CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 MARCH 2007 AT 7:00 PM

Page

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MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 MARCH 2007 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
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr N. Evans	-	Media Liaison Coordinator
Ms C O'Sullivan	-	Communications Manager
Ms V Viljoen	-	Personal Assistant to CEO

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.09pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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

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

4 (OCM 08/03/2007) - 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 two declarations of a Conflict of Interest from Clr Tilbury; and one declaration of a Conflict of Interest from Clr Allen, which would be read at the appropriate time.

5 (OCM 08/03/2007) - APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 08/03/2007) - PUBLIC QUESTION TIME

Michael Staines – Christine Crescent, Coogee
ITEM 17.2 – APPLICATION TO KEEP MORE THAN 2 DOGS – 4 CHRISTINE CRESCENT, COOGEE

Q1 *Will council in particular consider that the three dogs are currently almost exclusively confined for long periods on the east side of the premises where they grizzle and perform on their owners arrival at all times of the day and night till they get their demanded attention, or when anything else gives them reason?*

A1 An application to accommodate more than two (2) dogs at 4 Christine Crescent Coogee will be considered at this evenings meeting. Mr Staines' observation of the location of the dogs on the property is noted.

Q2 *I don't think Mr Mayor that you should be presiding at this meeting and I ask you to resign. Did you hear my question?*

The Presiding Member invited the next person to present his question, in accordance with Public Question Time protocols.

DUE TO CONTINUOUS DISTURBANCE FROM THE PUBLIC GALLERY, THE ELECTED MEMBERS LEFT THE CHAMBER AND THE MEETING WAS COUNTED OUT AT 7.19PM. THE MEETING RESUMED AT 8.35PM.

Bob Dunn – Hammond Road, Success
ITEM 17.3 – NATIVE ARC LEASE OF PREMISES, HOPE ROAD, BIBRA LAKE

Q1 *Can the officer with the plans for proposed works at Native ARC expedite them ASAP as the contractor has been waiting for approval to start and has concerns with on coming weather?*

A1 Council will be considering an item in relation to Native Arc at this evenings meeting. We are confident that once the Site Plan has been considered by the executive committee of Native Arc and forwarded to the City, it will be considered promptly.

D Hopkins – Vairview Street, Coogee Beach
ITEM 16.1 – STINGER NETS AT COOGEE BEACH

Q1 *Could the Council please tell me how the costs of stinger nets can be justified, when stingers only occur during certain weather conditions? Parents down the years just keep children out of the water during these times.*

A1 The item before Council identifies that more assessment needs to be undertaken on the proposal before a decision can be made on the benefits of the stinger net enclosure. The recommendation seeks to establish some short term measures to increase the awareness of the problem of stingers at Coogee, to outline the best method of treatment and to improve the infrastructure available to the users.

Q2 *When is Council going to beautify the entrance to the actual beach area and keep the facility open to all – ramp, etc?*

A2 The City is not aware of any issues to do with the entrance to the beach. Officers believe it to be serviceable. Regular inspections are undertaken to ensure access is maintained.

Robyn Scherr – Amity Boulevard, Coogee
ITEM 16.1 - STINGER NETS AT COOGEE BEACH

Q1 What interpretive signage is Council planning to install at Coogee Beach and where?

A1 Council is planning to install interpretative signage at the entrance to Coogee Beach to raise the awareness of the incidence of stingers and to provide some information on how best to treat stinger bites.

Q2 Where do you propose to place the second shower?

A2 We propose to place the additional shower as close as practical to the entry to the beach.

Q3 Why is this only in consultation with the surf club?

A3 The surf club have identified stingers as an issue and the City has been working with that organisation to identify solutions. Part of the treatment for stingers is to apply fresh water on the stings.

Q4 Has Council surrendered its responsibility for Coogee Beach to the Surf Club?

A4 No.

Q5 Will the Council toss out the Stinger Nets proposal once and for all onto its too-silly-for-words pile?

A5 Council will make an informed decision regarding stinger nets when all of the information has been presented to it.

Q6 Will Council dedicate any discretionary funds towards better maintenance of Coogee Beach and a greater ranger presence?

A6 The City will continue to maintain Coogee Beach and will continue to review how its resources are best utilised in this area.

Dan Scherr – Amity Boulevard, Coogee
ITEM 17.2 – APPLICATION TO KEEP MORE THAN 2 DOGS – 4 CHRISTINE CRESCENT, COOGEE

Q1 How frequently is Council asked to allow the keeping of more than two dogs on a residential property?

A1 There are currently 49 property owners approved to have three dogs. Applications are received at the rate on average of 1 per month.

Q2 Can you advise the last such time and how it was resolved?

A2 The last application was received and approved on 11 January 2007 under delegated authority in accordance with Part II Division 3 Section 2.9 of the City of Cockburn Local Laws.

Q3 What are the criteria for such an allowance?

A4 The criteria and process seeking approval to have more than two dogs is somewhat lengthy and is spelt out in the City of Cockburn Local Laws Part II Division 3 Section 2.9.

Carol Reeve-Fowkes – Maritime Terrace, Coogee
ITEMS 13.4 AND 13.5 – MOTIONS – ANNUAL ELECTORS MEETING 6 FEBRUARY 2007

Q1 Has Council received a reply to its letter of 9th November 2004 to Dr Jim Gill - Director General Water Corporation? If not, can we please write again as two years and four months is an unreasonable time to have to wait for a reply?

Q2 When Council next undertakes further Public Consultation on the odour issues from the Woodman Point Waste Water Treatment Plant as mentioned in Item 3.3 (page 16), could we request that the residents to the north of the plant - at least as far as Fairbairn Road and adjacent cul de sacs - be included in the letterbox drop?

Q3 Has Council received a response to its decision of 10th November 2005 where item 5 resolved to " Advise the Water Corporation that it should honour a commitment to bring forward elements of the Stage 1 odour control works as stated in the Water Corporation letter dated 23 September 2005?" If there has been a response - could we have a brief explanation?

Response –
The Director, Planning & Development advised the meeting that Council had received responses from the Water Corporation however he had had insufficient time to collect all the details in relation to these questions and would need to take them on notice and a written response will be provided. The recommendation is to defer this item.

Glen Diggins – Nancy Way, Coogee
ITEM 16.2 – CATHERINE POINT GROYNE EXTENSION

Q1 The paper attached to this item indicates that there will be a 5 - 15 metre erosion of the beach to the immediate south of the 30 metre extended groyne at Catherine Point. How far south will this erosion extend?

A1 The report identifies that erosion would be isolated to within 200 metres of the groyne. Obviously the impact of erosion would be greatest immediately south of the groyne. The report also identifies that this erosion would occur in an area that has had sand accretion over the past 30 years and the erosion can be further mitigated due to the seasonal variation of sedimentation influenced by the groyne itself.

Q2 Will it impact on the beach to the immediate north of the Port Coogee marina?

A2 No impact is expected to the beach immediately north of the Port Coogee Marina as a result of the groyne extension proposal.

Libby Hocking – Nancy Way, Coogee
ITEM 16.2 - CATHERINE POINT GROYNE EXTENSION

Q1 Will the proposed Groyne extension pedestrian concrete path be able to be utilised by the disabled and will a fishing platform be provided to accommodate disabled use also?

1.1.1.

A1 The final design of the pedestrian concrete path would be finalised in the broader context of the South Beach Foreshore Management Plan that is currently being prepared over this area and is due to be presented to Council next month. As a general principle it is important that our footpath network is integrated and caters for the mobility impaired. Any other infrastructure such as a fishing platform again would need to be considered in the broader context of the Foreshore Management Plan.

Q2 Has the extension work proposal been subjected to the same or similar environmental and Government approval process that the world class Port Coogee Marina Development was subjected to?

A2 Any proposal to extend the existing groyne would be required to go through the necessary approval process prior to works commencing. The report before Council outlines the investigation undertaken by Mick Rogers & Associates to determine the technical requirements of the groyne and the impact this would have on the coastline. More detailed design and the approval process would be the next stage if Council supports the recommendation.

Geoffrey Sach – Atwick Place, Coogee
ITEM 16.1 - STINGER NETS AT COOGEE BEACH

Q1 1. When is progress going to be made on the installation of Stinger Nets at Coogee Beach?

A1 A decision will be made after a full assessment of the advantages and disadvantages of Stinger Nets is completed and Council is fully aware of the cost and resource allocation required to maintain such an enclosure.

Q2 2. When will council and the local company finalise a design for a Stinger Net enclosure at Coogee Beach?

A2 Council staff are hoping to complete their assessment prior to the preparation of the 2007/08 financial budget so that the matter can be resolved at that time.

Q3 3. When is it estimated that a Stinger Net Enclosure will be provided at Coogee Beach for the protection of Swimmers?

A3 If Council agrees to establish a stinger net enclosure at Coogee Beach and provides for such an enclosure in the 2007/08 budget, officers would seek to establish an enclosure prior to the summer season (and the stinger season) which anecdotally commences in January 2008.

Logan Howlett – Monaco Avenue, Coogee
ITEM 16.1 - STINGER NETS AT COOGEE BEACH

Q1 When is the whole community going to be consulted about the proposed stinger nets at Coogee Beach – we all live in the City and should all be consulted, not just a select few.

A1 Council has sought advice from a number of areas to enable it to assess the suitability or otherwise of the stinger net proposal. Once that information is sourced and reviewed, it will be in a position to consider the matter further. The issue of stinger nets is not significant in the broader context of Council business. The stinger net proposal would not normally be widely consulted on and it is before Council as a means of improving the beach environment for users.

Logan Howlett – Monaco Avenue, Coogee
ITEM 13.1 – LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN 2006

Q1 When and where is the list of 'Declaration of Financial Interests (Primary Return)' by designated officers available for the public to view? If available, what are the restrictions, if any?

A1 The Primary and Annual Returns for current designated officers are available for inspection at Council's temporary Customer Service Counter located at the Spearwood Library, from 8.30am to 4.30pm, Monday to Friday.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3394) (OCM 08/03/2007) - ORDINARY COUNCIL MEETING - 08/02/2007

RECOMMENDATION
That the Minutes of the Ordinary Council Meeting held on Thursday, 8 February 2007, be adopted as a true and accurate record.

COUNCIL DECISION
MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that that the Minutes of the Ordinary Council Meeting held on Thursday, 8 February 2007 be adopted as a true and accurate record.

CARRIED 10/0

DUE TO FURTHER DISTURBANCE FROM THE PUBLIC GALLERY, THE ELECTED MEMBERS LEFT THE CHAMBER AND THE MEETING WAS COUNTED OUT AT 9.05PM. THE MEETING RESUMED AT 9.50PM.

(MINUTE NO 3395) (OCM 08/03/2007) - EXTENSION OF TIME

COUNCIL DECISION
MOVED Deputy Mayor R Graham SECONDED Mayor S Lee that Council suspend Standing Order 4.14.

CARRIED 10/0

Reason for Decision

Suspending standing Order 4.14 will allow Council sufficient time to conclude business this evening.

9 (OCM 08/03/2007) - WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 08/03/2007) - DEPUTATIONS AND PETITIONS

Mr Irwin Roberts from Roberts Day (Planning consultants acting on behalf of LandCorp), made a deputation to Council in relation to Item 14.2 "Proposed Structure Plan – Lots 802 & 9028 Road and Lot 803 Lyon Road, Aubin Grove".

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 3396) (OCM 08/03/2007) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN 2006 (1332) (DMG) (ATTACH)

RECOMMENDATION
That Council adopts the Local Government Compliance Audit Return for the period 1 January 2006 to 31 December 2006, as presented.

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

CARRIED 10/0

Background

Since 2000, completion of this Return has been mandatory for all local governments in this state.

Submission

To adopt the Return in its submitted form.

Report

The annual Compliance Audit Return is to be presented to, and adopted by, a meeting of Council.

Following adoption by Council, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant section of the Council Minutes, is required to be submitted to the Director General, Department of Local Government and Regional Development.

The Return indicates a conformity rating of 98% for the year.

The major issue of non-conformity was with the Tender Procedures. On three separate occasions during the year, Purchase Orders were raised for the provision of services/products in excess of the statutory limit of $55,000 (G.S.T. inclusive). Further commentary has been provided to Management by the Purchasing and Tenders Coordinator and explained in further detail.

In addition, there were two instances of Purchase Orders being raised for bore drilling services where the combined total of the purchases were in excess of the tender limits. Again, the circumstances and further information was provided to Management.

In order to address this issue, and others involving non-compliance with procurement procedures, an extensive review has been undertaken of Council's in-house purchasing procedures and a comprehensive update of all requirements associated with acquiring goods or services, either subject to tender requirements, or otherwise has been undertaken, produced and provided to all staff, to mitigate against the likelihood of non-compliance in future.

In addition, there were two examples of designated employees failing to complete a Declaration of Financial Interests (Primary Return), within three months of their start date. One was submitted 13 days after the due date and the other 19 days, thus ultimately satisfying the requirements to lodge the Return. A list of positions within the organisation which require (or could require) an appointed person to complete a Disclosure Return, and a copy of the Primary Return Form have been provided to Council's recruitment unit, as a means of identifying employees to whom this requirement applies in the future and mitigating against the risk of future non-compliance in this area.

Strategic Plan/Policy Implications

Governance Excellence

- *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

Local Government (Audit) Amendment Regulations, 1991 (Regs. 14 and 15) refer.

Community Consultation

N/A

Attachment(s)

1. 2006 Compliance Return.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.2 (MINUTE NO 3397) (OCM 08/03/2007) - MOTION - ANNUAL ELECTORS MEETING 6 FEBRUARY 2007 (1030) (DMG) (ATTACH)

RECOMMENDATION
That Council retains its current processes of providing and disseminating information to elected members, as provided for in Policy SC6 "Communication and Information Dissemination" and the related attachment "Agenda Forums and Other Information Sessions".

COUNCIL DECISION
MOVED Clr A Tilbury SECONDED Clr I Whitfield that Council:

(1) as recommended; and

(2) request the Delegated Authorities Policies and Position Statements Committee to review Policy SC6 to investigate the possibility of the Agenda Briefing Forum being open to the public.

MOTION LOST 4/6

COUNCIL DECISION
MOVED Clr K Allen SECONDED Clr S Limbert that Council adopt the original recommendation.

CARRIED 6/4

Background

At the Annual Electors Meeting conducted on 6 February 2007, the following motion was carried:-

"**MOVED** Murray O'Brien (Fawcett Road, Munster) **SECONDED** Robyn O'Brien (Fawcett Road, Munster) that the meeting vote to cancel the private briefing meetings prior to the normal meetings and instead have full and open discussions and debates at Council's meetings.

MOTION CARRIED 6/5"

As it is a requirement for resolutions of Electors Meetings to be considered by Council as soon as practicable following their adoption, the matter is now presented for deliberation by Council.

Submission

N/A

Report

The intent of the resolution passed at the Electors' Meeting is to have Council disband its procedure which enables items to be explained to elected members, prior to the Council meeting at which they are to be considered, by Council staff.

Since 1999, Council has conducted Agenda briefings, initially with Commissioners, during the period of the dismissal of Council, and thereafter with successive democratically elected Councils. The procedure associated with these sessions have been modified from time to time to satisfy any issues raised by elected members, however, no considerable changes to the concept have been made since 2000. This in itself is evidence that the forums are a useful and efficient process in ensuring that elected members are adequately briefed on matters which they are responsible for determining.

