

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 JULY 2013 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 JULY 2013 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Mr Y Mubarakai	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

#### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J. Snobar	-	Media Liaison Officer
Mrs L. Jakovich	-	PA to Directors – Engineering & Works/Planning & Development

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.01 pm and made the following announcements:

As mentioned last meeting, Clr Lee-Ann Smith received recognition in the Queen's Birthday honours list, a medal in the general division for service to the community in particular to indigenous youth.

Again Clr Smith, congratulations are extended to you, your family and friends on this notable achievement.



Local Government Reform – The State Government will be making an announcement on the future of local government in the Perth metropolitan area in the coming weeks. They will respond to recommendations based on the Robson Report tabled in Parliament late last year and provide a map of local governments that will lead to new local governments to be formed within 2 years.

The Minister for Local Government has also announced that the local government elections will be conducted in October 2013.

### **NAIDOC Week Celebrations**

The City celebrated NAIDOC Week with a number of events including a Youth Ball at the Youth Centre, a flag raising ceremony, a luncheon event at the Seniors Centre and Nyungar story telling in the City's three libraries.

Each event was well attended and I thank Samantha Mourish, Barbara Freeman, Simone Sieber and staff at the Senior Centre & Youth Centre for making each event the success that they were.

## **2. APPOINTMENT OF PRESIDING MEMBER (If required)**

Nil.

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

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

## **4 (OCM 11/07/2013) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

Mayor Howlett advised the meeting that he had received advice from Clr Houwen, that he had a proximity interest in relation to Item 14.2, which will be read at the appropriate time.

## **5 (OCM 11/07/2013) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Steve Portelli - Apology



## 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 7 (OCM 11/07/2013) - PUBLIC QUESTION TIME

### Questions not submitted but on the Agenda

#### **Robyn O'Brien – Munster**

#### *Agenda Item 14.2 – Woodman Point Waste Water Treatment Plant Odour Buffer*

- Q1. In the recommendation done by the officer to Council on page 22 “(6) write to the Hon Minister for Planning; Hon Minister for Environment and Water’ Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation advising of the results of the community survey undertaken.” Will the result include the maps that were re-adapted and the public has not been allowed to see. Will they see the full copy of the report.
- A1. *The full copy of the report with the full details will not be circulated. If the Minister requests for the information, it will be provided, but at this stage we just advise the Minister of the outcome of the survey results.*
- Q2. The officer has written in the recommendation of this report at No. “(1) write to the Director General of the Department of State Development asking for a commitment to do a buffer definition study.” This was the same request made and voted by Council in April 2012 and apparently in November 2012 you received letters from the government saying they were not going to do a buffer definition study so why are you going to write again.
- A2. *The intention is to reiterate that Council still believes that a buffer definition study needs to be undertaken.*
- Q3. Why won't Council undertake the buffer definition study and secondly as we the applicants have provided a buffer definition study and no one has taken any notice of the results of that study. In fact we were only notified four working days before the EM's workshop so we had no time to get our odour expert to present to your workshop the same as the Water Corp was. I would like to ask every Councillor who is going to vote on this tonight to say before you vote at the beginning of this agenda item whether you have read the PAE Holmes Buffer Definition Study in full and whether you have read Water Corp Odour Study that has a modelling map which shows where the odour buffer should be in



five of those units if you don't include the espionage odour emissions which we say are non-odorous.

- Q4. It has been 18 months since I applied to have the illegal odour buffer that was put on us without due process by the City of Cockburn amended and reduced. If you approve this tonight asking for another buffer definition study, it cannot be done until February 2014. That is another long delay that Council could have avoided by paying for your own buffer definition study last February. I am asking the Councillors to do what is right and remove the illegal buffer that has been placed on us; whether you place it on us at some other future time once you have scientific verification that is up to you. We have stated clearly what the position is and we ask you please to make an alternative motion tonight and amend the buffer again back to the edge of the lake.

Questions not submitted and not on the Agenda

**Raymond Woodcock, Spearwood**

- A1. Mayor, is it correct that you wrote a letter to the Minister for Police on 1 May 2013. If this is correct, why didn't you say so when I asked the question back at the Ordinary Council Meeting on 13 June. My question was "what are the latest developments in relation to the future of the Cockburn Police Station." The only response came from Mr Green. We are still waiting on a reply. When I went to check for the reply on your website, for that meeting, it was put on the website after the meeting. It was quite an extensive reply. Can I ask why these have been put on later and I have not been written to or why wasn't a reply provided at the meeting.

- A1. *I am not certain of the date I wrote to the Minister of Police, but I can check on that date. I can ask the Director to comment on the information placed on the City's website.*

*This information will be followed up by the Director.*

*We have been following up with the Minister's office in regards to a reply to that letter and to date there has been no response by the Minister. We will endeavour to follow that up again to try and get an answer from the Minister.*

**Mike Carson, Success**

- Q1. Can you give me a reason why the development across the road from me a 500m<sup>2</sup> lot is given a 15 metre buffer zone and I want to sell mine, which I signed it up today I got a 50 metre buffer zone on it which makes the place worthless.





A2. Taken on notice and a response will be submitted in writing.

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 5077) (OCM 11/07/2013) - ORDINARY COUNCIL MEETING 13 JUNE 2013**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 13 June 2013, as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 9/0**

**9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil

**10 (OCM 11/07/2013) - DEPUTATIONS AND PETITIONS**

There were two petitions received.

Clr Carol Reeve-Fowkes on behalf of the residents of the City of Cockburn in relation to Lot 4, 10 Edeline Street Spearwood. This house has exceptional heritage value to the locality of Cockburn and should be retained and conserved.

Mr Ray Woodcock on behalf of Concerns Citizens of Good Governance presented a petition in relation to the closure of the Cockburn Police Station.

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

Nil



**12 (OCM 11/07/2013) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil.

**NOTE:** AT THIS POINT IN THE MEETING, THE TIME BEING 7:16 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

14.1	15.1	16.1	17.1	
	15.2	16.3	17.2	
	15.3		17.3	

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 5078) (OCM 11/07/2013) - CITY OF COCKBURN FIRE ORDER AND REPEAL OF LOCAL LAW - FIREBREAKS (025/001; 112/010) (J NGOROYEMOTO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) amend the City of Cockburn (Local Government Act) Local Law, 2010, by repealing Part IIA – Firebreaks and Related Matters as per the attachment having considered all submissions, incorporated appropriate amendments and determined that the local law is not significantly different from what was originally proposed;
- (2) adopt the revised City of Cockburn Fire Order as attached to the Agenda; and
- (3) advise the submissioners of Council's decision, including an explanation of the reasons for the proposed changes.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

Council at its meeting of April 2012 resolved to amend its local laws section related to the firebreak season which proposed for all firebreaks across the City to be installed for the period 1 November to 31 May of the following year. In accordance with the requirements of the Local Government Act 1995 the proposed amendments were advertised for public comment.

At its meeting of 13 September 2012 Council resolved to defer the matter for further consideration by the community and the Bushfire Reference Group. The Reference Group reaffirmed its support for the firebreak period for all areas to be from 1 November to 31 May of the following year at its meeting of 9 October 2012.

Council at its meeting of the 8 November 2012 resolved as follows:

- (1) pursuant to sec.3.12 of the Local Government Act, 1995, make a local law to amend the City of Cockburn (Local Government Act) Local Law, 2010, by repealing Part IIA – Firebreaks and Related Matters;
- (2) give State-wide public notice stating that:
  1. A copy of the proposed local law may be inspected or obtained at any place specified in the notice.
  2. Submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.
- (3) provide a copy of the proposed local law and notice to the Minister for Local Government and Minister for Emergency Services;
- (4) prior to further consideration of the amendment by Council, refer the matter to the Bushfire Reference Group and the Banjup Residents Group for consideration and comment;



- (5) further consider the content of the annual firebreak notice for the 2013/14 period following the forthcoming fire season; and
- (6) advertise for public comment for a period of 6 weeks the proposed City of Cockburn Fire Order prior to a final decision on the Fire Order being made by Council.

### **Submission**

There were two submissions received as a result of the advertising of the draft City of Cockburn Fire Order as a result of the decision of Council made in November 2012. As has been well documented previously the Banjup Residents Group are opposed to changes to the firebreak period. The second submission, from Mr Lindsay Evans also disagrees with the revised dates for the installation of fire breaks.

### **Report**

There are two steps which need to be taken to implement the decision of Council of 8 November 2012.

- (1) Take the necessary steps to repeal part of the City of Cockburn Local Law 2000 in accordance with section 3.12 of the Act which will have the effect of removing the legal instruments the City has to instigate firebreak notices.
- (2) Adopt the City of Cockburn Fire Order which will then replace the repealed Local Law section related to firebreaks and include other fire mitigation requirements.

Other than the removal of any reference to the City of Cockburn Local Law section (which is proposed to be repealed) the only other change to the advertised Fire Order that has been in place for many years is the fire break period for all areas in the City being from 1 November to 31 May of the following year. Also land owners wishing to apply for a variation date to this requirement will now be required to do so by 1 October each year, instead of 31 October which previously applied.

The current and advertised Fire Order requires firebreaks to be in place around buildings in rural areas. This may well have been appropriate when the rural areas included large properties and buildings were a substantial distance from the nearest firebreak. The vast majority of rural properties in the City now are small holdings and those properties with buildings on them such as sheds have fire breaks in close proximity to the building. It is proposed to amend the draft fire order to replace the requirement for a firebreak around buildings to require clearing of dry vegetation, debris and flammable material within 5 metres of the buildings to the satisfaction of the Chief Bushfire Control



Officer. To ensure that the long standing Local Law (2A.5) which does not allow the burning the garden refuse in residential areas can be enforced the following has been included in the revised City of Cockburn Fire Order:

*No burning is permitted in residential, commercial or industrial zoned areas at any time in accordance with section 24G(2) of the Act.*

It is recommended that Council repeal part IIA – Firebreaks and Related Matters in the *City of Cockburn (Local Government Act) Local Law, 2010*, in order to let the provisions of the Bush Fires Act prevail. This will allow for Council to be able to adopt the above mentioned notice in regards to the dates by which firebreaks and fire mitigation measures on land within the district which must be completed and maintained.

Council resolved on its meeting of 8 November 2012, to amend the Local law as follows:

**Purpose:** To repeal the requirement to make notices in regards to dates by which firebreaks and fire mitigation measures on land within the district must be completed and maintained from *City of Cockburn (Local Government Act) Local Law, 2010*.

**Effect:** To create the power for notices of dates by which firebreaks and fire mitigation measures on land within the District must be completed and maintained under sec 33 of the *Bush Fires Act, 1954*, which allows Council to adopt bush fire control and prevention notices without creating and amending local laws.

Section 3.12 of the *Local Government Act 1995* contains the procedure for the making and amendment of local laws. S.3.12(4) states that:

*“after the last day for submissions, the local government is to consider any submissions made and may make the local law (by an absolute majority) as proposed or make a local law that is not significantly different from what was proposed”.*

It is recommended that Council make the local law as per Attachment 1 as it does not differ from what was originally proposed. Copies of the local law will be sent to the Minister for Local Government, Community Services, Seniors and Volunteering Youth and Minister for Emergency Services. The local law can then be forwarded to the Parliamentary Joint Standing Committee on Delegated Legislation following gazettal.



## **Strategic Plan/Policy Implications**

### **Community & Lifestyle**

- Safe communities and to improve the community's sense of safety.

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A culture of risk management and compliance with relevant legislation, policy and guidelines.

## **Budget/Financial Implications**

Costs for Firebreak inspections are contained within current budget allocations.

## **Legal Implications**

Section 3.12 of the Local Government Act refers.

The City has the power and obligations within the Bushfires Act 1954 to determine the nature size and extent of firebreaks within the district.

## **Community Consultation**

Copy of draft gazette notice.

The Fire Order was advertised for public comment on 23 April 2013.

At the closure of the public comment period, 2 submissions have been received and are shown as attachments to the Agenda.

## **Attachment(s)**

1. City of Cockburn (Local Government Act) Amendment Local Law 2013.
2. Advertised City of Cockburn Fire Order.
3. Revised City of Cockburn Fire Order.
4. Submissions received (2).

## **Advice to Proponent(s)/Submissioners**

Those who lodged a submission have been advised that the matter is to be considered by Council at its Meeting on 11 July 2013.

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

Nil.



**13.2 (MINUTE NO 5079) (OCM 11/07/2013) - MEETING ATTENDANCE FEES - ELECTED MEMBERS (083/003) (D GREEN)**

**RECOMMENDATION**

That Council

- (1) in accordance with the determination of the Salaries and Allowances Tribunal, pay:
  1. The Mayor the maximum annual fee prescribed by r30 (5) of the Local Government (Administration) Regulations 1996 (WA) (as amended).
  2. Councillors the maximum annual fee prescribed by r30 (3) of the Local Government (Administration) Regulations 1996 (WA) (as amended).

in lieu of attending meetings, pursuant to s 5.99 of the Local Government Act 1995 (WA) and Council Policy SC1.

  3. All Elected Members the maximum total allowance prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) for information and communication technology expenses, pursuant to s 5.99A of the Local Government Act 1995 (WA) and Council Policies SC15 and SC32.
- (2) in accordance with Council Policy SC14, review the Mayoral and Deputy Mayoral Allowances, payable pursuant to s 5.98 (5) and s5.98A (1) of the Local Government Act 1995 (WA), respectively, following the Council elections in October, 2013,
- (3) refers all Council Policies relating to Elected Member Fees , Allowances and Expenses to the next meeting of the Delegated Authorities, Policies and Position Statements Committee for review, and
- (4) makes the necessary adjustment to the 2013/14 Budget as part of the mid-year Budget Review.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr L Smith that Council:

- (1) in accordance with the determination of the Salaries and Allowances Tribunal, pay:
  1. The Mayor the maximum annual fee prescribed by r30 (5) of the Local Government (Administration) Regulations 1996 (WA) (as amended).
  2. Councillors the maximum annual fee prescribed by r30 (3) of the Local Government (Administration) Regulations 1996 (WA) (as amended).

in lieu of attending meetings, pursuant to s5.99 of the Local Government Act 1995 (WA) and Council Policy SC1.

  3. All Elected Members the maximum total allowance prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) for information and communication technology expenses, pursuant to s5.99A of the Local Government Act 1995 (WA) and Council Policies SC15 and SC32.
- (2) pay the Mayor and the Deputy Mayor the maximum annual allowance payable pursuant to s5.98 (5) and s5.98A (1) of the Local Government Act 1995 (WA), (as amended) respectively;
- (3) refers all Council Policies relating to Elected Member Fees, Allowances and Expenses to the next meeting of the Delegated Authorities, Policies and Position Statements Committee for review;
- (4) provide written information to Elected Members on the potential for the City of Cockburn becoming an Eligible Local Governing Body pursuant to section 221A and section 221B of the Income Tax Assessment Act 1936 (Commonwealth); and
- (5) make the necessary adjustment to the 2013/14 Budget as part of the mid-year Budget Review.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/3**





## Reason for Decision

The Salaries and Allowances Tribunal (SAT) has handed down its determination on its review of Elected Members in relation to the amount of fees or the minimum and maximum amounts of fees, expenses or the minimum and maximum of expenses, to be reimbursed and allowances or the minimum and maximum amounts of allowances payable to Elected Members from 1 July 2013.

The SAT determination included Schedule 1: Local Government Band Allocations that saw the City of Cockburn placed in Band 1, the highest category along with 18 other local governments (13 City and 5 regional/country Local Governments). During the budget deliberations for 2013/14 the matter of Elected Member fees were discussed and a provision was to be made for \$25,414 (Sitting Fee) for councillors and \$117,854 (sitting fee and allowance) for the mayor.

The 2013/14 Budget (Elected Members fees etc.) that was approved by Council on 13 June showed \$250,000 had been allowed for sitting fees in total and \$34,000 for communication expenses.

There was **no** provision for an increase in the Mayor and Deputy Mayor Allowances. This is extraordinary given the Salaries and Allowances Tribunal determination was imminent and from all reports, including those in the media were pointing to a significant increase in the mayoral allowances and sitting fees.

In relation to superannuation, Elected Members are eligible for superannuation payments if their Council has resolved unanimously to become an Eligible Local Governing Body (ELGB) pursuant to section 221A and section 221B of the *Income Tax Assessment Act 1936* (Cwlth). Where the Council is an ELGB, it is deemed to have an employer/employee relationship with its Elected Council Members and this attracts the application of a number of statutory obligations. Alternative arrangements described in Australian Taxation Office (ATO) Interpretative Decision ATO ID 2007/205 allow for Elected Council Members and Councils to agree for whole or part of meeting attendance fees to be paid into a superannuation fund. Accordingly, Elected Members need to be provided with information on this matter.

## Background

The Local Government Act 1995 (WA) provides for individual local governments to pay fees, allowances and expenses to its elected members in recognition of the roles and responsibilities undertaken by members on behalf of the communities they represent.



The amount payable for these was initially established in 1996, upon the introduction of a new Local Government Act and associated Regulations, which prescribed the sums applicable. There has since been one review of these, in 2006.

Early in 2013, it was announced that the Salaries and Allowances Tribunal was to undertake a review of the legislation which affected the quantum of the Fees, Allowances and Expenses.

A timeframe for this review was established with the objective of announcing any amendments in time for Councils to consider during the adoption of budgets for the 2013 / 14 financial year.

However, in the case of the City of Cockburn, the budget for 2013 / 14 has been adopted without exact knowledge of the effect of these changes being available for consideration, even though they are applicable from 1 July, 2013.

### **Submission**

N/A

### **Report**

A key principle for the Salaries and Allowances Tribunal was to consider the size and complexity of local governments in WA and to allocate them into an appropriate "Band" for the purpose of deciding the amount applicable for Fees and Allowances payable to Elected Members of those Councils. The City of Cockburn has been allocated to the top banding (Band 1) for this calculation.

The Tribunal determination has an impact on a number of City of Cockburn Policies which relate to the setting of Fees and Allowances, together with the reimbursement of expenses, payable to elected members.

