

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 AUGUST 2015 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 AUGUST 2015 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Ms L Wetton	-	Councillor
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms H. Jestribek	-	Media Liaison Officer
Mrs L. Jakovcevic	-	PA – Directors, Eng. & Works and Planning & Development
Mr J. Ngoroyemoto	-	Governance & Risk Coordinator

1. DECLARATION OF MEETING

The Presiding Member declared the Ordinary Council Meeting of 13 August 2015 open at 7.01pm and welcomed everyone.

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land we are meeting on and I pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.

Before moving to the agenda proper the Presiding Member made the following statement:



Hiroshima Day

The City commemorated the 70th anniversary of the bombing of Hiroshima on Thursday 6 August 2015. It was also the 30th occasion that the City had been involved in commemorating the event.

The Consul General of Japan (Perth Office) and other Consulate Staff, Clr. Phil Eva and I along with City staff, Principals, teachers, students and parents from schools across the district joined in the tree planting at Len McTaggart Park, Coogee before returning to the City's Administration Building for morning tea.

Students from the Spearwood Primary School read the story of the Peace Crane before the students placed their thoughts about the bombing of Hiroshima and its effect on individuals, families, communities and nations around the world on white card.

The students work will be digitalised onto ceramic tiles before becoming a piece of public art displayed in the City.

The City's first tree plantings occurred in Peace Park, Spearwood Avenue. It was pleasing to have former councillor Lois Argentino attend this year's commemorative ceremony. Former Councillor and Deputy Mayor Nola Waters was a late apology.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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 13/8/2015) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received advice from Clr S Portelli that he had a Conflict of Interest in relation to Item 14.5, which will be read at the appropriate time.



5 (OCM 13/8/2015) - APOLOGIES AND LEAVE OF ABSENCE

❖ Cllr L Smith – Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 13/8/2015) - PUBLIC QUESTION TIME

Written Questions - Council Items on the Agenda

Carmelina Pruiti, Hamilton Hill

Item 14.5 - Reconsideration of Planning Application Petrol Filling Station & Signage

Q1. *Does the Council truly believe that this application even with the additional information given by the applicant will not negatively impact on the amenity of life of the local residents?*

A1. The Officer's report demonstrates that noise, traffic, lighting and other potential amenity impacts can be managed adequately by the petrol station operator to ensure minimal impact on the amenity of local residents. In addition to the assessments undertaken by the City's own technical staff, Council engaged an independent qualified acoustic consultant and an independent qualified traffic engineer to conduct peer reviews of the applicant's expert noise and traffic reports. Both independent experts have concluded that the proposal is satisfactory from a noise and traffic perspective respectively.

Q2. *Given that the Council refused to grant planning approval previously based on:*

1. *"The separation distance between the proposed petrol filling station and the existing residential dwellings is considered insufficient and is likely to negatively impact on the amenity of nearby residents with regards to noise, odour and other emissions which is inconsistent with the aims of Town Planning Scheme No. 3 as outlined in clause 1.6.1"; and*
2. *"The proposal is in close proximity to an existing petrol filling station (within 200m) and therefore this proposal is considered unnecessary".*

Our question is what has changed significantly enough for Council to now consider approving this application?



A2. The City considers that the additional information provided by the applicant since the initial application demonstrates that noise; odour and other emissions can be adequately managed and/or ameliorated to ensure that the separation distance between the proposed development and adjoining and nearby residential uses is satisfactory and is unlikely to negatively impact on their amenity. As outlined in my response to the previous question the City's independent acoustic consultant has reviewed the applicant's proposal and concludes that the noise levels generated by the proposal will comply with the relevant Noise Regulations. In addition the applicant is proposing to use a vapour recovery system, that will ensure odour is contained both during tanker and vehicle filling points, and a lighting plan has been provided which demonstrates light spill is able to be contained on site.

It is the opinion of the City's officers that the proximity of another petrol filling station (within 200m) is not a valid planning consideration and should not be taken into account in the determination of this decision. The City has no statutory requirements or applicable policies that restrict or limit the number of petrol stations in a given area or has a requirement for a separation distance between any petrol stations.

Robin Gray – North Coogee

Item 14.3 - Proposed variation to Port Coogee Structure Plan - Othello Quays North Coogee

Q1. *How could Council even consider allowing an apartment building to go at the end of an Island where the blocks are considered Iconic blocks?*

A1. Any landowner has the right to request that Council consider a change/modification to any existing approved Structure Plan and that's within the Town Planning Scheme.

Q2. *How is Council going to resolve the issue of parking on the street if they allow this apartment building to go ahead?*

A2. The draft Detailed Area Plan for the site proposes visitor parking for any multiple dwelling to be provided at a rate of 0.5 per dwelling. This would be double the amount prescribed in the Residential Design Codes. The Officers' Recommendation proposes to establish this as an enforceable statutory provision under the Part 1 of the Structure Plan. Therefore should 12 multiple dwellings be proposed on the subject properties, a total of 6 visitor car parking bays will be required, in addition to the normal parking required for each individual dwelling.



Written Questions – Items not on the Agenda

Mr Neil Raine, Banjup

- Q1. *Can the CEO please advise the number and percentage of properties rated as Improved Residential in 2014/15 that received a total rate and charges (defined as total of rate + rubbish service + community security service charge to be consistent with 15/16 rate notices) increase for 2015/16 of:*
- (a) less than or equal to 3.50%
 - (b) greater than 3.50% and less than or equal to 7.00%
 - (c) greater than 7.00% and less than or equal to 10.00%
 - (d) greater than 10.00%.
- A1. *The City did not model this information as part of the preparation of the 2015/16 Budget and has never done so.*

Non Written Questions - Council Items on the Agenda

Geoffrey Sasche – Coogee, Coogee Beach Progress Association

Items 14.3 & Item 14.4 – Othello Quays North Coogee

- Q1. *Do recommendations 14.3 and 14.4 regarding proposed subdivisions in Othello Quays North Coogee comply with the amended State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings Parking and other incidental changes which come into effect on 23 October 2015 and if not, why not.*
- A1. Items 14.3 and 14.4 do not relate to subdivision, they relate to the proposed changes to the local structure plan and changes in relation to the Detailed Area Plan. Each application has been assessed against the relevant applicable statutory planning provisions and policies.
- Q2. *Do the proposed planning changes at item 14.3 and Item 14.4 set a precedent for the future residential density in Port Coogee to the detriment of existing residents.*
- A2. Item 14.4 relates to a change in the Detailed Area Plan not a proposed change to the residential density. In relation to Item 14.3, whilst they are seeking a change to the density, that application to change the structure plan like any other is considered on its merits and not on the grounds of whether it sets precedence or not.
- Q3. *Do Council consider that it is desirable to inflict planning changes on the North Coogee Community which will diminish this expertly planned unique exceptional water front environment of Port Coogee.*



A.3 If a request is made to amend the structure plan, it has to be given due consideration as to the impact of the proposed changes and whether those proposed changes are appropriate for the location. As with any estate, particularly when the estate can take a number of years to develop, and in this case decades, there will always be changes because over time there will be changes to the applicable legislation, market expectations and the building environment.

Q4. *Will Council defer a decision on all Othello Quays Planning Proposals pending further consultation with some 40 existing North Coogee residents who have expressed sincere concern about proposed planning changes at a meeting of the Coogee Beach Progress Association held on the 11 August 2015.*

A4. Council will consider this matter tonight.

Mr Michael Separovich – Hamilton Hill

Item 14.2 – Consider adoption of proposed Town Planning Scheme Amendment 108.

Q1. *How will this affect the time line when this will get developed because if they move into one of the other sections of development it will likely change the event?*

A1. All the proposed amendment does is bring this portion of land covered by the power station into line with the same provisions that apply to all the surrounding areas within the Cockburn Coast area.

Q2. *Considering the unique heritage listing nature of the power station, should this be named separately than the rest and treated as a separate entity as historic value.*

A2. The item does not relate to the power station; it relates to the application of development objectives for the consideration, not the development of the site. It will ensure that the same provisions that apply to the future of the Cockburn coast area also applies to the power station site. The reason this did not occur when DA33 was introduced was because the land was zoned 'public purpose', now the MRS has changed that and it is zoned 'urban'. We are applying these same provisions to bring it in line with the Cockburn Coast area.

Non Written Questions – Items Not on the Agenda

Mr Neil Raine - Banjup

Q1. *In follow up to my previous question, can you advise as to the number of percentages not whether you have moral percentages. Therefore, I ask can these numbers be provided within a reasonable time frame.*



A1. Council will respond in writing.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5558) (OCM 13/8/2015) - MINUTES OF THE SPECIAL COUNCIL MEETING - 29 JUNE 2015

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Monday, 29 June 2015, as a true and accurate record.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 9/0

8.2 (MINUTE NO 5559) (OCM 13/8/2015) - MINUTES OF THE ORDINARY COUNCIL MEETING - 9 JULY 2015

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on 9 July 2015, as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

8.3 (MINUTE NO 5560) (OCM 13/8/2015) - MINUTES OF THE SPECIAL COUNCIL MEETING - 16 JULY 2015

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on



16 July 2015, as a true and accurate record.

COUNCIL DECISION

MOVED Clr P Eva SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 9/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 13/8/2015) - DEPUTATIONS AND PETITIONS

Deputations

- ❖ Ian Thurston and Neil Raine from the Banjup Residents Association in relation to Cockburn Rates for 2015/16.
- ❖ Marcia Manolas of Hamilton Hill in relation to Item 14.5.
- ❖ Mark Reed, Planning Consultant with Planning Solutions & Rosemari Vitalone, State Manager WA Puma Energy in relation to Item 14.5.
- ❖ Carmelina Pruiti and Marisa Leccese of Hamilton Hill in relation to Item 14.5.

Petitions

Clr Portelli tabled the following petitions:

1. Petition received from Banjup Residents regarding North Banjup Boundary change
2. Petition received from Banjup Residents requesting for name change for the new suburb to Treeby

AT THIS POINT IN TIME 8.03PM CLR ALLEN LEFT THE MEETING.

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

Nil

12 (OCM 13/8/2015) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil.



AT THIS POINT IN TIME 8.04PM CLR ALLEN RETURNED TO THE MEETING.

13. COUNCIL MATTERS

AT THIS POINT, TIME BEING 8.18PM, THE FOLLOWING ITEMS WERE DEALT WITH 'EN BLOC'

13.2	14.2	15.1	16.1	23.1
13.3			16.2	

13.1 **(MINUTE NO 5561) (OCM 13/8/2015) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 16 JULY 2015 (026/007) (S DOWNING) (ATTACH)**

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 16 July 2015, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr Y Mubarakai that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 16 July 2015.

Submission

N/A



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

1. Risk Management Program Report
2. Internal Audit – Employee Time-Keeping
3. Annual Debt Write-Off
4. Internal Audit – Procurement Improvement
5. Interim External Audit

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Attachment(s)

Minutes of the Audit and Strategic Finance Committee Meeting – 16 July 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



13.2 (MINUTE NO 5562) (OCM 13/8/2015) - MATTER FOR INVESTIGATION - COUNCIL MEETINGS IN THE COMMUNITY (086/003; 182/006) (D GREEN) (ATTACH)

RECOMMENDATION

That Council refers this matter to the Delegated Authority, Policies and Position Statements (DAPPS) Committee for consideration.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

At the July 2015 Ordinary Council Meeting, Mayor Howlett requested the following matter be investigated:

Council Meetings in the Community

A report be presented to the August 2015 meeting of Council outlining a plan to introduce Ordinary Council Meetings in each ward of the district, i.e. 3 meetings to be held each year outside of the City's Administration Building.

Submission

N/A

Report

The place for the holding of Ordinary Council Meetings is governed by section 5.5(1) of the Local Government Act 1995. Further, Council Policy SC3 "Council Meetings" (copy attached) provides that all Council Meetings will be held in the Council Chamber.

Accordingly, a change of Policy will be required for Council to amend this process. It is therefore recommended that the matter be referred to the DAPPS Committee for consideration and recommendation back to Council.



Strategic Plan/Policy Implications

Policy SC3 'Council Meetings' refers.

Leading & Listening

- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

Sec. 5.5 of the Local Government Act 1995 refers.

Community Consultation

N/A

Attachment(s)

Council Policy SC3 'Council Meetings'.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.3 (MINUTE NO 5563) (OCM 13/8/2015) - MATTER FOR INVESTIGATION - ELECTRONIC EQUIPMENT USAGE POLICY (086/003; 193/001) (D GREEN)

RECOMMENDATION

That Council refers this matter to the Delegated Authorities, Policies and Position Statements Committee for consideration.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 9/0



Background

At the July 2015 Ordinary Council Meeting Clr Smith raised the following matter for investigation:

That an Electronic Equipment Usage Policy be prepared and presented to a future Council Meeting.

