

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 JULY 2006 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 JULY 2006 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr M. Ross	-	Acting Director, Planning & Development
Mr N. Evans	-	Communications Manager
Ms V. Viljoen	-	Personal Assistant to CEO

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil

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

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written



advice from the Council prior to taking action on any matter that they may have before Council.

4 (OCM 13/07/2006) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that Mayor Stephen Lee had declared a conflict of interest in Item 14.1, which would be read at the appropriate time.

The Presiding Member advised the meeting that Cllr Val Oliver had declared a conflict of interest in Item 14.1, which would be read at the appropriate time.

5 (OCM 13/07/2006) - APOLOGIES AND LEAVE OF ABSENCE

Cllr Julie Baker	-	Apology
Cllr Linda Goncalves	-	Apology
Cllr Kevin Allen	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 13/07/2006) - PUBLIC QUESTION TIME

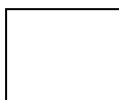
Marcia Manolas - Carrington Street, Hamilton Hill

Agenda Item 16.3 – Streetscape Beautification Budget Reallocation – Intersection of Carrington Street and Winterfold Road, Hamilton Hill

Q1 Why has Administration with the current proposal endeavoured to provide a wall of vegetation along the front of a commercial precinct zone - low olive hedge 750mm height, 5 metre wide canopy per tree- 3 trees? This equates to 3 meters by 5 meters is 15 meters of tree canopy under pruned to two meters leaving a window of just over a meter along the verge fronting land of a commercial site. How will this give any visibility to commercial premises?

(Ms Manolas then showed Council a drawing of proposed planting of vegetation in comparison to retail shops.)

A1 The vegetation will not be as dense as that stated. The landscaping proposal incorporates tree species which will enhance the appeal of the street and by association, the businesses adjacent. The trees are small in stature and do not have a dense canopy thus officers do not



believe that visibility of the businesses will be significantly impaired. The City proposes to expend in the vicinity of \$100,000 on this project which will enhance the aesthetics of the area and improve the general amenity. The proposal is also consistent with the strategy to improve streetscapes across the City.

Q2 *How has the consultation process given people the opportunity to respond?*

A2 We acknowledge that the consultation process failed in this instance and that letters of reply to both Mrs Manolas and Ms Lavery addressing their concerns were not posted as intended.

Ken Manolas – Carrington Street, Hamilton Hill

Agenda Item 16.3 – Streetscape Beautification Budget Reallocation – Intersection of Carrington Street and Winterfold Road, Hamilton Hill

Q1 - *Once the wall of vegetation grows- 750mm of olive hedge, and then 5 meter canopy of each tree:*

(a) *What will Council put in place to ensure the safety of walking pedestrians, especially children and elderly being abducted from the footpath behind the hedge of vegetation and molested or robbed?*

(b) *What safety precautions will administration put in place to ensure cars entering and exiting the driveway to the food/ restaurants have clear vision of the pedestrians and traffic at the roadside. When puts up a brick fence, one must have a truncation at the driveway to ensure visibility?*

A1(a) We do not believe that the mere existence of a hedge will increase the incidence of this form of anti-social behaviour. If required, the hedge can be maintained at a lower height. It is proposed the height will be maintained at less than 0.750m (approximately 2ft 6inches).

A1(b) Vision will not be impaired because the hedge is set back 6m from the kerb. Egress from the car park is left hand turn only; vehicle drivers' line of sight to the right is not impaired because there is an access slip lane present.

Q2 - *Why has Administration chosen this type of planting- 750 metre hedge and then trees closely positioned with a 5 meter canopy each in an area of a commercial precinct which requires exposure?*

(a) *Why is Administration endeavouring to block visibility of the shops.*

(b) *Has Administration adopted this type of planting a fence of vegetation anywhere else in the area- commercial or residential*



district? Why has Administration prejudiced the commercial viability of these three properties for this type of planting-vegetation hedge.

- (c) *Can Administration state one area commercial or residential which has similar a vegetation fence?*
- (d) *Some Councillors have expressed it is an Entry Statement into the area? How is it an Entry Statement when the opposite side of the street does not have the same plantings?*
- (e) *Why has Administration not adopted similar plantings to Winterfold Rd shopping centre/precinct to compliment each other.*

A2(a) The intent is not to block visibility of the shops rather it is to enhance the general aesthetic of the area. The chosen tree species will allow significant visual access to the premises.

A2(b) Yes. Spearwood Avenue between Stock Road and Port Kembla Drive in front of Bunnings and the intersection of Amity Boulevard and Cockburn Road have similar streetscapes established.

The purpose of the streetscape is to enhance the area thereby improving the potential viability of all businesses in the locality.

A2(c) Yes. Spearwood Avenue between Stock Road and Port Kembla Drive in front of Bunning and the intersection of Amity Boulevard and Cockburn Road have similar streetscapes established.

A2(d) The east side of Carrington Street will have an entry statement sign and a hedge matching that on the west. The width of the verge on the eastern side of Carrington Street is not as wide which restricts the style of planting that can be established.

A2(e) The proposed landscaping is complimentary to plantings to Winterfold Rd shopping centre/ precinct. Within the Winterfold Rd shopping centre precinct, both Dodd Street and Simms Road have tree planting in the pavement similar to that proposed for Carrington Street.

Rochelle Lavery (Lake View Street, East Victoria Park) on behalf of Christine Lavery – Carrington Street, Hamilton Hill

Agenda Item 16.3 – Streetscape Beautification Budget Reallocation – Intersection of Carrington Street and Winterfold Road, Hamilton Hill

Q1 *Does Council think it is acceptable to enforce loss of visibility of signage and premises from Winterfold Road by the provision of vegetation to 10 metres with only a window from 0.75 metres to 2.0 metres for restricted visibility to commercial premises? Is this*



considered to be consistent with your Engineering Department's stated aim of improving commercial viability of these properties as it appears to ensure complete loss of visibility to the majority of the premises and whole of signage from Winterfold Road and severely restricted visibility from Carrington Street?

- A1 The landscaping proposal incorporates tree species which will enhance the appeal of the street and by association, the businesses adjacent. The trees are small in stature and do not have a dense canopy thus officers do not believe that visibility of the businesses will be significantly impaired. The City proposes to expend in the vicinity of \$100,000 on this project which will enhance the aesthetics of the area and improve the general amenity. The proposal is also consistent with the strategy to improve streetscapes across the City.
- Q2 *What is the plan that you are now considering as there seems to be three proposals? - mailed 10 May 2006; supposed to be mailed dated 4 July 2006 (no plan attached when forwarded yesterday 4.56pm); proposal from Director Engineering dated 12 July 2006 received by email yesterday 4.56pm; the latter two of which have been received too late for us to consider properly?*
- A2 The streetscape proposal remains the same however the alternative recommendation merely sought to separate the project into 2 stages to enable additional consultation to occur with the affected owners and tenants of 331 & 333 Carrington Street and to complete a review of the crossing point at that premises.
- Q3 *Is tonight the first time you have seen the alternative proposal, just like us?*
- A3 The streetscape proposal remains the same as previously submitted. The alternative merely seeks to review how the project is to be delivered.

Norman Cockerton – Mainsail Terrace, Yangebup

- Q *What is delaying the upgrade of the intersection of Beelias Drive and Birchley Road to facilitate the right turn movement out of Birchley Road, and when will this be initiated?*
- A Staff are awaiting feedback from Western Power regarding relocation of their services at the intersection of Beelias Drive and Birchley Road. Staff have now finalised the design of the intersection of Spearwood Avenue and Yangebup Road and subject to Councils resolution tonight, have programmed those works to commence in early August. The intersection of Spearwood Avenue and Yangebup Road has been the priority and works will not commence on the intersection of Beelias Drive and Birchley Road until those works are completed. Our current



program identifies works will commence on Beeliar Drive and Birchley Road in September 2006.

Robyn Scherr – Amity Boulevard, Coogee

Agenda Item 16.5 0 Street Lighting – Port Coogee Marina Development
(Question taken from the floor.)

Q *Will Council maintain its promise to the people that this marina village will be world class in every respect and that those peoples rates will be sufficient to cover these costs?*

A Mayor Lee responded by saying yes.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3193) (OCM 13/07/2006) - SPECIAL COUNCIL MEETING - 30 MAY 2006

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Tuesday, 30 May 2006, as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

8.2 (MINUTE NO 3194) (OCM 13/07/2006) - ORDINARY COUNCIL MEETING - 8 JUNE 2006

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 8 June 2006, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 7/0



9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13 (OCM 13/07/2006) - 13 COUNCIL MATTERS

Nil

DECLARATION OF CONFLICT OF INTEREST

Clr Oliver declared a conflict of interest in Item 14.1 "Appointment of Real Estate Agent to Market Council Owned Land". The nature of the interest being that she was a benefactor of a monetary donation to her 2005 election fund from Mayor Lee. Part of the funds for Mayor Lee's campaign account were obtained from the Port Coogee NOW group, of which Mr Gianolli is a member.

CLR OLIVER LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.30PM.

DECLARATION OF CONFLICT OF INTEREST

Mayor Lee declared a Conflict of Interest in Item 14.1 "Appointment of Real Estate Agent to Market Council Owned Land". The nature of the interest being that he received a monetary donation to his 2005 election fund from the Port Coogee NOW group, of which Mr Gianolli is a member.

MAYOR LEE LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.31PM.



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

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3195) (OCM 13/07/2006) - APPOINTMENT OF REAL ESTATE AGENT TO MARKET COUNCIL OWNED LAND (4809) (KJS) (ATTACH)

RECOMMENDATION

That Council:

(1) appoint Cockburn Real Estate to market the sale of vacant lots at 9 Phoenix Road, Spearwood, Lot 709 Southwell Crescent, Hamilton Hill and Lot 380 Congdon Avenue, Beeliar, subject to an exclusive agency period of 90 days, the asking prices being:

- 9 Phoenix Road, Spearwood \$290,000
- Lot 709 Southwell Crescent, Hamilton Hill \$260,000
- Lot 380 Congdon Avenue, Beeliar \$270,000

(2) accept offers negotiated by Cockburn Real Estate, subject to all offers being above the licensed valuer estimate and complying with the provisions of section 3.58 of the Local Government Act 1995; and

(3) transfer the net proceeds from the sales to the Land Development Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council defer this item until the next Ordinary Council Meeting.

CARRIED 5/0

Reason for Decision

There are limited numbers of Councillors present at the meeting and this item will need to be carried by an absolute majority of Council.



Background

Council at its meeting held on 11 May 2005 resolved to:-

- “(1) *defer this item to a later meeting of Council following an independent reappraisal of the land value based on market evidence by three local estate agents and a licensed valuer; and*
- (2) *review the procedures and requirements dealing with Council’s land disposal practices in the form of a possible new Policy to be referred to the Strategic Finance & Investment Committee.”*

Submission

N/A

Report

Five (5) local Real Estate Agents were asked for marketing proposals. The companies were asked to supply asking prices and expected sale price for each lot. They were also asked for details of the company’s resources and marketing strategy if they were the successful appointee.

Licensed Valuers McGees were also asked to update their previous market valuations. Licensed Valuer Jonathon Tyson assessed the properties as follows:-

- | | |
|---|------------|
| • 9 Phoenix Road, Spearwood | \$260,000 |
| • Lot 709 Southwell Crescent, Hamilton Hill | \$210,000 |
| • Lot 380 Congdon Avenue, Beeliar | \$260,000. |

The Real Estate Agents who submitted proposals were:-

- L J Hooker, Spearwood
- Davies First National, Spearwood
- Cockburn Real Estate, Spearwood
- CRA Realty, Spearwood
- Collett Realty, Hamilton Hill
- Southside Realty, Spearwood.

The proposed marketing strategy for each of the agents was similar and included signs on each lot, advertisements in local and state-wide newspapers.

Most agents have web pages and access a wider list of potential purchasers via internet and databases of people seeking lots.

The Real Estate Agents and the Licensed Valuer all indicate that the market was very much in favour of the seller and that prices were



rising. There is a shortage of vacant lots throughout the metropolitan area.

Listed below is a table of the Real Estate Agents fees and prices.

Land Sales Program June 2006				
Real Estate Agent	Selling Cost GST Inc.	Expected Selling Price GST incl. Listing Price ()		
		9 Phoenix Rd, Spearwood	Lot 709 Southwell Cres Hamilton Hill	Lot 380 Congdon Ave, Beeliar
LJ Hooker	\$19,800	(\$290,000) \$275,000	(\$250,000) \$240,000	(\$260,000) \$250,000
Davies First National	\$19,400	(\$275,000) \$267,000	(\$260,000) \$252,000	(\$265,000) \$257,000
Cockburn Real Estate	\$15,000	(\$289,000) \$280,000	(\$249,000) \$240,000	(\$259,000) \$250,000
CRA	\$23,100	(\$290,000) \$280,000	(\$200,000) \$180,000	(\$250,000) \$230,000
Collett Realty	\$15,510	(\$265,000) \$255,000	(\$205,000) \$190,000	(\$270,000) \$260,000
Southside	\$16,500	\$320,000	\$280,000	\$295,000
Average		\$288,000	\$240,000	\$266,000

It is not possible to differentiate between the agents ability to achieve the highest possible price for the land sale. Based on the material supplied by each agent they all appear to be experienced, diligent and competent in their field.

Cockburn Real Estate is the recommended agent, based on their slightly lower fee. They have indicated that they will participate in conjunctive offers presented by other agents provided the offer was in the best interest of the City.

All offers presented to the City will have to be conditional on provisions of section 3.58 of the Local Government Act, which requires the City to advertise details of any private treaty sale in a state-wide newspaper and allow at least 2 weeks for the receipt of submissions.

Details in the advertisement include details of the land, proposed sale price, the name of the purchaser and a market valuation by a Licensed Valuer undertaken within 6 months of the proposed sale.

The asking price in the recommendation takes into account the nominated asking price by Cockburn Real Estate with some modification after reviewing the other agents' nominated asking price.



Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*

Budget/Financial Implications

Net Income will be transferred to the Land Development Reserve Fund.

Legal Implications

Section 3.58 of the Local Government Act 1995.

Community Consultation

Any individual land sale will be advertised in a newspaper that gives state-wide distribution.

Attachment(s)

- (1) Location Plans of subject lots.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

MAYOR LEE AND CLR OLIVER RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 7.34PM.

DEPUTY MAYOR GRAHAM ADVISED MAYOR LEE AND CLR OLIVER OF THE DECISION OF COUNCIL.

MAYOR LEE RESUMED AS PRESIDING MEMBER AT THIS POINT.



14.2 (MINUTE NO 3196) (OCM 13/07/2006) - COOGEE CARAVAN PARK - ASSIGNMENT OF LEASE FROM ASPEN TOURIST PARKS PTY LTD (FORMERLY FLEETWOOD PARKS PTY LTD) TO ASPEN PARKS PROPERTY MANAGEMENT LTD - RESERVE 29678 (1913; 3310064) (KJS)

RECOMMENDATION

That Council as Lessor consents to the assignment of the lease from Aspen Tourist Parks Pty Ltd (formerly Fleetwood Parks Pty Ltd) to Aspen Parks Property Management Ltd.

COUNCIL DECISION

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

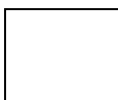
CARRIED 7/0

Background

Council at its meeting held on 15 May 2001 resolved the following:

“That subject to compliance with provisions of Section 3.58 of the Local Government Act 1995, Council enter into a new lease with Fleetwood Corporation P/L on the following basis :

- (1) an in-going premium of \$650,000;*
- (2) an initial rent of \$110,000 per annum;*
- (3) lease for a period of 10 years with two 5 year options;*
- (4) that a new lease be prepared by Solicitors, McLeod and Co based on provisions contained in the current lease;*
- (5) that payment of monies sought by Westrail to amend the boundary of Reserve 29768 and 11430 be drawn from the incoming premium with the balance of funds being transferred to the Land Development Reserve Fund; and*
- (6) sell the five units which will belong to the City of Cockburn at the expiration of the current lease for the sum of \$75,000.”*



Submission

Aspen Parks Property Management have written to the City requesting consent to the assignment of the lease to Aspen Parks Property Management Ltd from Aspen Tourist Parks Pty Ltd.

