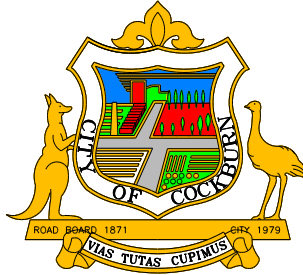


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 9 APRIL 2015

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 9 APRIL 2015 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, 9 APRIL 2015 AT 7:00 PM**

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**
Nil
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **(OCM 9/4/2015) - MINUTES OF THE ORDINARY COUNCIL MEETING - 12/03/2015**

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 12 March 2015, 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)

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 9/4/2015) - LOCAL GOVERNMENT ELECTIONS - 2015 (085/007) (D GREEN)

RECOMMENDATION

That Council

- (1) declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 Ordinary Elections, plus any extra-ordinary elections and/or polls of electors; and
- (2) decide, in accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the elections be as postal elections.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council is required to conform with legislation procedures prior to each ordinary election day, if it wishes to undertake its elections by postal voting. This relates to declaring the Electoral Commissioner to be responsible for the elections and that the method of voting be by postal vote.

Submission

N/A

Report

There will be four(4) vacancies on Council for the 2015 elections, being one Councillor each in West and Central Wards and two in East Ward.

Retiring are Deputy Mayor Reeve-Fowkes (West) Councillor Pratt (Central) and Councillors Portelli and Mubarakai (East).

Council has recently received correspondence from the Western Australian Electoral Commissioner advising of its agreement to be responsible for the conduct of these elections, plus any extra-ordinary elections and/or polls of electors.

The correspondence also contains an implied invitation for Council to utilise the Commissioner's services to undertake the elections on Council's behalf.

To comply with the provisions of the Act, Council is required to adopt the recommendations relative to the decisions to utilise the Commissioner to conduct the elections and to conduct them by postal vote.

Council first used this method at the inaugural elections of a new Council (Mayor and 9 Councillors) in December, 2000, following the dismissal of the previous Council.

The resultant voter turnout of over 43% was a vast improvement on previous 'in person' elections held by Council, which typically attract about 10% voter participation.

The most recent Mayor and Councillor elections in 2013 attracted a 24% participation rate for the Mayoral plus five(5) Councillor vacancies, while the 2011 Elections rate for four(4) Councillor vacancies was 27%.

As Council's budget has accommodated estimated costs of conducting the elections by post, it is recommended that Council continue with this

method which should guarantee healthy community input to these elections.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

\$188,000 is required within the Governance (Elections) Account to cover costs associated with the Election.

Legal Implications

Part 4 of the Local Government Act, 1995, and the Local Government (Elections) Regulations, 1997 (as amended) refer.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/

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

Nil.

13.2 (OCM 9/4/2015) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 19/3/2015 (026/007) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 19 March 2015, and adopt the recommendations contained therein.

COUNCIL DECISION

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 19 March 2015.

Submission

N/A

Report

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

1. Chief Executive Officer's Biennial Review of Risk, Legislative Compliance and Internal Control 2014.
2. 2014 Local Government Statutory Compliance Audit Return.
3. 2014/15 External Audit Plan.
4. Internal Audit – Employee Time-keeping.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minute4s.

Community Consultation

N/A

Attachment(s)

Minutes of the Audit and Strategic Finance Committee Meeting – 19 March 2015.

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 9/4/2015) - CONSOLIDATION OF CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 (109/002) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) in accordance with Section 90(1) of the *Planning and Development Act 2005* (“Act”) lodge this report on the operation of the City of Cockburn Town Planning Scheme No. 3 (“Scheme”) with the Western Australian Planning Commission (“WAPC”);
- (2) in accordance with Section 90(2)(b) of the Act note the receipt of no submissions on the consolidated Scheme within the 42 day consultation period;
- (3) in accordance with Section 90(2)(c) of the Act recommend the Scheme should be amended;
- (4) recommend amendments to the consolidated Scheme (dated 10 May 2012) should include those amendments detailed in Attachment One to this report; and
- (5) requests the WAPC to forward the above to the Minister for Planning with a request to consider the consolidated scheme under Section 92 of the *Planning and Development Act 2005*.

COUNCIL DECISION

Background

At its Ordinary meeting held 10 May 2012, Council resolved to consolidate its Scheme. The background to this process is covered in Item 17.7 of the minutes of the 10 May 2012 meeting and is not replicated here.

The consolidation process is a procedure required by the Act to ensure the Scheme remains relevant and consistent in light of State planning policies and strategy.

As amendments to the Scheme are made these are assessed against this criteria, however this is an opportunity to confirm the City has responded to the introduction of State planning policies and strategy since the adoption of the Scheme text.

The Act requires Council to prepare a consolidated scheme text and maps and seek permission from the WAPC to advertise these. Permission was granted in January 2015, some two and half years after it was sought. The delay in granting this permission creates a complication in that the consolidation is usually effective from the date of Council's resolution (i.e. 10 May 2012). To seek to redress this situation, part four of the officer recommendation is included. This will seek to recognise all the amendments gazetted in the interim and have the consolidated scheme take effect from 17 March 2015 (date of gazettal of Amendment 94). Details of these amendments are set out in Attachment One.

Advertising for 42 days has now occurred and Council is now required to prepare a report on the Scheme and make recommendations under Section 90(2) of the Act. The officer recommendation has been specifically drafted to meet the requirements of the Act.

Submission

N/A

Report

As per Section 89(2) of the Act, submissions were sought on the following points:

- The effectiveness of the Scheme;
- The need for amendment to the Scheme; and
- The need for the making of a new Scheme.

No submissions were received during the 42 day advertising period, during which information was available via the City's website and front

counter. Notice of the advertising period was made available on the City's website and via advertisement (on 27 January 2015) in the Cockburn Gazette.

As per section 90(2)(c) of the Act, Council must report on and recommend as to whether or not the Scheme:

- Is satisfactory in its existing form;
- Should be amended;
- Should be repealed and a new scheme prepared in its place; or
- Should be repealed.

The latter two options are dismissed as viable options. Neither of these was entertained as part of Council's original consideration (in May 2012) and they have become less viable as time has passed. It is noted a new Scheme will be necessary in due course and this will need to be supported by a new local planning strategy. This will take some time to prepare and consult upon, meaning the consolidation of the Scheme is necessary in the interim.

This leaves the first two options as viable options to recommend. The first would result in a consolidation date of 10 May 2012 and would enable the Scheme to continue to operate for five further years beyond that (i.e. till 10 May 2017). This doesn't leave much time for a new scheme and local planning strategy to be considered. While practically possible to recommend this option, it is preferable to look to the remaining option discussed below.

The recommended option is that the Scheme should be amended. The recommended list of amendments would be as per the gazetted amendments since Council resolved to consolidate the Scheme (i.e. amendments since 10 May 2012 until 17 March 2015).

In considering the request to advertise a consolidated scheme, the WAPC required advice from the City as to how various policies and strategic planning initiatives had been incorporated into the City's Town Planning Scheme, Structure Plan and Local Planning Policy framework.

Logic follows they would require similar advice for the period of time from January 2013 (when that advice was requested) till now. Discussion regarding each relevant new or updated State Planning Policy is set out below.

State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP2.5)

The current version of this policy is dated May 2012. The City of Cockburn has a small amount of rural land. The majority of updates to

SPP2.5 related to subdivision issues. The City of Cockburn has an adopted Local Planning Policy APD 7 Rural Subdivision which deals with this issue in a local framework. The policy was last reviewed in September 2013 and considered to be consistent with SPP2.5.

State Coastal Planning Policy (SPP2.6)

The current version of this policy is dated 30 July 2013. The City of Cockburn has an extensive coastline, including a development area in North Coogee known as 'Cockburn Coast'. The 'Robb Jetty' and 'Power Station' precincts of this development area are adjacent to the coastline and affected by SPP2.6.

Development Area 33 relates to Cockburn Coast and includes specific provisions which complement SPP2.6. These include the need for a Coastal Hazard Risk Assessment, Foreshore Management Plan and for any marina proposals to assess environmental and social feasibility. These provisions were introduced by Amendment 89.

The 'Robb Jetty' Local Structure Plan was assessed and adopted with regard to the requirements of SPP2.6.

The 'Power Station' Metropolitan Region Scheme request to lift Urban Deferred was also assessed with SPP2.6 in mind and a recommendation provided to WAPC.

Residential Design Codes (SPP3.1)

The current version of this policy is dated 2 August 2013. The City of Cockburn applies this policy in its residential areas and also has an adopted Local Planning Policy APD 58 Residential Design Guidelines which deals with this issue in a local framework. The policy was last reviewed in September 2013 and considered to be consistent with SPP3.1.

Draft Jandakot Groundwater Protection (draft SPP2.3)

An updated draft version of this policy was advertised August 2013. The City of Cockburn has a substantial area in its east impacted by this policy. As this is an updated version to the existing SPP, the City already has the appropriate zoning in place under its Scheme. The City has provided comments on the draft SPP2.3 concerning land use control and where the responsibility lies. At this point in time, this draft SPP is not finalised and no changes are warranted (or expected) to the Scheme which refers back to the SPP for land use permissibility. The Scheme is considered to be consistent with the draft SPP2.3.

Draft Planning for Bushfire Management (draft SPP3.7)

An updated draft version of this policy was advertised May 2014. The City of Cockburn has lodged comments on the document, primarily discussing definitions. The policy is yet to be adopted; however several years ago the City initiated a scheme amendment to identify a special control area for bushfire as well as complementary provisions for mapping of these areas and development provisions. The City of Cockburn also has an adopted Local Planning Policy Bushfire Prone Areas which deals with this issue in a local framework.

Amendment 92 was gazetted 13 March 2015 and is consistent with the draft SPP3.7.

Draft Telecommunications Infrastructure (draft SPP5.2)

An updated draft version of this policy was advertised October 2014. The City of Cockburn chose not to lodge comments given the City's Scheme is considered to be consistent with both the existing and draft SPP5.2.

Draft Jandakot Airport Vicinity (draft SPP5.3)

An updated draft version of this policy was advertised July 2013. Based on the recent changes to the Perth Airport SPP, it is assumed further updates to this policy will be proposed.

The City of Cockburn is the most affected local government in relation to this policy. Comments on the draft policy (and related matters such as Jandakot Airport master planning) have been provided. The Scheme is considered to be consistent with both the existing and draft SPP5.3.

Scheme Amendments since 10 May 2012

A total of 18 Scheme Amendments have been gazetted since 10 May 2012 (in the period until 17 March 2015). Further detail on these amendments and their consistency with State planning initiatives is set out in Attachment One.

The majority of these amendments have been made by the City with a view to implementing objectives of Directions 2031 and/or responding to Metropolitan Region Scheme changes. These are Amendments 28, 82, 87, 89, 94, 95, 98, 100, 101 and 102. Each of these amendments has been considered consistent, or at least complementary to State planning initiatives given their approval.

Some amendments have been generated on landowner request. These are Amendments 73, 90, 91 and 93. Each of these amendments has been considered consistent, or at least complementary to State planning initiatives given their approval.

Amendment 86 made updates to the Scheme's heritage provisions to align with the updated Heritage Act and improve and clarify existing provisions as well as introduce a register for significant trees. This amendment is considered consistent, or at least complementary to State planning initiatives given its approval.

Amendment 97 was minor in nature and clarified the methodology for Development Contribution Plan 13. This amendment is considered consistent, or at least complementary to State planning initiatives given its approval.

Amendment 99 was an omnibus amendment which dealt with a number of small proposals to correct Scheme anomalies (such as unzoned parcels). This amendment is considered consistent, or at least complementary to State planning initiatives given its approval.

Amendment 92 introduced a Special Control Area for bushfire prone areas. This amendment is considered consistent, or at least complementary to State planning initiatives given its approval.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005, Division 5 – Review of local planning schemes

Community Consultation

The consolidated text and maps were advertised for a period of 42 days.

No submissions were received.

