

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 JULY 2007 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 JULY 2007 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Mr T Romano	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr R. Avar	-	Acting Director, Administration & Community Services
Mrs B. Pinto	-	Secretary/PA to Director, Finance & Corporate Services
Ms L. Boyanich	-	Media Liaison Officer
Ms C O'Sullivan	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

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



4 (OCM 12/07/2007) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received a declaration of a Conflict of Interest from Deputy Mayor Graham and declarations of Financial Interest from Clr Allen and one from himself which would be read at the appropriate time.

5 (OCM 12/07/2007) - APOLOGIES AND LEAVE OF ABSENCE

- Clr J. Baker - Apology
- Clr V. Oliver - Apology
- Clr L. Goncalves - Apology
- Mr S. Cain - Leave of Absence

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 12/07/2007) - PUBLIC QUESTION TIME

Robyn Scherr, Coogee - Agenda Item 17.2 - Coogee Beach Surf Life Saving Club and Community Facility

Q1. Why is Council allocating a further \$360,000 of ratepayers' money as part of a \$1 million commitment to a \$6 million surf clubrooms when there is no guarantee that the club will be able to raise the funds?

A1. All significant projects of this nature require a level of investigation and design to reach a point where government and corporate sponsorship can be sought. The process followed to date by the Coogee Beach Surf Life Saving Club to achieve corporate and government sponsorship is consistent with that followed for similar proposals by other clubs in the metropolitan area. The expenditure of funds allocated will be controlled by the City which will require the Club to seek City approval for the expenditure of the allocated funds.

Q2 If the Club has no funds and no ability to proceed why is Council supporting such an extravagant project?

A2 Newly established surf clubs require significant government and corporate sponsorship for building works. Should this club facility proceed it will be the only surf club between North Fremantle and Secret Harbour. This project will serve the residents of the City of Cockburn and the neighbouring areas.



- Q3. What income will the club have with which to meet the requirement that the club be responsible for all maintenance and ongoing management of the clubrooms?
- A3 The Surf Life Saving Club has prepared a Business Plan for this project which indicates the anticipated level of income. The club already has generated significant income from its operations and this will only increase with provision of suitable premises. The income will primarily come from membership and the hire of space to groups. There are numerous Surf Clubs in the northern suburbs and across Australia that demonstrate the financial viability of such clubs.
- Q4 Will Council allow the intrusion of a potential eyesore on our beautiful beach?
- A4 Council has given a great deal of consideration to independent reports on the matter of the location of the Surf Life Saving Clubrooms at Poore Grove. The proposed design of the building minimizes the visual impact of the building on the site.

Dan Scherr, Coogee - Agenda Item 16.1 - Closure of Kiesey Street, Coogee

Due to the Presiding Member having a financial interest in this item, the question was deferred to the Acting Chief Executive Officer.

- Q1. In line with Council's Community Development Strategy, why wasn't the membership of the Coogee Beach Progress Association invited to participate in the so-called "community consultation" held last week on Kiesey Street regarding this issue?
- A1. Invitations to the community meeting were forwarded to the residents of Kiesey Street (ie. the residents directly affected by the closure) and those residents who made a submission on the closure. The Coogee Beach Progress Association did not make a submission on the closure, nor has the Association sought to discuss this matter directly with Council since it was first presented in November last year, nor since appearing in the Agenda in May of this year.

Dean Barratt, Atwell - Agenda item 14.1 - Outbuilding (R-Code Variation) - Lot 183 (No.7) Rossell Place, Atwell

- Q1. As R20 code requirements state that ridge height must not exceed 4.2m, if we reduced the ridge height from 4.38m to 4.2m, whilst retaining the wall height of 3.6m, would this be likely to be approved?



- A1. As stated in the report the proposal does not comply with the Residential Design Codes (clause 3.10.1) in regards to ridge height but also in respect to the wall height, which specifies a maximum wall height of 2.4m as opposed to 3.6m, and size/site coverage, which specifies a maximum of 60 sq. m. or 10% of the property (site area). It should also be noted that the proposal is also non compliant with the City's policy APD18 in regard to the ridge height, wall height and floor area of the shed. All three elements combine to make the impact unacceptable in a residential locality and all three would need to be addressed to gain support for the proposal.
- Q2. The objecting neighbour is prepared to negotiate a resolution with the erection of Netascreen or similar, does this impact on council's recommendation?
- A2. During the assessment process for this proposal, and prior to the item being prepared for Council, the applicant was given the opportunity to make amendments to the plans or look at ways to ameliorate the impact of the building bulk, however chose not to do so. If there are now changes that are suggested, it is a matter for further assessment in consultation with the neighbour. Council would still need to be satisfied that the proposal did not detract from the streetscape or the visual amenity of residents or adjoining properties.
- Q3 There are 7 sheds of this size in the surrounding streets of Rossell Place which do not detract visually from the area. It doesn't seem fair that they can have these highly visible sheds, with street gate access, and we are unable to have a shed hidden behind our house, visible only to the surrounding neighbours. Can we please ask that council reconsider this factor to a favourable outcome?
- A3. One consideration of any variation to requirements is the impact on the amenity of the locality, which includes visibility from both the street and the adjoining properties. The report makes comment on one oversized shed in the locality (which was approved prior to the adoption of Council's policy APD18) however, each individual application must be assessed on its individual merits.

Logan Howlett, North Lake - Agenda Item 15.5 - Adoption of the Municipal Budget 2007/08

- Q1. The North Lake Residents Association Inc. has submitted an annual list of budget requests to the City under the community development strategy since the 2004/2005 financial year. Every request has been rejected during budget deliberations each year, even though this strategy is promoted widely across the City has 'taking on board' the ideas coming from the community. What items submitted by the NLRA are on the 'first line' lists for consideration tonight, if any?



- A1. The 2007/08 Budget Request from the North Lake Residents Association were as follows:

In response to the request Council advised the North Lake Residents Association in a letter date 30 April 2007 as follows:

1. Entry Statements for:
 - a) Intersection of Progress and Farrington - Not recommended for funding in 2007/08.
 - b) Hope Road Round-about entrance - Will be done in 2007/08
2. Streetscaping:

Funds have been placed in the 2007/08 to do the work along Monaco Avenue.
3. Underground Power:

No action at this stage, further advice is being sought from Western Power on the minor projects program. Information received from Western Power indicates that there is a specific program that the Association could apply to for funding called the 'Neighbourhood Collective', which allows residents to have their street or neighbourhood converted to underground power. Should the President of the Association wish to have further details regarding the above, the Director, Finance and Corporate Services would be willing to provide the same.
4. Progress Drive Dual Use Path:

Funds were allocated but due to opposition from property owners on the western side, the project did not proceed and funds re-allocated to other projects. The land on the east side of Progress Drive belongs to CALM. I am advised if 75% of the property owners on the west side agree, the project may be reinstated.
5. Roundabout Progress Drive and Farrington Road:

Not favoured due to traffic volume inequalities. A survey will be undertaken in 2007/08 to see if any modifications are required to the intersection.
6. Playground Equipment - Monaco Park:

Planned upgrade is due in 2008/09



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3499) (OCM 12/07/2007) - ORDINARY COUNCIL MEETING - 14/6/2007

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 14 June 2007, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 7/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

Nil



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 **(MINUTE NO 3500) (OCM 12/07/2007) - OUTBUILDING (R-CODE VARIATION) - LOT 183 (NO. 7) ROSSELL PLACE, ATWELL - DEAN & PETA BARRATT (5515929) (ES) (ATTACH)**

RECOMMENDATION

That Council:

- (1) refuse to grant its approval to the proposed outbuilding for the following reasons:-
 1. the proposal is contrary to the protection of the residential amenity of the location by virtue of:
 - (a) the visual appearance of the proposed outbuilding in what is a typical single storey residential area;
 2. the proposal is contrary to the orderly and proper planning of the locality by virtue of:
 - (a) being different to the type of development typically anticipated in residential areas taking into account the need to protect residential amenity;
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant and submissioners accordingly in respect of Council's decision.

COUNCIL DECISION

MOVED C/r S Limbert SECONDED C/r A Tilbury that Council:

- (1) grant its approval for the erection of an outbuilding on Lot 183 (No.7) Rossell Place, Atwell, in accordance with the approved plans, subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved hberin and any approved plans.
 2. Nothing in the approval or these conditions shall excuse compliasnce with all other relevant written laws in the commencement and carrying out of the development.
 3. The height of the ridge line of the proposed outbuilding



be reduced to a maximum height of 4.2 metres above the natural ground level.

4. The installation/erection of screening along the northern property boundary, screening the proposed outbuilding from the adjoining property, Lot 176 (No.8) Marich Cove, Atwell. The screening to be to the satisfaction of Council and the details of which are to be provided prior to the issuing of a building licence.
5. All stormwater is to be contained and disposed of on-site.
6. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 pm or before 7.00 am, Monday to Saturday, and not at all on Sundays or Public Holidays.
7. No commercial activities are to be carried out from the proposed outbuilding and the proposed outbuilding is not to be used at any time for any activities associated with the applicant/landowner's occupation or business.

FOOTNOTE

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the applicant and submissioner of Council's decision accordingly.

MOTION LOST 1/6

MOVED Clr A Tilbury SECONDED Clr T Romano that the matter be deferred to the Ordinary Council Meeting in August, until further information has been sought from the surrounding residents in Rossell Place, Atwell.

CARRIED 6/1

Reason for Decision

Given the size of the shed and Council not wanting to affect the amenity as well as the outline of the street, it was decided that further information be sought as to the opinion of the other three residential



properties directly abutting the subject lot, including the surrounding properties in Rossell Place, Atwell.

Background

ZONING:	MRS:	Urban
	TPS3	Residential R-20
LAND USE:	Residential	
LOT SIZE:	728m ²	
USE CLASS:	Single (R-Codes) House	

The subject land is situated on the northern side of Rossell Road in Atwell and is occupied by a single storey residence. The site is flanked to the north and east by single dwellings. Single dwellings are also present opposite the site.

An access lane abuts the western side of the site.

