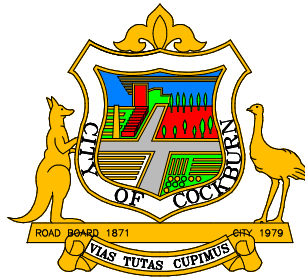


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR**

**THURSDAY, 14 APRIL 2011**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 14 APRIL 2011 AT 7:00 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 14 APRIL 2011 AT 7:00 PM**

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- 1. DECLARATION OF MEETING**
- 2. APPOINTMENT OF PRESIDING MEMBER (If required)**
- 3. DISCLAIMER (To be read aloud by Presiding Member)**

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
- 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
- 5. APOLOGIES AND LEAVE OF ABSENCE**
- 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 14/4/2011) - ORDINARY COUNCIL MEETING - 10 MARCH 2011**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 10 March 2011, as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

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

**13. COUNCIL MATTERS****13.1 (OCM 14/4/2011) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 17/03/2011 (FS/A/001; FS/A/004) (S DOWNING) (ATTACH)****RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on Thursday, 17 March 2011 as attached to the Agenda and the recommendations contained therein be adopted.

**COUNCIL DECISION****Background**

A meeting of the Audit and Strategic Finance Committee was conducted on 17 March 2011.

**Submission**

To receive the Minutes of the Audit and Strategic Finance Committee and adopt its recommendation.

**Report**

The Audit and Strategic Finance Committee received and considered the following items:

1. Draft Land Management Strategy 2011 – 2016 from the Manager, Strategic Planning dealing with Council owned land.
2. Proposed amendment to the Council's Investment Policy SFCS1 by deleting the ability to invest in 'structured' investment products and other minor amendments.
3. A series of review reports of internal audit projects was submitted as part of the approved two year internal audit program.

4. Notification that the City will go to tender for new internal auditors for 2011/12. Once the new internal auditors have been appointed, the City will work with them to prepare internal audit projects for consideration by the Committee for the relevant three year period of their tenure. The City will also go to tender for its external auditor once the 2010/11 Financial Statements have been signed. This will occur in October 2011.
  
5. The Committee also received correspondence from the Department of Local Government about the audit qualification to the 2009/10 Financial Statements. In the correspondence, the DLG inquired as to the notification received by the Committee in regards to the qualification and the action the Committee was going to take to ensure the likelihood of a future qualification did not occur. The Committee were aware of the qualification and the reasons behind the qualification. The action taken was to amend the Investment Policy to ensure that in future no structured investment products were to be purchased. The remaining CDO's have now been paid out in full (both principle and interest).

### **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 and Strategic Finance Committee Meeting held on 17 March 2011.

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

N/A



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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES****14.1 (OCM 14/4/2011) - CLOSURE OF PORTION OF UNMADE ROAD RESERVE OFF FAWCETT ROAD, MUNSTER - LOCATION: REAR OF LOTS 1, 23 AND 102 FAWCETT ROAD, MUNSTER - APPLICANT: DYKSTRA PLANNING - OWNER: STATE OF WESTERN (450110) (L GATT) (ATTACH)****RECOMMENDATION**

That Council:

1. requests the Minister for Lands to close portion of the unmade road reserve located at the rear of Lots 1, 23 and 102 Fawcett Road, Munster, pursuant to Section 58 of the *Land Administration Act 1997*;
2. subject to the road closure being finalised, the land be made available for purchase to the adjoining landowners; and
3. advise the applicant of Council's decision accordingly.

**COUNCIL DECISION****Background**

The road reserve was created on 10 December 1913 to allow access to the lots at the rear of Lot 102 Fawcett Road, Munster (refer Attachment 1). The road has never been formally constructed; however, the landowner of Lot 102 Fawcett Road has used the unmade road to access the rear of the property. The portion of the road adjoining the rear boundary of Lot 102 Fawcett Road will not form part of future structure planning for the area, and accordingly needs to be closed to enable urban development to continue southwards.

## **Submission**

Dykstra Planning in its role as Project Manager for the landowner of Lot 102 Fawcett Road, Munster has written to the City requesting closure of portion of the unmade road reserve that abuts the rear boundary of the property.

Included in their submission is the concept design for a structure plan and subdivision layout, showing the extent of the unmade road reserve proposed for closure (refer Attachment 2).

## **Report**

The road closure is consistent with the concept plan for the subject land (refer Attachment 2) which shows a proposed new road network being developed as part of urbanisation. It is considered appropriate to pursue the closure on the basis of achieving the necessary land rationalisation needed to ensure an orderly pattern of urban development.

Following the request being received from Dykstra Planning for the road closure, letters seeking comment were sent to servicing authorities. Responses have been received from all service authorities indicating that they have no objections to the proposed closure.

Letters were also sent to other landowners who were potentially affected by the road closure. No objections were received from this also. The landowners of the properties that carried the benefit of entry via this road reserve have all agreed to the closure, and will purchase equal portions of the land as per the proposed division plan (refer Attachment 3).

The proposed closure was also advertised to the general public in accordance with the *Land Administration Act 1997* and associated regulations. No submissions were received, recognising the road not forming an integral part of the existing network which exists in the area.

If Council recommends the closure of the portion of unmade road reserve, a request will then be forwarded to the Department of Lands. They will obtain a valuation of the land from the Valuer General's office, and offer the land to the adjoining landowners for purchase according to the proposed division plan.

It is recommended that the proposed road closure be supported as it is consistent with the proposed road network for the area.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Governance Excellence**

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

## **Budget/Financial Implications**

All associated costs will be paid by the applicant.

## **Legal Implications**

Section 58 of the *Land Administration Act 1997*

## **Community Consultation**

The proposal has been advertised in the West Australian. The proposal was also specifically referred to servicing authorities and affected landowners in accordance with the requirements of the Act. No objections were received through these processes.

## **Attachment(s)**

1. Locality Plan
2. Concept Plan of Subdivision
3. Proposed Subdivision Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil.

**14.2 (OCM 14/4/2011) - MANAGEMENT AUTHORITY CONSENT TO CROWN EASEMENT - LOCATION: RESERVE 43750, THREE PUBLIC ACCESSWAYS AND PORTIONS OF ROAD RESERVES ALONG YANGETUP ROAD, CONIGRAVE ROAD, WILLIAMBURY DRIVE, SOGAN RISE AND ALLIS HEIGHTS, YANGETUP - OWNER: STATE OF WESTERN AUSTRALIA APPLICANT: APT PARMELIA PTY LTD (4115239) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council gives consent to the endorsement of a Crown Easement in favour of APT Parmelia Pty Ltd between Yangebup Road and Beeliar Drive, Yangebup as per the following specific land descriptions:

1. Road widening along Yangebup Road;
2. PAW on Plan 18041;
3. Portion of Conigrave Road and Monte Bello Rise;
4. Portion of Reserve 43750;
5. Portion of Willliambury Drive and Conigrave Road;
6. PAW Lot 55 on Diagram 90651;
7. Portion of Sogan Rise and Acalyphia View;
8. Lot 252 on Deposited Plan 226117;
9. Portion of Allis Heights and Beeliar Drive.

**COUNCIL DECISION**

**Background**

A gas pipeline for the delivery Northwest Shelf gas to points south of the Perth metropolitan area has been in place for many years. An easement dated 1996 protecting the interests of the former owner of the pipeline was established between the then pipeline owner and the State Housing Commission who owned the land in question.

In 1997 the easement was partially surrendered to allow subdivisions between Yangebup Road and Beeliar Drive to proceed. This surrender was to be subject to replacement of the easement, however such replacement easement has never been finalised.

Furthermore the existing easement south of Beeliar Drive needs to be surrendered to allow the finalisation of the current Department of Housing - PRM Joint Venture residential subdivision (Meve Estate).

To address this situation and the need to reinstate the 1996 easement, APT Parmelia Pty Ltd have requested that the entire easement situation be completed in one stage. This is the purpose of this report.

### **Submission**

The Department of Regional Development and Lands ("DRDL") has requested that the City as Management Body of Reserve 43750 and having management of the road reserves give consent to the replacement easements. The PAW's are freehold lots in the name of the State. DRDL have requested that the City agree to the PAW's being vested as reserves for a purpose of pedestrian accessway and following this action consent to the Crown easement.

PRM representing the Joint Venture subdivision has also requested the City provide the consent to DRDL. Eight lots in the subdivision are in order for dealings at Landgate but cannot be sold until this easement issue has been resolved.

### **Report**

The current owner of the gas pipeline (APT Parmelia Pty Ltd) was asked to provide details of the gas pipeline and how they managed any risks and ensure the safety of adjoining property and people. Their response stated that:

*"The pipeline operates in compliance with the Pipeline Licence No. 1 R1 and Petroleum Pipelines Regulations 2010 (Safety of Pipelines and Occupational Safety and Health). The Licence and the Regulations require that an Operations Safety Case accepted by the Minister be in place.*

*The pipeline is operated in compliance with Australian Standard AS2885 Gas and Liquid Petroleum. APT has a rigorous reporting and operational pipeline auditing regime with the Department of Mines, Safety Division.*

*A corrosion protection survey is undertaken annually. An inline Inspection Tool is due to be sent down the line this calendar year. This will provide highly accurate data on the status of the pipeline."*

The easement is between the State of Western Australia and the operator of the gas pipeline. Pursuant to the *Land Administration Act 1997*, for the new easement to be registered the consent of the City is required, given the City represents the Management Body of the land in question. The gas pipeline is long standing and preceded urban development in area. An easement is necessary to ensure appropriate protection of the pipeline infrastructure exists.

APT have provided information concerning the operational and safety parameters that they work to. This is as per the prevailing legislative requirements, with administration and regulation performed by the State Government Department of Mines, Safety Division.

Given the status of being an existing pipeline, appropriated licensed and protected by State legislation, it is appropriate that the easement be secured to fully protect the pipeline. This will allow all the necessary protection and action to the pipeline for APT.

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

#### **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.

#### **Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

### **Budget/Financial Implications**

Nil

### **Legal Implications**

Land Administration Act 1997 refers

### **Community Consultation**

Nil

### **Attachment(s)**

Plan of land to be subject of Crown easement

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil

**14.3 (OCM 14/4/2011) - DETAILED AREA PLAN FOR PORT COOGEE (STAGES 2C AND 10BA, LANEWAY LOTS) - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (PS/A/001) (T WATSON) (ATTACH)****RECOMMENDATION**

That Council

- (1) approve the Detailed Area Plan presented for Stages 2C and 10BA (Laneway Lots), Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15.5 of the City of Cockburn Town Planning Scheme No. 3;
- (2) advise the applicant accordingly.

**COUNCIL DECISION****Background**

This report deals with the Detailed Area Plan (DAP) for 12 lots either side of Pantheon Avenue where it intersects with Orsino Boulevard within the Port Coogee project area. The density applicable to the lots under the Port Coogee Revised Local Structure Plan is R80.

**Submission**

The DAP addresses amongst matters:

- Key elements to be considered in dwelling designs;
- Dwelling setback requirements, including the extent to which parapet walls can be erected on side boundaries.
- Dwelling height; and
- Access and parking requirements (garage locations).