Attachment(s)

Scheme Amendments list (10 May 2012 – 17 March 2015)

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (OCM 9/4/2015) - CONSIDER SUBMISSIONS AND ADOPT TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO.103 - AMENDING DEVELOPMENT CONTRIBUTION PLAN 13 TO INCLUDE ADDITIONAL ITEMS (109/035) (C CATHERWOOD) (ATTACH)

<p>RECOMMENDATION That Council</p> <p>(1) pursuant to Regulation 10 of the Local Government (Administration) Regulations 1996 (as amended) revokes Parts 2, 3 and 4 of the following decision made at the Ordinary Council Meeting conducted on 13 November 2014 (Minute No 5401):</p> <p><i>“That Council</i></p> <p>2. <i>endorses the Schedule of Submissions prepared in respect of Amendment 103 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”);</i></p>

3. *advises the Western Australian Planning Commission that the City of Cockburn no longer wishes to proceed with Scheme Amendment No. 103;*
 4. *provides the Western Australian Planning Commission with a summary of reasons related to this decision not to proceed with Scheme Amendment No. 103.”*
- (2) endorse the Schedule of Submissions prepared in respect of Amendment 103 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”);
- (3) adopt Scheme Amendment No. 103 for final approval for the purposes of:
1. Amending Schedule 12 of the Scheme text by inserting the following items in Development Contribution Area 13 – Community Infrastructure, under ‘Infrastructure and Administrative Items to be Funded’ as follows (additional wording shown in **bold** text):

<p>Infrastructure and administrative items to be funded</p>	<p><i>Regional</i></p> <p>Coogee Surf Club Wetland Education Centre/Native Ark Cockburn Central Recreation and Aquatic Centre Cockburn Central Community Facilities Visko Park Bowling and Recreation Club Coogee Golf Complex (excluding the pro shop and restaurant components) Bibra Lake Management Plan Proposals Atwell Oval Cockburn Coast Foreshore Reserve (excluding coastal protection measures) Cockburn Coast Beach Parking</p> <p><i>Sub Regional—East</i></p> <p>Cockburn Central Library and Community Facilities Cockburn Central Playing Fields Anning Park Tennis Cockburn Central Heritage Park Bicycle Network—East</p> <p><i>Sub Regional—West</i></p> <p>North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne) Phoenix Seniors and Lifelong Learning Centre Beale Park Sports Facilities</p>
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		<p>Western Suburbs Skate Park Bicycle Network—West Dixon Reserve/Wally Hagen Facility Development (excluding the café component)</p> <p><i>Local</i> Lakelands Reserve Southwell Community Centre Hammond Park Recreation Facility Frankland Reserve Recreation and Community Facility Munster Recreation Facility Banjup Playing Field Banjup Community Centre Cockburn Coast Sport Oval and Clubroom (including land cost)</p> <p><i>Administrative costs including –</i> Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p> <p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p> <p>Costs to prepare and update the Community Infrastructure Cost Contribution Schedule.</p> <p>Costs including fees and interest of any loans raised by the local government to undertake any of the works associated with DCA13.</p>
<p>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</p>		

COUNCIL DECISION

Background

The purpose of this report is to consider submissions and final adoption of Amendment No. 103 to the Scheme which seeks to include additional items to Development Contribution Plan 13 (“DCP13”).

Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 12 September 2013. It was advertised for public comment for a period of 42 days from 29 October to 10 December 2013. There are highly unusual circumstances related to Council’s consideration of this amendment, this being the third time it has needed to be presented for Council’s decision.

Firstly the item was adopted for final approval 10 April 2014 and forwarded to the WAPC. Then with the advent of local government reform proposals, this first decision was revoked at Council’s ordinary meeting held 13 November 2014. At this meeting Council also determined to not proceed with the amendment given this matter would have created a financial impact the City of Fremantle needed to be allowed to consider. In recent weeks, the State Government has abandoned the local government reform proposals which affected the City of Cockburn. It is now possible to adopt this amendment once more.

DCP13 was included in the City’s Scheme via Amendment No. 81, gazetted in August 2011 and relates to community infrastructure.

Community infrastructure is the land, structures and facilities which help communities and neighbourhoods function effectively. This includes facilities such as sporting and recreational facilities, community centres, child care and after school care centres, libraries and cultural facilities. They are often highly valued by their communities and add greatly to the overall quality of life by providing opportunities for physical activity and social interaction.

It is widely accepted that the use of community facilities has a direct correlation to the number of people using them. This is clear in the intent and basis of the relevant State Planning Policy 3.6 - Development Contributions for Infrastructure (“SPP3.6”) as well as the City’s DCP13.

This report seeks Council to consider all submissions received during the advertising and recommends revoking the November 2014 decision not to proceed and making a new decision to adopt the Amendment for final approval.

Submission

A Scheme Amendment has been lodged by APP on behalf of Landcorp, the proponents for the Robb Jetty and Emplacement Local Structure Plans within the Cockburn Coast development area ("subject land"). The structure plans for the subject land were considered by Council on 9 May 2013 and approved, subject to modifications. Approval of the Robb Jetty and Emplacement Local Structure Plans by the Western Australian Planning Commission ("WAPC") has now also taken place.

The local structure plans propose to develop the subject land for a mix of zones, including a dense activity centre, residential (ranging up to R160 density), public open space, mixed business, mixed use, and a primary school with a shared oval. The oval will fulfil a role in providing for junior sport for surrounding suburbs and is in addition to the local public open space a development ordinarily provides for. The subject land is also directly adjacent to coastal foreshore which is proposed to be redeveloped.

It is proposed to modify the provisions of the City's existing DCP13 to include additional items as a result of the future proposed urbanisation of the subject land to meet the requirements of future community/s in the locality.

Report

Existing Development Contribution Plan 13

The City through its existing DCP13 has catered for the requirements of community facilities and services at the local, subregional and regional level. While the existing DCP13 recognised there would be growth within the Cockburn Coast area, planning was not sufficiently advanced to include infrastructure items brought about by this development.

Proposed Additions to Development Contribution Plan 13

The community infrastructure items proposed to be included in DCP 13 are identified in the District Structure Plan and Local Structure Plans for Cockburn Coast. The community infrastructure items proposed to be included in Schedule 12 of DCP 13 are detailed below. The addition of these items is proposed via Amendment No. 103 to the City's Town Planning Scheme No. 3.

New Regional Items: Cockburn Coast Foreshore Reserve (excluding coastal protection measures) and Cockburn Coast Beach Parking

The intensification of the project provides an opportunity to enhance the recreational and aesthetic quality of the foreshore reserve. These enhancements will increase the attraction of the foreshore to the broader area. Additional enhancement is required to the proposals covered by the North Coogee Foreshore Management Plan (existing Sub-Regional item) to reflect the scale and intensification of development now envisaged for the Cockburn Coast project area. The difference in catchment is somewhat reflected in the estimated costs.

This portion of foreshore accommodates an important role for the community, recognised by the European and Indigenous Heritage significance attributed to this section of foreshore by the City's Local Government Inventory. The value of this section of coast extends well beyond the proposed development into the rest of the Cockburn community. Improvements to this area will enable increased appreciation for this community asset.

Additional beach parking is also proposed alongside the linear (east-west) public open space to accommodate visitors from the broader area. The parking area is located on the eastern side of the railway line for traffic management and rail safety reasons. A pedestrian access bridge is included in the foreshore works to provide safe access between the parking and the beach.

New Local Item: Cockburn Coast Sport Oval and Clubroom (including land cost)

The Cockburn Coast district open space comprising sports oval and clubrooms have been identified as a Local community infrastructure item. This item is only intended to support the local community needs across the catchment of Coogee/North Coogee. In addition to the Cockburn Coast residential population, this Local facility will support future residents proposed within other nearby new developments such as South Beach and Port Coogee who currently need to travel outside their locality to access playing fields.

Community Consultation Outcomes

A total of nine submissions were received on this amendment. Five of these raised concerns with various issues which are set out below.

The main themes of concern relate to the existing DCP13 and how that functions and the proposed items for inclusion.

Several submissions raised the issue of local government reform, the concern being that DCP13 should be disbanded altogether in light of the Minister for Local Government's proposal to disaggregate Cockburn. This proposal has now been abandoned by the State Government making these previously valid concerns no longer an issue.

As part of the scheme amendment process, Council is bound to resolve either to not proceed with the amendment, or to adopt the amendment (with or without modifications). Now that the local government reform issue has fallen away, it is appropriate to revoke the last decision (November 2014) made by Council which was not to proceed. This can be replaced with a decision to adopt the amendment.

Concern was also raised about the notion of adding items to DCP13. The perception being the content of the DCP would be fixed. While it is correct there is a degree of certainty by items being listed in the Scheme, the scheme amendment process is there to consider potential additions or deletions.

One submission proposed modifying the methodology of DCP13 from a per new lot/dwelling basis to a per hectare basis. The methodology has already been established and the DCP operational for a number of years. This amendment does not deal with the methodology and it is not considered appropriate to revise this part way through the DCP operation period.

Concern was also raised about the contribution rate and how these have changed since introduction of DCP13. The estimated contribution rate advertised for this amendment was only able to reflect the current items plus the proposed items. Since the advertised rate, Amendment 98 has been gazetted which added local items for the Banjup Quarry development and a dwelling review was undertaken (as required every five years by the Scheme). This has resulted in a lower estimated rate than what was advertised as set out earlier in this report.

In terms of changes to the rates since originally advertised, the City is required to undertake an annual review. There have now been several of these since gazettal of DCP13. City officers time these with the commencement of each financial year. There is a requirement to publish these rates, but not to provide a notice period to developers they are about to change. In this time a couple of key projects have gone through major phases and this has reflected in the contribution rates increasing. In particular, the aquatic centre has had a business plan and financial assessment undertaken as it moves from conceptual planning to detailed planning. The surf club has gone also from conceptual plans to detailed plans and construction. Important lessons

have been noted from these projects in terms of costing and these are discussed further below.

Request was made in one submission to add items constructed by the developer at Port Coogee (not all of these are 'community infrastructure'). This matter was raised previously as part of a late submission on DCP13 when it was originally introduced. At the time the following response applied:

"As noted in the Port Coogee Revised Local Structure Plan, in March 1996, the WA Planning Commission and CMD and Australand entered into a Heads of Agreement. In May 1997, the State Government and Australand signed a Project Agreement, which was revised and endorsed again by Cabinet in February 2000.

The State Government made a significant investment which was given over to the developer to facilitate this development with the State's contribution of approximately 40% of the land holding plus the seabed area.

The structure plan also notes the following key issues of community concern:

- 1. The loss of the northern section of Coogee beach and associated dune system;*
- 2. Impact on an area of seagrass meadows in the south western corner of the development site;*
- 3. Public accessibility to the waterfront; and*
- 4. The removal of the Omeo wreck.*

As a result of these issues being raised and to try and resolve some of these concerns, a variety of elements were incorporated in the structure plan approved. Many of these elements are now put forth by the developer further in this submission as contributions which the broader Cockburn community should pay for".

The request regarding Port Coogee items is dismissed in this instance also. The request does not reflect any of the principles contained within the relevant State Planning Policy 3.6, and is not supported on this basis.

Several of the submitters took the time to meet with City officers and explain their submissions, or elaborate on points raised therein. In terms of these discussions the following matters were also noted.

The final format of SPP3.6 (and the model scheme provisions) differs in many ways from how it was originally envisaged in the industry groups that provided input. Of particular note is how local governments are to cost infrastructure items. They are to use 'the best and latest

estimated costs available to it'. There is no insistence that a Quantity Surveyor is used for each annual review and there is no requirement to have concept plans for costing. City officers can see that this is a far superior approach, and even though the TPS3 does not require it, this extra level of transparency and rigour should be provided for developers. City officers will be ensuring all DCP13 items are costed by a Quantity Surveyor with a view to smoothing out any sharp increases in contribution rates.

The oval adjacent to the school site was also discussed. The land value of this site is substantial (advertised value was \$9.4 million) given its coastal location. As a proposed 'local' item for the catchment 'Coogee/North Coogee' this reflects in a higher contribution rate for this area. In the Robb Jetty Local Structure Plan report, the oval is described as being in addition to the 10% local public open space. The District Structure Plan requires the school to be collocated with the oval. Use is to be shared between the school and the community. It is notable that due to the demographics and housing typology, only one school (at a greatly reduced size) was required for Cockburn Coast.

Looking at the adjacent Port Coogee Local Structure Plan, no primary school was included. This is likely to be for similar reasons to the Cockburn Coast development, however it is difficult to be certain as there is no mention in the LSP report. Where primary schools are required a condition is normally applied to subdivision approvals for a contribution to be made to the Department of Education. In the case of all the subdivision approvals issued to date for the Port Coogee development, no such condition has been applied. This would go some way to explaining the developer of Port Coogee's concern they be expected to contribute towards what they perhaps view as a 'school oval'.

While in effect, this oval would perform the role of 'school oval'. It likewise, is listed in the City's Sport and Recreation Strategic Plan as a cricket and AFL overflow location servicing the suburb of North Coogee (the Port Coogee development is within this suburb). As a Local Reserve, the specification is a basic level designed for overflow competition or training needs and would not house a senior club. This is reflected by the Robb Jetty Local Structure Plan where only the dimensions to suit a junior level oval are provided. Club room size is commensurate with other local reserve facilities. The use of such reserves is traditionally weekends and late afternoon/evenings (as far as lighting permits). This oval is proposed to be floodlit which will maximise these times. Cricket and AFL differ in terms of seasonal demand and therefore a year round community sporting use applies. It is not only a school oval. It is therefore considered more than appropriate this item be included in DCP13 and apply to all the Coogee/North Coogee catchment.

A concerning issue though is the matter of the cost of this land. The cost provided by the licenced land valuer is not disputed. As part of of Amendment 1180/41 to the Metropolitan Region Scheme, a portion of Lot 2110 Bennett Avenue was rezoned from 'Parks and Recreation' to 'Urban'. This area is approximately 2.2ha. While the area may not sound large, it equates to about 78% of the proposal oval, which will sit within a 2.82ha site. Considering the advertised land value of the local public open space is \$9.4 million, it is understandable why this concern has been raised.