In addition, the process has been endorsed by the Department of Local Government and Regional Development and has even been the subject of a model guideline prepared by the Department on the subject in January 2004.

To further enhance the integrity of the process, the forums are taped to ensure a record of proceedings is kept.

The efficiencies gained by the introduction of these processes are such that they have succeeded in maximising the flow of information from the administrative to the decision making areas of Council through the most effective use of time management.

The forums are professionally facilitated and conducted in a manner which enables matters of specific interest to the elected members to be comprehensively explained and the members to ask questions to ensure they are properly informed on matters which they are responsible for deciding.

Any withdrawal from such a thorough and rigorous process of information provision would be seen as a retrograde step in the administrative process.

It is therefore recommended that the current status of these forums be continued into the future.

Strategic Plan/Policy Implications

Governance Excellence

- *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

Part 5, Sub-division 3 of the Local Government Act, 1995, refers.

Community Consultation

N/A

Attachment(s)

1. Copy of Council Policy SC6 “Communication and Information Dissemination” and attached document “Agenda Forums and Other Information Sessions”

Advice to Proponent(s)/Submissioners

The mover of the motion has been advised that this matter is to be considered at the Council Meeting to be held on 8 March 2007.

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

Nil.

13.3 (MINUTE NO 3398) (OCM 08/03/2007) - MOTION - ANNUAL ELECTORS MEETING 6 FEBRUARY 2007 (1148) (DMG) (ATTACH)

RECOMMENDATION
That Council:-

(1) notes the information that procedures for Public Question Time at Council Meetings are governed by statute; and

(2) not amend its Standing Orders Local Law to allow Council meetings to be extended beyond three (3) hours duration, as provided under clause 4.14 "Closure of Meeting".

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

CARRIED 10/0

Background

At the Annual Electors Meeting conducted on 6 February 2007, the following motion was carried.

"**MOVED** Murray O'Brien (Fawcett Road, Munster) **SECONDED** Robyn O'Brien (Fawcett Road, Munster) that Council increase the question time during the normal Council Meetings from 3 minutes to 5 minutes per person and change the standing orders to reflect this; and for meeting time to be extended to 10.30pm.

MOTION CARRIED 6/5"

As it is a requirement for resolutions of Electors Meetings to be considered by Council as soon as practicable following their adoption, the matter is now presented for deliberation by Council.

Submission

N/A

Report

The resolution carried at the Electors' Meeting seeks to amend the protocol established by the Presiding Member at Council Meetings, which limits the time allocated for the asking of questions and receiving responses, to a maximum of 3 minutes per person and to extend the time available for meetings of Council until 10.30 pm.

This conforms with Regulation 7 of the Local Government (Administration) Regulations, which enable the Presiding Member, or the majority of members present at the meeting, to determine the procedures applicable to Public Question Time, subject to a minimum period of 15 minutes being allocated and the public being given an equal and fair opportunity to ask a question.

These conditions are adequately covered by the protocols accepted by Council and provide sufficient flexibility for the administration of Public Question Time.

Should the Presiding Member, or the majority of members present at the meeting, wish to amend any aspect of the relevant protocols, including increasing the allocation of time available for the public to ask questions and receive answers, then it can be accommodated within the current framework.

With regard to the extension of time for the conclusion of the meeting until potentially 10.30pm, Council's current Standing Orders allows for the meeting to be of 2 hours duration, with an extension of up to 1 hour allowable by Council resolution.

With the meetings commencing at 7.00pm, it is already possible for meetings to conclude at 10.00pm, should the business of Council so require.

There would seem little point in extending this to 10.30pm, as it has never been required and would not be likely to be required, should Council retain its methods of providing information to its elected members.

Accordingly, it is recommended that the status quo remain in relation to the closure of Council meetings.

Strategic Plan/Policy Implications

Governance Excellence

- *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

Sec. 5.23 of the Local Government Act, 1995, Regulation 7 of the Local Government (Administration) Regulations and Clause 4.14 of Council's Standing Orders Local Law, refer.

Community Consultation

N/A

Attachment(s)

1. Copy of Clause 4.14 of Council's Standing Orders Local Law.

Advice to Proponent(s)/Submissioners

The mover of the motion has been advised that this matter is to be considered at the Council Meeting to be held on 8 March 2007.

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

Nil.

DECLARATION OF INTEREST

Clr Tilbury declared a Conflict of Interest in Items 13.4 and 13.5, the nature being that she worked in close association with the Water Corporation as part of her employment.

CLR TILBURY LEFT THE MEETING AT THIS POINT, THE TIME BEING 10.01PM.

13.4 (MINUTE NO 3399) (OCM 08/03/2007) - MOTION - ANNUAL ELECTORS MEETING 6 FEBRUARY 2007 (03019) (DA)

RECOMMENDATION
That Council:

(1) note the Officer's report; and

(2) require Council Officers to determine whether to appeal against any of the conditions specified in works approval once the works approval has been advertised by the Environmental Protection Authority.

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

CARRIED 9/0

Background

At the Annual Electors Meeting conducted on 6 February 2007, the following motion was carried:-

> "**MOVED** Murray O'Brien (Fawcett Road, Munster) **SECONDED** Carol Reeve Fowkes (Maritime Tce, Coogee) that Council seek to appeal the Works Approval for the Woodman Point Waste Water Treatment Plant and ask for specific Ministerial conditions protecting the community from odours to be written into the approval.
>
> **MOTION CARRIED 10/0**"

As it is a requirement for resolutions of Electors Meetings to be considered by council as soon as practicable following their adoption, the matter is now presented for deliberation by Council.

The Water Corporation operates the Woodman Point Waste Water Treatment Plant ("WPWTP") in Munster, which is the largest wastewater treatment plant in Western Australia, currently serving the majority a population of Perth South Metropolitan area.

The WPWTP was upgraded in 2000/03 at the cost of $150 million to improve treatment and reduce odour emissions. However, a review of odour complaints, together with odour modelling and verification from a community annoyance survey demonstrated that the WPWWTP is still not achieving the level of odour control required by the community.

In March 2004 the Minister for the Environment requested that Environmental Protection Authority provide advice under Section 16(e) of the Environmental Protection Act 1986. Subsequently the Water Corporation prepared a Strategic Environmental Review document ("SER") to outline a strategy to reduce existing and future odour emissions from the WPWWTP. It provided justification for an offsite odour buffer for the endorsement of the Environmental Protection Authority ("EPA") and Minister for Environment. The SER was made available for a public review period, which closed on Tuesday 22 November 2005.

Following the consideration of an officers report regarding the SER at the ordinary meeting of Council held 10 November 2005 Council resolved to:

(1) *note the Officer's report;*

(2) prepare a submission to the Environmental Protection Authority reconfirming Council's current position for the 750m odour buffer to be contracted back to the eastern shoreline of Lake Coogee;

(3) Oppose the "in principle approval" sought from the Environmental Protection Authority for the suggested compatible land use of Industrial and Commercial for land within the odour buffer;

(4) request the Environmental Protection Authority acknowledge the need for a comprehensive planning study initiated by the City and involving landowner consultation to examine alternative land use for the land affected by the odour buffer should the odour buffer remain unchanged;

(5) advise the Water Corporation that it should honour a commitment to bring forward elements of the Stage 1 odour control works as stated in the Water Corporation letter dated 23 September 2005; and

(6) advise all affected ratepayers and residents who live in the Urban Deferred area of Council's decision and provide them with a copy of Council's submission to the EP".

The EPA then determined the Water Corporation's SER report, its assessment including the public submissions received, publishing its section 16(e) advice to the Minister of the Environment in November 2006. The EPA made the following recommendations:

- *that the Minister notes that this strategic advice addresses odour issues associated with the Woodman Point Wastewater Treatment Plant;*

- *that the Minister considers the advice;*

- *that the EPA recommends the urgent implementation of Stage 1 controls to achieve a reduction of fifty percent of the current odour levels as soon as possible but no later than the end of 2008;*

- *that the Minister notes that the EPA is of the view that the establishment of a long-term buffer for the plant needs to be reconsidered once a fifty percent reduction in odour is achieved;*

- *that the current proposed buffer should be retained until after the implementation of Stage 1 measures, which are to achieve a fifty percent odour reduction, after which further emissions estimates, modelling and ground-truthing should be undertaken to determine the extent of odour impact and a long term buffer reconsidered; and*

- *that further odour reduction measures beyond the fifty percent reduction are likely to be necessary to meet the goal of no impact on odour sensitive premises at residential areas.*

The Water Corporation subsequently developed an Odour Improvement Plan (OIP) for the WPWTP in consultation with the community through the Woodman Point Wastewater Treatment Plant Community Reference Group (WPWTPCRG). This OIP forms the basis for the current works approval.

Submission

Nil

Report

The Water Corporation recently submitted an "Application for Works Approval" to the Department of Environment and Conservation for Sludge Amplification and Odour control works at the WPWTP. This Application seeks to increase the capacity of the plant to treat sludge and improve odour control at the plant to reduce the plants odour impact on the Community.

It is proposed that the sludge amplification will be done in three stages:

- Stage 1: 2007-09
- Stage 2: 2010-11 and
- Stage 3: 2011-13

It is proposed that the odour control works be done in two stages:

- Stage 1: 2007-09
- Stage 2: 2008-11.

The works proposed are substantially those identified in the SER report and the OIP. It is expected that odour emissions will decrease by 47.7% after Stage 1 of the odour controls are completed and by 52% after the Stage 2 upgrade.

At the most recent WPWTPCRG meeting the DEC officer, who is processing the application, indicated that he is willing to receive comments from members of the community, the CRG and other stakeholders for consideration for development of conditions of approval for the works approval. The Officer also undertook to produce a draft 'Works Approval' with conditions for comment by CRG members prior to finalisation of the approval.

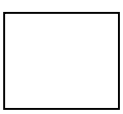
Upon issue of the "Works Approval" the decision is advertised in the West *Australian* newspaper and any persons with an interest have an opportunity to submit an appeal with the Minister of Environment within a 21-day appeal period. An appeal can be made against: refusal to grant works approval or licence; refusal to transfer a works approval or licence; or conditions specified in works approval or licence amendment thereto.

Section 38(1) of the Environmental Protection Act 1986 provides that where a development proposal is likely to have a significant effect on the environment, a proponent or any other person may refer the proposal to the Environmental Protection Authority (EPA) for a decision on whether or not it requires assessment under the Act.

Conclusion

Until such time as the 'Works Approval' is approved there is no opportunity to formally "appeal" it or any of the conditions in it. It is noted that any person including the proposer and seconder of the motion can make a section 38 referral. Both processes however need to be supported by grounds for appeal or with recommendations for conditions of approval. The proponents of the resolution have not indicated exactly what the grounds are or what conditions are necessary to achieve their objectives.

Given the proposed works have already been subject to a section 16(e) SER process and the EPA have recommended that "…*the urgent implementation of Stage 1 controls to achieve a reduction of fifty percent of the current odour levels as soon as possible but no later than the end of 2008"* any section 38 referral is unlikely to result in a different level of assessment being imposed.



It is therefore recommended that as there is no formal appeal process available that Council waits until the works approval, and any conditions, are formally advertised, following which an assessment be made at Officer level (given the limited time frame available for appeals), as to whether the conditions adequately cover the issues/concerns that have been raised. At which time an appeal can be lodged seeking a review of the conditions or the imposition of additional conditions.

Strategic Plan/Policy Implications

Demographic Planning

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

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

Governance Excellence

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

Budget/Financial Implications

Nil

Legal Implications

Environmental Protection Act

Community Consultation

N/A

Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

The mover of the motion has been advised that this matter is to be considered at the Council Meeting to be held on 8 March 2007.

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

Nil

13.5 (MINUTE NO 3400) (OCM 08/03/2007) - MOTION - ANNUAL ELECTORS MEETING 6 FEBRUARY 2007 (03019) (DA)

RECOMMENDATION
That Council defers consideration of the matter to allow further investigation into the implications of any potential rezoning of land within the air quality buffer of Development Area 5.

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

CARRIED 9/0

Background

At the Annual Electors Meeting conducted on 6 February 2007, the following motion was carried:-

> "**MOVED** Mrs Robyn O'Brien (Fawcett Road, Munster) **SECONDED** Mr Dan Sherr (Amity Boulevard, Coogee). To bring a motion to the March Council Meeting asking that the November 2004 Council Meeting Agenda item 14.7 not be supported as there is no scientific basis for an odour buffer and no reason in this case for any alteration backwards to either rural living or parks and recreation zoning and Council do not support the rezoning of the land back to rural.
>
> **MOTION CARRIED 7/1**"

As it is a requirement for resolutions of Electors Meetings to be considered by council as soon as practicable following their adoption, the matter is now presented for deliberation by Council.

Submission

N/A

Report

At it's meeting on the 16 November 2004 Council considered a report on suitable zonings for land within air quality buffer area of Development Area 5, and resolved to:

(1) receive the Report;

(2) defer consideration to initiate a scheme amendment for the land affected by the Woodman Point Waste Water Treatment Plant odour buffer, until such time as:-

1. the letter from the Mayor to the Director General of Water Corporation, Dr Jim Gill, dated 9 November 2004 has been responded to and said response has been considered by Council.

2. extensive consultation has been undertaken seeking public comment on the future use of the land affected by the Woodman Point Waste Water Treatment Plant odour buffer;

(3) following consideration of the response from Dr Gill, and subject to there being no conflict with the Water Corporation's position, commence the public consultation referred to in (2) 2. above by:-

1. conducting a telephone survey by a suitably qualified consultant of residents and ratepayers living in the district, to ascertain their opinion about the future of the land affected by the odour buffer, including but not limited to residential, rural living and recreational (golf course) uses;

2. including a survey in an issue of the Cockburn Soundings, with the survey questionnaire being the same as that used in the telephone survey;

3. undertaking a letter drop of property owners living in the vicinity, namely between Cockburn Road and Stock Road and between Mayor Road and Russell Road, with the questionnaire being the same as that used in the telephone survey;

(4) reconsider the matter at a subsequent meeting of Council, following the closing of public comment period.

The report was prepared in response to a resolution of Council on 20 July 2004 requesting that Council investigate the proposed buffer around the Waste Water Treatment Plant at Lake Coogee and ascertain the impact on local residents.

Since Council's resolution in 2004 there have been a number of studies into the odour buffer around the Woodman Point Waste Water Treatment Plant, including a Strategic Environmental Review in September 2005, an Independent Review of the SER Odour Modelling by Katestone, commissioned by local residents, an independent review by Air Assessment Pty Ltd, commissioned by the EPA in December

2005, and a EPA Bulletin ('Strategic advice on the proposed buffer for the Woodman Point Wastewater Treatment Plant') in November 2006.

It should also be noted that at it's meeting on the 10 November 2005 Council considered a report on the SER and resolved to:

(1) note the Officer's report;

(2) prepare a submission to the Environmental Protection Authority reconfirming Council's current position for the 750m odour buffer to be contracted back to the eastern shoreline of Lake Coogee;

(3) Oppose the "in principle approval" sought from the Environmental Protection Authority for the suggested compatible land use of Industrial and Commercial for land within the odour buffer;

(4) request the Environmental Protection Authority acknowledge the need for a comprehensive planning study initiated by the City and involving landowner consultation to examine alternative land use for the land affected by the odour buffer should the odour buffer remain unchanged;

(5) advise the Water Corporation that it should honour a commitment to bring forward elements of the Stage 1 odour control works as stated in the Water Corporation letter dated 23 September 2005; and

(6) advise all affected ratepayers and residents who live in the Urban Deferred area of Council's decision and provide them with a copy of Council's submission to the EPA.