Submission

N/A

Report

Council issues electronic equipment to all elected members and executive staff for use at Council and Committee meetings. These devices are primarily provided for the purposes of accessing documentation forwarded to them by the City's administration. One important document is the Council Meeting Agenda, which is downloaded for viewing purposes and referral during the Council Meeting. However, Council does not have mechanism in place to regulate the usage of such devices (i.e. iPads and iPhones) during formal meetings, either by way of Policy, or by reference in the Standing Orders Local Law.

Accordingly, it is recommended that a Policy be considered for this purpose. As Council's DAPPS Committee has oversight of Policy matters, the matter should be referred to that Committee for consideration in the first instance.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.4 (MINUTE NO 5564) (OCM 13/8/2015) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING 29 JULY 2015 (162/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 29 July 2015 and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr L Wetton that the recommendation be adopted subject to the withdrawal of Item 9.2 "Spearwood Bowling Club Request For Donation to Re-surface Bowling Green", and Item 9.3 "Grants and Donations Committee Recommended Allocations 2015/16", which are to be considered separately.

CARRIED 9/0

Reason for Decision

To consider Items 9.2 and 9.3 of the Grants and Donations Committee Minutes 2015 separately.

Background

Council established the Grants and Donations Committee to recommend on the level and nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.



Submission

To receive the Minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

Report

Council approved a budget for Grants and Donations for 2015/16 of \$1,200,000 to be distributed as grants, donations and sponsorship. The Grants and Donations Committee is empowered to recommend to Council how these funds should be distributed.

Strategic Plan/Policy Implications

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.
- Promotion of active and healthy communities.

Leading & Listening

- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

Council approved a budget for grants and donations for 2015/16 of \$1,200,000 to be distributed as grants, donations and sponsorship.

Following is a summary of the grants, donations and sponsorship allocations proposed by the Committee.

Committed/Contractual Donations	\$496,000
Specific Grant Programs	\$439,000
Donations	\$210,000
<u>Sponsorship</u>	<u>\$55,000</u>
Total	\$1,200,000
Total Funds Available	\$1,200,000
<u>Less Total of Proposed Allocations</u>	<u>\$1,200,000</u>
Balance	\$0

These allocated funds are available to be drawn upon in response to grants, donations and sponsorship applications from organisations and individuals.



The next round of grants, donations and sponsorship funding will open in mid-August and close on 30 September 2015.

Legal Implications

Nil

Community Consultation

The position of Council is for the availability of grants and donations to be advertised through the City's website, local media, Cockburn Soundings, Council networks and related means.

It is recommended that advertising commence immediately following the Council decision to ensure a wider representation of applications.

Attachment(s)

1. Minutes of the Grants and Donations Committee Meeting on 29 July 2015.

Advice to Proponent(s)/Submissioners

Applicants have been advised that this matter is to be considered at the 13 August 2015 Council Meeting.

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

Nil

(MINUTE NO 5565) (OCM 13/8/2015) - MINUTE NO. 87 GRANTS AND DONATIONS COMMITTEE MINUTES 29 JULY 2015 SPEARWOOD BOWLING CLUB REQUEST FOR DONATION TO RESURFACE BOWLING CLUB GREEN (162/002) (R AVARD)

COUNCIL DECISION

MOVED C/r S Portelli SECONDED C/r K Allen the recommendation be adopted, subject to the addition of the following sub – recommendation (3);

- (3) requests the Delegated Authorities, Policies and Position Statements (DAPPS) Committee to consider the adoption of a Policy which would require Bowling Clubs within the City of Cockburn to establish a "Synthetic Surface Replacement Reserve Fund" to ensure the ongoing ability of the Clubs to resurface their playing facility when necessary in the future.

MOTION LOST 4/5



MOVED Clr B. Houwen SECONDED Clr K Allen that the Committee recommendation be adopted.

CARRIED 7/2

(MINUTE NO 5566) (OCM 13/8/2015) - MINUTE NO. 88 GRANTS AND DONATIONS COMMITTEE MINUTES 29 JULY 2015 'GRANTS AND DONATIONS COMMITTEE RECOMMENDED ALLOCATIONS 2015/16' (162/003) (R AVARD)

COUNCIL DECISION

MOVED Clr L Wetton SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted, subject to the addition of the following sub – recommendation (3);

- (3) provides a one off donation of \$3,100 to the Hamilton Hill Community Group (HHCG) to assist in the production of a film telling local Hamilton Hill resident's reasons for opposing the Roe Highway extensions, as shown in the attachments to the Minutes.

CARRIED 9/0

Reason for Decision

HHCG is fund raising for the purpose of producing a short film which portrays the views of Hamilton Hill residents who will be adversely impacted by the proposed Roe Highway extensions. The total cost of the production has been provided at \$5,610 and is being funded by community and corporate donations. The film needs to be completed by 16 September due to a scheduled meeting the Group has with the Minister for Transport on that day. The Group is requesting that Council funds the shortfall of \$3,100 to enable production to be completed within the required timeframe.



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 5567) (OCM 13/8/2015) - LEASE OF LOT 100 RIVERS STREET, BIBRA LAKE - LOCATION: RIVERS STREET, BIBRA LAKE - OWNER: CITY OF COCKBURN - APPLICANT: ARCH ENGINEERING PTY LTD (4412345) (L GATT) (ATTACH)

RECOMMENDATION

That Council enter into a lease agreement with Arch Engineering Pty Ltd for Lot 100 Rivers Street, Bibra Lake (Lot 100) subject to:

- (1) there being no objections to the proposal following advertising in accordance with Section 3.58 of the Local Government Act 1995;
- (2) the term being for a period of one (1) year at an initial annual rental of \$69,000 ex GST with CPI increases to the lease fee on each anniversary pursuant to option periods thereafter;
- (3) the lease including the option of a further one year extension;
- (4) Arch Engineering being responsible for any costs associated with the valuation, advertising and any costs associated with the preparation of the lease agreement; and
- (5) the 2015/16 Budget be amended accordingly to account for the new lease fee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Lot 100 is owned in freehold by the City of Cockburn and has an area of 3636m². It has been leased since 2005, as evidenced through the following Council decisions:



On 11 August 2005 Council resolved to lease Lot 100 Rivers Street, Bibra Lake to PIV Engineering Pty Ltd.

On 9 October 2008; 14 October 2010; and 26 October 2012 Council resolved to lease the property to Arch Engineering.

Each of these decisions was subject to the normal statutory requirements, including compliance with s3.58 and the lease terms and rental fee.

Submission

Arch Engineering Pty Ltd has written to the City requesting a new lease with a lower lease fee based on a valuation they have received and the downturn in the mining and related industries which has affected their business and cash flow. A copy of the letter and email detailing the recommended lease fee can be viewed at Attachment 1.

Report

Lot 100 is a vacant land parcel zoned industry with an area of 3636m². Rivers Street comprises of nine developed industry lots with the subject lot currently undeveloped. An extract of the aerial detailing the location and size of the lot can be viewed at Attachment 2.

The City has leased Lot 100 to Arch Engineering for storage of raw materials and hardstand since 2005. They have maintained a good relationship with the City over this time and when their lease came to an end in November 2014, the City chose to leave them on the holding over clause until such time as the City's Engineering Department had assessed the City's requirements for the new Operations Centre.

The Operations Centre adjoins the southern boundary of Lot 100 and the City's Engineering Department had been unable to recommend a new lease due the possibility of the land being required for the new operations building. The City's Engineering Department have now confirmed that the land will not be required for the new operations centre therefore the City is able to offer a new lease to Arch Engineering.

Arch Engineering is located at 9 Rivers Street adjoining Lot 100 and would like to continue leasing Lot 100 but they have requested a reduction in their lease fee based on a valuation they received and the downturn in the mining and related industries to which their organisation is tied.

Arch Engineering requested the lease fee be reduced in line with their valuation which detailed the current lease rates for industrial land in



that area was between \$15.00per m2 to \$20.00per m2. Arch initially was prepared to offer \$15.00per m2 (\$54,540.00pa ex GST). The current rent was \$25.45 per m² (92,552.73pa ex GST) therefore their offer appeared to be a considerable reduction.

The City is required to obtain a written valuation for the purposes of the advertising of this disposal under Section 3.58 of the *Local Government Act 1995*. Discussions with the City's Valuer confirmed that the market had come back and this is reflected in the written valuation confirming that a recommended lease fee of \$19.00 per m2 rounded to \$69,000pa ex GST would be applicable. An extract from the written valuation can be viewed at Attachment 3.

Based on this valuation the City has offered, subject to Council decision and no objections from advertising, to enter into a lease for one year with a one year option at a lease fee of \$69,000pa ex GST with a CPI increase at each anniversary date. Arch have given their in principle support to the new lease fee of \$69,000pa ex GST commencing on 1 July 2015. The proposed lease being a standard commercial lease means that outgoings including Council rates will be paid by the lessee.

The lease was advertised for public comment on 15 July 2015 and there were no submissions received.

It is therefore recommended that Council consent to enter into a lease agreement with Arch Engineering Pty Ltd for a term of one year with a one year option at an annual lease fee of \$69,000pa ex GST be offered to Arch Engineering Pty Ltd.

Strategic Plan/Policy Implications

Growing City

- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Leading & Listening

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.

Budget/Financial Implications

The budget revenue for the property will need to be decreased to \$69,000, and the budget amended accordingly.



Legal Implications

Section 3.58 Local Government Act 1995

Community Consultation

N/A

Attachment(s)

- 1 Copy of letter and email
- 2 Aerial view of Lot 100
- 3 Extract from Valuation

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 August 2015 Council Meeting.

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

Nil.

14.2 (MINUTE NO 5568) (OCM 13/8/2015) - CONSIDER ADOPTION OF PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 108 EXTENSION OF DEVELOPMENT AREA 33 TO INCLUDE THE POWER STATION (109/044) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) note no submissions were received in respect of Amendment 108 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) adopt Scheme Amendment No. 108 for final approval for the purposes of:
 1. Including Lot 2 and a portion of Lot 3 Robb Road, North Coogee, as shown on the 'proposed zoning' plan within the boundaries of Development Area No. 33.
 2. Amending the scheme map accordingly.
- (3) ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning



Commission with a request for the endorsement of final approval by the Hon. Minister for Planning.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

For a number of years the state government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") was prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of LandCorp.

The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the majority of the Cockburn Coast industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site was rezoned to 'Urban Deferred'.

The Western Australian Planning Commission ("WAPC") identified that this site has a number of unique characteristics that would require further consideration prior to being rezoned to 'Urban'. The WAPC identified that for the Urban Deferment to be lifted a detailed Master Plan would need to be prepared for Lots 2, 3 and 2167 Robb Road, North Coogee.

To progress the planning for the Power Station site Landcorp engaged HASSELL to prepare a Master Plan on behalf of Synergy, the landowners of Lot 2 and 3 Robb Road, North Coogee. Following a public comment period, and subject to modifications to the Master Plan, Council have supported the lifting of Urban Deferred. A request to



include the land within the 'Development' zone concurrent with the MRS amendment was also made.

Under Part 9 of the Planning and Development Act 2005, there are obligations on the local government to bring their town planning scheme into line with the MRS. The next amendment needed to the City's Town Planning Scheme No. 3 ("TPS3") is to extend the existing Development Area 33 ("DA33") over the power station lots.

Submission

N/A

Report

The purpose of this report is to consider submissions and final adoption of Scheme Amendment No. 108 to extend the existing Development Area 33 over the power station lots.

Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 11 December 2014. It was advertised for public comment for a period of 42 days from 2 June to 14 July 2015. No submissions were received. This is not considered unusual given the administrative nature of this amendment.

Lots 2 and 3 Robb Road are owned by Synergy and include the Power Station structure. DA33 would relate to the whole of Lot 2 and a portion of Lot 3, that is only the portion to have the 'Urban Deferred' lifted, not the 'Parks and Recreation' reserved portion.

Including the land within the development area will enable Part 6 of TPS3 to be evoked, setting out the need and process for structure planning. It is the local structure plan that will guide subdivision and development of the land.

Conclusion

It is recommended that Council note there were no submissions received and adopt the amendment for final approval.

Strategic Plan/Policy Implications

Growing City

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



Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Facilities that promote the identity of Cockburn and its communities.

Community & Lifestyle

- Conservation of our heritage and areas of cultural significance.