Accordingly, the recommendation is to pay the applicable sums to elected members in line with those policies.

The major impact is that annual Meeting Fees payable to members of Cockburn Council have increased by \$31, 000 for the office of Mayor and \$23,000 for the office of councillor, which totals an increase of \$238,000 when apportioned to all elected members for the duration of 2013 / 14, in accordance with Council Policy SC1.

If other increased allowances associated with the Tribunal decision, relative to the Mayor (increase from \$60,000 to \$85,000 annually) and Deputy Mayor (increase from \$15,000 to \$21,250), were initiated from



1 July, 2013, there would be a 2013 / 14 Budget shortfall of \$97,250 for the year. This could be reduced by approximately \$10,000 by deferring any increase in these allowances, pending the outcome of the 2013 local government elections.

This is recommended on the basis of Council Policy SC14, which provides for these Allowances to be reviewed after the Council elections.

The current Information Technology Allowance (\$1,000 per annum) and Communication Allowance (\$2,400 per annum) have now been combined to form an Information and Communication Technology Allowance of \$3,500 per annum.

The current payment for incidentals for travelling to a conference in the Eastern States of \$13.65 per day is recommended to be withdrawn for all Elected Members and Staff. This is confirmed from McLeods, who advise that all expenditure should be accompanied by sufficient information (receipts) to account for related expenditure. Council currently provides for all conference related expenses including taxis (home to airport to hotel and return), conference and hotel expenses and meals whilst at the conference. The SAT determination provides for a one-off annual payment of \$50 to cover expenses already provided by Council in attendance at an approved conference. A review of neighbouring Councils identifies only the City of Melville provide a daily allowance instead of an all encompassing payment by Council. All other councils required all expenses to be claimed as a reimbursement rather than a payment upfront. The City of Perth offered both but in practice, the reimbursement was the preferred model for both Elected Members and Staff.

Finally, there are a number of Council Policies which affect expenses incurred by elected members and are able to be reimbursed.

The Tribunal decision has had a minor effect on these and it is proposed that all relevant Policies be referred to the Delegated Authorities, Policies and Position Statements (DAPPS) Committee for reconsideration to ensure they remain current and relevant.

## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines



Council Policies that refer are:  
SC1 'Meeting Attendance Fees'  
SC14 'Mayoral and Deputy Mayoral Allowance'  
SC15 'Communication Allowance'  
SC32 'Information Technology Allowance'

### **Budget/Financial Implications**

The 2013/14 provides for \$359,000 for the payment of Elected Member Meeting Fees, Mayoral and Deputy Mayoral Allowances and the Communication and Information Technology Allowances. As noted above payment as from 1 July 2013 of the full SAT determination would require \$456,250. The shortfall is \$97,250. In accordance with Policy SC14, if the Mayoral and Deputy Mayoral Allowance is reviewed after the 19 October 2013 Municipal Election the shortfall would be reduced by \$9,406 to \$87,844. There are sufficient funds in the 2013/14 Municipal Budget to fund the SAT determination to December 2013 when the Mid-Year Budget review could provide the additional funds.

### **Legal Implications**

Sections 5.99, 5.99A, 5.98 and 5.98A of the Local Government Act (WA) 1995 and Regulation 30 of the Local Government (Administration) (As amended) Regulations 1996 refer.

### **Community Consultation**

N/A

### **Attachment(s)**

1. Salaries and Allowances Tribunal Statement
2. Extract from Tribunal determination
3. Budget Impact assessment
4. Relevant Council Policies (4)

### **Advice to Proponent(s)/Submissioners**

N/A

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

Nil.



## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 **(MINUTE NO 5080)** (OCM 11/07/2013) - THIRD PARTY ADVERTISEMENT (DOUBLE SIDED BILLBOARD SIGN) - REQUEST FROM THE STATE ADMINISTRATIVE TRIBUNAL (SAT) TO RECONSIDER DECISION - REVIEW MATTER NO. DR 65 OF 2013 - LOCATION: 24L (LOT 24) SPEARWOOD AVENUE BIBRA LAKE - OWNER: DRIFFEN PTY LTD - APPLICANT: URBIS (1114367) (T CAPPELLUCCI) (ATTACH)

#### RECOMMENDATION

That Council

- (1) receives the report relating to No. 24L (Lot 24) Spearwood Avenue, Bibra Lake – Proposed Third Party Advertisement (Double Sided Billboard Sign) – State Administrative Tribunal (SAT) Review Matter No. DR 63 of 2013;
- (2) in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3, reconsider the application and REFUSE, as part of the State Administrative Tribunal Review Matter No. DR 65 of 2013, the application submitted by Urbis on behalf of the owner Driffen Pty Ltd for proposed Third Party Advertisement (Double Sided Billboard Sign), at No. 24L (Lot 24) Spearwood Avenue, Bibra Lake, and as shown on the plans stamp-dated 6 December 2012, for the following reasons:
  1. Non-compliance with clause 4.2.1 (g) of the City of Cockburn Town Planning Scheme No. 3 relating to the objective of the 'Industry' zone in which the property is located as the proposed billboard 'third party' advertising is not consistent with the objective of the zone. Advertising the distribution of goods is different in effect and scope to the general advertising of goods or services which may or may not have anything to do with industrial activity operating on-site.
  2. The proposed advertising signage is deemed a 'commercial' use, which is non-compliant with clause 5.9.3 (d) (iii) of the City of Cockburn Town Planning Scheme No. 3 relating to Advertising Signs as the purpose of the proposed billboard being for general advertising does not relate to the use of the land.
  3. The non-compliance with clause 5.9.3 (d) (i) of the City of Cockburn Town Planning Scheme No. 3 relating to Advertising Signs as the proposed billboard protrudes above the height of the existing buildings on the subject



site, presenting an undesirable protrusion of advertising structure and material into the streetscape.

4. The non-compliance with clause 5.9.3 (d) (iv) of the City of Cockburn Town Planning Scheme No. 3 relating to Advertising Signs as the increased scale of signage proposed for the subject site reverses the relationship between buildings and signage within the area and is out of character with its surroundings.

(3) in the event that the SAT deems Advertising to be a use not listed under Town Planning Scheme No. 3, advise the SAT the application is not supported and recommend refusal on the following grounds:

1. The proposed use is contrary to the objectives of Town Planning Scheme No. 3 part 4.2.1 (g) Industry Zone which is to provide for manufacturing industry, the storage of goods and associated uses, which by the nature of their operations should be separated from residential areas. The proposed use is not an industrial activity.
2. The proposed development is contrary to part 5.9.3 (b) in that the structure is not designed to be complimentary to its surroundings and adjoining development in terms of external appearance, design, height scale and bulk.
3. The proposed development is contrary to part 5.9.3 (d) in that the structure does protrude above the height of the structures existing on-site, the proposed advertising signage does not relate to the property on which it is located and the advertisement sign will detract from the streetscape of Spearwood Avenue.
4. The proposed development, in the opinion of the City is not compliant with the Town Planning Scheme No. 3 Part 10.2 matters (n) and (o) as the Advertisement Sign development will not preserve the amenity of the locality nor the relationship of the proposal to development on adjoining land or on other land in the locality due to the likely effect of the height, bulk, scale, orientation and appearance of the proposal.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

**Background**

- 8 November 2012      The Council receives an application for the proposed third party advertising sign (Double Sided Billboard Sign) at No. 24L (Lot 24) Spearwood Avenue, Bibra Lake.
- 29 January 2013      The Council under delegated authority refused the above-mentioned application for the following reasons:
- “1. *The proposed development is not contrary to the orderly and proper planning of the locality as required by clause 1.6.1 (b) of the City of Cockburn Town Planning Scheme No. 3 by way of introducing an undesirable use of land into the locality.*
  2. *Non-compliance with clause 5.9.3 (d) (iii) of the City of Cockburn Town Planning Scheme No. 3 relating to Advertising Signs as the purpose of the proposed billboard being for general advertising does not relate to the use of the land.*
  3. *The non-compliance with clause 5.9.3 (d) (i) of the City of Cockburn Town Planning Scheme No. 3 relating to Advertising Signs as the proposed billboard protrudes above the height of the existing buildings on the subject site, presenting an undesirable protrusion of advertising structure and material into the streetscape.”*
- 26 February 2013      The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 29 January 2013.



- 15 March 2013 SAT Directions Hearing held and below is the relevant order:  
*"1. Senior Member ordered that the matter should go to mediation before SAT Member Marie Connor at 11.00am on Monday 6 May 2013."*
- 6 May 2013 SAT Mediation held and below are the relevant orders:  
*"1. The matter is listed for directions hearing at 10.30am on Friday 21 June 2013 to allow the respondent to indicate its position on the applicant's 'use not listed' argument.  
2. The matter is listed for mediation at 2pm on Wednesday 3 July 2013."*
- 19 June 2013 The City's representative and the applicants representative confirmed that the directions hearing scheduled for Friday 21 June 2013 and the mediation scheduled on Wednesday 3 July 2013 be vacated in order for the City to prepare a Report to the Council Meeting scheduled for 11 July 2013 to determine the City's position as to whether the proposed advertising be classified as a 'use not listed' or a 'commercial' use.
- Both parties also agreed on the following orders given the item is going to be considered at the 11 July 2013 Council Meeting:  
*"1. The Respondent is invited pursuant to section 31 of the State Administrative Tribunal Act 2004 to remake its decision by or on 11 July 2013.  
2. The matter is otherwise adjourned to a further directions hearing on 19 July 2013."*

### **Submission**

The applicant previously sought approval to construct a third party advertising sign (Double Sided Billboard Sign) at the subject site located at No.24L Spearwood Avenue, Bibra Lake within the Industry zone. The site is triangular in shape and fronts Spearwood Avenue to the east and a railway reserve to the south-west. The subject site is currently used for industrial purposes, and is occupied by Advanced Logistics Solutions Pty Ltd, which manufactures and distributes mining equipment to the north-west region of Western Australia.





The proposed advertisement sign, located within the front setback of the site, consists of a sign panel being 12.66 metres by 3.35 metres in dimension and fixed 8 metres above ground level to the base of the sign face, supported by one (1) post. The advertisement will be setback 1 metre from the north-eastern lot boundary, with the inbound facing sign having a nil setback from the south-west lot boundary. The sign will be setback 10.2 metres from the actual Spearwood Avenue road reserve.

The application has been referred to the City for reconsideration. As part of this reconsideration, there have been no modifications to the proposed advertisement sign. Arising from the SAT Mediation held on 6 May 2013 and further correspondence between the City's representative and applicant's representative, the purpose of this reconsideration is to determine whether or not the proposed advertising sign is considered a 'use not listed' or if it can be determined as falling within the type, class or genus of activity of any other use class in the Zoning Table.

From considering the above, the City's officers are of the opinion that the proposed advertising sign is a 'commercial' use in nature and effect. This report demonstrates how general advertising suitably fits within a commercial land use definition rather than being considered a 'use not listed'.

## Report

Under Section 31 of the SAT Act 2004, the City has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council to be held on 11 July 2013, the City's officers will convey the decision to SAT. SAT will then decide how to proceed with the review matter.

### State Administrative Tribunal Act 2004

Section 31 states as follows:

*"31. Tribunal may invite decision maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision maker may –*
  - (a) Affirm the decision;*
  - (b) Vary the decision; or*



(c) *Set aside the decision and substitute its new decision.*

(3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

### Zoning and Use

As advertising is a use which not specifically mentioned in the Zoning Table of Town Planning Scheme No. 3 (TPS 3), it is therefore necessary to consider Clause 4.4.2 of TPS 3 in order to determine whether there is a use category which adequately incorporates advertising signage within its definition.

Clause 4.4.2 of TPS No. 3 is as follows:

*“If a person proposes to carry out any use that is **not specifically mentioned** in the: -*

- (a) **Zoning Table – Table 1** and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the table the local government may –
  - (i) *determine that the use is consistent with the **objectives** of the particular zone and is therefore permitted;*
  - (ii) *determine that the use may be consistent with the **objectives** of the zone and thereafter follow the advertising procedures of **clause 9.4** in considering an application for planning approval; or*
  - (iii) *determine that the use is **not consistent** with the objectives of the particular zone and is therefore not permitted.”*

The above clause requires the City to consider whether or not general advertising can fit within the type, class or genus of any use category. As it happens, in the City’s Town Planning Scheme No. 3, with the Zoning Table, there are use categories as well as use classes. The question therefore is whether general advertising can be regarded as being of the same type, class or genus as the other use classes in the commercial uses category.



The nature of commercial advertising signs is to convey to passers-by (located outside of the subject premises) information about a product or service which is not related to the industrial purpose of the land for commercial gain or reward. Advertising structures are a commercial enterprise where a client pays the owner a fee for displaying advertising on the sign.

TPS 3 Schedule 1 1. General Definitions defines advertisement as:

*“means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.”*

In this respect the proposed structure constitutes a purpose built structure on which advertisements will be displayed.

The Oxford Dictionary defines advertisement as:

*noun*

*“a notice or announcement in a public medium promoting a product, service, or event or publicizing a job vacancy.”*

The classification of advertising signage may then be seen as falling with the Commercial uses category. As such, given that advertising signage is considered to fall within the type of activity of the Commercial uses category, the City needs to consider the application of the general development requirements applicable to that use. This will be explained under the Development Requirements heading below.

### Development Requirements

Given the City’s officers consider advertising signs to fall within the type of activity of the Commercial uses use category, then the next step is to consider the application of the general development requirements applicable to that use category. As a commercial use category, Clause 5.9.3 (d) of TPS No.3 is applicable as it applies to advertising signs as follows:



*'Advertising signs shall be –*

- (i) attached to the walls or facades of a building or structure so as not to protrude above the height of the wall to the building or the structure;*
- (ii) limited to a common pylon sign or hoarding for developments comprising more than two units, strata titled units or businesses up to a maximum of six (6) advertisements to each sign where units, strata title units or businesses exceed 6 in the number or the development comprise a service station as one component then a maximum of two pylon signs or hoardings are permitted for that site;*
- (iii) erected on the property to which they relate;*
- (iv) professionally designed and installed and not detract from the streetscape within which they are located'.*

In particular, the Council should have regard to point (iii) above which provides that advertising signs shall be erected on the property to which they relate. In short, advertising is effectively a permissible use only if the advertising sign is erected on the property to which it relates.

As such, the proposed third party, double sided billboard sign is determined as not complying with point (iii) above as the sign will not be advertising the use existing on the subject site.

In addition, from the proposed elevation plans of the subject third party pylon sign, the sign, while not attached to the walls or facades of a building or structure on-site, also protrudes above the wall height of the buildings on-site. Therefore, the proposed sign is also not compliant with point (i) above and is considered therefore to be a development that would cause an undesirable precedent for similar applications in the locality due to its non-compliance with points (i) and (iii) above of Clause 5.9.3 (d) of TPS No.3.

### Amenity Impacts

Given the absence of a currently adopted local planning signage policy when the application was lodged and being assessed, the requirement set out in Clause 5.9.3 (d) (iv) of the City's Town Planning Scheme No.3 to have regard to *'professionally designed and installed and not detract from the streetscape within which they are located'* needed to be considered.

The proposed sign is to be located within a main road environment and on a large industrial site. The site frontage to Spearwood Avenue is



approximately 120 metres. The buildings surrounding the site are generally industrial and commercial uses fronting the busy Spearwood Avenue or accessed from streets of Spearwood Avenue. The currently proposed sign will project above the buildings on the subject site.

As such, from the configuration and placement of the sign proposed, it would become a highly dominant feature of the streetscape at the proposed location. Whilst acknowledging that the design quality of the buildings in the locality is not particularly high and that there is a prominence of mainly wall signs in the locality, it is apparent that buildings and their form dominate the visual character of the area and the streetscape.

The increased scale of signage proposed for the subject site reverses the relationship between buildings and signs within the area and is arguably out of character with its surroundings. The implication therefore of such an approval of a proposal of this nature is that the immediate street of Spearwood Avenue could be further dominated by signage.

This type of signage, given its scale, height and dominance is determined to be out of character with the built form of the area, and that it would unreasonably impact on the streetscape and amenity of the locality.

### Referrals

The application was referred to the Department of Planning (DOP) for comment as the proposed sign abuts Spearwood Avenue which is designated as an 'Other Regional Road' (blue road) under the MRS. The DOP noted that the property abuts a section of Spearwood Avenue which is a Category 1 Other Regional Road (ORR) in WAPC Plan No. SP 694/2. Lot 24 is not affected by the ORR reservation for Spearwood Avenue.

Therefore, as the proposed signage falls outside the ORR reservation, the Department would be prepared to support the signage so long as the advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. The Department as such has no objection to the proposal on regional transport planning grounds.

### **Conclusion**

The intention of this report is for the City to consider whether the proposed advertising sign proposal fits within the type, class or genus of any use category within TPS No. 3. Should the above argument that the proposal fits within the Commercial use category within the City's



Zoning Table be allowed by the SAT, it is recommended that the reasons for refusal as stated in the Officer Recommendation be imposed.

The application was refused by Council, under officer delegation, on 29 January 2013 and the City's officers are still of the belief that the proposed third party advertising sign, while now considered to fall within the Commercial use category, does not comply with the relevant development requirements outlined in Clause 5.9.3 (d) of TPS No.3.

However, the SAT might not agree with this conclusion, in which case it is advisable for the Council to look at the use not listed possibility which was discussed at SAT Mediation. As outlined in the above Report, Clause 4.4.2 of TPS No.3 needs to be considered.

If the SAT is of the belief that general advertising does not fall within the category of commercial uses, rather a use not listed, the City's officers do not believe that advertising signs are consistent with the objectives of the Industry zone where the subject site is located, and would refuse the application on that basis.

Under Clause 4.2.1 (g) of the TPS No. 3, the objective of the Industry Zone is:

*'To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas'*

As per Clause 4.4.2 of TPS No.3, if the proposed advertising sign was to be considered a use not listed, then the proposal will need to be determined as being either consistent, may be consistent or not consistent with the objective of the Industry zone as detailed above. The City officers are of the view that general advertising, where the subject of the advertising may have no relationship to any manufacturing industry carried out on the subject land, is not consistent with the objectives of the Industry Zone.