In addition there have been recent moves by local residents to re-assess the current zoning of the locality and investigate alternative development options.

It is therefore recommended that Council defer any formal consideration of the issue of the zoning of the land to allow Administration sufficient time in which to fully investigate all the issues and the implications that any potential rezoning may have.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

N/A

Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

The mover of the motion has been advised that this matter is to be considered at the Council Meeting to be held on 8 March 2007.

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

Nil

CLR TILBURY RETURNED TO THE MEETING, THE TIME BEING 10.02PM.

THE PRESIDING MEMBER ADVISED CLR TILBURY OF THE DECISIONS OF COUNCIL WHILST SHE WAS ABSENT FROM THE MEETING.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3401) (OCM 08/03/2007) - SINGLE HOUSE AND OUTBUILDING - LOT 163 (NO. 102) BRITANNIA AVENUE, BEELIAR - OWNER: P & M CAMPBELL - APPLICANT: DARREN MILLER BUILDING DESIGNER (6003135) (AJW) (ATTACH)

RECOMMENDATION
That Council:

(1) grant its approval for the erection of a single residence and outbuilding (including associated site works and retaining) on Lot 163 (No.102) Britannia Avenue, Beeliar, in accordance with the approved plans subject to the following conditions:

1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.

2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.

3. The portico structure being reduced in height by at least 1.25 metres to the satisfaction of Council at working drawings stage.

4. The height of the Colourbond fence to be erected above the existing eastern side retaining wall being no greater than 1.2 metres in height as shown generally by the dashed line on the elevations Drawing No. A3.01 dated 12 February 2007 and received by Council on 13 February 2007.

5. Landscaping is to be undertaken, reticulated/irrigated and maintained in accordance with the approved plan prior to the occupation of the site.

6. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.

7. All stormwater is to be contained and disposed of on-site.

8. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.

9. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.

10. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

1. The application has been determined on the basis of the amended plans provided for assessment by Council.

2. In the event there are any questions regarding the

requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.

3. The development is to comply with the requirements of the Building Code of Australia.

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);

(3) advise the applicant and submissioner of Council's decision accordingly.

COUNCIL DECISION
MOVED Clr S Limbert SECONDED Clr T Romano that Council adopt the recommendation with the exception that Condition 3 be amended as follows:

3. The portico structure to be approved as per the revised plan.

TIED VOTE 5/5
MOTION CARRIED BY CASTING VOTE OF PRESIDING MEMBER

Reason for Decision

To reduce the portico structure will most definitely have a detrimental effect on the architecture of this residence. It would massively change the balance of the architecture and have an intense impact on the style and function of the residence. The owner has cooperated well with the Council staff and, as you can read in the Officer's report, has agreed to several changes to the original plan for the purpose of addressing concerns identified by Council's Statutory Planning Service, and raised by the adjoining property owner to the east. However, the owner feels so strongly about maintaining the integrity of the architecture, that he seeks Council's support to approve the portico structure as per the revised plan.

Background

ZONING:	MRS:	Rural
	TPS3:	Rural Living
LAND USE:	Residential/Rural Living	
LOT SIZE:	4047m2	
USE CLASS:	House – Single 'P' (Permitted)	

The subject land is located on the north side of Britannia Avenue, between Jervois Road and the Fremantle-Kwinana railway line (to the east). The land is currently vacant, and flanked either side by similar size lots on which single dwellings have been erected (adjacent to Britannia Avenue). The locality generally, is characterised by a mix of original and more recent dwellings on large 'rural living' lots, interspersed with numerous lots used for:

- both residential and rural living/agricultural purposes; or
- solely intensive agricultural purposes (market gardening, orchards etc).

There are also a number of 'bush' blocks in the area.

Applications recently considered by Council for the subject land include one that sought retrospective approval for retaining walls constructed around the land. The application was conditionally approved in January 2006.

Submission

Application has been made to erect a single residence on the land, adjacent to the Britannia Avenue frontage of the lot, and an outbuilding toward the rear of the lot. In detail, the following is proposed:

- A single dwelling, comprising five (5) bedrooms and various internal and external living spaces;
- A 'drive-thru' driveway between the dwelling and the street;
- A driveway extending along the eastern boundary of the land, from the front of the property to the rear;
- An entry portico structure on the eastern side of the dwelling, through which the driveway mentioned in the above point extends;
- A lawn yard area (on the northern side of the dwelling); and
- A shed (outbuilding) and lean-to structure at the rear of the land.

A number of additional retaining walls are also proposed, extending in an easterly and southerly direction from the north-west corner of the lot. The purpose of this retaining is to facilitate the construction of the shed/lean-to on flat land relative in height to the top of the retaining wall constructed along the eastern boundary of the land.

It is noted that the plans now before Council supersede those submitted with the application. Several changes have been made to the original plans for the purpose of addressing concerns identified by Council's Statutory Planning Service, and raised by the adjoining property owner to the east. The changes are as follows:

- The driveway to the rear shed is now proposed at a height constant with that at the front of the property (previously the level increased toward the rear of the site);
- The portico structure has been set off the side boundary by 0.5 metres – to a distance of two (2.0) metres;
- A side wall rising above the water feature on the eastern side of the entry portico has been reduced in height approximately 300mm (0.3 metres);
- A reduction in the size of the rear shed to 200m2; and
- A reduction in the size of the shed lean-to by approximately 75m2.

Report

In determining applications for development within a Rural Living Zone, Council needs to have regard for the Town Planning Scheme objectives of the zone, and any applicable standards and/or policies. The objective of the Zone is *To provide residential use in a rural environment*. The main standards relate to the siting of development where no building envelope exists. Within a Rural Living Zone, the Scheme states that *no building shall be erected within 10 metres of any boundary of the lot or 20 metres from any road reserve*.

With respect to outbuildings, Council's Policy dealing with such refers to a maximum floor area of 200m2, and maximum wall and ridge heights of 4.0 and 6.0 metres. By virtue of the amendments mentioned above, the outbuilding proposed for the rear of the lot is generally compliant in terms of size. It is also compliant in terms of height, whilst the proposed siting of the structure is also supported. In this regard, it is noted that many properties within the Rural Living Zone have outbuildings erected upon them, in several instances in similar locations to that proposed.

The retaining walls and revised level proposed for the driveway leading to the rear of the site are also supported, noting the level in particular, has been reduced in height by approximately 300mm for a distance of 40 metres (approximately). With respect to the reduced level, it is noted that with the exception of the rear 15 metres (atop which the proposed outbuilding will be erected), the reduction in height addresses a concern raised by the adjoining property owner.

Portico (and side wall water feature)

The main concern regarding the plans now before Council relates to the entry portico intended for the eastern side of the proposed dwelling. In this regard, it is noted that the adjoining property owner also has concerns.

The underlying objective of the main planning controls applicable to the location (setback requirements) is to facilitate development that is more

'rural' in character than 'suburban'. Whilst this has not necessarily transpired in terms of increased building setbacks from side boundaries, it is the case that the majority of recent development undertaken in the locality is single storey in height (where reduced setbacks do not necessarily result in impacts on adjoining properties). The proposed portico, however, has been presented with a wall and total height of 6.0 and 8.5 metres respectively, and is therein considered the equivalent of a two (2) storey structure.

Notwithstanding the increased portico setback proposed by the applicant, which is considered to improve the relationship of the structure to the adjoining property, the structure is considered to remain unnecessarily high. Without compromising the future access intentions of the property owner, therefore, it is recommended that an appropriate condition requiring a reduction in the height of the structure be imposed on the approval. It is recommended that the condition require the height of the portico be reduced by at least 1.25 metres to Council's satisfaction at working drawings stage. This amounts to the removal of the large plinth atop which sits the cedar louvres and the roof itself.

Architecturally, the above requirement is not considered to compromise the integrity of the remainder of the street elevations. Importantly, the symmetry of the elevation will be generally maintained.

With respect to the minor increase in the wall height on the eastern boundary adjoining the water feature, it is noted the plans have been amended, as mentioned, responding to a concern regarding this aspect of the proposal by the adjoining owner.

Conclusion

Having regard for the above comments, it is recommended that the amended plans now before Council be approved. The amendments have provided for a more compliant proposal in terms of the standards that apply, and have addressed generally, the concerns raised by the adjoining owner. It is noted that the adjoining owner has been advised of the changes made to the plans, and that the application is being presented to Council for determination.

Recommendation

That Council conditionally approve the application to erect a single residence and outbuilding (including associated site works and retaining) on Lot 163 (No.102) Britannia Avenue, Beeliar.

Strategic Plan/Policy Implications

Council Policy – Outbuildings – APD18.

Demographic Planning

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

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

Legal Implications

Town Planning Scheme No.3
Planning and Development Act 2005

Community Consultation

Adjoining owners were consulted regarding the proposal.

Attachment(s)

(1) Site plan, floor plans and elevations;
(2) Objector submissions.
(3) Site Photographs

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 March 2007 Council Meeting.

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

Nil.

14.2 (MINUTE NO 3402) (OCM 08/03/2007) - PROPOSED STRUCTURE PLAN - LOTS 802 & 9028 GIBBS ROAD AND LOT 803 LYON ROAD, AUBIN GROVE - OWNER: LANDCORP - APPLICANT: ROBERTS DAY (9645F) (DA) (ATTACH)

RECOMMENDATION
That Council:

(1) adopt the structure plan for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove subject to the following modifications to the structure plan:

1. Include on-street car parking bays for the northern R30 laneway lots located in the North-East development cell

at a rate of 1 bay per two lots.

2. Amend the 12 metre road reserve adjacent to the public open space within the north-east development cell to 13.5 metres in width.

(2) upon receipt of a revised Structure Plan compliant with Clause (1) above, forward the Structure Plan documents and schedule of submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No 3;

(3) adopt the officer comments within the Schedule of Submissions contained in the Agenda attachments for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove and forward those comments requiring consideration to the applicant for information;

(4) advise the proponent that a road reserve will be requested at the subdivision/development stage for the north western development cell to provide a hard edge interface to the public open space and Bush Forever site to the south; and

(5) advise those persons who made a submission of Council's decision.

COUNCIL DECISION
MOVED Clr A Tilbury SECONDED Clr J Baker that Council:

(1) Refer the proposal to the EPA for Formal Assessment; and

(2) Approach DEC with the suggestion that this block be purchased by Main Roads for inclusion in the Jandakot Regional Park as part of their offset obligations for the Tonkin Highway extensions to Mundijong Road.

CARRIED 9/1

Reason for Decision

Council should reject this application because urban development is inappropriate so close to an important Bush Forever Site.

Lot 204, Lyon Rd, Aubin Grove is pristine bushland and was nominated for its entire inclusion in Bush Forever due to its conservation values and important seasonal wetlands. It has the highest classification for

Bush Forever and the highest classification Conservation Category Wetland. You cannot get a higher environmental classification for a site. It is one of the very few remaining banksia woodlands in the area. Other banksia woodlands included in the Jandakot Regional Park are a lot smaller and very scattered. This site is reasonably large and compact, and is in pristine condition.

The Wetlands Conservation Society expected that the Council and the WAPC would conserve the whole site and include it in the Jandakot Regional Park.

LandCorp are proposing to develop 40% of this site, including two areas of very high biodiversity (lots 802 and 803). All of the high quality vegetation on former lot 204 should be conserved, as pristine Jandakot woodland is now very scarce and under-represented in the conservation estate.

If the conservation values of this site are to be preserved, NO development should be allowed adjacent to the site. There are many examples of pristine wetlands in Cockburn that have completely degraded due to development, even with the 50m buffers. These include Freshwater Reserve in Banjup, which had grassed areas in the buffer zone to the wetlands. This has now lost all of its conservation values. Another example is Market Garden Swamp. Even with a 50m buffer the area has degraded significantly due to development and now they are looking at infill. Developments adjacent to CCW result in the conservation values being destroyed. It's a fact.

If we look closely at what is being proposed it is evident that this proposal will kill this area.

It can be seen from the contour maps that the development areas are proposed in the best highlands. This is about 2 meters above the water table.
Highlands are an essential part of the ecosystem of wetlands. Many birds eat nectar from bush in the highlands.

Developing the highlands will result in the drainage running straight into the wetland. Some will argue that the drainage can be managed, but ultimately storms will result in runoff that cannot be contained by drainage basins. This will carry nutrients and pollution in to the wetlands.

We also know that urban development so close to this wetland will result in the lowering of the water table and the pollution of the shallow ground water by fertilisers and pesticides.

The Bush Forever Site will be degraded because the proposed reserve boundary is long and meandering. The best highland has been excised

for development, leaving an unviable reserve squeezed in-between the houses.

Furthermore, rubbish dumping, weeds, dieback, nutrients, cats, dogs, trail bikes and fire breaks etc will be brought in by the residents and will contribute to the demise of the wetlands.

The structure plan proposes a reduced buffer of 30m from the CCW. Furthermore, most of the 30m buffer is shown to be POS. This means that the natural vegetation adjacent to the wetland in the 30 m buffer will be cleared and grassed. The DEC stated that " the CCWs are given the highest priority and their management objective is for preservation" and originally requested a 50 m buffer, but after a letter from LandCorp's environmental consultant, put in a second submission agreeing to the reduced buffer.

This flies in the face of their own policy. The DEC's policy states "Clearing of Native Vegetation"……It should be noted that under a notice declared by the Minister for Environment certain wetlands are defined as environmentally sensitive. These include ….CCW…. Exemptions do not apply in these wetlands or within 50 m of their boundary".

So there are no exemptions for clearing natural vegetation within 50 m of a CCW. Not only does the structure plan have only have 30m, but it is going to be cleared! How can this happen?

The DEC gave 5 reasons as to why they approved the 30m buffer. NONE of these reasons have been justified on a scientific basis. They are all political.

The DEC also stated that a vegetated buffer of 50 m will be accepted. Why would you clear natural vegetation and to replace it with other plants? Nothing is ever as good as the original natural state. Rehabilitation gets close, but it never achieves the original state.

I have no confidence in their assessment of this proposal by the DEC for all the above reasons, and this is why we should request a formal assessment by the EPA.

So what can the outcomes be for this site?

When Main roads extended the Tonkin Hwy from Armadale to Mundijong they destroyed 35 hectares of high conservation category wetlands. They are now under obligation to find 35 hectares of similar conservation value. Finding this will be very difficult, as there are not many CCW left in the metro area. This site is perfect.

Main roads could purchase this site from LandCorp for inclusion in the Jandakot Regional Park. Main roads will then have met their offset,

LandCorp will be paid for the land, CALM will have it in the Jandakot Regional Park and the ratepayers of Cockburn will have a preserved wetland for future generations. It is a win, win, win, win situation!