It is assumed as the District and Local Structure Plans designate this land now for a development lot (and space for an oval has been assigned elsewhere), they will be sold by the WAPC. The DSP mentions development contributions shall be needed for the oval which could be seen as unfair given one reserve was 'taken' away and another required but without any input from the WAPC. Unfortunately, concerns with the content of these plans or the MRS amendment did not extend to this particular issue. An inclusion in the officer recommendation is for the WAPC to consider 'seed funding' this item of DCP13 to ensure Cockburn Coast landowners and developers at Port Coogee and South Beach estates are not unfairly penalised by rationalising of these reserves.

None of the proposed issues raised is considered to warrant modifications to the amendment. However, as mentioned an additional recommendation for the WAPC's consideration has been included concerning the oval land. Additionally, as a matter of practice all DCP13 items will be reviewed by a Quantity Surveyor to provide additional rigour and transparency to the DCP13 contribution rates.

Conclusion

It is recommended that Council endorse the Schedule of Submissions and adopt the amendment for final approval.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

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

Leading & Listening

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

Budget/Financial Implications

The 'as advertised' version of the cost per dwelling/lot for the Coogee/North Coogee catchment was \$5,321.85. This reflects the coastal items as 'Regional' catchment. It should be noted, this could not take into account the pending Amendment 98 which sought to add items for the Banjup Quarry development.

The applicant has since been asked to examine whether further cost savings via reduction in the level of embellishment are possible. Approximately \$1.5 million of infrastructure has been removed from the advertised plans/costs. This will be embedded in the descriptions of the infrastructure items in the Development Contribution Plan Report which would be revised if the amendment is gazetted. For example, significant substitution of existing timber boardwalks can be replaced with more cost effective paths.

Now the 2014 dwelling review has been carried out and the Banjup amendment gazetted, the estimated rate has reduced to \$4,733.18 for this locality.

Legal Implications

Planning and Development Act 2005
Town Planning Regulations 1967
Planning and Development Regulations 2009
City of Cockburn Town Planning Scheme No. 3

Community Consultation

The Amendment was advertised for public comment for a period of 42 days from 29 October 2013 to 10 December 2013.

Attachment(s)

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 9 April Ordinary Council Meeting.

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

Nil.

14.3 (OCM 9/4/2015) - PROPOSED STRUCTURE PLAN - LOT 8 (NO. 107) BARFIELD ROAD, HAMMOND PARK; OWNER: NICHE HAMMOND PARK DEVELOPMENT PTY LTD; APPLICANT: TPG (110/ 122) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the Proposed Structure Plan for Lot 8 (No. 107) Barfield Road, Hammond Park;
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan;
- (3) advise the proponent and those persons who made a submission of Council's decision; and
- (4) pursuant to Clause 6.2.10.1 of the Scheme forward the proposed Structure Plan to the Commission for its endorsement.

COUNCIL DECISION

Background

The Proposed Structure Plan was received by Council on 28 November 2014. It was prepared by TPG Town Planning Urban Design and Heritage on behalf of the land owner Nicheliving. The Proposed Structure Plan relates to land within the Southern Suburbs District Structure Plan area, namely Lot 8 (No. 107) Barfield Road, Hammond Park ("subject site").

The subject site is approximately 2.8701 hectares in area with frontages of approximately 215.25 metres to Barfield Road to the west and 123.82 metres to Gaebler Road to the north, with close proximity to the Kwinana Freeway to the east. The land immediately to the east of the subject site is predominantly undeveloped which includes a

Western Power transmission corridor containing three steel pylon high voltage lines. See Attachment 1 for details.

The Proposed Structure Plan seeks to affect a residential development outcome across the subject land. The purpose of this report is to consider the Proposed Structure Plan for adoption in light of the advertising process that has taken place.

Submission

TPG Town Planning Urban Design and Heritage on behalf of the land owners has lodged a Structure Plan for the subject land.

Report

Planning Background

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3. The subject site is also located within Development Area No. 26 ("DA 26"), Development Contribution Area No. 9 ("DCA 9") and Development Contribution Area No. 13 ("DCA 13").

Pursuant to Clause 6.2.3.1 of the Scheme "*the development of land within a Development Area is to comply with Schedule 11*". The specific provisions applicable to DA 26 in Schedule 11 are outlined as follows;

- 1. Structure Plan/s adopted and endorsed in accordance with Clause 6.2 of the Scheme to guide subdivision, land use and development.*
- 2. To provide for residential development and compatible land uses.*
- 3. The provision of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clause 6.2.6.3.*

Residential Development

The subject land is located within the Southern Suburbs District Structure Plan – Stage 3 ("SSDSP3"). The SSDSP3 prescribes a minimum of 15 dwellings per gross urban zoned hectare of land as the minimum standard. This prescribed density target is in accordance with the Western Australian Planning Commissions' Directions 2031 and Beyond ("Directions 2031") and Liveable Neighbourhoods ("LN").

The Outer Metropolitan Perth and Peel Sub-regional Strategy forms an integral part of the Directions 2031 vision. It provides information about

the levels of expected population growth by local government area, and highlights development opportunities and density targets in greenfield areas, including the south-west outer sub region which the City of Cockburn is included.

The Strategy identifies the subject land as being part of the "SOU1" area which has a future dwelling target of 3000+.

The intent of the Proposed Structure Plan is to guide the subdivision and subsequent development of grouped dwellings on the subject site, along with ensuring appropriate provision of access via a new public road and the provision of a reserve for Parks and Recreation.

In total the Structure Plan designates 6 x R50 lots and 89 x R40 lots totalling 95 residential lots. This equates to an overall residential site density of approximately 39 dwellings per site hectare and approximately 22 dwelling units per gross urban hectare. The proposed Structure Plan therefore meets local and state government density targets.

In accordance with the locational criteria specified by the SSDSP3, higher densities are proposed adjacent to areas of higher amenity including adjacent to Public Open Space. The R50 proposed density opposite POS and the R40 density for the remaining areas is within the SSDSP3 prescribed density range.

The subject site also benefits from access to the high frequency 526 Transperth bus route which runs down Barfield Road and across Gaebler Road which directly passes the north western corner of the subject site. It is expected that this bus route will later extend further south upon construction of the future High School.

Nature of proposed development

Following the conclusion of the advertising process the City received a late submission objecting to the proposed development. The submission received states that the R40 and R50 proposed densities are inappropriate in this location, as the subject site is remote from Public Open Space, public transport and commercial facilities. The objection states that the Proposed Structure Plan does not comply with the following aspect of Liveable Neighbourhoods:

"Smaller lots and lots capable of supporting higher density should be located close to town and neighbourhood centres, public transport and adjacent to high amenity areas such as parks."

In addition, the submission states that a large scale survey strata subdivision, of the type proposed, is not in keeping with the

predominant single lot residential subdivision envisaged for the area by the SSDSP3.

As stated above in this report the SSDSP identifies the subject site for medium density residential development, which is considered to accord with the proposed R40 and R50 densities in that medium density development is identified as being between R30 and R60.

With respect to the above Liveable Neighbourhoods extract it is noted that SSDSP3 identifies the north west corner of the subject site is within 400 metre walkable catchment of a local centre site, located at the corner of Gaebler Road and Irvine Parade. In addition the subject site benefits from access to the high frequency 526 Transperth bus route which will service the future residents.

The proposed residential densities are considered to be consistent with the aforementioned aspect of Liveable Neighbourhood as the site is located in close proximity to a planned local centre, is in accordance with a medium density range, as prescribed by the SSDSP and the higher R50 density codes are proposed opposite an area of Public Open Space.

The SSDSP3 pursuant to 5.4.1 'Housing Principles' encourages diversity in housing choice, lot sizes and tenure. The proposed survey strata grouped dwelling development is considered to contribute to the provision of a diverse range of housing options in the locality, in accordance with the objectives of Liveable Neighbourhoods and the intent of the SSDSP3. The above mentioned objection is discussed in further detail within Attachment 4 of this report. The objection is dismissed, in that it does not generate any reason not to support the Proposed Structure Plan. The reasons have been considered and discussed, and are not considered to be sustained on planning grounds.

Public Open Space

Both the Western Australian Planning Commissions' Liveable Neighbourhoods and Development Control Policy 2.4 require a minimum contribution of 10% of the gross subdivisible area to be given up for Public Open Space ('POS').

The Proposed Structure Plan Map (see Attachment 3 for details) indicates a 2983m² POS area to the south of the subject site, representing 10.4% of the gross subdivisible area.

0.5% of the total site area is provided as restricted use POS and is for the purpose of accommodating drainage requirements associated with the indicative subdivision and development concept. This is in

accordance with the provisions of Liveable Neighbourhoods with respect to restricted use POS.

The location of the POS area along the southern boundary of the lot is consistent with the intent of the SSDSP3 in terms of encouraging co-location of POS areas between landholdings. The POS has been located along the full length of the common boundary with the adjoining property to the south this design mitigates the bushfire risk associated with the remnant bushland on the adjoining property. A 25 metre 'no-building zone' is also provided as shown on the Structure Plan Map (see Attachment 3).

The proposed Structure Plan will include 'private' roads to service the grouped dwelling site. The Structure Plan has been designed to include a public road adjacent to the POS to allow public access to the POS for residents from outside of the proposed grouped dwelling site. The subdivision concept plan included within the proposal identifies 9 parking spaces along the public road which will service the POS area.

Bushfire Management

The subject site is surrounded by native vegetation which has been classified as a 'moderate' bushfire risk under the criteria within the State Governments Draft May 2014 *Planning for Bushfire Risk Management Guidelines*. Accordingly a Bushfire Management Plan ('BMP') has been included within the proposed Structure Plan report which identifies appropriate Bushfire Attack Levels ('BAL') in accordance with AS3959-2009 (*Construction of Buildings in Bushfire Prone Areas*).

The BMP provides guidance on how to plan for and manage the potential bushfire threat to the site and its subsequent development. The BMP prescribes a Bushfire Attack Level of 12.5 for a portion of the R40 coded lots and a Bushfire Attack Level of 19 for the R50 coded lots located to the south of the subject site.

The southern proposed POS provides a buffer between the proposed residential development and the site immediately to the south. The lot to the south of the subject site contains a substantial amount of native bushland which is rated as a moderate bushfire risk.

The POS area is to be landscaped so as to not increase the fire risk to the proposed development and provide a Building Protection Zone ('BPZ') and a no-building zone between the identified bushfire hazard and proposed residences. Part of this no-building zone extends to the R50 coded residential lots. The Structure Plan, pursuant to the statutory section in Part One, mandates the requirement for a Detailed Area Plan (or Local Development Plan) to be required at subdivision

stage for lots affected by a bushfire hazard. This will mandate that no portion of the residential structures or any compostable structures will be permitted within the front two metres of the R50 coded residential lots.

Power Transmission Corridor

As outlined earlier in this report a Western Power transmission corridor containing three steel pylon high voltage lines is located along the eastern side of the subject site and the full extent of the eastern side of the SSDSP3 area. Some of this land is owned by Western Power whilst some remains in private and State Government agency ownership.

It is understood that the transmission corridor accommodates all easement requirements associated with the power lines and there are no restrictions on development outside of the corridor area. This understanding was documented within section 4.7 of the Southern Suburbs District Structure Plan report.

During the advertising period the City forwarded the proposed Structure Plan to Western Power for comment. Western Power reminded the City of Cockburn in their submission that the pylon high voltage lines consists of one 132 kilovolt line closest to the subject site with two remaining lines being 330 kilovolts.

Western Powers' submission advises the City that the existing 132 kilovolt power line may be upgraded to a 330 kilovolt power line at some point in the future. The timing of these works will depend on development in the area. Western Power further advises that they seek to provide a clearance of 35 metres from this line which allegedly could affect up to 15m of the subject site on its eastern boundary.

To achieve this clearance requirement, Western Power recommends that the proposed POS area identified along the southern boundary of the proposed Structure Plan be realigned along the eastern boundary of the property.

Providing POS along the eastern boundary, as requested by Western Power, would result in a narrow strip of land which is unsuitable for public open space, in that it would not accommodate the necessary drainage function, allow for active use nor is it likely to extend along the full extent of the eastern boundary of the subject site.

The proposed residential zoned land within the Structure Plan is entirely consistent in location with the Council adopted Southern Suburbs District Structure Plan which was advertised and finally endorsed by the City of Cockburn in 2012. Since this time there have

been a number of Structure Plan adoptions which allow for residential development abutting the 132 kilovolt power line - that is, the consistent position that has been taken and supported by referral agencies is reflected in this Structure Plan. For instance the property to the north includes an existing survey strata development which includes residential development with boundary walls on the eastern boundary (closest to the power line). The governing Structure Plan for this land was adopted by Council on 14 December 2006 with no objections raised at that time by Western Power. In addition Council adopted the southern 'Barfield Road' Structure Plan on 14 November 2013. This Structure Plan allows for residential development abutting the power line easement. It is noted that Western Power did not object to this proposal during the advertising period.

During a follow up telephone conversation with the responsible Western Power officer it was mentioned that Western Power has the ability to upgrade the 132 kilovolt power line to a 330 kilovolt line in a manner that 'may' not require a setback within the subject site. On this basis and for reasons discussed above it is recommended that the Structure Plan not be modified in accordance with Western Powers request. Rather, that consistent with the pattern of development and planning that has occurred through Structure Plans to the north and south, Western Power look to accommodate their upgrades via containment of and need for increased setback within its boundary.

