direction between Phoenix Road and Spearwood Avenue. They concluded that:

- there could be a diversion of about 1,000 vehicles per day from Rockingham Road to Hamilton Road, with traffic volumes slowly increasing in the future. Hamilton Road traffic would increase at a slightly higher rate than Rockingham Road traffic.
- traffic is not expected to divert to major parallel routes such as Cockburn Road or Stock Road, or to local roads in the vicinity of Rockingham Road.

There was strong concern from a Hamilton Road resident that the Rockingham Road treatment would push an extra 1,000 vehicles per day into her street. Current traffic flow in Hamilton Road between Phoenix Road and Spearwood Avenue is about 8,200 vehicles per day.

Hamilton Road is classified as a District Distributor B road, which would be expected to accommodate 7,000 to 15,000 vehicles per day (according to Liveable Neighbourhoods WA). That is Hamilton Road should comfortably accommodate the extra 1,000 vehicles per day without compromising its intended hierarchal function.

6. Cost Estimate

In view of the substantial increase in funds needed to satisfy Western Power’s requirements for undergrounding power, and the extensive landscaping/streetscaping requirements now identified, the cost of the project has been estimated as follows:

• Roadworks	\$430,000
• Underground Power	
* Western Power	\$785,000
* Property Connections	\$95,000
* Land Requirements	\$20,000
* Ancillary Costs	\$20,000
	\$920,000



regard to Council's major projects program and future available funding. The median island treatment may require some Council funding to supplement the developer funding which is \$9,000. This can be provided from the Budget allocation for Traffic/ Safety Management-Minor Works.

Legal Implications

N/A

Community Consultation

Extensive consultation has been undertaken with affected fronting property owners and tenants as directed by Council. More widespread public consultation to the general community should not be undertaken until Council commits the additional funding to undertake the project .

Attachment(s)

Nil

Advice to Proponent(s)/Applicant

N/A.

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

Nil.

16.2 (MINUTE NO 2775) (OCM 19/04/2005) - ADHESIVE SPEED LIMIT SIGNS (4524) (JR)

RECOMMENDATION

That Council take no action in providing ratepayers with adhesive "Speed Limit 50" signs for their mobile garbage bins.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 8/0



Background

The default speed limit on local streets is 50km/h, however this is regularly exceeded by motorists.

Submission

At the Ordinary Meeting of Council held on Tuesday 15 March 2005, under Matters to be Noted for Investigation, Without Debate, Cllr Reeve-Fowkes requested that Council prepare a report with full cost implications of providing ratepayers with adhesive "Speed Limit 50 km" signs to be stuck on rubbish wheelie bins. This has been introduced in other Councils and has reportedly been successful in slowing traffic.

Report

There are about 27,000 households in the Municipality. Based on this, the cost of printing and distributing the adhesive "Speed Limit 50" signs is estimated as follows:-

It should be noted that Main Roads WA, the statutory traffic sign authority, have advised that it does not support the adhesive speed limit signs on mobile garbage bins as:

- It contradicts the Road Traffic Code 2000;
- It confuses drivers if the bins happen to be located within a 40 km/hr School Zone.

Those Councils with such signs have done so without consultation with Main Roads and without their concurrence. Consequently, in view of the statutory authority's lack of support, the adhesive signs should not be provided.

As not all householders will be keen to place the stickers on their bins, it is anticipated that a proportion would be binned. An alternative is to make them available on demand should Council decide to provide them to householders.

Strategic Plan/Policy Implications

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

5. Maintaining Your Community Facilities



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

Budget/Financial Implications

There are no specific funds on the current Budget to provide adhesive speed limit signs for mobile garbage bins.

Legal Implications

It contradicts the Road Traffic Code 2000

Community Consultation

Nil.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

16.3 (MINUTE NO 2776) (OCM 19/04/2005) - HENDERSON LANDFILL GAS EXTRACTION AND UTILISATION - WASTE GAS RESOURCES - CONTRACT NO. EE974783B/1 (TENDER NO. 21/98) (3411566) (BKG) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise Waste Gas Resources ("WGR") that it is prepared to revise Contract No. EE97483B11, the lease and licence agreement for Gas Extraction and Utilisation at Henderson Landfill Site, subject to:-
 1. royalties on the gross sales from the power generation and renewable energy credits being adjusted to 17% of gross revenue from the commencement of the contract with western Power; and



2. entering into negotiations to form a joint venture with the City of Cockburn for the Western Power Contract and other projects at the Henderson landfill site with this to be completed by December 2006.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 8/0

Background

Henderson landfill site was opened in 1990 to accept putrescible waste. One of the conditions of the licence issued by the Department of Environment to operate the site is:-

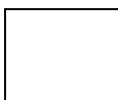
A3(b) *“The licensee shall install a collection system for landfill gas for the above cells and shall be flared (or used).”*

Accordingly, when Cell 1 was completed in 1997 and capped in 1998, a tender was called. (Tender No. 21/98) for the supply and installation of the landfill gas extraction and utilisation system. This was presented to Council’s Community Development Committee in October 1998.