Background

ZONING:	MRS:	Urban
	TPS3:	Development Development Area 11
LAND USE:	Vacant – bushland	
LOT SIZE:	SW Cell: 2.7275 ha NW Cell: 3.2494 ha NE Cell: 9.5058 ha Lot 800 (Bush Forever site): 26.7180 ha	

This matter was considered by Council at its meeting held on 8 February 2007 and it was resolved that the matter be deferred to a future Council meeting, subject to:

(1) Elected Members being provided with a copy of the covering letters and full submissions received by the DEC (formerly DoE) and the Water Corporation, along with a report by an Environmental Officer detailing the specific concerns raised by each of the Agencies and how they are addressed in the proposed Structure Plan;

(2) information on how the boundaries to the Bush Forever site were determined and whether any aspect of this proposal has been referred to the EPA for assessment;

(3) an aerial photograph being provided in the attachments; and

(4) original Bush Forever documents being provided.

The reason given for this decision was that the report in the Agenda is focussed directly at the Structure Plan. It fails to address the most important environmental issues associated with the Bush Forever site. This area of land is pristine bushland, is rich in biodiversity and contains two conservation category wetlands. The areas proposed to be developed need to be carefully reviewed by Council, as the north east corner is high quality bushland. More time and more information is needed before such an important decision is made.

The site was originally known as Lot 204 Lyon Road, Aubin Grove and partially contained Bush Forever Site No. 492. In 2006 the site was subdivided as a result of a Negotiated Planning Solution to protect the Bush Forever Site while allowing some residential development to occur. Bush Forever Site No. 492 (Lot 800 Lyon Road) was subsequently excised from the remaining land zoned for 'Development'

and vested with the Western Australian Planning Commission. The subdivision created three separate and distinct 'Development' cells in the South West, North West and North East corners of the site.

Submission

Roberts Day has submitted a proposed structure plan for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove on behalf of the landowner, LandCorp.

The structure plan proposes the creation of approximately 135 residential lots ranging in area from 339m^2 to 14054m^2 in three distinct development cells. The lot sizes reflect the residential densities (R20, R30 and R40) as depicted on the Structure Plan. The North Western cell proposes the creation of one 'super' lot that will be later subdivided when plans for the adjoining Harvest Lakes Neighbourhood Centre have been finalised.

As well as a Bush Forever site, the site also contains a Conservation Category Wetland (CCW), with buffers to the wetland being contained within the public open space and Bush Forever site.

Refer to site plan and proposed Structure Plan contained with the Agenda attachments.

Report

The proposed structure plan is generally in accordance with the Southern Suburbs District Structure Plan (stage 2) in that it proposes medium density (R40) in the north-west cell and generally residential R20 for the remaining areas.

Public Open Space

The net subdividable area of the site, once the deductions for the pump station, core wetland and drainage were removed, totalled 13.7633 ha.

The structure plan proposes 1.1614 ha (8.4%) creditable public open space (POS) and it is proposed to provide cash-in-lieu for the remaining 0.2149 ha (1.6%) shortfall of POS, which is consistent with the approach used on the Sanctuary Estate by Stocklands, which is located immediately to the south.

The public open space comprises a 50% credit towards areas within a 30 metre CCW buffer, totalling 0.7793 ha.

The City is supportive of the amount of POS provided for the site, given that the Bush Forever site (approximately 26.72 ha in area) and majority of the CCW has been excised from the developable land and

will be protected within a Parks and Recreation reserve, to be managed by the City.

The cash-in-lieu could be used to fund playgrounds within the POS, dual use paths within the Bush Forever site etc.

Bush Fire Management Plan

The proponent has submitted a Bush Fire Management Plan to the City to demonstrate how bush fire protection can be provided to the development cells while still providing protection from clearing to the Bush Forever site.

The Bush Fire Management Plan demonstrates that a 20 metre low fuel zone can be achieved to buildings, with the low fuel zone comprising 7 metres within the backyard of properties, 10 metres within POS and road reserves and 3 metres within the existing fire breaks around the Bush Forever site.

The Bush Fire Management Plan has been referred to the City's FESA representative and is acceptable to the City.

Community Consultation

The City received eight (8) submissions in respect to the proposed structure plan, including submissions from Western Power, Water Corporation and the Department of Environment.

The Department of Environment (DoE) originally raised concern regarding the reduced buffers (less than 50 metres) to the Conservation Category Wetland (CCW). However, after receiving a submission from the applicant's environmental consultant on the proposal, the Department of Environment provided a second submission on the proposed structure plan, stating that the buffers proposed to the CCW are considered environmentally acceptable, for reasons outlined in the submission contained in the schedule of submissions. Given the DoE's acceptance of the proposed buffers to the CCW, the City supports the buffers proposed in the structure plan.

The City also received four (4) submissions from nearby landowners. One submission raised concerns with respect to the impact the development would have on their lifestyle, particularly during the subdivision/ construction stage. In response to this submission, the site is zoned 'Development' for the purposes of residential development and it is inevitable that residential development will occur. Many of the concerns raised can be monitored and controlled through the Environmental Protection Act (i.e. with respect to noise) and a dust management plan will need to be prepared prior to subdivision and/or development. This will ensure that any emissions from the subdivision can be minimised.

Another resident objected to the number of lots proposed within the south-west development cell. In response to this submission it is advised that the development is proposed at an R20 density. This density is adopted as a base density throughout the City and is also consistent with the R-Coding applicable to the immediate surrounding locality. The Residential Design Codes have provisions relating to setbacks and maintaining privacy to adjoining dwellings.

Conclusion

A summary of the history of the Bush Forever determination, including correspondence from the DPI and DoE, is included for Council's information, as per Council's 8 February 2007 resolution.

It is recommended that the Council adopt the structure plan for Lots 802 and 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove and refer the structure plan to the WA Planning Commission for final consideration.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.*

Natural Environmental Management

- *To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.*
- *To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.*

The Planning Policies which apply to this item are:

SPD1	Bushland Conservation Policy
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD28	Public Open Space Credit Calculations

Budget/Financial Implications

The cost of maintaining the public open space at the expiry of the 2 year maintenance period.

Legal Implications

Advertised in accordance with the provisions of section 6.2.8 of City of Cockburn Town Planning Scheme No 3.

Community Consultation

The structure plan was advertised to the community for a period of 21 days. This included an advertisement in two local papers circulating in the District, letters to adjoining owners, letters to servicing and other government agencies, copies of the report and plans on Councils web site and a copy at the front counter.

Attachment(s)

(1) Proposed Structure Plan
(2) Additional Requested Information
(3) Schedule of Submissions.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 March 2007 Council Meeting.

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

Nil.

14.3 (MINUTE NO 3403) (OCM 08/03/2007) - MULTIPLE DWELLING DEVELOPMENT (17 DWELLINGS) - LOT 2166 O'CONNOR CLOSE, NORTH COOGEE (TO BE LOT 483 ENDERBY CLOSE) OWNER: LANDCORP (TO BE CAPE BOUVARD) - APPLICANT: CAPE BOUVARD DEVELOPMENTS (6003135) (AJW) (ATTACH)

RECOMMENDATION
That Council:

(1) grant its approval for the erection of a five (5) storey plus part basement building containing 17 multiple dwellings on Lot 2166 O'Connor Close, North Coogee, in accordance with the approved plans subject to the following conditions:

1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.

2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the

commencement and carrying out of the development.

3. The part basement sections that project beyond the height of the perimeter retaining wall are to be suitably detailed for the purposes of ensuring the appearance of such, combined with the height of the retaining walls, is aesthetically acceptable to the surrounding public domain. The details are to be provided to the satisfaction of Council at working drawings stage.

4. Car park ventilation grills/panels are to be suitably located relative to the surrounding public domain, taking into account the prominence of the subject land. The details are to be provided to the satisfaction of Council at working drawings stage.

5. The development being designed in consultation with a qualified acoustic consultant and/or engineer who must certify in an accompanying acoustic report that the development proposed complies with the requirements of MRS Amendment No.1008/33 relating to the South Beach location to the satisfaction of Council at working drawings stage.

6. The application of 'Quite House' design principles to the development, to the satisfaction of Council at working drawings stage.

7. Notification in the form of a memorial to be placed on the Title of all dwellings advising of the potential impacts of noise and vibration associated with the 24 hour operation of the freight rail line adjacent to the site. Details of the memorial are to be provided to Council at working drawings stage i.e. prior to the release of a Building Licence.

8. The submission of material, finish and colour details for the development to the satisfaction of Council at working drawings stage;

9. All service areas (clothes drying areas and bin stores) and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened, the details of which are to be provided to the satisfaction of Council at working drawings stage;

10. The submission of a landscaping plan, detailing in particular:

- the relationship of on-site landscaping to that within adjoining public open space areas; and
- that proposed for the south eastern boundary of property (where the subject land meets the adjoining property);

to the satisfaction of Council at working drawings stage.

11. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.

12. All stormwater is to be contained and disposed of on-site.

13. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia. The design in to be certified by a suitably qualified practicing Engineer and/or hydraulic design consultant or the like, and designed on the basis of a 1:10 year storm event.

14. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.

15. All car parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking), the details of which are to be provided to the satisfaction of Council at working drawings stage;

16. Car parking bays being allocated to specific dwellings at working drawings stage, to be later reflected in the strata plan for the site to the satisfaction of Council;

17. The visitor parking proposed at the front of the building being suitably sign posted and made available in perpetuity for such purposes.

18. The provision of bicycle parking for visitors to the building (to the satisfaction of Council at working drawings stage);

19. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.

20. The carrying on of the development must not cause a sand drift or airborne dust nuisance to neighbours. The developer must prepare and implement a Dust Management Plan in accordance with the Council's Policy of the Preparation of Dust Management Plans for development sites within the City of Cockburn. The plan is to be approved by Council's Health Services prior to the commencement of earthworks and complied with during the life of the development.

21. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.

22. No building (or related) activities associated with this approval causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

1. The application has been determined on the basis of the plans and information provided to Council for assessment.

2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.

3. With respect to condition 7 the Memorial should state as follows: *This dwelling is in the vicinity of an operating freight line servicing the Port of Fremantle and associated industrial areas. The line operates 24 hours a day, 7 days a week. Residential amenity, therefore, may be affected by noise, vibration and other impacts from freight traffic using the rail line*.

4. With respect to condition 8, the material, finish and colour details for the development should have regard for the South Beach Design Guidelines applicable to the land and location.

5. With respect to condition 9, given the prominent location of the subject land, the placement of services and related hardware will require specific attention at working drawings stage. With respect to air conditioning condenser units, a generic approach to screening such

units may be necessary (through a consistent element in balustrades for example).

6. Consideration should be given to the installation of a clothes dryer within dwelling laundries; the drying of clothes on unit balconies is not supported.

7. The development is to comply with the requirements of the Building Code of Australia.

(2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No.3;

(3) advise the applicant and the Western Australian Planning Commission of Council's decision accordingly.

(4) agree the matter of the MRS Clause 32 resolution relating to 'Coastal Buildings Above Specified Heights' be raised with the Department of Planning and Infrastructure. In this respect, it is recommended that clarity be sought from the Department regarding the interpretation of the legislation for the purpose of determining which authority is responsible for determinations under the Metropolitan Region Scheme.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that Council adopt the recommnedation with the additional development Condition, as follows:

23. The development of the part basement parking level taking place in a manner that has regard for the structural integrity of the retaining wall internal to the perimeter of the subject land, including the liner of the adjoining lake, to the satisfaction of Council prior to the issue of a Building Licence. In this regard, the applicant is to provide certification by a suitably qualified engineer confirming the existing infrastructure (retaining wall and lake liner) will be satisfactorily protected.

CARRIED 10/0

Reason for Decision

The additional condition is to ensure protection of the retaining wall and lake liner prior to any construction being undertaken. The applicant has advised that they are fully aware of the need to ensure the structural

integrity of the retaining wall and lake liner are maintained and do not consider the development will adversely impact on either. The condition, therefore, seeks to ensure that adequate documentation is provided to confirm the structural details.

Background

ZONING:	MRS:	Urban
	TPS3:	Development Area 16 (South Beach Development Zone)
LAND USE:	Residential (Multiple Dwellings)	
LOT SIZE:	1790m2	
USE CLASS:	Multiple Dwelling 'P' (Permitted)	

The subject land is located at the northern end of the Public Open Space spine that extends in a north south direction within the South Beach redevelopment area. The site is generally flanked by open space to the east and north, and open space and the Fremantle rail line to the west. The southern side of the land is bordered by a single residential lot and Enderby Close.

Submission

In accordance with the identification of the lot for higher density development in the South Beach Structure Plan, application has been made to develop 17 multiple dwellings on the land. In detail, the following is proposed:

- A part basement level containing 34 parking bays;
- A ground floor level containing three (3) dwellings, the building entrance and three (3) visitor parking bays;
- Three levels (1-3) containing four (4) dwelling per level (12 in total); and
- A top floor (level 4) containing two (2) penthouse apartments.

Surrounding the building footprint at the ground floor level is open space and landscaping, including communal open space for use by future occupants of the development. Vehicular access to the development will be via Enderby Close and a ramp into the lower level parking area.

It is noted, that by virtue of the part basement level projecting beyond the surrounding natural ground level (the perimeter retaining wall), the application needs to be referred to the Western Australian Planning Commission (WAPC) for determination under the Metropolitan Region Scheme (MRS). The WAPC's administration (the Department of Planning and Infrastructure) has recently confirmed that a part basement constitutes a storey and is to be taken into account when

considering the requirements of the MRS Clause 32 resolution relating to 'Coastal Buildings Above Specified Heights'.

The resolution states that local governments, including the City of Cockburn, *refer for determination by the Commission all applications for approval to commence development … exceeding five storeys or 21 metres in height (or both)*. Bearing this in mind, Council's responsibility relates to the determination of the application under Town Planning Scheme No.3 (and all related and/or relevant controls). Following determination under the City Planning Scheme, it is recommended that Council refer its determination to the WAPC for consideration.

Report

The following matrix provides an account of compliance with the standard Scheme and Design Guideline/Detailed Area Plan (DAP) provisions applicable to the land. Elements that do not specifically comply are covered in more detail in the report.

Standard	***Scheme/Guidelines/DAP Provision***	***Compliance***
Use	Residential (Group/Multiple Dwellings)	Yes
Density	R60-100	Yes (with R100 standard: 17 dwellings permissible; 17 proposed)
Plot Ratio	1.25:1.0 (or 2,237m^2)	No (1.42:1.0 or ~ 2,544m^2)
Setbacks	As per Design Guidelines As per RD-Codes	Yes/No – see report
Open Space	55%	Yes (~58%) Note: includes open space above part basement level
Height	20 metres	Yes (16.6 and 18.2 metres)
Car Parking	Tenant: 2 bays/dwelling	Yes (34 proposed) Three (3) visitor bays also proposed

Plot Ratio

The plot ratio proposed for the site exceeds that permitted by approximately 307 square metres (based on Council's calculations) and 375 square metres (based on the applicant's calculations). In support of the additional floorspace, the applicant states the following:

We can fully understand the importance of not exceeding the density coding within a development zone. Additional dwellings bring additional people, noise, traffic and on-street parking which adversely affects the enjoyment of their property for all residents. Increasing

apartment floor areas on the other hand has a negligible affect on other residents particularly given the minor increase in massing which comes about as a result of adding 375sq.m into the overall floor area of the development. For the Lot 483 proposal: 375sq.m adds less than 1m to the overall length and depth of each floor level, and therefore has very little affect on the massing of the building.