Submission

The Applicant proposes to erect an 8 metre by 12 metre (96m²) steel frame shed with Classic Cream Monoclad walls and Zinalume roof on the subject site. The outbuilding will have a wall height of 3.6 metres and ridge height of 4.38 metres. It is proposed to be located in the rear eastern corner of the site, setback a distance of 1 metre from both the rear and eastern boundary.

The Applicant has confirmed that the purpose of the proposed outbuilding will be for storage of a large boat, large caravan, a trailer, off road motor bikes & lawn mowers.

A locality map, a copy of the site plan and elevations are included in the agenda attachments.

Report

A shed is defined as an outbuilding under Town Planning Scheme No. 3. An outbuilding is an enclosed non-habitable structure that is detached from any dwelling. Policy APD18 specifies that the floor area of proposed outbuildings in residential areas is not to exceed 60m² or 10% of the lot area whichever is the greater. Additionally the policy specifies that the wall height of the proposed outbuilding is not to exceed 2.4 metres and the ridge height is not to exceed 4.2 metres.

The proposed outbuilding fails to comply with Council Policy *APD18 Outbuildings* in the following respects:

- The floor area proposed is 96m², this exceeds 72m² (10% of lot size).
- Wall height proposed is 3.6 metres.



- Ridge height proposed is 4.38 metres.

Similarly the proposal does not comply with acceptable development standards or the performance criteria for outbuildings in the Residential Design Codes. The performance criterion states that outbuildings should not detract from the streetscape or visual amenity of residents or neighbouring properties. This is discussed below. Furthermore the height and area of the proposed outbuildings exceeds acceptable development requirements of the Residential Design Codes.

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

It is evident that a similar sized outbuilding is located on a nearby site at 1 Rossell Place. A building licence for this was issued in October 1999. Planning Approval was not required to be obtained as the Residential Design Codes were not in place at this time. The Codes came into practice in 2002, hence the regulations have effectively changed since 1999 when the nearby outbuilding was constructed. For this reason the nearby outbuilding should not be used as precedence for the current proposal.

In assessing and determining applications for development within residentially zoned areas, one of Council's principle objectives is the protection of the amenity of residents living within. The proposed development is considered contrary to the protection of residential amenity in the subject location, and is not considered to comply with the standards and provisions of the City's Town Planning Scheme No 3, particularly Clause 10.2 that addresses matters to be considered by Council.

Effect to adjoining land & Amenity

Clause 10.2.1 (o) states that the effect of height, bulk, scale and the appearance of the proposal is to be considered when assessing the effect of the proposal on adjoining land. An objection has been received from an adjoining neighbour, which included the following concerns:

- Height of outbuilding will detrimentally effect outlook from outdoor entertainment area, back garden, study and bedroom.
- That the outbuilding will be used in conjunction with the applicant's occupation as a tow-truck driver and wrecker.

It is evident from this objection that the proposal will negatively effect adjoining land primarily due to the height of the development. Negotiation was undertaken with the applicant regarding the possibility of reducing the height of the outbuilding. However the applicant does



not wish to amend the height as the proposed height is required to store the boat.

In regards to the second concern raised the applicant has stated that he will be using the outbuilding primarily for storage and will not be associated with his occupation.

Amenity

The Residential Design Codes state that outbuildings should not detract from visual amenity of residents or neighbouring properties, the preservation of amenity of the locality is also a matter to be considered by Council as per Clause 10.2.1(n). The proposed bulk of the outbuilding combined with the proposed materials of the outbuilding is not common in areas zoned residential and will detract from the visual amenity of the area. Such large outbuildings are more appropriate in areas zoned for Rural Living.

Orderly & Proper Planning

Council in determining development applications is responsible for considering the orderly and proper planning of a locality, as per Clause 10.2.1(b). It is a concern that the proposed outbuilding has a greater height than most adjoining residential single storey dwellings. In this case the outbuilding will be very dominant on the site and from surrounding residence, consequently detracting from the visual amenity of the residential area. The proposal is not consistent with the appearance of the surrounding neighbourhood, which primarily consists of single residential dwellings.

Recommendation

It is recommended that Council refuse the application on the basis that the proposal is contrary to both:

- The protection of the amenity of the residential area within which the subject land is located;
- The orderly and proper planning of the locality as required to be considered by Council.

Resolving to refuse the application also takes into account the relevant submissions received by Council in respect of the application.

Strategic Plan/Policy Implications

Demographic Planning

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



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

The Planning Policies which apply to this item are:-

APD33 Town Planning Scheme No. 3 Provisions.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005

Community Consultation

3 (three) surrounding owners were consulted regarding the proposal. One (1) submission was received objecting to the proposal.

Attachment(s)

- (1) Locality Plan
- (2) Site Plan
- (3) Elevations

Advice to Proponent(s)/Submissioners

The applicant has been advised that the matter is to be considered by Council at its meeting of 12 July 2007.

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

Nil.

14.2 (MINUTE NO 3501) (OCM 12/07/2007) - CONSERVATION ZONE PROVISIONS IN TOWN PLANNING SCHEME NO 3 - AMENDMENT NO 58 (93058) (AJB)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION
DECIDING TO AMEND CITY OF COCKBURN TOWN
PLANNING SCHEME NO. 3



AMENDMENT NO. 58

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Amending clause 4.2.1 by inserting the following paragraph (n):

- (n) Conservation Zone

To provide for a range of uses which are consistent and compatible with areas of conservation value including wetland, lake and or bushland areas, whilst providing for the ongoing protection and maintenance of those areas.

2. Amending the Zoning Table as follows:

- 2.1 Inserting a new column entitled "CONSERVATION"

- 2.2 Designating the permissibility of uses within the Conservation zone as follows:

Dwelling Grouped (R-Code)	A
Home Business	A
Home Occupation	A
Home Office	A
House Single (R-Code)	P
Tourist Accommodation	A
Industry Cottage	A
All other uses	X

3. Adding a new clause 5.17 as follows:

- 5.17 Conservation Zone

- 5.17.1 For the purposes of this clause, "conservation area" means any area within the Conservation Zone identified by the City in consultation with the Department of Environment and Conservation to be of high conservation value and may include but is not limited to areas of bushland, wetlands and lakes and their associated buffers;

"conservation agreement" means the agreement required by sub-clause 5.17.8(iv) of this clause.

- 5.17.2 The use and development of land within the Conservation Zone shall be compatible and consistent with the protection and preservation of conservation areas and comply with the requirements of relevant State government policy guidelines or statements pertaining to the conservation of bushland, wetlands and lakes.
- 5.17.3 Every lot, strata or survey strata lot in the Conservation Zone shall have located on it a building envelope of not less than 600m² in area located outside the conservation area except as otherwise agreed to by the Council in writing having regard to advice from the Department of Planning and Infrastructure and the Department of Environment and Conservation, if any.
- 5.17.4 Development shall be limited to a defined building envelope which shall be set back a minimum of 6 metres from any street boundary and 1.5 metres from side and rear boundaries.
- 5.17.5 Council shall consider and determine development applications having regard to advice provided by the Department of Planning and Infrastructure and the Department for Environment and Conservation, if any, in addition to the matters to which Council is required to have regard by clause 10.2.1.
- 5.17.6 Development applications shall be accompanied by the following information in addition to the requirements of clause 9.2.1—
- (i) a plan showing the entirety of the land the subject of the development application, including the building envelope and conservation area(s) located on the land;
 - (ii) a plan showing access tracks, servicing corridors, fire breaks including any strategic fire breaks and the location and type of fences to be erected around any conservation



area(s);

- (iii) a weed management program; and
- (iv) a bushland or wetland rehabilitation program to restore or enhance the environmental qualities of degraded areas within the conservation area;
- (v) a fire management plan, which plan shall require the provision and maintenance of strategic fire breaks to the satisfaction of the Fire and Emergency Services Authority of Western Australia;
- (vi) a nutrient management plan;

5.17.7

The following uses are not permitted within any conservation area:

- (i) the keeping of livestock or other animals;
- (ii) the clearing of vegetation except for the purpose of complying with relevant fire break requirements;
- (iii) filling or excavation including the construction of drainage facilities, artificial lakes, dams, swimming pools or waterholes;
- (iv) the erection of any structure other than a board walk or viewing platform;
- (v) the storage or placement of any vehicles, materials or other items;

5.17.8

Where development is approved, the owner shall prior to the commencement of development or within such other period of time as is approved by the City:

- (i) implement the weed management program required by sub-clause 5.17.6(ii) to the satisfaction of the City;
- (ii) implement the approved bushland or wetland rehabilitation program required

by sub-clause 5.17.6(iv) to the satisfaction of the City;

(iii) implement the fire management plan required by sub-clause 5.17.6(v) to the satisfaction of the City;

(iv) implement the nutrient management plan required by sub-clause 5.17.6(vi) to the satisfaction of the City;

(v) ensure the boundaries of any conservation area on the land the subject of the development approval are made clearly visible by either the provision and maintenance of fencing or the appropriate marking of the boundaries;

(iv) enter into a conservation agreement, prepared at the applicant's expense by the City's solicitors, to secure compliance with any of the requirements of clause 5.17 and authorising the City to lodge a caveat on the certificate of title of the land the subject of the approval as further security for such compliance.

5.17.9 Without affecting the generality of clause 11.1.2, upon the provision of 7 days written notice to the owner of land within the Conservation Zone, an authorised officer of the City shall be permitted to enter upon such land for the purpose of inspecting the conservation area and to ensure compliance with the requirements of the Scheme and/or the conservation agreement.

5.17.10 Where an owner of land has failed to comply with the requirements of the Scheme and/or the conservation agreement, the City may at the expiry of 1 calendar month after serving notice on the owner, undertake whatever action and works are necessary to achieve compliance with either the requirements of the Scheme and/or the conservation agreement and recover all associated costs from the owner.



4. Amending the Scheme Map by inserting in the Legend of the Scheme Map under the heading "Zones" a new zone named "Conservation" represented by a dark green boundary and light grey infill.
- (2) sign the amending documents, and advise the WAPC of Council's decision;
 - (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
 - (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
 - (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
 - (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

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

CARRIED 7/0

Background

Council at its meeting held on 14 June 2007 resolved to defer consideration of Amendment No 58 until the July 2007 Ordinary



Council Meeting to allow interested parties time to raise any issues of concern regarding this item (Item 14.8).