Report

Although the Lessee on the lease is shown as Fleetwood Parks Pty Ltd, the name of the Lessee company was changed to Aspen Tourist Parks Pty Ltd following the sale of Fleetwood Parks to Aspen in 2005.

The lease agreement provides that the Lessor must not unreasonably withhold its consent to an assignment if amongst other things the proposed assignee is in the opinion of the Lessor a respectable and responsible person of good financial standing.

The company was asked to provide information to support the premise that the assignee was of good financial standing. Aspen Parks Property Management Ltd is the holding company of Aspen Tourist Parks Pty Ltd. A company search by the City's solicitors shows that the company have the same directors.

The company has provided a Financial Report for the year ended 30 June 2005 being for the Aspen Parks Property Fund. The report shows that the Fund manages 8 Holiday Parks with a total book value of \$46,836,000. There is nothing in the report to suggest that the assignee Aspen Parks Property Management Ltd is not of good financial standing.

Consequently, there does not appear to be any grounds for the City as Lessor to withhold its consent to the assignment. The assignment will not affect the day to day management of the park.

The terms of the lease require the Lessee to pay all legal fees associated with the assignment.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

Budget/Financial Implications

N/A



Legal Implications

Section 3.58 of the Local Government Act is not applicable to an assignment of lease.

Community Consultation

N/A.

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.

14.3 (MINUTE NO 3197) (OCM 13/07/2006) - PROPOSED AMENDMENT NO. 18 TO TOWN PLANNING SCHEME NO. 3 - RESERVE 39181 BARTRAM ROAD, SUCCESS - OWNER: DEPARTMENT OF AGRICULTURE - APPLICANT: MGA TOWN PLANNERS (93018) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

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

AMENDMENT NO. 18

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

1. rezoning portion of Crown Reserve 39181 at the corner of Hammond and Bartram Roads, Success from 'Public Purposes' to 'Development' Zone (Development Area 28) as depicted on the Scheme Amendment Map;



	<ol style="list-style-type: none"> 2. removing Reserve 39181 from 'Development Area 8' and include it within a new 'Development Area 28'; 3. Include the following in Schedule 11 – Development Area 28 of the Scheme:
Ref No:	DA 28
Area:	Part Reserve 39181 Bartram Road, Success
Provisions:	<ol style="list-style-type: none"> 1. Structure Plan adopted to guide subdivision, land use and development. 2. The Local Government will not recommend subdivision approval or approve land use and development for residential purposes and other odour sensitive premises outlined in Provision 3 contrary to the Jandakot Groundwater Treatment Plant Buffer with its varying land use impacts. 3. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with Clause 6.2.13 except that: <ul style="list-style-type: none"> • Within the Residential area, Child Care Premises, Aged or Dependant Persons Dwellings, Educational Establishment and/or Hospitals are not permitted, and; • Within the Mixed Business area, Caretakers Dwellings, Grouped Dwellings, Multiple Dwellings, Single House, Residential Building, Motel, Hotel/Tavern and Tourist Accommodation are not permitted. 4. The development of shops (retail uses) within the Development Area shall be limited to a maximum of 1600m² retail NLA.
	<ol style="list-style-type: none"> 1. amending the Scheme Map accordingly. (2) sign the amending documents, and advise the WAPC of Council's decision; (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act; (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission; (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to



- the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
 - (7) adopt the structure plan for the purpose of advertising the plan concurrently with proposed Scheme Amendment No. 18 subject to the following modifications:-
 - 1. include the whole portion of the proposed road within a road reserve (to be shown as “white” on the structure plan); and
 - 2. include the portion of land marked “Landscaped Drainage” within a Lakes and Drainage reserve;
 - (8) advise the applicant of Council’s decision accordingly.

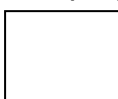
COUNCIL DECISION
 MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the recommendation be adopted.

CARRIED 7/0

Background

ZONING:	MRS:	Urban Deferred Other Regional Roads
	TPS:	Public Purposes – Department of Agriculture Development Area 8 Development Contribution Area 2
LAND USE:	Previous Apiary Site	
LOT SIZE:	5.6471 ha	

Reserve 39181 Bartram Road, Success (‘the site’) was vested in the Department of Agriculture in 1985 as an apiary site for bee keeping. The Department fenced the site, provided a road and connected the property to power and water. Apiary uses were continued on the site



until approximately 1989. The Department has since rationalised its functions in the region, with apiary uses being relocated to a South Perth site.

The opportunity to develop the site has arisen due to changes to the Jandakot Ground Water Treatment Plant buffer that is located adjacent to the eastern boundary of the subject site. The Water Corporation has undertaken a study of site operation and emissions at the Jandakot Water Treatment Plant, including a wind analysis. The outcomes of the study has resulted in the Water Corporation modifying the extent of the buffer, which has resulted in development opportunities for the site the subject of the scheme amendment.

Refer to Site Plan contained with the Agenda attachments.

Submission

The scheme amendment document proposes to rezone the subject site from 'Public Purposes' to 'Development' Zone (Development Area 28) in order to facilitate appropriate residential, commercial and Mixed Business subdivision and development of the site.

Refer to the Proposed Scheme Amendment Map contained with the Agenda attachments.

The applicant has also provided a separate request to the Western Australian Planning Commission for the lifting of the 'Urban Deferred' zoning under the Metropolitan Region Scheme.

Report

Metropolitan Region Scheme (MRS)

The subject land is zoned 'Urban Deferred' under the MRS. The subject land can be rezoned to 'Development' under the City's Town Planning Scheme prior to the lifting of the 'Urban Deferred' zoning, however, the applicant will be required to prepare a structure plan, to address such issues as the appropriate land uses in relation to the Jandakot Water Treatment Plant buffer, prior to the 'Urban Deferred' zoning being lifted and the land being included within the 'Urban' Zone under the MRS.

A structure plan has been included within the amendment documentation, which demonstrates that the subject land can be developed appropriately, taking into account the Treatment Plant buffer requirements.



Town Planning Scheme No. 3 (the Scheme)

A portion of the subject site is within Development Area 8 and Development Contribution Area 2 under the City's Scheme, however, these Special Control Areas need to be extended to include the whole site. The land is required to be rezoned to 'Development' in order to facilitate subdivision and development of the land, in accordance with an adopted structure plan.

Development Area 8 ('DA8') contains a provision stating that no residential development will be supported within the Water Corporation treatment plant buffer area. However, Development Area 8 contains other general development provisions that relate to the wider residential land of Hammond Park and are not relevant to the subject land. It is recommended that the subject site be removed from Development Area 8 and be included within a new Development Area 28 that contains specific provisions regarding the development of the site, having regard to the Treatment Plant buffer.

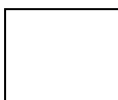
Buffer Study

The Water Corporation has undertaken a buffer study of the treatment plant to determine the permissibility of land uses in proximity to the plant. The following table outlines the permissible land uses within the various buffer areas as shown on the Buffer Plan contained with the Agenda attachments:

Buffer area	Colour	Permissible Land Uses
5x10 ⁻⁵	Red	Prohibited Zone – must be within plant boundary
1x10 ⁻⁵	Orange	Prohibited Area – no public access (Recreation not permitted)
5x10 ⁻⁶	Yellow	Passive Recreational activities permitted (Kiosks etc are not permitted – BBQ facilities are discouraged)
1x10 ⁻⁶	Green	Commercial/Industrial uses permitted (excludes caretakers dwellings). No residential land uses.
5x10 ⁻⁷	Blue	Restricted Residential land use permitted (preschools, aged care facilities, hospices etc are not permitted between the green and blue boundaries due to evacuation criteria)
1x10 ⁻⁷	Purple	Unrestricted Residential permitted

The subject land proposes to rezone that land on the subject site not affected by the 1x10⁻⁵ and 5x10⁻⁵ buffer areas.

The applicant has advised that it is the intention of the Water Corporation to purchase that semi-circular portion of the subject land on the eastern side that is not subject of the amendment, as public access will not be permitted to that portion of land. That portion of land



will be fenced off and incorporated into the Water Corporation treatment plant site.

Structure Plan

The applicant has submitted a structure plan concurrently with the proposed scheme amendment documentation, that shows how the land may be developed, taking into account the buffer requirements of the adjacent Water Corporation Treatment Plant.

The structure plan essentially shows public open space being located within the area of the buffer that permits passive recreational facilities, mixed business within the area of the buffer that permits commercial uses and Residential and Local Centre within the area of the buffer that permits restricted residential uses and within the unrestricted area of land.

It is considered that the structure plan presents a logical layout for land use in that it locates the local centre site in a prominent position on the corner of Bartram and Hammond Road with exposure to passing traffic and sites the mixed business zone with frontage to Bartram Road.

Refer proposed Structure Plan contained with the Agenda attachments.

Advertising of the structure plan for public comment can occur concurrently with the proposed Scheme Amendment.

Conclusion

It is recommended that Council initiate proposed Scheme Amendment No. 18 and adopt the structure plan for the purpose of advertising given that the Water Corporation has reviewed the buffer constraints associated with the Water Corporation treatment plant, which demonstrates that residential and commercial development may occur on portions of the subject site.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

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



Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

The proposed scheme amendment will be advertised for a period of 42 days to relevant government agencies and surrounding community upon initiation of the amendment.

Attachment(s)

- (1) Site Plan
- (2) Proposed Zoning Map
- (3) Buffer Plan
- (4) Proposed Structure Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.

14.4 (MINUTE NO 3198) (OCM 13/07/2006) - TENDER NO. 03/2006 - COMPUTER SOFTWARE - TOWN PLANNING SOFTWARE (9025) (MR) (ATTACH)

RECOMMENDATION
That Council accept the submission for Tender No. 03/2006 - Consultancy for Computer Software – Town Planning Software from IFMA Pty Ltd (trading as InfoMaster) for \$268,610.10 (including GST) and the hourly rates submitted be used as the basis for variations to the contract, subject to acceptance of the City’s 2006/2007 Budget and to a review of data conversion requirements that could be undertaken by the City to the satisfaction of the Director Planning and Development.



COUNCIL DECISION

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

CARRIED 7/0

Background

Tenders were called and closed on 20 April 2006 for the Computer Software – Town Planning Software Supply, Installation, Maintenance and Support.

Council previously allocated funds in the 2005/06 budget towards the town planning software project. The tender was delayed for several months to enable the City's application for Commonwealth Funding – Regulation Reduction Incentive Fund (RRIF) to be determined. Unfortunately despite the City's attempts the application for grant was unsuccessful. The City did however secure funding for two of its other applications for grant for the BuilderNET project and NeDA project. These two projects serve different but complementary roles to the planning software requirements sought.

The City has been investigating ways that it can introduce improvements to its management of the planning system. It is proposed to introduce changes to the planning system to make it much easier for both staff and customers to understand development application and Town Planning Scheme requirements, applicants being able to Self Assess Applications, lodge Development Applications and Building Licences on-line and track applications on-line.

The Planning System proposed has the following benefits:-

- a) vastly improved customer service
- b) significant business process improvements
- c) clear information that is provided quickly
- d) reduced cost of doing business with Council
- e) reduced time-frames for getting applications approved
- f) reduced risks in planning and development; and
- g) better decisions and decision processes.

The City has already received letters of support from The Royal Australian Institute of Architects (WA), and Housing Industry Association (WA) and the Department of Local Government and Regional Development. These Industry Groups all recognise the City's efforts in becoming a pilot project for this type of software in Western Australia and providing a benchmark for other local governments to learn from and potentially adopt.



Submission

Three tenders were received for the supply of Goods and Consulting Services for the Town Planning Software.

Report

This tender has been referred to Council in lieu of being awarded under delegated authority as the preferred tenderer has submitted a price 25% higher than the lowest tenderer.

It is recommended that the offer from InfoMaster be accepted and that their hourly rates be accepted as the basis for any variation to the contract.

The 3 tenders that were submitted were conforming and scored by Mike Ross, Tony Manno and Allen Blood.

The tenders and scores were:-

	Weighting	TechOne	InfoMaster	E-VIS
a) Availability of Applications	25%	14.29%	25%	18.57%
b) Functionality/ Ease of Application Use	25%	14.13%	25%	18.48%
c) Future directions of Applications	7%	5.35%	7%	6.18%
d) Organisational Capacity	7%	7%	6.65%	5.6%
e) Stability/ Experience	7%	7%	7%	6.3%
f) Implementation	7%	4.55%	7%	5.43%
g) Post Sale, Support, Service & Maintenance	7%	7%	7%	6.13%
h) Tendered Price	15%	15%	7.38%	14.51%
Overall Score	100%	74.3%	92.0%	81.2%

Scores were derived from the criteria specified in the tender documents that were to be used to assess the tenders.

The Tender Prices were as follows:-

TechOne \$132,176
 InfoMaster \$268,610
 E-VIS \$141,020

The tender prices of TechOne and E-Vis were both similar but the price from InfoMaster of \$268,610 was significantly more. All tenders were evaluated based on qualitative criteria (weighted) and a weighted cost criteria. Tender price is an important consideration but this is not the only consideration.



InfoMaster tender price includes a sum of \$87,910 for data conversion services. There is scope to reduce this expenditure depending on the extent of data conversion that can be resourced in-house.

Data conversion relates essentially to the conversion of planning requirements into data sets that can be linked to properties. A result of an on-line site search could reveal zoning details, land use controls TPS, hazards, constraints, policies, heritage etc. This was a useful attribute that InfoMaster could provide.

All three Tenderers were also invited to give a live demonstration of their software at the City's Administration Building. The City was represented by the tender evaluation group and selected peers. Comments from those in attendance were received in a structured evaluation format. The Peer Group feedback was then collated and the group consensus was that InfoMaster provided the most complete software solution for the City.

E-Vis provided a good presentation of their system. The software applications were well received but still being developed in some areas and the system appeared to replicate the City's existing system of Development Application Assessment.

The City of Cockburn is already a customer of TechOne and has purchased a number of modules from their software solutions. (ie Proclaim). Their proposal was to enhance the existing functionality of Proclaim and add new modules (ie. eAssist) to provide the functionality required by Council in upcoming software development projects. Unfortunately in the context of the two other presentations TechOne was not very good. It lacked content and didn't address many tender requirements. A fundamental component of eAssist doesn't exist and would need to be designed and developed with the City. On-Line Zoning Statements was a good aspect of the submission that should be explored further with TechOne. Overall though TechOne didn't demonstrate the availability of applications and functionality was not as enhanced as the other tender submissions.

InfoMaster gave an in-depth presentation of their software. Their proposal addressed the availability of applications and functionality. The InfoMaster solution was viewed as a system that has already been developed and could be applied to the City's requirements. The advantage of InfoMaster over E-Vis and TechOne was that they can provide a software solution that is the most useful and complete solution for the City.

InfoMaster have deployed their software solution with progressive Council's such as Pittwater. Their software referred to as MasterView and MasterPlan are now deployed in 26 Local Councils across



Australia and New Zealand. The software has also been selected by 21 Councils in Queensland due to commence in 2006.

The proposed software operates with all of the City's current property systems and doesn't replace existing technology.

MasterView and MasterPlan have been recognised by the Development Industry as an innovative solution. Pittwater Council has been widely recognised as a leading Council through awards received from the Property Council of Aust (NSW), Planning Institute of Australia (NSW) and others. The Pittwater City Council in NSW is also regarded as a National model for all Local Government by AusIndustry for reducing 'red tape' for business.

InfoMaster is an Eastern States company with a local support team based in Western Australia. InfoMaster have 18 years of operation in Australia and specialise in e-planning, spatial technologies and asset management solutions. The company has the appropriate resources and technical support required for the project including technical support.