A Prosperous City

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

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005

Community Consultation

The Amendment was advertised for public comment for a period of 42 days from 2 June to 14 July 2015. No submissions were received.

Attachment(s)

1. Existing zoning plan (indicating surrounding zonings)
2. Proposed zoning plan (only shows land subject to rezoning)

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.3 (MINUTE NO 5569) (OCM 13/8/2015) - PROPOSED VARIATION TO PORT COOGEE STRUCTURE PLAN: OTHELLO QUAYS, NORTH COOGEE APPLICANT: MW URBAN (110/023) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1(a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the Proposed Structure Plan for Lots 891, 892 and 893 Othello Quay, North Coogee subject to the following modifications:
 1. The Structure Plan Map (Plan 1) be relocated to the end of the Statutory Section (Part 1) of the Structure Plan documentation.
 2. Part 1 Section 6.1 being amended to include a mandated requirement for on-site visitor parking to be provided at a rate of 0.5 parking bays per dwelling.
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 891, 892 and 893 Othello Quay, North Coogee; and
- (3) advise the proponent, the Western Australian Planning Commission and those persons who made a submission of Council's decision.

COUNCIL DECISION

MOVED C/r K Allen SECONDED C/r P Eva that Council refuse the proposed variation to Port Coogee Structure Plan, Othello Quays, North Coogee.

CARRIED 9/0

Reason for Decision

It would appear that the Port Coogee Marina development has changed substantially since Council's initial approval in 2004.

I accept that most developments are dynamic; however, this development seems to be more dynamic than most and the changes that are occurring in my opinion and in the opinion of many of our



ratepayers are not for the best.

I therefore believe that we as Council on behalf of our rate payers, whom we all represent, must now take a stand and bring all Port Coogee matters before a formal Council committee, that is all matters not just planning and development matters. Many of the changes that have occurred within Port Coogee have occurred without full Councils input or prior knowledge.

This is unacceptable, often we as elected members get to hear about changes occurring within the Port Coogee area from our ratepayers, this is not good enough. Proponents within Port Coogee have used statutory bodies such as the WAPC and SAT to make substantial changes to gold plated commitments they made to the Council of the day.

The community have lost its fishing platforms with all ability access, the groyne walls were supposed to be perfectly flat for the community to walk along and enjoy strolls whilst taking in the view, the band stand/ concert stages have disappeared.

The proponents have treated this development like an onion and are peeling back commitment after commitment or promise after promise and our prize winning onion will now be lucky to make it to the pickling jar I can't help feeling that the ratepayers feel we are letting them down when they raise issue with us that we as elected members have no knowledge of. We could end up with 12 x 4 bedroom homes that could = 48 cars.

It is my intention under section 22 of tonight's Agenda to request that a report be prepared for Council advising how Council may set up a statutory committee to review all matters pertaining to Port Coogee and with this in mind I strongly urge Council to support a deferral of this item so that it may be given full consideration by Council's formal committee prior to coming to full Council for its further consideration.

Background

The Port Coogee Structure Plan was originally adopted by Council in March 2004 in conjunction with the Scheme Amendment introducing Development Area 22 ("DA 22"). The Amendment was gazetted in June 2005.

There have been a number of modifications to the Structure Plan since its initial adoption.

The Port Coogee Structure Plan area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of



Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Area 22 ("DA 22") and Development Contribution Area No. 13 ("DCA 13").

The purpose of this report is to consider a Proposed Structure Plan variation to Lots 891, 892 and 893 Othello Quay, North Coogee. The proposal seeks to provide a split coding on the land of Residential R25/40, compared to the current coding of R25.

Submission

The variation to the Port Coogee Structure Plan has been submitted by MW Urban on behalf of the landowners.

Report

The purpose of this report is for Council to consider whether it is prepared to adopt the proposed Structure Plan, in light of the assessment undertaken by officers and the advertising process that has taken place.

Proposed Variation to Structure Plan

The Structure Plan proposal before Council proposes to introduce a split coding of Residential R25/R40 over the subject lots. The current density coding that applies to the land and the entirety of Othello Quay is R25.

The subject site would therefore retain an underlying density coding of R25, consistent with the remainder of Othello Quays, with a higher coding possible should a landowner or proponent meet certain requirements. These requirements are the preparation, submission and approval by the City of Cockburn of a Detailed Area Plan, demonstrating how a suitable comprehensive development outcome based on an R40 density could occur. If a Detailed Area Plan is not lodged and approved by the City, all development on the subject site would be required to conform to the requirements of the R25 coding.

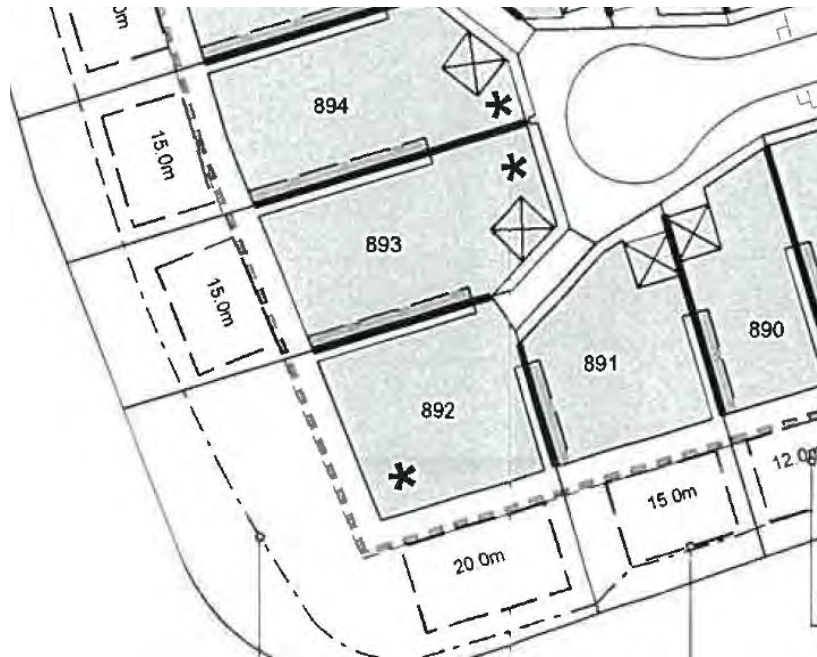
Built Form/Massing

All built form massing and building design within the Port Coogee Structure Plan area are controlled by the Port Coogee Design Guidelines and Detailed Area Plans.

Currently the Port Coogee – Othello Quays Detailed Area Plan applies to the subject site. The Detailed Area Plan outlines building bulk, mandatory garage locations, setbacks to ground and upper floors and



height, among other elements. An excerpt of the relevant Detailed Area Plan below is included for reference.



The image depicts the building envelope and designated garage locations

The applicant has provided current and potential massing diagrams to elaborate on any prospective issues that would arise from the proposed change in density (Attachment 3).

The applicant has also submitted a draft Detailed Area Plan that would prospectively be lodged with the City should the Council consent to the zoning change. This draft Detailed Area plan proposed a number of changes to the current built form massing, designed to reduce the bulk and scale of any proposed multiple dwelling (Attachment 4).

The draft Detailed Area Plan proposes to increase the side setbacks to 2m as a minimum, reduce the allowable building height to 8.75 m (1.25m below the current allowance) and reduce the number of crossovers to Othello Quays. The draft Detailed Area Plan also proposes to increase the allowable front setbacks to a setback consistent with the existing single residential dwellings on Othello Quays, negating the reduced setback allowable on land coded R40.

The building built form was raised by a number of the individuals making submissions.



Parking and Access

It is expected that any proposal for multiple dwellings on the subject site will result in a small increase in vehicle numbers. The endorsed Transport Report for the Port Coogee Structure Plan classifies Othello Quays as a residential access street. Stating that:

“These streets are intended to provide access to abutting properties and service local trips within the development. Traffic volumes are estimated to be less than 1,000 vpd for the majority of these streets with a target speed environment of 40 km/hr.”

The same report states that the number of vehicle trips per day from single residential dwellings can be expected to be seven. Othello Quays based on current density can therefore be expected to generate 196 vehicle movements per day. A proposal for multiple dwellings is expected to yield a maximum 12 dwellings on the existing three residential lots. Utilising the same assumptions, the proposed change in density would generate approximately 259 vehicle movements per day on Othello Quays. It should be noted that standard traffic engineering principles state that the higher the density a lesser number of trips per day from a dwelling are to be expected.

Therefore the local road network, regardless of the built form outcome on the subject site, will be well below the reasonably expected traffic volumes for a local access street.

Secondary to matters related to traffic volumes is the provision of off-street parking on the subject site and assumed additional demand for on street parking should multiple dwellings be proposed.

The draft Detailed Area Plan for the site proposes visitor parking for any multiple dwelling to be provided at a rate of 0.5 per dwelling. This is double the amount prescribed under the Residential Design Codes. The Officers' Recommendation proposes to establish this as an enforceable statutory provision under the Part 1 of the Structure Plan. Therefore should 12 multiple dwellings be established on site, a total of 6 visitor parking bays will be established on top of the required parking for each individual dwelling.

Community Consultation

The proposed Structure Plan was advertised in writing to all landowners in Othello Quay. Landowners were given a period of 21 days to respond, with letters being posted on 28 May 2015 and response's being required by 22 June 2015. A total of three submissions were received and all those submissions are set out and addressed in the Schedule of Submissions (Attachment 5).



Two submissions were received from individual landowners on Othello Quays and one submission was from the Coogee Progress Association. All three submissions objected to the proposal. The matters raised in the submissions are discussed in detail below and within the Schedule of Submissions.

The matters raised can be broadly grouped into three categories:

1. Concerns relating to Traffic Volumes and Parking.
2. Building Bulk and Scale – Changes to the Amenity of the Street and Area.
3. Change occurring post residents' expectations for the estate.

A number of other matters were also raised. These are systematically addressed in the Schedule of Submissions.

Traffic Volumes and Parking:

The applicant has outlined, by way of a traffic impact assessment, the likely impact of the proposed zoning change. The traffic impact assessment was carried out in line with standard professional expectations. Assumptions made around the expected trip generation has found that with the additional 9 dwellings the traffic volumes on Othello Quays would only be approximately $\frac{1}{4}$ of the maximum traffic such a road is capable of accommodating.

The applicant has noted in the draft Detailed Area Plan that they intend to provide visitor parking at a rate of 0.5 per dwelling; this is double the requirement of the Residential Design Codes. The officers' recommendation proposes to mandate this through Part 1 of the Structure Plan to provide certainty. This matter is also addressed in the Report portion of this piece. These concerns are therefore considered to be able to be adequately addressed.

Building Bulk and Scale:

The suggested built form controls to be included for any R40 development proposes additional restrictions placed on any such proposals. Building height, side setbacks and front setbacks have been proposed to be increased beyond the current Detailed Area Plan to reduce building bulk, maintain important sight lines and integrate the development into the surrounding urban fabric. Building mass models have been included for reference.

This matter is also addressed extensively in the preceding officers report and in the Schedule of Submissions. This concern is therefore able to be adequately addressed.



Structure Plan changes:

All landowners are able to lodge a request to modify the existing approved Structure Plan for the Council's consideration. The proposal is site specific. Any further proposals for changes to residential density in Port Coogee, or any other part of Cockburn, would be individually judged on their respective planning merits. This concern is therefore not relevant.

This proposal as judged against planning related matters and decisions should be determined on the basis of proper and orderly planning.

Conclusion

It is recommended that Council adopt the Proposed Structure Plan, Lots 891, 892 and 893 Othello Quay, North Coogee subject to modifications.

Strategic Plan/Policy Implications

Growing City

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

Leading & Listening

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

Budget/Financial Implications

Nil.

Legal Implications

N/A

Community Consultation

The Proposed Structure Plan was advertised in writing to all landowners in Othello Quay. Landowners were given a period of 21 days to respond, with letters being posted on 28 May 2015 and response's being required by 22 June 2015. All submissions that were received are set out and addressed in the Schedule of Submissions



(Attachment 5). A total of three submissions were received. The issues raised in the submissions have been addressed in the report.

Attachment(s)

1. Location Plan
2. Structure Plan Map
3. Building Massing Plans
4. Draft Detailed Area Plan
5. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The proponent and those who have lodged a submission on the proposal have been advised that this matter is to be considered at the 13 August 2015 Council Meeting.

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

Nil.