In all other respects the proposal complies with the applicable planning controls and, as such, will not impact on adjoining properties.

From a planning perspective, the use of plot ratio to control the extent of development on a property is often considered a somewhat rudimentary, arbitrary measure. In redevelopment locations like South Beach, greater emphasis is placed on desired builtform outcomes, which contribute to the character envisaged for a particular location. In South Beach, importance is placed on the siting and height of development for the purpose of achieving appropriate relationships between adjoining lots, and the private and public domain.

Bearing the above in mind, as the proposal doesn't involve excess density and is generally compliant with the majority of planning controls applicable to the land, the additional plot ratio proposed is supported.

Building Setbacks

The proposed building generally complies with the setback requirements applicable to the land with the exception of the following:

- The projection of the part basement level into the 1.5 metre setback area extending around the eastern, northern and western boundaries of the lot; and
- Parts of the south east facing elevation, notably bed room 3 at levels 2 and 3 (east side), bedroom 2 at level 3 (east side), and the majority of the south west corner of the building.

The part basement projection occurs as result of the area (footprint) required to accommodate parking and other requirements (storerooms etc). From a planning (and design) perspective, the setback projection is supported for the following reasons:

- The projection does not occur for the perimeter of the property (and generally, only the eastern and western sides – not the prominent northern side of the lot);
- The approximate height of the projection is just 1.25 metres (approx.) i.e. the height of the building itself will be situated distances greater than the required 1.5 metres from the boundary;
- The part basement level provides for parking screened from public view;

- The projection enables the car park to be naturally ventilated in part, rather than mechanically ventilated; and
- The part basement projection will be architecturally integral to the design of the building, appearing as a podium or base to the building.

The main concern with the basement projection relates to the manner in which it will appear where it meets the retaining wall surrounding the property. Architecturally, this aspect of the proposal requires particular attention to ensure that it doesn't appear as a blunt or crude extension of the retaining wall. Additionally, attention will need to be paid to ensuring the wall is sufficiently detailed, whilst the location of ventilation grills is appropriate (relative to adjoining spaces). Accordingly, a condition regarding design and detailing of the wall is recommended.

The setback projections on the eastern side of the south east elevation are considered minor and are supported. The building is setback distances of 8.5-12.5 metres from the adjacent boundary. Given the 'urban' nature of the South Beach redevelopment, these distances are considered to be more than would typically be expected. For the purposes of softening the interface between the subject lot and that adjoining, and minimising the extent to which overlooking may cause a loss of privacy (due to the height of the proposed building), appropriate landscaping details for the south eastern boundary are to be sought.

The setback projections on the western side of the south east elevation (the south west corner of the building) are supported noting this part of the site sits adjacent to the Enderby Close road reserve.

Carparking

The Design Guidelines for South beach require the provision of two (2) bays per dwelling. As proposed, each dwelling will be provided with two (2) bays in the part basement level. The Guidelines, however, are silent on the matter of visitor parking. The requirements of the R-Codes have therefore been applied.

For multiple dwellings, the R-Codes require 10% of the required amount of parking to be provided as visitor parking. If applied to the subject application, four (4) of the 34 bays proposed would need to be made available for visitor use. Instead, three (3) bays in addition to the 34 tenant bays are proposed for exclusive use by visitors. This number of bays, and their proposed location in front of the entrance to the building, are considered acceptable.

Other

Other matters typically addressed by conditions of approval on applications similar to that proposed include:

- The submission of material, finish and colour details;
- Service hardware details i.e. where service hardware such as air conditioning condenser units are to be located on-site and/or screened (if necessary);
- Landscaping and fencing details;
- Parking details (and compliance with the relevant Australian Standard/s); and
- Acoustic and vibration details. In this regard, compliance with the requirements of MRS Amendment No.1008/33 need to be satisfied.

The above matters need to be addressed to Council's satisfaction at working drawings stage.

Consultation

Fremantle Port Authority and the Public Transport Authority were consulted in respect of the application (given the proximity of the subject land to the Fremantle Port rail line). In response, the following comments were made.

Fremantle Port Authority (FPA)

The FPA advised that it understands Quiet House design principles are to be applied to the development. The FPA also supports the Herring Storer recommendations contained in MRS Amendment No.1008/33. In response, it is noted that both Quiet House design principles and the Amendment are to be addressed (by condition) at working drawings stage.

Additionally, the requirement for Memorials on Title are proposed for the purpose of alerting future occupants to potential impacts associated with the rail line. The FPA made reference to the need for such in its response on the application for the ANI Bradken site.

Public Transport Authority (PTA)

The PTA has reviewed the application, advising that the applicant should *undertake further noise and vibration studies … . Further, A Development Application should not be issued until those recommendations can be attached as conditions*. It is again noted, that for the development to proceed, the requirements of MRS Amendment No.1008/33 need to be satisfied. The Amendment deals in detail with the matter of noise and vibration.

Conclusion

It is considered the subject proposal will result in the appropriate development of a landmark site within the South Beach redevelopment area. Importantly, the building will address the surrounding public

domain, including a large area of open space, in a positive, respectful manner, reinforcing the design objectives for the location. Bearing these points in mind and the comments above, it is recommended that the application be conditionally approved by Council under Town Planning Scheme No.3.

Recommendation

That Council conditionally approve the application for the erection of a five (5) storey plus part basement building containing 17 multiple dwellings on Lot 2166 O'Connor Close, North Coogee. It is also recommended the Council resolve to:

- issue a Notice of Determination of Application for Planning Approval;
- advise the applicant and the Western Australian Planning Commission of Council's decision; and
- agree the matter of the MRS Clause 32 resolution relating to 'Coastal Buildings Above Specified Heights' be raised with the Department of Planning and Infrastructure.

Strategic Plan/Policy Implications

The Planning Guidelines and Detailed Area Plan which applies to this item are South Beach Design Guidelines and Detailed Area Plan (Type 3 – Lot 483).

Demographic Planning

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

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

Legal Implications

Town Planning Scheme No.3
Planning and Development Act 2005

Community Consultation

N/A – Fremantle Port Authority and Public Transport Authority have provided comment on the proposal.

Attachment(s)

(1) Site plan, floor plans and elevations;

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 8 March 2007 Council Meeting.

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

Nil.

14.4 (MINUTE NO 3404) (OCM 08/03/2007) - RURAL LIVING OUTBUILDING - LOT 224 (NO. 76) FANSTONE AVENUE, BEELIAR - OWNER: P TREVIS - APPLICANT: DANIEL KERR (3411501) (BA) (ATTACH)

RECOMMENDATION
That Council:

(1) grant its approval to the proposed Outbuilding on Lot 224 (No.76) Fanstone Avenue, Beeliar in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.

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. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.

4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

5. No activities relating to this approval causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

6. All outbuildings require a Building Licence prior to construction.

SPECIAL CONDITIONS

7. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

8. The development must not undertake any activity or conduct a business in such a way that dust, fume, light, liquid waste, noise, odour, smoke or vibration emissions from the site create a nuisance.

9. Liquid wastes, including washdown wastes, are not permitted to enter any storm or ground water system.

   The disposal of industrial liquid waste is to comply with the City of Cockburn(Health) Local Laws 2000 and meet one of the following requirements:

   (a) discharge to sewer as approved by the Water Corporation;
   (b) discharge to on-site effluent disposal as approved by the Executive Director, Public Health or the Principal Environmental Health Officer;
   (c) collection and disposal in an approved manner at an approved liquid waste disposal site.

   Discharge of industrial liquid wastes directly to soak or ground is also not permitted and requires the approval of the Department of Environment and Conservation.

10. Any commercial vehicles are to be screened from view from any public street or reserve and adjoining lots as far as practicable to the satisfaction of the Council.

11. 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

12. The commercial vehicle must not be started up on-site, on the verge or on the road between the hours of 10.00 pm and 6.00 am the following day subject to condition

13. No parking of the Commercial Vehicles on the verge or the street.

14. Where a noise complaint is substantiated in accordance with the relevant Regulations made pursuant to the Environmental Protection Act 1986, the Council may further restrict the hours of operation of the Commercial Vehicle or revoke its approval to park a Commercial Vehicle on the property.

15. Any restrictions imposed on the hours of operation of a commercial vehicle shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986.

16. This approval is personal to the applicant only and is not transferable to another person.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

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

CARRIED 10/0

Background

ZONING:	MRS:	Rural
	TPS3	Rural Living
LAND USE:	Residential	
LOT SIZE:	4047M^2	
USE CLASS:	"P"	

Submission

The applicant proposes an oversized shed measuring 280m^2. The applicant has provided the following justification in support of the need for an oversized shed which has been summarised accordingly:-

- To secure a bobcat;
- Store 3 large trucks;
- Store a 30 foot boat;
- Keep vehicles sheltered from the emissions of Cockburn Cement; and
- Workshop area, so home vehicles can have maintenance work carried out

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Report

The subject land is zoned Rural Living under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3 and Council Policy APD 18 with the exception of the following:-

- *Council Policy APD 18- " Outbuildings in a Rural Living Zone are to have a maximum floor area of 200m² ".*

The applicant seeks a variation to the above by proposing a floor area of 280m². The applicant is a tow truck driver who sub-contracts for a company called Auto Care. Auto Care have two depots that are used to store wrecked vehicles, in Clune Street, Bayswater and McCoy Street, Myaree. The applicant's working hours vary, though typically he will leave the house at 9am and return around 7pm. As a sub-contractor, the applicant has no employees working under him.

Three (3) landowners were advised of the development application. No objections were received.

It is recommended that Council support the application on the basis the proposed oversized shed will not adversely affect the amenity of neighbouring properties. Additionally, it is believed the construction of the outbuilding will vastly improve the amenity for all concerned by providing adequate storage for vehicles that would otherwise be left out in the backyard.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:-

APD18 Outbuildings

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

Three (3) landowners were advised of the development application. No objections were received.

Attachment(s)

(1) Location Plan.
(2) Site Plan
(3) Elevations
(4) Applicant's justification
(5) Applicant's Proposed Shed Use Information
(6) Neighbours Consent
(7) Site Photograph

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at the March 2007 Council Meeting.

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

Nil.

14.5 (MINUTE NO 3405) (OCM 08/03/2007) - SINGLE HOUSE CODES APPROVAL - HOUSE EXTENSIONS AT LOT 93 (NO. 21) FARMHOUSE DRIVE, BIBRA LAKE - OWNER: J & K EDGAR - APPLICANT: J EDGAR (1102010) (BA) (ATTACH)

RECOMMENDATION
That Council:

(1) grant its approval to the proposed Single (R-Code) House Extensions at Lot 93 (No.21) Farmhouse Drive, Bibra Lake, in accordance with the approved plans subject to the following conditions:-

STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.

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. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.

4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

5. No activities relating to this approval causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

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

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Residential	
LOT SIZE:	700m²	
USE CLASS:	"P" - Permitted	

Submission

The applicant proposes an extension to an existing Single (R-Code) House on the subject land. The extension of the master bedroom includes the addition of a window. Previously, the bedroom only had a window at the front, and therefore, the side setback on the south-western boundary was only required to be 1m. The new window redefines the wall as one with major openings and is to be setback 1.5m. As the works being carried out are only extensions, the wall remains setback 1m from the south-western boundary.

Report

The subject land is zoned R20 under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No.3 and the Residential Design Codes with the exception of the following:-

- Table 2b- "Boundary Setbacks- Walls with major openings; Walls 13m long under 3.5m in height must be setback 1.5m from the side boundary."

The applicant seeks a variation to the above clause by proposing a continued side setback of 1m.

The applicant has received the endorsement of the neighbour adjoining the reduced setback. They have signed the plans and indicated they have no objection to the proposal.

This proposal is a minor matter and has the support of Council Planning staff.

It is recommended therefore that Council support the application on the basis that the reduced setback has been supported by the adjoining neighbour and is considered a minor variation, which will not have any detrimental planning outcomes.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
APD32 Residential Design Codes

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

The applicant has received the endorsement of the adjoining neighbour who has signed the plans and indicated they have no objection to the proposal.

Attachment(s)

(1) Location Plan
(2) Site Plan (with neighbours signed approval)
(3) Existing Floor Plan
(4) Proposed Floor Plan and Elevations

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at the March 2007 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3406) (OCM 08/03/2007) - LIST OF CREDITORS PAID - JANUARY 2007 (5605) (KL) (ATTACH)

RECOMMENDATION
That Council receive the List of Creditors Paid for January 2007, as attached to the Agenda.

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

CARRIED 10/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

Governance Excellence

- *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

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - January 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3407) (OCM 08/03/2007) - STATEMENT OF FINANCIAL ACTIVITY - JANUARY 2007 (5505) (NM) (ATTACH)

RECOMMENDATION
That Council receive the Statement of Financial Activity and associated reports for the period ended 31 January 2007, as attached to the Agenda.

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

CARRIED 10/0

Background

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

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

(a) details of the composition of the closing net current assets (less restricted and committed assets),

(b) explanations for each material variance identified between YTD budgets and actuals; and

(c) any other supporting information considered relevant by the local government.

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for January 2007.

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

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

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

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

Material Variance Threshold

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

For the 2005/06 financial year, Council had adopted a materiality threshold of 10% or $10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to a future DAPPS Committee meeting.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Where variances are of a permanent nature, these will be noted and addressed at the mid-year budget review.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – January 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (MINUTE NO 3408) (OCM 08/03/2007) - BUDGET REVIEW - PERIOD ENDING 31 DECEMBER 2006 (5402) (ATC) (ATTACH)

RECOMMENDATION
That Council:

(1) receive the Business Plan Review; and

(2) amend the Municipal Budget for 2006/07 as set out in the attached report, summarised as $360,238 - Income and $360,238 - Expenditure.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Mayor S Lee SECONDED Clr V Oliver that Council:

(1) receive the Business Plan Review;

(2) amend the Municipal Budget for 2006/07 as set out in the attached report, summarised as $360,238 - Income and $360,238 - Expenditure subject to the following amendments:

(a) Increase the funds allocated to account OP9022 "Movie Nights" by $9,500;
(b) Reduce the funds allocated to account OP9750 "Project Contingency" by $9,500.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/1

Reason for Decision

This is an excellent opportunity to make use of The City's outstanding music shell whilst providing some terrific free family entertainment in a wonderful setting, at a very reasonable cost to the City, and it matches perfectly the 80% endorsement received in our recent referendum. This allocation will allow for two free movie nights to occur at Manning Park, inclusive of all equipment, movies, security, refreshments and promotion.

Background

Section 33A(1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Council adopted its first annual Business Plan at the July 2006 Ordinary Council Meeting. In accordance with Policy SC34 Annual Budget Preparation, a formal report on the progress of the Plan is to be presented at the March 2007 Ordinary Council Meeting.

Submission

N/a

Report

The attached Business Plan Review outlines the progress made in achieving Council's business activity plan and budget for FY 2006/07. The review identifies that the operational income and expenditure

forecasts are running close to expectations. There has also been considerable progress in achieving the program objectives of each of the City's Business Units.

The capital works program is also progressing, but the original cashflow forecasts for many projects have not been achieved. This is not simply a matter of these projects not being commenced, rather they are all in train but many have not required as much funding up front as originally forecast. In some cases the delays in making payments have financially benefited the City.