Strategic Plan/Policy Implications

Key Result Area One – Managing Your City

- *“To deliver services and to manage resources in a way that is cost effective without compromising quality.”*
- *“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.”*
- *“To provide an effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.”*
- *“To maintain a professional and well trained workforce that is responsive to the communities needs.”*

Key Result Area Two – Planning Your City

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

Budget/Financial Implications

A budget allocation of \$150,000 has been made in the 2005/06 budget to be carried forward.

A budget variation of \$130,000 is included for Council's consideration in the adoption of the 2006/07 Budget.



Legal Implications

N/A

Community Consultation

Nil

Attachment(s)

- (1) Results of Tender.

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the tender have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.

- 14.5 (MINUTE NO 3199) (OCM 13/07/2006) - PROPOSED AMENDMENT NO. 41 TO TOWN PLANNING SCHEME NO. 3 - RECODING FROM R20 TO R40 - LOT 330; 79 LYDON BOULEVARD, ATWELL - OWNER: I M RUSIN - APPLICANT: ALLERDING BURGESS (5517904) (JW) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval without modification;
- (2) in anticipation of the Hon. Minister for Planning and Infrastructure granting final approval, the Scheme Amendment documentation be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) request a contribution of \$16,000 from the proponent to landscape the adjoining public open space based on a schedule of required works and by mutual agreement between the proponent and Council;
- (4) require the applicant to modify the development plans for the site by providing for single storey units (loft acceptable) where these proposed strata lots adjoining Lot 668 (No. 83) Lydon Boulevard, Atwell, and the rear drainage reserve along the southern lot boundary;



- (5) advise the applicant and submissioner of Council's decision accordingly;
- (6) require the proponent to prepare a noise and vibration management plan as part of a development application to examine potential impacts from the Freeway and Railway and to consider design and amelioration measures.

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Vacant	
LOT SIZE:	2,874m ²	
USE CLASS:	Grouped Dwelling 'P' ('Permitted')	

Council at its Ordinary Meeting on 11 August 2005 resolved to adopt the scheme amendment as follows: -

“Amending the Scheme Map by recoding No 79, Lot 330 Lydon Boulevard, Atwell from Residential R20 to Residential R40.”

Submission

The proposed scheme amendment would permit 13 residential units based on 220m² average site area applicable under the proposed R40 Code as opposed to 5 residential units as based on the current R20 Code.

The proposed scheme amendment has been justified on planning grounds for Council to initiate the amendment. The size and configuration of the site and location opposite a reserve all support the site being developed for grouped housing rather than lower density suburban development.

Report

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



The EPA decided that the environmental impacts of the proposal were not severe enough to warrant assessment under Part IV of the Environmental Protection Act. However, EPA provided the advice and recommendations regarding the noise and vibration issues as the site adjoins the Kwinana Freeway and proposed Perth – Mandurah railway. It is recommended that before subdivision and development, a noise and vibration assessment is carried out to examine potential impacts from Freeway and Railway and to consider any necessary design and amelioration measures. The recommendation has been conveyed to the applicant for consideration.

The scheme amendment was advertised in accordance with the Town Planning Regulation 1969. Signage was erected on site inviting submissions on the proposal. Owners of property near the subject land were written to and invited to comment. The proposal was also advertised in the Western Australian.

The advertising of the proposal was concluded on 25 May 2006. At the close of the submission period, 4 submissions were received, of which 2 were in objection to the proposal. The main consideration is that the proposed R40 group housing development would increase the traffic on Lydon Boulevard and create safety and amenity problems to the neighbourhood such as overflow parking in the street.

A summary of submissions is contained in the agenda attachments and should be read in conjunction with this report.

Under the current R20 Code the maximum number of residential units permitted is 5 (500m² average site area) in comparison with 13 units (220m² Average Site Area) under the proposed R40 Code. The proponent has prepared concept plans of the site demonstrating how 13 units can be accommodated, however these plans have not been formally assessed for compliance with the Residential Design Codes. These plans proposed 13 two storey units accessed by a central driveway. Each dwelling will have 2 car bays and there are three visitor parking bays proposed which satisfy the parking requirements for the development.

Lydon Boulevard is a local distributor road that carries traffic from local access roads onto Tapper Road. The City's traffic counts on Lydon Boulevard for 2002 west of Carlhausen Close are an average of 2887 vpd. The additional traffic from the development site of around 100 vpd is not significant in the context of the traffic volume on Lydon Boulevard, which is also a dedicated bus route.

A Development Application will be required before commencing any development on site to ensure that the development complies with the Town Planning Scheme No.3 and Residential Design Codes requirements and will not create safety and amenity issues to the local community.



In addition, there will be a community benefit afforded by the proponent agreeing to financially contribute towards the landscaping of the adjoining reserve by providing tree planting and establishing lawns. The costing needs to be further investigated prior to development approval.

It is recommended that the Council proceed to adopt Amendment No. 41 and refer it to the WA Planning Commission seeking the Minister's final endorsement.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

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

Budget/Financial Implications

Nil.

Legal Implications

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

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 41 concluded on 25 May 2006. At the close of the advertising period, 4 submissions were received.

Refer to Schedule of submissions contained in the Agenda attachments.

Attachment(s)

- (1) Location Plan
- (2) Schedule of submissions
- (3) Amendment Map



Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.

14.6 **(MINUTE NO 3200) (OCM 13/07/2006) - APPROVAL FOR HOME OCCUPATION (REAL ESTATE BUSINESS) - LOT 84; 12 MCGELLIN COURT, JANDAKOT - OWNER: C & K A PHILLIPS - APPLICANT: K A PHILLIPS (5517018) (LT) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval for a home occupation (Real Estate Business) on Lot 84, No. 12 McGellin Court, Jandakot in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. The development complying with the Home Occupation provisions and definition set out in the Town Planning Scheme.
2. All materials and/or equipment used in relation to the Home Occupation shall be stored within the residence or an approved outbuilding.
3. The Council upon receipt of substantiated complaints may withdraw the Home Occupation Approval.
4. The Home Occupation can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No 3.
5. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No 3.

SPECIAL CONDITIONS

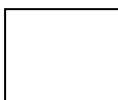
6. Client visiting times being limited to:-
9:00pm to 5:00pm Monday to Saturday; and
Not at all on Sundays and Public Holidays.



7. A maximum of 1-2 clients per day with an interval of at least 15 minutes between appointments.
8. All client car parking must be on-site and no street parking is permitted on the verge or on McGellin Court.
9. The window display (or otherwise) of properties for sale or rent from the property is strictly not permitted.

FOOTNOTES

1. Means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
 - (a) does not employ any person not a member of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
2. Whilst the City does not apply the Health (Public Building) Regulations 1992 to single premises where the floor area of the 'public building' is less than 50m² or holds less than 25 persons, patron safety remains paramount. Particular attention is required in relation to exit paths, fire safety, lighting and sanitary facilities.



- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Approval); and
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential (R20)
LAND USE:	Residential	
LOT SIZE:	781m ²	
AREA:	26 m ²	
USE CLASS:	Home Occupation ('D') Discretionary Use	

In May 2006, the applicant submitted an application for a Home Occupation to operate Real Estate services from 12 McGellin Court, Jandakot.

The applicant seeks approval for:

- A maximum number of 2 to 3 clients per day
- Operating hours from: 9:00am-5:00pm Monday thru Friday

The applicant notes that it is very rare to have clients visit the home as most business is conducted at the clients' homes. Furthermore the existing driveway can accommodate parking for 6 cars on site.

Submission

The applicant seeks Council approval to conduct a Home Occupation – Real Estate Business from the subject property and has provided the following information in support of the proposal:

- Most of the business with clients is conducted in other people's homes.
- It is very rare to have clients come to the office except perhaps to sign additional documents or drop off keys.



- It would be unusual to have more than 4-8 clients per month in the office.
- The site has ample parking for 6 cars in the driveway
- The business area will be incidental to the residential purpose of the house.

Report

Home occupations are a discretionary use under Council's Town Planning Scheme No.3 and as such the application was advertised to surrounding landowners. Four (4) landowners were advised of the development application. One (1) provided no objections, one (1) objected and two (2) did not respond.

The adjoining landowner objecting to the proposal indicated concerns regarding increased traffic within the cul-de-sac and the nature of the business that may see clients visiting the house outside business hours to finalise paper work. However, the concerns regarding proposed operating hours and number of clients was conveyed to the applicant.

The applicant subsequently modified her application by advising the following:

- Reducing the maximum number of clients per day from 2 to 3 clients.
- Agreeing to operate only within the hours specified in the recommended Special Condition No. 6.
- Ensuring clients park their vehicles within the property.

The other issues raised by the submissioner are not relevant to a planning consideration.

The proposed Home Occupation (Real Estate) is acceptable given that:

- The low number of client visits will ensure car parking can be accommodated on-site. A condition of approval can require all client parking to be contained onsite and no street parking is permitted on the verge or on McGellin Court; and
- An approval for home occupation can be subject to stringent compliance with conditions of approval that are intended to ameliorate any adverse impact on the amenity of neighbours.

Given the above and that the applicant reduced the scale of the activity it is recommended that Council approve the home occupation application.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-



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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No.3

Community Consultation

14-Day period in which adjoining properties along McGellin Court were sent letters requesting comments.

Attachment(s)

- (1) Site Plan.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.



14.7 (MINUTE NO 3201) (OCM 13/07/2006) - APPROVAL FOR OUTBUILDING - LOT 74; 35 SAWLE ROAD, HAMILTON HILL - OWNER: A WATTS - APPLICANT: OUTDOOR WORLD ROCKINGHAM (2202888) (LT) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval for an outbuilding on Lot 74, No. 35 Sawle Road, Hamilton Hill in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The shed shall be used for domestic purposes only associated with the property, and not for human habitation
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
6. The existing rear outbuilding being demolished and removed to the satisfaction of council.

FOOTNOTES

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



COUNCIL DECISION

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential (R20)
LAND USE:	Residential	
LOT SIZE:	787m ²	
AREA:	56.12 m ²	
USE CLASS:	Single House 'P' Permitted	

In April 2006, the applicant submitted an application for an outbuilding at 35 Sawle Road, Hamilton Hill.

The applicant seeks approval for:

- An outbuilding with a maximum wall height of 3m above natural ground level
- An outbuilding with a maximum ridge height of 3.82m above natural ground level
- An outbuilding with an area of 56.12m²
- An outbuilding setback 1m and 2m from the side and rear boundaries

The proposed outbuilding wall height is a variation to the City of Cockburn APD18 Outbuilding maximum permitted height of 2.4m. The proposed height of 3m exceeds a 10% variation and is therefore not within the delegated authority of planning officers. For these reasons the proposal has been referred to Council for determination. All other aspects of the application comply with the Residential Design Codes 2002 and APD18 Outbuildings.

Submission

The proposed wall height variation was advertised to all effected adjoining property owners. Three (3) landowners were advised of the development application. One (1) provided no objections, one (1) objected and one (1) did not respond.

The adjoining landowner objecting to the proposal indicated concerns regarding the size of the shed, proximity to sewerage line and their property boundary and adjoining bedroom windows. The proposed size of the outbuilding is consistent with APD18 Outbuildings policy that would permit an outbuilding of up to 78m². Furthermore the outbuilding is not situated over the sewerage line.



The concerns regarding proposed setback and height of the outbuilding was conveyed to the applicant. The applicant advised that the property owner requests height variation to store a boat he wishes to purchase in the near future. The applicant did agree to subsequently modify the application to reduce the visual impact on the adjoining property by increasing the rear setback to 2m.

The objector was advised of this modification but they were still not satisfied with the proposal.

The proposed outbuilding is acceptable from a planning point of view given that:-

- The increased rear setback variation of 2m more than complies with the 1.5m Residential Design Codes 2002 requirement for the dimensions of this proposal (ie. Wall length at 10m and wall height at 3m).
- The additional height of the outbuilding (600mm) will not overshadow the rear property.
- The proposed outbuilding will be more visually pleasing than the existing grey tin shed, which the proposed shed is to replace. The proposed outbuilding will be constructed of cream coloured colorbond with 'deep ocean blue' gutters, again less intrusive than the existing structure.
- The base of the proposed shed is below natural ground level and therefore the impact of the proposed outbuilding (3m high) would be less.

Given the above and that the applicant has reduced impact of the proposal it is recommended that Council approve the outbuilding.

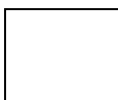
Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
APD18 Outbuildings



Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No.3

Community Consultation

14-Day period in which adjoining property owners were sent letters requesting comments.

Three (3) landowners were advised of the development application. One (1) provided no objections, one (1) objected and one (1) did not respond.

Attachment(s)

- (1) Site Plan.
- (2) Photograph – site of proposed outbuilding.

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 13 July 2006 Council Meeting.

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

Nil.

- 14.8 **(MINUTE NO 3202) (OCM 13/07/2006) - PROPOSED HOME OCCUPATION (SMALL RECORDING STUDIO) - LOT 297; 156 FORREST ROAD, HAMILTON HILL - OWNER: B D C & N A CARRASCO - APPLICANT: H CARRASCO (2201559) (SS) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed Home Occupation (Sound Recording Studio) on Lot 297 (No. 156) Forrest Road, Hamilton Hill in accordance with the approved plan subject to the following conditions:-



STANDARD CONDITIONS

1. The development complying with the Home Occupation provisions and definition set out in the Town Planning Scheme.
2. All materials and/or equipment used in relation to the Home Occupation shall be stored within the residence or an approved outbuilding.
3. The Home Occupation Approval may be withdrawn by the Council upon receipt of substantiated complaints.
4. The Home Occupation can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No 3.
5. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No 3.

SPECIAL CONDITIONS

6. Hours of operation being limited to:-
Monday – Friday: 10am – 5pm; and not be undertaken on Saturday, Sunday and Public Holidays.
7. A maximum of 2 clients per day with an interval of at least 20 minutes between clients.
8. The applicant engaging a suitably qualified Acoustic Consultant to inspect and verify that noise attenuation measures are compliant with Environmental Protection (Noise) Regulations 1997 and the applicant undertaking any further noise attenuation measures where such additional works are required to comply with the Regulation prior to continuing with the home occupation and notify Council accordingly.
9. All client car parking must be on-site and no street parking is permitted on the verge or on Forrest Road.
10. This approval is limited to a period of 12 months only. Following the expiry of this period a fresh approval from Council will be required.

FOOTNOTES

1. Means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
 - (a) does not employ any person not a member of the occupier's household;



- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).
- (3) advise the submissioners of Council's decision accordingly.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr T Romano that Council adopt the Officer's recommendation subject to the alteration of Special Condition 10 as follows:-

- (10) this approval is to record vocals and acoustic instruments only such as guitars and small percussion instruments and does not under any circumstances permit recording instruments such as drum kits or amplified guitars and alike musical instruments;

and the addition of the following Special Condition (11):

- (11) this approval is limited to a period of 6 months only. Following this expiry of this period a fresh approval from Council will be required.

CARRIED 7/0



Reason for Decision

This proposal involves a recording studio designed to record vocals and acoustic instruments only. As such Council believes that special condition 10 clearly specifies that the recording of instruments such as drum kits or amplified guitars are not permitted under any circumstances.

The reduced approval period from a 12 month to a 6 month period will ensure early detection of any problems for adjoining landowners associated with noise or parking etc.

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Single House	
LOT SIZE:	845m ²	
USE CLASS:	Home Occupation 'D' Discretionary Use	

Submission

The applicant seeks approval for a home occupation. The proposal involves a recording studio designed to record vocals and acoustic instruments. The applicant has noted that the operation is small scale and often semi-private and requested operation times from Monday through Fridays (10am – 7pm).

The studio is designed to record vocals and acoustic instruments such as guitars and small percussions, eg. shakers and bongos. The studio is not equipped to record instruments such as drum kits or amplified guitars, due to room size and equipment required to reproduce the sounds.

Both rooms (bedrooms) have been fitted with sound absorbing material (thick sponge, insulation). Windows have been permanently sealed off and covered to prevent noise leakage.