14.4 (MINUTE NO 5570) (OCM 13/8/2015) - REVISED DETAILED AREA PLAN STAGE 4C SEASPRAY - LOCATION: OTHELLO QUAYS, NORTH COOGEE - OWNERS: MULTIPLE - APPLICANT: TAYLOR BURRELL BARNETT. (6011666) (D BOTHWELL) (ATTACH)

RECOMMENDATION

That Council

- (1) approve the subject revised Detailed Area Plan for Stage 4C “Seaspray” at Othello Quays, North Coogee in accordance with Clause 6.2.15 of Town Planning Scheme No. 3;
- (2) delete the existing Detailed Area Plan for Stage 4C “Seaspray” at Othello Quays, North Coogee; and
- (3) advise those who own land within the area covered by the Detailed Area Plan and those who made submissions of Council’s decision.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr L Wetton that Council:

- (1) under duress and against its will, approve the subject revised



Detailed Area Plan for Stage 4C "Seaspray" at Othello Quays, North Coogee in accordance with Clause 6.2.15 of Town Planning Scheme No. 3;

- (2) delete the existing Detailed Area Plan for Stage 4C "Seaspray" at Othello Quays, North Coogee;
- (3) advise those who own land within the area covered by the Detailed Area Plan, the WAPC and those who made submissions of Council's decision; and
- (4) any other matters relating to any business concerning development within the Port Coogee area must/ shall be brought before Council for its consideration.

CARRIED 9/0

Reason for Decision

This development has changed increment by increment from the development that Council initially approved in 2004.

I say above that we are approving these changes under duress and against our will, because I am advised there is nothing we can do to stop these changes because the proponent has gone outside of council to seek these changes, I do not support these changes but am advised that they are within the law and we must therefore legally support them.

With respect to point No. (4) in the above recommendation, it is my intention to request that a report be prepared detailing what is required to establish a formal committee of Council exclusively dealing with all matters pertaining to Port Coogee. This may take a short while to set up, until it does occur, I confirm that all matters concerning Port Coogee should come before full Council.

Background

At its meeting on 11 December 2008, Council approved a Detailed Area Plan (DAP) and Jetty Design Guidelines (JDG's) for Stage 4C within the Port Coogee development area. The lots within the DAP area were zoned R25 under the Port Coogee Local Structure Plan. The intent of the DAP was primarily aimed at guiding built form outcomes for the 28 single residential waterside lots whilst the JDG's dealt with



the control and development of jetties and related structures in the mooring envelopes.

At its meeting on 14 November 2013, Council approved a revised version of the subject DAP. The proposed changes related to Lots 24-27 which resulted from the subdivision of existing lots 300, 301, 880 and 881. Conditional subdivision approval to create revised lot areas but no additional lots was issued by the Western Australian Planning Commission (WAPC) (Ref Nos. 147286 and 147334) and included conditions requiring that the existing DAP and JDG's to be modified to reflect the new lot areas.

On 13 March 2015, the WAPC conditionally approved a subdivision of existing lots 987-994 Othello Quays. The proposal involved the subdivision of the 5 existing lots into 8 new lots. It is to be noted that all of the proposed new lots meet the minimum and average lot size as well as the minimum frontage requirement as required under the R25 zoning. One of the conditions of the subdivision was for a revised DAP to be submitted to and approved by the City. The subject DAP was lodged with the City for determination on 9 April 2015.

Submission

The attached DAP addresses the following matters as required in the condition of subdivision approval;

- Mandated garage setback;
- Garage integration into the dwelling;
- Upper storey to overhang the majority of the garage below;
- Street and side setbacks of dwellings;
- Reduced garage and crossover widths;
- Garage and crossover location and pattern;
- Interface with setback requirements of existing DAP;
- Minimum two storey height requirement;
- Dry lot boundaries, fencing and mooring envelopes; and
- Amended jetty design guidelines.

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

Report

Approval is required in accordance with the provisions of section 6.2.15.5 of Town Planning Scheme No. 3. TPS No. 3 Clause 6.2.18.8 provides for a DAP to be amended.



The proposed DAP provides a site specific layer of planning information to be considered in the design and development of the subject lots. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme and/or Policies.

Consultation

The proposed DAP was advertised to those who own lots within the DAP area. A total of eight (8) submissions were received including six (6) objections, one (1) support and one (1) submission of general comment. The objections raised the following issues:

1. Concern over impact of garages negatively impacting on streetscape.
2. Concern over smaller lots and lot frontages with permitted nil side setbacks.
3. Concern that footpath will be obstructed with vehicles.
4. Street setbacks should be increased to allow for visitor parking.
5. Concern car parking will spill into streets.
6. Concern that their property values will decrease.
7. Concern over issues associated with Jetties/Canal Walls.
8. Concern over intensification of waterways.
9. Seeking clarification over the provision of NBN.
10. Concern over issues associated with rubbish collection.

Provisions

The following provides an assessment of the key provisions of the amended DAP and the points of difference from the previous DAP to facilitate the proposed new lots 987-994.

Mandated 4.5m Garage Setback

In the previously approved DAP, a garage setback of 4.5m from the Primary Street is encouraged to provide off-street visitor car parking. It was considered that mandating this 4.5m garage setback was particularly important for the proposed new lots 987-994. The provision of a mandated garage 4.5m setback will allow for visitor car parking to be provided off-street and reduce the impact of visitors parking within the Othello Quays road reserve.

The mandated 4.5m garage setback is also considered to reduce the impact of building bulk from the garages as seen from the street. The mandated setback of 4.5m from the front lot boundary is considered to be a sufficient distance in ameliorating any potential adverse impacts on the streetscape as a result of the additional lots and associated garages.



Maximum Garage Door Width

The existing DAP requires garage openings to be limited to a total maximum of 6.0m. For the proposed new lots 987-994, it was considered that a reduced maximum width of the garage would be a required provision given the proposed narrower lots proposed. As such, the revised DAP requires a maximum width of 5.5m for the garage and its supporting structures which would mean that the garage door opening would be approximately 5.0m, the minimum width for a double garage. The reduced garage width for the proposed new lots 987-994 is considered to assist in reducing any adverse impacts from the garages on the streetscape.

Designated Garage Locations and Dwelling Setbacks

The revised DAP has specific designated garage locations and dwelling setbacks which ensure continuity to the existing DAP and consistency in the Othello Quays streetscape. The garage locations have also been mandated to provide for suitably located lot servicing connections. Garage locations have been designated in pairs on the previously approved DAP to emphasise development massing and symmetry to the street. The designated garage locations for lots 987-994 continue this pattern of pairing the garage locations together ensuring consistency and continuity within the streetscape.

The existing DAP reflects the intended streetscape character for Othello Quays, that of an urban street tightly framed with built form. This is achieved through reduced building setbacks from the street as well as side boundaries. The proposed street setback requirements as set out in the revised DAP for the dwellings associated with lots 987-994 are consistent with those of the other lots on the Island. The setbacks to the respective side boundaries of the proposed new lots are also consistent with the setback requirements of the other existing lots. Examples of this are the permitted nil side setback 15m from the front lot boundary and the minimum 4m rear setback from the dwelling to the dry lot boundary.

Upper Floor Overhang

One of the main objectives of the amended DAP was to ensure that the amenity of the desired Othello Quays streetscape is protected. To alleviate the potential undue impact in terms of garage dominance, the City was keen to impose a requirement on the DAP for the upper level to overhang the garage below to provide articulation as viewed from the street and integration into the front elevation.



Accordingly, a provision has been included in the revised DAP for a mandatory requirement for the upper floor of the dwelling associated with the new proposed lots 987-994 to overhang the majority (at least 50%) of the garage by a minimum of 0.5m. Mandating the upper floor overhang above the garage by a minimum of 0.5m ensures that the garage is integrated into the front façade, reducing the impact of building bulk from the garage and provides visual articulation as viewed from the street.

Garage Door Translucent/Similar Colour to Dwelling

The potential for the garage door itself to have a negative visual impact on the streetscape for the lots 987-994 has also been considered for the subject revised DAP. A garage door has the potential to stand out and have an undue impact on the streetscape and surrounding amenity if it is not translucent or of a similar colour to the main dwelling. In conducting a site visit to Port Coogee and observing similar front loaded dwellings, the garages which stood out were the garages that did not have these treatments to their garage doors.

Given the relatively narrow frontages of some of the proposed new lots, the City wanted to include a provision in the DAP for the proposed dwellings associated with the new lots 987-994 to have garage doors which are either translucent or a colour which is a similar colour to the dwelling. These mandated treatments of the garage door are considered to further ameliorate the potential negative impact of building bulk on the streetscape as a result of the garage and effectively integrate into the front elevation of the dwelling.

Retention of Street Trees

The existing Norfolk Island Pine Trees within the Othello Quays road reserve are considered to be an important and valued feature of the streetscape. Accordingly, the City wanted to ensure that the creation of lots 987-994 would not impact on these street trees with a provision for the retention of these trees reflected in the DAP.

As such, the DAP includes a provision for the final driveway width to be determined by the location of the existing verge tree and planter, which must be retained. In addition, there is an additional provision for all existing street/verge trees to be retained. Given that these trees are relatively mature, there is no scope for them to be relocated. The provision in the DAP ensuring the retention of the existing street trees is considered to be essential with the Norfolk Island Pine Trees considered to be a long term asset of the Othello Quays streetscape contributing to the overall amenity of the Island and the immediate locality.



Dry Lot Boundaries, Fencing, Mooring Envelopes and Jetty Guidelines

As per the subdivision conditionally approved by the WAPC, only lots 987, 989, 990, 992 and 994 are proposed as marina waterfront lots. The DAP clarifies that for lots 988, 991 & 993, the dry lot boundary is the cadastral boundary. The DAP plan also identifies that access to mooring envelopes is not permitted for these 'dry lots'.

To ensure that access to the mooring envelopes is restricted, the provision of fencing for these dry lots is a required provision to be incorporated into the revised DAP. As such, a clause has been included pertaining to lots 988, 990, 991 and 993, for the rear common boundary fence being a maximum of 1.2m and suitably finished in materials to complement the external walls of the adjacent dwellings. In addition, any fencing to the rear common boundary shall not obstruct the drainage openings in the sea wall.

In addition to the revised DAP, the Port Coogee Jetty Design Guidelines – Stage 4C has also been revised. While there is no increase in the number of mooring envelopes as a result of the proposed lots 987-993, the Jetty Guidelines were required to be amended as they refer to the specifics of each lot. As such, the required minor amendments have been made to the guidelines to reflect the subject subdivision.

Although not relevant to the DAP, it is to be noted that a condition of subdivision approval was for an easement for the benefit of the respective dry lots over the wet lots for the purpose of access and drainage as required.

An additional provision relating to drainage has also been included in the revised DAP applicable to all lots. The provision emphasises to potential purchasers on the lots on Seaspray Island that soak wells are not permitted in the building exclusion area (rear 4m setback).

The submissions received during the consultation period have been duly noted. It is considered that the concerns that were raised relating to streetscape issues and the potential undue impact from the garages have been sufficiently addressed above through the provisions incorporated into the DAP as outlined in detail above.

The mandated 4.5m setback to the garages to allow for visitor parking within the lot is considered to have addressed the concerns raised relating to visitor car parking spilling into the street. Concern raised during the consultation period relating to the Jetties is considered to have been dealt with under the above section of this report titled *Dry Lot Boundaries, Fencing, Mooring Envelopes and Jetty Guidelines*.



Concern expressed over the intensification of the waterways is not supported as there will be the same number of mooring's as there was in the previously approved DAP. Similarly, the concerns relating to rubbish collection not supported with the City's Waste Management confirming that there would be no issue with the collection of bins to the subject lots. The issue raised in relation to the provision of NBN is not a planning matter, however, clarification was sought from the applicant on this matter with a response received that this issue was not relevant to the DAP.

The concern expressed that the additional lots will devalue their properties has been noted. Although this is not a valid planning matter, it is considered that the development of the subject lots will contribute to the vitality of the area with the majority of the lots on the Island sitting vacant and undeveloped.

It is to be noted that if Council resolved the revised DAP, the WAPC has the ability to clear the condition relating to the DAP being approved by the City without an amended DAP in place. This would mean that any development on lots 987-994 would only have to satisfy the provisions of the R-Codes and would not have the same requirements as the other existing lots on Othello Quays. This would result in the development of these lots which is not in a consistent manner to the existing lots in the DAP area which would have a detrimental impact on the streetscape and surrounding amenity.