Therefore, if SAT is of the view that advertising signs are classified as a 'use not-listed' use category rather than Commercial, the City is not supportive of the application and will recommend refusal as outlined in the Officers Recommendation under point iii).

### **Strategic Plan/Policy Implications**

#### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.



**Budget/Financial Implications**

Nil.

**Legal Implications**

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

**Community Consultation**

Nil.

**Attachment(s)**

1. Existing and proposed outbound view of sign
2. Existing and proposed inbound view of sign
3. Elevation plans
4. Aerial view
5. Site plan
6. City's solicitors argument to support the characterisation of the advertising use, as a commercial use

**Advice to Proponent(s)/Submissioners**

The Proponent(s) have been advised that this matter is to be considered at the 11 July 2013 Council Meeting.

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

Nil.

AT THIS POINT, CLR B HOUWEN LEFT THE MEETING, THE TIME BEING 7.37 PM.

**DECLARATION OF INTEREST – CLR B HOUWEN**

The Presiding Member read a declaration of Interest in Item 14.2 "Woodman Point Waste Water Treatment Plant" pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of his interest is that he is a landowner within the current odour buffer area.



**14.2 (MINUTE NO 5081) (OCM 11/07/2013) - WOODMAN POINT WASTE WATER TREATMENT PLANT ODOUR BUFFER (A TROSIC) (3400024) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) write to the Director General of the Department of State Development and the responsible Minister, the Premier of Western Australia, seeking commitment by the State Government to undertake the buffer definition study for the Woodman Point Waste Water Treatment Plant (WPWWTP) and its context within the Western Trade Coast;
- (2) as part of (1) above, request that the buffer definition study only be focussed on the WPWWTP and immediate context of the Western Trade Coast so as to not be delayed by a broader study of the entire Western Trade Coast;
- (3) continue with its position of advocating for improvements to the WPWWTP in order to retract the buffer to the eastern foreshore of Lake Coogee;
- (4) write to all residents within the buffer of the WPWWTP advising them of Council's resolution;
- (5) write to the Water Corporation requesting that they organise a briefing of all landowners within 1.5km of the centre of the WPWWTP, and that this briefing cover the same content which was provided to Elected Members on 20 June 2013; and
- (6) write to the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation advising of the results of the community survey undertaken.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr Y Mubarakai that the recommendation be adopted.

**CARRIED 8/0**





## Background

A similar report to this was presented to the April 2013 Ordinary Council Meeting. The purpose of that report was for Council to consider:

1. The responses received from the relevant State Government agencies and Ministers in respect of Council's request for State Government commitment to undertake a buffer definition study to determine the future of the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast; and
2. The results of the Council initiated survey undertaken of residential properties within 1.5km of the WPWWTP, which sought feedback from residents in respect of odour associated with the WPWWTP

At the April 2013 Council meeting Council resolved to defer consideration of these matters until a workshop has been conducted with:

- (1) *Elected Members covering the following:*
  1. *The history of this buffer zone and its relationship to TPS3.*
  2. *The SAT decisions made in regard to this buffer zone.*
  3. *The Water Corporation's Odour Modelling Study to be provided to Elected Members and explained.*
  4. *Clarification on the Kwinana Air Quality Buffer Zone Review, its gazetting, and its impact on landowners in the area around Lake Coogee; and*
- (2) *interested community members and landowners on the survey and other related matters.*

These two workshops have now taken place, enabling reporting back to Council to occur.

In terms of this report, the key recommendation is that Council continue to seek the commitment by the State Government to undertake a buffer definition study as a matter of urgency. The responses received from the State Government remain uncommitted as to a timeline associated with the buffer definition study, though there is agreement that this is the important piece of work needing to be completed to enable a final decision on the buffer to be achieved. It is recommended that Council seek this commitment, and also ask that the study only be focussed on the WPWWTP and immediate context of the Western Trade Coast so as to not be delayed by a broader mega type study of the entire Western Trade Coast.



In association with this, it is also recommended that Council continue to advocate for capital improvements to the WPWWTP. It is clear that the significant capital expenditure that has taken place over the last decade has improved odour impacts, as evidenced in the Water Corporation presentation to Elected Members. However the position of the State Government is such that odour impacts are still occurring, and may be likely to continue to occur into the future. It is considered that advocacy which continues to seek investment in new technology at the WPWWTP needs to be part of a strategy which seeks to limit odour impacts to the eastern foreshore of Lake Coogee. While the achievability of this is far from certain, the reality of advocating for the buffer definition study as well as continuous improvement at the WPWWTP is seen as the best chance to manage impacts for the ultimate future.

These two key strategies will hopefully combine to provide landowners with certainty as to the buffer, and what needs to occur for the buffer to be reduced to the eastern foreshore of Lake Coogee.

### **Submission**

N/A

### **Report**

#### Outcomes of Elected Member briefing and community briefing

As per the April 2013 Council resolution, the community briefing on this issue was held on 4 June 2013. This was attended by landowners, staff and Elected Members, and provided the opportunity to explain the recent community survey which was undertaken. This purpose was as per the Council resolution.

The forum generated a number of action points which were subsequently actioned and responded to as follows:

- 1. Request to investigate new technology which exists in relation to odour monitoring, and whether this technology could be utilised in respect of the WPWWTP.**

**Response:** There are a number of instruments that can detect and measure individual gases and the individual constituents of airborne odours (e.g. Hydrogen Sulphide) but there is no instrument that is able to detect and accurately measure odours that comprise of a number of gases and volatile compounds. The concept of an 'electronic nose' is especially difficult to develop because odorous compounds are complex and some can only be detected by the human nose at very low concentrations.



Technology is constantly improving in this area but there is no known instrument that has recently become available for community odour monitoring. The existing air monitoring stations around Perth such as the one at South Lake do not measure odour, they measure particulates, sulphur dioxide and nitrogen dioxide. The Department of Environment and Conservation have carried out air monitoring campaigns from time to time including the Baseline Air Toxics Project in 1998 to assess the volatile organic compound composition in Perth's atmosphere, but there has been no campaign to measure odour largely because of inadequate technology.

2. **The City to write to the Water Corporation foreshadowing questions to be addressed at the forthcoming Elected Members briefing.**

**Response:** These questions have been foreshadowed with the Water Corporation. The questions seek to ascertain from the Water Corporation what basis they believe exists to maintain the odour buffer associated with the WPWWTP.

3. **The City to write to Water Corporation to request if they could attend another community forum similar to what was held at the City of Cockburn.**

**Response:** This request will be made.

4. **A request for Council to consider whether Mr Ormerod could present his PAE Holmes Report of 16 November 2011 at the forthcoming Elected Members briefing on 20 June.**

**Response:** Council considered a notice of motion at the 13 June Council meeting regarding the request for Mr Ormerod to present his PAE Holmes Report. Council resolved:

*That Council invite Mr Robin Ormerod to present the PAE Holmes Report dated 16 November 2011 in the scheduled Elected Member briefing session to be held on Thursday 20 June 2013. This presentation will be separate to the Water Corporation's presentation, so that no party is able to observe each other's presentation. The invitation is to be at no cost to Council.*

Following on from this the Elected Member briefing took place on 20 June 2013. This provided the opportunity for formal briefing of Elected Members on those matters of inquiry requested by the April 2013 Council resolution. Specifically:

1. *The history of this buffer zone and its relationship to TPS3.*
2. *The SAT decisions made in regard to this buffer zone.*



3. *The Water Corporation's Odour Modelling Study to be provided to Elected Members and explained.*
4. *Clarification on the Kwinana Air Quality Buffer Zone Review, its gazetting, and its impact on landowners in the area around Lake Coogee.*

Staff provided the briefing on matters 1, 2 and 4 while Water Corporation provided the briefing on matter 3.

This report now deals with the substantive matters of the April 2013 Council report – being the buffer definition study and the community survey. This takes place following:

### Background

At the 8 November 2012 Council meeting Council resolved to:

- (1) *acknowledge receipt of the correspondence from the Hon Minister for Planning; the Chairman of the Western Australian Planning Commission ("WAPC") and Director General of the Department for Planning; the Office of the Environmental Protection Authority ("EPA") and the Department of Environment and Conservation ("DEC") in response to Council's resolution of 12 April 2012;*
- (2) *advise the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation that:*
  - a. *Landowners and stakeholders require certainty and clarity in respect of the future of a buffer associated with the Woodman Point Waste Water Treatment Plant ("WPWWTP") and its broader setting within the Western Trade Coast.*
  - b. *To deliver this clarity, the WAPC and associated Heads of State Government commit to undertaking funding and completion of a buffer definition study to determine the future of the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast by no later than 1 July 2013 and request that the State Government provide a budget and time line for the carrying out of that study by an independent expert.*
  - c. *If the deadline of 1 July 2013 cannot be achieved, the WAPC and associated Heads of State Government advise*



*the Council of an alternative deadline by 31 December 2012.*

- (3) *conduct a statistically valid telephone survey of all residential properties within 1.5km of the centre of the WPWWTP, in order to obtain up-to-date feedback from residents as to the current situation in respect of odour associated with the WPWWTP. The results of this survey to be presented to the February 2013 Ordinary Council Meeting;*
- (4) *following the February 2013 Ordinary Council Meeting, write to the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation, advising of the results of the telephone survey;*
- (5) *note the advice of the City's Environmental Health Services that zero complaints have been received regarding odour associated with the WPWWTP;*
- (6) *note the advice from the Department of Environment and Conservation confirming that a total of eight complaints were received during the last three years following the odour reduction upgrades to the WPWWTP;*
- (7) *reaffirm its position that the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast should be reduced to the eastern foreshore of Lake Coogee; and*
- (8) *approve the funding for the telephone survey to be sourced from contingency funds to a maximum amount of \$10,000.*

This report responds specifically to Parts (2) and (3) of Council's resolution.

Responses received from State Government following Council's 8 November 2012 resolution

In accordance with Part (2) of Council's 8 November 2012 resolution, the City wrote detailed letters on 26 November 2012 to the following:

1. Hon Minister for Planning
2. Hon Minister for Environment
3. The Chairman of the WAPC and Director General of the Department for Planning
4. CEO of the Water Corporation



5. Director General of the Department for Environment and Conservation.

There was a specific intent to ascertain a commitment by the State Government to undertake a buffer definition study to determine the future of the buffer associated with the WPWWTP. The responses received are provided as the following attachments:

1. Director General of the Department for Environment and Conservation
2. Hon Minister for Environment
3. COO of the Water Corporation

From the responses there has been no commitment delivered in respect of undertaking a buffer definition study to determine the future of the buffer associated with the WPWWTP. The most pertinent advice received is that the Department of State Development have recently been given carriage of this buffer definition issue. This appears to signal intent on behalf of the State Government to advance the study, but notwithstanding this intent it is important that Council take this opportunity to now engage with the Director General of the Department of State Development and its responsible Minister, the Premier of WA Hon Colin Barnett MLA. This forms a recommendation of this report.

In terms of the Water Corporation's response, the City corresponded back advising that its survey would be robust, as a survey lacking robustness was of no value to anyone.

#### Responses received from State Government following Council's 12 April 2012 Resolution

This is not the first time that Council has received similar advice from the State Government about the need for the buffer definition study. Previous advice has noted this also, but similarly not committed about when such a study will be undertaken.

Council at its 12 April 2012 meeting passed a resolution in respect of the WPWWTP buffer seeking response of the State Government to ascertain whether there was valid scientific justification to support the maintenance of the current 750m buffer. This current 750m buffer is secured through the Metropolitan Region Scheme and the corresponding provisions of the City's Town Planning Scheme.

At that time the City wrote detailed letters on 24 April 2012 to the same Ministers / agencies as the City corresponded with following the November Council meeting.

In summarising the results of that exercise, the Environmental Protection Authority did not see it appropriate to attempt to confirm the



scientific basis of a buffer. This is on the basis that the decision making responsibilities of such a decision lie with the WAPC. The DEC responded similarly, advising of their role in respect of providing advice and not as a decision maker, and also advised that the DEC were not able to "to comment outside of this process." It is correct that the actual decision making responsibilities do not exist with either the DEC or EPA; instead they do so with the WAPC and Hon Minister. This is by way of the buffer definition study process, under the genus of State Planning Policy No. 4.1.

In explaining this, the process for the WAPC to determine the extent of any industrial buffer is provided for under Clause 4 of State Planning Policy No. 4.1 (*State Industrial Buffer Policy*). This provides the key role for the WAPC in "evaluat[ing] buffer definition study recommendations when considering land use decisions that may need to be made in the relevant area."

While the Department of State Development has been given the task of the buffer definition study for the Western Trade Coast, the WAPC will maintain the key decision making role given they will effectively ensure land use planning decisions implement the results of the study.

As noted in 8 November 2012 Council report, previous responses were received from the Hon Minister and Department of Planning on the issue of the scientific basis for the buffer. Their correspondence stated:

*"The Water Corporation released the report Results of the Odour Monitoring and Modelling Program (2010), for comment. The Water Corporation has now finalised its report in order to assess the success of the Stage 1 odour control upgrade works and this was issued to the DEC to close out the works approval for the upgrade.*

*The Water Corporation advised the WAPC in March 2012 that it had finalised its odour monitoring and modelling report, which recommends the retention of the existing 750 metre odour buffer.*

*Although the Odour Improvement Plan has resulted in the reduction of odour, it cannot guarantee that there will not be odours from the plant. The report indicates that there will still be an odour impact extending to roughly the eastern edge of the urban deferred land and accordingly, that the current buffer should be retained."*

This position is noted; however the Council should seek to ensure that the buffer definition study looks at the issue with completely 'fresh eyes', so as to arrive at a position which is scientifically robust.



Outcomes of the Council initiated survey undertaken of residential properties within 1.5km of the WPWWTP

The second purpose of this report is to advise Council of the outcomes report of the Council initiated survey of residential properties within 1.5km of the WPWWTP, which sought to understand the perceptions of residents in respect of odours from the WPWWTP.

A mixed methodology (telephone and door to door) research approach was used to deliver the survey within the constraints of the budget; the timeframe; and to ensure the survey was deployed quickly to limit risks of bias.

The questionnaire itself was designed to reduce acquiescence bias in the recall of odour incidents from the Woodman Point Wastewater Treatment Plant. In this respect respondents were asked which of five common environmental health issues they'd experienced in the previous six months (May to November/December 2012). For each environmental health issue they'd experienced, the respondent was asked for more information. In the case of unpleasant odours, respondents were asked what kind of odours they were and where they felt they came from. It was the perception of odour impacts as viewed from the perspective of residents that was important.

Attachment 4 contains a copy of the survey that was used.

As per Council's resolution, the population for the project was defined as the 353 dwellings within a 1.5km radius of the WPWWTP - 281 residences on properties and 72 sites on long term leases at the Woodman Point Holiday Park. A sample of 184 was required to deliver a sampling precision of +5.0% at the 95% confidence interval.

The survey process commenced with the telephone interviewing, conducted by West Coast Field Services. Addresses whose telephone numbers were disconnected or where the number had been moved to outside the 1.5km radius were moved to the door to door list. Door to door interviewing was then used to obtain the rest of the sample.

Key Findings

The key findings were that 1 in 3 respondents reported experiencing problems with unpleasant odours that have affected their health or made it unpleasant living in their home in six months since May 2012.

43.9% of those 1 in 3 (or 15.3% of all respondents) report to have experienced odours from the WPWWTP (described as rotten egg, sewage smells etc.) The following table indicates where this health concern rated in comparison to other concerns mentioned:





Table 1.1: Summary of Environmental Health Concerns

Environmental Health Concern	Affects ...
Mosquitoes	31.7% of all respondents
Midges	20.1%
Dust from Cockburn Cement	18.5%
<b>Odour from Woodman Point Wastewater Treatment Plant</b>	<b>15.3%</b>
Odour from Cockburn Cement	14.3%
Noise from hoons	14.3%
Dust from building sites	10.6%

Q1 I have a list of the most common environmental health concerns experienced by City of Cockburn residents and I'd like to know which of the following you have experienced. Can you please tell me which of the following you have experienced in the last six months, that is since May this year? Have you experienced .... (n=189)

The above results provide some important feedback on the perception of mosquito and midge health impacts. In responding to this, the City has specific strategies and programs that target these nuisance insects. The Integrated Midge Control Strategy is administered by Environmental Services and the Integrated Mosquito Management Program is administered by Health Services. Both of these operational programs have ongoing monitoring and are able to respond to complaints and reports of high insect numbers.

The full survey report reveals an interesting analysis of the information, however for the purposes of feedback to Council in response to its November 2012 resolution, the findings relevant to the percentage of residents experiencing unpleasant odours is of main relevance.

The report makes recommendation that *"the City of Cockburn acknowledge that the community surrounding the Woodman Point Wastewater Treatment Plant continues to experience odour incidents from the Plant. Reported odour incidents identified from this survey of the community are similar to those found in the community survey taken after the 2008-2010 upgrade and remain fewer in number than those reported from surveys before the upgrade to the Plant."*

This recommendation attempts to capture the evidence that, from the perception of residents within 1.5km of the WPWWTP, there are health impacts associated with unpleasant odour emanating from the WPWWTP. This ranks in comparison to impacts from Cockburn Cement (dust and odour) but below the impacts associated with mosquitoes and midges.

### Recommended Response

The Council has and continues to advocate for its community which is currently affected by the odour buffer associated with the WPWWTP. While there have been reductions in odour impacts emanating from the WPWWTP, the recent survey undertaken by the Council indicates the



perception of residents of unpleasant odours which have emanated from the WPWWTP (15.3% of all responses). Added to this the uncertainties of increases volume required to pass through the WPWWTP means that a conservative (and risk based) planning approach needs to be exercised at all times. The City considers this to be achieved through always ensuring that its support for a reduction in odour impacts is scientifically based - not just based on limited evidence.