Report

Home occupations are a discretionary use under Council's Town Planning Scheme No.3 and as such the application was advertised to surrounding landowners. Eight (8) landowners were advised of the development application. One (1) provided a no objection, one (1) objected and the rest did not respond.



The primary concerns from the adjoining landowner objecting to the proposal were due to issues of noise and car parking. The applicant has stated in the application that noise emissions have been controlled through the provision of insulation in both rooms and by sealing windows to prevent noise leakage. Further, the applicant has limited the number of clients to a maximum of two (2) per day and can adequately cater for car parking within the property.

The applicant has also agreed to reduce the stated hours of operation from 10am – 7pm to 10am – 5pm. These measures demonstrate the applicant's intentions to reduce the impact of the proposed home occupation, on adjoining landowners. It is recommended that Council support the application on the basis as the proposed home occupation is considered small scale and will not adversely affect the amenity of neighbouring properties.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the character and historic value of the human and built environment."*

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3
Environmental Protection (Noise) Regulations 1997.

Community Consultation

The application was referred to adjoining property owners for comment for a period of 14 days in accordance with the City's Town Planning Scheme No. 3. At the close of the submission only two submissions had been received.

Attachment(s)

- (1) Description of proposal.
- (2) Floor Plan
- (3) Location plan of Submissioners.



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 13 July 2006 Council Meeting.

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

Nil.

14.9 (MINUTE NO 3203) (OCM 13/07/2006) - PROPOSED FINAL ADOPTION OF AMENDMENT NO. 45 TO TOWN PLANNING SCHEME NO. 3 - LOT 20; 136 COCKBURN ROAD, HAMILTON HILL - OWNER: CORDIA PTY LTD - APPLICANT GREG ROWE & ASSOCIATES (93045) (MR) (ATTACH)

RECOMMENDATION
That Council:

- (1) adopt the amendment for final approval without modification as set out in the Agenda attachments;
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) advise the proponent of Council's decision accordingly.

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

CARRIED 7/0

Background

ZONING:	MRS:	Industrial
	TPS3:	Industry, Restricted Use 9 (RU9) – Processes for and incidental to the production of meat and allied products.
LAND USE:	Industry	
LOT SIZE:	1.6011ha	



Council at its meeting held 8 December 2005 resolved to initiate Amendment No. 45 to Town Planning Scheme No. 3 for the purpose of advertising.

Submission

The application has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment No. 45.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act. The EPA considers that the proposed Scheme Amendment should not be assessed under the Environmental Protection Act and that it is not necessary to provide any advice or recommendations.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

No submissions were received during the advertising of the proposed Scheme Amendment.

A copy of the proposed amendment map is included in the Agenda attachments.

Since Council initiated this Scheme Amendment the Western Australian Planning Commission in liaison with Council have commenced the preparation of a district structure plan (includes the land subject of the Scheme Amendment) that will ensure that the long term planning issues associated with rezoning the industrial land located in the North Coogee Area are assessed and the long term needs and aspirations are considered. In the interim the WAPC have published Improvement Plan No. 33 – Cockburn Coastal Precinct (gazetted 13 June 2006) which covers the dry land area in North Coogee to the immediate north of Port Coogee and will allow the WAPC to initiate a district structure plan described above. These key planning instruments are integral to achieving the vision for Cockburn Coast which focuses on the strategic shift to remove industrial uses from the coastline to facilitate the transformation of the locality into a vibrant coastal village.

The Scheme Amendment will remove the potential land use conflict of the current land use restrictions on the subject site and will facilitate uses compatible to the future development of the surrounding land and will ultimately compliment a future coastal village. A car sales and service centre is a good transitional use of the land and is compatible with the future planning for the locality currently underway.



Conclusion

It is recommended that Council proceed to adopt the Scheme Amendment to delete the 'Restricted Use 9 (RU9)' applying to Lot 20; 136 Cockburn Road, Hamilton Hill and replacing with (new) 'Restricted Use 12 (RU12)' in order to facilitate the establishment of Motor Vehicle, Boat and Caravan Sales, Educational Establishment, Motor Vehicle Repair and Trade Display on the subject land and refer it to the Western Australian Planning Commission for final consideration.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

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

Budget/Financial Implications

N/A.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a period of 42 days. The 42 days public consultation period for Amendment No. 45 concluded on 10 June 2006. At the close of the advertising period no submissions were received.

Attachment(s)

- (1) TPS Amendment documents.
- (2) Improvement Plan No. 33 Cockburn Coastal Precinct.
- (3) Cockburn Coastal District Structure Plan.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.



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

Nil.

14.10 (MINUTE NO 3204) (OCM 13/07/2006) - SCHEME AMENDMENT NO. 49 - RESERVE NO. 46894 WENTWORTH PARADE, SUCCESS - OWNER: THE CROWN, MANAGED BY THE CITY OF COCKBURN - APPLICANT: CITY OF COCKBURN (93049) (CP) (ATTACH)

RECOMMENDATION			
That Council:			
(1) adopt the following amendment:-			
<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 49</p> <p>Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:</p>			
<p>1. Modifying the Third Schedule in the Scheme Text, Restricted Use (RU11) to read as follows:</p>			
No.	Description of Land	Restricted Use	Conditions
RU12	Part Lot 855 Wentworth Parade DP29050	Those uses which are permitted within the Regional Centre zone as set out in Table 1 – Zoning Table excluding any use defined as ‘Shop/Retail’ in the Metropolitan Centres Policy Statement for the Perth Metropolitan Region (SPP4.2).	
<p>2. Amending the Scheme Maps by rezoning a portion of Reserve 46894, on the corner of Beeliar Drive and Wentworth Parade, Success from Local Reserve “Public Purpose – Civic” to “Regional Centre” and “Restricted Use 12”.</p>			
Dated this day of 2006.			



- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the WAPC;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment.

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS:	Current: Public Purpose – Civic Proposed: Regional Centre Zone & Restricted Use 12
LAND USE:	Vacant land	
LOT SIZE:	2.0004 hectares	



Submission

It is proposed to amend Town Planning Scheme No.3 by rezoning a 1 hectare portion of Reserve No.46894 situated on the corner of Beeliar Drive and Wentworth Parade, Success (the subject land) to “Regional Centre” zone and Restricted Use (“RU12”).

The reserve is currently gazetted for ‘Community and Auxiliary Facilities’ and is 2 hectares in area. Approximately 1 hectare is proposed to be used as a youth facility, future development and associated car parking. The remaining portion is surplus to requirements due to the availability of public open space within the surrounding area.

Funds generated from the sale of the land would assist the development of a Regional Sporting facility on Reserve 7756, Hammond Road, Success.

Report

Under the City of Cockburn Town Planning Scheme No. 3 (TPS3) the land is reserved for ‘Civic’ purposes.

Civic use is defined in TPS3 as:

“premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes”.

The land is required to be rezoned before it can be used for any use other than for civic purposes.

Central to the proposed scheme amendment are the following key issues:

- the suitability of the zoning and scheme provisions proposed for the subject land;
- the implications for the Gateways shopping centre; and
- the impact on the supply of public open space (POS) within the surrounding area, given that the Reserve was created as part of a POS contribution at the time of the creation of the Gateways shopping centre site.

Proposed Zoning and Scheme Provisions

The area already supports a range of commercial land uses and as such commercial type land uses are considered appropriate for the site. The ‘Regional Centre’ zone is considered the most appropriate zone for the land as the site logically forms part of the Thomsons Lake Regional Centre in that it abuts the Gateways shopping centre and is separated from other uses by major roads.



The impact of the scheme amendment on the residential properties to the west and south-west also needs to be considered. In this regard it is noted that the residential zoned land is buffered from the site by Wentworth Parade and an abutting local street. Furthermore, the impacts of commercial activities on the site could be reduced by controlling vehicular access points and landscaping at the development approval stage.

Implications for the Gateways Shopping Centre:

The Amendment proposes to expand the area of the Regional Centre zone while recognising the ability of Gateways to develop to up to 50,000m² retail floor area. Non-retail land uses including 'offices', 'medical centres' etc should be encouraged as they will contribute to making the centre more diverse.

In this regard it is proposed to incorporate Restricted Use provisions over the subject land for the time being to limit land uses to "non-retail" activities as defined in the Metropolitan Centres Policy. In the event that the status of the Regional Centre changes to Strategic Regional Centre in accordance with any review of the Metropolitan Centres Policy in the future, then the need for maintaining the Restricted Use provisions could be reconsidered.

Public Open Space Implications

Given the nature of the creation of the site, it is appropriate to consider the proposed amendment in relation to the implications for the overall supply of public open space for the suburb of Success, and the management of proceeds from the sale of the surplus land.

POS Supply:

An analysis of public open space undertaken by the City concluded that upon the completion of development within Success, a POS surplus will exist over and above the expected 10% for the area, taking into account:

- existing reserves;
- proposed reserves to be created as part of recent subdivision approvals;
- proposed reserves indicated on structure plans but which have yet to be subdivided; and
- Council plans to develop Reserve 7756 for active recreational purposes.

In this context it is considered that the loss of 1 hectare from Reserve 46894 will not adversely affect the amount, type or location of POS in the locality available to the community.



It should be noted that the analysis does not take into account:

- approximately 33 hectares of (future) reserve land to be developed for active and passive recreation immediately north of Reserve 46894, across Beeliar Drive;
- reserve land to be provided upon the development of land currently zoned “Urban Deferred” in the MRS located at Branch Circus, west of Hammond Road in Success.

Appendix D of the Amendment document contains the POS analysis and plan showing the existing and proposed POS in Success.

Allocation of Land Sale Proceeds:

Funds generated from the sale of the surplus land from Reserve 46894 are intended to be allocated to the development of regional sporting facilities at nearby Reserve 7756 situated on Hammond Road, Success.

Reserve 46894 was created as part of the POS contribution at the time of the creation of the Gateways Shopping Centre site. It is therefore appropriate that the allocation of the proceeds from the sale of the surplus land be administered in the same manner as the application of cash in lieu funds, guided by the Western Australian Planning Commission Policy DC 2.3 “Public Open Space in Residential Areas”, being subject to the agreement of the WAPC and the Minister for Planning.

Policy DC 2.3 states that the use of cash in lieu would not normally be acceptable for community halls or indoor recreation centres, enclosed tennis courts, bowling greens for clubs, facilities for private clubs or similar facilities where access by the general public is ‘restricted’. Acceptable expenditure of funds may be for;

- Clearing and earthworks;
- Grass planting, landscaping and reticulation;
- Seating and spectator cover;
- Toilets and change rooms;
- Lighting;
- Play equipment;
- Pathways and walk trails;
- Fencing;
- Car parking;
- Signs relating to recreation pursuits.

Conclusion

On the basis outlined above it is considered appropriate to rationalise the reserve land holding and dispose of the portion of Reserve 46894 which is now known to be surplus to requirements, given the planning for community facilities that has been undertaken in recent times for the site and the surrounding area.



Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

The Council Policies which apply to this item are:-

SPD2 COMMUNITY FACILITIES INFRASTRUCTURE - 10 YEAR FORWARD PLAN

Budget/Financial Implications

The management of land sale proceeds in accordance with requirements of the Town Planning and Development Act 2005.

Legal Implications

Land Administration Act, 1997 refers.
Planning and Development Act 2005.



Community Consultation

The Amendment will be advertised for public submissions prior to reporting back to Council for adoption.

Attachment(s)

- (1) Amendment Map.
- (2) List of non-retail land uses permitted in the Regional Centre zone.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3205) (OCM 13/07/2006) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for May 2006, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 7/0

Background

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

Submission

N/A



Report

N/A

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

Legal Implications

Section 13 of the Local Government (Financial Management) Regulations 1996.

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – May 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3206) (OCM 13/07/2006) - STATEMENT OF FINANCIAL ACTIVITY - MAY 2006 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated documents for the period ended 31 May 2006, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 7/0



Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for May 2006.

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

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

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

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



Material Variance Threshold

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

For the 2005/06 financial year, Council has adopted a materiality threshold of 10% or \$10,000, whichever is the greater.

Strategic Plan/Policy Implications

Managing Your City:

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

Budget/Financial Implications

As the mid-year budget review has already been conducted and was based on financial information as at 31 December 2005, any further material variances of a permanent nature will now impact upon Council's end of year surplus/deficit position.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for – May 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES**16.1 (MINUTE NO 3207) (OCM 13/07/2006) - TENDER NO. RFT 09/2006 - SUPPLY AND DELIVERY OF PRE-MIXED CONCRETE (4437) (IS) (ATTACH)****RECOMMENDATION**

That Council accept the submission by WA Premix Concrete for Tender No. 09/2006 - Supply and Delivery of Pre-mixed Concrete in accordance with the schedule of rates submitted and attached for the period 1st July 2006 to 30th June 2008.

COUNCIL DECISION

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

CARRIED 7/0

Background

Council has a program of calling annual tenders each year for the regular supply of materials and services to facilitate Council's roads and parks programs.

Submission

Tenders were called for the supply and delivery of pre-mixed concrete for the next two (2) financial years. One (1) tender only was received, the details of which are attached to the Agenda (refer attachment).

Report

The tender has been assessed under the following criteria, which were outlined in the tender documents:

	<u>Weighting</u>
1. Price	35%
2. Technical conformance	10%
3. Demonstrated safety management	15%
4. Delivery response performance	20%
5. Quality endorsement	5%
6. References	10%
7. Insurances	5%

Tenderers were required to provide adequate information in the tender submission to allow for scoring each criteria. Where information was not supplied, that particular criteria was not scored. The assessments



under these criteria, as determined by Council's Roads Department, are as follows:

Tenderer	Non-cost Criteria %	+ Cost Criteria %	= Assessment Score %	Estimated Costs \$ per year
WA Premix	65	35	100	\$642,895.00 (1st year) \$666,895.00 (2nd year)

Strategic Plan/Policy Implications

One of Council's Vision Statements is *"Maintaining and providing roads, parks and community buildings to acceptable standards."* Pre-mixed concrete is used in the construction and maintenance of footpaths and crossovers and kerbing to an acceptable standard.

Budget/Financial Implications

The tender rates submitted represent an increase marginally higher than the current CPI rate of 4.2%. Based on the competitive environment of the construction industry, the rates provided are reasonable.

ITEM	Company	Current tender Cost per M ³	New tender Cost per M ³	Percentage Increase
Concrete for footpaths	Readymix	\$124.85	\$130.35	4.41%
Concrete for kerbing	WA Premix	\$135.60	\$143.00	5.46%

The cost of pre-mixed concrete is contained within the footpath and road construction and maintenance budget allocations.

Legal Implications

Nil

Community Consultation

N/A

Attachment(s)

- (1) Tendered Cost Details as submitted
- (2) Tender Evaluation sheet

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

16.2 (MINUTE NO 3208) (OCM 13/07/2006) - SECURED LENDING FACILITY AGREEMENT FOR THE REGIONAL RESOURCE RECOVERY CENTRE (RRRC) PROJECT (4906) (ML) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the Southern Metropolitan Regional Council's borrowing strategy for the RRRC project's loan liability to be fully repaid by 30 June 2023;
- (2) resolve to execute the Western Australian Treasury Corporation's Letter Agreement to increase the Regional Resource Recovery Centre Project Facility Limit to Fifty Five Million Dollars(\$55,000,000) and to be bound by its terms and conditions;
- (3) execute the Western Australian Treasury Corporation's Letter Agreement subject to the Chief Executive Officer being satisfied with its terms and conditions.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver That Council

- (1) approves the Regional Resource Recovery Centre Project revised detailed "Material Recovery Facility Build; Own and Operate by the SMRC" Business Plan dated May 2006;
- (2) approve the incorporation of the "Material Recovery Facility Build; Own and Operate by the SMRC" Business Plan, as appended, into the Regional Resource Recovery Centre Business Plan as adopted by the Regional Council on 30 July 1998;
- (3) endorse the Southern Metropolitan Regional Council's borrowing strategy for the RRRC project's loan liability to be fully repaid by 30 June 2023;
- (4) resolve to execute the Western Australian Treasury Corporation's Letter Agreement to increase the Regional Resource Recovery Centre Project Facility Limit to Fifty Five

Million Dollars(\$55,000,000) and to be bound by its terms and conditions;

- (5) authorise the Chief Executive Officer to execute the Western Australian Treasury Corporation's Letter Agreement subject to the Chief Executive Officer being satisfied with its terms and conditions.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Reason for Decision

Initially the Business Plan supplied by the SMRC did not provide projections of profit and loss. This detail has subsequently been provided and supports the decision to establish the new Materials Recovery Facility. The Business Plan dated May 2006 can now be endorsed and incorporated into the RRRRC Business Plan as requested by the SMRC.