At the Meeting of Council in November 1998 it was resolved that Council:-

- “(1) *accept WGR’ submission for Tender No. 21/98 - Supply and Installation of Landfill Gas Extraction and Utilisation System at Henderson Landfill for a gas management extraction system and manage the recovered gas for a period of 2 years at no cost to Council;*
- (2) *take over the gas management infrastructure for the lump sum payment of \$55,000 if, following this two year evaluation and development phase, WGR consider the commercial sale of gas from this site not to be a viable option;*
- (3) *accept WGR’ royalty payments as follows, should the commercial sale of gas from the site become viable:*

<i>Year 1</i>	<i>5% of Gross Gas Sales</i>
<i>Year 2-10</i>	<i>15% of Gross Gas Sales</i>
<i>Year 11 onwards</i>	<i>17% of Gross Gas Sales.”</i>



There were two conforming tenders submitted. One from WGR and one from Landfill Management Services.

The unsuccessful tenderer, Landfill Management Services, submitted a price of \$220,000 to supply and install a landfill gas extraction system and a price of \$120,000 per annum for monitoring and maintenance. Over a 5 year period this would have meant an outlay of \$820,000 to meet the Department of Environment licence condition. The author of the report in 1998 noted that the tenders must have made the assumption that the amount of gas available in the near future was deemed to be commercially non-viable.

WGR was recommended because of the lower cash outlay and their demonstrated experience in gas extraction from landfill.

The lease and licence agreement between WGR and the City of Cockburn was signed on 9th November 1999.

In the agreement it was specified that WGR were to have finalised a sales contract by the 9th November 2004. WGR were notified on 14 January 2005 that it had not complied with this request. WGR replied on 3 February 2005 saying it would increase its royalty rate to 17% of gross sales and that it was finalising an agreement with Western Power.

WGR advised on 18th March 2005 that it had secured a ten year contract to supply Western Power with electricity and that Western Power would purchase the renewable energy certificates.

Submission

An email / letter dated 18th March 2005 has been received from WGR confirming WGR has completed its obligations to obtain an agreement with a third party for the use of the extracted gas. WGR requested a meeting to discuss the Western Power contract requirements for project development and supply availability. WGR also stated that it was interested in a joint venture arrangement with the City of Cockburn for the project.

Report

A contract was signed in November 1999 between the City of Cockburn and WGR for a lease and licence over the finished cells at Henderson landfill site. This licence and agreement allows WGR to install methane gas extraction wells on the site and use the gas.

WGR has installed wells over Cells 1, 2 and 3 and are extracting the gas.



For the past 2 years they have been flaring the gas as they carried out tests to ascertain the pressure and quantity of gas on the site.

WGR submitted a tender in 2004 with Western Power to supply electricity and to sell to Western Power the renewable energy certificates that are generated from using methane gas from landfill sites as the fuel to produce power. This tender has been accepted and is expected to be signed in early May 2005.

The contract between City of Cockburn and WGR stated that the sale of the gas and/or power was to have occurred within 5 years of the signing of the agreement, ie. the 9th November 2004.

Accordingly, the Chief Executive Officer wrote to WGR advising that it had not met the deadline. WGR responded by saying it was close to finalising a contract with Western Power and because of the delays offered to increase the royalty payable to the City of Cockburn to 17% of gross revenue.

The revenue from the power generation is comprised of two components:

- power generation
- renewable energy certificates

Renewable energy certificates were created as part of the Renewable Energy (Electricity) Act 2000.

The purpose of the Act is to encourage the renewable energy industry development and introduce a long term greenhouse abatement scheme. The Act puts a mandatory requirement on wholesale purchases of electricity to purchase an increasing proportion of their electricity from renewable sources such as wind, solar etc. In order to meet their targets, liable parties must surrender Renewable Energy Certificates (REC). Each REC is equivalent to 1 megawatt-hour and a \$40 penalty is payable if a power generator does not meet its obligations.