Conclusion

It is considered that the revised DAP adequately maintains the original development principles and lot interface requirements as set out in the previously approved DAP. The provisions that are incorporated into the revised DAP such as the mandatory 0.5m upper floor overhang above the garage; reduced garage width and treatments of the garage door are all considered to ameliorate the impacts of building bulk from the garage on the streetscape. The required 4.5m setback to the garage is considered to allow for the provision of on-site visitor car parking. The designated garage locations and dwelling setback ensure continuity to the other existing lots within the DAP area and the requirement for no existing street tree to be removed is considered to protect the amenity of the streetscape for the long term. The matters associated with the dry lot boundaries and associated fencing, moorings and amended jetty guidelines have also been sufficiently addressed as outlined above. For these reasons, the proposed revised DAP should be approved.



Strategic Plan/Policy Implications

Infrastructure

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Community consultation was undertaken; please refer to the Consultation section of the report above.

Attachment(s)

Proposed Revised Detailed Area 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 August 2015 Council Meeting.

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

Nil.

DECLARATIONS OF INTEREST

The Presiding Member advised that he had received a written declaration of interest from Clr Portelli which was an Impartiality Conflict in relation to Item 14.5 "Reconsideration of Planning Application Petrol Filling Station & Signage 224 (Lot 55) Clontarf Road



Hamilton Hill” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the conflict is that my aunty and uncle own and occupy a property adjacent to the subject site.

CLR PORTELLI LEFT THE MEETING THE TIME BEING 8.43 PM.

14.5 (MINUTE NO 5571) (OCM 13/8/2015) - RECONSIDERATION OF PLANNING APPLICATION PETROL FILLING STATION & SIGNAGE 224 (LOT 55) CLONTARF ROAD HAMILTON HILL (2206189) (A LEFORT) (ATTACH)

RECOMMENDATION

That Council pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), reconsider its previous decision of refusal and grant planning approval for a petrol filling station and associated signage at 224 (Lot 55) Clontarf Road Hamilton Hill, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

1. Prior to the lodgement of a building permit application, a Noise Management Plan shall be submitted to and approved by the City. Recommendations and measures contained in the approved noise management plan shall be implemented at all times to the satisfaction of the City.
2. Prior to the lodgement of a building permit application, a Traffic Management Plan shall be submitted to and approved by the City. Recommendations and measures contained in the approved Traffic Management Plan shall be implemented at all times to the satisfaction of the City.
3. Prior to the lodgement of a building permit application, a Pollution and Drainage Plan shall be submitted to and approved by the City. Measures contained in the approved plan shall be implemented at all times to the satisfaction of the City.
4. Prior to the lodgement of a building permit application, a Lighting Management Plan shall be submitted to and approved by the City. Measures contained in the approved Lighting Management Plan shall be implemented at all times.
5. Prior to the lodgement of a building permit application, a Safety and Risk Management Plan shall be submitted to and



approved by the City. Measures contained in the approved Safety and Risk Management Plan shall be implemented at all times.

6. Prior to the lodgement of a building permit application, a detailed colour and material schedule shall be submitted to and approved by the City for approval. The approved colour and materials schedule shall be implemented thereafter.
7. Prior to the lodgement of a building permit application, a detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:-
 - (1) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (2) any lawns to be established;
 - (3) any existing landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments.
8. Landscaping (including verge planting) shall be installed, reticulated and/or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
9. Prior to the lodgement of a building permit application, a design audit shall be undertaken demonstrating safe manoeuvring for vehicles exiting the site via Carrington Street to the satisfaction of the City.
10. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
11. Walls, fences and landscape areas are to be truncated within 1.5m of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75m.
12. All plant and equipment (such as air conditioning condenser units and communications hardware etc) shall be screened from public view to the satisfaction of the City.
13. The vehicle crossovers must be designed and constructed in



accordance with the City's requirements.

14. Prior to use of the development hereby approved, vehicle parking bays, vehicle maneuvering areas, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use to the satisfaction of the City.
15. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
16. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use
17. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
18. No washdown of plant, vehicles or equipment is permitted on the premises.
19. No vacuum services are to be provided for customer vehicles on-site.
20. The supply, storage or sale of LPG gas is not permitted.
21. Prior to commencement of the use of the site for petrol filling (post construction), a report from the builder/developer confirming compliance with the requirements of the acoustic report and that any structural recommendations of the report shall be incorporated into the development, to the satisfaction of the City.
22. During the construction phase, 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.
23. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
24. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997

"Control of the Obtrusive Effects of Outdoor Lighting".

25. A minimum of ten (10) bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building.
26. The hours of operation of the approved petrol filling station (including convenience store component) are restricted to between 6:00am to 10:00pm seven days per week.
27. Prior to the commencement of the use of the site for petrol filling, the existing fence along the western boundary of the subject site (abutting No. 222 (Lot 3) Clontarf Road) shall be replaced with a 2.4m high masonry wall and associated crash barriers as marked in red on the approved plans to the satisfaction of the City.

Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. A sign licence is required to be submitted to the City's Building Services Department in accordance with the City of Cockburn Local Laws, Section 8.5 of Part viii; *Signs, Hoardings and Bill Posting Local Laws*.
3. The primary use of the development hereby approved is 'Petrol Filling Station' defined in the City of Cockburn Town Planning Scheme No. 3 as "*land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery*".
4. With regards to Condition 1, the Noise Management Plan shall confirm that all recommendations made in the Environmental Acoustic Assessment submitted by Herring Storer Acoustics dated 10 October 2014 (Ref 18380-1-14211) and Additional Information dated 28 May 2015 have been incorporated into the proposed development and the design and location of all mechanical plant within the



development will not result in noise emissions exceeding those set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).

5. With reference to Condition No. 10, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. This is to be provided at the time of applying for a building permit.
6. All food businesses must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises.
7. An application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
The plans are to include details of:
 - (i) the structural finishes of all floors, walls and ceilings;
 - (ii) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc); and
 - (iii) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.
8. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
9. The waste storage areas must be of an adequate size to contain all waste bins. Each waste area must be provided with a hose cock, a concrete wash-down pad graded to a



100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.

10. You are advised that Department of Mines and Petroleum (Resources Safety) approval is required for the storage of some of the materials included in this approval. Please provide documents confirming the plans have been assessed by the Department of Mines and Petroleum prior to the lodgement of a Building Permit Application for this development. Guidance on the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment should be obtained from the Resources Safety Section of the Department of Mines and Petroleum.

COUNCIL DECISION

MOVED Clr L Wetton SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), defer determination of the matter to the ordinary Council meeting on 10 September 2015, to allow the City to assess the revised plan and consult with the adjoining landowner(s) and resident representatives; and
- (2) advise the applicant, the State Administrative Tribunal and resident representatives of the above decision.

CARRIED 8/0

Reason for Decision

The owner of the adjoining property to the north (Lot 41 Carrington Street) has raised concerns regarding their legal access through the subject site, specifically, the location of the loading bay and a portion of the bowser canopy, and its potential obstruction to their legal access. In response the applicant lodged a revised plan with the City on Wednesday 12 August 2015.

There has been insufficient time for the City to assess the revised plan in detail and to obtain comment from the adjoining landowners and



resident representatives involved in the State Administrative Tribunal mediation process. In order to provide sufficient time for the revised plan to be adequately considered and consultation to be undertaken the determination of the matter should be deferred until the ordinary meeting of Council on 10 September 2015.

Background

The subject site is located at the intersection of Clontarf Road and Carrington Street in Hamilton Hill. The site is bounded by Carrington Road to the east, Clontarf Road to the south, a single storey residential dwelling to the west and commercial building to the north. Current vehicle access to the site is from Clontarf Road and via an easement through the adjacent site (Lot 41 Carrington Street) to the north. The site is commercially zoned and contains a single level disused fast food outlet building (KFC), associated car parking and landscaping.

A planning application for a Petrol Filling Station and Signage at the subject site was determined by Council at its ordinary meeting held on 12 February 2015 with the following resolution made:

‘...that Council

(1) refuse to grant planning approval for a petrol filling station and signage at No. 224 (Lot 55) Clontarf Road Hamilton Hill based on the following reasons:

- 1. The separation distance between the proposed petrol filling station and the existing residential dwellings is considered insufficient and is likely to negatively impact on the amenity of nearby residents with regards to noise, odour and other emissions which is inconsistent with the aims of Town Planning Scheme No.3 as outlined in Clause 1.6.1.*
- 2. The proposal is in close proximity to an existing petrol filling station (within 200m) and therefore this proposal is considered unnecessary.*

(2) notify the applicant and those who made a submission of Council's decision.’

Subsequent to Council's decision, the applicant exercised their right to apply for a review of the decision by the State Administrative Tribunal (SAT). In response, Council engaged an external Planning Consultant to represent them in SAT where three mediation sessions have been held between the applicant, external planning consultant, several Elected Members and staff. Neighbour representatives attended two of the three mediation sessions and were invited by SAT to ensure the views of nearby residents were taken into account throughout the mediation process. As part of those mediation sessions, the neighbours were provided with copies of the Applicants materials



provided to Council and were given the opportunity to make comment on those at the mediation. Copies of the neighbour representative's written submissions prepared during the mediation process are included in Attachment 9.

After the third mediation session, the SAT made the following orders:

'On the application heard before Member Marie Connor on 17 June 2015, it is ordered that:

- 1. The applicant is to provide additional information as discussed at the mediation to the respondent by 26 June 2015.*
- 2. Pursuant to s 31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting of 13 August 2015.*
- 3. The matter is listed to directions hearing on 21 August 2015 at 10:30am.*
- 4. The respondent is to provide a copy of the Tribunal's orders to the two representatives of the residents' group by 22 June 2015.'*

Therefore, based on the above SAT orders, Council is requested to reconsider its previous decision of refusal, based on a revised proposal.

Submission

The application proposes to develop the site for use as a petrol filling station and associated convenience store, specifically:

1. Conversion of existing fast food outlet (KFC) building of approximately 200m² in area into a convenience store.
2. A forecourt consisting of eight refuelling bays and canopy.
3. Three underground fuel tanks storing an approximate volume of 55,000 litres per tank.
4. Tanker fill points located on the eastern side of tanker filling area (line marked), set back 5.78m from the western boundary.
5. Vent stacks within a landscaped area fronting Carrington Street.
6. Primary customer vehicle access/egress to the site from the existing crossover to Clontarf Road with secondary access/egress from Carrington Street via the existing easement through the adjacent land to the north of the site (Lot 41 Carrington Street).
7. Fuel tankers and service delivery vehicles entering via Carrington Street and exiting via Clontarf Road.
8. Removal of some of the rear additions to the building to facilitate access.
9. Associated signage.

As a consequence of the mediation process, further information and/or a number of changes have been effected by the Applicant to respond



to the concerns expressed by the Council and neighbouring residents during the mediation process. The key changes and further information include:

1. Operating hours restricted to between 6:00am to 10:00pm seven days per week. It should be noted that the hours of operation contained in the original proposal (that Council refused) were 24 hours;
2. New 2.4m high colorbond fence for a 20m length along the western boundary within the site. It should be noted that this proposed fence did not form part of the original proposal;
3. Additional information regarding treatment of lighting and application of Australian Standards;
4. In addition to use of Stage 1 Vapour Recovery, agreement to use Stage 2 Vapour Recovery for all fuel dispensers to limit emissions during the refuelling process and mitigate odour concerns;
5. Confirmation that LPG gas will not be supplied on site to mitigate odour concerns;
6. Further information regarding traffic and truck movements which have subsequently been assessed by Council's independent traffic consultant;
7. Updated acoustic assessment for noise associated with vehicle movement, truck refuelling and mechanical plant and associated updated recommendations that have been assessed by Council's independent acoustic consultant;
8. Puma Energy's Health Safety and Environment Management procedures in relation to spill cleaning, emergency evacuation, environmental and waste management guidelines and dangerous goods management; and
9. Updated site plans in response to the change in the Applicant's proposal as a consequence of the mediation process.

Consideration of these matters and issues raised during the mediation process, including by local residents, are discussed in this report.

Consultation

As part of the mediation process, local residents were invited to attend the initial site visit and then subsequently two representatives were invited to attend the two following mediation sessions. The further information provided by the Applicant to Council was also provided to the resident representatives for their consideration and comment and the following mediation sessions. Copies of the resident's submissions are included as part of Attachment 9. The resident's concerns can be categorised as follows:

- General amenity concerns
- Lack of compatibility with adjoining residential use
- Noise concerns



- Vibration concerns
- Traffic & Access
- Odour
- Lighting pollution
- Spills and safety
- Business hours and lack of need
- Refuelling tanker route and filling point
- Health concerns

The above concerns, along with those expressed by Council itself, have been considered in this report.

Report

This section shall address in detail, the matters and issues discussed throughout the mediation process which were seen by Council as most important.