Background

- 1) Council resolved at its meeting 20 April 1999 to participate and enter into a project participants' agreement for the Regional Resource Recovery Centre (RRRC) project.
- 2) The project was established through the Southern Metropolitan Regional Council (SMRC) and involves the Cities of Canning, Cockburn, Fremantle, Melville and Town of East Fremantle in the development of an integrated regional facility designed for processing household waste to achieve maximum recovery of resources and divert waste from landfill.
- 3) The capital construction of the facility would be funded from borrowings, administered by the SMRC and the project participants will make annual contributions towards the repayment of those borrowings as detailed in the project business plan and participants agreement.
- 4) All Project Participants agreed to enter into a Secured Lending Facility with Western Australian Treasury Corporation (WATC) and the SMRC for \$40 million.
- 5) In accordance with Clause 24H (2)(c) of the Local Government (Functions and General) Amendment (No 2) 2005 and the Project Participants Agreement it is a requirement that each project participant undertake to guarantee or secure the borrowing. A guarantee charge agreement with WATC was approved by Council



at its meeting dated 19 September 2000 and is limited to the proportion of liability for each participant (based on population).

Submission

To seek Council approval to an increase in the Secured Lending Facility's borrowing limit for the Southern Metropolitan Regional Council's Regional Resource Recovery Centre (RRRC) Project and authorisation of the WA Treasury Corporation Lending Facility to increase the existing RRRC Lending Facility limit

Report

Material Recovery Facility Business Plan (revised May 2006)

The regional council tendered the MRF capital construction in September 2005 and resolved to not accept any tender. The tenders received would have exceeded the Business Plan capital estimates. The Regional Council again invited tenders in March 2006 and has estimated the total cost of the project to be in the order of \$10.5M exceeding the original Business Plan estimates of \$7M. The Regional Council has revised its Business Plan in May 2006 (refer attached) showing a capital expenditure amount of the project of \$10.5 million.

The Regional Council at its May 2006 meeting resolved to endorse the revised May 2006 Business Plan and has requested that the project participants consider the plan, together with an increase in the lending facility limit for the RRRC Project obtained by the Western Australian Treasury Corporation.

The revised Business Plan dated May 2006 shows a ten year operating and life projection for managing a new material recovery facility. The plan identifies the need for an improved facility designed to meet the current and future needs of the region with the capacity to process the region's current 827 tonnes of co-mingled recyclables per week in a single shift over a 5 day operation. The regional council advises that an improved recovery rate of recyclable material will ensure higher revenue returns and further reduce the amount sent to landfill.

The existing facility has a design capacity of 770 tonnes per week, however, it currently generates 827 tonnes per week which has resulted in significant operational inefficiencies including higher labour costs, lower recovery rates of recyclable material resulting in lost income and restricted time for equipment maintenance and repairs.

A summary of the financial costs in the revised business plan are:

- Capital program \$10,517,000
- Operational program - the project has a design life of 10 years processing all the regions co-mingled recyclables. Income



sources include gate fees from member councils, other commercial operators, sale of recyclable material. Operational costs include annual repayment of principal and interest and annual transfers to a plant replacement reserve.

The council's estimated annual cost as per the amended May 2006 Business Plan will be the annual gate fee charge of \$35.00 per tonne (ex GST) commencing July 2007.

Increase the Secured Lending Facility for the RRRC Project

The Regional Council at its April 2006 meeting resolved as part of its draft 2006/07 budget to seek approval from the RRRC project participants to increase the SMRC's Western Australian Treasury Corporation Secured Lending Facility limit for the RRRC Project from \$47.5 million to \$55 million. This takes into account the revised additional \$3.5 million required to fund the capital expenditure program in the revised MRF Business Plan, as well as, the capital upgrade for addressing odour issues and consolidating accumulated past operational deficits.

The estimated loan liability to the 30 June 2007 for the RRRC project is divided up as follows:

RRRC Capital Expenditure Program to-date	\$37,260,000
RRRC Operating Deficits for 04/05 & 005/06	\$ 4,248,136
RRRC Materials Recovery Facility	<u>\$ 2,680,517</u>
Sub - Total	\$44,188,653

Add proposed expenditure for 2006/07	
RRRC Capital Expenditure Program	\$ 2,779,900
RRRC Materials Recovery Facility	<u>\$ 7,836,483</u>
Sub - Total	\$54,805,036

Less Loan Principal repayments in 2006/07	\$ 2,309,364
Total (est to 30 June 2007)	\$52,495,672

The current approved loan limit is	\$47,500,000
Shortfall	\$ 4,995,672

It is proposed to increase the loan limit to \$55 million. The increase in the RRRC Lending Facility is represented by:

Current Lending Limit	\$47.5M
-----------------------	---------

New RRRC Materials Recovery Facility (\$10.5M less original cost of \$7.0M)	\$ 3.5M
WCF Odour control ducting	\$ 2.8M
WCF operational deficit for 2005/06	\$ 1.2M
Total	\$55.0M



The regional council has also reviewed its borrowing strategy relating to the RRRC project and the term of the loan and has recommended that project participants endorse its proposal of extending the term of the loan from 30 June 2021 to 30 June 2023. This is due to the initial delays in the commencement of the waste composting facility from the scheduled 2001 to the actual 2003 and the expected life of the facility being 20 years from that date. The borrowing structure would therefore ensure all loans for the project are fully repaid by 30 June 2023.

Comment

It is important to acknowledge that the item presented has been substantively prepared by the SMRC for consideration by Council. The City of Cockburn currently carries a contingent liability of 25.24% against the accumulated debt of the SMRC. The SMRC requires Councils authorisation to increase its borrowing capacity as each member Council will guarantee repayment of the funds in the event that the SMRC defaults.

The SMRC sought Councils consideration of the following recommendation:

That Council:

- (1) *approves the Regional Resource Recovery Centre Project revised detailed Materials Recovery Facility Build, Own and Operate by the SMRC Business Plan dated May 2006;*
- (2) *approve the incorporation of the Business Plan into the Regional Resource Recovery Centre Business Plan as adopted by the Regional Council on 30 July 1998;*
- (3) *endorse the Southern Metropolitan Regional Council's borrowing strategy for the RRRC project's loan liability to be fully repaid by 30 June 2023;*
- (4) *resolve to execute the Western Australian Treasury Corporation's Letter Agreement to increase the Regional Resource Recovery Centre Project Facility Limit to Fifty Five Million Dollars(\$55,000,000) and to be bound by its terms and conditions;*
- (5) *authorise the Chief Executive Officer to execute the Western Australian Treasury Corporation's Letter Agreement subject to the Chief Executive Officer being satisfied with its terms and conditions.*

The business plan appears to lack some key detail (more specifically predictions of profit & loss and financial position) which needs to be included before officers would be comfortable recommending its acceptance. Its not apparent that adoption of the business plan is critical to authorising the borrowing strategy or the increase in the loan threshold from \$47.5Million to \$55 Million. On this basis it is recommended to delete items 1 & 2 from the recommendation above.



The proposal for the SMRC to build, own and operate a recycling plant at Canning Vale is recommended. The capacity of the current facility cannot cater for the recyclables generated by member Councils and planning for the new facility is well progressed. The business plan identifies an opportunity to return significant funds to the SMRC from the ongoing operation of the new MRF that can be used to offset gate fees, reduce debt or a combination of both. The alternative of using a private operator to own and operate the recycling plant has proved to be unsuccessful.

The SMRC currently own and operate the Waste Composting facility as well as the Green Waste Processing Facility. The Business Plan suggests that the Materials Recovery Facility (MRF) is financially viable. The community sees recycling as a very important issue and this proposal allows them to be in control of the way their material is to be processed and reused.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

- *“To manage the City’s waste stream in an environmentally acceptable manner.”*

Budget/Financial Implications

The Council’s estimated share of the \$55M lending facility is based on population percentages (census figures each 5 years) over the term of the loan. The Council’s share at the commencement of the loan will be:

Participants	POP		Liability
	2001	% Share	
City of Canning	73,727	28.02%	\$ 15,411,689
City of Cockburn	66,417	25.24%	\$ 13,883,627
Town Of East Fremantle	6,383	2.43%	\$ 1,334,285
City of Fremantle	25,199	9.58%	\$ 5,267,530
City of Melville	91,385	34.73%	\$ 19,102,869
Total	263,111	100.00%	\$ 55,000,000

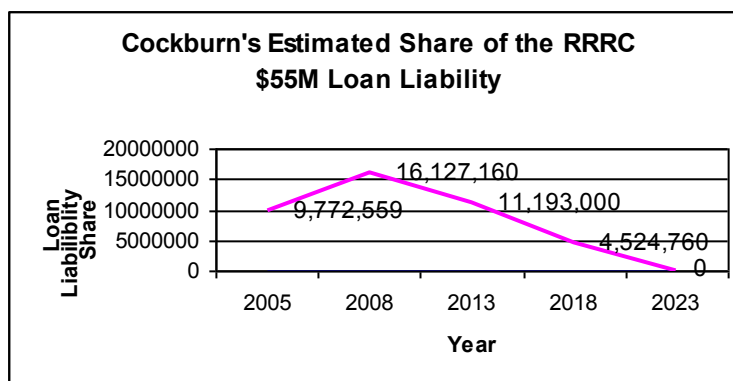


The estimated annual loan repayments will be paid in the following manner.

Estimated Annual Loan Repayments		
	Project Participants	MRF Budget
Term of Loan	17 yrs	10 yrs
Loan maturity	30 June 2023	30 June 2017
Interest rate based on 6.09%		
Outstanding Loans		
\$	44,500,000	\$ 4,651,737
\$	10,500,000	\$1,404,560
\$	55,000,000	
Participants	% Share	Repayments
City of Canning	28.02%	\$ 1,303,475
City of Cockburn	25.24%	\$ 1,174,236
Town Of East Fremantle	2.43%	\$ 112,850
City of Fremantle	9.58%	\$ 445,512
City of Melville	34.73%	\$ 1,615,664
Total	100.00%	\$ 4,651,737

The MRF annual loan repayments (capital + interest) will be paid from funds within the MRF Budget, (refer Financial model in the MRF Business Plan May 2006) thus there will be no nett increase to the City's capital loan repayments as a result of the additional loan funds required for the MRF.

The graph below shows the Council's share of the estimated outstanding loan liability at each year-year period following census adjustments until the loan is fully repaid in June 2023. (note: any surplus funds during the period may be used for loan debt reduction and therefore reduce Council's share of the RRRC loan liability)



Legal Implications

A Council either local or regional can undertake any service that is considered beneficial to its community. There is currently no similar



facility with the capacity to process the recyclables from the seven (7) members of the Regional Council.

Section 6.21(2) of the Local Government Act 1995 and Clause 24H (2)(c) of the Local Government (Functions and General) Amendment (No 2) 2005 apply in this instance.

Community Consultation

A previous version of The Materials Recovery Facility Business Plan prepared by the SMRC was advertised for public comment on Saturday, 2 April 2005 for a period of six (6) weeks closing on Monday 16 May 2005. This is the statutory business plan version that does not include confidential information associated with the operations and settlement details.

Attachment(s)

- (1) SMRC Detailed Business Plan May 2006

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.

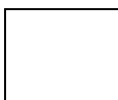
16.3 (MINUTE NO 3209) (OCM 13/07/2006) - STREETSCAPE BEAUTIFICATION BUDGET REALLOCATION - INTERSECTION OF CARRINGTON STREET AND WINTERFOLD ROAD, HAMILTON HILL (5402) (4721) (PK) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the concept plan of the proposed Streetscape Beautification for Carrington Street and Winterfold Road Intersection, Hamilton Hill as appended;
- (2) allocate \$50,000 from account number CW 5135 (Streetscape Beautification Intersection Treatment).

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr V Oliver that Council:

- (1) approve Stage 1 of the concept plan for the proposed Streetscape Beautification of the Carrington Street and Winterfold Road Intersection, Hamilton Hill as appended;
- (2) defer a decision on Stage 2 of the proposed streetscape plan to enable the Director Engineering & Works to undertake a review of the access and egress to 331 & 333 Carrington Street, to discuss the streetscaping proposal with the proprietor and tenants of the complex and to provide a supplementary report to Council;
- (3) allocate \$50,000 from account number CW 5135 (Streetscape Beautification Intersection Treatment) for the project; and
- (4) nominate that the trees to be used in the plantings are to be the same species as planted in the courtyard outside the Spearwood Library.

CARRIED 4/3

Reason for Decision

The proposal before Council largely addresses a number of the concerns raised by the proprietors particularly with regards to the tree species selected and the visibility to the premises. On inspection of the site, the access and egress for 331 & 333 Carrington Street was identified as requiring additional technical review. The streetscape proposal has subsequently been separated into Stages to allow works to proceed whilst the review and consultation is completed with the proprietor and tenant of 331 & 333 Carrington Street. Council had received 97% support for the streetscape beautification program and it needed to be acted upon sooner rather than later.

Background

At its Budget Concept Forum held on Monday, 30 May 2005, the Council resolved to allocate in the 2005/2006 Municipal Budget:

1. \$50,000 for streetscape beautification at the intersection of Carrington Street and Winterfold Road, Hamilton Hill; and
2. \$50,000 for streetscape beautification at "a location to be determined".



NOTE: THE COUNCIL DID NOT RESOLVE TO ALLOCATE THESE FUNDS AT THE CONCEPT FORUM. THIS RESOLUTION WAS FORMALLY PASSED AT A SPECIAL MEETING OF COUNCIL HELD ON 20 JULY 2005.

Submission

N/A

Report

During preparation of the budget estimate, \$50,000 was recommended as a nominal amount for landscape works required to improve the general streetscape and amenity at road intersections, however these projects required detailed site analysis, design and costing before implementation. Unfortunately this project has taken some time to be developed however concepts are now finalised and presented to Council for consideration.

Detailed site evaluation at the intersection of Carrington Street and Winterfold Road, Hamilton Hill indicates that there is limited opportunity to improve the streetscape appearance simply by constructing garden beds and planting trees due to a number of restrictions. The area is constrained due to the limited space available, the complex interrelationship between existing traffic signals, access to adjacent business premises, car parking requirements and footpaths. Business proprietors have also objected to any form of landscaping that will impact on the visibility of their premises from the street.

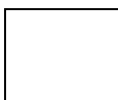
Taking into account all views expressed through the consultation phase undertaken to date, officers have concluded that the only practical way to improve the amenity of the intersection is to upgrade the built form including the kerbing, road pavement and footpaths and incorporate some plantings to improve the aesthetics without impeding visibility. The estimated budget cost to undertake the work is \$100,000, due primarily to the increased scope and civil construction required.

Strategic Plan/Policy Implications

Conserving and Improving Your Environment

Budget/Financial Implications

\$50,000 has been allocated towards this project however the cost is estimated at \$100,000. To address the shortfall \$50,000 has been identified in account number CW 5135 (Streetscape Beautification Intersection Treatment), which is available for allocation.



Legal Implications

Nil.

Community Consultation

A letter was sent to property owners and residents on 10 May 2006 advising of the proposed works and included a concept plan. Two responses were received.