Western Power as a generator is required to obtain these REC's or pay a \$40 penalty.

The revenue from electricity generated from the 2 megawatt generators that are to be installed and payment for the renewable energy certificates combine to make this project financially viable.

To confirm that the project is financially viable, KPMG were engaged to carry out a due diligence report on the information supplied by WGR. KPMG concluded after examining the capital costs and operating costs that there was sufficient revenue for Council to receive 17% of gross sales as a royalty and for WGR to obtain a return.



Because of the information contained in this report it is recommended that Council pursue the possibility of forming a joint venture with WGR to see if a greater return can be achieved.

As part of these negotiations, it is also recommended other projects can be discussed. These will relate to utilising the excess heat available on site from the gas.

A confidentiality agreement has been signed between WGR and the City of Cockburn. This prevents any information supplied by WGR or Western Power being made available to the public. It allows selected staff and Elected Members, however to have access to the information.

Strategic Plan/Policy Implications

The Corporate Strategic Plan objectives which relate to this item are:-

- *“To manage the City’s waste stream in an environmentally acceptable manner.”*

Budget/Financial Implications

Council will receive 17% of gross sales from the sale of electricity and renewable energy certificates for the next 10 years.

Legal Implications

Legal advice will need to be obtained on Council being involved in a joint venture. There is no comparable precedent in WA of Councils being in joint ventures with private companies.

Community Consultation

Some community consultation occurs when approvals are granted for the licence for the landfill site.

Attachment(s)

- (1) Extract from Minutes 13/10/98 adopted November 1998.
- (2) Email from Barry Elliott dated 18/3/05.
- (3) Letter from WGR dated 3/2/05.
- (4) Lease and Licence Agreement dated November 1999.

Advice to Proponent(s)/Applicant

N/A



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

A tender was called and awarded to a private company for the extraction of gas from the landfill site.

16.4 (MINUTE NO 2777) (OCM 19/04/2005) - BIBRA DRIVE - TRAFFIC CALMING AT RETIREMENT VILLAGE (450563) (SL/SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) not proceed with the installation of speed plateaus in Bibra Drive as per Drawing Number 2534B04 Sheet 1 Revision A;
- (2) undertake discussions with the management of Lakeside Village to investigate alternative measures to improve the safety of village residents and visitors entering and crossing Bibra Drive; and
- (3) advise respondents to the community consultation of Council's decision and the reasons for its decision accordingly.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

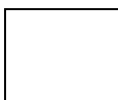
CARRIED 8/0

Background

Council at its meeting held on 21 December 2004 undertook a budget review. As part of this review a new capital works item was added to install traffic calming devices adjacent to the Senior Citizens units on Bibra Drive, Bibra Lake.

Submission

From the file it appears that the inclusion of the new capital works to undertake the traffic calming works was in response to a letter to the Deputy Mayor, Richard Graham, from Mrs Patricia Watt, received on 30 November 2003 (2/128 Bibra Drive, Bibra Lake) and a subsequent letter from Mrs J C Brophy (36/128 Bibra Drive, Bibra Lake), Secretary of the Lakeside Gardens and Victoria Strata Company dated 12 October 2004, again raising the issue with the City.



In a response from the Engineering Service on 25 October 2004, Mrs Brophy and Mrs Watt were advised that the matter had been investigated and the outcome of the traffic count and speed survey was provided. The Service advised that despite the fact that the results showed that traffic calming was not required, a concept plan showing 2 speed plateaus in Bibra Drive opposite the Senior Citizen's Village were proposed for clarification.

As at October 2004, the Council budget did not provide for the funding of traffic management treatment in this location.

Following this the Council amended the Budget at its meeting on 21 December 2004, to provide \$5,000 to install traffic management devices to improve road safety.

Public comments were sought between 21 January and 14 February 2005. Six submissions were received.

Report

Of the six responses received at the close of the public consultation period, the results were:-

FOR

Two respondents supported the traffic scheme. However, they preferred the speed plateaus at locations shown on the concept plan rather than the construction plan. For reasons as stated in the following report, their reasons are supported and the construction plan has been revised accordingly.

It should be noted that one of the respondents, Mrs Brophy, is the Secretary of Lakeside Gardens and Victoria Strata Companies. She claims that her vote of support represents more than 350 senior citizens living at Lakeside Retirement Village.