No submissions or requests for information have been received subsequent to the June 2007 Council meeting.

Submission

N/A

Report

The requirements for the provision of public open space (POS) as part of the subdivision process is set out in the following Western Australian Planning Commission policies:

DC 2.3 - Public open space in residential areas.

DC 3.4 – Subdivision of rural land.

DC 4.1 - Industrial subdivision.

In respect to residential areas, Policy DC 2.3 provides that 10% of the area being subdivided is to be set aside for public open space and that such area should achieve a balance between active and passive uses including conservation. It also includes an objective that POS should protect and conserve the margins of wetlands but is silent in respect to the core area of a wetland, lakes and bushland areas. In the case of industrial and rural subdivision there is no general requirement for the provision of POS for conservation purposes and there is no absolute requirement that conservations must be included in POS as opposed to being retained in private ownership.

In respect to environmental policies there is a requirement that areas with high conservation values such as wetlands, lakes and Bush Forever areas be protected and not developed. However again there is no absolute requirement that these areas be included in POS.

When assessing structure plans and subdivision applications for rural, residential and industrial purposes the City usually requests that areas with high conservation value be shown as a reserve for recreation or conservation so that they can be effectively managed and maintained by the City for the enjoyment of the broader community.

In general developers and in particular those in the residential area agree with this requirement and set aside conservation areas in POS and also prepare and implement conservation management plans to enhance the conservation values. However there have been several instances where subdividing owners have not been prepared to vest the conservation areas as open space, preferring instead to retain the



conservation area in private ownership even though they acknowledge there is no development potential.

As outlined above, there is no absolute requirement that conservation areas must be provided as public open space and accordingly the State Appeals Tribunal has upheld appeals against this requirement. In respect to a conservation category wetland in the Banjup rural area the Tribunal held the view that the vesting of the large area of wetland as POS was an unreasonable imposition and that the conservation values could be protected through a conservation covenant.

Given that conservation areas can be retained in private ownership rather than be vested as an area of open space for the City to manage and maintain, it is considered essential that these areas be adequately protected to ensure that their conservation values are not compromised through inappropriate land use or management practices. Accordingly it is proposed to include a Conservation Zone with appropriate land use and management requirements in Town Planning Scheme No 3 which can be applied through a structure plan or an amendment to TPS No 3 to conservation areas being retained in public ownership.

The amendment text sets out the objectives and requirements of the Conservation Zone, lists appropriate land uses that can be developed within a building envelope located outside of the defined conservation area and the need to prepare and implement appropriate management plans. The text also provides the City with the ability to inspect areas within the conservation zone if it is considered that the requirements of the zone are not being met, to conduct a management plan compliance audit, to require owners to undertake works in the event of non compliance and for Council to undertake works in the conservation zone at the owners expense should they not comply with a Council directive.

It is considered that the provisions contained in the amendment text will ensure that areas of high conservation value retained in private ownership will be used, managed and maintained in an appropriate manner commensurate with their environmental importance.

The Scheme provisions have been prepared by McLeod & Co in consultation with Strategic Planning Services and Environmental Management Services to ensure their appropriateness and legal integrity.



Strategic Plan/Policy Implications

The Planning Policies which apply to this item are:

Natural Environmental Management

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Will be undertaken as part of the amendment process.

Attachments

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.3 (MINUTE NO 3502) (OCM 12/07/2007) - DEED OF AGREEMENT WITH BP REGARDING THE DEVELOPMENT AND USE OF THE BP PIPELINE AREA - PHOENIX RISE NEW LIVING PROJECT - LOT 3 HAMILTON HILL (9512) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) enter into an agreement with BP Refinery (Kwinana) Pty Ltd to enable the City to develop, landscape and maintain the BP pipeline area within the Phoenix Rise project area; and



- (2) execute the legal agreement included in the Agenda attachments together with any subsequent modifications required by BP subject to the modifications not materially affecting the liabilities and obligations of the City; and
- (3) advise BP accordingly.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr S Limbert that the recommendation be adopted.

CARRIED 7/0

Background

Council at its meeting held on 10 November 2005 resolved to adopt the Phoenix Rise Master Plan and the implementation schedule of public domain works on 12 October 2006.

Submission

BP have required the preparation of a Deed of Agreement with the City prior to any works being undertaken within the BP pipeline area.

Report

BP owns a linear strip of land through the Hamilton Hill area which accommodates their oil pipeline that connects Fremantle to Kwinana. Various parts of the land through the Hamilton Hill area and in particular the Phoenix Rise new living project area have been incorporated in parks and walkways that are maintained by the City. The Phoenix Rise Master Plan proposed additional works within the pipeline land as shown on the landscape master plan included in the Agenda attachments. The plan includes works identified in the implementation schedule adopted by Council at its meeting held on 12 October 2006.

Prior to agreeing to the works, BP has requested the City to enter into a legal agreement which sets out the scope of works, construction and maintenance requirements and the need for the City to indemnify BP in regards to personal injury and damages.

The City's insurance consultant LGIS Insurance Broking advises that the City's existing policies cover the insurance requirements set out in the agreement. The draft deed has also been reviewed by Williams Handcock Lawyers and subsequent modifications have been made to



the deed in accordance with their advice. The modified draft Deed of Agreement is included in the Agenda attachments.

It is recommended that Council agree to enter into the agreement to enable the upgrade works including lighting, landscaping and paving within the land owned by BP to proceed.

Strategic Plan/Policy Implications

The Planning Policies which apply to this item are:

Demographic Planning

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

Budget/Financial Implications

The capital and maintenance costs have been included in the Parks Budget.

Legal Implications

Ongoing public liability and indemnity as set out in the Deed of Agreement.

Community Consultation

The Phoenix Rise Master Plan was advertised for public comment prior to its adoption by Council.

Attachment(s)

- (1) BP Pipeline Master Plan
- (2) Draft Deed of Agreement

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.4 (MINUTE NO 3503) (OCM 12/07/2007) - PROPOSED AMENDMENT NO. 54 TO TOWN PLANNING SCHEME NO. 3 - LOT 232 CHESHAM WAY & LOT 237 DACRE COURT, HAMILTON HILL - OWNER/APPLICANT : CITY OF COCKBURN (93054) (MC) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt Amendment No.54 for final approval without modification;
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise those who have lodged submissions of Council's decision accordingly.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr S Limbert that the recommendation be adopted.

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Lot 232: Local Reserve – 'Lakes & Drainage' Lot 237: 'Public Purposes – Water Corporation'
LAND USE:	Lot 232: Drainage sump Lot 237: Vacant	
LOT SIZE:	Lot 232: 0.1715 ha Lot 237: 0.0539 ha	

Council at its meeting held on 8 February 2007 initiated Amendment No 54 to Town Planning Scheme No.3 for the purpose of public advertising.

It is proposed to amend Town Planning Scheme No 3 by rezoning Lot 232 Chesham Way, Hamilton Hill from Local Reserve – 'Lakes & Drainage' to 'Residential' (R20) and rezone Lot 237 Dacre Court from 'Public Purpose – Water Corporation' to 'Residential' (R20). The amendment will allow the rationalisation and relocation of the drainage sump from Lot 232 to Lot 237. This will allow the surplus land to be

used for residential purposes, ensuring more efficient use of the land and assisting in beautifying the land. The proposal is in accordance with Council's Beautification Program for drainage sumps.

Submission

The application has been advertised for public comment and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment 54.

Report

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

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

The amendment was subsequently advertised seeking public comment in accordance with the regulations for not less than 42 days. Five submissions were received during the advertising period, two objecting to the amendment, two supporting it subject to conditions and 1 no objection from the Water Corporation. It is considered that the submissions do not require explanation over and above that outlined in the Schedule of Submissions.

Conclusion

It is recommended that the Council proceed to adopt Amendment No. 54 and refer it to the Western Australian Planning Commission for final consideration.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

Costs associated with preparing the documents in-house and advertising.

The proposed zoning of the subject lots to 'Residential' will facilitate residential subdivision of the lots and the net proceeds generated from the sale of the created lots will be transferred to the Land Development Reserve Fund.



Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 3
Town Planning Regulations

Community Consultation

Following receipt of advise from the EPA. The amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 54 concluded on 19 June 2007. At the close of advertising, 5 submissions were received.

Refer Schedule of Submissions contained in the Agenda attachments.

Attachment(s)

- (1) Site Plan.
- (2) Proposed Zoning Map.
- (3) Schedule of Submissions.

Advice to Proponent(s)/Submissioners

Those who lodged submissions on the proposal have been advised that this matter is to be considered at the July 2007 Council Meeting.

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

Nil.

14.5 **(MINUTE NO 3504) (OCM 12/07/2007) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 51 TO TOWN PLANNING SCHEME NO. 3 - LOT 5 BARTRAM ROAD (CORNER TAPPER ROAD), ATWELL - APPLICANT : CITY OF COCKBURN (93051) (RD) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt Amendment No.51 for final approval without modification;
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise persons lodging submissions of Council's decision accordingly.



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that:

- (1) the Schedule of Submissions be adopted;
- (2) Amendment No.51 for final approval without modification be adopted;
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (4) Council advise persons lodging submissions of Council's decision accordingly; and
- (5) a revised subdivisional plan for the subject property, Lot 5 Bartram Road, Atwell, be prepared and tabled for Council consideration, with the following modifications:
 1. No vehicle access being permitted directly on to Tapper Road.
 2. 10% of the gross subdivisible area being provided as public open space within the proposed subdivision.

MOTION LOST 3/4

MOVED Deputy Mayor R Graham SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 4/3

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20 and R5
LAND USE:	Vacant	
LOT SIZE:	2.73 ha	

Council at its meeting held on 12 October 2006 resolved to initiate Amendment No. 51 to Town Planning Scheme No. 3 for the purpose of public consultation.