To this end it is clear that the buffer definition study needs to be completed by the State Government as a matter of urgency to arrive at a final position in respect of the buffer in the immediate vicinity of the Muster / Lake Coogee Foreshore. This will consider not only the impacts associated with the WPWWTP, but also how these impacts will change with growing capacity of the plant combined with capital improvements.

The recommendation to Council is therefore one that seeks to ask the State Government's responsible Ministers and Premier to commit to finalise the buffer definition study. At the same time, the Council should continue advocacy as part of its governance seeking to have further investment undertaken in the WPWWTP as part of constant improvement philosophies which aspire to manage odour impacts back to the eastern foreshore of Lake Coogee.

Advocating for capital investment is seen as the key opportunity to undertake reforms to the plant such that odours emanating from the plant are substantially reduced. This seems to be the only basis which exists given the current views of the State Government in respect of odour impacts. Similar to the capital upgrades undertaken over the past decade which resulted in the successful 50% reduction in odour impacts, it is felt that Council and the community should expect further upgrades to deliver similarly high degrees of success and for this to result in the contracting of the buffer line back to the eastern foreshore of Lake Coogee.

This advocacy remains an important function of both the Council and the City administration.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.



**Environment & Sustainability**

- Identification and minimisation of impacts to human health risk.

**Budget/Financial Implications**

N/A

**Legal Implications**

Metropolitan Region Scheme  
Town Planning Scheme No. 3  
*Planning and Development Act 2005*  
*Town Planning Regulations 1967*

**Community Consultation**

A survey was carried out and the results contained in the attachment submitted at 11 April 2013 Ordinary Council Meeting.

**Attachment(s)**

1. Letter from Director General of the Department for Environment and Conservation
2. Letter from Hon Minister for Environment
3. Letter from Chief Operating Officer of the Water Corporation
4. Survey.

**Advice to Proponent(s)/Submissioners**

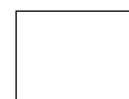
N/A

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

Nil.

AT THIS POINT, CLR B HOUWEN RETURNED TO THE MEETING, THE TIME BEING 7.41 PM.

THE PRESIDING MEMBER ADVISED CLR B HOUWEN OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.



**14.3 (MINUTE NO 5082) (OCM 11/07/2013) - RETROSPECTIVE CHANGE OF USE - FACTORY TO CLUB PREMISES - LOCATION: 4/13 (LOT 22) PORT KEMBLA DRIVE, BIBRA LAKE - OWNER: HAYLEY LOUISE BOND, KRISTOPHER GRAHAM BOND, PETA NICOLE RYAN & SULTENE PTY LTD - APPLICANT: URP TOWN PLANNERS & BUILDING DESIGNERS (1105155) (T CAPPELLUCCI) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant Planning Approval for the Retrospective Change of Use from Factory to Club Premises at 4/13 (Lot 22) Port Kembla Drive, Bibra Lake, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

1. This approval is only valid from the date of Council's decision and does not retrospectively authorise any previous unapproved use of the premises.
2. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
3. No more than twenty five (25) persons are permitted on the premises at any one time.
4. The entire ground floor area shall only be used for the purpose of a 'Club Premises' as defined in the City of Cockburn Town Planning Scheme No. 3. The premises are not to be used at any time for residential accommodation.
5. The premises are not approved as a licensed premise; therefore, consuming or serving of alcohol to members and/or guests is not permitted on the premises. The bar, indicated on the floor plan is not to be used for this purpose unless a change of use would be required and further approval from the City.
6. The land use 'Club Premises' shall not continue or recommence until or unless the premises has been brought into compliance with the Health (Public Building) Regulations 1992, current Building Codes of Australia requirements and a Certificate of Occupancy has been granted by the City's Health Services section.



7. An acoustic consultant's report to be prepared and lodged with the City, indicating that all activities on the premises will comply with Noise Regulations including vehicle noise from the premises. The acoustic consultant's report to be lodged and any works required to be undertaken to be completed prior to the occupation of the premises or the issuance of a Certificate of Occupancy.
8. The club premise is only permitted to operate:
  - a) Tuesday between the hours of 7.00 p.m. to 9.00 p.m. and Friday between 6.30 p.m. to 12.00 a.m. to conduct club meetings.
  - b) Saturday between the hours of 7.00 p.m. to 12.00 a.m. once every two months per calendar year, to conduct private functions.
  - c) Monday to Friday (excluding Public Holidays) between the hours of 8.00 a.m. to 7.00 p.m. for informal use by club members and for not more than two days per calendar week.
  - d) On a Saturday, Sunday or Public Holiday between the hours of 8.00 a.m. to 7.00 p.m. for informal use by the club members.
9. No external signage advertising the 'Club Premises' or the operator of the 'Club Premise' is permitted.

#### Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. All advertising signs are to be in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3. Non-exempt signage will require separate planning approval.
3. The primary use of the development hereby approved is Club Premises, defined in the City of Cockburn Town



Planning Scheme No. 3 as 'premises used by a legally constituted club or association or other body of persons united by a common interest'.

- (2) notify the applicant and those consulted of Council's decision; and
- (3) refer the approved plans to the Western Australian Police for their records.

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Clr T Romano that Council:

- (1) refuse to grant planning approval for a retrospective change of use Factory to Club Premises at Unit 4 No. 13 (Lot 22) Port Kembla Drive, Bibra Lake for the following reasons:
  1. Impact on the amenity of the area by way of noise, movement and events held at the premises (TPS3 s 10.2.1 (n)).
  2. Likely social issues that may result from the operation of the proposed club house which can affect the amenity of the locality (TPS3 s 10.2.1 (j)).
  3. In consideration of the objection received on the application (TPS3 s 10.2.1 (y)).
- (2) issue a Directions Notice under section 214 of the Planning and Development Act 2005 for the Club Premises use to cease within 60 days of the date of the notice; and
- (3) notify all those parties consulted in respect of this application of Council's decision.

**CARRIED 8/1**

**Reason for Decision**

The Council considers that the presence of a clubhouse for the Rebels Outlaw Motor Cycle Gang will pose an unacceptable risk to surrounding business and adjoining land uses. The Council also considers that the proposed clubhouse has the potential to have a



significant and detrimental impact on the safety and amenity of the surrounding area.

## Background

In early October 2012, the City was advised by the Organised Crime Squad that the Rebels Motor Cycle Gang were operating at the subject premises and the Crime Squad's intention to have them evicted from the subject premises.

The City's investigations confirmed that the property was being used for the purposes of a Club Premises without prior planning approval. This investigation resulted in the City's Planning Compliance Officer, by letter dated 3 December 2012, notifying the landowners of Unit 4/13 Port Kembla Drive, Bibra Lake that planning approval was required for, but had not been obtained for the use of Unit 4 as a Club Premises. The landowners were advised to either cease the use or to lodge an application seeking retrospective planning approval for the Club Premises.

On the 10 December 2012, a meeting was held with the City's Officers and some of the owners of the site, where planning and building requirements were discussed. The owners present were advised that planning approval for a change of use was required.

On the 18 January 2013 the City of Cockburn received an email from planning consultants URP Town Planners & Building Designers, enquiring on behalf of the owner and tenants of 4/13 Port Kembla Drive, Bibra Lake regarding a change of use of the unit from Factory to Club Premises, associated with the Rebels Motorcycle Club.

A response letter advised URP that a DA was required and set out a range of compliance matters. It was noted that the car parking ratio for club premises is the same as the existing use with a ratio of 1 bay for 50m<sup>2</sup> GLA.

An application for planning approval (DA13/0264) was subsequently lodged with the City by URP, on behalf of the landowners, on 27 March 2013. This application proposed a change of use of the premises from 'Factory' to 'Club Premises' with no selling or supplying of liquor to occur on-site.

The matter was considered by Council at its ordinary meeting on 13 June 2013 (Minute 5063 refers) at which it was resolved to Council defer the matter to a future meeting of Council:

- (1) to allow a briefing from the WA Police and the applicant; and



- (2) to obtain a legal opinion on matters associated with Council's liability and community risk.

On the 27 June 2013 the applicant and representatives of the Western Australian Police provided detailed briefings to the elected members.

In addition to the briefing sessions, the City has obtained legal opinion from its solicitors in respect to Council's liability and community risk (a copy of which is attached under separate confidential cover).

The City's solicitors advise that in regard to the retrospective change of use to a 'Club Premises' it must be considered in the context of Council determining a development application. Development approval is not personal to an applicant for approval, but runs with the land. The Council therefore is required to make its determination on the basis of factors relating to the proposed club premises land use and not the fact that a certain group will occupy the premises. It is a speculative exercise to predict with any certainty that property damage or personal injury would result from the use of the premises.

### **Submission**

This application seeks the retrospective approval of the City to allow a 'Club Premises' to operate at the subject site.

Following lodgement of the application, the applicant clarified that the 'Club Premises' was for a club operated by an incorporated motorcycle club, identified as the Rebels Motorcycle Club. Formal club meetings are proposed to take place twice a week outside normal business hours (i.e. Tuesdays from 6.30 p.m. to 9.00 p.m. and Fridays from 6.30 p.m. to midnight). The premises are also intended to be available for informal use by the club members on a daily basis (Monday to Sunday, excluding Public Holidays) outside the abovementioned hours to assist with general maintenance and ongoing operation of the club. It is also proposed to hold occasional private functions on selected Saturday nights up until midnight. The applicant has advised that the maximum number of members to be present in the club at any one time is proposed to be twenty five (25).

In addition, the application is subject to the Health (Public Building) Regulations along with the current Building Codes of Australia requirements, which will be addressed in the Report section below.





## Report

### Zoning and Use

The site is located within the Mixed Business zone, the objective of which is to provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.

A 'Club Premises' is classified as a permitted ('P') use within the 'Mixed Business' zone, meaning a use that is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme. . The land use 'Club Premises' is defined in TPS No. 3 as follows:

*"Means premises used by a legally constituted club or association or other body of persons united by a common interest."*

The objection received during the consultation period made reference to the incompatibility of the proposed 'Club Premises' with the existing land uses within the locality. It was stated that the proposed use may generate anti-social behaviour, which will impact on the safety of tenants, landowners and their clients, visitors etc.

Concerns about anti-social behaviour in this instance appear to relate to club patrons and members, and to be based partly on the perception of outlaw motorcycle clubs. One (1) objection has been received during the consultation period. Given the motorcycle club has been operating without approval at the premises for some time, and no other comments have been received from adjoining owners, this may indicate that the club premises has been operating without impacting on the amenity of the adjoining properties. It should be noted that the applicant has advised that the premises have no longer been used following the City's initial advice that it required approval.

The applicant has advised that activities will be undertaken behind closed doors. If concerns of anti-social behaviour ever to arise in the future due to the club operations, those concerns will need to be directed to the WA Police as is the case with any business or activity where there is illegal behaviour.

The proposed use of the premises is consistent with the TPS3 land use permissibility and does not prejudice the objectives of the 'Mixed Business' zone as stated under TPS No. 3. Further TPS No. 3 does not contain powers to discriminate between different types of clubs based on the suspected activities of the members.



### Car Parking

The subject site at No. 13 Port Kembla Drive, Bibra Lake, requires a total of thirty-nine (39) car bays on-site for the land uses operating from the six (6) units. The number of car parking bays required for the other five (5) units along with the proposed change of use of Unit 4 from 'Factory' to 'Club Premises' is as follows:

Unit	Land Use	Area	Parking Requirement
1	Showroom	140m <sup>2</sup>	1:50m <sup>2</sup> = 3 bays
2	Motor Vehicle Sales	300m <sup>2</sup>	1:5 vehicles + 1:1 employee = 5 bays
3	Factory	305m <sup>2</sup>	1:50m <sup>2</sup> = 7 bays
4	Club Premises (Proposed)	302m <sup>2</sup>	1:50m <sup>2</sup> = 7 bays + 1 Loading Bay at 1:500m <sup>2</sup>
5	Dance Studio	200m <sup>2</sup>	4 bays
6	Showroom	610m <sup>2</sup>	1:50m <sup>2</sup> = 13 bays
<i>Total bays Required</i>			39 bays
<i>Total bays Proposed</i>			39 bays

Given that the subject site at Unit 4 is changing use from 'Factory' to 'Club Premises' which both have the same car parking requirement of 1:50m<sup>2</sup>, the required amount of car parking bays on-site will not change from what is already existing and therefore no variation to the parking requirements of TPS No. 3. However the premises require the provision of one (1) loading bay. Table 3 of TPS No. 3 lists the standards for Club Premises and this includes a requirement for a loading bay. This has not been addressed in the application. However it is clear that a loading bay facility is located adjacent to car bay no. 25 on the site plan SK1.01 dated 12 February 2013 which satisfactorily addresses this matter.

The proposed 'Club Premises' proposes that a maximum of twenty five (25) club members will be accommodated in the premises at any one time. Most of the other approved uses in the complex operate primarily during normal business hours. The attendance of the maximum number of twenty five (25) club members will only occur during the formal club meetings twice a week and outside normal business hours (Tuesdays from 6.30 p.m. to 9.00 p.m. and Fridays from 6.30 p.m. to midnight). Along with the occasional private function once every two months on Saturday nights (between 7.00 p.m. to midnight), the proposed maximum number of club members and car parking bays



provided solely for the 'Club Premises' use is considered to comply with the Scheme.

It is not stated in the application that the number of people other than club members is limited and therefore the proposed condition refers to 25 persons, and not 25 club members.

### Amenity Impacts

The objection received during the consultation period also made reference to potential amenity impacts resulting from the proposed use being supported. Amenity is defined under TPS No. 3 as follows:

*"Means all those factors which combine to form the character of an area and include the present and likely future amenity."*

The comments made did note how the proposal may impact on the amenity of the area; however it is assumed that the basis of the sentiments made in the objection stems from the nature of the club and the broader public perception of such clubs and their members/patrons.

In reference to the land use and its general impact on the amenity of the locality, the Organised Crime Squad in discussions with City Officers has noted that the safety of nearby businesses, i.e. as a result of gang crime activity and feud violence, could cause potential amenity issues.

The hours of operation for the club premises being recommended and limited periods proposed specifically for club meetings and special events are considered acceptable for a Club Premises and have been recommended as conditions accordingly. These controls are more restricting than what the applicant has proposed.

However, in regard to the informal use of the club premises, it is recommended that the proposed hours for informal use of the club by its members be modified to reduce potential conflicts with surrounding business activities. The proposal intends on having the premises open for informal use seven days a week, from 8.00 a.m. to at least 6.30.p.m., with some days being till 9pm and Saturdays till midnight.

Given the potential conflicts with surrounding uses, in particular, those units within the same complex at No. 13 Port Kembla Drive, Bibra Lake, the City recommends that the proposed club premises only be permitted to operate for informal use within the following hours:

- Monday to Friday (excluding Public Holidays) between the hours of 8.00 a.m. and 7.00 p.m., for not more than two days per calendar week.



- On a Saturday, Sunday or Public Holiday between the hours of 8.00 a.m. and 7.00 p.m.

In view of the above, the City considers that the proposal, with these conditions imposed on operating hours, will minimise any adverse impact on the amenity of the locality.

#### Provision of "Bar" Facilities

From the plans received, an issue was raised concerning the internal fit out proposed for the club premises regarding the 'bar' shown on the plans. It has been clarified by the applicant that the 'bar' will not be used for the purposes of a licensed premises (i.e. there is no intention to sell and/or supply liquor to club members or guests for consumption on or off the premises). As a result, given the information provided the 'bar' facility does not impact the assessment of this development application and no Public Interest Assessment Report (PIAR) is required. A condition has been proposed to ensure that the premises are not licensed premises.

#### Public Building

The City's Health Services have raised an issue concerning Unit 4's compliance with the Public Building Regulations and health legislation. The City's Health and Building Services sections have confirmed that the premises would be considered a 'Public Building' and therefore must comply with specific health and public building regulations. As the application has stated a maximum number of twenty five (25) members will use the facility a condition has been imposed to ensure this is the maximum occupancy at the premises at any given time, the City's Building Services have provided their recommendations based on this.

The City's Health and Building Services have undertaken an assessment of the proposed change of use in accordance with the Building Codes of Australia (BCA) and Health (Public Building) Regulations 1992, the following issues of non-compliance relating to the proposed club premises being considered a 'Public Building' are as follows and would need to be made compliant:

1. Lighting including exit signs and emergency lights;
2. Ventilation/air conditioning would need upgrading;
3. Locking devices on doors must be easily open able from the inside;
4. Kitchen areas will be required to be upgraded;
5. All existing separating walls to have Fire Rating Level (FRL) 90/90/90;



6. A 20 metre exit distance will need to be provided (it is exceeded in the bar area and access through storage area is not acceptable);
7. Disabled access to be provided;
8. Waste storage arrangements;
9. An additional W/C and urinal to be provided, with one of these toilets needing to be unisex disabled access; and
10. Prepare an acoustic consultant's report to indicate that all activities on the premises will comply with Noise Regulations including vehicle noise from the premises.

Based on this advice additional conditions, to ensure the proposal is in compliance with the Health (Public Building) Regulations 1992 and current Building Codes of Australia requirements, have been recommended.

### Referrals

The City was made aware of the site not being used for its approved use by the WA Police's Organised Crime Squad in October 2012. Since then the City has liaised with the Organised Crime Squad regarding this subject retrospective application. As part of the assessment undertaken, the Organised Crime Squad intelligence unit has provided the City with an up to date 'Security-in-Confidence' Report for the subject premises (a copy of which was circulated previously as part of the June officer's report). The report makes mention that as at July 2012, a number of renovations were taking place at the premises which appear to not have been approved by the City. As such, if the proposed use is supported, a condition has been recommended that all relevant building and health approvals from the City will be required.

In addition, the report outlines how the Rebels Outlaw Motor Cycle Gang (OMCG) do engage in criminal activity, which can be a risk for those properties, businesses and people surrounding the club premises. The report mentions examples of previous instances and potential issues in the future which may impact on the amenity of adjoining properties as well as other innocent people not directly related to the Rebels OMCG.