Where the DAP does not refer to an alternate standard, the applicable standard is that prescribed in the Residential Design Codes (R-Codes) or the City's Town Planning Scheme No. 3 and/or Policies.

## Report

The DAP the subject of this report provides a site-specific layer of planning information, to be considered in the design and development of the 12 lots within Stages 2C and 10BA. The DAP has been presented to the City by Australand's planning consultant Taylor Burrell Barnett, and relates to the on-going release of land side lots within the eastern side of the Port Coogee development.

As has been the case with the majority of DAP's presented to Council for Port Coogee, the content of the subject DAP has been negotiated with the planning consultant. Following an initial assessment, several minor changes have been made to the DAP for the purpose of achieving responsive development outcomes and an 'easy to administer' document. The changes made include the following:

- The designation of a number of additional garage locations (as against a 'preferred') to ensure conflict with parking areas on adjacent lots is minimised;
- The inclusion of a setback requirement (per the R-Codes) for dwellings to be erected on Lots 756 and 761 where they join Lots 757 and 762 respectively; and
- The identification of laneway 'bin-pad' locations for six lots where waste truck access is not easily available or convenient.

The potential for multiple dwelling development on each of the lots was also raised with the planning consultant given the applicable density to the lots under the Structure Plan (R80) and the possibilities arising in respect of such under the amended R-Codes. The most recent amendment to the R-Codes removes the determination of dwelling yield (development potential) via the application of a minimum site area per dwelling where land is coded R30 or greater. In essence, and taking into account other requirements to be met as part of any development proposal, the City could receive application for two (2) dwellings on the lots covered by the DAP.

The City has been in contact with AHL who have advised that they accept that due to changes under the amended R. Codes, more than one dwelling may be developed on lots and that they do not want to preclude such development occurring. They do however, expect that it is more likely that only single residential dwellings would be developed on the lots and that the DAP has been prepared accordingly. AHL are of the opinion that if an application was submitted for a multiple dwelling on a lot then it should be dealt with as a variation to the DAP.



## **Conclusion**

The finalised DAP provides detailed controls for small lot development as identified in the Structure Plan for the stages in question. It is recommended, therefore, the DAP be approved by Council.

The approval of the DAP is in accordance with the provisions of 6.2.15 of the scheme. It is noted the process for adopting a DAP includes consultation where a DAP may affect landowners other than the owner of the land subject of the plan. In the case of the subject DAP; Australand owns all of the surrounding land. Accordingly, consultation has not occurred.

Clause 6.2.15.8 provides scope for a DAP to be amended should this be necessary in the future.

## **Strategic Plan/Policy Implications**

APD 31 'Detailed Area Plans'

### **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.

### **Lifestyle and Aspiration Achievement**

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

### **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**

Town Planning Scheme No. 3  
Planning and Development Act 2005

### **Community Consultation**

The DAP's have not been the subject of consultation.

### **Attachment(s)**

1. Location/Revised Local Structure Plan
2. DAP Stages 2C and 10BA

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

The proponent has been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil

**14.4 (OCM 14/4/2011) - PROPOSED LOCAL STRUCTURE PLAN - LOCATION: LOT 40 GAEBLER ROAD, HAMMOND PARK - OWNER: QUBE PROPERTY GROUP PTY LTD - APPLICANT: ROBERTS DAY (SM/M/042) (ROBERTO COLALILLO) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) adopts the Schedule of Submissions;
- (2) adopts the Lot 40 Gaebler Road, Hammond Park Local Structure Plan prepared by Roberts Day as shown within Attachment 3;
- (3) advise the Western Australian Planning Commission, the proponent and submissioners of Council's decision accordingly; and
- (4) advise the proponent that Council is currently in the final processes of an amendment to City of Cockburn Town Planning Scheme No. 3, which seeks to introduce new developer contribution arrangements across the City towards community infrastructure. Landowners subdividing to create residential allotments will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme Amendment becomes operational. This is expected mid 2011.

**COUNCIL DECISION****Background**

The Lot 40 Gaebler Road, Hammond Park Local Structure Plan (“LSP”) has been submitted to the City on behalf of the landowner, QUBE Property Group Pty Ltd, to guide future residential subdivision.

The proposed LSP for Lot 40 (“subject site”) is effectively an extension of the ‘Hammond Rise Estate’, which is located immediately east and south of the subject site. The Hammond Rise Estate presently comprises Lots 36 and 37 Gaebler Road, Lot 45 Frankland Avenue and Lot 101 Barfield Road and is being developed in accordance with the Hammond Park Local Structure Plan which was adopted by Council on 8 November 2007 and endorsed by the Western Australian Planning Commission (“WAPC”) on 4 March 2010.

The subject site is located on the southern side of Gaebler Road, between Barfield Road and Frankland Avenue, Hammond Park. It is immediately west and north of the Hammond Park Local Structure Plan area (refer to Attachment 1).

**Submission**

N/A

**Report**

The subject site is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”) and ‘Development (DA9)’ under the City of Cockburn Town Planning Scheme No. 3 (“TPS 3”). Pursuant to clause 6.2.4 of and Schedule 11 of TPS 3, a structure plan is required to be prepared and adopted prior to any subdivision and development of land within DA9.

The structure plan design provides for a diversity of lot sizes and housing types as an extension of the Hammond Rise Estate, with a total of 33 residential lots being proposed under the LSP. The structure plan comprises 13 R30 cottage/laneway lots, 12 R25 and 8 R20 traditional (front-loaded) residential lots, local roads and an area of public open space (“POS”) as shown in Attachment 3.

### Southern Suburbs District Structure Plan – Stage 3

The subject site is located within the Southern Suburbs District Structure Plan – Stage 3 (“SSDSP3”) area as shown in Attachment 2. The SSDSP3 identifies that this site should meet a minimum urban density target of 12 dwelling units per hectare. The proposed LSP has a density of approximately 16 dwelling units per net hectare and therefore meets the targets set by the SSDSP3. It should be noted that the SSDSP3 was adopted in 2005 and has moderate targets in comparison to recent similar documents.

### Public Open Space

The SSDSP3 requires all landowners to provide their 10% public open space (“POS”) requirement within their own landholding. A POS area of 1,713 square metres is proposed as part of the LSP. This is proposed to abut the western boundary of the site to enable future consolidation with POS provided on the adjoining Lot 39 when it is developed in the future. Detailed Area Plans will be required for the lots adjacent to the POS at the subdivision stage consistent with the City’s standard design requirements.

Although the provision of 1,713 square metres of POS equates to only 8.5% of the subject site, the approved subdivisions for the adjoining Hammond Park Local Structure Plan area (developed by the landowner) provided a surplus of 398 square metres of POS. Therefore the POS provided for Lot 40 results in a 10% provision across the landowners overall ‘Hammond Rise Estate’ and thus satisfies their POS requirements.

### Local Water Management Strategy

In accordance with the requirements of the Department of Water (“DoW”) and WAPC, a water management plan has been prepared by Cardno, on behalf of the landowner, as an addendum to the approved Integrated Urban Water Management Plan (“IUWMP”) for the existing Hammond Rise Estate. The IUWMP has been assessed by the DoW and the City and some minor modifications have been requested to the document prior to final endorsement/approval being granted.

As the changes are only minor in nature, it is recommended that approval of the LSP may proceed subject to the submission and final endorsement of the revised IUWMP by DoW and the City.

### Consultation

The proposed LSP was referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it proposes the

subdivision of land. No comments were received from the WAPC and as such the City proceeded advertise the proposal for public comment.

The LSP was advertised for public comment from 10 February to 51 March 2011 in accordance with the Scheme requirements. Four submissions were received from government authorities and servicing agencies all of whom raised no objections to the proposed LSP subject to various conditions and advice notes. The submissions that were received are set out and addressed in detail within the Schedule of Submissions (Attachment 5).

No modifications to the proposed LSP are recommended as a result of the formal advertising process.

### Conclusion

The proposed LSP is consistent with the SSDSP Stage 3 and surrounding residential development. The design of the LSP conforms to Liveable Neighbourhoods principles and integrates with the adjacent road network and lot layout in a logical manner. It is therefore recommended that Council adopt the LSP subject to the final endorsement/approval of the associated Local Water Management Strategy.

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

SPD4 'Liveable Neighbourhoods'  
APD4 Public Open Space'

### **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**

N/A

### **Legal Implications**

Nil

### **Community Consultation**

The proposed local structure plan was advertised in the newspaper, on the City's website and letters were sent to affected landowners.

### **Attachment(s)**

1. Site Location
2. Southern Suburbs District Structure Plan – Stage 3
3. Proposed Lot 40 Gaebler Road Local Structure Plan
4. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil

#### **14.5 (OCM 14/4/2011) - OFFER TO SELL LAND TO CITY OF COCKBURN - LOCATION: PORTION OF LOT 341 LAKEFRONT AVENUE, BEELIAR - OWNER/APPLICANT: DEPARTMENT OF HOUSING/PRM JOINT VENTURE (6007077) (K SIM) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) Not accept the offer from Department of Housing/PRM Joint Venture to sell to the City of Cockburn 866m<sup>2</sup> of Lot 341 Lakefront Avenue, Beeliar for a consideration of \$480,000 (GST Exclusive);
- (2) Advise Department of Housing/PRM Joint Venture that the City's prepared to surrender the public access easement that burdens Lot 341 Lakefront Avenue, Beeliar for a consideration of \$90,692;
- (3) If the option in 2 above is accepted by the Department of Housing/PRM Joint Venture, utilise the funds to construct a 25 bay car park off The Grange within Reserve 45286;

- (4) If the option in 2 above is not accepted by the Department of Housing/PRM Joint Venture, allocate \$60,000 in the 2011/12 budget to construct a 25 bay car park off The Grange within Reserve 45286, with funds to be drawn from the Land Development Reserve Fund; and
- (5) Seek from the Department of Housing/PRM Joint Venture, agreement to continue using the car park on Lot 341 until the alternative car park has been completed.

## COUNCIL DECISION

### Background

Lot 341 is land owned by the Department of Housing and comprises an area of 2340m<sup>2</sup>. The subject land is zoned 'Local Centre' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). This zoning is the same as the shopping centre recently completed on the opposite side of Lakefront Avenue, on Lot 840.

The Department of Housing with Joint Venture partner PRM has developed a residential subdivision known as Meve Estate. The Joint Venture, as part of the subdivision of the town centre, constructed a car park consisting of 25 bays on Lot 341. The car park is linked with associated car parking on the Beeliam Community Centre site (27 bays). This provision of car parking preceded the development of the shopping centre on Lot 840, but was intended to potentially be linked with the shopping centre by way of an offsite (cash in lieu) car parking arrangement. There was the expectation that when Lot 840 was developed as a shopping centre, portion of the required parking for the shopping centre would need to be located off site. This option would have made Lot 840 more attractive to potential purchasers, as the ratio of built form to parking could be higher.