Concerns raised primarily refer to the proposed tree planting on the western side of Carrington Street and the perception that it would obscure visibility to the shopfronts, thus negatively impacting on the viability of the businesses that occupy these premises. The tree species and planting distances are such that these concerns can be negated. Officers will continue to consult with the owners to address their concerns.

Attachment(s)

- (1) Plan No. 1 Streetscape Beautification Carrington Street and Winterfold Road Intersection, Hamilton Hill

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

16.4 (MINUTE NO 3210) (OCM 13/07/2006) - RESERVE 1712 RUSSELL ROAD, WATTLEUP - MINING TENEMENT AGREEMENT WITH ROCLA LIMITED (4412065) (ML)

RECOMMENDATION

That Council:

- (1) executes an agreement between the City of Cockburn and Rocla Limited outlining the terms and conditions under which Reserve 1712 Russell Road, Wattleup will be mined; and
- (2) advises the Department of Industry and Resources that it concedes its existing mining tenement over Reserve 1712 Russell Road, Wattleup as a means of resolving the outstanding dispute.



COUNCIL DECISION

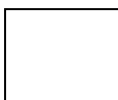
MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 7/0

Background

At the Ordinary Meeting of Council held on 8 June 2006 Council resolved to:

- “(1) negotiate with Rocla Limited a royalty payment for the extraction of all sand and limestone from Reserve 1712 Russell Road, Wattleup, within the range contained in the confidential report;*
- (2) subject to an agreement being reached regarding the payment of royalties, the City advises the Department of Industry and Resources that it concedes its existing mining tenement over Reserve 1712 Russell Road, Wattleup as a means of resolving the outstanding dispute;*
- (3) requires the Chief Executive Officer to negotiate the agreement to formalise the matters referred to in Clause (1) and (2) above and refer the matter back to Council for a final decision;*
- (4) pursuant to clause 6.1.5 of the terms of reference for Council’s Audit Committee (“the Committee”), require the Committee to review Council’s risk management processes in view of the decision of the Mining Warden in Rocla Ltd v City of Cockburn (“the litigation”), with the report to the Committee to advise whether in this instance:
 - (a) adequate information was provided to the Council and/or the Elected Members during and after the conduct of the litigation in relation to:
 - (i) the dispute generally;*
 - (ii) any losses sustained by Council as a result of the dispute;*
 - (iii) settlement of both the litigation, and, the dispute generally.**
 - (b) adequate risk minimisation measures have been implemented by Council as a consequence of the litigation and the dispute.”**



Submission

Council considered this matter at the June 2006 OCM. This item details the extent of the negotiations completed to date and seeks Council approval to execute the agreement.

Report

Further to Council's resolution an agreement has been negotiated with Rocla Limited within the broad parameters provided in the June Report.

McLeods have been issued instructions to prepare an Instrument of Agreement between the City of Cockburn and Rocla Limited outlining the terms under which the City will concede its mining tenement over Reserve 1712 Russell Road, Wattleup.

The following terms will form the basis of the agreement between the City and Rocla:

- seek to mine the reserve under the Mining Act,
- undertake all actions that are necessary to gain approvals to mine the reserve (including Native Title issue),
- excavate the material over a 10 – 15 year period from the date of approvals being granted,
- maintain an acceptable level of Public Liability insurance (\$20Million) and indemnify the City against any claim,
- develop and implement a plan to mitigate the chance of contamination of the site through fuel spills or other means. The plan to be lodged with Council prior to commencement,
- seek to protect any tree or native bushland species identified as being worthy of protection prior to commencement of the works,
- pay to the City a royalty of \$2.00 / BCM for sand and limestone excavated from the site,
- pay the royalty in quarterly instalments as the material is excavated and removed from the site,
- determine quantity by survey,
- The royalty shall escalate annually in accordance with CPI. Escalation shall apply each year on the anniversary of this agreement,
- will progressively rehabilitate the site back to native bushland unless other opportunities are identified for the site that may be more consistent with end use of the reserve.

The agreement has significant advantages to the City and it is recommended that the general terms of the agreement be endorsed by Council.



Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *To deliver services and to manage resources in a way that is cost effective without compromising quality.*

Budget/Financial Implications

A broad analysis of the available resource was conducted by Landform Research in December 2002 which suggests that there is approximately 1.7M m³ of limestone and 1.6M m³ of sand available for excavation. Assuming this correlates to 3.3M BCM, the City stands to receive in excess of \$6.6Million from the royalty arrangements negotiated.

Legal Implications

On 8th October 1996 the City applied for and was granted a prospecting licence over Reserve 1712. A prospecting licence (PL) enables the extent of the resource to be identified however the organisation has obligations to actively pursue the claim within the timeframe established by the PL. The City did not meet its obligations which enabled Rocla Limited to apply to the Mining Warden to have the prospecting licence forfeited for non-compliance with expenditure conditions under the Mining Act.

Extensive legal advice has been received on this matter since that time. Under normal circumstances the City would advertise its intention to mine the reserve and seek submissions from organisations capable of mining the resource. It is difficult however to identify a mechanism to advertise as the entitlement under the Mining Act would fall directly to Rocla Ltd. The City would only be able to invite tenders if it intended to pursue the mining of the reserve under the Parks and Reserves Act yet approvals are unlikely to be granted in that instance. If therefore the City was to pursue its rights to mine under the Parks and Reserves Act it would do so with no guarantee of receiving approval and at the risk of losing any benefit through payment of a royalty (potentially \$6Million). Whilst this may avoid criticism of a perceived transparency issue, it does not seem to provide the best outcome for the community.

The legal advice has addressed this matter in detail. Part (f), (g) and (h) of the advice deals primarily with the question of transparency and are detailed below.

Extract McLeod's advice 28th April 2006 states:



- (f) *We confirm our previous advice that the proposal Rocla, puts forward is lawful, and would not require the City to take any particular step under the Local Government Act before accepting the proposal. However, it is also a proposal which could arguably be said to go against the spirit of the Act, particularly s.3.27, 3.58 and 3.59, as it may be said the proposal is not entirely transparent and does not give an opportunity for any other party to tender, or otherwise participate in the exploitation of the resource.*
- (g) *The complicating factor in that regard is that on the Rocla proposal there is simply no opportunity for any other party to exploit the resource, as Rocla's rights arise from the operation of the Mining Act. On the alternative proposal, however, involving the Parks and Reserves Act, the City would necessarily be required to invite tenders for the extraction work. As noted above, it seems highly unlikely the project would come to fruition under the Parks and Reserves Act given the clear understanding of the City that planning approval for the works would not be granted.*
- (h) *In our previous advice we suggested the possibility of attempting to make the proposal suggested by Rocla transparent, in order to deflect any criticism which might otherwise potentially be levelled at the City if it were to be said that the arrangement was against the spirit of the Act. Having considered the matter further, it is not apparent what the City could usefully do to increase the transparency of the matter over and above publishing a report to the Council in an agenda item, and subsequently in Council Minutes, other than advertising or in some way giving public notice of the proposal in order to test community feeling about it.*

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.



16.5 (MINUTE NO 3211) (OCM 13/07/2006) - STREET LIGHTING - PORT COOGEE MARINA DEVELOPMENT (4304) (3209006) (ML) (ATTACH)

RECOMMENDATION

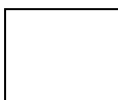
That Council:

- (1) refuse to grant its approval for installation of 'private street lighting' for Port Coogee Residential-Marina development for the following reasons:
 1. The proposed street lighting involves using non Western Power standard light poles and fittings, which is not compatible to City of Cockburn Street and Public area lighting policy, adopted 9 March 2006.
 2. Western Power advised that they would not accept the installation of the proposed lights as 'Western Power' lighting.
- (2) advise the applicant accordingly.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Clr S Limbert that Council adopt the proposal to establish 'private lighting' in the Port Coogee development on the basis that:

- (1) 'private lighting' is established throughout the entire development;
- (2) the 'private lighting' proposed is of a standard that meets Council's expectations of Port Coogee being the premier development on our coastline;
- (3) the current style of lighting proposed is not supported and the final lighting adopted shall be endorsed by Council;
- (4) The proponent provides complete standards and specifications of the lighting design and styles proposed and a recommended maintenance schedule for the ongoing care and upkeep of the infrastructure;
- (5) The proponent provides a statement by the lighting consultant outlining the intended application for the lighting proposed and a signed certification that the lighting is designed and installed in accordance with the relevant Australian Standard;



- (6) The proponent agrees to be responsible for all costs associated with the commissioning of the 'private lighting' and for the ongoing maintenance of the lighting for a 2 year period after commissioning. At the expiration of the 2 year period representatives of the developer, consultant and City shall meet to inspect the lighting to satisfy themselves that the network is in good working order;
- (7) The proponent provides an additional 10% (minimum) of the total number of light poles, fittings, luminaries or any other fixture established as part of the network to be used as spares to ensure the ongoing operation of the lighting system or a cash sum in lieu to enable the City to establish a reserve account for the same purpose; and
- (8) Any additional costs for maintenance, repair and replacement at the expiration of the 2 year period of the 'private lighting' (exceeding the operation of a network using the Western Power decorative range) is funded from the specified area rate proposed to be established over the estate.

CARRIED 6/1

Reason for Decision

Port Coogee will be a premium development, not just for Cockburn but for the whole state of WA and as such it is not unreasonable to have street lighting outside of the existing Western Power Decorative Range, particularly given that any additional costs will be picked up by the Specified Area Rate Council intends to impose across this development. 'Private lighting' is currently used to great effect in places like Busselton, Shoalwater, Dunsborough and Safety Bay and should be supported for Port Coogee.

Background

The developer of Port Coogee (Port Catherine Developments) has recognised the significance of street lighting as one means of achieving a unique presentation for its development that sets it apart from others. The Developer proposes to establish a considerable entry statement and landscaped verge areas to provide a visually appealing vista into the Port Coogee Marina Village. Part of their proposal is to introduce a range of decorative street lights into the streetscape which will further enhance the aesthetics of the estate.



The lighting proposed by Port Catherine Developments are not from the Western Power decorative range and therefore do not comply with Councils current policy SEW2 Street and Public Area Lighting thus the matter has been presented for your consideration.

Submission

Port Catherine Developments request Council approval to use street lights which are not part of the current Western Power Decorative range poles and fittings and in so doing, are seeking a commitment from Council to continue to maintain and upgrade the lighting at its cost into the future.

Report

Council's Position

Council recently reviewed its street and public area lighting policy to provide increased flexibility in Public Areas (eg. central areas, entry statements, POS) which may benefit by having a specific style of lighting established as a feature to be consistent with a theme for the area. In these situations it is assumed that only a small number of lights would be established to light the feature as opposed to lighting a roadway. The policy is however is clear in its intent to limit street lighting to a decorative range endorsed by Western Power.

A decorative range of lighting was packaged up with the Streetvision Program and promoted by Western Power to meet the demand for a more aesthetic style of lighting which would create a certain ambience within new developments. Prior to this range being endorsed, developers were introducing many styles of lighting into new developments which ultimately became a liability for local government to manage as Western Power would not accept the infrastructure nor would they maintain and replace it. The Western Power range provides a number of different combinations of light poles and fixtures and new styles may be incorporated in time.

The policy statement is as follows:

STREET LIGHTING

- 1. The City of Cockburn will not support the installation of street lighting standards which are not approved by Western Power and therefore will not be maintained by them.*
- 2. The subdivider may only choose street lighting from the standard or decorative range approved by Western Power.*
- 3. Alternatively, the developer may request that Western Power incorporate the proposed lighting style within its decorative range however approval will not be given for their installation*



until the City has been formally advised of Western Powers agreement.

4. *All street lighting is to be installed in accordance with Australian Standard AS 1158.*

PUBLIC AREA LIGHTING

1. *Applications for installation of unique Public Area Lighting which differs from the Western Power decorative range will be considered on a case by case basis and approved by the Director of Engineering and Works.*
2. *Each application should be accompanied by complete standards and specifications of the lighting design and styles proposed and a recommended maintenance schedule for the ongoing care and upkeep of the infrastructure.*
3. *The application will also include a statement by the lighting consultant outlining the intended application for the lighting proposed and a signed certification that the lighting is designed and installed in accordance with the relevant Australian Standard.*
4. *The developer will be responsible for all costs associated with the commissioning of the public area lighting and for the ongoing maintenance of the lighting for a 2 year period after commissioning. At the expiration of the 2 year period representatives of the developer, consultant and City shall meet to inspect the lighting to satisfy themselves that the network is in good working order.*

This Application

An initial application for non standard street lights (referred to as 'private lighting') was lodged with Council on 19th May 2006 (style of light proposed attached). Before considering the matter further, officers requested the developer to approach Western Power regarding incorporating the lighting proposed into the decorative range (in accordance with Councils policy). Advice was received on 9th June 2006 advising that Western Power did not support the installation of these lights as 'Western Power Lighting' for the following reasons:

- The usage of these lights is fairly low with only approximately 200 lights to be installed. This low number of lights would also not make this cost effective.
- There may be significant lead times, which affect the supply of these lights as they are ex Germany.
- Western Power already has an extensive range of lights and colours and is not currently looking to expand this range.
- The lights appear to be Class 1 insulated where Western Power requires Class 2 insulation.



- Significant time and resources would need spent to assess these light fittings if they were to become ' Western Power Lighting ' which may delay the subdivision project.

On the 23rd June, Sinclair Knight Merz (SKM) submitted a compromise position which has the alternative 'private lighting' on the main arterials of the estate and around the commercial and higher density residential areas (refer attachment) with all other lighting coming from the decorative range endorsed by Western Power. The lighting configuration proposed includes;

Alternative 'Private Lighting' (as attached)

131 poles with single luminaries

37 poles with double luminaires

Western Power approved street Lighting (as attached)

115 decorative poles with luminaries (WP Range)

Public Area Lighting (standard to be advised)

34 fittings and poles

The City has 3 options available to resolve this matter and these are further explored below.

1. Not Approve the Proposal

Whilst alternative street lighting will assist in providing a unique feel to the estate it will form only a part of the overall streetscaping and landscaping proposed. The range of decorative poles and luminaires endorsed by Western Power provide an appealing addition to the streetscape however with the extent of development, they become more common and thus lose their appeal to developers. It is questionable however whether alternative, more unique 'private lighting' will continue to have an impact into the future and whether the long term implications and costs of providing this alternative 'private lighting' outweighs the initial appeal of the development.

'Private lighting' will have long term implications on the City in respect to maintenance, repair and replacement of these assets and the policy was developed and endorsed in March of this year to ensure that Council was not burdened by the ongoing responsibility for assets that are primarily maintained by Western Power.

2. Approve the modified proposal

Port Coogee is a premier development within the City of Cockburn and both the Council and developer are working to deliver an estate which is first class. On this basis it may be reasonable to endorse a standard over and above the 'norm' to ensure Port Coogee is both unique in its



appearance and achieves the highest standards of development and visual amenity.

Landscaping and other streetscaping treatments proposed for the development are beyond the \$15,000/ha maintenance threshold established by Council. Discussions have commenced as to how the additional costs for the ongoing maintenance of landscaping and streetscapes will be managed with a user pays scheme (specified area rate) currently being considered. If the ratepayers of this area were to pay for the additional costs over and above the standards provided in other areas, it would be reasonable to adopt the same mechanism to recoup maintenance costs for 'private lighting' if endorsed.

If Council were keen to endorse the 'private lighting' proposed, it should seek to mitigate some of the potential costs by applying the same terms and conditions as stipulated for Public Area Lighting as prescribed in the policy.

3. Approve the alternative 'Private lighting' throughout the entire development

If the 'private lighting' was endorsed by Council on the basis that it would recoup the additional costs for maintenance from the ratepayers by some means, it would be preferable to adopt the same standard within the entire estate. It would be difficult to apply a specified area rate (or some other means) to the estate if only a proportion of the properties were provided with the alternative lighting.

Technical Aspects

Officers have reviewed the proposal for 'private lighting' and have identified some concerns regarding the maintenance liability and the longevity of the proposal. The environment is very corrosive which may impact on the reflectivity of the lighting and there is a likelihood that the reflectors and lights will be subjected to wind, salt build-up and defecation from birds. The distribution of lights also appears excessive with light poles shown at 40m centres. Officers have sought advise from an external consultant on these matters and this will be provided when received.