AGAINST

Four respondents objected to the proposed traffic scheme. The reasons are that:

- The speed plateaus will cause more damage to vehicles, create more noise for nearby residents and cause potential accidents.
- Boat owners will find it inconvenient to tow their boats over speed plateaus.
- Bibra Drive is a vital transport link for all residents in South Lake and Bibra Lake needing to access to either the Freeway or Murdoch Hospital. Speed plateaus should not be placed on a busy thoroughfare such as Bibra Drive.
- Bibra Drive at present is well served by traffic regulating devices and well-sited roundabouts, which give fair access to the road



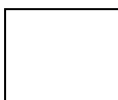
from most side areas. The 40 km/h school zone also serves to slow traffic during morning rush hours

- The speed plateaus will slow ambulances down from picking up seriously sick or injured people for whom seconds count.
- The speed plateaus will be no good for fire engines.

A resident in the Lakeside Gardens Retirement Village and the Secretary of the Lakeside Gardens and Victoria Strata Companies requested Council to give consideration for the installation of traffic control devices in Bibra Drive near the Retirement Village. They claimed that night time traffic seems to travel at speed closer to 100km/h. As a result there had been several “near-misses”, when vehicles exiting the Village have had to brake suddenly to avoid a collision with speeding passing traffic, which suddenly appears around the bend in the road from the east.

Staff findings are that:

- The prevailing speed of traffic (the speed at or below which 85% of motorists travel) in Bibra Drive is 71 km/h while the posted speed limit is 60km/h. This is considered typical of a District Distributor Road.
- Accident history shows that there were two crashes over a five-year period between 1/1/2000 and 31/12/2004. This is not considered high.
- When considering the prevailing speed, accident history, the road hierarchy (District Distributor Road B), road geometry, land use and so on into our traffic calming warrant analysis, the total point score is 19, which is well below the threshold of 40 before consideration is given to implement traffic calming devices. (Note: Warrant Criteria and Weightings assessment based on those used by Cities of Melville and Stirling – Refer Position Statement PSEW 13 and Practice Note.)
- The low score indicates that, under the normal circumstances, there is insufficient safety or amenity concern to be listed for traffic calming treatment. However, it is pointed out that the analysis applies to general situations and does not take account of specific situations such as an a Senior Citizens’ Village adjacent to a District Distributor.
- The survey reveals that only about 3% of motorists in Bibra Drive travel at speeds between 80 and 140km/h, and according to the Strata Company this is mainly at night. Given that senior citizens need longer reaction time, it is understandable that the high prevailing speed makes them feel unsafe in exiting their driveway onto Bibra Drive either by cars or as pedestrians.
- The new design standard of Main Roads WA requires all speed plateaus on a bus route must have a gentle slope of 1 in 20; thereby the devices will have a reduced traffic calming effect on



buses or emergency vehicles and traffic use generally. They may prevent excessive speeds.

- In addition, the proposed speed plateaus if installed would be placed about 285m apart (according to the revised plan). This spacing exceeds the recommended spacing between devices of 155 metres by nearly two fold. This means that the proposed traffic scheme will have a further reduced traffic calming effect on traffic speeds.
- A similar speed plateau was constructed recently in Redmond Road at East Hamilton Hill Primary School. Although the advisory speed is signposted at 20 km/h, passenger vehicles can go over the plateau at a maximum speed of 50km/h.
- Bibra Drive is designated a District Distributor 'B' by Main Roads WA. Bibra Drive services an important district road function which enables traffic to cross the central wetlands from east to west. Traffic counts undertaken in December 2003, show that the Average Weekday Traffic (AWT) is 5,448 vehicles ranging between 5,183 and 5,720. Traffic volumes are likely to increase substantially over the coming years. Bibra Drive is therefore a major thoroughfare.
- The specific issues raised by the village such as access onto Bibra Drive and the risk of residents crossing the road with walking aids may need to be addressed differently.

On balance, the proposed speed plateaus in Bibra should not be installed.

Conclusion

The reason for concluding that the proposed traffic calming measures not proceed is essentially because:-

- The request on which this investigation was based from the Lakeside Gardens and Victoria Strata Companies dated 12 October 2004 (copy in the attachment to the Agenda) is simply an observation by some residents who attended the Annual General Meeting of the Strata Companies. Other than this the request is unsubstantiated.
- The concept plan to install 2 plateaus in Bibra Drive east and west of the village was advertised for public comment. Six submissions were received, 2 For and 4 Against. (Note: one of the For's was from the Strata Company).
- An objective assessment of the traffic investigations against recognised evaluation criteria resulted in a "needs" score of 19, where the base score for needing traffic management devices is 40. A result well below that normally required.