It transpired that the development of Lot 840 achieved all the parking requirements onsite. This has accordingly created a situation whereby the car parking located on Lot 341 has no identified purpose other than associated with the Beeliam Community Centre. This has prompted the landowner to make an offer to the City to purchase the land.

It is not recommended the City purchase the portion of Lot 341, given that it is not considered to be an appropriate utilisation of funds. As a replacement car park can be constructed within Reserve 45286 at a very small cost compared with the offer made for Lot 341, it is recommended that the City utilise this option instead.

### **Submission**

The Department of Housing/PRM Joint Venture has written to the City with notice that the car parking on Lot 341 is not required by the shopping centre together. They have accordingly indicated an intention to dispose of the land, and have put an offer to the City to purchase a 866m<sup>2</sup> portion of Lot 341 which comprises the existing car park.

The asking price of \$480,000 is made up of \$485/m<sup>2</sup> for land (\$420,000), and \$60,000 being the value of the built car park.

In associated correspondence they have requested that if the offer is not accepted by the City, that the City agree to surrender the public access easement in gross on Lot 341, and construct a new access for the Beeliar Community Centre from Lakefront Avenue. The City has determined this value to be \$90,692.

### **Report**

#### Issue #1 - Cost of car parking area on Lot 341

In considering the offer from the Joint Venture Partners, the first issue to consider is whether the asking price is supported by a Licensed Valuers Report. The value is supported by a report from Licensed Valuers Herron Todd White. Inquiry of the Licensed Valuers used by the City indicated that this value represents, or is close to, market value.

Council officers made approaches to both PRM and the Department of Housing to see whether in the interest of the local community, it was possible for them to accept less than market value for the land. Both parties advised that such a proposition would be against Department of Housing policy, and would not be supported on that basis.

The second issue to consider is whether the amount of \$480,000 for the provision of 25 car bays is a prudent use of local government funds. In short such is not considered an appropriate use of funds. In specific regard, an alternative location was identified within the appurtenant Reserve 45286, located off The Grange.

This location is vegetated but the vegetation is considered of low value by the City's Environmental Services Division. The City's Engineering



Division has indicated that the cost to establish 25 car bays in this location would be in the order of \$60,000.

The third issue to consider is whether the relocation of the 25 parking bays from the current location to the proposed location would have an adverse impact on the functionality of the Beeliar Community Centre or sporting fields. Parking as shown on aerial photography on the weekends and generated by sporting fixtures appears to be spread around the local roads adjoining the sporting fields. The relocation of the car park would have minimal impact in this respect.

The number of people using the Community Centre throughout the week is also considered moderate to low. Numbers using the Community Centre are at a maximum in the evening on the weekend. An inspection was carried out by a Council officer at approximately 8.30pm on a recent Saturday night when a large function was being held. Although the 25 car bays on portion of Lot 341 and the 27 car bays for the Beeliar Community Centre were fully utilised, it was noted that there was sufficient on street parking in Lakefront and Bluebush Avenue to account for the loss caused by the relocation of the subject 25 bays.

The sporting field change rooms are within the Community Centre and on training nights the subject 25 bays are also fully utilised. The increased distance to the proposed car park versus the subject car park is only 100m, and considered manageable from this perspective.

In conclusion, while it would be highly desirable to maintain the current car park on portion of Lot 341, a cost of \$480,000 to achieve this is excessive. Such is not considered to present an appropriate use of local government funds, especially given a replacement (and equally functional) car park could be achieved within the adjoining Reserve 45286 for approximately \$60,000.

It is recommended that Council instead pursue the construction of a new car parking area within Reserve 45286 to deal with the loss of the 25 bays on Lot 341.

#### Issue #2 - Easement in gross on Lot 341

An easement in gross currently exists across a small part of the car park on Lot 341, and secures access to the car parking associated with the Beeliar Community Centre. Being an easement in gross which benefits the City (and public at large), it can only be surrendered by the City. The terms of the easement require that the owner of Lot 341 maintain the pavement, keep it clear at all times and not to fence off the access points.

A representative of PRM has expressed a negative response to the notion that the City could put a price on an agreement to surrender the easement. A consequence of surrendering the easement will be that a new crossover and entry will need to be constructed off Lakefront Avenue into the Beeliar Community Centre car park. The value of Lot 341 with the removal of the easement will also be enhanced.

The consideration sought for the removal of the easement has been arrived at by multiplying the area of the easement by the square metre rate contained in the offer to purchase presented by the Joint Venture Partners. The representative from PRM has indicated that they will obtain advice from their own valuers before responding to the proposal.

Notwithstanding, it is considered that Council only contemplate surrendering the easement in gross subject to an appropriate monetary value. This signifies not only that the City will incur costs in establishing a new access to the car park for the Beeliar Community Centre, but that the land value of Lot 341 will also be enhanced by removing what is an encumbrance on the land. This value has been calculated at \$90,692, using the value methodology which PRM used in making the offer to the City to buy the car park.

#### Construction of new car park

Recognising that the construction of a new car park will take place at the beginning of the 2011/12 financial year, it is also recommended that the City seek agreement to maintain the current car parking on Lot 341 until the replacement car park is functional.

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

#### **Demographic Planning**

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

#### **Infrastructure Development**

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

#### **Governance Excellence**

- To develop and maintain a financially sustainable City.

### **Budget/Financial Implications**

From a budgetary viewpoint, it is not recommended that the City accept the offer from Department of Housing/PRM Joint Venture to sell to the City 866m<sup>2</sup> of Lot 341 Lakefront Avenue, Beeliar for a consideration of

\$480,000 (GST Exclusive). Instead, it is recommended that the City proceed with the development of a replacement car park on the adjoining Reserve 45286, at a cost of approximately \$60,000.

In terms of the easement in gross currently affecting Lot 341, it is recommended that the City make an offer to surrender this at a cost of \$90,692.

### **Legal Implications**

Section 3.58 of the *Local Government Act 1995* is applicable to the recommendation.

### **Community Consultation**

Signs will be placed on the site prior to the car park being closed advising users of alternative car parking

### **Attachment(s)**

1. Location Plan
2. Plan showing car parking on Lot 341, adjoining car parking on Beeliar Community Centre and extent of easement in gross across Lot 341
3. Plan showing location of replacement car park

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil

**14.6 (OCM 14/4/2011) - RETROSPECTIVE STORAGE YARD - LOCATION: 300 (LOT 14) HENDERSON ROAD MUNSTER - OWNER: BETTABAR PTY LTD - APPLICANT: ALBERT VAN DER BEKEN (4411144) (P HIRST) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the application for retrospective planning approval of a storage yard at 300 (Lot 14) Henderson Road Munster for the following reasons:
  1. The use is considered contrary to the objectives of the City's Town Planning Scheme No.3 for the use and development of land within a Rural Zone.
  2. The use/development of the land is considered incompatible with the rural setting within which the subject land is located;
  3. The use/development of the land is considered contrary to the amenity of the location by virtue of impacts including noise and the visual appearance of the site.
  4. The use/development of the land is considered inappropriate due to the impact of traffic movements to and from the site and in appropriate access arrangements.
  5. The use/development of the land would be contrary to the orderly and proper planning of the locality if approved.
- (2) direct the owner of the land to remove all unapproved structures from the subject lot within 28 days of notification and to restore the land as nearly as practical to its condition immediately before the development started to the satisfaction of the Council;
- (3) direct the owner of the land to remove all items not associated with the residential use of the property within 28 days of notification;
- (4) notify the applicant of Council's decision accordingly; and
- (5) notify the owners of adjoining properties who submitted comments regarding the application of Council's decision.

**COUNCIL DECISION****Background**

The subject land is located at 300 (Lot 14) Henderson Road, Munster. Prior the development of the unapproved storage yard which is the subject of this application, the lot contained a single house, a 400m<sup>2</sup> outbuilding (former chicken shed) and a 200 m<sup>2</sup> outbuilding (former chicken/worm shed).

In September 2010 the applicant established a 2,300 m<sup>2</sup> storage yard at the rear of the subject lot without first obtaining planning approval from the City. The storage yard is leased to a residential building company to store building materials and construction industry related equipment.

In November 2010, the City received a complaint from a nearby property owner regarding the activities taking place at the property. An inspection of the property undertaken by City's Officers revealed the operation of the storage yard at the rear of the existing house without planning approval. The owner of the land was offered the opportunity to submit an application for retrospective planning approval in accordance with Section 164 of the *Planning and Development Act 2005* and the City's Policy *APD29 Development Compliance Process*.

The land is zoned 'Rural' under both the Metropolitan Region Scheme and the City's Town Planning Scheme. The Rural zoning of the land in part relates to the following:

- The land is situated within the Kwinana Air Quality Buffer and subject to the Environmental Protection (Atmospheric Wastes Kwinana) Policy 1992; and
- The land is approximately 200 metres from the Hope Valley Wattleup Redevelopment Area.

'Storage yard' is an 'A' (advertised) in the Rural zone. The application has been referred to Council for determination due to the number of objections arising from the advertising process.

**Submission**

The applicant seeks approval to continue to use approximately 2,300m<sup>2</sup> of land at the rear the property as a commercial storage yard.

The storage yard comprises of open air storage and storage within the existing 400 m<sup>2</sup> outbuilding (approved for a rural pursuit). The applicant has advised the City that the storage yard is accessed by a small truck once or twice daily, and larger trucks on a monthly or bi-monthly basis. The storage yard is accessed via two driveways depending on truck size (larger trucks can only access the storage yard from the northern driveway). The storage yard surface is a combination of compacted limestone and sand. The tenant is currently permitted to access the storage yard between 6.00 am and 8.00 pm daily.

## **Report**

### **Statutory Framework**

#### Metropolitan Region Scheme (MRS)

The lot is zoned 'Rural' under the MRS. The purpose of this zone is:

*"land in which a range of agricultural, extractive and conservation uses are undertaken"*.

#### Town Planning Scheme No. 3

The land is zoned 'Rural' under TPS 3. A storage yard is an 'A' use in this zone, whereby an application may be approved subject to being advertised to adjoining landowners who may be impacted by the use or development. The application has been advertised to nearby landowners accordingly.

The objective of the 'Rural' zone, as stated in TPS 3 is to:

*"provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality"*.

#### State Planning Policy 2.5 Agricultural and Rural Land Use Planning

SPP 2.5 applies to all rural land in Western Australia. The objective of the policy is to conserve productive agricultural land. Relevant to this application is the requirement for planning to ensure adequate separation distances between potential conflicting land uses in rural areas, such as industrial and rural residential land uses.

#### Latitude 32 Master Plan

The development is located approximately 200m east of the Hope Valley Wattleup Redevelopment Area. The Hope Valley Wattleup Redevelopment Project Master Plan identifies 'Precinct 9 – North East

Gateway' as being the closest precinct to the subject lot. The Master Plan (amended April 2008), proposes this precinct serve as a buffer to heavier industrial uses located more centrally within Latitude 32. Land uses identified for development in this precinct include educational establishments, while lighter commercial and industrial uses such as car parks, light industry and offices are identified as discretionary. Based on this, the amenity and rural nature of the subject lot and surrounding properties will be protected to some degree from general industrial uses situated in Latitude 32. The introduction of inappropriate non-rural uses into the rural zone is contrary to the intent of the zoning and strategic planning of the area.