Summary

Whilst the long term benefits of providing alternative styles of lighting to the decorative range already available are questionable, the uniqueness of the development and its high profile in our community may justify consideration of the application. Officers would recommend adopting the 'private lighting' throughout the entire estate however only on the understanding that those ratepayers in the area pay the additional costs of maintenance and replacement. Much depends on how the City proposes to maintain the public areas in the future and



whether these additional costs will be funded through some form of levy on the ratepayers of the estate.

There is much to consider. Given the general increasing costs being borne by our community across the board and the need for a decision on this matter, officers have recommended to reject the proposal and request the developers to choose from the decorative range of poles and lighting endorsed by Western Power. This range can be integrated into the streetscaping and landscaping proposed yet the Council nor community will be encumbered by the ongoing maintenance costs.

Strategic Plan/Policy Implications

2. Planning Your City

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

The Policy, which applies to this item is SEW2 - Street and Public Area Lighting.

Budget/Financial Implications

Currently Western Power maintain our lighting infrastructure for a set tariff. They have the means and expertise to manage the infrastructure and the policy was developed to ensure a consistent standard of lighting and maintenance. As an example. the following outlines the additional cost of the decorative range:

- Single outreach 125W (MV) lights
- 26.02c / day normal tariff
- 47.79c / day decorative tariff
- additional cost of \$77 / light / year

If lighting infrastructure other than from those approved by Western Power is endorsed by Council, the City will be wholly responsible for ongoing maintenance and replacement costs in perpetuity. The city can endeavour to mitigate those costs by conditioning our approvals, seeking extended maintenance periods, etc. or applying a specified area rate on the ratepayers to cover the ongoing additional costs of maintaining the lighting. The City does not however have the expertise in-house to maintain the asset. Estimated costs for maintenance of the 'private lighting' is currently being sourced by the developer.

Legal Implications

Nil.

Community Consultation

N/A



Attachment(s)

Sinclair Knight Merz – Street Lighting Proposal.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3212) (OCM 13/07/2006) - LOT 7 COCKBURN CENTRAL FACILITIES (9629) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) reject the Expression of Interest (EOI) (06/2006) Lot 7 Cockburn Central submitted by Australand;
- (2) in accordance with section 3.58 of the Local Government Act (1995) and (Functions and General) regulation 11(2)(ii) enter negotiations with Australand and/or any other interested party or parties for the development of Lot 7 Cockburn Central; and
- (3) require the Chief Executive Officer to prepare a report as a result of discussions in (2) above which includes but is not limited to the assessment criteria as described in the report, for future Council consideration.

COUNCIL DECISION

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

CARRIED 7/0

Background

Council at its meeting of 9 March 2006 resolved as follows:



- “(1) require for inclusion in the proposal for the development of lot 7 Cockburn Central for the City to own 2,850m² of floor space suitable for the purposes as identified in table 2 in the report;*
- (2) enter an offer to purchase with Landcorp for lot 7 Cockburn Central with conditions that protect the interest of the City to the satisfaction of the Chief Executive Officer;*
- (3) seek potential joint venture partners through an Expression of Interest process for the development of Lot 7 Cockburn Central and shortlist to tender;*
- (4) require the Chief Executive Officer to prepare a Business Plan in accordance with the requirements of section 3.59 of the Local Government Act for the project for presentation to Council following public notice being given in accordance with section 3.59 of the Act; and*
- (5) require the Chief Executive Officer to keep Elected Members informed on the progress of the development of Lot 7 Cockburn Central with regular updates in the Elected Members’ Newsletter.”*

In accordance with the resolution of 9 March 2006 an Expression of Interest (EOI) was advertised and closed on 2 May 2006. There was one EOI received from Australand.

An offer to purchase Lot 7 Cockburn Central has been made to LandCorp on 22 June 2006. A response to that offer has yet to be received.

To ensure compliance with all aspects of the Local Government Act 1995 (the Act) and the associated regulations, Jackson McDonald Lawyers were commissioned to advise on the legal aspects of the joint venture arrangement for the development of Lot 7 to proceed and what legal instruments are best suited to protect the interests of the City.

Submission

An Expression of Interest was received from Australand (EOI 06/2006) at the close off on 2 May 2006.

Report

An assessment of the EOI submitted by Australand has been made utilising the following criteria:-

- Relevant Experience
- Key Personnel Skills/Experience
- Respondents Fund Reserves



- Method of meeting design guidelines, financing and profit share.

Australand meet all the criteria established other than financing which they have advised that they would “profit share to the City 50% of profit above a predetermined % net profit on costs.” This arrangement clearly protects the interests of Australand in respect to ensuring they receive profit on the project, the City would only receive 50% on additional profit, an unsatisfactory arrangement. On this basis it is proposed that the EOI from Australand be rejected.

Should Council reject an EOI for a project, under regulation 11(2) of the Local Government (Functions and General) Regulations.

“Tenders do not need to be publicly invited according to the requirements of this part if within the last 6 months -

11(2)(c)(ii) the local government under regulation 21(1) sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer.”

Jackson McDonald advise that should Council act on the basis of section 11(2)(c)(ii) they have a 6 month period, understood to be from the date of the Council decision, in which to negotiate an agreement.

Council is seeking to participate in a profit sharing arrangement for the development with a joint partner. Section 3.60 of the Act precludes the City forming a “joint venture company” but there are other options open to the City.

An important consideration in any agreement between the City and a development partner is that should Council wish to contribute its own funds to the development that it provides the funds through the development partner. If the City contributes directly to a joint venture arrangement S3.58 of the Act and regulation 11(1) would require any work(s) subcontracted out to a third party to be tendered. Such an arrangement would be complex and of little or no value to the City as the Local Government tendering process is complex and could be expected to add costs to tenders particularly during a very tight building market.

A complication also arises for the City should it purchase Lot 7 from LandCorp and retain ownership of the land through a joint venture arrangement. By so doing the City would be the owners of the land and have an interest in anything constructed thereon. The result would then be as a requirement of S3.58 of the Act for the City and its joint venture partner to dispose of the apartments and commercial elements through auction, public tender or by way of public notice. This would be commercially impractical for the 80 or so units likely to be sold by this means.



To address this issue it is proposed the City purchase Lot 7 from LandCorp at a negotiated price on the understanding that 2,850m² of space would be ultimately retained by the City for use for civic and related purposes. The City would then enter into an agreement with the development partner to develop Lot 7 to an agreed design with the City to retain 2,850m² of the site in strata title. To meet the requirements of S3.58 of the Act the City would through public notice sell the remaining portion of the building to the development partner with the City maintaining a share of profit to an agreed formula for the sale of the remaining portions of the building.

There is a requirement in accordance with S3.59 of the Act for Council to develop and advertise a Business Plan for the project. This stage can, however, only be progressed once the development partner is known and the terms and conditions of any agreements settled.

On the understanding that the Council resolves not to proceed to tender with Australand on the basis of S3.58 and regulation 11(2)(c)(ii) it is proposed that the following criteria be developed and approved by Council against which a proposal from Australand or any other partner can be assessed and included in the Business Plan for the project:-

Criteria

- Concept designs
- Gross Realisation
- Selling & Marketing expenses
- Estimated Development Cost
- Target / expected rate of return
- Project Intervals eg. holdings, approval of construction etc.
- Ability to meet sustainability and design requests for the Cockburn Central Development
- Agreed purchasing arrangements for the Library/Civic facilities
- Financing arrangements to fund the project

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:

- Managing the City in a competitive, open and accountable manner.
- Facilities and range of services responsive to community needs.



Budget/Financial Implications

This project will likely require a significant capital contribution from the City to establish ownership of 2,850m² of space within the building. The draft Plan for the Future identifies the sum of \$7,000,000 as the Council contribution towards the project. This does not include the purchase of the land, which is to be funded separately. This initial capital cost could be reduced through a profit share arrangement with the development partner. Alternatively should the project be pre-funded by the development partner, Council would repay the funds over time.

Legal Implications

The development of Lot 7 Cockburn Central as proposed will have many implications in respect to the Local Government Act Sections 3.58; 3.59 and 3.60 and associated regulations.

Community Consultation

There has been significant publicity on the development of Cockburn Central by LandCorp and the City. The EOI for a joint venture arrangement for Lot 7 Cockburn Central has been advertised.

There is a requirement in S3.59 of the Act for a Business Plan to be developed and publicly advertised. This is considered an appropriate means to achieve community consultation requirements and expectations.

Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

Australand who lodged a submission on the proposal has been advised that this matter is to be considered at the 13 July 2006 Council Meeting.

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

The provision of library and associated civic facilities is within Local Government's area of responsibility. Arrangements for a joint development with a private sector partner is in accordance with State Government Public/Private sector partnerships.



17.2 (MINUTE NO 3213) (OCM 13/07/2006) - TRAINING OF COUNCIL DELEGATES ON EXTERNAL ORGANISATIONS (1701) (GB) (ATTACH)

RECOMMENDATION

That Council:-

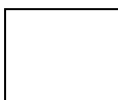
- (1) request the WALGA to conduct in-house Corporate Governance Training for the City of Cockburn inclusive of but not limited to:
 1. Roles and Responsibilities of Board/ Management Committee members;
 2. Legal implications;
 3. Financial Management and Accountability;
 4. Risk management;
 5. Constitutions;
 6. the Association and Incorporations Act 1987; and
 7. due diligence as a Board / Management Committee Member; and
- (2) require all staff and elected members who are Council appointed delegates on external management organisations to undertake Corporate Governance training during 2006/07.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr V Oliver that Council:

- (1) as recommended;
- (2) as recommended subject to the deletion of the reference to "Elected Members"; and
- (3) directs that a policy and/or position statement be presented to a future meeting of the Delegated Authorities, Policies and Position Statements Committee to ensure the City has an ongoing requirement for such training for both the Elected Member and staff.

CARRIED 7/0



Reason for Decision

The training of Council delegates to external organisations in relation to corporate governance practices is an ongoing matter, and not limited to the current financial year. While the City needs to ensure that its Committee Members are provided training as soon as possible, by adopting a policy and/or position statement the Council will provide a standard for the training of delegates that will apply over the longer-term and will serve as a reference document regarding Council's requirements for delegates. The Elected Members are likely to soon arrange a training session on this material that will be conducted later this year, and therefore do not need to be incorporated into the in-house training contemplated by the recommendation in the Agenda report.

Background

Council appoints delegates to sit on various external and internal committees. A number of the external organisations receive Council donations and all of the committees require a significant allocation of staff or elected members time. A review of administration arrangements for internal committees has recently been conducted, and so it is also timely to conduct a review of the external organisations.

Submission

N/A

Report

There are currently 29 external committees that have an official Council appointed delegate. Of these committees there are 19 that are advisory in nature and 10 that have a Management Committee function.

In the circumstance where the primary function is advisory in nature decisions are made by another entity. Generally the advisory committees only provide information and recommendations to another entity that is responsible for decision-making. There is a limited level of risk and a lower level of human resource allocation required. Often the advisory committees are formed for specific time limited projects such as the Cockburn Central Implementation Steering Committee. It is important for Council to be represented on these advisory committees so that management plans and developments can be influenced in accordance with Council Policy.

A Management Committee is where the primary function of the Committee or group is to manage a not for profit organisation. A management committee is responsible for decision-making and is



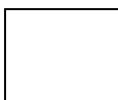
ultimately responsible for these decisions. This type of committee is generally more resource intensive and requires staff and elected members to have knowledge and skills in Corporate Governance. Council needs to determine whether there is a need to represent Council interests on these Committees and also consider the value to the not for profit community groups in having a Council appointed delegate on the Committee.

The list of external committees attached to this report outlines whether the primary function of an external committee is Advisory or that of a Management Committee. These are shown in bold type and shaded.

Council currently appoints Elected Members or staff as delegates to External Committees without consideration of whether the external committee is advisory in nature or a management committee. There is also no consideration of the actual level of resources required for each committee. For example even though a Management Committee generally meets once per month the Committee member needs to attend Annual General Meetings, special meetings, and sub-committee meetings. It is also not just a matter of attendance but also being fully accountable for decisions made and ensuring that the organisation is operating in accordance with its constitution and all other legal requirements.

Council's Insurer has identified that most Committees do not have Director's Liability Insurance because they are protected by the Association and Incorporations Act 1987, and that generally professional indemnity insurance is sufficient to indemnify the Associations against any wrongful acts. However, in the circumstance where the Association or Committee has failed to sufficiently insure themselves, it has been confirmed with the City's Insurer that the City's current insurance Policy and products indemnify any wrongful acts (alleged or otherwise) made by the Council appointed delegate sitting on an external Management Committee or Board. The City's Insurer has confirmed that the following products indemnify the City within the defined Policy limits excluding the circumstance where gross negligence is determined by a Court. This therefore limits the individual's and Council's risk to a satisfactory level.

Insurance Policy	Limit of Liability	Summary of Cover
Councillors & Officers Liability & Council Reimbursement	\$5,000,000 - any on claim and in the aggregate	Indemnifies the insured where they are personally sued for wrongful acts (alleged or otherwise) committed whilst acting in the scope of their duties for the City of Cockburn.



		Reimburses the City of Cockburn for legal expenses incurred in defending allegations of wrongful acts against the insured where a successful defence is achieved.
Professional Indemnity	\$100,000,000 - Any one claim and in the aggregate any one period of protection	Any claim or claims for breach of Professional Duty arising out of any negligent act, error or omission committed or alleged to have been committed in carrying out a Professional Activity in the conduct of business.

Even though there is a level of human resource allocation and limited risk associated with Council appointing delegates to Management committees there is a community benefit as all of the external management committees are not for profit groups which provide services to Cockburn residents. If these groups ceased to continue due to lack of support then the services they provide will no longer be available to residents. This may then place pressure on Council to manage the services provided requiring a much greater resource allocation. Often the Management Committees also receive a Council donation so by appointing a Council delegate it is possible to monitor what the donation is being used for and whether it continues to provide a benefit to City of Cockburn residents.

Due to the large degree of accountability of Management Committee members it should be a requirement for staff and Elected members who are Council appointed delegates for the City of Cockburn to undertake Corporate Governance training that has been specifically tailored to not for profit organisations. The training should include but not be limited to:

1. Roles and Responsibilities of Board/ Management Committee members;
2. Legal implications;
3. Financial Management and Accountability;
4. Risk management; and
5. Constitutions, and



6. The Association and Incorporations Act 1987.
7. Due diligence as a Board/ Management Committee Member

The Western Australian Local Government Association (WALGA) provides training in Corporate Governance in conjunction with the Australian Institute of Management. called “The Business of Local Government”. This training course would meet most of the requirements listed above so it is recommended that the training be tailored to include all of the requirements listed. It is also possible for the training to be conducted in house so that all Staff and Elected Members who are Council appointed delegates on Management Committees can attend. Details of the one-day training package are attached.

Staff or elected members representing the City of Cockburn should also be provided with and file the following documents on an ongoing basis:

1. Certificate of Currency for Professional Indemnity Insurance and general schedule of Insurance, inclusive of public liability, volunteer personal accident insurance (if appropriate), Property Insurance, Motor Vehicle Insurance, workers compensation, etc. (Annually – Council’s Finance Department).
2. Copy of the Constitution (this document should be read and constantly referred to by the City representative to ensure constitutional compliance). (Committee)
3. Copy of each Annual Report inclusive of Statement of Financial Performance and Statement of Financial Position; current Independent Audit Report (this should be unqualified or it would warrant further investigation) (Committee)
4. Copy of minutes of previous Annual General Meeting. (Committee)
5. All Agenda, minutes, and financial reports should be received, checked to ensure that there are no errors or omissions, and then filed. (Committee)

Strategic Plan/Policy Implications

“Managing Your City” refers.