In regard to the briefing held with the Western Australian Police advised that they felt the following factors should be taken into consideration in determining any application:

1. Impact on surrounding businesses.
2. Parking and potential impediments to other road users.
3. No liquor licence.



4. Premises not to be fortified nor have excessive overt security devices.
5. Potential impact on vulnerable people, elderly, other risk groups.
6. No signage to indicate the existence of OMCG Clubhouse.
7. Not to be used as a residence and no caretaker to remain on-site unless an extra-ordinary circumstance.
8. Restricted hours of operation.
9. Not to house weapons, firearms, explosives, etc.
10. No hazardous chemicals to be stored.
11. Restrict club capacity.
12. All proposed building plans to be submitted to WA Police.
13. Local government bylaws, regulations and approvals.

The WA Police also advised that on 26 July 2012 they undertook a search of the premises at 4/13 Port Kembla Drive, Bibra Lake and that during the search police located and seized a number of items, including:

- one sawn off shotgun (loaded);
- ammunition;
- steroids; and
- two stolen motor vehicles.

No charges were preferred however due to the lack of evidence and forensic material to link offenders to the actual property.

From the City's consultation with adjoining property owners, the occupiers of the other units within the same complex, plus the three (3) owners of No. 13 Port Kembla Drive complex signing the MRS Form 1 for lodgement of the application, there is little to indicate a history of or likelihood of future amenity impacts, other than the police report.

The use of the subject unit for 'club premises' has previously been operating for some time, although based on the applicant's advice has ceased since early 2013, and during the consultation period, only one (1) objection was received, with four (4) support submissions. While it is noted that the club premises may have potential amenity impacts, these impacts are based partly on the broader public perception of 'outlaw' motorcycle clubs and not based on observations by complainants/adjoining properties in this particular instance.

It is understandable to think that the club premises may have a detrimental impact due to the Rebels OMCG allegedly engaging in criminal activity, however, provided the 'club premises' as proposed complies with the conditions of approval and information provided in the application, it is considered to comply with the provisions and standards of the Scheme.



## Conclusion

In light of the above, it is recommended that Council approve the application, subject to appropriate conditions. The reasons for considering support of the retrospective club premises are:

1. The premises are now being used in accordance with the application that has been submitted.
2. Development approval is not personal to an applicant for approval, but runs with the land. Therefore, Council is required to make its determination on the basis of factors relating to the proposed 'Club Premises' land use and not the fact that a certain group will occupy the premises.
3. The use class 'Club Premises' is a use that can be approved at Council's discretion in the Mixed Business zone given it is a 'P' permitted use and does not prejudice the objectives of that zone.
4. The club activities will not be evident from the exterior of Unit 4 and not visible from the street or other premises within the complex at No. 13 Port Kembla Drive, Bibra Lake. As such, the proposal is not considered to have any adverse impact on the amenity of the locality.
5. The City recommends that the club only be permitted to operate occasionally for informal use between the hours of 8.00 a.m. to 7.00 p.m. weekdays, excluding public holidays and 8.00 a.m. to 7.00 p.m. on weekends along with specific days and hours of operation for club meetings and special events outside of the informal use hours of the club premises. Use of the premises beyond the approved hours (and other conditions) of operation would result in development compliance and/or enforcement proceedings being commenced against the club by the City.
6. During the consultation period, one objection was received, with four (4) supporting submissions received underlining that the retrospective use which has already been operating is capable of being conducted in a manner which may not generally be contrary to the Scheme requirements.

## **Strategic Plan/Policy Implications**

### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.



### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

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

### **Community Consultation**

As per Clause 10.2 of the City of Cockburn Town Planning Scheme No. 3, the local government in considering an application for planning approval shall have due regard to matters which, in the opinion of the local government, are relevant to the use or development of the subject land. With this specific application, while 'Club Premises' is a 'P' permitted use within the 'Mixed Business' zone, given the potential impacts of the proposed use on the adjoining properties, the City has referred the application to the owners of the strata units to the south of the subject site at No. 15 Port Kembla Drive, the northern adjacent property at No. 2 Altona Street, along with the three (3) directly opposite properties on the other side of Port Kembla Drive, Bibra Lake. The advertising period was for 14 days. A map detailing the properties consulted is detailed in attachment 4.

At the conclusion of the comment period, five (5) submissions were received, with one (1) objection. The four (4) supporting submissions provided no comment. The issues raised by the objection letter received in respect of the application were:

- the amount of traffic in and out of the premises;
- parking will be affected;
- this is an industrial area, safety is an issue;
- likely scenario of increased crime; and
- value of property may decrease as an industrial building.

### **Attachment(s)**

1. Solicitor's advice (Confidential Cover)





### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 July 2013 Council Meeting.

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

Nil.

## 15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

### 15.1 (MINUTE NO 5083) (OCM 11/07/2013) - LIST OF CREDITORS PAID - MAY 2013 (076/001) (N MAURICIO) (ATTACH)

#### RECOMMENDATION

That Council adopt the List of Creditors Paid for May 2013, as attached to the Agenda.

#### COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

### 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

The List of Accounts for May 2013 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.



**Strategic Plan/Policy Implications**

**Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – May 2013.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**15.2 (MINUTE NO 5084) (OCM 11/07/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MAY 2013 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Statement of Financial Activity and associated reports for May 2013, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**



## Background

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 be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2012/13 financial year.

## Submission

N/A

## Report

The City's financial results to the end of May continues to outperform the budget, with outperformance of the operating budget by \$5.6M one of the key factors (down from \$6.2M last month). Under spending within the City's capital program has also boosted the net current asset position.

## Closing Funds

The City's closing municipal position of \$14.3M is \$8.5M higher than the budget target for May. This favourable position comprises numerous factors detailed further throughout this report.



The revised budget for the end of year closing position is currently showing a \$41k surplus, up slightly from \$28k last month. The closing funds position fluctuates throughout the year, as it may be impacted by Council decisions and minor system adjustments. Details on the composition of the budgeted closing position are outlined in Note 3 to the financial report.

### Operating Revenue

YTD operating revenue of \$113.9M is tracking ahead of budget by \$2.7M. This has continued to narrow with last month's variance at \$2.9M.

Significant areas of outperformance include:

- \$0.7M in additional landfill fees.
- \$0.7M additional revenue from part year rating and rate interest and penalties.
- \$0.65M of extra subsidies received in Human Services mainly from In-Home & Family Day Care parent subsidies.
- \$0.3M extra raised for underground power charges
- \$0.1M extra recovered in admin and banking fees from debtors.
- \$0.1M extra in interest earnings. \$0.4M of In Home & Family Day Care parent subsidies received due to higher service take up ahead of budget in the Human Services business unit.

Areas where actual performance is trending behind the budget include:

- \$0.3M of fees and charges in Human Services (particularly comprising out of school care service fees).
- \$0.4M of reduced revenue from building permit approvals, as a greater share is now remitted to the Building Services Commission under the new act.

Further details of material variances are disclosed in the Agenda attachment.

### Operating Expenditure

Overall operating expenditure of \$94.9M (including depreciation) is tracking under budget by around \$2.8M. Excluding depreciation, this drops to \$2.3M in cash terms.

The significant areas contributing to this positive result include:

- Waste collection expenses are \$0.9M below budget primarily due to lesser than anticipated RRRC gate fees incurred to date.



- Environment Services are showing a net underspend of \$0.6M against their YTD budget with \$0.27M underspent for Spearwood Ave offsets and \$0.29M for general reserves maintenance.
- Engineering Services has underspending of \$0.2M comprised mainly of savings of \$0.17M in Roads Design salary costs.
- Community Services is collectively \$0.7M under budget comprising favourable variances in Community Development (\$0.24M), CoSafe (\$0.15M), SLLC (\$0.20M) and recreation projects (\$0.10M).
- There are savings of \$0.23M in salary costs across Human Services due to the closure of the out of school care programs at Atwell and Harvest Lakes.
- Materials & contract spending under Information Services is \$0.17M below YTD budget
- Admin costs for developer contribution schemes of \$0.38M are yet to be allocated.
- Health Services are \$0.3M under YTD budget primarily due to non-spending on contaminated sites remediation and clean-up activities.
- Libraries costs are \$0.28M below budget due to savings in salary costs.
- Costs for Council functions & receptions are currently \$0.12M below budget.
- Depreciation is tracking at \$0.4M below budget overall.

Detracting from the overall positive result is:

- additional landfill levy accrued in order to cover the potential liability that may be imposed by the Department of Environment & Conservation.
- \$0.4M in higher operating costs at the HWRP landfill site.
- In-Home & Family Day Care payments are \$0.46M over budget due to higher service take up and are covered by extra subsidies received.

The following table shows operating expenditure budget performance at a consolidated nature and type level:

Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$35.44M	\$35.88M	1.2%
Materials and Contracts	\$28.6M	\$31.8M	10.0%
Utilities	\$3.8M	\$4.0M	6.2%
Insurances	\$1.8M	\$1.9M	2.4%
Other Expenses	\$9.4M	\$7.8M	-20.4%
Depreciation (non-cash)	\$18.9M	\$19.3M	2.1%

Other expenses are adversely impacted by the additional accrual of landfill levy as referred to previously.



### Capital Expenditure

The City's capital budget has incurred expenditure of \$43.0M versus an YTD budget of \$66.1M. This results in an YTD variance of \$23.1M, on par with \$23.0M last month.

This under spend is spread across the following asset classes:

- Building construction works - \$12.0M
- Roads, footpaths & drainage - \$5.4M
- Plant & machinery - \$1.2M
- Computer infrastructure & software - \$1.4M
- Land development and acquisition - \$1.4M
- Landfill Infrastructure - \$0.5M
- Parks infrastructure development - \$1.2M

The significant spending variances by project are disclosed in the attached CW Variance analysis report.

### Capital Funding

Capital funding sources are highly correlated to capital spending and the sale of assets. Given the high underspend within the capital budget, capital funding sources are also showing large variances.

Significant variances include:

- Proceeds from land sales are \$1.8M behind the YTD budget, comprised mainly of subdivision of Lot 702 Bellier Place and Lot 65 Erpingham Road and lots 459 & 485 Bourbon St.
- Proceeds from plant and vehicle sales are \$0.1M behind the YTD budget.
- Loan funds of \$1.0M for the Emergency Services building project are yet to be raised, but has now been scheduled for June.
- Grants and developer contributions towards roads and buildings projects were collectively \$3.1M behind YTD targets. \$1.8M of this relates to DCA funding to be used on the Hammond Rd (Russell/Bartram) dual carriageway upgrade. The balance comprises timing issue related grants.
- Transfers to Reserves are \$0.2M behind budget due to unrealised land sales. Transfers from Reserves are \$14.7M behind budget, consistent with the overall under spend in the capital budget and primarily made up of the GP Super Clinic/Success Library (\$9.8M).



## Cash & Investments

Council's cash and current/non-current investment holding dropped to \$101.9M from \$108.7M the previous month. This is still traditionally high and is caused by the delayed spending on capital projects (mainly GP Super Clinic).

\$76.4M represents the balance currently held in the City's cash backed reserves, up significantly from \$42.3M last month. This was due to the City's annually budgeted reserve transfers being processed in May.

Another \$5.7M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$19.8M represents the cash and investment components of the City's working capital, required to fund ongoing operations, the capital program and remaining reserve transfers.

The City's investment portfolio made a weighted annualised return of 4.56% for the month. This compares favourably against the adopted BBSW benchmark result of 3.07%.

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are predominantly invested for terms ranging between three and twelve months in order to lock in currently high market rates in a falling interest rate environment. Consideration is given to maximising the value offered within the interest yield curve and to mitigating against cash flow liquidity risks. Whilst the Reserve Bank has reduced interest rates over recent times by 125 basis points (1.25%), the current investment strategy has ensured interest earnings are somewhat buffered from a severe and rapid downturn.

Interest earnings remain on track to achieve the revised budget target of \$5.5M for the 2012/13 FY.

## Description of Graphs and Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a very quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.



A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).

### **Strategic Plan/Policy Implications**

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **Budget/Financial Implications**

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item).

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

#### **Attachment(s)**

Statement of Financial Activity and associated reports – May 2013.

#### **Advice to Proponent(s)/Submissioners**

N/A





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

Nil.

**15.3 (MINUTE NO 5085) (OCM 11/07/2013) - REGIONAL AQUATIC AND RECREATION COMMUNITY FACILITY (RARCF) - BUSINESS PLAN (154/006) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) receives the Report on the Business Plan for the Regional Aquatic and Recreation Community Facility (RARCF) at Cockburn Central West (CCW) to enable:
  1. The appointment of an Architect to undertake the design of the RARCF at CCW.
  2. The capital and operating costing of the design of RARCF at CCW to be determined by the Council's appointed Quantity Surveyor.
  3. The Cockburn Central West Structure Plan to be approved by Council.
  4. The WA Planning Commission to provide the City with a Management Order over the land required for the development and construction of the RARCF.
  5. The State Government to commit funding for the development and construction of the RARCF.
  6. The Fremantle Football Club to commit funding of \$10 million for the development and construction of the RARCF.
  7. The Development Agreement between the City of Cockburn and the Fremantle Football Club to be completed and considered by Council.
- (2) require the Business Plan to be presented to a future meeting of Council for adoption, on completion of all items noted in sub - recommendation (1) above.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

**Background**

At the Special Council Meeting held on 4 April 2013, Council resolved to:

- (1) advertise the Business Plan for the Regional Aquatic and Recreation Community Facility in partnership with the Fremantle Football Club Limited and Curtin University in accordance with section 3.59 (4) of the Local Government Act 1995; and
- (2) call for public submissions from interested parties on the Business Plan; and prepare a report on public submissions on the Business Plan to be presented to the July 2013 Ordinary Council Meeting.

**Submission**

As a result of the calling for public submissions, the following eight submissions were received and comment is made on them accordingly.

Submitter	Comments	Response
Ms D MacPherson 28 Prout Way Bibra Lake WA	Aqua Classes access to deep end of pool. Access to Public Transport at the Facility.	This comment will be passed onto the Design Team
S. Holmes and C. Barrett 256 Tapper Road Atwell WA	Object to the City building a Docker Sport Facility (they should build their own facility). Do not want large rate increases to pay for the facility.	The comments are noted. The decision as to the size and cost of the RARCF@CCW Facility is yet to be made by Council but the full cost including the municipal contribution to ongoing costs. The FFC Facilities to be located on the RARCF@CCW site will be paid for by the FFC and maintained by the FFC



Submitter	Comments	Response
		without any contribution from the Council to either operating cost or capital maintenance.
B. Dunn 256 Hammond Road Success WA (owner of the Oceanic Water Babies)	A range of financial issues revolving around the level of cross subsidy for a Hydrotherapy Pool which would compete with the private sector supplying similar facilities.	The Council currently offers all patrons a subsidy to use pool and ancillary pool facilities at South Lake Leisure Centre. It is anticipated that this level of subsidy will continue for the new RARCF@CCW. The Business Plan does not detail any subsidy for the Hydrotherapy Pool nor has a fee structure been yet considered for access to the Hydrotherapy Facility.
C. Lewis 21 Keeling Way South Beach WA	A range of financial issues revolving around the cost of construction and the certainty of cost without cost overruns. Whether the Fremantle Football Club has a place in the Cockburn Community as it is the Fremantle Dockers and will never be the Cockburn Dockers. Why should there be a link-up between an elite AFL Club and Council.	The comments are noted. The decision as to the size and cost of the RARCF@CCW Facility is yet to be made by Council but the full cost including the municipal contribution to ongoing costs. The decision about the ongoing contribution by the FFC to the operating costs of the RARCF@CCW has yet to be finalised.
C. Wright No address provided	Walking lanes in the pools at a depth suitable for adults and those with hip injuries.	This comment/request will be passed onto the Design Team.
F. McGeorge Cockburn Wetlands	Request to protect Bushplan Site 458 which was removed from the Bushforever Plan.	The submission received as part of the advertising of the Business Plan when in fact the submission should have been made in relation to the Structure Plan on the whole of the Cockburn Central West site. The Structure Plan will be referred to the Department of Environment and Conservation for comment as part of advertising of the



Submitter	Comments	Response
		Structure Plan.
D. Crosbie Cockburn Wetlands Education Centre Inc.	Oppose the wetland acting as a drainage catchment area. Opposed to the beautification of the wetland.	The submission received as part of the advertising of the Business Plan when in fact the submission should have been made in relation to the Structure Plan on the whole of the Cockburn Central West site. The Structure Plan will be referred to the Department of Environment and Conservation for comment as part advertising of the Structure Plan.
J., A. and J. Tedesco 9 Karajini Close Bibra Lake WA	The cost for constructing the CCW Facility is too big for the Council and as such will ultimately impact on rates. The CCW Facility should be scaled back.	The comments are noted. The decision as to the size and cost of the RARCF@CCW Facility is yet to be made by Council but the full cost including the municipal contribution to ongoing costs.

In summary of the submission, all financial aspects of the RARCF@CCW will be presented to Council for its determination including final design and capital cost, fees and charges, operating costs and revenues, long term maintenance plans and potential cross subsidies.

As to the design requests noted in D. MacPherson and C. Wright's submissions, these will be forwarded to the Design team for their comment.

The submissions about the Wetlands will be forwarded to the Council's Strategic Planning Department for their comment and inclusion in the Structure Plan aspects of CCW.

### Report

In summary of the submission, all financial aspects of the RARCF@CCW will be presented to Council for its determination including final design and capital cost, fees and charges, operating costs and revenues, long term maintenance plans and potential cross subsidies.



As to the design requests noted in D. MacPherson and C. Wright's submissions, these will be forwarded to the Design team for their comment.

The submissions about the Wetlands will be forwarded to the Council's Strategic Planning Department for their comment and inclusion in the Structure Plan aspects of CCW.

### Structure Plan and Land Tenure

The City has recently advertised a local structure plan for the area known as 'Cockburn Central West' which is bounded by North Lake Road, Midgegooroo Avenue, Beeliar Drive and Poletti Road, Cockburn Central.

The Cockburn Central West Structure Plan (CCWSP) proposes open space, recreational and mixed use (residential, commercial and retail) development consistent with an activity centre that promotes a mixture of compatible land uses. The proposed structure plan forms the basis for considering future subdivision and development applications over the subject land.