Conclusion

The Proposed Structure Plan yields a density of approximately 22 dwelling units per gross urban hectare. The density targets are above the minimum expectation of Directions 2031, Liveable Neighbourhoods and the District Structure Plan. In addition the Proposed Structure Plan indicates an area of approximately 10% for public open space which is designed to the south of the subject site in an east-west orientation in accordance with the District Structure Plan.

The Structure Plan includes a Bushfire Management Plan which prescribes additional building construction standards for future dwellings. The additional building standards will provide protection from the surrounding bushland.

Western Powers' comments are noted however it is recommended that the Proposed Structure Plan is not modified to relocate the Public Open Space to the eastern boundary. Furthermore these comments are inconsistent in that the District Structure Plan and a series of Structure Plans have been approved allowing for residential development abutting the power line easement.

As such it is recommended that Council adopts the Proposed Structure Plan and forward the adopted Structure Plan, pursuant to Clause 6.2.10.1 of the scheme, to the Western Australian Planning Commission within 7 days for endorsement.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Moving Around

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

Budget/Financial Implications

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

N/A

Community Consultation

The Proposed Structure Plan was advertised for a period of 21 days in accordance with Clause 6.2.8 of the Scheme. The advertising period commenced on the 17 February 2015 and concluded on 10 March 2015. In total the City received 3 submissions of which 1 was on behalf of a prospective developer of the land to the west of the subject site and the remaining 2 were from government and servicing agencies. One submission objected to the proposal and the remaining two were in support of the proposal. All submissions are addressed in detail within Attachment 4 of this report.

Attachment(s)

1. Location Plan
2. Aerial Photograph
3. Structure Plan Map
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 9 April 2015 Council Meeting.

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

Nil.

14.4 (OCM 9/4/2015) - PROPOSED LOCAL STRUCTURE PLAN - LOT 20 ROCKINGHAM ROAD, MUNSTER - OWNER: FEYMORE PTY LTD - APPLICANT: WHELANS TOWN PLANNING (110/115) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopts the Proposed Structure Plan for Lot 20 Rockingham Road, Munster, subject to the following modifications:
 1. Remove the indicative subdivision layout from the Structure Plan Map (Plan 1).
 2. The truncations as shown on Lot 19 Rockingham Road where it adjoins the subject site as depicted on the Structure Plan Map (Plan 1)
- (2) subject to compliance with (1) above, pursuant to Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the Schedule of Submissions prepared in respect to the Structure Plan;
- (3) advise the landowners within the Structure Plan area and those who made a submission of Council's decision accordingly; and

- (4) advise the proponent that the site is subject to Development Contribution Area No. 13 and No. 6.

COUNCIL DECISION

Background

The subject land area is 9,500m² in size; it is bound by the existing residential development to the south, Rockingham Road to the east, undeveloped land to the north and Market Garden Swamp No. 3 to the west. See attachment 1.

There are no existing structures or vegetation on the subject site and it is not utilised for any use.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme (MRS).

The subject area is zoned 'Development' under the City of Cockburn Town Planning Scheme No.3 (Scheme). The subject land is located within Development Area 5 (DA 5), Development Contribution Area No. 13 (DCA 13) and Development Contribution Area No. 6 (DCA 6).

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme; a Structure Plan is required to be prepared and adopted to guide future subdivision and development.

Submission

Whelans Town Planning on behalf of the landowner has lodged a structure plan for the subject land.

Report

The Proposed Structure Plan as shown within Attachment 2 provides for residential development ranging from R30 to R60, with an area of public open space (POS) and associated road network; it is anticipated that the Proposed Structure Plan will yield approximately 17 lots and 27 dwellings. An expected residential population of 62 persons can be expected on completion of the subject area.

The Proposed Structure Plan generally satisfies the density objectives, POS requirements and provides a suitable road network. There is

however a number of minor matters that will require modification of the Proposed Structure Plan, these are discussed following. Subject to these modifications, the Proposed Structure Plan is recommended for adoption.

Residential Density

Proposed densities allow for the provision of variety in lot sizes and are conducive to the densities outlined in Directions 2031.

The projected density of the subject site is 28 dwellings per gross hectare or 38 dwellings per site hectare. This exceeds the requirements of Liveable Neighbourhoods and Directions 2031.

The proposed residential densities closely correspond to those found on the adjoining endorsed Structure Plans. Higher densities are located on Rockingham Road to take advantage of the high frequency bus routes and to provide a more urban scale on that important road.

Public Open Space

The proposed Structure Plan allocates 0.098 hectares of the subject site for the purposes of Public Open Space ('POS'). The POS is located in the western portion of the site and allows colocation with the future POS contribution of the adjoining lot. The POS area features drainage functions and open play areas.

The proposed POS will be utilised as a drainage basin for part of the proposed road network.

Traffic

Due to the low number of lots proposed on the Structure Plan a Traffic Assessment was not provided as part of the supporting documentation, this is consistent with previous Structure Plans of this size and scale. Regardless the Structure Plan has been reviewed by the City's Traffic Engineer and found to be sound and logical extension of the existing approved road network.

The Structure Plan design has been broadly guided by the endorsed Structure Plans to the south and to the west. This has locked in several critical features that lead to the final design.

A number of adjoining landowners raised queries regarding the design of the proposed road network in submissions. These matters are discussed in the community consultation section below.

Bushfire Management

The subject site does not propose any residential lots within 100m of identifiable vegetation and as such has not been supported by a Bushfire Management Plan.

Community Consultation

The proposed Structure Plan was advertised for public comment from 10 February 2015 and 3 March 2015. All submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3). A total of nine submissions were received

Six submissions were received from government agencies and servicing authorities; none of these objected to the proposal. A number of submissions raised points of comment which have been addressed in the schedule of submission.

A total of three submissions were lodged by adjoining landowners or their representatives. Two raised queries regarding certain design elements but did not state a clear objection to the proposal, one provided clear objection to the proposal. Below, the broad matters raised in the three submissions are outlined.

A number of submitters noted concern with the indicative road and POS design on the undeveloped lots to the north and west. The Council recommendation proposes a recommendation to have these removed from the Structure Plan Map (Plan 1). Regardless the indicative layout, located outside the Structure Plan boundary has no statutory weight.

Further to this point, the submission from the adjoining landowner to the west, Lot 51 Mayor, raised a number of concerns regarding the Structure Planning of Lot 20 in isolation. Noting their concern that such an approach will lock in undesirable development outcomes for their lot.

The Development of Lot 51 is currently largely determined by two endorsed Structure Plans, being to the west (Lot 50) and to the South (Lot 19), these plans set road levels and road locations. The proposed Structure Plan for Lot 20 Rockingham Road will have the lot levels determined by the current development on Lot 19 Rockingham Road and the current level of Rockingham Road itself. Therefore the development of the southern portion of Lot 51 and eastern portion of Lot 20 are both set by the approved development on Lot 19 Rockingham Road. Therefore the likelihood that the development of Lot 20 Rockingham Road in the current form will restrict development on Lot 51 in a manner greater than already established is negligible.

The submission requested an extension where possible to allow the representative of Lot 51 to discuss the Structure Planning of the area with the applicant. In accordance with Clause 6.2.8.2 of the Scheme the City is to consider all submissions received within 60 days of the latest date specified in the notice of advertisement. The City is obliged to follow this requirement of the Scheme. The 60 day period as prescribed by the Scheme will expire on 2 April 2015. The matter is to be presented to the Council meeting dated 9 April. The City believes that the matters raised by the submitter can be adequately addressed, as outlined above, and do not restrict or encumber the adjoining neighbours in a manner restricting development. Therefore the proposal does not warrant a delay in the processing of the Structure Plan and non-compliance with the Scheme.

One submitter, the owner of the land to the south, raised that the design of the proposed eastern road indicated that truncations were present on the lots within their land. This would be inconsistent with the approved deposited plan for that development. The matter was raised with the applicant and the City has been provided with additional details indicating how the current Structure Plan design allows for no truncation on the neighbouring land. The Council resolution features a modification to remove the truncation from all statutory plans within the Structure Plan.

The objecting submitter raised matter largely connected to the proposed indicative subdivision design that was depicted on the Structure Plan. As noted above these plans have no statutory weight, but their removal forms part of the Council Recommendation for clarity purposes.

Conclusion

It is recommended that Council adopt the Local Structure Plan, for Lot 20 Rockingham Road, Munster subject to modification and pursuant to clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 3 March 2015.

Community Consultation

Public consultation was undertaken between 10 February 2015 and 3 March 2015. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

Attachment(s)

1. Location Plan
2. Proposed Local Structure Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submitters

The proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 April 2015 Ordinary Council Meeting.

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

Nil.

14.5 (OCM 9/4/2015) - PROPOSED STRUCTURE PLAN - LOTS 109 & 110 WATTLEUP ROAD, HAMMOND PARK - OWNERS: ANICA DROPULICH & SAIL HOLDINGS PTY LTD - APPLICANT: BURGESS DESIGN GROUP (110/123) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the Proposed Structure Plan for Lots 109 & 110 Wattleup Road, Hammond Park, subject to the following modifications:
 1. Update the Transport Assessment in line with the comments received from Main Roads Western Australia dated 23 February 2015.
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 109 & 110 Wattleup Road, Hammond Park;
- (3) advise the proponent and those persons who made a submission of Council's decision; and
- (4) pursuant to Clause 6.2.10.1 of the Scheme forward the proposed Structure Plan to the Commission for its endorsement.

COUNCIL DECISION

Background

The Proposed Structure Plan was received by Council on the 5 December 2014. It was prepared by Burgess Design Group on behalf of the respective land owners and relates to land within the Southern Suburbs District Structure Plan area, namely Lots 109 and 110 Wattleup Road, Hammond Park ("subject site").

The subject site is 8.09 hectares in area, bounded by Wattleup Road to the south and the Harry Waring Marsupial Reserve to the north. The land to the east and west is undeveloped urban zoned land. See Attachment 1 for details.

The Proposed Structure Plan seeks to affect a residential development outcome across the subject land. The purpose of this report is to consider the Proposed Structure Plan for adoption in light of the advertising process that has taken place.

Submission

Burgess Design Group on behalf of the land owners has lodged a structure plan for the subject land.

Report

Planning Background

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3. The subject land is also located within Development Area No. 27 ("DA 27"), Development Contribution Area No. 10 ("DCA 10") and Development Contribution Area No. 13 ("DCA 13").

Pursuant to Clause 6.2.3.1 of the Scheme "*the development of land within a Development Area is to comply with Schedule 11*". The specific provisions applicable to DA 27 in Schedule 11 are outlined as follows;

1. *Structure Plan/s adopted and endorsed in accordance with Clause 6.2 of the Scheme to guide subdivision, land use and development.*
2. *To provide for residential development and compatible land uses.*
3. *The provision of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clause 6.2.6.3.*

Residential Development

Directions 2031 and Beyond ("Directions 2031") and Liveable Neighbourhoods ("LN") promote a minimum of 15 dwellings per hectare, as the 'standard' density for new Greenfield development in urban areas.

The Outer Metropolitan Perth and Peel Sub-regional Strategy forms an integral part of the Directions 2031 vision. It provides information about the levels of expected population growth by local government area, and highlights development opportunities and increased densities in

Greenfields areas, including the south-west outer sub region which the City of Cockburn is included.

The Strategy identifies the subject land as being part of the “SOU1” area which has a future dwelling target of 3000+.

The LSP aims to accommodate approximately 152 residential lots, including up to five duplex lots. A total of 157 dwellings are expected achieving an overall residential site density of approximately 32 dwelling units per site hectare and approximately 19 dwelling units per gross urban hectare. The Structure Plan should ultimately accommodate approximately 439 residents, if fully developed. The proposed Structure Plan therefore meets Liveable Neighbourhoods minimum dwelling targets whilst providing a future diversity of housing stock in the “SOU1” area as planned for by the State Government.

The Southern Suburbs District Structure Plan (“SSDSP”), as adopted by Council, designates the subject site as a ‘Medium Density’ area. Residential R30 is identified as the minimum base coding in the ‘Medium Density’ areas of the Southern Suburbs District Structure Plan.

The proposed Structure Plan provides for a minimum base coding of R30 which will allow for the provision of traditional front-loaded single dwelling lots, ranging upwards from 260m².

The density range locational criteria, as prescribed by the Southern Suburbs District Structure Plan, for Medium density sites ranges from Residential R35 to Residential R60 where Residential land is opposite areas of Public Open Space (“POS”).

The Structure Plan proposes an increased density of R60, for laneway lots, and R50, for the homestead site, in accordance with the criteria for varying the Residential R30 base coding. The southern proposed Public Open Space area provides increased levels of visual amenity to a higher proportion of housing products, which in return, enhances passive surveillance of the POS. The densities proposed under Plan 1 (see Attachment 3 for details) indicate a good range of housing products will be made available which meets both the State and Local Government density targets.