A revised cashflow was adopted at the end of the period and was reported on in the February monthly financial statement, which considerably improved the previous under forecasting.

A report on the review of the Municipal Budget for the period 1 July 2006 to 31 December 2006 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 $
Executive Services	0	(250)
Other Governance	(135,300)	50,612
Other General Purpose Income	(1,064,485)	761,785
Road Construction & Maintenance Services	128,533	(128,533)
Road Design Services	(100,000)	5,866
Parks Services	299,742	(286,056)
Facilities Maintenance Service	164,791	36,229
Waste Disposal Services	823,681	(1,236,960)
Recycling Services	(29,000)	48,000
Works Overheads	0	(10,790)
Transfers to Reserves	0	946,371
Records Services	0	(3,500)
Accounting Services	0	(63,000)
Human Resource Services	0	50,794
Building Services	(300,000)	55,372
Health Services	0	29,376
Land Administration Services	1,800	0
Statutory Planning Services	(150,000)	0
Customer Services	0	42,000
Law, Order & Public Safety	0	15,000
Social Services	0	29,422
Management Libraries Services	0	18,500
TOTAL	**(360,238)**	**360,238**

Strategic Plan/Policy Implications

Governance Excellence

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

Policy SC34 - Annual Budget Preparation refers.

Budget/Financial Implications

A number of amendments to the Budget are recommended.

Legal Implications

Section 33A(1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Community Consultation

N/A

Attachment(s)

(1) Schedule of Budget amendments
(2) Business Plan Review

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 3409) (OCM 08/03/2007) - STINGER NETS AT COOGEE BEACH (1903) (JR)

RECOMMENDATION
That Council:

(1) install interpretive signage and an additional shower at Coogee Beach in consultation with the Coogee Beach Surf Lifesaving Club;

(2) defer any final decision on the installation of stinger nets until after a review of the enclosures at Busselton and further investigations on net design, cost and anchorage.

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

CARRIED 10/0

Background

At the Ordinary Meeting of Council held on Tuesday 15 February 2005, under 'Matters to be Noted for Investigation Without Debate', Clr Allen requested that a report be provided to Council, investigating the feasibility of installing stinger nets at Coogee Beach or a portion of Coogee Beach.

The matter has been presented to Council on a number of occasions, the most recent being December 2006, however the matter has not been resolved to date. At the Council Meeting the matter was again deferred by Council for further consideration during its budget review deliberations. The reason given for this decision was that this item requires further consideration as some of the statements and information contained within the report contradict other information provided by the Coogee Beach Surf Life Saving Club. Council needs to seek further clarification and advice from both Surf Life Saving WA and the Coogee Beach Surf Life Saving Club before we can consider this item.

Submission

Council officers have met with representatives of both Coogee Beach SLC and SLSWA to continue discussions on the impact of stingers on beach use. A number of short term initiatves have been discussed to assist in the management of stingers at Coogee whilst additional investigation is being completed on the enclosure.

Report

Staff met with representatives of the Coogee Surf Lifesaving Club and Surf Lifesaving WA on 21st December 2006 to discuss the issue of stinger net enclosures and the general demand for such a facility on the WA coastline. The issue of conflicting information was discussed and it was clear that SLSWA did not take account of each incidence of stinger bites, rather their statistics identified recorded bites. Both

organisations however agreed that whilst stinger bites provide some discomfort to the beach goer, it is easily treated and the effects are only short term.

It is generally accepted that the provision of a stinger net enclosure will not significantly reduce the incidence of stinger bites at Coogee Beach as the entire beach frontage cannot be protected. In any event, stinger nets do not provide a guarantee that stingers will not be present within the enclosure. Coogee Beach SLC are however keen to identify a portion of the beach which is more attractive to parents with small children.

Short term solutions were discussed and it was agreed to establish interpretive signage and an additional shower at Coogee Beach. These issues are currently being costed and will be installed as soon as possible. A representative from the Coogee Beach SLC has identified some local manufacturers of netting and officers are currently discussing netting design, anchorage and maintenance methodologies. Officers also intend to inspect the enclosures at the Shire of Busselton to better understand the maintenance issues identified.

If stingers are prevalent within these relatively calm waters, the beach area within the new Port Coogee development represents another issue for the City. These manufactured waterways will potentially capture stingers within the marina environment making it harder for them to dissipate through tide or wave action. It is assumed that this area would be attractive for parents with small children due to the relatively controlled environment. A stinger net enclosure operated and maintained by the marina staff may well be the best solution to the problem in the long term.

To assist in Councils deliberations on this matter it is worth revisiting the information provided at the last meeting as follows:

The Coogee Beach Surf Lifesaving Club has advised:

- Users of the beach are raising concerns about the stinger problem.
- Stingers are just as prevalent at all metropolitan beaches, but the calmer waters at Coogee Beach does not break up the stingers and they can swim into shallower waters.
- There are 120 to 150 first aid treatments for stingers at Coogee Beach during the short stinger season.
- The sting is most extreme when received on the face and mouth, and may require medical referral.

In addition, Surf Life Saving Western Australia Inc. have advised:

1. *Are stingers a problem or nuisance on Metropolitan Beaches and to what extent?*

The type of marine stinger common to the Perth Metropolitan waters are more of a nuisance than a threat to the health of beach users. A 'bite' from marine stingers in metropolitan Perth are not life threatening and leave an affected person with varying degrees of discomfort. The table below provides statistics of marine sting treatments as recorded by surf life savers when patrolling beaches on week-ends over the summer.

Year	Recorded Treatments All Areas	Recorded Treatments Coogee SLSC
2000/2001	640	NA
2001/2002	752	NA
2002/2003	1233	63
2003/2004	2564	60
2004/2005	1061	21
2005/2006	289	27
Total	6539	171

2. *What is the demand for stinger nets i.e. are the users of the beach raising concerns?*

   In metropolitan Perth the demand for stinger nets is rare. The Shire of Busselton has taken steps to install and maintain a stinger net within Geographe Bay and adjacent to the tourist attraction 'Mile Long Jetty'. Multiple or consistent concerns do not appear common; the installation of a stinger net in Perth is more likely to enhance beach user comfort by reducing exposure to stinger 'bite' episodes rather than reduce any threat to life or long term illness/health effect. The City should be aware that the installation of a stinger net is not a guarantee that stingers will not enter the enclosed area.

3. *Are stingers more prevalent at Coogee than other beaches such as Cottesloe, City Beach, Scarborough Beach etc or to the South at Rockingham, Safety Bay and Mandurah?*

   Statistics compiled by SLSWA do not support that Coogee Beach or beaches in the south metropolitan area have an increased presence of incidents of stinger bites. In fact statistics show that the northern Clubs listed above have a higher incidence of 'stinger bites'. This increase in prevalence may be attributed to these beaches having lifesavers patrolling these beaches for longer hours over the summer and more people using these beaches than at Coogee. The northern beaches noted in your question are in fact beaches with very high beach visitation rates.

4. *Have other metropolitan beach Councils considered establishing stinger nets?*

   SLSWA is not aware of numerous coastal Councils considering this action for reduction of stinger 'bites', especially within the

metropolitan area. As stated SLSWA believe the Shire of Busselton maintain stinger nets during the summer. Coastal Councils are more likely to have considered the need for shark nets than stinger nets.

5. *What are the instances or raised concerns of stinger 'bites' at Coogee each year?*

   See table above. The statistics recorded for Coogee are representative of week-ends or public holidays only and during the summer season. The statistics do not account for midweek incidents.

6. *What is the severity of the injury and how is it treated?*

   The severity of the incident can vary but is usually considered low. The main symptom is from a mild to painful discomfort which later becomes 'itchy' and is usually accompanied by raised welts. The discomfort is likely to abate in a short time frame when appropriate treatment is applied. The current recognised practice for treatment of stingers is to apply a cold pack for a period of 10 minutes and re-apply if discomfort persists. This practice is current policy of the Australian Resuscitation Council of which Surf Life Saving is a member of and takes advice from for basic first aid protocols.

7. *What is our liability in the event that a swimmer gets caught in a stinger resistant net enclosure?*

   Stinger nets are generally designed with very small apertures i.e. <10mm. This design prevents entrapment opportunities with small children who in any event should be closely supervised by a guardian when in the water; further reducing the risk of entrapment. SLSWA investigations have not uncovered any recorded case of liability or claim made against a coastal Council from an injury resulting from this type of incident.

8. *What would the liability be in the event that the City was unable to effectively maintain the nets and a swimmer was stung and had some form of adverse reaction?*

   Like any feature/infrastructure introduced by a Council, an element of liability exists if procedures or protocols are not complied with to effectively maintain and manage that feature. However, a swimmer having a severe adverse reaction (i.e. death) to a stinger in Perth is considered to be a rare event (e.g. once in a 100 years) and SLSWA has no knowledge of this occurrence. It is worth qualifying that any installation of a stinger net is likely to be 'resistant only' and not 'proof'. Council should not promote installed stinger enclosures as being free from stingers rather they should be aware that the

nets will reduce the number of stingers in the enclosed area thereby minimising the likelihood and frequency of stinging incidents.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*

Budget/Financial Implications

Should Council decide to proceed to install stinger nets, funding of $46,000 initially and $26,000 subsequently per year have been estimated, subject to confirmation of prices and statutory authority requirements.

Funding for the shower and interpretive signage will be drawn from the current budget.

Legal Implications

Approvals would be required from various State and Commonwealth statutory authorities before the proposal can proceed.

Community Consultation

Council has contacted the Coogee Beach Surf Life Saving Club and Surf Life Saving WA.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Coogee Beach Surf Life Saving Club has been advised that this matter will be considered at the March 2007 Council Meeting.

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

Nil.

16.2 (MINUTE NO 3410) (OCM 08/03/2007) - CATHERINE POINT GROYNE EXTENSION (2200418) (JS) (ATTACH)

RECOMMENDATION
That Council:

(1) endorse the findings of reports *South Beach Coastal Processes: Catherine Point Sediment Movement*, November 2005, MP Rogers & Associates and *South Beach Coastal Processes: Monitoring Review,* February 2007, MP Rogers & Associates;

(2) negotiate with adjacent land development proponents, a cost sharing agreement for the extension of the Catherine Point groyne;

(3) include in the 2007/08 Municipal Budget an amount of $422,000 for the construction of a 30 metre groyne extension to accommodate future boardwalk access; and

(4) amend the 2006/07 Budget by reducing Expenditure Account OP9815 Catherine Point Groyne Extension from $278,000 to $60,000 and Income Account OP9815 Contributions from Developer from $139,000 to $30,000.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/1

Background

South Beach Coastal Processes: Catherine Point Sediment Movement, November 2005

In 2005 the City engaged MP Rogers and Associates (MRA) to investigate local coastal processes affecting the shoreline between the Island Street Groyne at the boundary to the City of Fremantle at South Beach and the Catherine Point Groyne, adjacent to the South Beach Village development. The investigation examined the erosion and identified long term options to stabilise and retain this section of beach.

The November 2005 report outlined survey, historical research and modelling of the offshore Success Bank and sediment movement from storm events, inshore wave patterns and coastal processes, to predict the stability of the beach. A recommendation for stabilising this shoreline based on the sediment modelling and historical beach angles, required the Catherine Point Groyne to be extended some 110 metres in two 55 metre stages, with intermediate shoreline monitoring to determine whether the beach had stabilised with only the first stage groyne extension.

The City and adjacent South Beach Village developers Stockland, agreed to share the cost of the first stage extension on a dollar for dollar basis. An amount of $278,000 was placed on the 2006/07 Capital works Program, 50% being a contribution from municipal funds.

North Coogee Foreshore Management Plan (FMP)

During the preparation of the draft *North Coogee Foreshore Management Plan* (FMP), the joint working group determined that the MRA November 2005 report should be reviewed to reflect additional available coastal data, future adjacent residential development and the community's desires. The MRA Report has been used to inform the North Coogee FMP, which is currently being finalised and will be presented in April 2007.

The FMP working group also recommended that consideration be given to the State Government Cockburn Coastal Precinct *Improvement Plan 33* (IP33), with regard to future planning and development contributions along the ocean foreshore between Rollinson Road and the Port Coogee Development. IP33 is an initiative for preparing a district structure plan for the land including the FMP study area between the Island Street and Catherine Point groynes. The IP33 committee has representation from the City of Cockburn and is due to finalise a draft district structure plan for advertising after August 2007.

Submission

Council endorsement of the reports for *South Beach Coastal Processes: Catherine Point Sediment Movement, November 2005 (MRA)* and *South Beach Coastal Processes: Monitoring Review, February 2007 (MRA)* is required. In addition, commitments to the project is to be made by listing for municipal budget consideration in the 2007/08 capital works budget, the revised cost for extending and further monitoring the Catherine Point Groyne .

Report

The City engaged MRA to review the findings and recommendations of the November 2005 report given:

- More than twelve months had passed since the previous sediment modelling work had been undertaken and further monitoring data was available for refining the sediment modelling;
- Opinions of costs needed to be reviewed in light of increased construction costs of 25% over the previous twelve month period;
- Community members and representatives voiced a desire for pedestrian access onto the proposed extension, which provided for a more robust construction than previously recommended.

The 2007 MRA report reviewed:

- Recent on-site survey information;
- Aerial mapping related to the vegetation line against the beach;
- Three dune cross section profiles; and
- Beach angles related to sediment movement and wave patterns.

The information indicates that the rate of shoreline recession has decreased over the previous 2 years. To stabilise the shoreline, the angle of the beach should be modified so that there is no net transport of sediment away.

This desired stabilisation can be accommodated by extending the Catherine Point groyne 30 metres to retain sand on the north side of the groyne, which is a more subtle engineering solution than previously recommended. Raised as a concern by some Foreshore Management Plan workshop attendees, extending the groyne will result in erosion of sand on its south side. By extending the groyne only 30m and given the slow rate of sediment movement at this location, it is anticipated that the southern side erosion will be between only 5 and 15 metres. Over a ten year period when the north side accretes to the end of the groyne, the sand movement will again be of accretion on the south side of the groyne. Any erosive action on the south side of Catherine Point groyne will not affect infrastructure such as the dual use path, but may impact on recent rehabilitation planting works.

MRA recommend a 30 metre extension to the Catherine Point groyne, followed by annual assessments to determine if coastal processes are continuing to provide for a stable beach outcome, prior to recommending any further extension stages.

MRA provided an opinion of costs based on November 2006 pricing. The table shows revised current prices for groyne extensions for sediment control purposes only (low profile) and separately to accommodate pedestrian use (high profile). To accommodate safe pedestrian and service vehicle access, the groyne profile is substantially larger to be elevated above storm event waves. The pricing below for accessibility to the groyne is based on a concrete path with steel handrails 4-5m wide and 0.2-0.3 thick. Therefore, with a 30m extension, the path will be approximately 130m long.

GROYNE EXTENSION	LOW PROFILE	HIGH PROFILE	ACCESSIBILITY
55m groyne extension	$283,000	$680,000	+$300,000
30m groyne extension	**$164,000**	**$422,000**	**+$250,000**

Note that it can be anticipated that limestone quarry rock and engineering construction costs will increase another 20% in the forthcoming year.