The public consultation period for the CCWSP closes on 5 July 2013.

The land covered by the CCWSP is currently owned by the State Government (Department of Planning). The WAPC have reserved that land required for the RARCF will be transferred to the City to facilitate the development.

### Financial Aspects

The financial aspects of the Business Plan are still being assessed in light of the Council receiving a Regional Development Australia Fund grant of \$10m, announced by the Prime Minister on 13 June 2013 at Anning Park, Cockburn Central.

The first two tenders of the overall project have been awarded being:

1. Project Management of the RARCF@CCW
2. Quantity Surveying of the RARCF@CCW

Both contracts were awarded based on no work commencing until the Business Plan has been accepted by Council with one exception being the Project Manager was commissioned to provide advice on the best procurement method to be used to procure the capital works. Both contracts were awarded for amounts lower than the budget provided.



The two major issues raised by the Aecom Davis Langdon review of the costing of the Aquatic Facility being Power and Staffing levels are still subject to additional reports. The former will only be resolved once the structure of the facility has been designed and the quantum of power required to drive the facility calculated by the relevant consult. The use of ESD initiatives such as solar and geothermal power is still being considered especially the savings that could be expected. One recent article (attached) highlights the saving achieved at the City Vincent's Beatty Park Aquatic Centre. The article highlights that ESD initiatives will save the Council 36% of the power expected to be consumed if no solar or geothermal initiatives had been implemented.

The savings from the Beatty Park ESD initiative are as follows:

Calculations: Solar PV generates 53,400kWh per year.

Geothermal pool heating supplies 4,952,520kWh per year.

Total energy saved by all measures combined is therefore in excess of 5,005,920kWh/yr (5,005MWh per year).

The saving if translated to RARCF@CCW would bring back the power consumption to be in line with the current financial forecasts for the facility.

The 2013/14 Municipal Budget has been adopted allowing for expenditure in line with the Business Plan being adopted for the design and costing to be completed for the stand alone facility and the integrated facility with a cost sharing plan put in place to cover the project management, QS, design (and associated consultants) costs and a 77%/23% split with the FFC. This is to cover consultants only.

Design Cost Allocation 2013/14	City of Cockburn	Fremantle Football Club
\$3.505m	\$2.699m	\$0.806m

## Funding

The following table highlights the funding to date for the stand alone and integrated RARCF@CCW Facility.

Source	Business Plan	Actual/Requested	Comment
City of Cockburn	\$65m	\$65m	No Change
FFC	\$10m	\$10m*	Confirmation received
RDAF	\$15m	\$10m	The City will have an opportunity to apply for additional funding
CSRFF (DSR)	\$2m	\$2m	Yet to be determined, application lodged
State Government Special Request	\$15m	\$15m	Yet to be determined, application lodged



Source	Business Plan	Actual/Requested	Comment
Total	\$107m	\$102m	

*\*The City has received a letter from the President of the FFC confirming their commitment of the funds noted above.*

*The City's initial application for a CSRFF grant of \$2m has been deferred by the DSR on the basis of a special purpose application for \$17m being made by the FFC and City to the State Government and to see what contribution would come from the Federal Government. Consideration for a commitment from the State Government has been requested by the end of August 2013.*

## **Strategic Plan/Policy Implications**

### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.
- Partnerships that help provide community infrastructure.

### **Community & Lifestyle**

- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Promotion of active and healthy communities.

### **A Prosperous City**

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.
- A range of leading educational facilities and opportunities.

### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.

## **Budget/Financial Implications**

The 2013/14 Municipal Budget contains sufficient funds to meet the estimated design and consulting costs required and noted in the Report at \$2.699m. It is the City's understanding that the FFC also have the available funds to meet their part of the commitment at \$0.806m.

## **Legal Implications**

N/A



## Community Consultation

Council advertised the Business Plan in accordance with Council's resolution in:

- The West Australian Newspaper – Wednesday, 10 April 2013
- Cockburn Herald – Friday, 12 April 2013
- Cockburn Gazette – Tuesday, 16 April 2013

In addition, Council placed the Business Plan on the Council's website, Libraries and social media in compliance with Council Policy.

Public submissions on the Business Plan closed on Wednesday, 22 May 2013. The Council received eight submissions.

## Attachment(s)

1. Business Plan – RARCF@CCW
2. City of Vincent Media Release – Energy Savings

## Advice to Proponent(s)/Submissioners

Those who lodged a submission have been advised that the matter will be considered by Council at its Ordinary Council Meeting to be held on 11 July 2013.

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

Nil.

## 16. ENGINEERING AND WORKS DIVISION ISSUES

### 16.1 **(MINUTE NO 5086) (OCM 11/07/2013) - (LOT 8) STAGE 3, SLEEPER LANE, COCKBURN CENTRAL - PORTION OF SLEEPER LANE, FOUR PARKING BAYS AND A PORTION OF FOOTPATH ALONG SIGNAL TERRACE CLOSURE (ES/R/002) (J KIURSKI) (ATTACH)**

#### RECOMMENDATION

That Council in accordance with Section 3.50 of the Local Government Act 1995 institutes a temporary closure portion of four parking bays, portion of footpath along Signal Terrace and portion of the carriageway of Sleeper Lane, Cockburn for up to 15 months commencing July 2013 to October 2014 subject to:

1. There being no substantial objection received as a result of advertising in the local newspapers.





2. There being no substantial objection from service authorities, emergency services or adjoining owners.
3. The developer engaging an appropriately accredited traffic management contractor to submit a certified traffic management plan to monitor and control traffic movement due to the closure.
4. The developer will submit the details of temporary fencing for approval as part of a Construction Management Plan; the details of which would be assessed and agreed prior to the road closure occurring.
5. All works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.
6. The developer to provide a bond of \$95,000 to offset any damage to the City's infrastructure prior to the closure of any portion of road.
7. The proponent being fully responsible for all legal costs, the cost of the valuation, public liability and damages arising from the works.

#### **COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

#### **Background**

The proposed development works involve the construction of an apartment complex in Cockburn Central surrounded by North Lake Road, Signal Terrace, Stockton Bend and Sleeper Lane. Stage 2 completed and Stage 3 is in progress to commence construction work.



## Submission

Australand Holdings Ltd, the developer of (Lot 8) 2 Signal Tce, Cockburn Central has requested Council to implement procedures to temporarily close portion of four parking bays, portion of footpath along Signal Terrace and close half of the carriageway of Sleeper Lane, Cockburn Central for a period of 15 months commencing 15 July 2013 during the construction of the Stage 3 development on the lot. The applicant also requested temporary access to the site from Signal Tce via the car parking bay to facilitate the construction works of the proposed apartment complex.

## Report

During the construction activities of (Lot 8) 2 Signal Tce, Cockburn Central, the portion of road can be supported for the following reasons:

1. The proposed half closure of Sleeper Lane will allow safe access to the residents of development at Lot 1 Linkage Avenue and residents of Stage 1 – Lot 8 when exiting or entering their car-park. Appropriate road signage will be installed to inform vehicles of the site closure and works.
2. Australand will install temporary perimeter fencing on Sleeper Lane as detailed on the site fencing plan. The temporary fence will be a mesh panel fencing system and the remainder of the site will be surrounded by a combination of a solid and mesh fencing system.
3. Australand will not close any parking bays or portion of footpath along roads surrounding the development site.
4. Australand has appointed a certified traffic management contractor to monitor the impact of the portion of road closure and access arrangement for the site and adjacent apartments.
5. Australand has already submitted a traffic management plan, which is in line with Australian Standards and Main Roads field guidelines. There are no foreseen issues with the traffic management plan and portion of road closure with appropriate signage and fencing system will improve pedestrian and vehicle safety during the construction activities of the apartment complex.



## **Strategic Plan/Policy Implications**

### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

### **Moving Around**

- Infrastructure that supports the uptake of public transport and pedestrian movement.

## **Budget/Financial Implications**

All the costs of the closure will be covered by the Developer.

## **Legal Implications**

Section 3.50 of the Local Government Act.

## **Community Consultation**

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

## **Attachment(s)**

1. Plan of the closure
2. Traffic Management Plan

## **Advice to Proponent(s)/Submissioners**

The submissioners have been advised that this matter is to be considered at the 11 July 2013 Council Meeting.

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

Nil.

## **16.2 (MINUTE NO 5087) (OCM 11/07/2013) - COOGEE BEACH ECO SHARK BARRIER TRIAL (ES/V/001) (C BEATON) (ATTACH)**

### **RECOMMENDATION**

That Council

- (1) approve the trial of the Eco Shark Barrier at Coogee Beach from September 2013 until March 2014 provided the following conditions are met:



- (2) Eco Shark Barrier Pty Ltd and Form Designs are to:
1. Consult with the Coogee Beach Surf Lifesaving Club and the City of Cockburn to identify and agree the most appropriate location to install the barrier.
  2. Provide certification of the Eco Shark Barrier by an appropriately qualified engineer.
  3. Gain and comply all the necessary approvals from the necessary government agencies.
  4. Ensure that they have public liability insurance to the value of \$20,000,000.
  5. Provide detailed advice in relation to the impact on coastal processes from an appropriately qualified coastal engineer.
  6. Install, monitor, maintain and remove the structure at their own cost.
  7. Provide monthly reports to Council in relation to the structure which is to include details on public issues, maintenance issues, costs and marine wildlife captures.
  8. Give a commitment to remove the structure early should it not withstand ocean conditions.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

**CARRIED 7/2**

Note: Clr L. Smith wishes her name to be recorded as voting against the decision.

**Background**

Over the last several years there has been an increased incidence of fatal shark attacks on swimmers, surfers and divers along Western Australia's west coast, including the Perth Metropolitan area. Each of these attacks has been attributed to great white sharks.

At the June 2012 OCM a report was presented to Council on the feasibility of installing a shark exclusion zone at Coogee Beach. The recommendation adopted by Council was that Council take no further



action on the installation of a shark exclusion net or other device at this time.

Since that Council meeting the Department of Commerce (DoC) indicated that there was funding available for the installation and trial of a beach enclosure to mitigate the risk of shark attack. A sum of \$150,000 was allocated for the trial. Expressions of Interest (EOI) were to be lodged by interested parties.

Prior to lodgement of the EOI in January 2013, the City was approached by Eco Shark Barriers Pty Ltd and Form Designs (the proponents) who had formulated a design for a shark exclusion barrier called the Eco Shark Barrier. City staff believed the design to be practical and the City lodged a joint EOI with the proponent. Unfortunately the proposal was not successful. Feedback from DoC to the proponents indicated that they felt the barrier had safety issues associated with swimmer entrapment. Although the joint EOI was rejected the DoC contacted the City and advised that Coogee Beach was one of the preferred sites for a beach enclosure.

The City was asked by DoC and agreed to obtain quotes to construct and install a shark proof enclosure at Coogee Beach based on DoC specifications. This quote is currently being compiled. DoC have indicated that if the quotes are within their budget parameters they will fund a trial at Coogee Beach over summer 2013/14.

Since the advice from DoC the proponent of the Eco Shark Barrier has contacted the City with a new design proposal and a have requested the City's support to trial the redesigned Eco Shark Barrier at Coogee Beach. Staff advised the proponent that they would need to lodge a formal proposal.

### **Submission**

The Eco Barrier Pty Ltd and Form Designs proposal as Attachment 1 is confidential and provided under separate cover.

### **Report**

The attached proposal from the proponent describes the design of the Eco Shark Barrier. It also identifies a preferred site at Coogee Beach where the trial would take place. The trial is to be funded entirely by the proponents, including maintenance.

The barrier is proposed to be installed by the proponent to the north of the jetty. The barrier would span approximately 300 metres of beach and go out from the shore approximately 75 metres. A combination of



pylons, anchors, ropes and floats would be used to secure the formed plastic barrier in place.

The trial would be commenced in September 2013 and the barrier would be removed in March 2014. The barrier would be inspected on a weekly basis.

The proposal indicates that the trial would establish the following:

1. Success of the barrier to keep sharks at bay
2. Safety of humans and marines creatures
3. Structural and functional evaluation of the structure
4. Ability of the structure to withstand ocean conditions
5. Ease of installation and removal
6. Impact on the existing ocean conditions
7. Acceptance by and impact on the public
8. Impact on the economy

A risk assessment of a number of factors, including the likelihood of beach user injury, has been undertaken and is included within the report.

### Conclusions

The nature of Coogee Beach, including the gently sloping and relatively shallow sea bed, and absence of swell generated waves and strong currents, suggest that a barrier installed over the warmer months of the year is feasible.

There is however, already a very low likelihood of a swimmer being seriously or fatally injured by an encounter with a shark at Coogee Beach, based on historical data. There is no record of any person being seriously or fatally injured from a shark attack in the vicinity of Coogee Beach since records commenced in the 1800's. Thus this trial is unlikely to provide evidence that the barrier will be effective against shark attacks.

The main focus of the trial will be on the ability of the structure to withstand ocean conditions without failure, public acceptance and whether or not it traps marine creatures and impacts on coastal processes.

The risk assessment undertaken by the proponent is limited but the design of the barrier is such that it does not appear to offer any greater risk of injury than other infrastructure installed at the beach such as the floating platforms and jetty.



The DoC has requested that the City obtain quotes for the construction and installation of a shark barrier. Should the quote be acceptable to DoC it is likely that a trial of the DoC designed barrier would take place and if this proposal was approved it could result in two barriers being trialled at Coogee Beach this summer.

The DoC proposal is the installation of a net of approximately 250 metres in length and 75 metres out from the shore with a net diameter of 31.25 - 50mm. A system of pylons, floats, weights, chains and anchors would support the net. Such a net would be more likely to entangle both swimmers and marine creatures.

It is the officer's opinion that the proposal lodged by the Eco Shark Barrier and Form Designs is a superior product compared to that proposal by the DoC.

The installation of a barrier of any kind will restrict activities on or in the water at this location other than swimming, such as the use of water craft, wind and kite surfing and also fishing. The installation of a barrier may also lead to over popularity, with consequences for overcrowding and strain on existing facilities and infrastructure. However it is possible that equilibrium will be reached where, if it is too crowded, some beach users will seek alternative areas to swim. Alternatively the installation of a net may actually deter people from swimming at Coogee Beach, due to the perception that Coogee Beach is a high risk area for sharks.

The community's attitude to the possible installation of a shark exclusion barrier at Coogee Beach is untested. Whilst a very preliminary beach user survey undertaken in May 2012 provided some insight to attitudes, suggesting a 2/3rds in favour, a far greater community consultation and education process would be advisable if the Council sought to further consider the installation of shark exclusion net at Coogee Beach.

Noting the above points, the recommendation arising from the proponent's proposal is that the Council support a trial of the Eco Shark Barrier for Summer 2013/14, with no commitment to purchase, but only if all the actions included within the recommendation are complied with.

### **Strategic Plan/Policy Implications**

#### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.
- Partnerships that help provide community infrastructure.



**Community & Lifestyle**

- Safe communities and to improve the community's sense of safety.
- Promotion of active and healthy communities.

**Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines.

**A Prosperous City**

- Creation and promotion of opportunities for destination based leisure and tourism facilities.

**Budget/Financial Implications**

Nil, the purposes of the trial.

**Legal Implications**

Possible implications associated with the additional risk of injury posed by the barrier.

**Community Consultation**

Consultation to be undertaken by Coogee Beach Surf Lifesaving Club.

**Attachment(s)**

Form Designs Eco Shark Barrier Proposal (confidential, and provided under separate cover).

**Advice to Proponent(s)/Submissioners**

The Proponent(s) have been advised that this matter is to be considered at the 11 July 2013 Council Meeting.

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

N/A.

**16.3 (MINUTE NO 5088) (OCM 11/07/2013) - PROPOSED WASTE MANAGEMENT AND EDUCATION STRATEGY 2013 - 2023 (021/007) (L DAVIESON AND V HARTILL) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed Waste Management and Education Strategy 2013 – 2023, as shown in the attachment to the Agenda.





**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

**Background**

In 2008 the City adopted the Strategic Waste Management Plan 2008 - 2013 developed under a SWIS (Strategic Waste Initiative Scheme) grant issued to the South Metropolitan Regional Council (SMRC.) The Strategy included issues, actions and opportunities for the Cities of Cockburn, Canning, Melville, Fremantle, Rockingham and Kwinana as well as the Town of East Fremantle. This Strategy strived for:

1. Minimisation of the direct and indirect environmental impacts of waste and its management over the next 5 years.
2. Waste managed in a sustainable manner.
3. Increased community awareness of the impact of waste issues on the environment.

Since the development of this plan, the City has made a number of strategic changes to its waste management practices and educational approaches. In addition, the SMRC's plan only reflected the collection and disposal of household municipal solid waste (MSW), recyclables and greenwaste and did not include the strategic management or vision for the City's Landfill and Transfer Station at the Henderson Waste Recovery Park (HWRP).

**Submission**

N/A

**Report**

The City of Cockburn, like many other Metropolitan Councils in WA, is facing challenges with the management of solid waste due to:

- the growing significance of sustainable practices and climate change;
- an increase in the amount of waste to be managed; and
- economic liabilities linked with Clean Energy Futures (CEF) legislation.



To effectively manage the long term viability of waste management in the City, these challenges need to be addressed. The Waste Management and Education Strategy 2013-2023 (The Strategy) has been prepared to provide a clear direction and a coordinated approach to manage the waste activities within the City. Whilst waste management is an issue of both National, State and Local significance, the City prides itself on providing a quality and innovative waste service to its rate payers. The City also ensures appropriate funds are allocated to waste management and education programs.

The Strategy outlines a clear vision for the future of waste management and education in Cockburn. The Strategy outlines:

- A strategic guide to waste management.
- A communication tool for community education.
- Continuous improvement and innovation in all waste practices.
- Ownership and responsibility for program implementation.