Public Open Space

Public Open Space within the Structure Plan proposal comprises two areas, a ‘Local Park’ located to the north and a ‘Neighbourhood Park’ to the south, totalling 0.8559 hectares in area which equates to 10.64% of the site.

The northern POS will accommodate storage of the rain flood events, with the frequent events stored within a vegetated bio-retention basin and the infrequent events will be stored within a larger contoured turf basin. The northern POS is approximately 3700m² in area which will also include open turf for informal kick-about.

The northern POS abuts the Harry Waring Marsupial Reserve to the north of the subject site, which includes Bush Forever Site No. 392. The vegetation within this reserve poses an ongoing bushfire risk however the northern proposed POS provides a sufficient fire management buffer to residential lots by accommodating a 20 metre Building Protection Zone ("BPZ") which manages permanent bushfire hazard implications.

The southern POS portion is larger at approximately 5000m² in area which unlike the northern POS does not serve a drainage function. This area of POS will be embellished with a pedestrian network path connecting to the wider pathway network, open turf for active play, shade trees and native shrub planting.

The two open space areas within the site pose different functions yet will provide the community with parklands predominantly designed for informal recreational activities. The parkland will be characterised with local planting reflecting the historical flora of the area and the Harry Waring Marsupial Reserve. The northern POS plant selection will also consider the requirements associated with a bushfire protection zone.

Traffic

The applicant engaged the services of a Traffic Engineer to prepare a Traffic Assessment which has been included as a supporting document within the proposed Structure Plan report. The Traffic Assessment was provided to the City of Cockburn Traffic Engineers for comment and forwarded to Main Roads Western Australia during the formal advertising period.

The City's Traffic Engineers have reviewed the Traffic Assessment and consider it to be acceptable for approval purposes. Main Roads Western Australia provided comment which includes their ultimate road planning design for future Rowley Road. This design does not permit access onto Rowley Road from Barfield Road. Accordingly Main Roads Western Australia requested the updated Rowley Road design plan to be included within a revised version of the Traffic Assessment.

Main Roads Western Australia's submission included an additional section titled 'Advice to the Applicant' which raises the potential issue of road 'vibration' from freight vehicles which will continue to use Wattleup Road until Rowley Road is constructed. The advice to the

applicant suggests careful consideration should be given to the impact of noise and vibration on the planned residential lots in the vicinity of the current Wattleup Road alignment and a noise assessment and noise mitigation measures should be undertaken.

It is noted under State Planning Policy 5.4 (*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*) that vibration is specifically excluded under the definition of 'noise'. Vibration is however discussed in the Implementation Guidelines for State Planning Policy 5.4. The Guidelines specify ground-borne vibration is most commonly associated with rail transport, and at close distances can lead to a loss of amenity in noise sensitive areas.

The Structure Plan area is not within proximity to rail but rather Wattleup Road which has an average weekday traffic count of 4443 vehicles. Wattleup Road is classified as a Regional Distributor.

State Planning Policy 5.4 defines a 'Major Road' as a Primary Distributor or other urban roads that carry more than 20 000 vehicles per day. Wattleup Road therefore does not meet the criteria to fall within the definition of a 'Major Road'. On this basis it is not considered appropriate to request the applicant to prepare a noise and vibration report and address noise and vibration through the Structure Plan process. The applicant has however been made aware of the advice provided by Main Roads Western Australia as per their request.

The realigned Wattleup Road runs through the Subject Site and will provide east west movement for private vehicles, cyclists and pedestrians and is likely to carry public transport services once the area develops.

The realigned Wattleup Road also directly connects the future primary School, future Hammond Park Town Centre and future Hammond Park High School.

Due to the important connectivity benefits provided by this road the City has developed a preferred road cross section to guide developers in the delivery of the road. The proposed width of the realigned Wattleup Road through the subject area is consistent with this plan and will provide adequate road reservation to facilitate the intended design outcomes.

Bushfire Management

An imperative design consideration of the proposed Structure Plan is the aforementioned interface with the northern Bush Forever Site No. 392 (Harry Waring Marsupial Reserve).

The reserve contains extensive woodland vegetation which poses a long term bushfire hazard for residential development. This vegetation is classified as an 'extreme' bushfire hazard under the criteria within the State Governments Draft May 2014 *Planning for Bushfire Risk Management Guidelines*.

The site is surrounded by 'urban' zoned land with the exception of the Bush Forever site. The Structure Plan is supported by a Fire Management Plan which provides a vegetation class map outlining the existing vegetation classifications within 100 metres of the subject site.

Neighbouring vegetation to the west and east of the site may pose a temporary hazard to residential development within the subject site. These areas are subject to future urban development in accordance with the Council adopted Southern Suburbs District Structure Plan. Once native vegetation is cleared on these neighbouring properties, to accommodate development, a proportion of the identified hazards may no longer result in the need for Bushfire mitigation measures to be applied to the subject site.

The Fire Management Plan is not reliant upon any clearing outside of the Structure Plan boundary within the short or long term. This includes the reserve to the north which is appropriately setback from proposed residential development by the northern proposed Public Open Space as discussed earlier in this report.

Any new dwellings constructed within 100 metres of identified classified vegetation will require consideration of the need for increased construction requirements to address AS3959-2009 (*Construction of Buildings in Bushfire Prone Areas*).

A Bushfire Attack Level ('BAL') assessment will be undertaken as part of the subdivision process to confirm the BAL ratings for each individual new lot created. Final BAL ratings will be determined through the subdivision process and temporary hazards, or even hazards that were expected to be permanent, may not remain at subdivision stage. For instance Lots 1, 810 and 111 Wattleup Road, Hammond Park (land to the east) is governed by a Structure Plan which was adopted by Council on 11 December 2014. It is probable this land is likely to be cleared of native vegetation prior to the lodgement of the future subdivision plan over the subject site.

The Fire Management Plan is considered to comply with the State Governments Draft May 2014 *Planning for Bushfire Risk Management Guidelines* and will be implemented at subdivision stage. The Structure Plan, pursuant to the statutory section in Part 1, designates land within 100 metres of the subject site as 'Designated Bushfire Prone.' This provides the appropriate head of power to enforce AS3959-2009 under

the Building Code of Australia at building licence stage and at subdivision stage.

Conclusion

The proposed Structure Plan yields a density of approximately 19 dwelling units per gross urban hectare and 32 dwellings per net site hectare.

The density targets are above the minimum expectation of Directions 2031, Liveable Neighbourhoods and the District Structure Plan. In addition the proposed Structure Plan indicates two locations with a total a combined area of approximately 10% for public open space.

The design incorporates appropriate bushfire mitigation measures for the identified bushfire hazards. The Fire Management Plan includes a pragmatic approach with respect to the urban zoned land to the east and west.

The Structure Plan requires a further hazard assessment to be prepared at subdivision stage to re-evaluate the hazards which may be cleared at that time. As such it is recommended that Council adopts the proposed Structure Plan subject to the mentioned modifications as prescribed by Main Roads Western Australia.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period. The advertising period formally concluded on the 3 March 2015.

Community Consultation

In pursuance of Clause 6.2.8 of the City's Scheme, public consultation was undertaken for a period of 21 days. The advertising period commenced on 10 February 2015 and concluded on 3 March 2015.

Advertising included a notice in the Cockburn Gazette, letter to the selected landowners within and surrounding the Structure Plan area and State Government agencies.

In total Council received six (6) submissions from government agencies and service providers. No submissions were received from members of the community however the assessing officer did discuss the application telephonically with a number of residents who made enquiry about the proposal. All submissions were in support of the proposal.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions. See Attachment 4 for details.

Attachment(s)

1. Location Plan
2. Aerial Photograph
3. Structure Plan Map (Plan 1).
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 9 April Council Meeting.

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

Nil.

14.6 (OCM 9/4/2015) - PROPOSED LOCAL STRUCTURE PLAN - LOT 3 SCIANO AVENUE, SUCCESS - OWNER: JARDIM HOLDINGS PTY LTD - APPLICANT: MW URBAN (110/118) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

- (5) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopts the Proposed Structure Plan for Lot 3 Sciano Avenue, Success, subject to the following modifications:
 1. The Fire Management Plan be updated to reflect recent advice from the WAPC relating to the use of neighbouring land to address bushfire planning requirements and the updated Plan being incorporated into the Structure Plan documentation.
- (6) subject to compliance with (1) above, pursuant to Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the Schedule of Submissions prepared in respect to the Structure Plan;
- (4) advise the landowners within the Structure Plan area and those who made a submission of Council's decision accordingly; and
- (5) advise the proponent that the site is subject to Development Contribution Area No. 13 and No. 1.

COUNCIL DECISION

Background

The subject land area is 4.34 hectares in size; it is bound by the existing residential development to the north and south, Wentworth Parade to the east and the Western Power transmission line easement to the west. See attachment 1.

Two existing residences exist on the subject site with the remainder of the site not utilised for any use.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme (MRS).

The subject area is zoned 'Residential R30' and under the City of Cockburn Town Planning Scheme No.3 (Scheme). The subject land is located within Development Area 14 (DA 14), Development Contribution Area No. 13 (DCA 13) and Development Contribution Area No. 1 (DCA 1).

Unusually the subject site is zoned Residential under the scheme with an associated density code but also requires a Structure Plan to be undertaken. Typically development areas are also zoned development. This arrangement is historical and is due to the zoning of the land under the rescinded Town Planning Scheme No. 2 flowing through to the current Scheme. Importantly structure planning is still important, particularly in considering how structural elements like road connections and placement of open space will occur in the context of the existing neighbourhood.

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme; a Structure Plan is required to be prepared and adopted to guide future subdivision and development.

Submission

MW Urban on behalf of the landowner has lodged a structure plan for the subject land.

Report

The Proposed Structure Plan as shown within Attachment 2 provides for residential development, with an area of public open space (POS) and associated road network; it is anticipated that the Proposed Structure Plan will yield approximately 86 lots and a similar number of dwellings. An expected residential population of 260 persons can be expected on completion of the subject area.

The Proposed Structure Plan generally satisfies the density objectives, POS requirements and provides a suitable road network. There is however a number of minor matters that will require modification of the Proposed Structure Plan, these are discussed following. Subject to these modifications, the Proposed Structure Plan is recommended for adoption.

Residential Density

Proposed densities allow for the provision of variety in lot sizes and are conducive to the densities outlined in the Southern Suburbs District Structure Plan Stage 3 (SSDSP3).

The projected density of the subject site is 17.5 dwellings per gross hectare or 30 dwellings per site hectare. This exceeds the requirements of Liveable Neighbourhoods and is generally consistent with the SSDSP3.

The recently endorsed Cockburn Central Activity Centre Plan identifies a desire by Council for all undeveloped land within the suburb of Success to achieve a minimum residential gross density of 30 dwellings per hectare. As it stands the proposal does not achieve this objective. The subject site is restricted in this regard due to the underlying zoning of the land, namely in that it restricts high densities which would normally be supported in such locations.

To assist in achieving this goal the City has supported variations to the deemed to comply with provisions of the R-Codes where they related with Multiple Dwellings. The Part 1 of the Structure Plan proposes to alter the minimum allowable plot ratio from 0.5 to 0.7 and to further alter the height allowable to the equivalent of 3 stories. These changes are in line with the allowances of the R60 coding; however all other relevant standards will be as per the R 30 standards. These changes will only apply to multiple dwellings and not to single or grouped dwellings. No comments were received during community consultation relating to these changes.

These changes have been supported due to the proximity of the site to the Cockburn Central Activity Centre, proximity to high quality public transport routes and the need to bring the proposal closer in line with Council's decision to support the implementation framework of the Cockburn Central Activity Centre Plan.

Public Open Space

The proposed Structure Plan allocates 0.4498 hectares of the subject site for the purposes of Public Open Space ('POS'). The POS is located in the southern portion of the site and allows colocation with the future POS contribution of the adjoining lot. The POS area features drainage functions, open play areas and also allows for the retention of some remanent vegetation.

Following the future development of Lot 2 Sciano Avenue the combined area of POS will be in the vicinity of 8,000m².

Traffic

The applicant has undertaken a Traffic Assessment as part of the supporting documentation for the Structure Plan. This plan has been reviewed by the City's Traffic Engineer and found to be sound and broadly consistent with relevant standards and based on sound assumptions.

The design of the Structure Plan area has been structured around equally spreading the expected traffic flows between the existing streets (Hamstead Gate and Greenwich Way) and the proposed access road onto Sciano Avenue.

Long term design of the precinct is likely to see access available through Lot 2 Sciano Avenue to Wentworth Parade and access to the south via Benmore Rise. Such long term road planning will ensure that traffic is equally distributed across the wider street network.

One submitter raised a matter of objection to do with future connections/extension of Wakehurst Loop; this matter is discussed in the community consultation section below.

Bushfire Management

The subject site adjoins the Western Power power line easement to the west and undeveloped land to the east. Both of these areas are vegetated; therefore the proposed Structure Plan is supported by a Bushfire Management Plan (BMP). The BMP has been undertaken in line with the relevant State Government State Planning Policy and the Planning for Bushfire Protection Guidelines. Therefore a bushfire management plan has been prepared in line with the Department of Planning's guidelines.