The MRA reports and recommended treatments provide for a basic structure to address beach erosion. Further consideration should be given to visual amenity and accessibility in design detail and materials for the boardwalk construction, any lighting, fishing platforms, or other facilities that may be considered for this groyne. This may be a matter for future stages of implementation of the *North Coogee Foreshore Management Plan* or the impending *IP33 District Structure Plan* proposal for lands directly east of the Catherine Point Groyne.

Subject to the recommendation being adopted, an amount of $30,000 will be spent for design documentation for tendering for the 30m groyne extension construction works and engaging a suitably qualified consultant to prepare conceptual designs and estimates for pedestrian and service vehicle access. This will allow the construction works to take place as soon as possible in 2007/08.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.*

Budget/Financial Implications

For design documentation for tendering for the 30m groyne extension construction works and engaging a suitably qualified consultant to prepare conceptual designs and estimates for pedestrian and service vehicle access, it is proposed that:

- Officers negotiate a shared cost agreement with adjacent land development proponents.
- Funds allocated in the 2006/07 budget for expenditure Account OP9815 Catherine Point Groyne Extension be reduced from $278,000 to $60,000. $30,000 will be used for design documentation for tendering for the 30m groyne extension construction works and engaging a suitably qualified consultant

to prepare conceptual designs and estimates for pedestrian and service vehicle access.

- The Contribution from the land development proponent contained in the 2006/07 Budget in Account OP9815 be reduced from $139,000 to $30,000 to cover expenses incurred this financial year.
- Council commit to allocating an amount of $422,000 in the 2007/08 Municipal Budget for the construction of a 30 metre groyne extension to accommodate future boardwalk access.

Legal Implications

All works shall be carried out in accordance with the relevant construction and best practice standards.

Community Consultation

On 18th December 2006 a *North Coogee Foreshore Design Workshop* was held at the City of Cockburn Civic Hall, facilitated by Ecoscape the FMP consultants for Stockland and LandCorp. Thirty six (36) community members and twelve (12) stakeholder representatives attended after advertising and accepting expressions of interest for sixty (60) attendees.

Seven tables produced concept plans and provided advice regarding the values, uses and constraints. Outcomes of the design workshop have been posted on the City's website. The workshop included discussion regarding MRA's findings. The draft *North Coogee Foreshore Management Plan* (FMP) is to be advertised for a six week public comment period. That document refers to and makes inferences from the contents of the November 2005 and February 2007 MRA reports.

It is recommended that MRA reports be made available in the City's public libraries for reference during the FMP advertising and comment period.

Attachments

South Beach Coastal Processes – Monitoring Review February 2007

Advice to Proponent(s)/Stakeholders

The co-applicants and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 March 2007 Council Meeting.

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

Nil.

16.3 (MINUTE NO 3411) (OCM 08/03/2007) - COMPULSORY LAND ACQUISITION PORTION OF LOT 26 HOWSON WAY, LOT 33, LOT 303 & LOT 42 MIGUEL ROAD, BIBRA LAKE - OWNER: CITY OF COCKBURN (450007) (KJS) (ATTACH)

RECOMMENDATION
That:

(1) Council agree to purchase the land required for the extension of Spearwood Avenue, Barrington Road to Sudlow Road as follows:
- Portion of Lot 26 Howson Way, Bibra Lake
- Portion of Lot 33 Miguel Road, Bibra Lake
- Portion of Lot 303 Miguel Road, Bibra Lake
- Portion of Lot 42 Miguel Road, Bibra Lake;

subject to any purchases being supported by a Valuation report prepared by a Licensed Valuer on behalf of the City.

(2) if the Valuation Reports prepared by the City's Licensed Valuer are within 15% of the report prepared by the land owner's Licensed Valuer, a conference be requested between both Licensed Valuers to discuss and agree on a common valuation, following which the Chief Executive Officer finalise the land acquisition at that agreed value.

(3) if the Valuation Reports prepared for the City and the land owners have a variance in excess of 15% or if the City and the Land Owner cannot reach agreement as outlined in (2) above, the City shall request the Minister for Planning and Infrastructure to compulsory acquire any outstanding portion of land identified in (1) above that has not been voluntarily acquired.

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

CARRIED 10/0

Background

Council has been seeking to acquire five parcels of land to facilitate the construction of Spearwood Avenue between Barrington Street and Sudlow Road.

Council at its meeting of 9 November 2006, resolved to:

(1) acknowledges the support given by the MRRG (Metropolitan Regional Road Group) which will enable it to secure the remainder of the land required for the Spearwood Avenue extension between Barrington Road and Sudlow road as Stage 1 of the total project

(2) commit to either refund the money received to date to purchase the land or fund the road construction from its own sources if the City of Cockburn fails to receive MRRG funding beyond the 2009 / 2010 financial year to commence road works due to it not having a sufficient score to warrant further consideration.

Submission

Nil

Report

The owners of the (4) four properties affected by the MRS "Other Regional Road" land requirement have been contacted and asked to allow access to their property to facilitate the preparation of Valuation Reports pursuant to the Land Administration Act 1997 to be prepared for each property. The Valuation Reports have been discussed with each of the (4) four owners. As a result of these initial discussions all four owners have now engaged the services of alternate Licensed Valuers of their choosing to undertake additional valuations.

The valuation reports prepared for the City by Licensed Valuers McGees are as follows:

Portion Lot 26 Howson Way	- 6897 m2 $550,000 + 10% solatium
Portion Lot 33 Miguel Road	- 5697 m2 $665,000 + 10% solatium
Portion Lot 303 Miguel Road	- 8808 m2 $969,000 + 10% solatium
Portion Lot 42 Miguel Road	- 5592 m2 $615,000 + 10% solatium

Discussions with some of the owners indicated a degree of dissatisfaction with the value determined by the Licensed Valuer appointed by the City. One owner had obtained an independent valuation paid for by the City, which although higher than the valuation range determined by McGees was within 10% of that range. Normal practice in this situation would have been for the parties to agree to allow the respective valuers to exchange Valuation Reports to see whether a common agreed Valuation Report could be prepared. This owner has not agreed to this course of action and believes that his Valuer has under valued his land. He has now, at his own cost, engaged a second Valuer to prepare a report.

Values for commercial property in the metropolitan area, including Bibra Lake are experiencing rapid growth which makes it imperative to conclude negotiations for the road land as soon as possible.

All four owners have engaged Valuers who have undertaken to have their reports finished by the middle of March 2007. Current advice from the senior valuer at McGees suggests that it is normal practice that when Valuation Reports are within 15% of each other the valuers for both parties meet to negotiate a common valuation over the land. If the difference is beyond 15% it is his view that there is little value in the Valuers exchanging reports or meeting to discuss the outcomes. It is clear at this point that the parties would be unable to reach a consensus and the City must compulsory acquire the land to progress the matter further. The City must formally seek a 'taking order' from the Minister for Planning and Infrastructure in accordance with the Land Administration Act 1997.

The effect of this action is to stop the clock as the compensation to be paid is calculated at the time the Taking Order has been issued by the Minister. Once a Taking Order has been issued by The Minister, access to the land is granted to the City and a procedure to determine compensation is determined by the Land Administration Act.

It is estimated to take around 3 months from the time the request is made to the time The Minister issues the Taking Order. Negotiations can continue with the affected owners through and beyond this period.

Strategic Plan/Policy Implications/Demographic Planning

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the *community.*

Budget/Financial Implications

- Funding for this project has been identified in the current budget.
- The total costs of the project are projected to increase from $4 Million to $5.5 Million and will continue to escalate if the land is not acquired in a reasonable timeframe.
- The City will receive a further $1,000,000 of RRG funding in the 2007/08 financial year as part of the current funding arrangements at which time the project will need to be resubmitted. There is no guarantee that the City will receive further funding for this project.

- The total project will be re-assessed and resubmitted to the MRRG seeking additional funding over 2 subsequent years (will increase MRRG commitment from $2.7M to $3.7M)
- If the City fails to receive further funding from the MRRG due to the score for the project not warranting further consideration, the City will have to refund the $2M or fund the entire project cost of $5.5M itself.

Legal Implications

The Land Administration Act 1997 applies

Community Consultation

N/A

Attachment(s)

(1) A Plan of the required land

Advice to Proponent(s)/Applicant

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3412) (OCM 08/03/2007) - DISABILITY ADVISORY COMMITTEE MEMBERSHIP (8413) (BF) (ATTACH)

RECOMMENDATION
That Council, in accordance with section 5.10 of the Local Government Act, approve the following individuals as members of the Disability Advisory Committee:-

- Elected Members: Clr Val Oliver & Clr Sue Limbert
- Disability Access Officer – Barbara Freeman, Advisor (Deputy, Jill Zumach)
- Cockburn Community Care Manager – Fiona Taylor, Advisor (Deputy, Lucy Thom)
- Richard Hill – Consumer Representative
- Jeffrey St John - Consumer Representative
- Jonneen Compassi - Consumer Representative
- Jan de Groote - Consumer Representative
- Rosemary Fielder - Consumer Representative
- Gavin Pitman – Industry Representative

- Hayley Briene - Industry Representative
- Margaret O'Neill - Industry Representative
- Peter Muller - Industry Representative

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

On 5th December 1995 Council approved the appointment of a Disability Advisory Committee to monitor and prioritise the implementation of the City of Cockburn's Disability Services Plan (now known as a Disability Access and Inclusion Plan).

The Committee's mission is to advise the City of Cockburn on the provision of universal access to all facilities and resources within and for the local community.

Nominations for 2006/07 members for the DAC were called for through advertisements in the local papers and posters placed in public buildings. Information was also mailed to organisations working with people with disabilities in the City of Cockburn.

An applicant for the Committee is required to be either a resident of the City who has a disability, is a parent, carer or advocate of a person with a disability, or a person who works in the disability field within City of Cockburn in a voluntary or paid capacity.

Submission

All attached applicants met the required criteria and are duly recommended for appointment by Council.

Report

During the last year the Committee was involved in Disability Awareness Training for Council staff; in the preparation of Council's Access Audit and the Disability Access and Inclusion Plan; in the purchase of a Beach Wheelchair; and in the 'Celebrating Abilities' Event for the International Day of People with a Disability.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

Budget/Financial Implications

The Disability Advisory Committee is allocated an annual budget of $2000.

Legal Implications

N/A

Community Consultation

The positions for the Disability Advisory Committee were well advertised and open to all members of the public who met the criteria.

Attachment(s)

Disability Advisory Committee - Terms of Reference

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

DECLARATION OF INTEREST

Clr Allen declared a Conflict of Interest in the following item, the nature of the interest being that he is the Applicant.

CLR ALLEN LEFT THE MEETING AT THIS POINT, THE TIME BEING 10.23PM.

17.2 (MINUTE NO 3413) (OCM 08/03/2007) - APPLICATION TO KEEP MORE THAN 2 DOGS - 4 CHRISTINE CRESCENT, COOGEE (1006) (RA) (ATTACH)

RECOMMENDATION
That Council approve the application by Mr K Allen of 4 Christine Crescent, Coogee to accommodate three (3) dogs on the property subject to arrangements being put in place to the satisfaction of the Chief Executive Officer to restrict the dogs from the eastern side of the house.

COUNCIL DECISION
MOVED Clr S Limbert SECONDED Clr V Oliver that Council approve the application by Mr K Allen of 4 Christine Crescent, Coogee to accommodate three (3) dogs on the property.

CARRIED 8/1

Reason for Decision

In 1993 Council resolved to approve an unrestricted permit for Mr Allen to have 3 dogs at his premises, namely dogs Emmy, JP, and Katie. The City was notified by the Allen's that Emmy had died and the records were modified accordingly, hence, in accordance with the City's Local Laws the three dog approval expired. The Allen's have since adopted a further family poodle named Sasha and once again seek an unrestricted permit to lawfully keep their three dogs at home.

The applicant travels away on business regularly and does not agree to restrict the dogs from the eastern side of the house as they provide a form of safety and security for his wife in his absence.

Background

The City of Cockburn Local Laws allows for any owner or occupier of any premises within the district to keep more than two dogs subject to a number of criteria being met. The authority to approve the owner or occupier of premises to have more that two dogs who meets the criteria is determined under delegated authority, however, if any owners or occupiers within a 50 metre radius of the premises object approval can only be determined by Council.

Council, at its meeting of 6 July 1993, resolved to permit Mr Allen to have three dogs at his premises, namely dogs Emmy, JP and Katie. The City was notified that Emmy had died and the records were

modified accordingly; hence, in accordance with the City's Local Laws the three dog approval expired.

Submission

The owner of 4 Christine Crescent, Coogee has submitted an application to have 3 dogs on his premises.

Report

In accordance with the requirements of the City of Cockburn Local Law (Part II Division 3 section 2.8) the City provided the applicant with a proforma with the addresses of nine (9) properties deemed to fall within a radius of 50m from the property. Eight (8) of these property owners have signed the application not objecting to 3 dogs being housed at 4 Christine Crescent, Coogee.

The owner of 6 Christine Crescent, Coogee has objected on the basis that the dogs bark and whimper on his side of the building when the occupants of 4 Christine Crescent are away. The applicant does not agree to the proposal to restrict the dogs from the eastern side of the house as they provide a form of security for his wife. There appears to be three options open to Council on this matter:

(1) Council could refuse the application by Mr Allen for 3 dogs.

(2) Council could approve the application by Mr Allen to have 3 dogs on his property.

(3) Council could approve the application for 3 dogs but have the approval conditional on the dogs being restricted from access to the eastern side of the building.

It is recommended that option 3 be adopted by Council, as it appears to generally satisfy the requirement of both parties.

Strategic Plan/Policy Implications

Governance Excellence

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

- *To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.*

Budget/Financial Implications

N/A

Legal Implications

Dog Act section 26
Local Law section related to Dogs

Community Consultation

The adjoining land owners within 50m of the property in question have been consulted on the application.

Attachment(s)

Location of Premises

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the March 2007 Council Meeting.

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

Nil.

CLR ALLEN RETURNED TO THE MEETING, THE TIME BEING 10.26PM.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL WHILST HE WAS ABSENT FROM THE MEETING.

17.3 (MINUTE NO 3414) (OCM 08/03/2007) - NATIVE ARC LEASE OF PREMISES, HOPE ROAD, BIBRA LAKE - (1114662) (RA)

RECOMMENDATION
That Council:

(1) Require Native Arc to:

1. Prepare a site plan, which clearly shows the location and extent of the existing and proposed cages and yards to accommodate animals on the site.

2. Ensure that there will be no increase in animal numbers beyond that currently accommodated.

3. Prepare a program to replace the current cages and yards with facilities that comply with relevant State Government

guidelines and protocols for the keeping of Native animals.

4. Provide a set of protocols that ensures that domestic animals (non-native) are not accommodated on the site.

5. Provide clear evidence that a set of protocols and polices are in place that ensure all Occupational Health and Safety requirements are met for volunteers, students and visitors to the centre.

6. Ensure that there is no permanent resident(s) in the house and that overnight accommodation is only available of a non-permanent nature.

7. Provide evidence including minutes of all meeting Annual General and Special Meeting and audit reports to demonstrate that the Association is operating in accordance with its constitution;

with all conditions as described above carried out to the satisfaction of the Chief Executive Officer.

(2) Approve a variation to the lease in accordance with the Council decision of the 9th November 2006 and an increase in the leased area to reflect the approved site plan.