The Scheme amendment is to:

1. replace the R20 density coding for portion of Lot 5 Bartram Road (Cnr Tapper Road) Atwell (shown as Lots 6 to 10 on the



proposed Subdivisional Plan) with an R30 density coding on the Scheme Map; and

2. replace the R5 density coding for portion of Lot 5 Bartram Road (Cnr Tapper Road) Atwell (shown as Lots 27 to 30 on the proposed Subdivisional Plan) with an R20 coding on the Scheme Map.

A copy of the proposed amendment document which includes the Subdivisional Plan and Scheme Amendment Map is included in Attachment 2 of the Agenda.

The proposal has been advertised for a period of 28 days. This report seeks Council support to final adoption of Scheme Amendment No. 51.

Submission

N/A

Report

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

The EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

Following clearance from the EPA, the amendment was advertised for public comment for a period of 28 days, concluding on 26 March 2007. The advertising procedure included an advertisement being placed in the Cockburn Gazette newspaper, adjoining landowners being invited to comment on the proposal, and information made available at Council's Administration Office and on Council's website.

Advertising of the amendment has resulted in the receipt of two submissions of objection. One objection received from the immediately adjacent landowner raises concerns that the rezoning would affect their lifestyle (living on a large block and having neighbours with a same size block), and the landowner fears to be "boxed" by the small lots as a result of the rezoning. The other objection received raises concerns relating to issues of dust and rubbish which would result from subdivisional earthworks and construction. The issues raised in the two submissions are suitably addressed in the Schedule of Submissions (Attachment 3 refers) and further comment in this report regarding the above issues is unnecessary.

It is considered that the amended subdivision plan for the subject land that would result from the proposed rezoning is in accordance with



sound planning and urban design principles which are articulated in the amendment document (Attachment 2 refers). The proposed densities are consistent with existing residential densities in the area and will not have adverse impact on the planning objectives for the area. Furthermore, the amended subdivision plan that would result from this scheme amendment will improve the streetscape and passive surveillance along that part of Tappers and Bartram Roads.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

Funds for the development of Stage one Lot 5 Tapper Road, will come from the Land Development Reserve fund.

Net proceeds from the sale of the lots will be transferred to the Land Development Reserve Funds.

Legal Implications

Town Planning Scheme No. 3
Metropolitan Region Scheme
Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 28 day period. The 28 day public consultation period for Scheme Amendment No. 51 concluded on 26 March 2007. At the close of advertising, 2 submissions were received.

Refer to Schedule of Submissions in Attachment 3.

Attachment(s)

- (1) Locality Map
- (2) Scheme Amendment Document
- (3) Schedule of Submissions



Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that the matter is to be considered at the July 2007 Council meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3505) (OCM 12/07/2007) - LIST OF CREDITORS PAID - MAY 2007 (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 7/0

Background

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

Submission

N/A

Report

N/A



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - May 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3506) (OCM 12/07/2007) - STATEMENT OF FINANCIAL ACTIVITY - MAY 2007 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Statement of Financial Activity and associated reports for the period ended 31 May 2007, as attached to the Agenda; and
- (2) adopt a materiality threshold of \$50,000 or 10% (whichever is the greater) for the 2007/08 financial year in accordance with Financial Management Regulation 34(5).



COUNCIL DECISION

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

CARRIED 7/0

Background

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

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

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

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

Submission

N/A

Report

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

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

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

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



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

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.

The current materiality threshold is 10% or \$10,000 (whichever is the greater). This has been used for the past 2 years and is considered too low, as many variances captured under this threshold are not considered worthy of reporting to Council. A revision of the threshold to \$50,000 or 10% (whichever is the greater) will better focus reporting and management's attention to variances considered more material in view of Council's budget size.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A



Attachment(s)

Statement of Financial Activity and associated reports – May 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (MINUTE NO 3507) (OCM 12/07/2007) - MUNICIPAL BUDGET 2007/08 - SCHEDULES (5402) (SD) (ATTACH)

RECOMMENDATION

That Council include the items listed in the following schedules in the 2007/08 Municipal Budget, as attached to the Agenda:

1. New or Increased Projects
2. New Staff
3. Facilities Construction/Upgrade Program
4. Roadworks Infrastructure Program
5. Footpaths Infrastructure Program
6. Parks Infrastructure Program
7. Waste Services Infrastructure Program
8. Environmental Works
9. New Plant and Vehicles
10. Major Plant Replacement Program
11. Light Fleet Replacement Program
12. Minor Plant
13. Information Technology
14. Furniture and Equipment
15. Analysis of Asset Spending
16. Social Services -General Projects
17. Community Safety Projects
18. Transfers to Reserve Funds
19. Carried Forward Projects/Programs
20. Fees and Charges

COUNCIL DECISION

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

CARRIED 7/0



Background

Council is required to adopt an annual budget by 31 August each year.

Submission

N/A

Report

A report by the Director, Finance and Corporate Services on the 2007/08 Municipal Budget is included in the Statutory Budget attached to the Agenda.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The above recommendations have been included in the proposed Budget for 2007/08.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

N/A

Attachment(s)

Municipal Budget 2007/08 - Schedules.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.4 (MINUTE NO 3508) (OCM 12/07/2007) - MUNICIPAL BUDGET 2007/08 - DIFFERENTIAL RATES (5402) (SD)

RECOMMENDATION

That Council adopt the following in its 2007/08 Municipal Budget:

Category	Minimum Rate \$	Rate in \$
Residential Improved	506.00	0.064815
Residential/Vacant	506.00	0.102877
Commercial/Industrial Improved	794.00	0.068241
Commercial/Industrial Vacant	794.00	0.108314
UFL Residential Improved	506.00	0.058582
UFL Residential Vacant	506.00	0.092588
Rural/Resource	523.00	0.001565
UFL Rural	523.00	0.001565
UFL Rural General	523.00	0.001409
UV Commercial/Industrial	523.00	0.001565

(2) the charges for rubbish services be as follows:

1. The Rubbish Collection Charge be levied at \$240.00 per assessed collection service for a weekly rubbish collection, with a mobile bin levy of \$27.00 applying to ratepayers who received their bin after 1 July 2003.
2. The Rubbish Collection Charges be levied for non-rateable properties at an annual rate of \$345.00 per assessed service for a weekly collection.
3. The new rubbish services commencing during the year 2007/08 be levied a mobile bin service charge of \$27.00 and a pro-rata charge based on \$240.00 p.a.

(3) a discount of 5% be allowed on current rates provided that all rates and charges due are paid within thirty-five(35) days of the date of issue of the annual Rate Notice;

(4) offer payment options for Rates and Service Charges of:

1. Pay in full and receive discount (on current rates only).
2. Pay in two instalments.
3. Pay in four instalments.

provided that in all cases the first payment must be received within thirty-five(35) days of the issue date of the annual Rate Notice;

- (5) sets the following payment dates for instalment options:
1. Two instalments
 - first payment due 11 September 2007.
 - second payment due 15 January 2008.
 2. Four instalments
 - first payment due 11 September 2007.
 - second payment due 13 November 2007.
 - third payment due 15 January 2008.
 - fourth payment due 18 March 2008.
- (6) charge an administration fee of \$6.50 for the second and subsequent instalments;
- (7) charge an interest rate on instalments of 1% p.a.;
- (8) charge an interest rate on late payments of 11% p.a.;
- (9) allow once-off extensions of up to sixty(60) days, where in the opinion of Council Staff it is reasonable to do so;
- (10) charge instalment interest from the due date, and the administration fee, on once-off extensions;
- (11) provide a Rates Incentive Scheme for full payment within thirty-five(35) days of the date of issue of the annual rate notice;
- (12) impose a Service Charge of \$57.00 per property under Section 6.38(1) of the Local Government Act 1995 on each property owner in the City of Cockburn (except for non-rateable government owned properties) to meet the cost of providing a community Surveillance Service to cover the entire Cockburn district;
- (13) impose an Emergency Services Levy (ESL) on each applicable property owner in the City of Cockburn to meet the City's obligations under its agreement with the Fire and Emergency Service Authority. The 2007/08 ESL is based on the following table of levies:
1. ESL Category 1 = \$0.0152 (per \$GRV);
 2. ESL Category 2 = \$0.0114 (per \$GRV);
 3. ESL Category 3 = \$0.0076 (per \$GRV);
 4. ESL Category 4 = \$0.0053 (per \$GRV); and
 5. ESL Category 5 and (leviable) Mining Tenements = \$38.00 fixed (minimum) charge p.a.

The Minimum and Maximum ESL charging thresholds to apply during 2007/08 are:



1. Minimum (all property usage) = \$38.00 p.a.;
2. Maximum (Vacant, Residential and Farming) = \$205.00 p.a.; and
3. Maximum (Commercial, Industrial and Miscellaneous) = \$120,000.00 p.a..

The interest penalty rate to apply for the late payment of ESL remains unchanged at 11% p.a.

- (14) impose a private Pool Inspection Levy of \$13.75 per pool owner under Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

N/A

Report

The recommendations shown above relate to the rate in the dollar to be charged, rubbish service charges, discount, payment options and penalty interest rates in the proposed Budget for 2007/08, as well as Service Charges in respect of the Community Surveillance Service, ESL Levy and Pool Inspection Levy.

Strategic Plan/Policy Implications

Governance Excellence

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



Budget/Financial Implications

The Budget provides funds for Council's activities in 2007/08. The above recommendations are included in the proposed Budget for 2007/08.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

Notice of Intention to levy differential rates and the proposed rubbish collection charge was advertised in the West Australian on 26 May 2007 inviting submissions in respect of the proposed rates and charges. No submissions were received by the closing date for submissions of 19 June 2007.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.5 (MINUTE NO 3509) (OCM 12/07/2007) - ADOPTION OF THE MUNICIPAL BUDGET 2007/08 (5402) (SD) (ATTACH)

RECOMMENDATION
That Council adopt the Municipal Budget for 2007/08, as attached to the Agenda, subject to the changes made at this meeting.
TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Clr K Allen SECONDED Clr T Romano that the recommendation be adopted subject to Notes 1 and 2 being included in the Statutory Budget 2007/08 as follows:
(1) Note 1: Significant Accounting Policies; and



(2) Note 2: Statement of Objective.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Reason for Decision

Note 1 outlines the basis of how the Budget document has been prepared in terms of Accounting, the Local Government Act, Regulations, Non-Current Assets, Revaluation of Non-Current Assets, Depreciation etc., and Note 2 outlines why Council raises funds, in accordance with Council's Mission Statement. These documents were inadvertently omitted from the Statutory Budget at the time of circulation.