The BMP at time of advertising proposed to undertake clearing within the power line easement, which is private freehold land, to reduce the bushfire attack level rating on dwellings in the west of the subject area. In general there should be no expectations placed on adjoining landowners by applicants to address their bushfire risk. This approach is also not supported by the Department of Planning.

The Council recommendation includes a requirement that the BMP be updated to remove the requirement for clearing under the power line easement and that the subject site address their fire risk within their own site.

Community Consultation

The proposed Structure Plan was advertised for public comment from 10 February 2015 and 3 March 2015. All submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3). A total of 10 submissions were received

Nine submissions were received from government agencies and servicing authorities; none of these objected to the proposal. A number of submissions raised points of comment which have been addressed in the schedule of submission.

A submission was lodged on behalf of a number of landowners on Wakehurst Loop, Success. Wakehurst Loop currently terminates in a bead-end arrangement at the boundary of Lot 2 Sciano Avenue, Success. Residents raised their desire for their street to not be modified in a manner that allows through movement of traffic. Noting that any move to change the street would remove the 'community feel' and close knit networks they have developed over time. The residents also lodged preferences concerning the citing of built form and future POS in any eventual development of Lot 2 Sciano.

The proposed Structure Plan for Lot 3 Sciano Avenue does not propose to alter the current arrangements for Wakehurst Loop, Success. Wakehurst Loop ends at the boundary of Lot 2 Sciano Avenue. The City has not received any Structure Plan for Lot 2 Sciano Avenue at this time.

The proposed Local Structure Plan for Lot 3 Sciano Avenue does not lock in any arrangement for the future of Wakehurst Loop and such matters are able to be addressed at the time of lodgement of a Structure Plan over Lot 2 Sciano. The affected community will be consulted at the appropriate time.

The desires and concerns of the residents of Wakehurst Loop are acknowledged and will be considered during pre-lodgement discussions with any future proponent for a Structure Plan lodged over Lot 2 Sciano Avenue.

As no information is known about the final design of any Structure Plan lodged for Lot 2 Sciano Avenue the City has the following comments related to locations of parks and built form.

1. It would be an expectation of the City that any POS placed on Lot 2 Sciano be co-located with the POS location on Lot 3 Sciano Structure Plan. This location is not adjoining Wakehurst Loop.

2. The zoning on Lot 2 Sciano is R30 and although this would allow the establishment of multiple dwellings, once a structure plan is approved, proper planning practice is for the gradual stepping of intensity of development. Therefore should any apartments be proposed on Lot 2 it would be expected that their location would be done sympathetically to the existing residential scale.

Conclusion

It is recommended that Council adopt the Local Structure Plan, for Lot 3 Sciano Avenue, Success subject to modification and pursuant to clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 3 March 2015.

Community Consultation

Public consultation was undertaken between 10 February 2015 and 3 March 2015. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

Attachment(s)

1. Location Plan
2. Proposed Local Structure Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submitters

The proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 April 2015 Ordinary Council Meeting.

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

Nil.

14.7 (OCM 9/4/2015) - PROJECT PLANS - PHOENIX AND COCKBURN CENTRAL ACTIVITY CENTRE STRUCTURE PLANS (110/088 & 110/043) (R PLEASANT/D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) supports the preparation of the Cockburn Central Activity Centre Structure Plan, and endorses the approach as described in the Project Plan contained within Attachment 1, subject to adjustments as recommended by the Department of Planning; and
- (2) supports the preparation of the Phoenix Activity Centre Structure Plan, and endorses the approach as described in the Project Plan contained within Attachment 2, subject to adjustments as recommended by the Department of Planning.

COUNCIL DECISION

Background

State Planning Policy 4.2 Activity Centres For Perth and Peel (“SPP 4.2”) was gazetted in 2010, and its main purpose is to specify broad planning requirements for the planning and development of new activity centres, and the redevelopment and renewal of existing centres in Perth and Peel.

Activity centres are community focal points. They include activities such as commercial, retail, higher-density housing, entertainment, tourism, civic/community, higher education and medical services. They should be designed to be well-serviced by public transport, and to be highly accessible.

SPP 4.2 sets out a policy requirement for activity centre structure plans to be prepared for all district level centres and above.

Activity centre structure plans set out the spatial plan and strategy to achieve a compact, pedestrian-friendly, mixed use activity centre that will offer a range of lifestyle choices, reduce car dependency, and limit environmental impact. They are important strategic planning documents which guide land use, urban form, transport and infrastructure planning for larger activity centres.

The City of Cockburn’s Local Commercial and Activity Centres Strategy (“LCACS”) was adopted by Council in 2012 and sets out the strategic vision and broad framework to guide the planning and development of the City’s activity centres over the next 15 years.

The LCACS sets out that its successful implementation will require early, targeted activity centre structure planning for major commercial activity centres likely to experience significant future growth in the short-medium term. It sets out the requirement for activity centre structure plans to be prepared for district and larger centres.

It is therefore proposed that activity centre structure plans be prepared for Cockburn Secondary Centre and Phoenix District Centre in line with SPP 4.2 and the LCACS.

There has already been a considerable amount of strategic planning work completed for both the Phoenix and Cockburn Centres. Cockburn Secondary Centre has several local structure plans and associated design guidelines adopted over much of the land within the proposed activity centre structure plan boundary. It also has a high level Strategic Plan adopted, which articulates the updated vision and high level objectives that the City holds for the centre.

The Phoenix Revitalisation Strategy was adopted by Council for the Phoenix Centre in 2009. In line with the recommendations of the

Revitalisation Strategy, there has been an increase to the residential densities within the 800m catchment around the centre, and numerous improvements to the public realm.

Gateways Shopping Centre will be seeking expansion opportunities in the near future and at some point the Phoenix Shopping Centre is likely to undergo refurbishment and possible expansion. Both Centres require ongoing improvements to movement and connectivity, and opportunities also exist to improve the current land use provision within the 400m catchment of Cockburn Central.

The activity centre structure plans will address these issues and identify future retail projections, land use requirements, and identify infrastructure needs that have not yet been holistically understood at an activity centre level to support the maturity of these centres.

Submission

N/A

Report

The purpose of this report is for Council to consider adopting project plans for the Cockburn Secondary Centre and Phoenix District Centre activity centre structure plans (Attachments 1 and 2).

Proposed Content and Scope

SPP 4.2 sets out the required content for activity centre structure plans, and is to be read in conjunction with the LCACS, the Western Australian Planning Commission (“WAPC”) Structure Plan Preparation Guidelines and the Model Centre Framework set out in SPP 4.2. The Model Centre Framework provides guidance on the preparation of activity centre structure plans.

The proposed project plans (Attachments 1 and 2) encompass these requirements, however the intent is not to replicate existing local structure plans. The activity centre structure plans will be more strategic in nature. In particular this will include a focus on activity and movement elements as identified in SPP 4.2.

The activity centre structure plans will address the other elements as set out in SPP 4.2 where required. However, it is not intended to produce activity centre structure plans that focus on statutory provisions to guide built form – this would be achieved through modifications to local structure plan(s), or through the adoption of local planning policies if and where required.

In accordance with SPP 4.2 the activity centre structure plans will require the adoption of the Western Australian Planning Commission (“WAPC”). Therefore the City has been in discussions with the Department of Planning regarding the scope and content of the activity centre structure plans to inform the preparation of the project plans. Written advice on the matter is now also pending, and based on formal advice provided by the Department of Planning there may be minor modifications to the project plans.

Cockburn Secondary Centre

The draft Project Plan for the Cockburn Secondary Centre Activity Centre Structure Plan is included at Attachment 1, and is based on consideration of SPP 4.2, the Model Centre Framework and the LCACS.

It is proposed that the activity centre structure plan will build on the existing strategic planning framework for this area. This includes the Cockburn Central Activity Centre Plan that was adopted by Council 12 February 2015. The Plan is a City level strategic document designed to provide broad direction for the development of Cockburn Central Activity Centre through to 2031.

Cockburn Secondary Centre also has several local structure plans and associated design guidelines adopted over much of the land within the proposed Activity Centre Structure Plan boundary. However, none of these strategically assess the centre’s current capacity for growth, including recommendations and strategies to support the centres maturity.

Cockburn Central is strongly positioned to form a role as a Strategic Metropolitan Centre by 2031, however further work is required to demonstrate where growth should be focussed within the activity centre to ensure there is not a piecemeal approach between the separate quadrants that comprise the centre.

It is likely that Gateways Shopping Centre will seek further expansion opportunities and work is required to balance this need with the retail/commercial/office land use needs within the town centre and Cockburn Central West areas.

Proposed Activity Centre Structure Plan boundary

The proposed activity centre structure plan boundary is identified within the Cockburn Central Activity Centre Plan as the Core Area (Figure 1). The area is larger than that described in LCACS, and includes land to the East of Cockburn Central Town Centre. This area has been predominantly developed for ‘Light and Service Industry’ and ‘Mixed

Business' land uses. There is significant undeveloped land present in the west of the precinct directly adjoining the Cockburn Central Train Station.

It is considered that there is strategic planning merit for the expanded catchment, due in part its close proximity to the Cockburn Central Train Station. An economic, employment and retail review will provide further justification for this expansion, complemented with an industrial supply and demand assessment. This will include investigating opportunities for light industrial land opportunities across the City that are not within a 400m walkable catchment of an important mixed-use centre to replace the land that what could be potentially changed from industrial in Cockburn Central east.

Improving the movement network

A key outcome sought through the proposed activity centre structure plan is the need to improve the movement network in and around the activity centre. Specifically it will identify ways in which public transport and pedestrian transport can be better facilitated. There are copious amounts of transport assessments that have been undertaken, yet little emphasis placed on modes other than private vehicles. Addressing transport and congestion issues within the centre is vital in order to Cockburn central becoming a successful Strategic Metropolitan Centre.

Spearwood District Centre

The Phoenix Revitalisation Strategy was adopted by Council for the Phoenix Centre in 2009. The Strategy was the first of the City's revitalisation strategies that sought to identify infill development opportunities in line with Directions 2031 objectives. It also addressed infrastructure needs resulting from the planned growth. The Strategy is focused on residential infill development, improvements to public open space and streetscapes, and opportunities for improved public spaces.

The Revitalisation Strategy has resulted in an increase to the residential densities within the 800m catchment around the centre, and the proposed introduction of a new 'Mixed Use' zoning on the western side of Rockingham Road. This has facilitated significant development of grouped and multiple dwellings throughout the area.

There have also been a number of improvements to the public realm, including parks upgrades and street tree planting in line with the Revitalisation Strategy.

Similarly to the points raised regarding Cockburn Central, the existing strategic planning work does not address the need to identify future retail projections, land use requirements, and to understand

infrastructure needs holistically at an activity centre level to support the maturity of the centre.

The Phoenix Shopping Centre is likely to require refurbishing in the near future, and is also likely to increase its floor area. Therefore, further guidance is required to identify how this large format shopping centre will respond and integrate with the adjacent emerging medium density residential developments.

The proposed activity centre structure plan will have a particular focus on built form, connectivity and movement. Many of these issues were identified in the Revitalisation Strategy, and the activity centre structure plan will provide the opportunity to examine these matters in further detail.

Critically, the activity centre structure plan will also examine how this retail dominant centre can evolve into a successful mixed use centre, in line with the vision for this area as set out in the Revitalisation Strategy and the LCACS.

Proposed Activity Centre Structure Plan boundary

The proposed Phoenix Centre activity centre boundary is consistent with that set out in the LCACS. It encompasses the 'District Centre' zoned land, the proposed 'Mixed Use' zoned land on the western side of Rockingham Road, some adjacent residential zoned lots, and the City's administration site. This area will enable comprehensive consideration of land use and movement.

Conclusion

The activity centre structure plan project plans for Cockburn Secondary Centre and Phoenix District Centre will facilitate the preparation of activity centre structure plans in line with SPP 4.2 and the LCACS.

The activity centre structure plans will build on the existing strategic planning frameworks to support the growth and maturity of the town centres, including any future expansion of the centres.

It is therefore recommended that Council adopt the project plans as shown in Attachments 1 and 2, subject to any minor modifications that may be required based on advice received from the Department of Planning.

Strategic Plan/Policy Implications

Growing City

- Diversity of housing to respond to changing needs and expectations.

Infrastructure

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

Community & Lifestyle

- Promotion of active and healthy communities.

A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

Moving Around

- Facilitate and promote healthy transport opportunities.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

The preparation of the activity centre structure plans will be funded through the Strategic Planning budget, with further budgeting required at a later stage as the structure plans are formulated.

Legal Implications

N/A

Community Consultation

It is proposed that targeted preliminary consultation be undertaken with directly affected stakeholders subsequent to the stage one analysis (as outlined in the project plans), given that this work will assist in identifying the relevant stakeholders. This consultation will inform the preparation of the draft activity centre structure plans.

Once the draft activity centre structure plans have been prepared and adopted by Council they will be advertised for a period of 60 days to relevant landowners, business owners, government agencies and community groups.