Budget/Financial Implications

Funding for the training will come from the training funds allocated in the Budget.



Legal Implications

Local Government Act, 1995 and the Associations and Corporations Act, 1987 refer.

Community Consultation

N/A

Attachment(s)

1. List of Council delegates to externally administered organisations.
2. Details of training programme “The Business of Local Government”.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 3214) (OCM 13/07/2006) - ADOPTION OF THE STRATEGIC PLAN 2006 - 2016 (1029) (SC) (ATTACH)

RECOMMENDATION
That Council:

- (1) adopts the City of Cockburn Strategic Plan 2006 –2016;
- (2) makes the Plan immediately available to the community via the City’s website; and
- (3) produces a summary version of the Plan suitable for public distribution with the next issue of Cockburn Soundings.

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

CARRIED 7/0



Background

In 1999 the City produced a Corporate Strategic Plan, to govern development at a strategic level over a ten-year timeframe. This document was updated in 2001 to cover the period 2002 – 2012. With the City undergoing significant growth over the past five years Elected Members recognised the need to update this document. In October 2005 the Chief Executive Officer engaged the firm of Jacobs Severdrup Australia (JSA) to facilitate the process to review the strategic plan. The review process resulted in identification of the main drivers that would affect the City's development and the strategic initiatives that would be necessary to achieve the desired outcomes. The City's senior management then produced the framework document that provided the basis for the attached Strategic Plan.

Submission

N/A

Report

The City's Strategic Plan is one of the foundation documents required to chart the City's destiny. The Plan sets the direction for the City and provides guidance for development of all subordinate plans. The results of the strategic planning review resulted in the City re-affirming many of the components of the existing Corporate Strategic Plan 2002 – 2012, while updating and enhancing others. Details of these outcomes are described below.

Mission. The existing Mission Statement has been retained as this was seen as being an appropriate objective for the City to continue to aspire to. The City's Mission is:

“Our Mission is to make the City of Cockburn the most attractive place to live, work and visit in the Perth Metropolitan Area. “

Vision. The Vision Statement has been updated to reflect the additional Strategic Initiatives that were identified in the review process. The City's Vision is:

“It is Council's continuing intention to build on the solid foundations that our history has provided to ensure that the Cockburn of the future will be the most attractive place to live, work and visit in the Perth Metropolitan area.

The City recognises and supports the need to engender local community spirit, to give value for money in the provision of services and facilities and to ensure that the Council's governance, decision making and procedures are appropriate and efficient, in the achievement of an attractive and desirable living and working environment.



The City also recognises the need to protect and where necessary, upgrade the valuable and significant natural environment. Urban and industrial growth must be sustainable, which requires that the City develops and maintains employment centres, whilst protecting conservation areas.

We will focus on providing the right infrastructure and convenient and effective services, to grow our City and provide educational and employment opportunities for its people. Our commitment is to be a dynamic organisation providing quality service.

Strategic Initiatives. In the previous version of the Plan there were five key themes identified as being the significant drivers of the City's development. The planning review process recognised that these needed to be expanded as new issues were now impacting on the City. Seven major factors emerged that will govern the City's future: demographics, infrastructure, lifestyle and aspirations, governance, employment and the economy, the natural environment and transport. Through the review process these initiatives ultimately became the seven Strategic Initiatives and were developed into the acronym 'diligent' as follows:

Demographic Planning

Infrastructure Development

Lifestyle and Aspiration Achievement

Governance Excellence

Employment and Economic Development

Natural Environmental Management

Transport Optimisation.

Around each of these Initiatives the Plan has identified specific objectives and performance indicators. Unlike previous versions of the Plan, the new version also identifies the framework around which the City will monitor its achievement of the Plan. There is a clear relationship identified between the *Strategic Plan*, a broad ten-year plan and the City's other major subordinate plans being; the *Plan for the District*, a detailed ten-year infrastructure and services plan; the *Annual Business Plan*, a detailed one-year plan that is to be adopted with the budget; and *Annual Report*, which will track and report progress on all of the above.

Communication. Upon adoption of the Strategic Plan the Council will be in a position to consider the other plans mentioned above. These documents will be made available to the community and other stakeholders. In the case of the *Plan for the District* a draft version of this document is provided in a separate agenda item for Council to consider.



Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

Vision:

Planning the developments of the City to achieve high levels of convenience, amenity and a sense of community.

Objective:

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

Budget/Financial Implications

The FY 05/06 budget allocated \$25,000 for the employment of a consultant to assist with the development of the Strategic Plan.

Legal Implications

N/A

Community Consultation

There has been no direct public consultation with the Strategic Plan, however, this document is to be made available via the City's website and a summary version produced for mass distribution.

Attachment(s)

The City of Cockburn Strategic Plan 2006-2016.

Advice to Proponent(s)/Submissioners

N/A

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

N/A



18.2 (MINUTE NO 3215) (OCM 13/07/2006) - ADOPTION OF THE DRAFT PLAN FOR THE DISTRICT 2006 - 2016 AND PUBLIC CONSULTATION PROCESS (1029) (SC)

RECOMMENDATION

That Council:

- (1) adopts the draft Plan for the District 2006 –2016;
- (2) initiates a public consultation process over the next three months, commencing with a briefing to community representatives through the Community Development Strategy forum;
- (3) makes the draft available via the City’s website and initiates other means of communicating the draft plan; and
- (4) following consultation brings the Plan back to Council for its final consideration.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver that Council

- (1) adopt the draft Plan for the District 2006-2016 with amendments to delete all reference to Coolbellup Library in the document and replace the section headed “Coolbellup Library – Consolidation” with the following:

Library Services Strategic Plan

The City operates three libraries: Spearwood, Coolbellup and Success. Detailed below are performance indicators for each of these. Council has already resolved to construct a new library at Cockburn Central, with this to replace the Success library.

FY 04/05	Spearwood	Coolbellup	Success
Visits	122,902	45,521	130,297
Reservations	16,664	3,728	8,712
Transactions	648,061	139,074	271,321
Issues	320,953	68,879	131,922
Total Registered Borrowers	21,956	4,754	8,687
Operating Costs	\$1,369,500	\$479,345	\$499,176
Cost per Transaction	\$2.11	\$3.45	\$1.84

The above data indicates that there is a high degree of variation in the cost efficiency and catchment populations of each facility. With major expenditure about to be undertaken on one library, it is an appropriate juncture to review the future of library services as a whole. The *Plan for the District* recommends that the City conduct a strategic review of its libraries with the aim of establishing clear guidelines for the future of this service.

The *Library Services Strategic Plan* will look at; objectives for this Service Unit, the range of services libraries should provide, technology improvements that could provide improvements to the costs of operations, public accessibility (including hours of operations), the use of volunteers ('Friends of the Library') as part of the operations, the appropriateness of current and future locations for facilities and the financial implications of adopting recommendations from the review.

- (2) as recommended;
- (3) as recommended; and
- (4) as recommended.

CARRIED 7/0

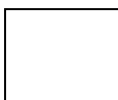
Reason for Decision

As the Cockburn Central library will not open to 2008, the City has sufficient time to review all options including trialling of new technologies. It is important to recognise though, a status quo option will have significant financial implications for the City's ratepayers. Changes to this Service Unit are required to maintain its efficiency and cost effectiveness.

Council is about to expend significant funds into the Library Services and, in light of this, the development of a Library Strategic Plan is timely. The City, through its Library Strategic Plan, will be able to undertake a rigorous and comprehensive review, examine the spectrum of service delivery, operations and opportunities for all of its libraries with a view towards innovation, effectiveness, value and sustainability.

Background

The 2005 review of the Local Government Act (Act) required all local authorities to replace their Principal Activities Plan with a 'plan for the future of the district'. This document is required to be reviewed every two years and to have input from the broader community. The City is



presenting the *Plan for the District 2006 –2016* as its Plan for the Future. While the Act does not mandate the precise format of this Plan, the City has adopted a version that provides details of future major infrastructure projects, service expansion and financing arrangements.

Submission

N/A

Report

The City's Strategic Plan identifies the *Plan for the District* as one of the major subordinate plans that will set the direction for the City. The Plan is intended to provide a detailed ten-year program for infrastructure development, services expansion (including future staffing requirements) and financing management plan.

Plan Development. Over the past year the City's Elected Members and Senior Staff have developed the draft version of the Plan. This process was done in conjunction with the strategic planning review process. While the essence of the Plan has been about providing infrastructure and services the community wants, it has been developed in the context of what is more broadly needed and can be afforded.

Format. The Plan contains a significant amount of information about the City's future development. While there is a background section that is intended to give the reader some context about the factors that will affect the City, the plan has been separated into three main sections, as follows:

Infrastructure Plan. This section contains details on all of the infrastructure projects, including proposed location, development timeframe, capital and operating costs. The projects are separated into:

- Community Infrastructure Projects
- City Management Infrastructure Projects
- Road Infrastructure Projects

Services Plan. This section contains details of the City's service programs, including a description of the programs and new staff proposals associated with program growth.

Financial Management Plan. This section details the financial implications of the above development programs. It includes projections of capital costs, sources of funds (existing and new) and projected increases in service charges (rates).



Communication. Upon adoption by Council of the draft Plan it is intended to take this to a public consultation phase. As much of the Plan relates to community infrastructure and services development, it is intended to use the City's Community Development Strategy forum as the vehicle for initial briefing. Community leaders will be provided with copies of the document for further dissemination and additional briefings will be offered to local community groups as required.

The Plan will also be made available via the City's website and information about it communicated via other media, such as Cockburn Soundings and the local newspapers.

Some aspects of the Plan are likely to generate significant community input, while others will have little direct interest. Parts of the Plan have already been the subject of conjecture, but it must be stressed that the version being distributed is only the draft.

Review. The public consultation phase will run for three months at the end of which recommendations for modifications to the Plan will be provided to Council. Upon final adoption of the Plan the document will be made available to the community in both a full and shortened version.

As the Act requires the City to review the Plan every two years, the above consultation process will be itself reviewed after this first consultation period. Lessons learned from this will be used to guide subsequent consultation programs.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

Vision:

Planning the developments of the City to achieve high levels of convenience, amenity and a sense of community.

Objective:

To ensure that all development will enhance the levels of amenity currently enjoyed by the Community.

Budget/Financial Implications

The cost of advertising the Plan will be provided from within the City's advertising budget.



Legal Implications

N/A

Community Consultation

There has been no direct public consultation with the Draft Plan, however, this document is to be made available via the City's website and produced for mass distribution.

Attachment(s)

N/A.

Advice to Proponent(s)/Submissioners

N/A

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

The Plan is being adopted as the City's 'Plan for the Future', required under s5.56 of the Local Government Act.

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

21.1 (MINUTE NO 3216) (OCM 13/07/2006) - CREST IN SPEARWOOD AVENUE (450007) (ML/SL) (ATTACH)

RECOMMENDATION

That Council endorse the design of the intersection of Spearwood Avenue and Yangebup Road as detailed on plan 2614B06.

COUNCIL DECISION

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

CARRIED 7/0



Background

During the OCM on the 11th May 2006, Cllr Limbert requested that Council Officers investigate and prepare a report to Council on the removal or reduction of the crest on Spearwood Avenue (between Yangebup Road and Barrington Street, Yangebup). Cllr Limbert advised that the Crest restricts sight distance from vehicles negotiating a right turn into Spearwood Avenue from Yangebup Road.

Residents raised similar concerns during the many discussions on the Spearwood Avenue, Yangebup Road intersection issue. Commitments were provided to the community that the matter would be addressed as part of the detailed design.

Submission

Design staff have been finalising the detail design of the Spearwood Avenue, Yangebup Road intersection since Council making its decision in May. Part of the detailed design included reviewing the crest north of the intersection. Staff believe there is some value on modifying the vertical alignment to improve visibility.

Report

DETAILED DESIGN

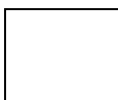
Detailed design has been completed for the intersection of Spearwood Avenue and Yangebup Road (refer plan attached). A number of features of the design have been developed to address specific concerns raised through the consultation phase as detailed below.

IMPROVE PEDESTRIAN SAFETY

- pedestrians will only need to deal with traffic one lane at a time;
- Boundary walls at 177 Yangebup Road will not impede their line of sight to traffic on Spearwood Avenue.

Improve sightline of motorists exiting Yangebup Road.

- Motorists will stop at a better angle and better location on Yangebup Road ie. at 90 degree to Spearwood Avenue and approx 3m west from the present position.
- The Safe Intersection Sight Distance (SISD) is 147m, which satisfies the standard required range for an operating speed of 70 kph.
- If the vertical road profile, between Yangebup Road and the bridge is to be cut down by 0.52m, the SISD will be lengthened to 178.5m. This falls within the standard required for an operating speed of 80kph.



Improve intersection capacity and safety.

- Northbound traffic on Spearwood Avenue will not be held up by the right turn traffic, as the latter will have its own right turn pocket in Spearwood Avenue.
- Motorists will find it easier, quicker and safer to exit Yangebup Road and to turn right into Spearwood Avenue because:
 - Visibility will be improved;
 - Designated left turn lane provided.
 - Increased protection from the 'seagull' treatment for turning vehicles.
 - An exclusive acceleration lane in Spearwood Avenue will allow them to accelerate and merge with the northbound traffic stream.
- Raised islands, together with line marking and traffic signs, will channel and guide all vehicular and pedestrian movements to the appropriate paths.

Removal of the left turn lane was initially recommended however with visibility improved and better delineation at the intersection, officers believe that the left turn slip can be reconfigured and retained.

THE CREST

The existing vertical road profile of Spearwood Avenue approaching the intersection of Yangebup Road provides a Safe Intersection Sight Distance (SISD) of 147 metres. Road designers use SISD as a measure of distance required for a motorist to observe, react, brake and stop before reaching the collision point or in this instance the intersection. The standard required SISD is in the range of 140m to 149m for a vehicle speed of 70kph. The posted speed in Spearwood Avenue is 70kph.

The traffic analysis undertaken in February 2006 reveals that the 85th percentile speed in Spearwood Avenue is 71kph, with 83.8% of motorists travelling less than 70kph, 14% of motorists travelling between 70kph and 80kph and 2.2% exceeding 80kph.

During the detailed design lowering the crest to the north of the intersection was considered. It revealed that by lowering the crest by 0.52m, the SISD would be lengthened to 178.5m, which satisfies the sight distance requirement for a vehicle speed of 80kph. Based on the speed profile collected in February, the increased SISD will ensure that 97.8% of motorists in Spearwood Avenue will have adequate sight distance to avoid a collision at the intersection.

During consultation, the impact of the crest on visibility was the single biggest concern expressed by the users of the intersection. With the speed and proportion of heavy vehicles using Spearwood Avenue,



reducing the height of the crest will improve visibility and the comfort level of motorists. Officers have incorporated the reduction of the crest in the detailed design.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas that apply to this item are:-

5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

Currently \$216,554 has been carried forward to complete the intersection works (CW2182 - Intersection modifications - Spearwood Avenue and Yangebup Road). Subsequent to the review of this intersection, Officers applied for and was successful in receiving Blackspot funding for the modifications proposed in the Yangebup area including the upgrade of this intersection. Effectively the City is able to reduce its reliance on municipal funds by offsetting the costs against this state funded program. An additional \$272,500 CW 2214 – Spearwood Avenue/Yangebup Road has been allocated in the current budget for works in this area.

A preliminary estimate indicates that \$370,000 is required to undertake the works. The budget provides sufficient funds to complete the project.

Legal Implications

N/A.

Community Consultation

This report has been prepared in response to community comments / suggestions / requests to modify the existing crest in Spearwood Avenue.

Attachment(s)

Drawing No. 2614B06.



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 13 July 2006 Council Meeting.

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

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3217) (OCM 13/07/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**RECOMMENDATION**

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

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

COUNCIL DECISION

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

CARRIED 7/0



25 (OCM 13/07/2006) - CLOSURE OF MEETING

MEETING CLOSED AT 8.02PM

CONFIRMATION OF MINUTES

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

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