The role of leaders in waste management is to prevent the creation of waste and highlight the negative environmental effects of consumerism. In order to do this effectively, the City recognises the importance of providing education services to the community as an integral component of its waste management program. Through this Strategy, The City will continue to ensure our community is provided with both the relevant information to make the most informed decisions and the resources to contribute to sustainable waste management outcomes.

The City is committed to the sustainable management of waste and use of resources. Landfills across the Metropolitan Region, including the City's Henderson Waste Recovery Park (HWRP) are running out of land at a time of potential increased rates of waste production and community concern of sustainable waste practices. Several other major challenges have been identified with the collection and disposal of solid waste. These challenges have driven the City to develop a practical, though aspirational, strategy that will deliver effective waste management and education into the future.

The Strategy outlines a clear direction for the minimisation, management and education around waste within the City of Cockburn operations, including target sectors of collection and disposal of Municipal Solid Waste (MSW); Recyclables; Hazardous Household Waste (HHW); E-Waste; Construction and Demolition waste (C&D); Commercial and Industrial (C&I) waste; and other problematic wastes such as tyres and mattresses.

The Strategy seeks to integrate sustainability measures into the programs, services and facilities that Council will develop and



implement over the next ten years and the relevant actions will be reviewed annually as a mechanism to adopt a proactive and comprehensive approach.

The vision of the City's Strategy is to foster; *'A community that avoids waste generation, reduces environmental impacts and considers the waste that is produced as a valuable resource to be reused, recovered and recycled.'*

This vision is supported by 6 key strategic outcomes, with supporting strategies and actions which include:

**Outcome 1:** Avoid the generation of waste.

**Outcome 2:** Maximise the reuse and recovery of resources.

**Outcome 3:** Community Leadership and Education.

**Outcome 4:** Promote innovation whilst maintaining an economically viable waste management program.

**Outcome 5:** Minimise the City's carbon footprint from waste activities.

**Outcome 6:** Maintain and enhance protection of our natural environment.

The "whole of site" resource recovery targets in partnership with the SMRC are 70% by 2015 and 85% by 2020 (up from 58% in 2013).

The City's target for an increase in recovery of kerbside recyclables is 28% by 2015 and 40% by 2020 (up from 22% 2013).

The reduction targets for kerbside collected municipal solid waste (MSW) are 10% by 2015 and 15 % by 2020 (up from 6%).

The City's HWRP construction and demolition (C&D) targets are 10% by 2015 and 75% 2020 (up from 0% in 2013).

The HWRP commercial and industrial (C&I) targets are 10% by 2015 and 75% by 2020 (up from 2% in 2013).

The Strategy will not only enable the City to manage waste more effectively into the future with our community, but also reduce operational costs and the City's greenhouse gas emissions.

### **Strategic Plan/Policy Implications**

Sustainable waste management is strongly connected to a number of the City of Cockburn's strategic planning documents, which guide the City's



development into the future. The primary strategic documents are the Strategic Community Plan 2012 – 2022 and Long Term Financial Plan.

The City's Strategic Community Plan was developed in conjunction with the community and provides the vision for the City both for now and the next ten years. It includes seven key themes of focus for Cockburn, which are each accompanied by a vision and associated strategic actions. The Long Term Financial Plan 2012/13 – 2021/22 is the City's need's based infrastructure plan, designed to deliver major capital works in a timely and financially viable manner. The Annual Business Plan provides the operational link between the City's Strategic Community Plan and Long Term Financial Plan with the Annual Budget ensuring that adequate funds are available each year to complete specific projects. The City reports its achievements and provides a range of information to its residents in its Annual Report.

The key documents linked to waste management that support the Strategic Community Plan are the Sustainability Strategy 2013 – 2017 with its Action Plan 2013/14, the Greenhouse Gas Emission Reduction Strategy 2011 – 2020 and the annual State of Sustainability Report.

### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Reduction in energy dependency and greenhouse gas emissions within our City.

### **Leading & Listening**

- Manage our financial and infrastructure assets to provide a sustainable future.

### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- Community and businesses that are supported to reduce resource consumption, recycle and manage waste.
- Greenhouse gas emission and energy management objectives set, achieved and reported.

### **Budget/Financial Implications**

The Actions detailed above have been costed and apportioned to Operational and Capital Works. Some projects have already been connected to the Long Term Financial Plan (LTFP) whilst others will need to be included when it is next revised.



The operational (OP) and capital works (CW) funds for these projects will come from proceeds derived from the HWRP (the Waste Reserve) or from the Waste Management Service Charge levied to all ratepayers each year. Many of the capital projects relate to the disposal operation and on that basis will be funded from the waste reserve. This Reserve is established and maintained from the revenue from the HWRP and therefore has no direct impact on municipal funds. It will be our intention to manage the remainder of the initiatives within the general increases to the service charge which will be considered by Council annually.

Council has looked to re-invest funds derived from HWRP to address broad contamination with the municipality and to improve the resource recovery effort. Many of our strategies require significant investment in infrastructure to bring about the necessary changes in behavior and thinking. Initiatives such as a new Commercial Materials Recovery Facility, introduction of 140ltr bins and the introduction of a front lift bin system all require significant investment however will potentially provide a much improved service for the community. The most significant capital cost however lies with the continued operation of HWRP. Costs to close existing landfill cells and the creation of new ones remain major capital items of expenditure for the business over the next 10 years.

The Action Plan in this Strategy indicates a total of \$40.093M expenditure on Capital projects and \$13.109M is planned for operational projects throughout the life of the Strategy. A more detailed breakdown has been provided (refer to Appendix B) for ease of reference.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Waste Management and Education Strategy 2013 – 2023

**Advice to Proponent(s)/Submissioners**

N/A



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

Nil.

**16.4 (MINUTE NO 5089) (OCM 11/07/2013) - ROCKINGHAM ROAD - INTRODUCTION OF A 40KPH ZONE FROM PHOENIX ROAD TO SPEARWOOD AVENUE (450498) (J KIURSKI) (ATTACH)**

**RECOMMENDATION**

That Council notes the MRWA's decision to retain the 60km/hr speed limit along Rockingham Road between Spearwood Avenue and Phoenix Road.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr S Pratt that Council:

- (1) notes the MRWA's decision to retain the 60km/hr speed limit along Rockingham Road between Spearwood Avenue and Phoenix Road;
- (2) initiate immediate discussions with MRWA in relation to their decision in order that the full extent of their refusal to reduce the speed limit can be determined; and
- (3) asks the Mayor and interested Councillors to be involved in these discussions (Point 2 above).

**CARRIED 7/2**

**Reason for Decision**

The Report to Council provides limited information on the MRWA reasoning to retain the 60km/hr speed limit and further detail is required by Council prior to determining any further course of action.

**Background**

At the Ordinary Meeting of Council on 13 December 2012 the following matter to be noted for investigation was requested by Mayor Logan Howlett that a report be prepared for the 14 February 2013 Ordinary



Council Meeting on the introduction of a 40kph zone on Rockingham Road from Phoenix Road to Spearwood Avenue, Spearwood.

The report was to include traffic counts and traffic crash data for the intersections and this section of road to look at reducing the speed environment from 60km/h to 40km/h.

A subsequent report was presented to the 14/02/13 Ordinary Council Meeting seeking a deferral until 9 May 2013 Ordinary Council Meeting.

A report was presented to the 09/05/13 Ordinary Council Meeting seeking a deferral until MRWA complete the assessment and review for a reduction of the posted speed along Rockingham Road between Spearwood Avenue and Phoenix Road.

### **Submission**

N/A

### **Report**

Rockingham Road is classified as a District Distributor A road under the road hierarchy classification of roads within the City of Cockburn. The function of these roads is to collect and distribute traffic within the residential, industrial and commercial areas. They form the link between the primary network and the roads within the local areas and should carry only traffic originating or terminating in the area.

A preliminary assessment of the current traffic environment has been completed which includes a traffic survey, a review of traffic count data and a review of traffic crash history over the last 5 years particularly on intersections and the section between Phoenix Road and Spearwood Avenue. Rockingham Road is classified as a District Distributor A road under the road hierarchy classification of roads within the City of Cockburn and is not qualified for the installation of traffic calming treatments at any section of road. The current Council Policy SEW3 'Local Area Traffic Management' and the "Warrant Criteria and Weightings" applied only for Local Road and Local Distributor Roads under the road hierarchy classification of roads within the City of Cockburn.

Officers have liaised with MRWA regarding the assessment of the current speed environment and approval for the modification of existing regulatory signs. Main Roads has completed an assessment and a decision of review consideration for a speed limit reduction along Rockingham Rd, between Phoenix Rd and Spearwood Ave, from 60km/h to 40 km/h was received on 23 May 2013. The MRWA's assessment that is based on speed zoning studies which are primarily



concerned with the management of vehicle speeds in order to control traffic flow, maximise road capacity, minimise overtaking manoeuvres, and reduce the level of crash risk for all road users, considers that existing 60 km/h posted speed limit along Rockingham Road, between Phoenix Road and Spearwood Avenue, to be appropriate with the road environment and motorists expectations.

MRWA claim that while the control of speed is an important aspect in effective traffic management, it should not necessarily be assumed that the imposition of a lower speed limit will resolve all perceived safety problems on a road or will necessarily alter travel speeds. They noted that the experience in Australia and overseas has demonstrated that arbitrarily imposed speed limits which are too low are not respected and actual operating speeds remain at the same levels.

### **Strategic Plan/Policy Implications**

#### **Community & Lifestyle**

- Safe communities and to improve the community's sense of safety.

#### **Moving Around**

- An integrated transport system which balances environmental impacts and community needs.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. MRWA's letter on Speed Limit Review-Rockingham Road
2. Aerial Photograph of the subject road.

### **Advice to Proponent(s)/Submissioners**

N/A.





**Implications**

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (MINUTE NO 5090) (OCM 11/07/2013) - GRANT AND FEE FUNDED HUMAN SERVICES STRATEGIC PLAN 2013-2018 (021/004) (G BOWMAN) (ATTACH)****RECOMMENDATION**

That Council:

- (1) adopt the Grant and Fee Funded Human Services Strategic Plan 2013-2018, as attached to the Agenda; and
- (2) require that any financial implications of the Plan are included for consideration in Council's strategic and annual budget planning documents.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The City's grant funded human services programs have been provided to the Cockburn community, in some cases for over 30 years. Some of these services have not been specifically considered in other Strategic Plans developed by the City so it was considered necessary to provide a specific purpose plan for this segment of the City's business.

**Submission**

N/A

**Report**

The Council's grant and fee funded human services functions are inclusive of childcare services, family support services, early years



services, financial counselling services, youth 'at risk' services, and services for the frail aged and people with disabilities. These human services have increased in profile and activity in recent times to assist those who are most vulnerable in our Community. Human services have been considered an essential element in strengthening social cohesion in Cockburn. It has become apparent there is a need to consider the future strategic direction of this segment of Human Services to ensure greater social cohesion in the community is achieved. The Plan will address all grant funded Human Services areas that are currently not considered in detail in other strategic plans adopted by Council. The Strategy will assist staff to be better prepared for the expectations of the community and Council in this area of service delivery over the next 5 year period.

The City undertook a process of research, demographic analysis, community and key stakeholder consultation to develop the Strategic Plan. The City also engaged the consultancy services of Social suite to gain an independent insight on the costs and benefits of the current grant funded programs provided by the City.

The plan directly relates to the Council's vision to develop healthy, liveable, vibrant, socially cohesive and inclusive communities within the City of Cockburn.

Some members of the community are more vulnerable to poor health and wellbeing. This might be the result of culture, ethnicity, gender, age, illness, injury, lack of mobility or even where they live. It might also result from lack of income or skills. Groups of particular interest include:

- Children (birth to 12 years) - Children's Services Strategic Plan 2010-15 refers.
- Young people (13 to 25 years)-Youth Services Strategic Plan 2011-2016 refers.
- Older people (65 years and over)- Age Friendly Strategic Plan 2009 refers.
- Aboriginal people- Reconciliation Action Plan 2011-2013 refers.
- People with a disability -Disability Access and Inclusion Plan 2012-2017 refers.
- People from culturally and linguistically diverse backgrounds- Multi Cultural Strategic Plan to be developed in 2016/17.
- People with a mental illness -Disability Access and Inclusion Plan 2012-2017, and Grant and Fee Funded Human Services Strategic Plan 2013-2018, Public Health Plan all refer.
- Economically disadvantaged people - Grant and Fee Funded Human Services Strategic Plan 2013-2018.



## Demographic Analysis

The City already provides a broad range of human services to these groups which assist in strengthening social cohesion and inclusion. However, even with these important services in place the 2011 Index shows that Cockburn has pockets of relative disadvantage in the suburbs of Coolbellup, Hamilton Hill, South Lake, and Spearwood. The Australian Early Development Index Survey results for Cockburn also identify that there are pockets within Cockburn where children aged 5 are considered vulnerable in two or more domains. Added to this, WA health statistics and a local survey conducted by the City identify that residents are reporting a higher level of psychological distress than the state average. As this is a continuous process it is important to continuously respond to changing and emerging needs.

The City has become a specialised provider in human services which has ensured that the services have continuously achieved preferred provider status and high quality ratings in all categories of service delivery. The City has also experienced growth in these services, but not to the extent of the considerable population growth the City has also experienced. This growth in population without matching growth in funding levels for service provision has led to a growth in waiting lists for most service types. The City has continuously lobbied the state government for these needs but there are often no additional funds available.

The research and latest local survey results have been utilised in the development of strategies in the Grant and Fee Funded Human Services Strategic Plan to refine service models. For example, to improve access to services by fly in fly out families, the family support service is investigating more on-line service access. Generally, there are no amounts of additional state or commonwealth resources available so the services need to redirect existing resources as needs change.

The consultant undertook a desk top study to analyse the social return on investment generated by the services and also identified the client outcomes in a program logic map for each service area.

The table below provides a summary of some of the client outcomes achieved by each service type.

<b>Service Area</b>	<b>Short term outcomes</b>	<b>Short term outcomes</b>	<b>Short term outcomes</b>	<b>Short term outcomes</b>	<b>Medium Term outcomes</b>
Childcare services	Parents seek/ remain in employment/ education	Parents get a break or respite	Child has a stimulating play based learning environment	Educators gain employment and Education and training opportunities	Parents observe improvement in their child's communication and social

Service Area	Short term outcomes	Short term outcomes	Short term outcomes	Short term outcomes	Medium Term outcomes
					skills
Youth "At Risk" Services	Youth are connected with employment and Training Programs	Youth receive counselling support around personal development	Youth Engage in recreational and social activities	Youth are introduced to other community support services	Youth gain awareness of their at risk behaviours
Family Support and Early Years Services	Individuals receive support around personal development	Families receive parenting support, access to supported play groups and events	Families are introduced to other community resources	Child is placed in a stimulating environment that offers play based learning.	Improvement in Child and parent relationship. Parents experience increased knowledge and skills in parenting.
Financial Counselling Services	Clients receive support in maintaining connection to essential utilities	Clients receive support in avoiding eviction due to financial reasons	Clients receive support in accessing financial entitlements and financial emergency relief	Clients receive support around mitigating creditor and financial legal issues such as bankruptcy	Clients remain connected to essential services, maintain housing, and increase skills in budgeting
Cockburn Community Care	Clients receive domestic Care, home maintenance support	Client receives personal care, emotional support and social activities	Carers receive emotional and respite support	Clients receive supported transport services	Client is able to remain living independently within their own home

These client outcomes were assigned a financial proxy value to determine the cost versus the benefit in the same financial language.

The analysis took into account the City of Cockburn's indirect financial contribution to each service area (net indirect costs to deliver each service area, less administration charges).

The Socialsuite analysis determined that there is significant social value generated by the grant funded human services programs that far exceed the indirect cost subsidy provided by Council.

The following table demonstrates the social impact value, generated over five years, with respect to the Council's financial contributions to each service area during FY11/12.

**Table 1: Social Impact Value Generated by Council**

Service Area	SROI (for every \$1 invested)	Council's FY11/12 Financial Contribution	Social Impact Value (over five years) generated from Council's FY11/12 Contribution
Childcare Services	\$15.53	\$156,001.36	\$2,422,701.12



Early Years and Family Support Services	\$33.94	\$96,951.34	\$3,290,528.48
Youth Services	\$10.10	\$31,507.64	\$318,227.16
Financial Counselling Service	\$7.69	\$83,341.26	\$640,894.29
Cockburn Community Care Service	\$5.82	\$216,100.11	\$1,257,702.64

Source: *Socialsuite (2013)*

Due to the identified community benefit from the grant funded human services which enhance social cohesion, it is recommended that the City continue to directly provide these programs. This will require an ongoing commitment to continue to provide indirect cost subsidies for this area in accordance with the current Position Statement Applications by the City for External Grant Funding PSCS2.

The Grant and Fee Funded Human Services Strategic Plan 2013-2018 include strategies, the estimated time for completion, the Manager responsible, and the estimated resource implication. This level of detail will assist the City to implement the plan.

### **Strategic Plan/Policy Implications**

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.
- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Promotion of active and healthy communities.
- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.

### **Budget/Financial Implications**

The direct cost resource implications included in the plan are minor in nature and could be achieved within existing budgets or from grant funding sources. All actions which require additional Municipal resources will need to be considered by Council through Council's strategic and annual budget process.



All direct costs associated with the operational delivery of the grant and fee funded services are funded by fees and ongoing state and federal grants. These direct operational costs funded by the grants and fees include; salary, superannuation, vehicle operating costs, group program costs, direct advertising costs, printing and stationary and telephone costs. There is therefore no direct net cost to Council for the provision of the existing services included in the Grant and Fee Funded Human Services Strategic Plan 2013-18.

### **Legal Implications**

N/A

### **Community Consultation**

The City has previously consulted with key groups within the community that are considered to be vulnerable in the development of other strategic plans. However the City has not specifically consulted regarding the general social support needs of residents. The City therefore undertook a community survey in 2012 to address this consultation gap. The survey attracted 193 community responses with a broad cultural and demographic representation.