### **Community Consultation**

The application was advertised to the owners/occupiers of 9 nearby properties in accordance with Clause 9.4 of TPS 3. Objections to the development were submitted by the owners of 5 of these properties (objections were also received from 2 land owners considered too far removed from the development to be directly impacted). Submissions stating no objection to the development were received by owners of 3 nearby properties.

The key concerns raised during the consultation process by the owners of properties directly abutting the storage yard related to the loss of native vegetation and the loss of amenity. Key concerns of residents located in the area, yet not directly abutting the storage yard included increased traffic, traffic safety concerns, inadequate vehicular access arrangements to the lot, loss of native vegetation and most commonly, the precedence that approval of the development may set for the area. The encroachment of industrial and commercial land uses into the area and the loss of the rural character and amenity that currently characterises the area was a key concern raised by all who objected to the proposal. Issues raised during the consultation process are summarised below:

#### *Visual Amenity*

The visual impact of the storage yard and the resultant loss of visual amenity previously enjoyed by residents of adjoining properties was identified as a concern for residents directly abutting the storage yard. Figures 1 to 3 illustrate the view of the storage yard from the adjoining (northern & southern) properties. While the storage yard is located a minimum 85m from any adjoining residence, the visual impact of the storage yard is not consistent with the setting. No attempt has been made to screen the open storage on the lot and the commercial nature of the development has a negative impact on the otherwise rural setting.

### *Noise*

The level of noise generated by activities undertaken on the lot including the loading of scaffolding, and general truck movements is considered by residents within proximity to the storage yard as being a nuisance. Whilst the closest residence is located approximately 85m away, the City's Health services confirms that it is not unreasonable for noises generated by such activities to travel this distance. Based on the nature of the storage yard (construction equipment - generally accessed in the early morning) the concern of adjoining property owners regarding the level of noise generated by the loading and unloading of truck is considered valid, and unacceptable in this setting.

Under the current agreement, the tenant has access to the storage yard between 6.00 am and 8.00 pm unless otherwise arranged with the owner. In accordance with the Noise Regulations, the operating hours of such establishments within proximity to residential land uses are restricted to between 7.00 am and 7.00 pm Monday to Saturday only. If Council resolves to approve the development, a condition to ensure compliance with these Regulations is recommended.

### *Clearing of Native Vegetation and Environmental Considerations*

Concerns regarding the clearing of native vegetation and loss of wildlife habitat as a result of the establishment of the storage yard formed the basis of a number of objections to the development. Figures 4 and 5 demonstrate the extent of vegetation on the lot in February 2010 (prior to the March 2010 fire) and in February 2011. These photographs highlight that the clearing of vegetation required to construct the storage yard was minimal. The City's Environmental Services Department indicated that the vegetation removed to facilitate the establishment of the storage yard was significantly degraded.

### *Access*

Concerns regarding increased truck movements and disruption of traffic flows along Henderson Road as a result of trucks being parked on the side of the road while gates are locked/unlocked was another concern raised during consultation. The City's Engineering services confirmed that the current vehicle access arrangements are not suitable for trucks and trucks stopping on the side of the road while accessing the lot presents a traffic hazard along Henderson Road. The City's engineering services recommends that if the storage yard is approved, the gates be relocated to a minimum of 5 metres within the property boundary.



*Consistency with surrounding area/precedence*

The most commonly cited concern raised by residents during the consultation process was precedence for more inappropriate similar development should Council grant approval to the subject proposal. The encroachment of industrial and commercial activities into this area was seen as undesirable by all respondents who objected to the proposal, given the rural character and amenity currently enjoyed in the location by its residents.

**Conclusion**

The unauthorised development was brought to the attention of the City through a complaint from adjoining property owners, therefore it can be clearly demonstrated that the activities being undertaken in association with the development are adversely impacting residents of adjoining properties, and detracting from the rural character and amenity of the locality.

Based on the above, it is recommended that Council refuse the application, having regard to the following matters that are to be considered in accordance with Clause 10.2 of TPS 3:

1. The compatibility of a use or development within its setting.
2. The preservation of the amenity of the locality.
3. The relationship of the proposal to development on adjoining land.
4. Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
5. The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable affect on traffic flow and safety.
6. Submissions received on the application.

The commercial storage yard is considered to be incompatible with the area and setting. It is recommended that Council refuse the application.

**Strategic Plan/Policy Implications****Demographic Planning**

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

### **Lifestyle and Aspiration Achievement**

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

### **Transport Optimisation**

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

### **Budget/Financial Implications**

Nil

### **Legal Implications**

Nil

### **Community Consultation**

The application was advertised in accordance with Town Planning Scheme 3. 10 submissions were received.

### **Attachment(s)**


1. Site Plan
2. Description of Development provided by applicant
3. Photographs

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

The Proponent(s) and those who lodged submissions regarding the proposal have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil

**14.7 (OCM 14/4/2011) - TENDER NO. RFT 03/2011 - CONSTRUCTION SERVICES (CIVIL) - RESIDENTIAL SUBDIVISION - LOTS 18, 177 AND 4076 GRANDPRE CRESCENT, HAMILTON HILL (RFT03/2011) (K.SIM) (ATTACH)** 

**RECOMMENDATION**

That Council accept the tender submitted by Wormald Pty Ltd, for Tender No. RFT 03/2011 - Construction Services (Civil) - Residential Subdivision, Lots 18, 177 and 4076 Grandpre Crescent, Hamilton Hill WA, for the lump sum of \$1,580,990.00 GST exclusive (\$1,739,089.00 GST inclusive).

**COUNCIL DECISION**

**Background**

Council at its meeting held on 14 October 2010 resolved to

- (1) adopt the Business Plan dated July 2010 for the development of Lot 18 Grandpre Crescent and Lot 4076 Sykes Place, Hamilton Hill as a residential subdivision;
- (2) authorise the preparation of subdivision design, specifications and tender documentation for the completion of all civil works required to complete the subdivision development;
- (3) following (2) above request a further report to award a tender for the completion of all subdivision civil works;
- (4) following (3) above request a further report to award an appropriate marketing and selling program for the subdivision lots;
- (5) note that all sales of future lots will comply with provisions of Section 3.58 of the *Local Government Act 1995*; and
- (6) allocate proceeds of the sale to the Land Development Reserve Fund.

In respect of Part (3) of Council's resolution, Porter Consulting Engineers have prepared the necessary plans and specifications for the civil works. Tenders have been called and the purpose of this report

is to consider the submissions and award the contract so that the project can commence.

Tender Number RFT 03/2011 Construction Services (Civil) - Residential Subdivision, Lots 18, 177 and 4076 Grandpre Crescent, Hamilton Hill was advertised on Wednesday 2 February 2011 in the Local Government Tenders section of The West Australian newspaper. It was also displayed on the City's e-Tendering website between 2 and 24 February 2011.

### Submission

Tenders closed at 2:30 p.m. (AWST) on Thursday 24 February 2011 and ten tender submissions were received from:

1. APH Contractors Pty Ltd;
2. Mako Civil Pty Ltd;
3. Griffin Plant Hire Pty Ltd;
4. Tasman Civil Pty Ltd;
5. Curnow Group Pty Ltd;
6. Projex Management and Construction Pty Ltd - Trading As: Choice Living;
7. Wormall Pty Ltd;
8. Scott Construction and Development Pty Ltd;
9. Neo Infrastructure (Aust.) Pty Ltd;
10. Industrial Roadpavers (WA) Pty Ltd.

### Report

#### Compliant Tenderers

	Compliance Criteria
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with Builder's Registration requirement (Clause 1.10.12)
D	Compliance with Insurance Requirements and completion of Clause 3.2.7
D2	Public Liability Insurance \$10,000,000.00 Australian
D3	Workers Compensation Insurance
D4	Comprehensive Motor Vehicle Insurance
E	Compliance with the Occupational Safety and Health Requirements and completion of Appendix A
F	Compliance with Anti-Competitive Conduct Requirements and completion of Appendix B

G	Compliance with the Fixed Price and completion of Clause 3.6.2
H	Compliance with Sub-Contractors Requirements and completion of Clause 3.7
I	Compliance with and completion of the Price Schedule, in the format provided in the Request

Tenderer's Name		Compliance Assessment
1	APH Contractors Pty Ltd	Compliant
2	Mako Civil Pty Ltd	Compliant
3	Griffin Plant Hire Pty Ltd	Compliant
4	Tasman Civil Pty Ltd	Compliant
5	Curnow Group Pty Ltd	Compliant
6	Projex Management and Construction Pty Ltd	Compliant
7	Wormall Pty Ltd	Compliant
8	Scott Construction and Development Pty Ltd	Compliant
9	Neo Infrastructure (Aust.) Pty Ltd	Compliant
10	Industrial Roadpavers (WA) Pty Ltd	Compliant

### Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	25%
Key Personnel Skills and Experience	10%
Tenderer's Resources	10%
Methodology	15%
Tendered Price - Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent/ Requirements

The provision and installation/placement of fill material and civil infrastructure to allow the creation of thirty residential lots.

### Evaluation Panel

The tender submissions were evaluated by:

1. Andrew Trosic - Manager, Strategic Planning
2. Martin Lugod - Works Manager, Infrastructure Services
3. Kevin Sim - City Surveyor/Land Officer, Strategic Planning
4. Brad Harris - Manager Projects, Porter Consulting Engineers

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Wormall Pty Ltd **</b>	<b>51.00%</b>	<b>38.00%</b>	<b>89.00%</b>
Tasman Civil Pty Ltd	52.50%	35.12%	87.62%
Mako Civil Pty Ltd	50.00%	35.68%	85.68%
Griffin Plant Hire Pty Ltd	47.00%	35.17%	82.17%
Scott Construction and Development P/L	37.50%	40.00%	77.50%
APH Contractors Pty Ltd	46.00%	30.36%	76.36%
Curnow Group Pty Ltd	36.00%	39.71%	75.71%
Industrial Roadpavers (WA) Pty Ltd	38.50%	36.28%	74.78%
Neo Infrastructure (Aust.) Pty Ltd	36.00%	29.81%	65.81%
Projex Management and Construction P/L	23.00%	30.87%	53.87%

\*\* Recommended Submission

Evaluation Criteria AssessmentDemonstrated Experience

- Wormall demonstrated experience with an extensive list of similar projects.
- Tasman demonstrated experience with an extensive list of similar projects.
- APH demonstrated relevant experience but with projects mainly outside the Perth metropolitan area.
- Mako demonstrated relevant experience but mainly with smaller projects.
- Griffin demonstrated experience although with fewer similar projects.
- The balance of the tenders did not demonstrate the breadth of experience as demonstrated by Wormall, Tasman, APH, Mako or Griffin.