- Bibra Drive is designated a District Distributor 'B' in the road hierarchy and as such should be designated to accommodate uninterrupted district traffic flows. Plateaus are inappropriate on this category of road.
- Bibra Drive currently carries more than 5,400 (AWT) vehicles per day and will increase over time.
- Other measures to manage the issues raised by the Strata Companies to address its specific concerns should be discussed.

It is important that requests for traffic management devices within the district be assessed on a consistent and objective basis in response to public or agency requests so that the installation of such devices improves the safety and amenity of local conditions without adversely affecting the function and purpose of the wider traffic network.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Policy area that applies to the item states:

- "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."
- Position Statement PSEW 13 – Traffic Management Devices.
- Practice Note – Warrant Criteria and Weightings for Assessment of need for Traffic Management Devices.

Budget/Financial Implications

Council allocated \$5,000 in the current budget (CW2163) for the installation of traffic treatment in Bibra Drive near the Retirement Village. Prior to the Budget allocation, a concept plan was prepared. After the Budget allocation, a construction plan was prepared. The proposed speed plateaus have been marked on Bibra Drive.

Legal Implications

N/A

Community Consultation

A community consultation was undertaken between 24 January 2005 and 14 February 2005. The results have been summarised on the schedule attached to the Agenda. Should any Elected Members wish



to view the comments received they can be made available through the Director Engineering and Works.

Attachment(s)

- (1) Letter dated 12/10/04 from Secretary Lakeside Gardens and Victoria Strata Companies.
- (2) Public Consultant Result – Bibra Drive Traffic Treatment.
- (3) Concept plan – Bibra Drive Traffic Treatment.
- (4) Construction plan (Dwg. No. 2534B04 Sheet 1)– Bibra Drive Traffic Treatment.
- (5) Construction plan (Dwg. No. 2534B04 Sheet 1, Rev A)– Bibra Drive Traffic Treatment.
- (6) Letter dated 22 March 2005 from Lakeside Village Manager.

Advice to Proponent(s)/Applicant

Respondents to the community consultation have been advised that the matter will be considered at the Ordinary Council Meeting on 19th April 2005.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2778) (OCM 19/04/2005) - SOUTH LAKE LEISURE CENTRE - FEES AND CHARGES 2005/06 FINANCIAL YEAR (8143) (SH)

<p>RECOMMENDATION That Council</p> <ul style="list-style-type: none">(1) adopt the proposed fees and charges for South Lake Leisure Centre for the 2005/2006 financial year; and(2) new charges take effect from the date of reopening the indoor pool in July 2005. <p>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</p>



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The South Lake Leisure Centre is the City of Cockburn's premier recreation venue. The Centre has conducted a price review of the services and facilities offered. An outcome of the price review has resulted in increases to certain services while being cognisant of the need for a competitive price structure for the market place.

Submission

N/A

Report

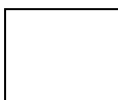
The pricing structure for South Lake Leisure Centre caters for all services, offering a variety of payment options for many services. The current and proposed pricing structure for the Centre is as follows.

Room Hire

	Current fee	Proposed Fee	Plus GST	Total Fee
Recreation Room Day (until 5 pm)	18.50	16.82	1.68	18.50
Recreation Room Evening (after 5pm)	27.50	25.00	2.50	27.50
Recreation Room Bond	220.00	200.00	20.00	220.00
Sports Stadium Day	27.00	24.55	2.45	27.00
Sports Stadium Evening (after 5pm)	35.00	31.82	3.18	35.00
Sports Stadium Bond	550.00	500.00	50.00	550.00
Crèche / Studio 2	13.00	11.82	1.18	13.00
Youth Room Day	17.00	15.45	1.55	17.00
Youth Room Evening (after 5pm)	21.00	19.09	1.91	21.00
Equipment Hire per item (Tables, chairs (10), sporting equipment)	3.00	2.73	0.27	3.00

Swimming Lessons

	Current fee	Proposed Fee	Plus GST	Total Fee
Adult Swimming Lesson (up front payment)	100.00	104.00	0.00	104.00
Preschool Swimming Lesson (up front)	93.00	97.00	0.00	97.00
School age GST free (up front)	93.00	97.00	0.00	97.00
Parent – Child Lessons	93.00	97.00	0.00	97.00
Individual Lesson – 15 minute (up front)	120.00	125.00	0.00	125.00
Casual Lesson	15.00	15.00	0.00	15.00