The top 5 Areas of support need identified by survey respondents were:

1. Parenting Support (40% of respondents)
2. Anxiety/ Stress Management (32% of respondents)
3. Linking with agencies in the Community(23% of respondents)
4. Low Mood/depression (22% of respondents)
5. Pre/post natal support (21% of respondents)

The top 4 difficulties in accessing services from survey respondents were:

1. Not knowing of/ or about the service ( 15 % of respondents)
2. Transport/difficulty in getting to the location (9%)
3. Embarrassment (7%)
4. Inconvenient time/office hours (6%)

The City also consulted with key government and non-government stakeholders and staff. In total, 193 community members were consulted, 20 key stakeholders and 30 staff.

These consultation findings have been considered in conjunction with other research and demographic data and included in the strategic plan where a community need has been identified.



**Attachment(s)**

The City of Cockburn Grant and Fee Funded Human Services Strategic Plan 2013 – 2018.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**17.2 (MINUTE NO 5091) (OCM 11/07/2013) - ADOPTION OF THE CITY OF COCKBURN RECONCILIATION ACTION PLAN 2013-2016 (008/001) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**  
That Council

- (1) adopt the City of Cockburn Reconciliation Action Plan 2013-2016, as attached to the Agenda;
- (2) ensure that any financial implications of the Plan are included for consideration in Council's Strategic and Annual Budget planning documents; and
- (3) require a progress report to be received by Council annually through the Elected Members Newsletter.

**COUNCIL DECISION**  
MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The Ordinary Council meeting held in May 2011 resolved the following:

- (1) *adopt the City of Cockburn Reconciliation Action Plan, as attached to the Agenda; subject to confirmation of the*



*spelling of the word "Nyungar" by the Aboriginal Reference Group.*

- (2) ensure that any financial implications of the Plan are included for consideration in Council's Strategic and Annual Budget planning documents; and*
- (3) require a progress report to be received by Council in July 2012.*

The City provided a progress report to Council through the Elected Members Newsletter, and an evaluation survey to Reconciliation Australia in July 2012 regarding the implementation of Reconciliation Action Plan 2011-2013.

### **Submission**

N/A

### **Report**

Following the Council decision in May 2011, the City launched the Reconciliation Action Plan to the community and commenced implementation of the Reconciliation Action Plan (RAP) 2011- 2013.

Reconciliation Australia (RA) is a national not-for-profit community organisation that assists other organisations Australia-wide to develop Reconciliation Action Plans (RAP's), and is the designated body which oversees this national RAP development and reporting process.

There is a requirement by Reconciliation Australia that an annual report be provided to them on the progress of each organisation's RAP in achieving the identified measurable targets.

The City of Cockburn was advised in 2012 that it would be able to complete an Annual Impact Measurement Report for Reconciliation Australia, instead of an annual progress report, as previously required. By doing this, organisations also contribute to Reconciliation Australia's commitment to measure and report on the collective impact of RAPs through the Annual RAP Impact Measurement Report.

The City's Impact Measurement Report was sent to Reconciliation Australia in July 2012 and a progress report was provided to Councillors through the Elected Members newsletter. (See attachment).

The City has reviewed the Reconciliation Action Plan 2011-2013 and has successfully implemented 100% of the actions contained in the





plan. This is an outstanding achievement and is a testimony to the staff and Aboriginal Reference Group being committed to the Plan and the actions being realistic and achievable.

Major Achievements include the following:

- Printed and distributed the “Beeliar Boodjar” Aboriginal History Brochure.
- Installation of 4 flag poles at Administration Building to fly the Aboriginal and Torres Strait Islander Flags daily.
- Completed a Feasibility Study for an Aboriginal Cultural and Visitors Centre-. This resulted in a Council Decision supporting the development of the proposed Centre at Bibra Lake, subject to grant funding in 2018/19 financial year.
- Development of an Aboriginal Employment Strategy.
- Quarterly ‘Good News Stories’ – Newsletter providing positive messages about Aboriginal people.
- Aboriginal Student Awards – all primary and high schools are eligible to apply.
- Successful Co-Health Grant Application- \$703,000 over 3 years. Grant resulted in three years of healthy eating and physical activity programs targeting Aboriginal people and people living in Cockburn not working full time.
- Annual Cultural Bus Tours – bus tour for community members during Reconciliation Week.
- ‘Welcome to Country’ at Citizenship ceremonies conducted by an Aboriginal Elder.

(See attached The RAP Impact Measurement Questionnaire 2012)

The City of Cockburn’s Reconciliation Action Plan 2011 – 2013 is about to expire at the end of July 2013. The City has also completed the draft RAP 2013-16 by following the process outlined by RA.

This process included meetings with a Steering Group comprising membership of Aboriginal and Non-Aboriginal City staff, Aboriginal Reference Group members, and Aboriginal and Non-Aboriginal community members. The aim was to achieve a 50/50 ratio of Aboriginal and non-Aboriginal people in attendance at the steering group meetings. Staff from a wide variety of Service Units attended the meetings including Human Services, Community Services, Libraries, Strategic Planning, Infrastructure, Human Resources, Parks, Environmental Services, and Corporate Communications.

The City organised a community and staff survey and consultation meetings with the Aboriginal Reference Group, Seniors Kwoberup group, youth, Walyalup Reconciliation Group, ‘My Time’ Aboriginal parents and grandparents group and Nyoongar Rangers. In total 100



community members have been consulted regarding the RAP. In addition to this 53 staff have been consulted across all Service Unit areas via a survey and through the Steering Group.

During the consultation undertaken the following issues were consistently highlighted as being key issues to be addressed in the development of any future strategy:

- Need to continue to strengthen relationships between Aboriginal and non-Aboriginal people and increase cultural understanding.
- Need to increase employment, educational, health, wellbeing, Cultural and social opportunities for Aboriginal people in Cockburn.
- Need to continue to improve the cultural appropriateness of some Council Services and improve Cultural Awareness training.
- Need to visibly acknowledge and respect Nyungar culture and history and better understand modern Aboriginal people.
- Need to continue to increase positive perceptions of Aboriginal people in the community.

These needs have been developed into a comprehensive draft action plan for the City of Cockburn spanning over a three year period from July 2013 until December 2016. These actions have been identified because they are realistic and achievable within a three year timeframe and address the most pressing needs identified in the community consultation process.

The RAP is categorised into three standard areas Relationships, Respect and Opportunities.

The relationships focus area contains actions that work towards:

- Engagement;
- Bringing people together; and
- Cultural awareness training.

The respect focus area contains actions that work towards:

- Visible recognition of Aboriginal and Torres Strait Islander cultures;
- History and people; and
- Protocols.

The opportunities focus area contains actions that work towards:

- Inclusion;
- Employment;
- Health and Healing; and
- Cultural opportunities.



All actions are allocated to a responsible officer, outline whether existing or new resources are required and are measureable. The Plan will be monitored and progress reported to the Steering Group annually and to Council and RA on an annual basis.

The City's draft RAP has been endorsed by the Reconciliation Action Plan Steering Group, and the City has received correspondence from RA that the attached draft Plan meets their required standards.

If the attached RAP is adopted by Council without significant change then the RA logo can be attached to the document.

However, if more than minor changes are made to the attached plan Reconciliation Australia may need to recommend further changes and then the revised document may need to be considered by Council at a future meeting.

While the City successfully partners with the Federal and State Governments to provide services and programmes aimed at supporting Aboriginal people in our community there is a need for all levels of government to work together in facilitating positive outcomes for Aboriginal people.

## **Strategic Plan/Policy Implications**

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.
- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.
- Conservation of our heritage and areas of cultural significance

### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- A skilled and engaged workforce.

## **Budget/Financial Implications**

As contained in the Plan.

All actions which require additional Municipal resources will be considered by Council through the subsequent Budget processes.



The major new resource requirements for the 2013/14 financial year which have been adopted in the 2013/14 Budget were for the following:

- Increase in Aboriginal Community Development Position by 2 days per week to a full time position \$25,000 per annum; and
- Increase in Aboriginal Awareness Training Budget \$10,000 per annum.

**Legal Implications**

N/A

**Community Consultation**

Extensive community consultation was undertaken through a community and staff survey, with the RAP Steering Group, the Cockburn Aboriginal Reference Group, and meetings held at various locations. A total of 100 community members and 53 staff have been consulted regarding the proposed RAP.

**Attachment(s)**

1. City of Cockburn Reconciliation Action Plan 2013-2016
2. The RAP Impact Measurement Questionnaire 2012

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**17.3 (MINUTE NO 5092) (OCM 11/07/2013) - PROPOSED 2013/2014 SEASON OF EVENTS (SUMMER OF FUN) CALENDAR (152/010) (S SEYMOUR-EYLES) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed 2013/14 Season of Events Calendar, as identified in the report.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 9/0**

**Background**

Council is required to determine the Calendar for the 2013/14 of Events.

The Events Team has developed the following proposal for the 2013/14 Program for the forthcoming season, based on:

- A review of the 2012/13 season;
- Feedback from Elected Members and staff; and
- Quantitative and qualitative research conducted with the public in March/April 2013.

**Report****Proposed 2013 – 2014 Events**

<b>Event Name Location</b>	<b>Date</b>	<b>Budget</b>	<b>Comments</b>
<b>Seniors Social Evening 1</b>	Saturday 17 August 2013	OP 9492 \$10,000	Different themes; entertainment, buffet meal, raffles & prizes. 5.30pm – 11pm. Dalmatinac Club Tickets \$8.00
<b>Teddy Bears Picnic</b>	Wednesday 23 October 2013	OP 9307 \$16,500	10am - 1pm Entertainment and rides free for pre-school kids, activities, amusements, arts, parenting information.
<b>Seniors Social Evening 2</b>	Saturday 16 November 2013	OP 9492 \$10,000	As above 5.30pm – 11pm. Dalmatinac Club Tickets \$8.00.
<b>Cockburn Christmas Event</b>	Saturday 14 December 2013	OP 9460 \$15,000	Theatrical Performance, local choir and performers, Christmas Carols, Santa. Council Grounds.
<b>Aussie Day BBQ Breakfast</b>	Sunday 26 January 2014	OP 9107 \$40,000	7am – 11am. Free BBQ Breakfast, free rides, entertainment, family activities. Coogee Beach Reserve. Cockburn Idol Heat 1
<b>Seniors Social Evening 3</b>	Saturday 15 February 2014	OP 9492 \$10,000	As above 5.30pm – 11pm. Dalmatinac Club Tickets \$8.00

<b>Event Name Location</b>	<b>Date</b>	<b>Budget</b>	<b>Comments</b>
<b>Community Concert 1 (Aussie Pop Rock theme)</b>	Saturday 22 February 2014	OP 9476 \$120,000	Success Regional Sporting Facility on the oval. 7pm – 10pm
<b>Community Concert 2, (Regional Concert)</b>	Saturday 15 <sup>th</sup> March 2014	OP 9470 \$180,000	Manning Park 7Pm – 10pm, 1st Choice – Missy Higgins 2 <sup>nd</sup> Choice – Kate Ceberano 3 <sup>rd</sup> Choice – similar to above Cockburn Idol Final. Manning Park.
<b>Coogee Beach Festival</b>	Sunday 6 April 2014	OP 9363 \$55,000	9am – 2pm Coogee Beach Reserve and beach foreshore. Free rides and activities. Beach Challenge. Sand castle competition. Emergency Services display. Entertainment.
<b>Flavours of Cockburn (Proposed NEW Event)</b>	Saturday 10 May 2014 (day before Mother's Day)	OP 9108 \$45,000	Harmony Oval Harvest Lakes, East Ward. Propose that Community be involved in cooking different food for people to sample. Local produce sold, displays, stalls, Cultural entertainment "Eco" products. Activities for children (e.g. making Mother's Day gifts) Mother's Day raffles and prizes, pamper areas for mothers, City of Cockburn promotions.
<b>Marketing and Insurance</b>		OP9021 \$68,725	A component of this budget is made towards Cockburn Soundings and the Annual City of Cockburn calendar, as both are used extensively to promote the events.
<b>Total</b>		<b>\$570,225</b>	

All acts are subject to availability, as staff will only confirm and book them post council decision.

The number of events has been designed for the two event staff to manage together with other events they and the Corporate Communications staff (including the Cultural and Arts Coordinator) work on, including Celebrate Ability, Bibra Lake Fun Run, Local Government Week, Spring Fair, ANZAC Services and official openings.

It is necessary to consider the calendar early in the financial year, as:

1. Marketing for the season needs to commence in September.



2. Corporate Communications will apply to Lotterywest and Healthway for part funding for the 2013/14 season. Council needs to have determined the season of events before applications are submitted. These applications require four months lead-in time in order to feature these organisations on promotional material as a sponsorship agreement may dictate. Accordingly, Council needs to approve the program of events for which sponsorship is being sought in order for these timeframes to be met otherwise sponsorship will not be available.

In 2013/14, it is proposed that the Events:

1. provide the opportunity for the community to experience different lifestyles and cultures;
2. showcase local WA talent;
3. vary the genre of music featured at the two concerts each year, in order to appeal to all ages; and
4. continue to foster a sense of community.

The recommendations in this proposal are based on a review of last season (see attached).

- (revised) presentation given to Elected Members 24 April 2013);
- results of two focus groups (March 2013); and
- results of additional questions related to events, asked in the Community Perceptions Survey (April 2013).

Dates have been considered in light of key events around Perth that are currently known, such as elections, sporting events and community events, as well as other City of Cockburn events, which the City supports.

The recommendations are that:

- The major concert (Regional Concert) at Manning Park features:
  - \* 1<sup>st</sup> choice: Missy Higgins (subject to cost and availability);
  - \* 2<sup>nd</sup> choice: Kate Ceberano (subject to availability).
  - \* 3<sup>rd</sup> choice: similar genre
- The concert at Hammond Road, Success is proposed as an 'Aussie pop/rock' theme with the aim of having a mix of music that appeal to the young and old.
- The Cockburn Christmas Event remains at Council Administration Building, due to concerns around traffic if the event were to move to Cockburn Central town square. This year it is proposed to have a short Christmas related performance in response to the Focus Groups identified interest (for theatre in the park) from a local Theatre Group (subject to availability) in addition to turning the



Christmas lights on, a visit from Santa, a free sausage sizzle and other activities and entertainment.

- The City retains three Senior`s evening events. The tickets are currently subsidized by about \$45 per person and then each person pays \$7.50 per ticket, which goes towards prizes and giveaways on the night. As there has been no increase in ticket price for at least three years, officers recommend increasing the price to \$8.00 per person. This is based on the capacity of the Dalmatinac Club and the sale of 230 tickets out of a total of 260.

The following events are retained in current format due to their popularity and good attendance:

- Teddy Bear`s Picnic;
- Coogee Beach Festival
- Aussie Day BBQ Breakfast

#### Proposed new event

Based on the outcomes of the Focus Groups and community perceptions survey, officers are recommending a new event on a Saturday afternoon in May with the theme being a ‘Flavours of Cockburn’ Family Event, at Harmony Oval, Harvest Lakes, Atwell. The aim is to showcase some of the flavours of Cockburn. The flavours theme could relate to the different nationalities that make up Cockburn and their cuisine, market gardens, a ‘Great Cockburn Cook-off’, a Cockburn ‘Masterchef’, or cooking demonstrations. The events team is considering the potential to showcase local crafts, with activities targeted at children of all ages, giving them the opportunity to make a Mother’s Day present, which could also relate to the flavours of Cockburn theme. The objective is to encourage local community groups to take part and to have ‘infotainment talks’ in different places – potentially on healthy children’s packed lunches; sustainable living; healthy lifestyles and community fundraising opportunities.

This proposed initiative replaces the two movie nights which proved very costly to conduct last season. It is proposed to investigate the viability and practicality of providing a “pop up” outdoor cinema kit for community groups to loan in future.

#### Cockburn Idol

It is recommended that Cockburn Idol continue and that it remains restricted to Cockburn residents so that the prizes go to Cockburn residents. It is proposed that the two heats be held at the Australia Day BBQ Breakfast and at the first concert, with the final being held at the Manning Park Concert.





Marketing

The marketing plan will include the usual traditional advertising and will look at alternative ways of marketing the events, including advertising on Facebook, to reach a broader age group and include a description of the events in the annual calendar.

Healthway and Lotterywest Funding

Officers have spoken to Lotterywest and Healthway about funding and neither organization will provide very clear advice on what is likely to be funded, except that Lotterywest fund up to \$20,000 per Council per annum and Healthway, up to \$50,000, although that amount is for naming rights and would most likely apply to events that are marketed more widely than one council area. Once Council determines the program, officers will apply to both organisations for funding. If Council is successful in receiving funding from Healthway and / or Lotterywest, budget adjustments will be made at mid-year review.

Alcohol

These events have rarely had a problem caused by alcohol consumption, particularly at the daytime events. It is recommended that Council not ban (nor promote) BYO alcohol at the two evening concerts and the Christmas event. If this position changes due to police concerns, or through the City's own feedback, Council will be advised and a revised recommendation will be made to Council.

**Submission**

N/A

**Strategic Plan/Policy Implications****Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.
- Communities that take pride and aspire to a greater sense of community.
- People of all ages and abilities to have equal access to our facilities and services in our communities.



- Promotion of active and healthy communities.
- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.
- Conservation of our heritage and areas of cultural significance

### **Budget/Financial Implications**

Funds of \$570,255.00 including marketing are available in the 2013/14 budget for these events. If officers have success in receiving funding from Healthway and/or Lotterywest, budget adjustments will be made at the mid-year review.

### **Legal Implications**

N/A

### **Community Consultation**

In 2013 the Community Perceptions Survey (Catalyse) showed 90% of those surveyed were familiar with festivals, events and cultural opportunities in the City of Cockburn. 82% were satisfied and 45% of residents were delighted.

### **Attachment(s)**

1. Community Perceptions Survey 2013 results relating to events
2. Elected Members Briefing – April 2013

### **Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

## **19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil



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

Nil

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

Nil

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 5093) (OCM 11/07/2013) - 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 C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 9/0**



**25 (OCM 11/07/2013) - CLOSURE OF THE MEETING**

The meeting closed at 8:05 p.m.

**CONFIRMATION OF MINUTES**

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

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