### Key Personal Skills and Experience

- Wormald demonstrated that they have a very experienced management team with a range of skills.
- APH demonstrated that they have a very experienced management team with a range of skills.
- Mako demonstrated an experienced management system headed by a qualified Civil Engineer.
- Tasman demonstrated an experienced management system headed by a Civil Engineer.
- Griffin demonstrated an experienced management system headed by the companies Project Manager.
- Scott Construction demonstrated an experienced management system headed by a qualified Civil Engineer.
- Industrial Road Pavers demonstrated a management team with a range of skills.
- The balance of the tenders' demonstrated skills but not at the level of Wormald, APH, Mako, Tasman, Griffin, Scott Construction or Industrial Road Pavers.

### Tenderer's Resources

- Wormald demonstrated that they have the required resources available to complete the project.
- APH demonstrated that they have the required resources available to complete the project.
- Mako demonstrated that they have resources necessary to complete the project.
- Griffin demonstrated that they have resources necessary to complete the project.
- Tasman demonstrated that they have resources necessary to complete the project;
- Industrial Road Pavers demonstrated have resources necessary to complete the project.
- The balance of the Tenders demonstrated that they had the resources but not to the degree demonstrated by Wormald, APH, Mako, Griffin, Tasman or Industrial Road Pavers.

### Methodology

- Neo Infrastructure demonstrated a very clear program with a Gantt chart on how they would complete the project.
- Griffin demonstrated a very clear program with detailed site management.
- Mako demonstrated with reference to safety, environmental issues, training and industrial policy a concise and logical approach to all their projects.

- Tasman Civil mainly relied on the supply of a Gantt chart to demonstrate their methodology.
- Scott Construction demonstrated a methodology which addressed the issues and included a Gantt chart.
- Industrial Road Pavers provided a list of the projects stages and a Gantt chart.
- The balance of the Tenders supplied minimal detail of their methodology.

### Summation

All compliant tenders, other than Projex Management Pty Ltd and Neo Infrastructure (Aust.) Pty Ltd, have demonstrated in their tenders the capacity to complete the project as detailed in the Specifications as well as comply with the General and Special Conditions of Contract as stated in the tender document.

Wormall provided the best assessment against the selection criteria. Referees were consulted which confirmed that they are highly regarded in these types of projects. Wormall provided the best assessment score and is able to meet the start date and completion date; consequently, their tender should be supported.

### **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 deliver our services and to manage resources in a way that is cost effective without compromising quality.

#### **Governance Excellence**

- To develop and maintain a financially sustainable City.

### **Budget/Financial Implications**

Funds are available in the current budget to undertake 80% of the work highlighted in the report with a further \$120,000 allocated in the draft 2011/12 budget to complete the works.

### **Legal Implications**

Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996* refers.



### **Community Consultation**

No community consultation is required for this specific phase of the project. All appropriate zonings and planning requirements are in place, with subdivision approval obtained from the WAPC. Engineering drawings have also been approved by the City.

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Tender Evaluation Sheet
2. Tendered Prices
3. Porter Consulting Engineers' Tender Evaluation Report

#### NOTE:

The tendered prices are not disclosed at the opening of Tenders nor entered into the Tender Register.

In accordance with Part 4, Regulation 16-3(c) and 17-3 of the *Local Government (Functions and General) Regulations 1996* the Principal is only required to record the price of the winning Tenderer/s in the Tenders Register.

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil.

## **15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

### **15.1 (OCM 14/4/2011) - LIST OF CREDITORS PAID - FEBRUARY 2011 (FS/L/001) (N MAURICIO) (ATTACH)**

#### **RECOMMENDATION**

That Council receive the List of Creditors Paid for February 2011, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for February 2011 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**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 – February 2011.

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

N/A

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

Nil.

**15.2 (OCM 14/4/2011) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - FEBRUARY 2011 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for February 2011, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2010/11 financial year.

### **Submission**

N/A

### **Report**

The City had a closing actual position of \$41.5M for February, \$3.3M higher than the forecast YTD budget of \$38.2M. This result continues to reflect outperformance of the budget in several key revenue areas and a general underspending of operating budgets.

After application of the mid-year budget review, the full year revised budget is now anticipating a surplus position of \$0.73M, versus the balanced budget position adopted last June (nil surplus or deficit). Budget adjustments made throughout the year have contributed to this as outlined in Note 3 of the financial report, including the impact of the mid-year budget review adopted in February.

### Operating Revenue

As a result of the mid-year budget review, certain revenue areas have been brought into line with the budget, of most relevance being Waste Services. This does not include Human Services, whose grant funding is currently showing a net YTD surplus of \$0.4M. These funds are restricted in purpose and will not impact the year end position. The South Lake Leisure Centre is also \$0.2M ahead of budget for their revenue. This may in part be due to the record hot summer experienced in Perth this year.

Interest earnings remain ahead of the year to date budget by \$0.6m. The strong performance in this area has been due to both higher interest rates of return on investments, resulting from the higher official cash rate being maintained by the RBA, higher margins for term deposits being paid by retail banks and the robust cash position for this time of the financial year. Earnings on Reserve funds in particular contribute to this strong positive variance. It must be noted that additional interest on reserves will not lead to a higher year end closing

budget surplus as all interest earned on reserve funds is quarantined to the reserve fund itself.

Property rating income is also presenting a strong result, ahead of the YTD budget by \$0.8M. This is being driven by steady growth in the rate base throughout the year.

### Operating Expenditure

Operating expenditure is generally running within budget for most business units of the City (\$3.2M below YTD). Some of this is due to a general lag in receiving accounts or delays in receiving the goods or services. It should be noted that materially large commitments are generally accrued into the monthly accounts to lessen this effect (e.g. security patrol costs, RRRC gate fees, landfill levy etc.)

The positive variance in employee costs has stabilised at around \$1.3M (same as last month), due to the filling of several vacant positions. However, it is expected that there will be some positive impact on the end of year position from underspent employee cost budgets.

The Parks and Environment Unit is showing an underspend of \$0.7M across their operational budgets. However, this is not expected to remain a permanent variance and should abate during the remainder of the year.

Areas exceeding budget include the State Landfill Levy (by \$0.3M) and Facilities Maintenance (by \$0.3M). The quantum of landfill levy is governed by tonnage to landfill, so is always offset by fees & charges income.

Further details of the material variances within each Business Unit are shown in the Variance Analysis section of the financial report.

### Capital Program

The City's capital budget is showing an overall underspend of \$7.4M on a YTD basis against a budget of \$18.9M. With committed orders factored in, the variance reduces to \$1.9M. This indicates that the works have been scoped and are progressing, albeit behind cash flow projections. Public infrastructure works is the biggest contributor to the variance at \$4.6M, plant acquisition and replacement contributes \$1.6M and land & buildings adds \$1.0M.

A significant number of underspent capital projects fail to trigger the \$100k material variance reporting threshold (\$2.9M in aggregate). For specific details on under/over spent projects, refer to the CW Variances section of the monthly report.

## Cash & Investments

Council's cash and current/non-current investment holdings increased to \$90.4M (from \$89.5M in January). This is well above the YTD budget forecast of \$75.7M due to a number of contributing factors, not least being the underspend within the capital program.

Of this total cash and investment holding, \$41.7M represents the City's cash reserves, whilst another \$4.7M is held for other restricted purposes such as bonds and capital contributions. The balance of \$44.0M represents the cash component of the working capital required to fund the City's operations and the municipal funded portion of the capital program over the remainder of the financial year.

The City's investment portfolio made an annualised return of 6.0% for the month of February. This rate has steadily increased during the year as lower yielding investments mature and are reinvested at a higher rate. Investment decisions made during the month continued to follow the strategy of using short to medium dated TD's (Term Deposits) with APRA (Australian Prudential Regulatory Authority) regulated Australian banks.

## Description of Graphs and Charts

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

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

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

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

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

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

Material variances identified of a permanent nature (i.e. not due to timing issues) may impact on Council's final budget position, depending upon their nature.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports – February 2011.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM 14/4/2011) - PUBLIC LIABILITY ISSUES RELATING TO TREES ON PUBLIC LAND (FS/I/002) (D SMITH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) continues to utilise the insurance services of Local Government Insurance Scheme in respect of claims management and management of liability risks;
- (2) continues to monitor and improve processes to mitigate risks associated with street trees; and
- (3) officers prepare a detailed list of street trees that relate to the proposed streetscape themes contained within the Greening Plan 2000.

**COUNCIL DECISION**

**Background**

At the Ordinary Council Meeting 10 February 2011, Mayor Howlett requested that a *“report be provided to the 10 March 2011 Ordinary Meeting of Council outlining the coverage provided by the City’s insurance policy in terms of damage to private property by street trees on verges, including falling trees, falling branches, invasive tree roots etc.*

*The report was to provide details of deficiencies, if any, in the current policy coverage provided by the City’s insurer, Local Government Insurance services, and the timeliness of decisions of the Insurer and address any recent claims against the City and/or its insurer.*

*A briefing was to be provided to Elected Members by Local Government Insurance Services during the course of the report being prepared on the current policy coverage and potential changes, if any, required in addressing claim issues”.*



At the Ordinary Council Meeting of 10 March 2011 the following resolution was passed "*that Council receive a report dealing with public liability issues relating to trees on public land at the 14 April Ordinary Council Meeting in order to obtain all the necessary information pertaining to the matter*".

Essentially this resolution sought a deferment of the matter to enable a comprehensive overview of the assessment of trees on public land to be presented as well as permit LGIS representatives to attend the meeting to provide expert advice that relate to the public liability claims process.

### **Submission**

N/A

### **Report**

Local Government Insurance Scheme (LGIS) trading as Jardine Lloyd Thomson Pty Ltd provides many Western Australian Councils with a range of services including public liability and professional indemnity insurance. The scheme aims to provide all members with expert and professional advice in respect of claims management and management of liability risks.

The City of Cockburn utilises the services and expertise of LGIS to manage all Public Liability and Professional Indemnity claims that relate to a range of operational responsibilities. Public Liability claims relating to street trees are only one of many causes of claims against the City that LGIS manage on behalf of the City.

Council officers have met with representatives of LGIS on a number of occasions to address a range of issues associated with requests by claimants for financial restitution for damage to private property allegedly caused by trees located on the street verge, falling trees and branches as well as damage caused to private property by tree roots.

### The Process

A recently developed process, "Process to Manage Tree Liability Issues", now provides City officers with clear direction in dealing with routine tree enquiries as well as emergency situations where branches and/or trees have fallen or tree roots have caused damage to private property. A copy of this process is attached. Prior to the development of this process there was a lack of consistency in the management of trees on public land. The process was prepared in consultation with internal staff as well as representatives from LGIS.

Each claim or request for financial restitution from the City for alleged damaged to private property is addressed on its merits in accordance with the abovementioned Process to Manage Tree Liability Issues

When a written request for financial restitution is received from a claimant, officers undertake the collection of all background information and documentation. This information is subsequently forwarded to LGIS for assessment. LGIS may request additional information and clarification on issues associated with the claim or proceeds to accept or deny liability for the claim, based on the evidence and documentation provided by the City.

#### Timeframes to finalise claims

The timeframe for managing each claim depends to a large extent on the complexity of issues of each individual situation as well as the veracity of information provided to LGIS. It should be noted that no two claims are exactly the same and each case needs to be addressed individually.