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

N/A

Report

The Municipal Budget, in the required AAS27 format, is attached to the Agenda.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The Budget provides funds for Council's activities in 2007/08. The above recommendation adopts the Budget for 2007/08.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

N/A



Attachment(s)

Municipal Budget for 2007/08.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.6 (MINUTE NO 3510) (OCM 12/07/2007) - CITY OF COCKBURN BUSINESS PLAN 2007/08 (1409) (SD) (ATTACH)

RECOMMENDATION

That Council adopt the City of Cockburn Business Plan 2007/08, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 7/0

Background

Council at its Meeting on 13 July 2006 adopted the Cockburn Strategic Plan 2006 – 2016 and the Draft Plan for the District 2006 – 2016.

Submission

Proposed City of Cockburn Business Plan 2007/08.

Report

After adoption of the Cockburn Strategic Plan 2006 – 2016 and the Draft Plan for the District 2006 – 2016, Council is in a position to adopt an updated City of Cockburn Business Plan 2007/08. The first two Plans set out the future for the district over the next ten years. The Business Plan concentrates on the activities over the next twelve months, ie. the 2007/08 financial year.

The Business Plan (the Plan) sets out a summary of the activities to be undertaken by Council during the year. The Plan sets out by Division



and Service Unit, projects to be undertaken, key performance measures and budgets for income and expenditure. The Annual Report for 2007/08 will report on the actual achievements for the year compared to these project lists, measures and budgets.

Strategic Plan/Policy Implications

Governance Excellence

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

Section 2(a) of Policy SC34 – ‘Annual Budget Preparation’ requires the preparation of a Business Plan for the financial year.

Budget/Financial Implications

The Business Plan sets out summary of the budget for 2007/08.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

City of Cockburn Business Plan 2007/08.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

MAYOR LEE AND CLR ALLEN LEFT THE MEETING AT THIS STAGE
THE TIME BEING 7.40 PM

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



DECLARATIONS OF INTEREST

The Presiding Member read a declaration of financial interest from:

MAYOR LEE

Declared an interest pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995 in Item 16.1 "Closure of Kiesey Street, Coogee". The nature of the interest being that it appears Australand gave a notifiable gift to him in relation to the 2005 election at which he was elected, and he is therefore deemed to be a closely associated person.

CLR ALLEN

Declared an interest pursuant to Section 5.60B of the Local Government Act, 1995 in Item 16.1 "Closure of Keisey Street, Coogee". The nature of the interest being that he is a proximity landowner of property adjoining land adjacent to the Cockburn Road realignment, which impacts on Kiesey Street.

Deputy Mayor Graham declared a Conflict of Interest pursuant to Part 21 of Council's Standing Orders, in Item 16.1 "Closure of Kiesey Street, Coogee". The nature of the interest is that he has given evidence at the Corruption and Crime Commission (CCC) which, by implication, was critical of Australand Limited's conduct in relation to the Port Coogee development. He believes his participation in the decision-making in relation to the Port Coogee development gives rise to a perception of a Conflict of interest until the CCC makes findings in relation to the matters that were the subject of his evidence.

DEPUTY MAYOR GRAHAM LEFT THE MEETING AT THIS STAGE
THE TIME BEING 7.41 PM.

APPOINTMENT OF PRESIDING MEMBER

The Acting Chief Executive Officer called for nominations for Presiding Member at this point of the meeting. Clr Limbert was nominated to the position of Presiding Member.

THERE BEING NO FURTHER NOMINATIONS CLR LIMBERT
ASSUMED THE ROLE OF PRESIDING MEMBER

Note:

Three members having declared an interest in Item 16.1 and three members being absent, which left only four members present, a request was made to the Department of Local Government and Regional Development for a reduced quorum to make a decision on



the following item. The Acting Chief Executive Officer advised the meeting that, in accordance with authority delegated by the Minister for Local Government, the Director General has approved the City's application under section 5.7(1) of the Local Government Act 1995 for a reduced quorum of 4 Councillors to enable the Council to deal with item 16.1 "Closure of Kiesey Street, Coogee".

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 **(MINUTE NO 3511) (OCM 12/07/2007) - CLOSURE OF KIESEY STREET, COOGEE (450121) (ML) (ATTACH)**

RECOMMENDATION

That Council:

- (1) close Kiesey Street, Coogee to through traffic at the intersection of Cockburn Road in accordance with section 3.50 of the Local Government Act 1995;
- (2) seek support from the residents of Beach Street and Hillcrest Avenue for the establishment of two(2) speed plateaus in the locations identified on the attached plan;
- (3) subject to support from the affected residents establish two(2) speed plateaus in appropriate locations as identified;
- (4) monitor the traffic flow in King Street, Hillcrest Avenue and Beach Street 6 months after the reopening of Ocean Road to quantify the impact of the closure and report to Council;
- (5) seek a commitment from MRWA to fund the proposed improvements to Cockburn Road between Kiesey Street and Amity Blvd as soon as possible; and
- (6) advise those people who made a submission, accordingly.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that Council:

- (1) close Kiesey Street, Coogee to through traffic at the intersection of Cockburn Road in accordance with section 3.50 of the Local Government Act 1995;
- (2) seek support from the residents of Beach Street and Hillcrest Avenue for the establishment of two(2) speed plateaus in the



- locations identified on the attached plan;
- (3) subject to support from the affected residents establish two(2) speed plateaus in appropriate locations as identified;
 - (4) monitor the traffic flow in King Street, Hillcrest Avenue and Beach Street 6 months after the reopening of Ocean Road to quantify the impact of the closure and report to Council, however, in the meantime, if any complaints are received from residents, speed calming devices are to be established in the streets in question;
 - (5) seek a commitment from MRWA to fund the proposed improvements to Cockburn Road between Kiesey Street and Amity Blvd as soon as possible; and
 - (6) advise those people who made a submission, accordingly.

CARRIED 4/0

Reason for Decision

Should there be any complaints from local residents the implementation of speed calming devices be established without the need to conduct a study and then report findings to Council for consideration and decision.

Background

Council at its meeting held on 9 November 2006 resolved to close Kiesey Street to the passage of vehicles at Cockburn Road subject to:

- (1) there being no substantial objection received as a result of advertising in a local newspaper; and
- (2) there being no substantial objection from service authorities, emergency services or adjoining owners.

The proposal was advertised in the Cockburn Gazette and, at the conclusion of the advertising period, five objections were received of which two were from residents of the Coogee Caravan Park, one objection from a resident in Beach Street, one from a resident in Hillcrest Street and one from a resident in Spearwood. One of the objections was lodged in the form of a petition that contained 35 signatories. The petition represented 11 houses in the vicinity of the proposed closure.



Objections centred on the belief that the closure would result in increased traffic in Beach Street and Hillcrest Street as well as concerns regarding the general safety and accessibility in the area and to Cockburn Road.

Council at its meeting held on 10 May 2007 resolved to:

- (1) defer the closure of Kiesey Street until the June 2007 Ordinary Council Meeting; and
- (2) seek advice from Main Roads WA regarding the possible retention of the intersection at Kiesey Street with the possible modification to restrict the movement to a 'left in - left out' arrangement.

Officers sought feedback from MRWA as recommended and their letter is appended for Council's consideration. The matter was held over from the June Council Meeting which gave staff an opportunity to meet with residents of Kiesey Street as well as those residents that made a submission on the closure.

Submission

Sinclair Knight Merz, on behalf of their client Port Catherine Developments Pty Ltd, has requested that the City of Cockburn implement procedures to close Kiesey Street to through traffic at Cockburn Road. This is a requirement for the re-alignment of Cockburn Road.

Report

Research undertaken suggests that the closure of Kiesey Street was identified by the DPI and MRWA during planning of the realignment of Cockburn Road. The closure of Kiesey Street was an integral part of the Draft Coogee Beach Structure Plan that was advertised for public comment in June 2004. There were 447 submissions in total of which 14 objected to the closure of Kiesey Street. Council resolved to support the Structure Plan (December 2004) with the closure of Kiesey Street retained. The design of Cockburn Road has clearly assumed the closure of Kiesey Street would proceed. The structure plan also shows the modification of the Powell Road entrance (moved further north) and the retention of Beach Road as a full movement intersection (*refer to structure plan*).

From a technical viewpoint, the difference in level of Cockburn Road at Kiesey Street will change by 0.7m. If an intersection could be facilitated, the sight distances are not good and the problem is further exacerbated by the grade of Cockburn Road approaching Kiesey Street, the likely speed of traffic, the traffic mix (% of heavy vehicles) and a merge point at the current intersection location where the road



narrows from 2 lanes to 1. Acceleration and deceleration lanes would need to be established to facilitate the turning movement. These factors and the potential turning movements at Beach and Powell Road (new access point) would, put the vehicles entering the traffic stream at Kiesey Street in some danger. This danger would be further increased if those vehicles sought to turn left out of Kiesey Street and right into Powell (*refer to design detail*).

Whilst officers understand the concerns of the affected community, maintaining access at Kiesey Street is not the best or safest way to mitigate those concerns. Primarily traffic in Hillcrest and Beach will be local traffic only once the road works are completed. Regional traffic will use Amity Blvd or Ocean Road in the short term and Council is proposing to construct a new link at Spearwood Avenue. All of these links will provide a more direct access to Cockburn Road than King Street and Beach Road.