Attachment(s)

- 1 Cockburn Secondary Centre Activity Centre Structure Plan Project Plan.
- 2: Phoenix District Centre Activity Centre Structure Plan Project Plan.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

14.8 (OCM 9/4/2015) - STATE ADMINISTRATION TRIBUNAL - PLANNING APPEALS (054/001) (A LEFORT)

RECOMMENDATION

That Council note the report.

COUNCIL DECISION

Background

At Council's Ordinary Meeting held on 12 February 2015, under 'Matters to be noted for without debate' Clr L Smith requested that a report be prepared and presented to Council on the following:

1. *How many matters over the last three years have been referred to SAT as a result of Elected Members going against Council recommendations; and*
2. *How much and at what cost has this come to the ratepayers'*

Report

The following information provides some key data that may be of interest to elected members in relation to Statutory Planning appeals:

1. There have been a total of 18 applications for review to the State Administrative Tribunal related to Statutory Planning decisions between March 2012 – March 2015.

2. Out of the total applications, three of those decisions were made against the officer's recommendation.
3. The cost of defending those three matters in SAT (including the estimate of current applications under review) including legal representation and consultants engaged are approximately \$45,000.
4. The total cost of defending all SAT applications in this period was approximately \$63,000, given the majority of the matters did not require the City to engage legal or planning consultancy services. Therefore, those matters where Council have made decisions against staff recommendations represent over 70% of Council spend on legal and planning consultancy fees.
5. The total planning application fees paid to the City for the three applications was \$9,869.

The following table provides information relating to the three applications made against staff recommendation which resulted in an application to the SAT:

Date of SAT Application	Officer Recommendation	Council Decision	SAT Determination	Cost to Council	DA Fee
08/08/2013	Approval	Refusal	Approval through mediation and Council reconsideration.	\$12,036	\$278
14/11/2013	Approval	Refusal	Withdrawn. Applicant re-lodged as JDAP and application was approved.	\$22,750	\$5,321
04/03/2015	Approval	Refusal	Currently under review	Unknown at this stage. Estimate \$10,000	\$4,270
TOTAL				\$44,786	\$9,869

By comparison, the following table provides information relating to decisions issued under delegated authority in the same period:

Date of SAT Application	Officer Determination	SAT Determination or Outcome	Cost	DA Fee
06/08/2012	Approval subject to conditions	Approval through mediation	N/A	\$139

Date of SAT Application	Officer Determination	SAT Determination or Outcome	Cost	DA Fee
06/06/2012	Refusal	Approval through mediation	\$10,864	\$288
28/02/2013	Refusal	Approval through mediation	N/A	\$417
27/03/2013	Refusal	Approval through mediation	N/A	\$139
15/03/2013	Refusal	Withdrawn	\$14,584	\$960
27/03/2013	Refusal	Approval through mediation	N/A	\$720
24/04/2013	Refusal	Approval through mediation	N/A	\$139
17/05/2013	Refusal	Approval through mediation	N/A	\$139
19/06/2013	Refusal	Withdrawn	N/A	\$139
19/03/2014	Refusal	Approval through mediation	N/A	\$1315
09/04/2014	Refusal	Withdrawn	N/A	\$835
04/06/2014	Refusal	Approval through mediation	\$2,485	\$576
29/04/2014	Refusal	Full Hearing – City's decision upheld.	N/A	\$441
01/12/2014	Refusal	Approval through mediation	N/A	\$480
11/02/2015	Refusal	Mediation in progress	N/A	\$441
TOTAL			\$27,933	\$7168

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

Leading & Listening

- A responsive, accountable and sustainable organisation.

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.9 (OCM 9/4/2015) - SALE OF LAND - PORTION OF LOT 9003 (PROPOSED LOT 803) DURNIN AVENUE, YANGETUP (6015949) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) accepts the offer from Yangebup 803 Pty Ltd to sell Portion of Lot 9003 (Proposed Lot 803) Durnin Avenue, Yangebup for a consideration of \$2,200,000 (incl. GST utilising the margin scheme) subject to the completion of all statutory requirements of Section 3.58 of the *Local Government Act 1995*; and
- (2) amend the 2014/15 adopted municipal budget by adding capital income of \$2,200,000 from the sale proceeds against a new CW project – Sale of Proposed Lot 803 Durnin Avenue, Yangebup and transferring these into the Land Development and Investment Fund Reserve.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Proposed Lot 803 is a portion of Lot 9003 Beeliar Drive, Beeliar. Lot 9003 is a freehold lot created as a balance lot following the sale of Lots 801 and 802 Ivankovich Avenue, Beeliar to the Coles Group in 2013. Lot 9003 as a balance title consists of three discrete parcels of land.

Council at its meeting held on 11 December 2014 resolved to sell the middle parcel of land, comprising a 2.9999 ha portion of Lot 9003. The area of Proposed Lot 803 is 3317 square metres, or 0.3317ha. The land is situated on the northwest corner of the intersection of Beeliar Drive and Durnin Avenue, Beeliar.

Submission

N/A

Report

This intersection of Beeliar Drive and Durnin Avenue is controlled by a traffic roundabout, with development having been completed on two of the parcels which comprise the southern side of the intersection. This location will become a landmark location into the new town centre, and has generated significant buyer interest as a result. Officers have had several inquiries from potential purchasers of the subject land.

Discussions with two of the interested parties revealed a concern with the fenced drainage sump which is situated between the roundabout and the subject land. Discussion with the City's Engineering Team revealed that the drainage sump is required to be retained at that location, and that there is no possibility to reshape it into a swale configuration or the like. A second carriageway is to be constructed along Beeliar Drive, and the sump being at the low point will take more stormwater on completion of the second carriageway.

To alleviate the unsightly nature of the sump site, a proposal to place underground tanks in the sump location was undertaken but the cost at approximately \$420,000 was prohibitive. The site is additionally impacted on by a Water Corporation main drain easement which is located beneath the drainage sump. The cost to replace the open sump with underground tanks did not result in a corresponding lift in the

site's value, meaning it would diminish the value of the City's overall asset base.

Upon realising that the drainage sump could not be relocated, the initial proposal needed to change. Initially it was proposed to sell the entire residential and sump site as one 4967 square metre lot, and protect the sump with an easement. However, upon recognising that the sump will need to be retained in perpetuity, and that the City will need to redesign the sump upon commencement of the Beeliar Drive upgrading, it was determined that the best outcome was for the City to retain ownership of that portion of the land. The purchaser also requested that they only purchase the land beyond the drainage sump. This is agreed and is the basis of this Council report.

The subdivision will create a residential lot with an area of 3317 square metres, and a drainage reserve of 1650 square metres. At the conclusion of the second carriage-way construction, it is proposed that the City replace the woven wire sump fence with an aesthetically pleasing wall on the boundary facing the roundabout. This will help manage some of the amenity impacts that are currently associated with the fenced sump.

The offer of \$2,200,000.00 (inc GST utilising the margin scheme) from Yangebup 803 Pty Ltd is in line with a recent valuation of the site by a licensed valuer.

Section 3.58 of the Local Government Act 1995 requires that a Local Authority advertise any proposal to sell land by private treaty. The advertisement must be in a newspaper with state-wide circulation, giving details of the property and the proposed disposition. The advertisement is to give notice inviting submissions to be made on the proposal and allowing such submissions for a period not less than 2 weeks from the date of the advertisement.

Notice concerning the proposal will be placed in the West Australian newspaper. The officer recommendation to Council is framed in such a way that it is subject to no objection being received as a result of the public advertising of the Section 3.58 disposition of land notice. If any objections are received within the statutory advertising period, the matter will be brought back to the next Council meeting for determination.

A subdivision application for this proposal and the creation of three additional lots has been made to the Western Australian Planning Commission. Subdivision estimated costs, which will include the provision of all services, have been provided by a consulting Engineer. The costs of the services required by the subdivision are estimated at \$1,000,000, but importantly cover all four lots being the subject of the

subdivision. These will significantly value add to the remaining portions of Lot 9003, which will enable highest realisation of this asset.

It is recommended that Council support the disposition of land.

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.

Governance Excellence

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

Budget/Financial Implications

Amend the 2014/15 adopted municipal budget by adding capital income of \$2,200,000 (ex-GST) from the sale proceeds against a new CW project – Sale Lot 803 Durnin Avenue Beeliam and transferring these into the Land Development & Investment Fund Reserve. Funds provided from the sale of this land will be earmarked, if Council supports, the development of affordable housing on a lot owned by the City at Lot 23 Russell Road, Hammond Park (near the new Aubin Grove rail station).

Legal Implications

Provisions of Section 3.58 of the *Local Government Act 1995* apply.

Community Consultation

As required by Section 3.58 of the *Local Government Act 1995*. Details of the proposed disposal have been advertised in the newspaper for State-wide publication, for a period of two weeks commencing on 25. September 2014.

No objections to the sale were received by the closing date of the advertising being 17 March 2015.

Attachment(s)

1. Location Plan
2. Valuation

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 9 April Ordinary Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 9/4/2015) - LIST OF CREDITORS PAID - FEBRUARY 2015 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for February 2015, 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 2015 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – February 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

15.2 (OCM 9/4/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - FEBRUARY 2015 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Statement of Financial Activity and associated reports for February 2015, as attached to the Agenda; and
- (2) amend the 2014/15 Municipal Budget by:
 1. Adding \$1,614,548 of revenue from redeemed bank guarantees against the Cockburn Integrated Health and Community Facility project (CW 4512-5756).
 2. Transferring \$1,614,548 to the Cockburn Integrated Health and Community Facility Building Maintenance Financial Reserve (CW 4512-7852).

3. Adding \$85,000 of carried forward funding held in the Restricted Grants and Contributions Reserve, expenditure of \$76,500 and internal charges of \$8,500 to the Medicare Local Co-Health project budget (OP 8291).

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

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) explanation for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

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

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

Local Government (Financial Management) Regulations - Regulation 34 (5) states:

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

This Regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold of \$200,000 for the 2014/15 financial year at its August meeting.

Submission

N/A

Report

Opening Funds

The opening funds actuals of \$13.17M represents the audited closing municipal position for 2013/14 and the revised budget was updated to this figure in the mid-year budget review adopted by Council in February.

The opening funds cover the \$3M surplus forecast in the adopted budget, \$8.9M of municipal funding attached to carried forward works & projects and a residual balance of \$1.3M in uncommitted funds that was applied to the CCW Development Fund Reserve in accordance with Council's budget policy.

Closing Funds

The City's closing funds of \$62.6M were \$14.4M higher than the YTD budget target. This comprised net favourable cash flow variances across the operating and capital programs as detailed within this report.

The revised budget shows end of year closing funds of \$8,500. Whilst the budget was returned to a balanced position at the mid-year review, a small budget adjustment has since been made. This is due to internal administration costs being externally funded for the Medicare Local Co-Health project.

The budgeted closing funds fluctuate throughout the year, due to the impact of Council decisions and budget recognition of additional revenue and costs. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial summaries attached to this report.

Operating Revenue

Consolidated operating revenue of \$113.0M was ahead of the YTD budget forecast by \$1.7M. The significant variances in this result were:

- Rates revenue \$0.8M ahead of YTD budget due to higher part year rating adjustments.
- Fees & charges were collectively \$0.1M ahead of YTD budget with parking infringement revenue \$0.25M ahead of YTD budget. Offsetting this, commercial landfill fees were \$0.23M behind YTD budget.
- Operating grants & subsidies were over YTD budget by \$0.39M comprising mainly \$0.35M of additional In-Home Care and Family Day Care child care subsidies.
- After a downwards revision in the mid-year budget review, interest earnings on Municipal funds were now \$0.2M ahead of YTD budget.

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

Operating Expenditure

Cash operating expenditure of \$59.9M (excluding asset depreciation) was under the YTD budget by \$0.9M. Total operating expenditure of \$74.5M (including depreciation) was \$0.3M lower than the YTD target.

The following significant items were identified:

- Material and Contract expenses were \$0.5M under YTD budget overall, with Waste Services contributing \$0.38M to this result. Payments to child care providers were \$0.42M over budget and consistent with the additional revenue received.
- Utility costs were down \$0.3M against YTD budget with street lighting contributing \$0.23M to this variance.
- Direct employee costs were collectively \$0.39M over the YTD budget of \$27.7M, with no significant variance attributable to any one specific business area.
- Depreciation of \$16.5M was \$0.32M over the YTD budget, with Roads depreciation over by \$0.45M. However, this budget was revised in the mid-year review and this variance is only timing related.

A more detailed explanation of the variances within each business unit is included in the attached financial report.

The following table shows the operating expenditure budget performance at the consolidated nature and type level. The internal recharging credits reflect the amount of internal costs capitalised against the City's assets:

Nature or Type Classification	Actual Expenses \$M	Revised Budget YTD \$M	Variance to YTD Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	28.07	27.68	(0.39)	43.50
Employee Costs - Indirect	0.48	0.62	0.14	1.29
Materials and Contracts	22.77	23.30	0.53	36.05
Utilities	2.77	3.07	0.30	4.62
Interest Expenses	0.07	0.07	0.00	0.12
Insurances	1.95	2.12	0.17	2.22
Other Expenses	3.82	3.94	0.12	7.55
Depreciation (non-cash)	16.54	16.21	(0.32)	25.10
Internal Recharging-CAPEX	(1.93)	(2.21)	(0.28)	(3.25)
Total	74.52	74.79	0.27	117.20

Capital Expenditure

The City's total capital spend at month end was \$21.3M, representing an under spend of \$9.2M on the YTD budget of \$30.4M.