(3) Advise Native Arc (Inc) that the City must firstly approve any alterations or additions that they wish to carry out on the site or they will be deemed to be in breach of the lease.

COUNCIL DECISION
MOVED Clr T Romano SECONDED Clr V Oliver that Council:

(1) Require Native Arc to:

1. As recommended
2. Ensure that animal numbers on the site do not exceed the standards established in the Department of Conservation Guidelines for the keeping of Native Animals for the holding areas as established in the agreed site Plan.
3. As recommended.
4. Provide a set of protocols that ensures that non-native animals are not accommodated on the site other than private pets in accordance with the requirements of the City of Cockburn Local Laws.
5. As recommended.
6. Delete.
7. As recommended.

(2) Subject to the approval of the Western Australian Planning Commission and any other Statutory approval required permit the current tenants to reside at the premises for a period of six (6) months, on the condition that the building related remediation work identified, and permanent residents health precautions identified by the City's Health Department be carried out, with a progress report on the state of the works and the functioning of the new committee to be provided to the City within three (3) months of the March 2007 Ordinary Council Meeting.

(3) Should the matters identified in (2) above be addressed to the satisfaction of the Chief Executive Officer and with the Elected Members being provided with a progress report, the current lease be varied:

1. To permit tenants to stay on the property,
2. To extend the lease area in accordance with the agreed site plan and;
3. In accordance with the Council decision of 9 November 2006.

(4) Advise Native Arc (Inc) that the City must first approve any alterations or additions that they wish to carry out on the site or they will be deemed to be in breach of the terms of the lease.

CARRIED 10/0

Reason for Decision

The City recognises the need to keep the interest of the animals in mind and therefore is prepared to provide the new committee more time to complete works and take control of the running of the organisation. It is however, the responsibility of the City to ensure that the works are carried out and other conditions as outlined above are adhered to.

Background

Council at its meeting of March 2006 resolved to enter a lease agreement with Native Arc (Inc) for the brick house on lot 4719 Hope Road Bibra Lake. A lease has been signed and the group has taken up occupancy of the building. To assist the group in gaining external funding Council at its meeting of the 9th of November 2006 resolved to "extend the current term with Native Arc (Inc) for the brick premises on

Hope Road Bibra Lake until 2013 with a further five year option subject to the premises being brought up to the standard required in the current lease."

Accordingly the City wrote to Native Arc (Inc) on the 22 November 2006 advising of the Council decision and in particular requiring that the premises be cleaned up and the terms and conditions of the lease be adhered to. As the premises was being used as a residence it was also required that the occupant of the premises vacate by the 31 January 2007. The Chair of the Native Arc Executive Committee has written to the City seeking approval for the occupant of the premises to remain on the site. In response to this letter Native Arc were advised that the matter of whether the occupant would be required to vacate the premises would be considered by Council its March 2007 meeting and the tenant could remain until the Council decision is known.

Submission

The Chair of the Native Arc Executive Committee has written to the City seeking approval for the occupant of the premises to remain on the site.

Report

A number of matters have arisen in relation to the operation of the Native Arc in Hope Road in Bibra Lake besides the question of whether the premises leased by Native Arc can be used for residential purposes. The intent of this report is to seek direction from Council on these matters and to provide Native Arc with advice on what is required in relation to the use of the land and the operation of the animal rehabilitation facility.

In the letter received from Native Arc seeking approval for the premises to be occupied there were a number of arguments put forward related to the need for the animals to be given care 24/7 and the security role the occupancy of the house serves to fulfil for both the property, the animals and the adjoining Wetlands Education Centre. Whilst these issues are of importance the primary matter is the public health issue related to the use of an old residential house that serves as an animal rehabilitation centre and its suitability to also serve as a residence.

The City's Health Department have inspected the house and provided a detailed report on the standard of the building and addressed issues related to the occupancy of the building as a residence whilst being also used to accommodate animals in rehabilitation.

In the first instance the matter of the building suitability to serve as a native animal rehabilitation centre and by association as a work place by virtue that volunteers operate the centre will be considered.

The Health Department report identified a number of building related matters that need to be addressed:

1. Repair and replace the balustrade on the balcony.

2. Inspect and repair as necessary the roof, gutters, downpipes, eaves and associated fixtures and fittings.

3. Have the premises inspected by a licensed electrician and have wiring repaired and/or made safe as necessary.

4. Have the premises inspected for termites and treated as necessary. Replace/repair termite damaged timber with sound material.

5. Seal all holes and damage to the concrete floor so as to ensure the floor is sound and even in surface.

6. Remove and seal disused ducts, flues and similar to ensure that the premises are weather proof and vermin proof.

7. Repair damage to ceiling and ensure that it is in smooth, sound condition.

8. Repair and maintain doors and windows so as to be in sound condition and good working order (such that they can be easily opened and closed).

9. The premises and outbuildings are to be made to exclude vermin (ie potential entry holes in the floor and eaves repaired) and all animal feed is to be kept in vermin proof containers.

10. A regular pest treatment program should be introduced to ensure that vermin (with particular attention to rats) are eliminated.

Lease terms for the facility are that the lessee Native Arc will have use of the building at a peppercorn rental with responsibility for all maintenance items. The items identified above are hence the responsibility of Native Arc and on the face of it do not appear to be costly maintenance items.

In relation to the building being used as both an animal rehabilitation centre and as a residence it is less than ideal to have a permanent residence in a building that is used to also accommodate a number of sick animals particularly when the building has been designed for residential purposes only. Further, the lease agreement describes the purpose of the facility being for animal rehabilitation, not as a residence. Should Council decide to allow permanent residents in the

building a number of health precautions need to be addressed before the building can be considered for occupation. These are as follows:

1. Install a hand wash basin, provided with liquid soap and single use disposable hand towels within the bird care room with information for staff and volunteers on good hand hygiene. Hands may then be washed prior to leaving the room following contact with animals, without contamination of the other rooms in the house.

2. Removal of the soiled linen, bedding, cages or enclosures and animal waste should be made via the balcony door, rather than by the door into the premises.

3. The highest possible standard of cleanliness and hygiene must be maintained at all times throughout the premises, to minimise any possibility of staff or volunteers contracting illnesses from stressed or sick animals.

4. To ensure that persons living on the premises are protected from the possibility of disease, animal care should be limited to designated areas, excluding and separate from the kitchen, bathroom, toilet, laundry and sleeping areas.

5. Clear directions on the segregation and appropriate cleaning of animal care items from personal care items should be posted on walls in animal care areas to ensure that cross contamination is minimised. This should include clear directions on the cleaning and sanitisation of animal feeding implements, cages or enclosures, bedding and linen and segregated storage of these items.

Should Council resolve to allow the house to become a permanent residence it is proposed that the requirements established above by the City's Health Department be met by the Native Arc Executive Committee to allow the tenant to remain. In addition, Council's Town Planning Scheme No. 3 identifies the property is zoned as a Regional Reserve – Parks and Recreation and, as such, utilisation of the site to serve as a caretaker's premises will require determination by the Western Australian Planning Commission.

Besides the matters associated with the use of the house for animal rehabilitation and residence there are concerns relating to the extent and use of the external areas, adherence to the terms and conditions of the current lease and the governance of Native Arc. City officers have met with representatives of the Executive Committee of Native Arc and advised that the following matters would be reported to Council for its consideration:

(1) The City has concerns on the number of animals on the site and requires a site plan that demonstrates the number and location of cages and holding areas on the site and the maximum capacity of animals and birds that will be accommodated.

(2) The City requires the replacement of cages and holding areas to a standard acceptable to the City with the location of same being in accordance with the site plan.

(3) The City has a concern on the number of animals and birds on the site that are not undergoing rehabilitation and appear to be incapable of rehabilitation or rehousing. The Executive Committee is required to reduce the number of animals and birds of this nature on the site and to justify, with reasons that meet with the objects of the organisation and the purpose of the land, the retention of these birds and animals on the property.

(4) Given that the land on which the facilities are provided is a reserve the City will not permit non-native (including domesticated) animals to be kept on the site. The Executive Committee is required to provide a program for the removal of these animals from the site and a policy that ensures that no future non-native animals will be accepted and kept on the site.

(5) The City seeks a commitment from the Executive Committee that it will ensure that the terms and conditions of the lease are adhered to and the other areas used by Native Arc are kept in a hygienic and tidy state and meet statutory (legal) requirements.

(6) The City requires that the Native Arc ensures that it has appropriate policies and procedures in place that comply with Worksafe and EEO legislation to allow for proper conditions for the safety and wellbeing of visitors, students, volunteers and staff whilst they are at the centre and its surrounds.

(7) The City has concerns about the stability and operation of the Executive Committee particularly in relation to administrative practises.

In respect to the last point the chair of the Executive Committee tendered his resignation and a member notified of their intention to call a special meeting of the Native Arc membership. From information provided to the City it is evident that the Executive Committee is currently divided and without a full membership. It is understood that a special meeting of Native Arc was held on 24 February 2007 with the purpose of appointing a new Executive Committee.

A letter has been forwarded to the City purportedly on behalf of Native Arc that seeks to address the matters raised above following a meeting between representatives of the City and Native Arc. However, the

matters presented are significant to Native Arc and it is understood that the letter has not been considered and endorsed by the Executive Committee of Native Arc. It is considered of fundamental importance that there needs to be a functional Executive Committee operating in accordance with the association's constitution to address significant matters of commitment by the association. It is recommended that Council require the identified issues to be considered by a properly constituted Executive Committee meeting.

A contracting firm has been in contact with the City regarding a proposal to carry out a range of improvements, free of charge, on the Native Arc site and the adjoining land including the provision of limestone gravelling of the existing access track, landscaping with native plants and replacement of cages and yards. The firm has been advised that any developments must be in accordance with a site plan approved by the Executive Committee of Native Arc and then by the City of Cockburn. Whilst there are great benefits for Native Arc being provided assistance by a benefactor there needs to be a coherent site plan for the upgrade of the site. The proposed recommendation to Council is for the site plan to be agreed upon prior to any works being approved.

The City of Cockburn Volunteer Resource Centre has advised that it has been required to cease referring volunteers to Native Arc as it does not comply with the Occupational Health and Safety standards for volunteers. The inspection of the premises by the City's health department identifies a number of matters that are likely to contradict Occupation Health and Safety standards and these matters need to be addressed by Native Arc (Inc.).

It has come to the attention of the City that a water bore was installed on or about the 6th of February 2007 without authority of the landowner or manager and without a bore permit. The Department of Water advises that, as there was no bore license issued the City as owners/managers of the property are in breach of section 26D of the Rights in Water and Irrigation Act. The City will defend its position as the bore was placed without the knowledge or approval of the City. It is evident that the actions of others associated with Native Arc have compromised the City.

It is proposed that Council require the Executive Committee of Native Arc to address the issues raised above and as described in the recommendation to Council.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*

Governance Excellence

- *To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.*

Natural Environmental Management

- *To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.*

Budget/Financial Implications

The Council provides the use of the building occupied by Native Arc free of charge and made a donation of $2,000 to the Association in 2006/07.

Legal Implications

Council has an obligation and statutory responsibility to ensure that the premises meet all standards, through the lease agreement with Native Arc.

Community Consultation

The nature of the recommendations being considered by Council does not require or warrant a public consultation process.

Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

The Executive Committee of Native Arc have been advised that this matter is to be considered at the 8 March 2007 Council Meeting.

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

N/A

18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 3415) (OCM 08/03/2007) - SISTER CITY COMMITTEE MINUTES - 12 FEBRUARY 2007 (1192) (SC) (ATTACH)

RECOMMENDATION
That Council receive the Minutes of the Sister City Committee dated 12 February 2007, as attached to the Agenda, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Sister City Committee met on 12 February 2007 to consider projects to enhance the City's relationship with its Sister Cities and to create more visibility of these in the community. The minutes of this meeting are required to be presented to Council for the recommendations to be considered by Council.

Submission

The minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any elected member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- *To foster a sense of community spirit within the district generally and neighbourhoods in particular.*

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

Employment and Economic Development

- *To plan and promote economic development that encourages business opportunities within the City.*

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Nil.

Attachment(s)

Minutes of the Sister City Committee 12 February 2007.

Advice to Proponent(s)/Submissioners

The members of the Committee have been advised that this item will be considered at March OCM.

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

Committee Minutes refer.

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

23.1 (MINUTE NO 3416) (OCM 08/03/2007) - APPOINTMENT OF DIRECTOR FINANCE AND CORPORATE SERVICES (ATTACH) (SC)

RECOMMENDATION
That Council endorses the recommendation of the Chief Executive Officer to appoint Mr Stuart Downing to the position of Director of Finance and Corporate Services.

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

CARRIED 10/0

Background

The Chief Executive Officer wishes to confirm the appointment of the preferred candidate to the position of Director of Finance and Corporate Services and as this position is deemed to be a senior employee of the Council, the appointment needs to be endorsed by Council in accordance with the following section of the Local Government Act:

Section 5.37. Senior employees:

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the

council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Submission

To endorse the recommendation of the Chief Executive Officer on the appointment of the Director of Finance and Corporate Services.

Report

As council will be aware Mr Aussie Crothers will retire from the position of Director of Finance and Corporate Services. Consequently, the professional services of Beilby, (the recruitment agency) were engaged to assist me in finding a replacement for Mr Crothers.

As part of the service provided by Beilby they took responsibility for the advertising of the position, liaison with interested applicants, the initial short-listing of the applicants and for those persons invited for interview, a psychological test.

The position was advertised in *The West Australian,* (as well as being posted on other widely read recruitment websites) and 17 applications were received for the position which was considered by Beilby to be a good response rate, given the dearth of experienced finance professionals presently being felt across Australia.

Beilby did the preliminary short listing of the candidates who included people who had experience in the private sector, local government and state and federal agencies and their list of preferred applicants was then submitted for review, and 4 candidates were subsequently chosen for interview. The interview panel consisted of myself, Michael Littleton and Ms Denise Bedford from Beilby.

All interviews were of a high quality but the interview panel was unanimous in their opinion that Mr Stuart Downing be offered the position and it is his name that is now submitted for endorsement as the Director of Finance and Corporate Services. A final report from Beilby on the selection process is attached to this report.

Mr Downing is an intelligent and articulate person who demonstrated a great appreciation of the role, responsibility and ambitions of the position and where those qualities are matched by his experience in similar senior management roles. He holds a number of professional qualifications which, combined with previous experience, will assist his transition into the Director's position.

Mr Downing will be initially engaged on a three-year contract, with an option for the contract to be extended for another two years after that.

Strategic Plan/Policy Implications

Governance Excellence

- *To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.*

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

The cost for Beilby to undertake the selection process was approved in the February 2007 budget review.

Legal Implications

Nil

Community Consultation

N/A

Attachment(s)

Confidential report from Beilbys.

Advice to Proponent(s)/Submissioners

Mr Downing has been advised that this matter is to be considered at the March 2007 Council Meeting.

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

Section 5.37 applies.

24 (MINUTE NO 3417) (OCM 08/03/2007) - 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 Clr L Goncalves SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 10/0

25 (OCM 08/03/2007) - CLOSURE OF MEETING

MEETING CLOSED AT 10.32PM

CONFIRMATION OF MINUTES

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

Signed: …… Date: ……../……../……..