It is uncommon to carry out traffic counts or analysis during periods when the road is subjected to temporary closures or diversions. Counts were however conducted in Beach Road and Hillcrest Ave during the closure of Ocean Road and whilst these results show elevated traffic volumes, the level of traffic is well within acceptable limits for local roads. This network can adequately cater for the level of traffic projected. The traffic statistics are as follows

Road	Location	Date	AWT
Kiesey Street		Jan-05	942
King Street	East of Hillcrest	Jun-04	1042
King Street	East of Hillcrest	Jun-05	1083
Hillcrest Avenue	South of King	Mar-05	247
Hillcrest Avenue	South of King	Nov-06	471
Beach Road	West of Fairview	Jan-05	423
Beach Road	West of Fairview	Nov-06	600

The City will of course continue to monitor traffic flows in the area once all of the modifications are completed and has the ability to implement traffic calming in either King Street or Beach Road if traffic volume, speed or behaviour is considered to be unacceptable. The recommendation seeks a review and report on the impacts on the local road network after Ocean Road is reconnected.

Despite assurances to monitor traffic and implement appropriate solutions, residents of Beach Street and Hillcrest Avenue continue to express concern at the potential for increased traffic to 'rat run' through Beach Street, Hillcrest Avenue and King Street once the closure of Kiesey Street is enacted. Surveys of the affected residents undertaken locally by the residents themselves suggests that there is unilateral support for speed plateaus to be established in Beach Road and



Hillcrest Avenue prior to the closure of Kiesey Street as a pre-emptive measure to manage traffic flows.

Whilst officers would not generally support the establishment of traffic calming devices in the road network without statistics that demonstrate their need, maintaining an access at Kiesey Street is not an appropriate alternative and any means to facilitate that closure and address the concerns of the residents affected needs to be considered. On this basis officers would be prepared to establish speed plateaus and have identified appropriate locations for them. Letters have been drafted to the residents seeking support for the establishment and location of speed plateaus and these will be forwarded to residents once the matter is determined. If support is forthcoming, the devices will be established as a priority. It should be noted that speed plateaus will create additional noise in the vicinity as motorists accelerate, decelerate and traverse the devices.

SKM advises that Ocean Road is currently due to be re-opened in September. The road works cannot be completed, however, until the modification to Cockburn Road is completed. Kiesey Street is a Local Government road and as such, is its responsibility to close. On this basis officers are recommending that the closure of Kiesey Street be enacted.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

Budget/Financial Implications

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

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

The proposal has been advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.



On 28 June 2007 a meeting was held at the intersection of Kiesey Street and Cockburn Road with residents of Kiesey Street as well as those residents that made a submission on the closure.

Attachment(s)

- (1) Structure Plan
- (2) Detail design (2)
- (3) Letter from MRWA
- (4) Draft letter to residents of Beach Street and Hillcrest Avenue

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal and attendees at the on-site meeting of 28 June 2007, have been advised that the matter will be considered by Council at its meeting held on 12 July 2007.

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

Nil.

MAYOR LEE, DEPUTY MAYOR GRAHAM AND CLR ALLEN RETURNED TO THE MEETING THE TIME BEING 7.45 PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE, DEPUTY MAYOR GRAHAM AND CLR ALLEN OF COUNCIL'S DECISION WHILE THEY WERE ABSENT FROM THE MEETING.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3512) (OCM 12/07/2007) - CITY OF COCKBURN DISABILITY ACCESS AND INCLUSION PLAN (8409) (JZ) (ATTACH)

<p>RECOMMENDATION That Council:</p> <ul style="list-style-type: none">(1) adopt “the Disability Access and Inclusion Plan 2007-2012”, as attached to the Agenda;(2) receive the Disability Access and Inclusion Implementation Plan 2007-2012, as attached to the Agenda;



- (3) require an annual progress report of the Disability Access and Inclusion Plan to be provided by 31 July each year to the Disability Services Commission;
- (4) require progress on the Implementation of the Disability Access and Inclusion Plan to be included in the City of Cockburn Annual Report; and
- (5) review the Disability Access and Inclusion Plan in 2012.

COUNCIL DECISION

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

CARRIED 7/0

Background

Public authorities in Western Australia have been required to have Disability Service Plans (DSP's) as part of the Disability Services Act (1993). DSP's have been in place for over 10 years, and a great deal of progress has been made by State and Local Government towards ensuring that their services, buildings, and information are accessible to people with disabilities.

The Disability Services Act (1993) was amended in December 2004, and requires public authorities to develop and implement Disability Access and Inclusion Plans (DAIP's). The requirements of DAIP's build on those of DSP's, so that people with disabilities can access services provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

Access and inclusion is about ensuring that all public services, Facilities and information are available to all community members, including those who have a disability, so that they have the opportunity and choice to participate in all aspects of community life.

Disability Access and Inclusion plans (DAIP's) outline strategies to achieve 6 identified outcomes, and create broad time-lines for their completion across the five years of the Plan. These outcome areas provide a framework for translating the principles and objectives of the Disability Services Act into tangible and achievable results.



The six identified outcomes are:

- (1) People with disabilities have opportunities to access the services of, and any event organised by the City of Cockburn.
- (2) People with a disability have the same opportunities as other people to access the buildings and other facilities of the City of Cockburn.
- (3) People with a disability receive information from the City of Cockburn in a format that will enable them to access the information as readily as other people are able to access it.
- (4) People with a disability receive the same level of quality service from the staff of the City of Cockburn as other people do.
- (5) People with a disability have the same opportunity as other people to make complaints to the City of Cockburn.
- (6) People with a disability have the same opportunity as other people to participate in public consultation by the City of Cockburn.

The principles of this legislation is to ensure that a person with a disability has the right to be respected for their human worth and dignity and has the same human rights as other community members, regardless of the degree and nature of the disability.

Submission

N/A

Report

In December 2006, the City contracted a consultant, Ms Janelle Munro, to work on developing a draft Disability Access and Inclusion Plan (DAIP) in collaboration with Council's Disability Access Officer.

The consultant has:

- Reviewed the existing Council Disability Service Plan, including the Access Audit.
- Consulted with relevant Council staff, consumers, community organisations and Service Providers to identify existing and potential access and inclusion issues within the City.
- Reviewed the existing Council Position Statement on Access and Equity (PSCS1) and include strategies for updating where necessary.
- Developed an updated Disability Access and Inclusion Plan (DAIP) that meets with the requirements of the City's Position Statement on Access and Equity, with strategies identified in the consultation and



research process. The DAIP includes ongoing reporting and evaluation processes and strategies for its promotion and implementation throughout the City of Cockburn.

- Developed an Implementation Plan that outlines specific tasks related to each strategy. Managers have provided information regarding the timeframe and resource implications. The City of Cockburn Disability Advisory Committee will be involved in the evaluation process.
- Presented a briefing to Elected Members on Disability Services Commission's requirements for the DAIP's.

The City of Cockburn's Disability Access and Inclusion Plan is due to be lodged with the Disability Services Commission by 31 July 2007, the Commission requires the DAIP to be adopted formally by Council.

Strategic Plan/Policy Implications

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

It is a requirement that Council take all practicable measures to ensure that the DAIP is implemented by the authority, its officers, employees, and relevant agents and contractors, subsequent to its being accepted by Disability Services Commission. Tasks included in the implementation plan have been circulated to Management to identify additional resource requirements.

The key additional resource requirement for the Implementation Plan would be an increase of the part-time Disability Access Officer position from 2 days per week to 5 days per week in conjunction with an operational budget. This increase will be requested for the 2008/2009 financial year and be reflected in the Plan for the District to be reviewed for 2007/08. The total budget request will be \$41,000.

Other resource implications are minor in nature and could be achieved within existing budgets.



Legal Implications

People with disabilities and their families and carers have the same rights as other people to access services within the community. These rights are built into State and Commonwealth legislation that makes it unlawful to discriminate against a person with a disability.

The Western Australian Disability Services Act (1993) amended 2004 part 5 requires state government agencies and local governments to:

- develop a DAIP which furthers the principles and objectives of the Act and meets the six Standards in Schedule 2 of the Disability Services Regulations 2004;
- lodge the finalised plan with the Disability Services Commission by 31 July 2007;
- take all practicable measures to ensure that the plan is implemented by the authority, its officers, employees, and relevant agents and contractors;
- review their plan at least every five years;
- lodge review reports, amended plans or new plans with the Disability Services Commission;
- report to the Commission by 31st July each year about their progress in achieving the six desired DAIP outcomes, progress made by any of their agents and contractors in achieving the desired DAIP outcomes and the strategies used to inform agents and contractors about the plan; and
- report in their annual report about the implementation of their plan.

Other legislation that impact on the provision of accessible information, services, and facilities for people with disabilities include:

- The Commonwealth Discrimination Act (1992)
- The Equal Opportunity Act (Western Australia amended 1988)

Community Consultation

Public authorities are required to undertake public consultation, as specified in the regulations, when preparing, reviewing or amending their Disability Access and Inclusion Plan (DAIP).

Community consultation has been undertaken in the development of Council's DAIP via:

- advertisements in Cockburn Soundings, email newsletter and the Cockburn Gazette newspaper;
- a questionnaire placed on Council website and distributed through service providers;
- group consultation meetings held at Jean Willis Centre and other community venues; and



- individual meetings and phone consults with Cockburn residents, service providers and City of Cockburn staff.

Attachment(s)

- (1) The City of Cockburn, Disability Access and Inclusion Plan 2007 – 2012.
- (2) The City Of Cockburn, Disability Access and Inclusion Plan 2007 – 2012, Implementation Plan.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.2 (MINUTE NO 3513) (OCM 12/07/2007) - COOGEE BEACH SURF LIFE SAVING AND COMMUNITY FACILITY - POORE GROVE, COOGEE (8004) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the Memorandum of Understanding between the City of Cockburn and the Coogee Beach Surf Life Saving Club (Inc.) as attached to the Agenda for the Regional Surf Life Saving and Multi-purpose Community Facility at Poore Grove, Coogee; and
- (2) approve a budget allocation of \$360,000 toward Architectural and Consultancy Services for the Regional Surf Life Saving and Multi-purpose Community Facilities Project with the funds being allocated from account CW4239 Surf Life Saving Club.