Aquatics

Adult entry	3.70	3.45	0.35	3.80
Adult combined	6.20	5.82	0.58	6.40
Student Entry	2.70	2.55	0.25	2.80
Student combined	4.50	4.27	0.43	4.70
Pensioner entry	2.50	2.36	0.24	2.60
Spectator	1.50	1.46	0.14	1.60
School entry	1.60	1.54	0.16	1.70
Vacation 1 child	35.70	34.00	3.40	37.40
Vacation 2 children	58.30	55.55	5.55	61.10
Vac 3 children	80.80	76.91	7.69	84.60
Vac 4 children	103.50	98.55	9.85	108.40
Vac 5 children	123.70	117.82	11.78	129.60
Vac 6 children	142.70	135.91	13.59	149.50
Adult 10	33.30	31.09	3.11	34.20
Adult 20	66.60	62.18	6.22	68.40
Adult 50	157.30	148.73	14.87	163.60
Student 10	24.30	22.91	2.29	25.20
Student 20	48.60	45.82	4.58	50.40
Student 50	114.80	108.55	10.85	119.40
Pensioner 10	23.70	21.82	2.18	24.00
Pensioner 20	45.00	42.55	4.25	46.80
Pensioner 50	106.30	100.50	10.05	110.55
Spa/Sauna/Steam	6.90	6.45	0.65	7.10
Pensioner Spa/Sauna/Steam	5.80	5.45	0.55	6.00
Lane Hire	15.00	13.64	1.36	15.00
Dolphin 100	212.00	200.45	20.05	220.50
Dolphin 200	370.00	349.82	34.98	384.80
Family Swim (2 adults and 2 children)	11.00	10.41	1.04	11.40

Programs

Senior Team Registration (AM)	74.00	67.27	6.73	74.00
Senior Team Registration (PM)	94.00	85.45	8.55	94.00
Weekly Team Fees (AM)	29.00	27.27	2.73	30.00
Weekly Team Fees (PM)	36.00	34.09	3.41	37.50
Weekly Team Fees (Soccer)	29.00	28.18	2.82	31.00
Weekly Team Fees (Hockey)	30.00	29.09	2.91	32.00
Junior Team Registration (per player)	9.00	8.64	0.86	9.50
Junior Team Competition	26.00	24.55	2.45	27.00
Adult Courses/term (excluding Yoga, Pilates and Craft Classes)	74.00	70.00	7.00	77.00
Junior Courses/term (excluding art & ballet)	56.00	52.73	5.27	58.00

Crèche

Crèche (1 st child) 1.5 hours	2.40	2.27	0.23	2.50
Crèche (additional child) 1.5 hours	1.30	1.27	0.13	1.40
Crèche (1 st child) 2 hours	2.90	2.73	0.27	3.00
Crèche (additional child) 2 hours	1.60	1.55	0.15	1.70
Crèche 10 Voucher (1 st child) 1.5 hours	21.60	20.45	2.05	22.50

Crèche 10 Voucher (1 st child) 2 hours	26.10	24.55	2.45	27.00
Childcare facilities are for South Lake Leisure Centre patrons only. Crèche Opening Hours: Monday to Friday – 8.45am – 1.00pm				