Hours of Operation

The original application refused by Council proposed 24 hour operations including retail fuel sale and the convenience store with fuel and goods deliveries restricted to between 7:00am and 7:00pm. The 24 hour operation of the petrol station presented a concern to nearby residents and Council and was discussed at length during mediation. It was considered that the 24 hour nature of the operations would detract from the amenity of neighbours. Noise, lights, vehicles entering and exiting the site and other activities associated with the petrol filling station were cited as sources of impact – even if they could be demonstrated to comply with the relevant statutory controls. In response to these concerns, the applicant then proposed reduced hours of 5:00am to 12:00am arguing that these hours would serve the early morning commuters and evening business consistent with other commercial operators in the area including Red Rooster, Chinese Restaurant, Tavern and some other businesses. Council and residents remained concerned about potential impacts of the trading hours which were still generally beyond operating hours of the surrounding local centre.

In order to address Council's concerns, the applicant amended their proposal with operating hours restricted to between 6:00am to 10:00pm, seven days per week. The reduced operating hours are considered to be more in line with other commercial businesses in the immediate vicinity which tend to close around 10:00pm and will mean that the impact of the proposal on neighbours living close to the site will be reduced considerably. It also responds to the question of need associated with the original proposal to operate a 24 hour petrol filling



station which wasn't justified by the Applicant and not supported by Council in the original determination.

Noise

As part of the consultation process associated with the original proposal nearby residents raised concern about potential noise and queried some of the information contained in the applicant's original noise assessment reporting. In response, Council engaged its own expert noise consultant to undertake a peer review of the applicant's report. The initial peer review dated 6 May 2015 (Appendix 5) identified several areas where further technical information and/or assessment were required including:

- Locations of receivers provided in the noise model;
- Additional information regarding noise emissions from the tyre air fill point;
- Confirmation regarding noise emissions from the mechanical services;
- Location of air compressor; and
- Noise emissions from tanker engine start and air brake air release.

The above further information was provided and Council's noise consultant has considered it to be satisfactory to address the initial concerns. It should be noted that in order to comply with the Noise Regulations in relation to air brake release from the tanker engines, the applicant has revised the proposal to include the construction of a new 2.4m high colorbond fence along the western boundary of the property adjacent to the existing house for a length of 20m. Whilst this may be suitable in order to achieve compliance with the Noise Regulations, should Council consider approving the proposal, it is suggested that a condition be imposed requiring the fence be masonry (not colorbond) and be extended for the length of the boundary of the property. A masonry wall is considered to be a more visually appropriate and robust interface between a residential and commercial property of this nature.

In addition, should Council approve the proposal, a condition should be imposed requiring the preparation and implementation of a Noise Management Plan to ensure that measures and recommendations outlined in the Acoustic report are implemented.

Traffic & Access

Impacts of the proposal on the surrounding traffic network and also vehicle access in and around the site were a major cause for concern shared by nearby residents and Council. Similar to the noise report, the validity of the applicant's traffic report was queried and some of the



assumptions on which the report was based were challenged. Council therefore engaged an independent Traffic Engineer to undertake a peer review of the traffic report with the purpose of either confirming or alleviating its traffic and access concerns. The completed peer review is in Appendix 6.

Based on the peer review which raised a need for additional information, the applicant undertook further analysis and assessment including further traffic counts, analysis regarding tanker movements and comparison with traffic generated from the previous fast food use.

In summary, the Traffic Engineer engaged by Council to undertake the peer review concurs with the assumptions and information provided by the applicant and agrees that traffic generated by the proposal can be satisfactorily accommodated by the existing road network. Notwithstanding this, confirmation of safe manoeuvring of eastbound outbound vehicles from the Carrington Street crossover from Lot 41 to navigate into the northbound-eastbound right-turn pocket at the signalised Carrington Street/Winterfold Road intersection is still required as a design audit of the site and should be imposed as a condition of approval should Council approve the proposal.

Should Council approve the proposal, a condition should be imposed requiring the preparation and implementation of a Traffic Management Plan to ensure that all recommendations and measures outlined in the Traffic Impact Assessment Report are implemented.

Site Access and Manoeuvrability

With regards to fuel tanker and service delivery vehicle access and egress to the site, the previous officer report (OCM 12 February 2015) stated that the proposal for fuel tankers to enter the site via the easement across Lot 41 from Carrington Street and exit via Clontarf Road was not supported. This was due to the impact on pedestrian amenity that would be caused by the widened crossover in this location. However as part of the peer review, both Traffic Engineers disagreed with this recommendation and believe that the proposed fuel tanker access via Carrington remains the safest and best option. There is still concern by nearby residents that fuel tankers accessing the site from Carrington Street via the adjoining site is problematic. Concerns include:

- Traffic congestion caused for Carrington Street traffic northbound due to the turning movement required for a 19m tanker.
- Concerns that two-way vehicle movement will not be able to occur within the right-of-way when the tanker is traversing the site.



- Concerns that the site is simply too small to accommodate the manoeuvrability of the tanker.

However, the applicant's Traffic Engineer and the peer review suggest that the site access, layout and manoeuvrability of vehicles in and around the site are satisfactory. A Swept Path drawing has been undertaken which demonstrates that there is sufficient vehicle manoeuvrability in and around the site to accommodate a 19m tanker.

Odour

As discussed in the previous report, control of odour in relation to the fuel delivery and sale is legislated by the Department of Mines and Petroleum (DMP) and the applicant will require a Dangerous Goods Licence to operate. The vapour recovery system used by the applicant was discussed during mediation and the applicant provided information about Stage 1 (during tanker refuelling) and Stage 2 (during vehicle refuelling) recovery systems being used. The Stage 1 vapour recovery system returns displaced vapour back to the delivery tanker through a vapour tight connection line. The Stage 2 vapour recovery system will be installed in the fuel dispensers and will connect with the underground fuel storage tanks to limit emissions during the regular vehicle refuelling process. The vapour recovery systems being installed as part of this proposal are expected to remove gaseous odour from the site and shall not pose an unreasonable amenity impact for nearby residents.

It should also be noted that the proposal does not include sale or storage of LPG which can be a source of odour emissions on petrol station filling sites. In addition, should Council approve the proposal, it is suggested that conditions be imposed requiring the applicant to prepare further management plans for the treatment of spills and control of drainage and pollution management to further assist in the mitigation of odour impacts and also a condition restricting the sale, storage or supply of LPG from the site.

Safety

Nearby residents and Council expressed concerns about public safety in relation to the proximity of the proposal to residential dwellings. Recent examples of other petrol stations in the metropolitan area experiencing explosions were raised. Concerns were also raised regarding potential spillage of fuel in the site.

As discussed in the Odour section above, the applicants will be required to obtain a Dangerous Goods and Handling Licence to store and sell petrol in accordance with Dangerous Goods legislation. The legislation specifies separation distances to adjoining properties and



setbacks, site accessibility for fuel delivery tankers, spill containment, emergency procedures, maintenance, operator training and equipment to be installed. Whilst a Dangerous Goods and Handling Licence has not yet been obtained from the DMP, the applicant will be required to obtain this prior to operation of the proposal as a separate application process.

In addition to the DMP requirements, the applicant has a number of company procedures and guidelines in relation to safety including:

- Safe Work Procedure – Cleaning Spills (over 5 litres).
- Safe Work Procedure – Cleaning Spills (under 5 litres).
- Emergency Evacuation Procedure.
- Environmental and Waste Management Guidelines.
- HS&E Dangerous Goods Management Guidelines.

It is considered that through compliance with the DMP legislative process and the applicant's own internal processes and procedures, that the safety of those visiting and working at the site and importantly, nearby residents is being adequately considered and managed. In addition, to ensure that the planning approval appropriately contemplates risk and safety management measures including communication and evacuation protocols, a condition could be imposed for the preparation and implementation of a Safety and Risk Management Plan to the City's satisfaction on advice from DMP.

Lighting

The potential impacts of lighting spill associated with the proposal caused some concern from adjacent and nearby residents and Council. In response, the applicant has provided a Light Spill Elevation and Lighting Design plan (Attachment 8) prepared by their lighting consultant. The Light Spill Elevation clearly indicates that all external lighting emitted will be contained on site and will not extend into adjacent properties. The lighting has been designed to adhere to the *Australian Standard AS4282 – Control of obtrusive effects of outdoor lighting*. Should Council approve the proposal, a condition can be imposed requiring compliance with this which is a standard condition imposed on most commercial developments along with a lighting management plan to address the operational aspects of minimising the use and treatment of lights after hours on adjacent residential properties.

Health Impacts

Nearby residents raised concerns regarding their health, in relation to potential exposure to benzene. However, health impacts are not noted as an environmental factor that is relevant for consideration of petrol



filling stations adjacent to residential developments or sensitive premises and no evidence has been presented to Council to suggest that the proposal is likely to impact the health of nearby residents.

Conclusion

The proposed petrol filling station is a use than can be considered for approval within a Local Centre. The proposal, if approved is likely to service both local residents and passing traffic and is reasonable well located to do so. However, due to the site's close proximity to existing residential dwellings, a number of issues and concerns were raised by residents and Council resulting in Council's initial decision to refuse the proposal. As part of the SAT mediation process, Council engaged independent noise and traffic consultants and the applicant provided further information in relation to a number of matters and concerns.

The recommendation of officers is that subject to the modifications undertaken by the Applicant and the introduction of additional conditions as part of the approval process to address the issues raised, the proposal is suitable for approval subject to conditions. It is important to note that the Applicant will also require separate licensing to operate the petrol filling station through the Department of Minerals and Petroleum as well as operate within other Environmental Protection Act regulations. Notwithstanding the above, the recommendation conditions has sought to ensure that the proposal will operate in accordance with appropriate management controls addressing the specific issues outlined in this report.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Leading & Listening

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



Budget/Financial Implications

Further budget implications should the matter proceed to a full hearing in the State Administrative Tribunal.

Legal Implications

The requirement to defend Council's decision should the matter proceed to a full hearing in the State Administrative Tribunal.

Community Consultation

The original proposal (refused by Council at the 12 February 2015 OCM) was advertised to nearby residents for comment and five submissions were received and discussed in the previous report.

As discussed in this report, two people representing the adjacent and nearby residents were involved in the mediation process through SAT in the capacity of providing their views on all information presented. The resident representatives were provided with additional information supplied by the applicant throughout the mediation process.

Attachment(s)

1. Aerial View Plan
2. Site Plan, Floor Plan & Elevation Plan
3. Certificate of Title/Right of Carriageway
4. Applicant's Acoustic Report and Additional Information
5. City of Cockburn's Peer Review of Acoustic Report
6. Applicant's Traffic Report and Additional Information
7. City of Cockburn's Peer Review of Traffic Report
8. Lighting Plan and Light Spill Elevation Plan
9. Neighbour Representative Concerns (17/6/15)

Advice to Proponent(s)/Submissioners

The Proponent(s) and resident representatives have been advised that this matter is to be considered at the 13 August 2015 Council Meeting.

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

Nil.

CLR PORTELLI RETURNED TO THE MEETING THE TIME BEING 8.46 PM.



THE PRESIDING MEMBER ADVISED CLR PORTELLI OF COUNCIL'S DECISION.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 **(MINUTE NO 5572)** (OCM 13/8/2015) - LIST OF CREDITORS PAID - JUNE 2015 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for June 2015, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

N/A

Report

The list of accounts for June 2015 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Leading & Listening

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



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – June 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 5573) (OCM 13/8/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JUNE 2015 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION				
That Council				
(1)	adopt the Statement of Financial Activity and associated Reports for June 2015, as attached to the Agenda;			
(2)	continue to apply a materiality threshold of \$200,000 variance from the appropriate base amount for the 2015/16 financial year in accordance with Financial Management Regulation 34(5); and			
(3)	amend the 2014/15 Municipal Budget by adjusting the following projects and activities:			
	CW 449-6200	CCW-RPAEC- Construction Cost	LESS	\$13,900,000
	CW 4449-5114	CCW-RPAEC – State Govt. Capital Grant Funding	ADD	\$1,500,000
	CW 449-0008	CW-RPAEC- Loan Funding	LESS	\$20,000,000
	CW 4449-4863	CCW-RPAEC – TF from	ADD	\$4,600,000



	CCW Development Fund Reserve		
CW 1598-6200	Lot 9003 Beeliar Drive – Development Costs	ADD	\$600,000
CW 1598-4153	Lot 9003 Beeliar Drive – RF from Land Development & Investment Reserve	ADD	\$600,000
GL 116-6229	Executive Group – Consultancy Expenses	ADD	\$35,000
OP 9710-6200	LG Reform Provision Expenses	LESS	\$35,000
CW 4514-6200	Western Suburbs Skate Parks – Contract Expenses	ADD	\$11,888
CW 4514-4653	Western Suburbs – Skate Parks – TF from Community Infrastructure DCP13 Reserve	ADD	\$11,888

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr P Eva SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

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

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

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

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



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

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

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

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

The accounting standard provides a guide of 5% to 10% as the base for establishing a materiality threshold. However, if applied, this could lead to the reporting of variances ranging from those under \$100 to those over \$1 million (depending on size of the relative budget). Therefore, it is recommended that Council continue with the flat value of \$200,000 for 2015/16 as this has worked well during the past financial year.