COUNCIL DECISION

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

CARRIED 7/0



Background

In respect to the possible future development of the Coogee Beach Surf Life Saving and Multi-purpose Community Facility at Poore Grove, Council, at its meeting of 10 May 2007 resolved as follows:

- (1) *reiterates its commitment to contribute \$1.0 million to the construction of facilities associated with the Coogee Beach Surf Life Saving Club (the Club);*
- (2) *requires the Club to present a prospective funding plan for the proposed facilities; and*
- (3) *upon receipt of the funding plan:*
 1. *arrange for the preparation of all reports and documentation related to the conditions imposed by the Western Australian Planning Commission relative to the Development Approval; and*
 2. *consider entering a Memorandum of Understanding with the Club that provides for the following:*
 - (a) *the Club be commissioned by the City of Cockburn to construct the facilities as approved by Council at a future meeting;*
 - (b) *the appointment of an Architect to oversee the project;*
 - (c) *details of leasing arrangements for the facilities between the City and the Club; and*
 - (d) *any other matters relative to the project and which clarifies the responsibilities of both parties.*

Submission

A draft Memorandum of Understanding has been prepared between the City and the Coogee Beach Surf Life Saving Club. An indicative Funding Plan from the Club for the project has also been received.

Report

A draft Memorandum of Understanding (MOU) has been negotiated between the City of Cockburn and the Club and is attached to the agenda.

The salient points within the MOU are as follows:

- All aspects of the building works contract will be the responsibility of the Club.



- The project architect shall meet the criteria established by the Department of Housing and Works for a project of this nature.
- The Council is required to approve the building design and specifications prior to the building contract being let by the club.
- Other than the current commitment by Council of \$1,000,000 all other building project funds are to be sourced by the Club.
- On completion of the project all day-to-day management, service and maintenance costs will be the responsibility of the Club.
- There will be a lease established between the City and the Club that will be at least 15 years in duration.
- A lease fee will be struck which recognises the benevolent and community service nature of the club as a tenant.

Council has allocated \$150,000 on the 2006/07 municipal budget for the development of concept plans for the facility and for the cost of consultants to meet the conditions of approval set by the Department of Planning and Infrastructure.

In accordance with the Council decision the Club has presented a draft Funding Plan for the facility it is however evident that the accuracy of the Plan is subject to a range of factors. Of most significance is the need for detailed design and flowing from this, a detailed Bill of Quantities that will identify the cost of the various building elements and allow the club to prepare detailed funding submissions and applications to Corporate sponsors for in kind and financial contributions.

The City and the Surf Life Saving Club gave a presentation to possible Government funding authorities who indicated general support for the project and reiterated the need for detailed project costings and a well developed Business Case. The Club is proceeding with the Business Case which it expects to complete within the next 2 months.

A tender for the architectural services has been called by the Club from firms who meet the criteria established by the Department of Housing and Works. As would be anticipated for a project cost estimated to be \$6,000,000 the all-inclusive fee for such a project are in the vicinity of 6% or \$360,000. The club does not have this sum of money available from its own resources and grant applications and sponsorship requirements are required for detailed costs based on advanced design documentation. Without the assistance of the Council the Club are in a catch twenty two position with no ability to proceed with the project without funds and no funds available to prepare the necessary documentation to seek funds.

Strategic Plan/Policy Implications

Infrastructure Development

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



- *To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.*

Lifestyle and Aspiration Achievement

- *To facilitate and provide an optimum range of community services and events.*
- *To deliver our services and to manage resources in a way that is cost effective without compromising quality.*
- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

Budget/Financial Implications

The Development of the Coogee Beach Surf Life Saving Club is a major undertaking. The City of Cockburn has allocated \$150,000 in 2006/07 toward the preliminary design and approval requirements. The expenditure of these funds is budgeted as follows.

• Architect Preliminary Concept Design	\$40,000
• Drainage and Nutrient Plan	\$20,000
• Ethnographic Survey	\$40,000
• Environmental Management Plan	\$30,000
• Base mapping	<u>\$20,000</u>
	<u>\$150,000</u>

Should Council wish to continue to support the Coogee Beach Surf Life Saving Club to the stage it has the capacity to make grant and sponsorship applications a further \$360,000 will be required in the 2007/08 budget for Architectural and Consultancy services.

The budget for this component of the project is as follows:

• Architect (Design & Documentation)	\$150,000
• Quantity Surveyor	\$60,000
• Consulting Engineers	<u>\$150,000</u>
	<u>\$360,000</u>

There is an allocation of \$400,000 in the 2007/08 Municipal Budget for the Coogee Beach Surf Life Saving and Multi-purpose Community Facility. It is proposed that a \$360,000 portion of the allocation be



approved for Architectural and Consultancy services for detailed design and documentation to the tender stage.

In summary the Council budget for this project is as follows:

• 2006/07	\$150,000
• 2007/08	\$360,000
• 2008/09	<u>\$490,000</u>
	<u>\$1,000,000</u>

The Club has been able to source some relatively minor financial commitments to the project but they have at this stage made no major commitments.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Memorandum of Understanding between the City of Cockburn and the Coogee Beach Surf Life Saving Club.

Advice to Proponent(s)/Submissioners

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

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

Nil.

17.3 **(MINUTE NO 3514) (OCM 12/07/2007) - COOLBELLUP COMMUNITY HUB (8136B) (RA) (ATTACH)**

RECOMMENDATION

That Council:

- (1) seek community views in accordance with the consultation process detailed in the report on the Coolbellup Community Hub Development options 1, 2 and 3, as attached to the Agenda;
- (2) require a report to be presented to a future meeting of Council incorporating the views resulting from the Community Consultation process; and

- (3) consider the budget allocation for the Coolbellup Community Hall project in the context of the review of the Plan for the Future of the District during 2007/08.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr K Allen that Council:

- (1) seek community views on design Options 1, 2 and 3 as attached to the Agenda, in accordance with the consultation process detailed in the report on the Coolbellup Community Hub Development with the consultation process to advise on the level of funding currently allocated to the project;
- (2) provide a briefing session to Councillors incorporating the views resulting from the community consultation process;
- (3) require a report to be presented to a future meeting of Council incorporating the views resulting from the consultation process; and
- (4) consider the budget allocation for the Coolbellup Community Hall project in the context of the review of the Plan for the Future of the District during 2007/08.

CARRIED 7/0

Reason for Decision

For a large number of years Council has had the upgrade of the Coolbellup Community Facilities on its Principal Activities Plan and in more recent times on its Plan for the Future of the District.

Holton Connor Architects have been commissioned to develop a number of options for the redevelopment of facilities to create a Coolbellup Community Hub. The residents of Coolbellup are very interested in the redevelopment of their facilities and are looking forward to participating in the consultation process.

Councillors will have an opportunity to satisfy themselves about the details of the architect's recommendations, Officers reports including funding options and the community's views at a briefing session in the lead-up to a formal decision. The cost of all 3 options being considered is far in excess of the allocated budget and following the consultation process Council will consider the Coolbellup Community Hub Precinct in the process of revising its Plan for the Future of the District.



Background

For a number of years Council has had the upgrade of the Coolbellup community facilities located in Cordelia Avenue, Coolbellup on its Principal Activities Plan and in more recent times on its Plan for the Future of the District.

The first stage of this redevelopment, the construction of the new Len Packham club/change rooms, tennis court upgrade and a new skate park were completed in 2006. The total value of these works was in the vicinity of \$1,570,000.

At the Council meeting of 14 July 2005 Council resolved to defer consideration of the refurbishment of the Coolbellup Community facilities until after consideration of the Corporate Strategic Plan (Plan for the Future of the District). The current Plan for the Future of the District was adopted in December 2006 and has an allocation of \$650,000 for the refurbishment of the Community facilities for 2008/09. At the time of the adoption of the Plan Council also resolved to allocate funds to review the City's Library Service.

The outcome of the Library Review was adopted by Council at its meeting of 10 May 2007. Of particular note were the recommendations in the AEC Group Review of Cockburn Library Services February 2007 related to the future of the Coolbellup Library which were as follows.

- "(11) A master planning exercise be initiated for the delivery of a range of community services from the existing parcel of land currently housing the Centenary Hall, the Coolbellup Vocational Centre and the Community Services office, and that this exercise take into account opportunities to incorporate other community services in the area;*
- (12) A space allocation of no less than 499m² be provided for the Coolbellup Library including meeting room facilities to facilitate programs; and*
- (13) The existing demountable building used for back of house processing be dismantled and processing and exchange work currently undertaken at Coolbellup be transferred to Spearwood Library when additional temporary accommodation is provided at Spearwood Library."*

Submission

N/A



Report

There are a number of well-used services that operate from several buildings that comprise the Coolbellup Community Facilities Precinct. Accommodated in an old building that was previously a kindergarten and the Coolbellup Library (now known as the Support Services building) is now provided for the following services:

- Cockburn Early Education - a service that offers services to families with young children who may be isolated and/or in need of additional parenting support.
- Cockburn Family Support Service - offers short term counselling, information and referrals to support networks of people in the community who have experienced or are experiencing stress, divorce, separation, domestic violence and other welfare related matters.
- Cockburn Financial Counselling Service - provides free and confidential financial advice assistance to residents on lower incomes who are under financial stress.

This building is in a poor state of repair with little soundproofing between the rooms, the air-conditioning is quite inadequate and the ceiling is disintegrating.

As indicated above the Coolbellup Library operates from a building extension to the Centenary Hall that was completed in 1993. A transportable building is located on the site to serve as a temporary workroom for the library. There is, however, a pressing need to remove the transportable building as it sits over the septic tanks for the facilities. Another transportable building is located behind the support services building and is used as a crèche/childcare service for the support services and a community playgroup.

Also located in a portion of the building that was extended in 1993 is the Cockburn Vocational Centre. This is an incorporated not for profit organisation that operates primarily with Commonwealth Government grants to provide computer training courses and other employment related activities such as preparation of resumes and job application letters. Any member of the community can access this service and the centre assists approximately 300 people each year.

An important element of the Library Review was the recommendation that the opportunity be taken to collocate other community services currently provided by the City on the Coolbellup community facilities site to form a community hub.

Council operates the Cockburn Child Care Services from a site on Winterfold Road in Coolbellup, which includes the Family Day Care Service and Out of School Hours Care. These facilities are currently adequate but there is limited scope to increase office accommodation



and client community service delivery on the site. The Out of School Hours Care and the Toy Library for the Family Day Care Service operate from a transportable building.