Fitness

Casual Gymnasium and Swim	10.00	10.00	1.00	11.00
Casual Aerobic/Aquarobic	6.70	6.27	0.63	6.90
Over 50	5.20	4.91	0.49	5.40
Club 50 Voucher x 10	47.00	44.18	4.42	48.60
Aerobic / Aquarobic voucher x 10	60.30	56.45	5.65	62.10
Aerobic / Aquarobic voucher x 20	114.00	106.64	10.66	117.30
1 option 1 month	65.00	61.82	6.18	68.00
1 option 3 month	157.00	148.18	14.82	163.00
1 option 6 month	275.00	260.00	26.00	286.00
1 option 12 month	411.00	388.18	38.82	427.00
1 option Direct Debit	38.00	35.91	3.59	39.50
2 option 1 month	77.00	72.73	7.27	80.00
2 option 3 month	174.00	163.64	16.36	180.00
2 option 6 month	313.00	295.45	29.55	325.00
2 option 12 month	474.00	448.18	44.82	493.00
2 option Direct Debit	42.00	39.55	3.95	43.50
3 option 1 month	87.00	81.82	8.18	90.00
3 option 3 month	189.00	178.18	17.82	196.00
3 option 6 month	335.00	316.36	31.64	348.00
3 option 12 month	527.00	498.18	49.82	548.00
3 option Direct Debit	46.00	43.64	4.36	48.00
4 option 1 month	98.00	92.73	9.27	102.00
4 option 3 month	222.00	209.09	20.91	230.00
4 option 6 month	357.00	337.27	33.73	371.00
4 option 12 month	574.00	542.73	54.27	597.00
4 option Direct Debit	49.00	46.36	4.64	51.00
Off peak 1 month (Gym & Aquatics Only)	55.00	51.82	5.18	57.00
Off peak 3 month (Gym & Aquatics Only)	130.00	122.73	12.27	135.00
Off peak 6 month (Gym & Aquatics Only)	217.00	205.45	20.55	226.00
Off peak 12 month (Gym & Aquatics Only)	348.00	329.09	32.91	362.00
Off peak Direct Debit (Gym & Aquatics Only)	33.00	30.91	3.09	34.00
Joining Fee (Varies per m/ship options)	1 month DD m/ship	-	-	1 month DD m/ship
Direct Debit Cancellation Fee	110.00	100.00	10.00	110.00
Membership Suspension Fee	10.00	10.00	1.00	11.00

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The income budgets for 2005/2006 financial year are based on the above fees. Any reduction in the proposed fees will result in a decrease in the projected income budget.



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

N/A

17.2 (MINUTE NO 2779) (OCM 19/04/2005) - CONCERT AT MANNING PARK (5402) (RA)

RECOMMENDATION

That Council endorse the decision of the Mayor to vary the expenditure of funds from the Classic Special Events Account for the purchase of cinema tickets in exchange for the Marcia Hines Concert tickets in accordance with section 6.8 (c) of the *Local Government Act 1995*.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 7/1

CLR TILBURY REQUESTED THAT HER VOTE AGAINST THE RECOMMENDATION BE RECORDED.

Background

Council at its special meeting of the 23 December 2004 resolved to allocate \$67,000 for a Classic Special Event for a performance by Marcia Hines at Manning Park to be held on the 2 April 2005.



Submission

Late on Wednesday 30 March 2005, the City was advised that Marcia Hines would not be able to perform on Saturday 2 April 2005 due to illness.

Report

The promoter for Marcia Hines requested the City consider an alternate high profile act to replace Marcia Hines, but advised that it would be unlikely for a person to be found prior to 2.00pm Thursday 31 March 2005 if one could be found at all. On this basis the Mayor, after consultation with Elected Members, made the decision to cancel the event and notify all those that had received tickets accordingly. In recompense for the inconvenience experienced by residents who planned to attend the Marcia Hines concert, arrangements were put in place for ticket holders to exchange their Marcia Hines tickets for Hoyts Cinemas movie passes. The cost to the City for those who exchange their Marcia Hines ticket for Hoyts tickets will be \$10 for adults and \$7.95 for children. As 5,300 tickets were distributed the likely maximum total cost should all tickets be recouped will be in the vicinity of \$50,000.

The Council decision of the 23 December 2004 was for funds to be allocated for a Classic Special Event as entertainment for residents of the City. The provision of Hoyts cinema tickets whilst not to the letter of Council decision can be deemed to meet the intent of providing entertainment for residents of the City.

Accordingly, a Council decision is requested to endorse the decision made by the Mayor to alter the expenditure of the allocated funds.

Strategic Plan/Policy Implications

Key result Area "Facilitating the needs of your Community".

Budget/Financial Implications

The allocated budget for the Classic Special Event is \$67,000. The total expenditure on tickets for the Hoyts Cinema tickets as described will fall well within the current budget allocation.

Legal Implications

Under section 6.8 (c) of the Local Government Act 1995 the Mayor has the power to authorize expenditure in the case of an emergency.

Community Consultation

N/A



Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

N/A

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

21.1 (MINUTE NO 2780) (OCM 19/04/2005) - COUNCIL REPRESENTATION ON THE ALCOA KWINANA ENVIRONMENTAL IMPROVEMENT PLAN REFINERY WORKING GROUP (RA) (9808)

RECOMMENDATION

That Council appoint Councillor V Oliver and Councillor M Reeve-Fowkes as Deputy and its Environmental Control Health Officer Mr John Hardy as its representatives to the Alcoa Environmental Improvement Plan (EIP) for its Alumina Refinery.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the recommendation be adopted.