Generally it can be estimated that the time required gathering the necessary information and then forwarding this information to LGIS will be approximately 10 working days. Upon receipt of the information, LGIS generally can make a determination on a claim within 5-7 working days.

If a claim is denied, it is highly likely that further discussion will ensue between the claimant and LGIS who manage the claim on behalf of the City. This discussion can be ongoing for some time.

#### Basis for Accepting or Denying a Claim

LGIS Liability assess all claims on a common law negligence basis – claims will generally only be paid if LGIS determine that Council would most likely be found liable in a civil court, based on any applicable legislation and case law (precedents set by the courts in previous judgements for similar cases).

Common law negligence broadly means - a party should be found liable at common law if the allegedly responsible party could or should have taken a specific course of action as part of their normal responsibilities, (which must be considered reasonable i.e. most other Councils employ this practice) that would have prevented the incident.

#### Policies and Documentation

There are a number of policies and documentation associated with tree liability issues. This documentation will be updated on a progressive

basis to address current and emerging issues relating to the management of street trees. The documentation includes:

#### Position Statement

- PSEW15 Removal and Pruning of Trees

#### Documentation

- Process to Manage Tree Liability Issues
- Tree Inspection Process to Engage Tree Consultant
- City of Cockburn Tree Inspection Report

#### Street Tree Approval Process

It is recognised that the City will need to further refine its documentation and approval processes to, amongst other things, prepare a list of trees that are acceptable and suitable for use as street trees for a range of streetscape situations within the City.

Street trees approved for subdivisions in coastal situations will need to possess characteristics to enable them to tolerate and prosper in a saline environment. Other locations where street trees are proposed within the City will dictate a different suite of criteria.

The overriding principle in the street tree approval process is learning from past experiences and mitigating future risk to the City by planting appropriate street trees for each location. Selection of tree species that are not prone to branch fall and do not possess invasive root systems are integral to this process. A detailed list of street trees will be prepared that relate to the proposed streetscape themes contained within the Greening Plan 2000.

The management of street trees includes a range of practices that will improve the survival of existing trees as well as assist in establishing newly planted specimens. The provision of appropriate irrigation techniques will increase street tree survival rates thus reducing tree mortality. Installation of root barriers will facilitate the protection of surrounding verge infrastructure. In some locations the provision of bollards or other protective devices will mitigate the incidence of vandalism or mechanical damage to street trees.

#### Ex-gratia Payments

LGIS Liability strongly discourages Councils making ex-gratia payments for claims that fall under the scope of the LGIS Liability Policy. The main reason for this is that it can prejudice LGIS's ability to decline and defend claims of a similar nature on behalf of the City and could prejudice the position of other Councils who may have similar claims made against them.

Furthermore, it is a breach of the conditions of the LGIS Liability Policy Wording for the City to make an offer of any kind to a potential claimant. Hypothetically, if the City made a settlement offer to a claimant and the claimant subsequently rejects the offer and makes a further demand for an substantially inflated amount, the City could be prejudiced in its ability to defend itself for the full amount claimed, as an offer like this could be seen to be an admission of liability. In this instance, if the City has made an offer to settle a claim and wanted LGIS Liability to take over the claim due to the claimed amount increasing, LGIS Liability may not pick up the claim under Council's policy, as they are in breach of the policy conditions mentioned above.

A component of the reason Councils pay to have a public liability insurance policy is so that the insurance company can manage these claims on the City's behalf, and when appropriate, defend claims where the City is not liable for a particular loss.

There are numerous situations where Council may be 'caught out' by making ex-gratia payments, and LGIS's experience in dealing with these claims allows them to manage these claims safely. For example, certain legislation may apply to Public Liability claims and also certain obligations to State and Federal Government departments such as Medicare Australia where Council may be liable to pay further costs by entering into a settlement agreement.

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

#### **Demographic Planning**

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

#### **Lifestyle and Aspiration Achievement**

- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

### **Budget/Financial Implications**

The City of Cockburn contributes an annual premium to engage the services of LGIS to act for the City in respect of claims management and management of liability risks.

### **Legal Implications**

Engaging LGIS to act on behalf of the City to address legal matters is necessary as the scheme aims to provide the City with expert and professional advice in respect of claims management and management of liability risks.

### **Community Consultation**

Prior to the City forwarding relevant information, documentation and photographs to LGIS for assessment, the claimant is advised of the process relating to their claim.

Upon receipt of the abovementioned documentation from the City, LGIS provide the claimant with an interim letter, acknowledging receipt of the claim. After determining the outcome of the claim, LGIS provide the claimant with a final letter advising of the determination. All further correspondence is strictly between LGIS and the claimant.

### **Attachment(s)**

1. Process to Manage Tree Liability Issues
2. Tree Inspection Process to Engage Tree Consultant
3. City of Cockburn Tree Inspection Report

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

N/A

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

Nil.

## **16.2 (OCM 14/4/2011) - PROPOSED CLOSURE OF MIGUEL ROAD PEDESTRIAN RAILWAY CROSSING YANGEBUP (450027) (J KIURSKI) (ATTACH)**

### **RECOMMENDATION**

That Council advise WestNetRail that it:

- (1) seeks retention of the pedestrian crossing until the Spearwood Avenue duplication from Barrington Street to Sudlow Road is completed; and
- (2) supports the removal of the pedestrian crossing at the Miguel Road Railway Crossing, Yangebup after the road works are completed.

### **COUNCIL DECISION**

## **Background**

In 2003 the City of Cockburn obtain an approval to construct a new road bridge over the Midland to Kwinana Railway at Yangebup for the extension of Spearwood Avenue. The approval was subject to closure of Miguel Road as outlined in condition 10 of the Minister's letter dated 16 June 2003 (refer attachment 1).

At the Ordinary Meeting of Council held 20 May 2003, it was resolved to initiate the closure of Miguel Road at the railway crossing on completion of the Spearwood Avenue bridge over the railway line and associated roadworks. The railway bridge was completed in 2004 and the portion of road through the level crossing was closed in November 2005.

The pedestrian railway crossing has been retained at this point in time and officers have argued that it should not be removed until the traffic signals at the intersection of Spearwood Avenue and Barrington Street and the road upgrade of Spearwood Avenue is completed as this project will provide for safe movement of pedestrians and cyclists through this precinct.

The traffic signal has been completed however the roadwork is now scheduled to be completed by October 2011. WestNet Rail have written to the City seeking a resolution to the pedestrian crossing (refer attachment 2).

## **Submission**

WestNet Rail has requested Council implement procedures to close the existing pedestrian railway crossing or pay for it to be upgraded to current standards.

Two options have been proposed including:

1. Close the railway pedestrian crossing
2. Retain the railway pedestrian crossing permanently by upgrading it to current standards at Councils cost.

## **Report**

The railway line ensures a disconnect between the Yangebup residential precinct and the Bibra Lake commercial precinct. It represents a greater risk to pedestrian users than a grade separated crossing point and Westnet Rail have a stated policy to reduce the number of at grade crossing points to its rail network. Westnet Rail have actively sought to have this crossing point closed since 2005 however officers have successfully argued that the pedestrian crossing should be retained in its current form until all of the infrastructure associated with the Spearwood Avenue extension has been

constructed. The Spearwood Avenue project includes pedestrian and cycling facilities both on and off road which are better connected with the Yangebup precinct by the grade separated crossing at the bridge. Works are nearing completion and Westnet rail have again sought a determination by Council on the pedestrian crossing.

Closure of the pedestrian crossing has been proposed on a number of occasions since the road was closed in November 2005. On each occasion, a small number of users have objected largely on the basis of convenience, travel times and the suitability of the alternative network. The attached map shows the crossing point and the path network that supports the precinct (refer attachment 3).

As a result of community feedback, officers sought a cost from Westnet Rail to upgrade the crossing infrastructure to be consistent with their required standards. Their letter dated 14 February 2011 (refer attachment 2) outlines an initial capital cost of \$400,000 to upgrade the infrastructure and an annual maintenance cost of \$25,000 per annum (5 years paid up front i.e. \$125,000).

The City has the following options:

1. Close the railway pedestrian crossing
2. Retain the railway pedestrian crossing permanently by upgrading it to current standards at Councils cost.

#### Option 1 – Close the Crossing

The closure of Miguel Road and the associated pedestrian crossing was the clear intent of both the Minister for Planning and Infrastructure and Westnet Rail when approvals were given to fund and construct the Spearwood Avenue bridge in 2003. This decision was clearly supported by the community (particularly those living in Miguel Road) and by the Yangebup Community Association.

The City has invested significant funds through the Spearwood Avenue project to improve the links thus the argument about network suitability cannot be sustained. In fact, there is a noticeable increase in pedestrians and cyclists using the new infrastructure since the signals have been installed at Barrington Street. Whilst travel times for some users (only those living east of Miguel) may increase marginally, the grade separated crossing represents a safer alternative. Site observations have also revealed that this crossing has a very low patronage.

The proposed cost to upgrade the pedestrian crossing provided by Westnet Rail and the associated annual maintenance cost are exorbitant and prohibitive. It would be difficult to find these funds within the current or future Engineering budget.

### Option 2 – Retain the Crossing

The City may retain the existing crossing if it is prepared to pay for its upgrade and annual maintenance. WestNet Rail has provided a cost to upgrade the crossing to the required standard - AS 1742.7. The proposed initial capital cost of \$400,000 (excluding GST) will fund the upgrade of the existing infrastructure within 3m both sides of railway track, upgrade the pedestrian mazes and provide level 3 active pedestrian crossing protection (lights and audible alarms).

The City will also be required to enter into an agreement with Westnet Rail, a private pedestrian crossing licence, which details the responsibility and timing for maintenance of the pedestrian crossing and the cost of providing that maintenance. The estimated annual maintenance fee is \$25,000 (excluding GST), and in accordance with the Main Roads Railway Crossing Protection in Western Australia – Policy and Guidelines, the City would be required to pay 5 years of that annual maintenance cost in advance (i.e. \$125,000).

### Summary

Officers support closure of the pedestrian crossing within the Westnet Rail corridor (formerly Miguel Road reserve) for the following reasons:

1. It was a condition of approval by the Minister and Westnet Rail.
2. The closure of Miguel Road was actively encouraged and supported by abutting residents and the Yangebup Community Association. Closure of the pedestrian crossing was a consequence of closure of Miguel Road.
3. Patronage of this crossing is low.
4. Appropriate alternative footpath and cycle networks will be provided once the Spearwood Avenue works are completed.
5. Costs to upgrade and maintain the pedestrian crossing are exorbitant and prohibitive.

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

#### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.



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

### **Budget/Financial Implications**

There are no funding allocations in the current 2010/11 Engineering and Works budget.

### **Legal Implications**

The City has the power under the Local Government Act to close Miguel Road - pedestrian railway crossing following due process and receiving all the necessary approvals.

The WestNet Rail has the power under Rail Freight Act and Rail Safety Legislation to remove Miguel Road - pedestrian railway crossing if the crossing not complies with AS 1742.7.