Council, at its meeting of 12 April 2007 adopted City Data and Voice Network Strategies that identified an optic fibre link from the depot to the Coolbellup Community Facilities Precinct to improve greatly the IT requirements of services located on this site. Should the Child Care Services located in Winterfold Road not move, the additional cost of an optic fibre link would be \$130,000, or alternatively, a microwave link which would be in the vicinity of \$15,000.

In accordance with the Council decision, Architect Terry Holton has been commissioned to develop a number of options for the redevelopment of facilities to create a Coolbellup Community Hub. The options are prefaced on a number of assumptions.

- The Coolbellup Library is required to be extended to create a total library area of 500m². The total area is inclusive of public library spaces, administration, library office, meeting room, staff room and staff toilets.
- The transportable building that serves as the library workroom is to be replaced with a permanent building space as it sits over the septic tanks for the site.
- The Support Services building needs to be replaced due to its poor condition. Any refurbishment of this building would not be cost effective and would compromise the ability to expand the parking as described below.
- With the development of the new Len Packham Club rooms the opportunity exists to upgrade the flooring in this building to allow for a rationalisation of larger spaces in the precinct.
- An improved and more cost effective provision of community services from the facilities will be provided by collocation and resource sharing of Council services.
- The current Coolbellup Library building is relatively new and well located. With some fairly minor alterations it can be modified to meet longer-term needs.
- Car parking at the back of the building is in very poor condition and unsightly. The car park in front of the library is poorly designed and inadequate.

Option 1

This option includes the following:

- creation of a new common entry;
- retention of the existing Vocation Centre and Hall;
- upgrading and expansion of library facilities by 45m²;
- extension to include child care services;
- removal of the existing support Services Building;



- general extensions to the north and west for various community uses;
- redevelopment of the car park; and
- alteration of the existing Vocation Centre to suit the reduced space.

Budget estimate:

• <i>New extensions & verandahs</i>	1,930,000
• <i>Refurbish existing facilities</i>	1,040,000
• <i>Car park & playgrounds</i>	180,000
<i>Total construction cost</i>	\$3,150,000
<i>Contingency 10%</i>	\$315,000
<i>Consultant Fees 10%</i>	\$345,000
<i>Loose furniture</i>	\$320,000
<i>Total commitment</i>	\$4,130,000
<i>Less</i>	
<i>Sale of Winterfold site</i>	\$400,000
<i>Contribution Child Care Services</i>	
<i>Reserve funds</i>	\$100,000
<i>Balance</i>	\$3,630,000

Option 2

This option includes the following:

- creation of a new common entry;
- retention of the existing Vocation Centre;
- use the Hall for Family Day Care Use;
- upgrading and expansion of library facilities by 45m²;
- removal of the existing support Services Building;
- general extensions to the north and west for various community uses; and
- redevelopment of the car park; and
- alteration of the existing Vocation Centre to suit the reduced space.

Budget estimate:

• <i>New extensions & verandahs</i>	\$1,590,000
• <i>Refurbish existing facilities</i>	\$1,040,000
• <i>Car park & playgrounds .</i>	\$180,000
<i>Total construction cost</i>	\$2,810,000
<i>Contingency 10%</i>	\$280,000
<i>Consultant Fees 10%</i>	\$310,000
<i>Replace Len Packham Floating</i>	
<i>Timber Floor</i>	\$28,000
<i>Loose furniture</i>	\$310,000
<i>Total commitment</i>	\$3,738,000
<i>Less</i>	
<i>Sale of Winterfold site</i>	\$400,000
<i>Contribution Children's services</i>	



<i>Reserve funds</i>	\$100,000
<i>Balance</i>	\$3,238,000

Option 3

This option includes the following:

- creation of a new common entry;
- conversion of the Hall for Support Services & Meeting room use;
- upgrading and expansion of library facilities including 45m² expansion into the existing Vocation Centre area;
- alteration of the existing Vocation Centre to suit the reduced space;
- general extensions to the north for various community uses;
- removal of the existing support Services Building; and
- redevelopment of the car park.

Budget estimate:

• <i>New extensions & verandahs</i>	\$450,000
• <i>Refurbish existing facilities</i>	\$1,040,000
• <i>Car park & playgrounds</i>	\$180,000
<i>Total construction cost</i>	\$1,670,000
<i>Contingency 10%</i>	\$170,000
<i>Replace Len Packham Floating Timber Floor</i>	\$28,000
<i>Consultant Fees 10%</i>	\$190,000
<i>Loose furniture</i>	\$270,000
<i>Total commitment</i>	\$2,328,000

It is emphasized that the estimates provided by the Architect are very preliminary without any engineering consultant or quantity surveying input and could vary considerably once more detailed designs are completed.

Of the Options presented option 3 is the most affordable at \$2,300,000, however, there is a shortfall of \$1,500,000 on the amount budgeted by Council. It does meet the assumed criteria for collocation of all community facilities to create a community hub.

Alternative sources of funding for this project are limited. Lotterywest has recently made a significant contribution towards the Cockburn Youth Centre and applications are pending for the Coogee Beach Surf Life Saving Club and the Hammond Road Success Recreation and Community Centre, all of which may take precedence over the Coolbellup facilities as they are new facilities and not a refurbishment of existing facilities.

A joint venture arrangement that would require a portion of the site being sold off for residential development with the funds raised being utilised for a portion of the redevelopment to form the community hub is



likely to be difficult to achieve as the land is a reserve set aside for community purposes. Further, the value of such land in Coolbellup is unlikely to appeal to a developer, as the cost of properties in the area is limited. In the light of previous responses to developments in the locality it would be expected that such a proposal would also generate significant community opposition.

Strategic Plan/Policy Implications

Infrastructure Development

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

Lifestyle and Aspiration Achievement

- *To foster a sense of community spirit within the district generally and neighbourhoods in particular.*
- *To facilitate and provide an optimum range of community services and events.*

Budget/Financial Implications

Council has placed \$150,000 on its 2007/08 Municipal budget for the design and documentation required for the upgrade of the Coolbellup facilities to create a community hub. The budget as defined in the Plan for the Future of the District for the agreed works for this project is \$650,000 for 2008/09. As described above the cost of the various options is far in excess of the budget allocation.

Should Council resolve to relocate the Children's Services from its Winterfold premises to the Coolbellup Community Hub the sale of the Winterfold site is likely to provide an income of \$400,000.

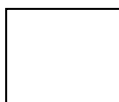
As the cost of options being considered is far in excess of the allocated budget it is proposed that following the community consultation process Council consider the Coolbellup Community Hub Precinct in the process of revising its Plan for the Future of the District.

Legal Implications

Regulation 19C(4) of the Local Government (Administration) Amendment Regulations requires Council to review its Plan for the Future of the District every 2 years.

Community Consultation

There has been local interest in the proposal for the redevelopment of the Coolbellup Community facilities and in particular the future and nature of the changes proposed for the Coolbellup Library. It is



proposed that the community consultation seek community views on options 1, 2 and 3 through:

- A public forum open to all community members;
- A presentation to the Coolbellup Community Association;
- Public display in the Coolbellup Library on the options with written public comments invited; and
- Advertising in the local newspaper and the City's website calling for public comment.

It is anticipated that this will take place over the next several months with a report and recommendations being provided to a future Council meeting.

Attachment(s)

Coolbellup Community Facilities Site Plans Options 1, 2 and 3.

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

19.1 (MINUTE NO 3515) (OCM 12/07/2007) - NOTICE OF MOTION - MAYOR LEE (9527) (DMG)

RECOMMENDATION

That a Report be prepared for consideration by the Delegated Authorities, Policies and Position Statements Committee for Council to adopt a Policy that in future requires the purchase of Council Plant, Vehicles and Equipment to be of a type that has the minimum ecological footprint, wherever possible. Such a Policy will focus on the purchase of Plant, Vehicles and Equipment which operate on fuel types with minimal carbon emissions, for example, hybrid, gas and/or bio diesel, or similar.



COUNCIL DECISION

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

CARRIED 7/0

Background

The recommended motion was received by Mayor Lee at the June 2007, Council meeting for consideration at this meeting.

Submission

N/A

Report

As the motion is in reference to the consideration of a Policy by Council, there is no specific information which is considered necessary at this time. Such detail will be provided in the Report to be considered by the Committee, should the motion be adopted by Council.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

To be considered as part of a report to the committee.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

N.A

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

Nil.

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

Nil

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

21.1 (MINUTE NO 3516) (OCM 12/07/2007) - MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 5 JULY 2007 (5017) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Audit Committee meeting held on Thursday, 5 July 2007, as attached and the recommendations contained therein be adopted.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that the recommendation be adopted.

CARRIED 7/0

Background

A meeting of the Audit Committee was conducted on 5 July 2007.

Submission

To receive the Minutes of the Committee and adopt its recommendations.

Report

The committee considered the following reports:-



1. Internal Audit Services - The committee considered Tenders for the provision of Internal Audit Services for the period 1 July 2007 to 30 June 2011.
2. External Audit Services - The committee considered Tenders for the provision of External Audit Services for the period 1 July 2007 to 30 June 2011.
3. Interim External Audit - The committee considered the results of the Interim External Audit conducted by its current external Auditor.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

As contained in the Minutes

Legal Implications

As contained in the Minutes

Community Consultation

N/A

Attachment(s)

Minutes of the Audit Committee Meeting 5 July 2007.

Advice to Proponent(s)/Submissioners

All tenderers for the Supply of Audit Services to Council are advised that their Tenders are to be considered at the Council Meeting of 12 July 2007.

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

Nil



22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3517) (OCM 12/07/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

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

CARRIED 7/0

Mayor Lee thanked the Councillors for their deliberations in the budget process, having adopted the 2007/08 annual budget with a capital/operational expenditure of \$116m.

Mayor Lee also thanked the Director, Finance and Corporate Services for the entire process in preparation of the 2007/08 Budget over the last few months.

25 (OCM 12/07/2007) - CLOSURE OF MEETING

7.51 pm.



CONFIRMATION OF MINUTES

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

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