CARRIED 8/0



Background

Alcoa's Alumina Refinery has for some time a community consultation network which meets to discuss environmental issues related to the residue area.

Following community consultation, Alcoa has determined to alter the format of community consultation process by forming two EIP working groups. One to address issues related to the immediate refinery environs, and the second committee to address issues related to the area near the refinery. The aim of the two groups is to provide input for the development of an overall EIP for the refinery.

Submission

The Kwinana Alumina Refinery has written to the Council of the City of Cockburn seeking a Central Ward Councillor to be its representative on the Environmental Improvement Plan Working Group. A technical officer of the City has also been sought.

Report

The matter of residue from the Kwinana Alumina Refinery is of important to residents of the City. It is most appropriate that the City of Cockburn have both an Elected Member and Technical Office representation on any community committees addressing the issue of residue from the Kwinana Alumina Refinery.

Strategic Plan/Policy Implications

Considering and influencing a balance between development and the natural and human environment.

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

N/A.

Attachment(s)

None.



Advice to Proponent(s)/Applicant

The Kwinana Alumina Refinery representative has been advised that this matter will be considered by Council at its April 2005 meeting.

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

Nil.

21.2 (MINUTE NO 2781) (OCM 19/04/2005) - VISION FOR COCKBURN COASTAL DIALOGUE: RECOMMENDATION FOR A WARD COUNCILLOR TO BE A MEMBER OF THE STEERING COMMITTEE (SC)(9523)

RECOMMENDATION

That Council support Clr Linda Goncalves as its Ward Representative on the Vision for Cockburn Coastal Dialogue.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

The Minister for Planning & Infrastructure has established a community consultation process to consider a vision for the development of the Cockburn Sound coastal area from South Beach to Woodman Point.

Submission

Correspondence has been received from the Department for Planning and Infrastructure advising that the Minister for DPI has selected Clr Linda Goncalves to be on the committee.

Report

The development of the Cockburn Sound Coastal area is of critical importance to the City of Cockburn. The first meeting of the Steering Committee has been set down for Thursday, 21 April 2005 and hence the appointment of a Council representative is of some urgency.



Councillor Goncalves is not up for election in 2005 and hence her appointment to the committee will give the Council consistent representation throughout the dialogue process. Cllr Goncalves' appointment to this committee reaffirms the Minister's recognition of the importance of Local Government representation on the Steering Committee.

Strategic Plan/Policy Implications

2. To foster a sense of community within the district generally and neighbourhoods in particular.

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

N/A.

Attachment(s)

None.

Advice to Proponent(s)/Applicant

A Council appointment has been sought by the Department of Planning and Infrastructure, who are aware of the Council process in relation to appointment of Council representatives.

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

None.

22 (OCM 19/04/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

(1) Insurance for Community Groups

Mayor Lee requested an investigation if it is possible for our Community Groups, who are currently active members of our Community Development Strategy, to access monies from our Community Development Funds, to assist them in paying for their



public liability and volunteer insurance policies.

Currently these funds are set aside to assist groups in carrying out strategies and projects that have arisen from our Community Development Strategy processes. Unfortunately these funds can only be accessed by fully insured groups. So many worthwhile projects are not being undertaken because our groups cannot afford to insure themselves, thus preventing them access to the many tens of thousands of donated dollars that are just sitting around waiting to be accessed.

(2) Security Subsidy for Seniors

Mayor Lee requested that Officers investigate the possibility of establishing a subsidy scheme, similar to that currently available in the Town of Victoria Park, whereby holders of pension cards, health care cards and senior cards are entitled to receive a discount on a range of home security services and devices they may purchase or install in their homes.

This service is not intended to replace the work currently undertaken by Nick Deane, but is to operate as an additional service to our current extensive range of personal safety and security initiatives.

Mayor Lee requested that the report be considered as part of Council's 2005/06 budget process.

(3) Part of Regional Park to be Turned into a Reserve

Clr Kevin Allen requested that Officers investigate the procedure of how Council can have part of the Regional Park, adjacent to the Rotary Park Lookout Car Park, vested into the City's care so that it can be turned into a reserve for local community use. The investigation to also include possible time frames.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2782) (OCM 19/04/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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



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

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED 8/0

25 (OCM 19/04/2005) - CLOSURE OF MEETING

MEETING CLOSED AT 9.29PM

CONFIRMATION OF MINUTES

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

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