### **Community Consultation**

Community consultation formed part of the road closure process.

On two occasions since the road closure was enacted, the City has initiated some broad consultation. Some community sentiment to retain the crossing prompted officers to seek a cost to retain the crossing.

No further consultation has been undertaken.

### **Attachment(s)**

1. Minister's letter dated 16 June 2003.
2. WestNet Rail letter – Miguel Road – Upgrade of Pedestrian Crossing.
3. Miguel Road – Railway Crossing and Path Network

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

The Proponent(s) and WestNet Rail have been advised that this matter is to be considered at the 14 April 2011 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 14/4/2011) - COCKBURN INTEGRATED HEALTH AND COMMUNITY FACILITY (CR/M/111) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) enter an agreement to lease floor space within the proposed Cockburn Integrated Health and Community Facility with the Gateways Dental Centre at a lease fee per sq. m. pa net plus GST and other terms and conditions in accordance with the offer form;
- (2) enter an agreement to lease floor space within the proposed Cockburn Integrated Health and Community Facility with the Superclinic Pharmacy, Success at a lease fee per sq. m. pa net plus GST and other terms and conditions in accordance with the offer form;
- (3) request the consent to the leases from the Minister for Lands;
- (4) all other terms and conditions being agreed to the satisfaction of the Chief Executive Officer; and
- (5) require a Policy to be presented for consideration at a future meeting to determine the value of land transactions to be delegated for the Chief Executive Officer to negotiate on behalf of Council, in accordance with Section 5.43(d) of the Local Government Act, 1995.

**COUNCIL DECISION**

**Background**

The City has a management order over lot 855 Wentworth Parade in Success and has the approval of Land Services to lease portions of the proposed Cockburn Integrated Health and Community Facility for medical and other purposes.

At its meeting of 9 December 2010 Council resolved as follows:

- (1) *adopt the Business Plan for the Cockburn Integrated Health and Community Facilities;*
- (2) *subject to final Council approval to construct the Cockburn Integrated Health and Community Facility and in accordance with Part 4 section 30 (c) (ii) of the Local Government (Functions and General) Regulations 1996:-*
  1. *Enter into a funding agreement with the Commonwealth Government for the incorporation of a GP Superclinic into the Cockburn Integrated Health and Community Facility.*
  2. *Enter into an Agreement to Lease and Lease with Centrelink for an area of approximately 1,000 m<sup>2</sup> at a commercial rate for 10 years with an option for a further 5 years with increases at no less than the annualised Perth CPI index as approved by the Chief Executive Officer.*
  3. *Enter an Agreement to Lease and Lease with the South Metropolitan Area Health Service for an area of approximately 350 m<sup>2</sup>.*
  4. *Enter an Agreement to Lease and Lease with the Child and Adolescent Health Service for an area of 1,000 m<sup>2</sup>.*
  5. *Enter an Agreement to Lease and Lease with the legal entity established to operate the Cockburn GP Super clinic.*
- (3) *subject to final Council approval to construct the Cockburn Integrated Health and Community Facility and in accordance with section 3.58 of the Local Government Act 1995, delegate authority to the Chief Executive Officer to negotiate Agreements to lease and leases for tenancies within the Integrated Health and Community Facility.*

It should be noted that sub-recommendation (3) above can only be effected following the determination by Council which sets a limit on the value of transactions delegated to the Chief Executive Officer. For this purpose, it is proposed that a Policy be presented to a future Council Meeting to consider.

## **Submission**

N/A

## **Report**

In accordance with the Council decision of 9 December 2010 an advertisement was placed in the West Australian on 8 March 2011 seeking public comment on the proposal to lease a portion of the proposed Cockburn Integrated Health and Community Facility. The first proposed agreement to lease is between the Gateways Dental Centre and the City of Cockburn for 130 sq.m. at the rate stipulated on the offer form net plus GST, with increases on the basis of CPI and regular market reviews for 10 years with an option for a further 10 years. Another proposed agreement to lease is between the Superclinic Pharmacy Success and the City of Cockburn for 150 sq.m. at the rate stipulated on the offer form net plus GST, for 8 years with an option for another 5 years. The tenants will be required to pay for their fit out and pay all outgoings.

The City's leasing agent for the Cockburn Integrated Health and Community facility, DTZ advises that the market lease for medical related tenancies on the ground floor that begin in early 2013 is within the range submitted by the proponents.

Under the Management Order the City has the power to lease for periods not greater than 21 years. The leases are subject to and conditional on the approval of the Minister for Lands under the *Land Administration Act 1997*. The proposed leases have been submitted formally on the required offer form and essentially reflect the values and terms recommended.

## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

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

### **Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To develop and maintain a financially sustainable City.

**Budget/Financial Implications**

The lease of space within the Cockburn Integrated Health and Community Facility will generate income for the City. All outgoings related to the tenancies will be paid for by the tenants. The net income for the tenancies in the first year for the Superclinic Pharmacy and for the Gateways Dental Clinic is stipulated on the submitted offer.

**Legal Implications**

Section 3.58 of the Local Government Act 1995 applies.

**Community Consultation**

This Disposition of Property (Proposed lease) was advertised in the West Australian on 8 March 2011 and public comments closed on 22 March 2011.

**Attachment(s)**

1. Indicative Lease Areas and Current Lease Areas.
2. Offer Forms (Under Separate Confidential Cover)

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the April 2011 Council Meeting.

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

The City of Cockburn has resolved to provide an Integrated Health and Community facility including a federally funded GP Superclinic on the site. All commercial tenancies will be at market values.

**17.2 (OCM 14/4/2011) - COCKBURN BOWLING AND RECREATION CLUB (CR/M/109) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council advises the Cockburn Bowling and Recreation Club that:

- (1) it remains committed to the future relocation of the Club to Visko Park, Yangebup;
- (2) the timing of the relocation is contingent on a future Council decision to sell the land upon which the current premises are located, such decision and funding commitments to be determined in conjunction with the adoption of the Plan for the District, scheduled for June 2012;
- (3) the terms and conditions of occupancy of the new premises by the Club will be negotiated with the Club's Board of Management in future to coincide with the timing of the relocation, as determined by Council pursuant to (2) above; and
- (4) as an interim measure, Council will commit to expenditure of up to a maximum of \$100,000 in the 2011/12 financial year to address urgent repairs and maintenance issues at the current premises.

**COUNCIL DECISION**

**Background**

Council previously commissioned a review of the operations and business model for the Cockburn Bowling and Recreational Club (Inc.) relative to a proposal to relocate its facilities to Visko Park, Yangebup. The final report was provided to Council and considered as part of a report in October 2010. The report was provided to that meeting and should be referred to in conjunction with this information.

At its meeting of 14 October 2010 Council resolved as follows:

- (1) *receive the report prepared by Con O'Brien Management Consultant, outlining a review and proposed Business Plan for the Cockburn Bowling and Recreation Club;*
- (2) *enter into dialogue with the current office bearers of the Club on:*
  1. *The potential for the Club to meet the expectations of managing a new facility in accordance with the principles mentioned in the review, particularly in regard to adopting changes to its management structure and membership voting rights.*
  2. *The capacity of the Club to be financially self-sustainable in the future, given the funding issues raised in the review, proposed Business Plan and this report; and*
- (3) *consider the future re-location of the Club to new facilities at Visko Park, Yangebup, following the outcomes of (2) above, by February 2011 or no later than April 2011, in a report to be presented to Council.*

In accordance with the Council decision a number of meetings have been held with representatives of the club.

In accordance with the previous Council decision approval for the excision of a portion of reserve 47278 (Visko Park) for the purposes of a bowling club is currently with the Minister for Lands. Approval has previously been given by the Department of Planning of the proposal.

### **Submission**

A written response to the Business Plan prepared by Con O'Brien, Management Consultant has been received from the Cockburn Bowling and Recreation Club (Inc). A copy of the report is attached to the Agenda.

### **Report**

The O'Brien report identified a number of key performance targets to be achieved in the short term for the Club to be viable if relocated to Visko Park. These are as follows:

- Achieve membership numbers of 180 ordinary members and 400 social members within the first year of operations at Visko Park.

- Achieve bar sales of at least \$370,000 while maintaining margins at no less than 63.5% during the first year of operations at Visko Park.
- Maintain overhead expenditure (excluding depreciation and amortisation) at no more than \$247,000 for the first year of operations at Visko Park.
- Negotiate contracting arrangement with appropriate restaurant/cafe proprietor with service commencing during the Club's first year of operations at Visko Park.

A primary factor in the success of a relocated club is to maintain then expand the membership of the Club at the new location should it proceed. It is acknowledged that there will be some loss of current members, particularly those who live close to the current premises.

"If the Club is successful in attracting new members, they are most likely to be social members – at least initially. Therefore, the Club environment will need to be conducive to social activity and welcoming to people in the local community, including residents who may have no immediate interest in bowling." (O'Brien 2010:15).

The O'Brien report expresses the view that the Club needs to attract new social members and the Club will need to become 'family friendly' and 'community orientated' to reflect the demographic of the new catchment population. It would also need to appeal to a broader demographic than currently and while bowling would remain an important activity it would need to attract or form other interest groups such as a tennis club, dance classes and the like.

In summary the O'Brien report proposed business model envisaged a Club with the following characteristics:

- Provision of family-friendly facilities and activities, which may include non-licensed areas where mothers and children can relax;
- Linkages to the other facilities offered at Visko Park, such as providing change facilities for people who wish to play tennis;
- Availability of food and other refreshments via a contracted-out restaurant/cafe;
- Opportunities for (and encouragement to) Club members to form interest groups within the Club – options might include tennis groups, dance classes, bridge classes, bowling lessons for beginners;
- Encouragement for social members to play a more active role in the Club's activities by providing them with the opportunity to have a greater say in governance and direction;



- Development of close ties with the local community by the Club and its members providing support for and assistance with community projects.

An issue that was raised in the O'Brien report and in the Council decision of 14 October 2010 is the management structure and the voting rights of social members. The Club clearly believe that they have the capacity within the Board to manage the facility on a volunteer basis without the need for any paid management which is essentially how the club currently operates. The Club has indicated that they propose to increase the number of board members by 3 who will be elected by all Club members. The result will be that there will be 13 board members (one of whom is a non-voting secretary) with majority bowling Club members. There are no other proposed changes to the management structure of the Club.

A concept plan had been prepared by City appointed architects and agreed by the previous board. The concept plans for the proposed facility were reviewed by the current board and modified to meet their requirements. A copy of the revised concept plans are attached to the Agenda. The floor area of the proposed building is essentially the same as currently available at the Rockingham Road site and the designated area users the same. The Club does not see any need or benefit in leasing out a café/restaurant area and propose that the volunteers involved with the Club could operate a café and provide a very basic menu, a copy of which is included in the report from the Club.

It is evident that the Club is seeking to be relocated to Visko Park and to operate in a similar way to that it currently does. Many of the elements of the Business Plan proposed in the O'Brien report are not supported by the Club. The Club, while operationally financially viable, currently still has a debt it owes to the City and minimal savings. The Club has had the use of a significant asset- similar to that proposed - for many years with the capacity to raise income. Whether simply changing the address of the Club to a more central and exposed location in the City will result in a Club that has increased membership and is more viable in the long term remains unknown.