The following table shows the budget variance analysis by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	Annual Budget \$M	Commit Orders \$M
Roads Infrastructure	5.08	6.91	1.84	16.59	5.08
Drainage	0.47	0.87	0.39	1.60	0.47
Footpaths	0.77	0.88	0.11	1.29	0.77
Parks Hard Infrastructure	2.17	3.39	1.22	8.50	2.17
Parks Soft Infrastructure	0.38	0.60	0.22	0.89	0.38
Landfill Infrastructure	0.07	0.27	0.19	0.85	0.07
Freehold Land	0.94	1.18	0.24	2.38	0.94
Buildings	8.14	11.84	3.70	31.15	8.14
Furniture & Equipment	0.01	0.01	0.00	0.01	0.01
Computers	0.55	0.99	0.44	1.21	0.55
Plant & Machinery	2.70	3.52	0.82	5.52	2.70
Total	21.28	30.45	9.17	69.99	21.28

The CCW project is responsible for \$3.1M of the \$3.7M variance in Buildings asset spending. North Lake Road (Hammond to Kentucky) contributes \$1.2M of the \$1.8M variance under Roads Infrastructure spending. All other project variances fall under the materiality threshold of \$0.2M and further details on these variances are disclosed in the attached CW Variance analysis report.

Capital Funding

Capital funding sources are highly correlated to capital spending, the sale of assets and the rate of development within the City (developer contributions received).

Significant variances for the month include:

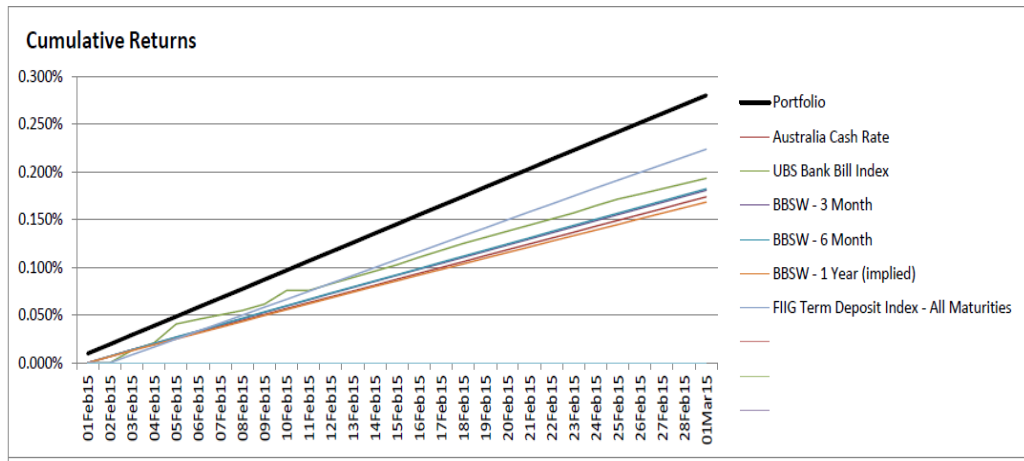
- Transfers from financial reserves were \$3.2M behind YTD budget due to the capital budget under spend.
- The City called in bank guarantees totalling \$1.6M held for the GP Super Clinic/ Cockburn Integrated Health Facility. These partly compensate the City for additional project costs due to the failure of the first contractor to complete the project. The funds will be transferred to the building maintenance reserve for the facility.
- Developer contributions received under the Community Infrastructure plan outpaced the YTD budget by \$0.7M even after the budget was significantly increased through the mid-year review. This reflects continuing strong levels of development activity within the City.
- Developer Contribution Plan revenue for roads infrastructure was \$0.6M ahead of the YTD budget setting.
- Fremantle Football Club contributions to the CCW Cockburn Regional Physical Activity and Education Centre of \$0.56M have not been budgeted for in the system.
- Road grant funding is overall \$0.5M ahead of YTD budget.
- The Lotteries Commission grant of \$0.5M towards the Cockburn Health & Community building project was yet to come in. This has since been received in March.
- Sale of land revenue from various sub-divisions was \$2.9M behind YTD budget. This included Lot 702 Bellier PI & Lot 65 Erpingham Rd, Lot 1, 4218 and 4219 Quarimor Rd, Lot 23 Russell Road and Lot 40 Cervantes Loop. Bellier/Erpingham is expected to settle in June 2015. Sale of plant proceeds were also cumulatively \$0.2M behind YTD budget.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$148.2M, up slightly from \$147.2M the previous month. Of this balance, \$85.2M represented the amount held in the City's cash backed financial reserves. Another \$5.5M represented funds held for other restricted purposes such as deposit and bond liabilities. The remaining \$57.5M represented the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments.

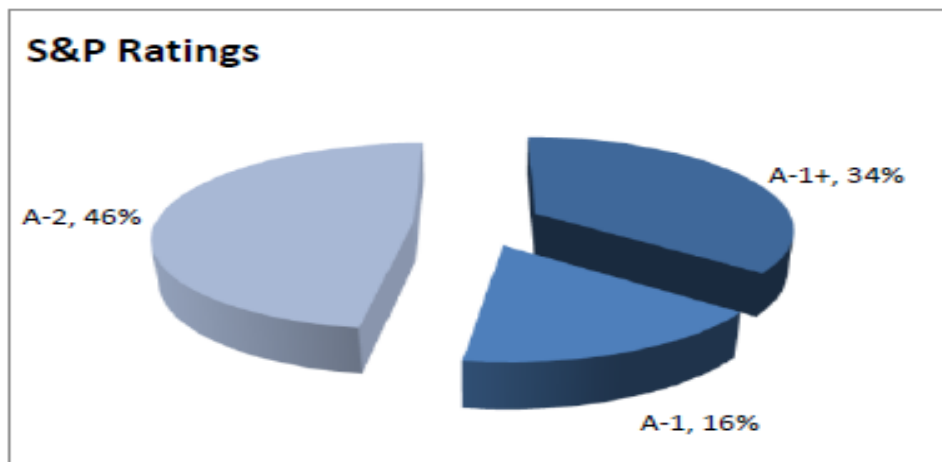
The City’s investment portfolio made a weighted annualised return of 3.59% for the month, minimally down from 3.61% in January and 3.62% in December. Whilst this result compares favourably against the UBS Bank Bill Index annualised rate of 2.46%, it continues to trend downwards as a result of the falling Australian official cash rate. This is currently 2.25% and is forecast to be cut to 2.00% at either the April or May Reserve Bank board meeting. This will put further pressure on the City’s interest earnings budget, particularly for the 2015/16 financial year.

Figure 1: COC Portfolio Returns vs. Benchmarks



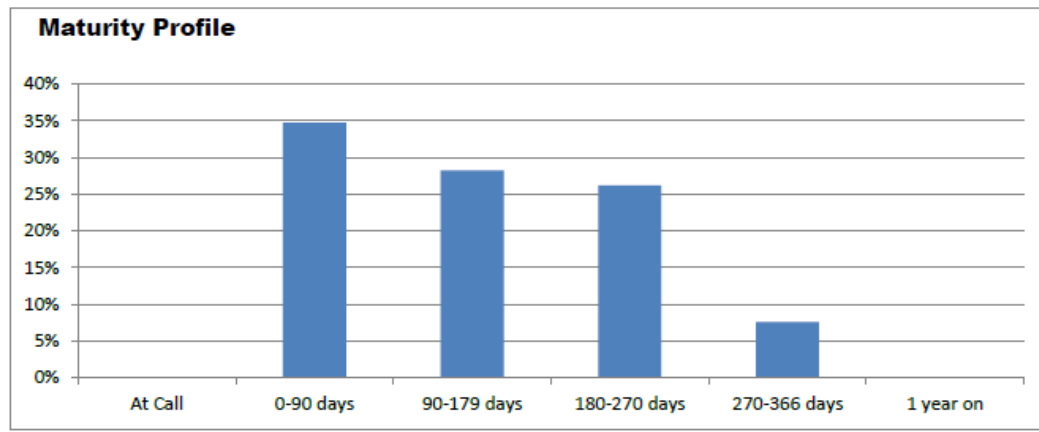
The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging from three to twelve months. All investments comply with the Council’s Investment Policy and fall within the following risk rating categories:

Figure 2: Council Investment Ratings Mix



The current investment strategy is to secure the best possible rate on offer over longer duration terms (9 to 12 months), subject to cash flow planning requirements. The City's investment portfolio currently has an average duration of 139 days, graphically depicted below:

Figure 3: Council Investment Maturity Profile



Budget Revisions

The City called in bank guarantees totalling \$1.6M held for the GP Super Clinic/Cockburn Integrated Health Facility. These partly compensate the City for additional project costs due to the failure of the first contractor to complete the project. It is proposed these funds be transferred into the Cockburn Health & Community Facility Building Maintenance Reserve to provide a funding source for future major maintenance works for this facility.

\$85,000 of carried forward funding is held in the restricted grants reserve for the Medicare Local Co-Health project and this wasn't previously addressed in the budget. \$76,500 will be spent on program delivery with the balance of \$8,500 covering internal charges and adding to the City's closing budget position.

Description of Graphs and Charts

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

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

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year. Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

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

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated statements – February 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 9/4/2015) - PROPOSED CITY OF COCKBURN PARKING AND PARKING FACILITIES LOCAL LAW 2007 AMMENDMENT TO CREATE PARKING STATION 2 COOGEE BEACH - POWELL ROAD COOGEE (082/013 & 025/001) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Section 3.12 of the Local Government Act 1995 proceed to make Local Law to amend the City of Cockburn Parking and Parking facilities Local Law 2007, as shown in the attachment to the Agenda and advertise the proposed amendment for a minimum period of six(6) weeks; and
- (2) pursuant to Clause 9(1) of the City of Cockburn Parking and Parking Facilities Local Law 2007 establish a Parking Station on Lots 172, 171 and 207 4-6 Powell Road Coogee, as attached to the Agenda.

COUNCIL DECISION**Background**

This item was brought to the March 2015 Council meeting, where it was deferred to the April 2015 Council meeting. This was done in order to incorporate the Disability Parking provisions into the Council's Parking Local Laws. It has since been discovered that the enforcement implications of the Disability Parking amendments are not yet clear and therefore will be dealt with separately at an appropriate time and this report will now only consider the Coogee Beach parking station amendment.

There has been a progressively increasing demand for parking at the area around Coogee Beach Reserve resulting in cars parking in dangerous positions for traffic and pedestrians in the area. Cars are also driving over and parking in locations that damage vegetation and parks infrastructure such as sprinklers and services.

The creation of a parking station under the City of Cockburn Parking and Parking Facilities Local Law 2007 will allow parking to be readily controlled in the prescribed area and reduce the need for numerous signs and bollards.

Submission

N/A

Report

There are a concentration of attractions to the Coogee Beach Reserve area in including a café, jetty, shark net and extensive grassed picnic areas which appeal to a growing population in the south west metropolitan area of Perth that has limited beach access points. To ensure that the area remains an attractive place to visit the City needs to ensure that access to the area is orderly and safe. Council at its meeting of the 8th May 2014 adopted the Coogee Beach Landscape Master Plan which provides for an attractive and orderly beach front. The creation of a parking station will ensure that the landscape improvements in the area will be maintained.

As it is unclear on what parking is permitted and not permitted there is a great number of complaints from those who have been infringed. The creation of a parking station will allow the City to erect a sign which says simply that parking is only permitted in designated parking bays. There are a number of areas where additional bays can be located to marginally increase the number of bays in the area. Parking can still occur on identified areas of the Cockburn Road Reserve where it is safe as this area is not under the City's control and outside of the Parking station area.

Purpose:

To amend the City of Cockburn Parking and Parking Facilities Local Law 2007 to establish a new parking station at Coogee Beach.

Effect:

To more effectively control parking at Coogee Beach Reserve to enhance traffic and pedestrian safety in the area particularly during hot summer days when the beach is very popular to visit.

Strategic Plan/Policy Implications

Moving Around

- A safe and efficient transport system.

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

Budget/Financial Implications

N/A

Legal Implications

Amendments to the local laws are to be in accordance with section 3.12 of the Local Government Act 1995

Community Consultation

Section 3.12 stipulates the procedure for advertising for public comment for a minimum period of six (6) weeks and subsequent Council consideration for the amendments to a Local Law to become effective.

Attachment(s)

1. Draft Proposed City of Cockburn Parking and Parking Facilities Local Law Amendment 2015.
2. Map identifying extent of new Parking station.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (OCM 9/4/2015) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 19/03/2015

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee dated 19 March 2015 as provided 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 19 March 2015. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

N/A

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

Leading & Listening

- A skilled and engaged workforce.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 19 March 2015 are provided to the Elected Members under separate confidential cover.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the April 2015 OCM.

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

Committee Minutes refer.

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

24 (OCM 9/4/2015) - 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