The Club's response to the "critical" issues raised in the O'Brien review can be summarised as follows:

- (1) It is agreed that the floor space of the Visko Park premises will be similar to the current premises, as indicated in the attachments.
- (2) The Club does not believe it is necessary to appoint a full time paid Manager and foresees this role being undertaken

- collectively by the 5 Elected Board Members, thus reducing the operating expenditure by an estimated \$30,000 annually.
- (3) The Club does not support the contracting of the restaurant/café facility, citing adequate coverage of restaurant facilities in the immediate surrounds and propose to operate a facility in house utilising Club Members. While this will forego a potential rental income estimated at \$24,000 per annum, this will be partially offset by internal profits estimated at \$8,000 per annum.
  - (4) To address the matter of governance, the Club proposes to increase its Management Committee to include 3 new Social Members, to be nominated and voted on to the Board by all Members. (i.e full bowling and social).
  - (5) The Club's financial projections are generally in line with the outcomes forecast by the Review, with the exception of an allowance for Hall Hire income of \$27,000 per annum (after 3 years) and a decrease of \$60,000 operational expenditure each year, due to the installation of synthetic greens.

While there are some notable points of difference in the Business Plans prepared by the O'Brien Review and that submitted by the Club, there is no certainty as to which model would be more effective in achieving viable and sustainable Club operations in to the future.

On that basis, it is recommended that specific tenancy arrangements be negotiated at a time closer to the relocation of the Club from its current location to Visko Park.

It is timely for Council to consider when it should relocate the Club. The Club lease expires in 2016 and it is unlikely any significant proposals for the redevelopment of this site will be considered by Council before this time. Given that funding of a new facility will be largely funded by Council, it is considered necessary for more definite decisions to be made with regard to the future use of the land, to enable a more accurate funding program to be developed for the construction of a new facility at Visko Park.

This will necessitate more definite decisions being made on the disposal of the current site and redevelopment proposals associated with the Civic Centre landholdings, including the "Learning for Life" Centre, as identified in council's current Plan for the District (2010 – 2020).

Currently, these issues are only conceptual in nature and require more detailed planning and design to achieve the objective of creating a new community "hub" on the site, as identified in The Phoenix Central Revitalisation Strategy adopted by Council in May, 2009.

To address maintenance issues associated with the current Club premises in the meantime, it is suggested that Council allocates some funding in the 2011/12 financial year to be expended on items of highest priority, to be agreed between representatives of the current Board and Council's facility maintenance staff.

### **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.

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

The current estimated cost of construction is \$6.9M.

The Plan for the District has allocated \$100,000 for design development for 2011/12 and funds for construction in 2012/13 and for 2014. There is an anticipated \$1,860,000 to be sourced through the developer contribution fund and a further \$3,060,000 from 'External Sources', including the State Governments CSRFF. A decision on the Developer Contribution Fund is yet to be made by the WAPC and the Minister. The CSRFF contribution is likely to be substantially less than anticipated in the Plan for the District as the Council will be relocating an existing Club and will be serving a partly new catchment population only.

The Club have proposed the attached budget for the Bowling Club based at Visko Park on the assumption that they can increase membership by 100 to 150 new members.

An allocation has been made for funds to be set aside for future maintenance of the building within the proposed budget. The Club has requested further information on this, however, it is understood to represent an amount to be drawn on to address 'one off' expenses in the future, for which other funds are not available.

#### **Legal Implications**

Prior to any work commencing on the proposed Cockburn Bowling and Recreation Club building being constructed on Visko Park, an agreement to lease and lease is proposed between the Club and the City.

### **Community Consultation**

Extensive consultation has been held with members of the Club through a jointly sponsored survey between the Club and the City in relation to the O'Brien Management Plan.

### **Attachment(s)**

1. Response from the Cockburn Bowling and Recreation Club in response to the O'Brien Business Plan.
2. Concept Plans for the proposed Cockburn Bowling and Recreation Club to be located on Visko Park.
3. Proposed budget approved by the Cockburn Bowling and Recreation Club (Inc).

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

The Club has been made aware that an Agenda item would go to the April 2011 Council Meeting in accordance with its decision of 14 October 2010.

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

Local government authorities have traditionally been responsible for the development of (lawn) bowling facilities in this State.

## **18. EXECUTIVE DIVISION ISSUES**

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

- 19.1 (OCM 14/4/2011) - NOTICE OF MOTION - CLR OLIVER - MEMBERSHIP OF THE CHIEF EXECUTIVE OFFICER'S (CEO'S) AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (1192) (S CAIN)**

### **RECOMMENDATION**

That Council not appoint a Councillor to replace former Clr O'Brien on the Committee at this time.

### **COUNCIL DECISION**

## Background

At the March 2011, Council meeting, Clr Oliver submitted the following Notice of Motion for consideration at the April Council Meeting:

*That the vacancy on the Chief Executive Officer Performance and Senior Staff Projects Review Committee be filled at April, 2011 meeting.*

## Submission

N/A

## Report

Following the Council Elections in 2009, the following resolution of Council was passed:

### *COUNCIL DECISION*

*MOVED Clr S Limbert SECONDED Clr C Reeve-Fowkes that Council appoint the following Elected Members to the Chief Executive Officer's (CEO's) and Senior Staff key Projects Appraisal Committee:*

*Mayor Logan Howlett (Statutory Appointment)*

*Clr Carol Reeve-Fowkes*

*Clr Tony Romano*

*Clr Kevin Allen*

*Clr Helen Attrill*

*Clr Sue Limbert*

*Clr Robyn O'Brien*

*CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/1*

Since that time Clr Robyn O'Brien has resigned and the Central Ward vacancy filled by an extraordinary election held on 27 January, 2011

This Committee was originally established in September 2005. Its primary functions are to review the performance of the CEO, in accordance with the negotiated contract of employment, provide recommendations to Council in relation to the approved remuneration package and assess relevant outcomes in accordance with Key Performance Indicators. In addition, it establishes and monitors the progress of agreed key projects for both the CEO and four individual Directors.

The tenure of members appointed to the Committee expires at the October 2011 Council Elections. In accordance with Section 5.10 of

the Local Government Act, 1995, Council is to appoint elected members (minimum of 3) to be members of the Committee.

Given that there remains six (6) appointed members and there is only one (1) scheduled meeting of the committee remaining prior to the tenure of current members expiring at the October, 2011, elections, there is no compulsion for Council to fill the vacancy and it would seem logical for the Committee to continue operating with six (6) members in the interim.

However, should Council decide to appoint another member/s, then an absolute majority of Council is required for the resolution to be effective.

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Sec 5.10 and 5.11 of the Local Government Act, 1995, refers.

### **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.

**19.2 (OCM 14/4/2011) - NOTICE OF MOTION - MAYOR HOWLETT - AGENDA BRIEFING SESSIONS (CC/C/002) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receives the report.

**COUNCIL DECISION**

**Background**

At the Council Meeting conducted on 10 March, 2011, Mayor Howlett submitted a Notice of Motion for the Next Meeting, as follows:

*That Council re-instate the “open” Agenda Briefing Sessions (from Thursday 5 May 2011) that operated from March to October, 2009, under the same conditions and format that applied during that period.*

However, as this matter was the subject of the following Council decision on 12 November, 2009 it is a statutory requirement for the current position of Council to be formally revoked, prior to the motion, as submitted, being considered:

*That the Council Agenda Briefing Sessions not be open to the public in future and that they be conducted under the same procedures as those which operated prior to being open to the public.*

**Submission**

N/A

**Report**

As the required Notice of Motion to revoke the previous council decision has not been received, the motion put forward by Mayor Howlett lapses, pursuant to Clause 16.12(c) of the City of Cockburn’s Local Law Relating to Standing Orders.

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

#### **Lifestyle and Aspiration Achievement**

- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

#### **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**

Regulation 10 of the Local Government (Administration) Regulations and Clauses 4.10, 16.3, 16.4 and 16.12 of the City of Cockburn's Local Law Relating to Standing Orders, refer.

### **Community Consultation**

N/A

### **Attachment(s)**

Extract of Minutes of the Ordinary Council Meeting – 12 November 2009 – Minute No.4805.

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

N/A

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

Nil.



**19.3 (OCM 14/4/2011) - NOTICE OF MOTION- MAYOR HOWLETT - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS (DAPPS) COMMITTEE (FS/W/001) (ATTACH)**

**RECOMMENDATION**

That Council receives the report.

**COUNCIL DECISION**

**Background**

At the Council meeting conducted on 10 March, 2011, Mayor Howlett submitted a Notice of Motion for the next meeting as follows:

*That Council establish a Delegated Authorities, Policies and Position Statements Committee (DAPPS) with the same terms of reference that applied to the previous DAPPS Committee. The Committee meetings to be open to the public and to commence from May 2011.*

However, as this matter was the subject of the following Council decision on 12 November, 2009, it is a statutory pre-requisite for the current position of Council to be formally revoked, prior to the motion, as submitted, being considered:

*....(2) not establish any other committees pursuant to Sec 5.8 of the Local Government Act, 1995.*

This resolution related specifically to a motion which was considered by Council to establish a DAPPS Committee and a *Financial Management Committee* and was subsequently defeated by Council. A subsequent Notice of Motion to revoke the current position at the March 2010, Council Meeting was defeated by Council.

**Submission**

N/A

## **Report**

As the required Notice of Motion to revoke the previous council decision has not been received, the motion put forward by Mayor Howlett lapses, pursuant to Clause 16.12(c) of the City of Cockburn's Local Law Relating to Standing Orders.

## **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**

Additional costs will be incurred by Council in the production of Committee Agendas and Minutes.

## **Legal Implications**

Regulation 10 of the Local Government (Administration) Regulations, Clauses 4.10, 16.3, 16.4 and 16.12 of the City of Cockburn's Local Law relating to Standing Orders, refer.

## **Community Consultation**

N/A

## **Attachment(s)**


Extract of Minutes of the Ordinary Council Meeting – 11 March 2010  
Minute No.4201.

## **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
  
- 21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS
  
- 22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE
  
- 23. CONFIDENTIAL BUSINESS
  - 23.1 (OCM 14/4/2011) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 17 MARCH 2011 (1192) (S CAIN) (ATTACH) 

**RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 17 March 2011, as attached under separate confidential cover, and adopt the recommendations contained therein.

**COUNCIL DECISION**

**Background**

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 17 March 2011. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

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

### **Report**

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

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Committee Minutes refer.

### **Legal Implications**

Committee Minutes refer.

### **Community Consultation**

Not applicable.

### **Attachment(s)**

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 17 March 2011 are provided to the Elected Members as confidential attachments.

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

The CEO and Senior Staff have been advised that this item will be considered at the April 2011 OCM.

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

Committee Minutes refer.

**24. (OCM 14/4/2011) - 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**

**25. CLOSURE OF MEETING**