Whilst this level of variance reporting helps inform the formal mid-year budget review and informal monthly budget reviews, detailed analysis of all budget variances is carried out and put to Council for amendment where necessary.

Submission

N/A

Report

Due to ongoing end of financial year (EOFY) processing, the June Financial Statement being presented to Council is in draft form and subject to final audit (as occurs in June of each financial year).

The final budget position for 2014/15 will be reported to the October 2015 Council meeting, along with the associated list of carried forward projects and a finalised June statement of financial activity.



Opening Funds

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

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

Closing Funds

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

Whilst the current closing budget position is showing a surplus of \$16.3M, this includes the municipal funded portion for carried forward projects (currently estimated at \$11.2M) and surplus grant funding (estimated at \$1.5M) yet to be quarantined by transfer to the Restricted Grants and Contributions reserve account.

Further EOFY processing will impact this closing fund's position, but an uncommitted end of financial year closing Municipal Fund of approximately \$3.0M is expected due to favourable variances across the City's operating activities (detailed further within this report). In contrast, the revised budget is showing end of year closing funds of \$40k. The EOFY uncommitted funds will be transferred into one or more of Council's reserve accounts in accordance with the City's budget management policy. This will be reported to Council in October 2015 along with the final June monthly financial activity statement and carried forwards listing.

Operating Revenue

Consolidated operating revenue of \$127.0M was ahead of the budget target by \$2.9M. The significant variances in this result were:

- Rates revenue \$0.9M ahead of budget due to high part year rating from continued strong property development and building levels across the City.
- Operating grants and subsidies were over YTD budget by \$2.3M, mainly due to the Federal Government's very late decision to



advance half of next year's FAGS grant of \$1.9M. This will be held within the restricted grants & contributions reserve at EOFY in order to transfer funding into the 2015/16 budget year.

- Operating grants and subsidies also included child care subsidies that were \$0.4M more than budgeted.
- Interest on monies invested came in \$0.2M below the full year budget of \$5.9M, as falling yields impacted returns over the year.
- Parking infringements revenue was \$0.3M more than the full year budget as a result of dedicating more resources to compliance monitoring.
- Lease income from commercial property is \$0.2M ahead of the cash flow budget, but remains on track to the full year budget.
- Commercial landfill fees at \$8.5M ended up \$1.0M behind the adjusted full year budget.

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

Operating Expenditure

Total operating expenditure of \$115.7M came in \$1.4M lower than full year budget. Cash operating expenditure (excludes asset depreciation) of \$93.7M was under the full year budget by \$1.6M.

The following significant items were identified:

- Material and Contract expenses were overall, \$0.2M under the full year budget. However, within this result were the following significant variances:
 - Waste collection services shows a \$1.0M underspend, although EOFY accruals for \$380k are still to be processed.
 - Waste Disposal contract expenses were \$0.3M underspent, consistent with the lower tonnage through the gate.
 - Contract spending under the Information Services business unit was \$0.3M under the full year budget comprising of software, IT leasing, archiving and scanning expenses.
 - The City's contribution to variable outgoings and landlord expenses at the Cockburn Community & Health facility added a budget variance of \$0.2M. However, this is offset by additional revenue collected from lessees.
 - Roads Maintenance contract spending came in \$0.3M over budget.
 - Payments to in-home care and family day care givers were \$0.6M greater than budgeted. However this is cost neutral as these are reimbursed by the federal government.



- Parks maintenance contract costs were \$0.5M over the full year budget of \$4.1M due to extra costs for bore/pump maintenance, contract watering and landscaping services.
- Facilities maintenance contract costs were \$0.7M more than the full year budget of \$2.1M.
- Utility expenses were \$0.4M under the full year budget with Power expenses comprising \$0.3M of this variance. However, EOFY accruals for street lighting and other electricity accounts will erode this current saving.
- Insurance costs were \$0.3M below budget due to savings in premiums for property and workers compensation insurance.
- Other Expenses were nearly \$0.6M under their full year budget due to the landfill levy liability falling \$0.5M below budget. This is a by-product of the reduced tonnage at the Henderson Waste Recovery Park.
- The internal recharging of operating costs to the capital works program was \$0.3M lower than full year budget. This position is attributable to the budget underspend within the infrastructure assets capital works program.

It is worth highlighting that Employee Costs came in \$0.15M under the full year budget of \$45.0M (a 0.3% variance), which is a good budget result. Depreciation also came in very close to budget at \$25.0M (versus a budget of \$25.1M).

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

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

Nature or Type Classification	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
.	43.81	43.86	0.05
Employee Costs - Indirect	1.22	1.33	0.10
Materials and Contracts	35.39	35.65	0.25
Utilities	4.22	4.62	0.41
Interest Expenses	0.12	0.12	0.00
Insurances	1.95	2.22	0.26
Other Expenses	6.98	7.54	0.56
Depreciation (non-cash)	24.96	25.10	0.14
Internal Recharging-	(2.91)	(3.25)	(0.34)

Nature or Type Classification	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
CAPEX			
Total	115.75	117.19	1.44

Capital Expenditure

The City's total capital spend at year's end was \$38.1M, representing an under spend of \$35.3M against the full year budget of \$73.4M.

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

Asset Class	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
Roads Infrastructure	9.79	17.12	7.33
Drainage	0.71	1.43	0.72
Footpaths	0.90	1.03	0.13
Parks Hard Infrastructure	4.13	8.45	4.33
Parks Soft Infrastructure	0.86	0.92	0.06
Landfill Infrastructure	0.39	0.85	0.46
Freehold Land	1.41	2.98	1.57
Buildings	15.85	33.97	18.12
Furniture & Equipment	0.00	0.00	0.00
Computers	0.64	1.14	0.50
Plant & Machinery	3.43	5.52	2.09
Total	38.10	73.41	35.31

The CCW project is responsible for \$14.9M of the net \$18.1M underspend variance under Buildings. Other significant delayed building projects include Atwell Clubrooms (\$0.7M), Naval Base toilet block (\$0.5M), Coleville Crescent carpark extension (\$0.5M), Coogee toilet sewerage upgrade (\$0.5M) and Coogee Holiday Park electricity supply upgrade (\$0.4M).

Parks infrastructure projects were collectively \$4.3M underspent against the full year budget of \$8.4M. This included the delayed Bibra Lake Adventure Playground (\$2.9M remaining from \$3.3M), underspending on the Coogee Beach Master Plan (\$0.46M remaining from \$0.54M) and the Manning Park lookout stairs (\$0.27M remaining from \$0.3M).

The roads construction program was \$7.3M under the full year budget mainly due to Beeliar Drive (Spearwood – Stock) under by \$3.2M, Berrigan Drive (Kwinana Fwy to Jandakot Rd) under by \$1.5M and North Lake Road (Hammond to Kentucky) under by \$1.1M.



The City's drainage capital works program ended \$0.7M behind the full year budget of \$1.4M with several significant projects yet to commence and to be carried forward into 2015/16.

Subdivision costs for the City's land development projects were collectively \$1.5M behind the full year budget of \$3.0M. These included Lot 9003 Beeliar Drive (under by \$0.6M) and Lots 702 Bellier Place/65 Erpingham Road (under by \$0.5M).

Spending on major plant items was \$2.1M below the full year budget, of \$5.5M, with \$1.2M of this amount on order and awaiting delivery in the new FY.

Software related capital projects are collectively \$0.5M under the full year budget, with many having started and requiring to be carried forward.

Further details on these variances are disclosed in the attached CW Variance analysis report.

Capital Funding

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

Significant variances for the month included:

- Transfers from financial reserves were \$2.9M below full year budget due to the capital budget under spends.
- Developer contributions received under the Community Infrastructure plan were \$1.3M over the full year budget, even though the budget was significantly increased through the mid-year review. This reflects ongoing strong levels of land development activity across the City.
- Developer contribution plans revenue for roads infrastructure was \$0.3M ahead of the full year budget setting.
- Development partner contributions for the CCW RPAEC project were \$0.4M behind the full year budget forecast.
- The state government paid another \$1.5M of their contribution towards the CCW PPAEC project ahead of budget, due to an adjusted funding milestone.



- Road grant funding was collectively \$1.8M behind the full year budget target, consistent with the delay in completing roads capital projects.
- Sale of land revenue from various sub-divisions came in \$14.9M behind the full year budget target. This included:
 - \$9.6M for Lot 9003 Beeliar Drive (due to settle in October 2015),
 - \$1.4M for Lot 702 Bellier Place and Lot 65 Erpingham Road (due to settle November 2015),
 - \$1.3M for Lot 33 Davilak Avenue (delayed – October 2015),
 - \$1.0M for Lot 23 Russell Road (did not proceed to sell),
 - \$0.9M for Lot 40 Cervantes Loop (did not proceed to sell); and
 - \$0.7M for Lot 1, 4218 and 4219 Quarimor Road (did not proceed to sell).
- Proceeds from the trade-in and sale of plant were also collectively \$0.5M behind the full year budget.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$133.5M, down from \$141.5M the previous month. \$103.2M of this balance represented the amount held for the City's cash backed financial reserves. Another \$6.2M represented restricted funds held to cover deposit and bond liabilities. The remaining \$24.1M represented the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments (e.g. end of year reconciling transfers to financial reserves).

The City's investment portfolio made a weighted annualised return of 3.36% for the month, marginally down from 3.41% the previous month and 3.47% in April. Whilst this result compares favourably against the UBS Bank Bill Index and the various short term BBSW indices, it continues to trend downwards. This is due to lower rates being offered for new or renewed investments than those on currently held investments. The cash rate currently sits at 2.00% following the 0.25% cut by the Reserve Bank at its May board meeting. Industry expectations of a possible further cut later this calendar year will put pressure on the City achieving its interest earnings budget of \$5.4M for the 2015/16 financial year.



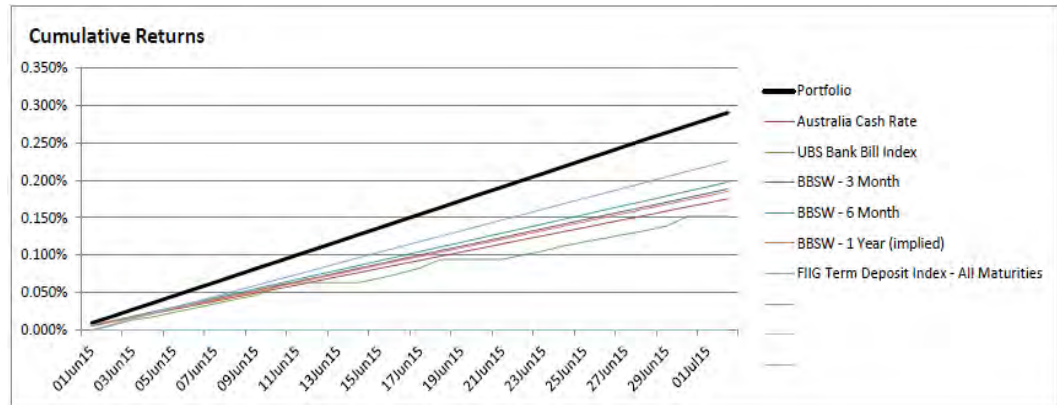


Figure 1: COC Portfolio Returns vs. Benchmarks

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

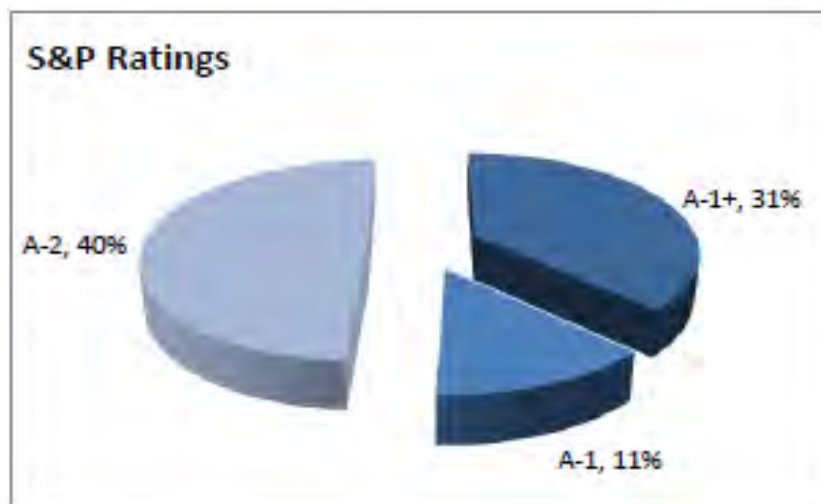


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the best possible rate on offer over the longer duration terms allowed under legislation and policy (6 to 12 months for term deposits), subject to cash flow planning requirements. The City’s investment portfolio currently has an average duration of 115 days (down from 132 days last month) as graphically depicted below:



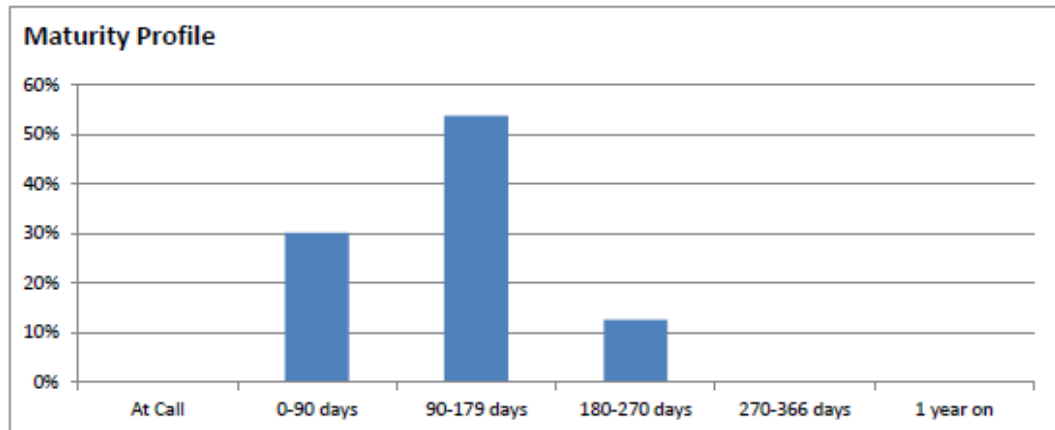


Figure 3: Council Investment Maturity Profile

Budget Revisions

Several budget amendments are recommended to deal with the following matters:

- The City has received a further \$1.5M of the state government's \$10M capital grant towards the RPAEC project at CCW (total received to date of \$3M).
- The budget currently shows loan funding of \$20M for the RPAEC project at CCW. As the City had no need to borrow these funds during 2014/15, in part due to establishing the CCW Development Fund financial reserve, this budget needs to be eliminated.
- A transfer from the CCW Development Fund Reserve for \$4.6M is needed to balance off the funding requirement for the \$8.7M spent on the RPAEC project in 2014/15.
- A reduction of \$13.9M in the RPAEC expenditure budget is needed to offset not borrowing (in 2014/15) \$20M funding from the loan netted off against the additional \$1.5M state government grant payment and the \$4.6M transfer from the CCW Development Fund Reserve.
- Include development costs of \$600,000 (funded from the Land Development & Investment Fund Reserve) for lot 9003 Beeliar Drive, previously flagged as up to \$1M in Minute No. 5426 at the December 2014 Council meeting.
- A transfer of \$35,000 from the LG Reform budget is necessary to fund additional design work required to support the application for grant funds from the Federal Government for the proposed Cockburn bowling club and other sporting facilities at Visko Park.



- Due to an increased funding requirement for the Western Suburbs skate park, the amount approved to be drawn from the Community Infrastructure Developer Contributions Plan (DCP13) was increased by \$11,888 to \$136,678. The income and expenditure budget for this project needs to be adjusted to reflect this increase.

Description of Graphs and Charts

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

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

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

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

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

The budget amendments included in the recommendation are self-funding and do not impact the budget surplus position.



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – June 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 5574) (OCM 13/8/2015) - FORECAST TRAFFIC VOLUMES ON COCKBURN ROADS (163/009) (J MCDONALD) (ATTACH)

RECOMMENDATION

That Council receive the information within the report.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

At the ordinary Council Meeting in July, Cr Steven Portelli raised the following matter for investigation:

“That a report be prepared and presented to the August Meeting of Council containing two maps noting the net differences in traffic flow in



the Cockburn district between "with" and "without" Roe 8, on the data reported in the 2013 District Traffic Study forecasts for 2020 and 2031.

As exemplified in figure 9 of the 2006 DTS, officers to provide the new maps, their summation in the same format and subject matter as 5.3 summation in the 2006 DTS updated with the newer information as above.

Noting the information is on hand and merely needs transcribing the net differences on traffic flows on the districts roads shown."

Submission

NA

Report

The City's 2013 District Traffic Study (2013 DTS), that contains traffic forecasts for the distributor road network in the City of Cockburn for the years 2020 and 2031, was prepared for the City by consulting engineers Arup Pty Ltd.

As requested by Cr Portelli, forecast traffic volumes from the 2013 DTS have been collated into a table presented similar to Tables 4, 5 and 6 in the 2006 District Traffic Study (2006 DTS). In this instance, the data was collated into a single table with the roads listed in alphabetical order for simplicity. More columns have been included in the table, than were used in the 2006 DTS, to include the forecast traffic volumes both with and with-out Roe Highway Stage 8 (Roe 8) and the difference between those figures. That table is included as Attachment 1.

It is very important that any reader of this report and associated attachments understand that any traffic volume forecasts are indicative only and must not be considered as absolute figures. Forecast traffic volumes are developed from a base year when actual traffic volumes are available, and then calculated taking into account assumptions about population and traffic growth rates; future road capacity and/or development of the road network; and, changes to land use.

As a result, actual traffic volumes that are experienced in the years that traffic has been forecast for will be influenced, to varying degrees, by any of those assumptions not being realised. For example, if population growth and land development occur at a slower rate than assumed, then actual traffic volumes should theoretically be lower than forecast.

Also, because many factors can influence traffic volumes on individual roads any conclusions drawn from the traffic forecasts should be made with care. Adding capacity into the road network by building a new road



such as Roe Highway should result in traffic reductions on existing roads that form parallel routes to the new road. But there may be other factors also contributing to that reduction, and the influence of that additional capacity reduces as the distance away from the new road increases. At the same time, there will also be roads that experience increases in traffic volume because of the way that a new road affects traffic distribution.

For example, if Roe Highway is extended to Stock Road, the 2013 report predicts traffic reductions on roads such as Berrigan Drive, Bibra Drive, Farrington Road, and part of North Lake Road. But its influence would result in lesser benefits for major parallel roads such as Beeliar Drive, and lesser again for Russell Road.

In the 2013 DTS certain assumptions relating to road network upgrades were used in the traffic model, based on anticipated future road improvements and additions anticipated by the City and Main Roads Western Australia at the time that the DTS was commenced in 2012. Those assumptions are listed in Table 1 below.

Road Network upgrade	2020	2031
North Lake Road bridge over Kwinana Freeway	✓	✓
Rowley Road extended to Postans Road		✓
Stock Road upgraded to three lanes each direction between Winterfold Road and Phoenix Road		✓
Kwinana Freeway upgraded to three lanes each direction from the north of the model to Beeliar Drive/Armadale Road	✓	✓
Roe Highway upgraded to three lanes each direction between Kwinana Freeway and Karel Avenue	✓	✓
Beeliar Drive upgraded to two lanes each direction between Kwinana Freeway and Stock Road	✓	✓
North Lake Road upgraded to two lanes each direction between Beeliar Drive and Hammond Road	✓	✓
Hammond Road/Frankland Avenue upgraded to two lanes each direction between Beeliar Drive and Russell Road	✓	✓
Grade separation of Stock Road with Spearwood Avenue, Barrington Street, Beeliar Drive and Russell Road		✓
Stock Road/Rockingham Road upgraded to three lanes each direction between Phoenix Road and Wattleup Road		✓
Karel Avenue upgraded to two lanes each direction between Berrigan Drive and Roe Highway		✓
Spearwood Avenue upgraded to two lanes each way between Barrington Street to Beeliar Drive	✓	✓
Beeliar Drive upgraded to 3 lanes each way between Kwinana Freeway and Wentworth Parade	✓	✓
Wentworth Parade four way with Poletti Road	✓	✓
Armadale Road upgrade to two lanes each way between Tapper Road and Nicholson Road	✓	✓



Road Network upgrade	2020	2031
Berrigan Drive upgraded to two lanes each way between Kwinana Freeway and Jandakot Road	✓	✓
Jandakot Road upgraded to 2 lanes each direction		✓
New four way formed with Hammond Road and Beeliar Drive - Hammond Road North of Beeliar Drive to North Lake Road is two lanes each way		✓

Table 1: 2013 District Traffic Study - adopted timing of network upgrades for base network

The following conclusions are drawn from the traffic forecast information in the attachments:

1. Armadale Road, between the Kwinana Freeway and Tapper Road, will be required to be widened to 6-lanes by 2020.
2. Armadale Road, east of Tapper Road will be required to be widened to 4-lanes by 2020.
3. Beeliar Drive, between Rockingham Road and Spearwood Avenue, will need to be widened to 4-lanes by 2020 without Roe 8.
4. Berrigan Drive, east of the Kwinana Freeway will be required to be widened to 4-lanes by 2020.
5. Bibra Drive will be required to be widened to 4-lanes by 2031 without Roe 8.
6. Cockburn Road will be required to be widened to 4-lanes by 2020.
7. Farrington Road will be required to be widened to 4-lanes by 2020 and 6-lanes by 2031 without Roe 8.
8. Jandakot Road will be required to be widened to 4-lanes by 2031 with/with-out Roe 8.
9. Karel Avenue, between Farrington Road and Berrigan Drive, will be required to be widened to 4-lanes by 2020 with/with-out Roe 8.
10. North Lake Road, north of Berrigan Drive, will be required to be widened to 6-lanes by 2020 without Roe 8.
11. Russell Road, west of Hammond Road, will be required to be widened to 4-lanes by 2031 without Roe 8.
12. Spearwood Avenue, south of Barrington Street, will be required to be widened to 4-lanes by 2020 with/with-out Roe 8.
13. Stock Road will need to be widened to 6-lanes by 2031 with Roe 8.
14. Sudlow Road, south of Phoenix Road, will be required to be widened to 4-lanes by 2020 with Roe 8.

Based on the information contained in the 2013 DTS, the construction of Roe Highway Stage 8 would reduce east-west traffic volumes along various major roads and have most influence on:

1. Berrigan Drive (up to 46% reduction by 2020).
2. Bibra Drive (up to 67% reduction by 2020).



3. Discovery Drive (up to 69% reduction by 2020).
4. Farrington Road (up to 54% reduction by 2020).
5. Karel Avenue (up to 41% reduction by 2020).
6. North Lake Road (up to 59% reduction just north of Berrigan Drive by 2020).
7. North Lake Road (37% reduction by 2031 between Farrington Road and the Roe 8).
8. Stock Road (up to 59% increase by 2020 and 61% increase by 2031).
9. Sudlow Road (100% increase by 2020)

Strategic Plan/Policy Implications

Moving Around

- An integrated transport system which balances environmental impacts and community needs.
- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- A defined freight transport network.

Budget/Financial Implications

The City's long term financial plan and regional and major roadworks 2013-2030 includes some of the projects. All major projects are dependent on external funding.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Table of 2020 and 2031 traffic forecasts from the 2013 District Traffic Study.
2. Maps of differences in traffic forecasts with Roe Highway Stage 8.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

16.2 (MINUTE NO 5575) (OCM 13/8/2015) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE CHIVALRY WAY COMMUNITY CONSULTATION (L JAKOVCEVIC) (082/002) (ATTACH)

RECOMMENDATION

That Council receives the report.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

At the Annual General Meeting of Electors on 3 February 2015, a motion was moved that Council stops the installation of the footpath along Chivalry Way Atwell. Council requested a report be prepared and presented to the 12 March 2015 Ordinary Council Meeting detailing the process of the Chivalry Way footpath project in 2014/15 work program.

At this meeting Council resolved to:

- (1) *support the installation of the proposed footpath in Chivalry Way Atwell; and*
- (2) *advise the residents of Chivalry Way of Council's decision.*

At the Ordinary Council Meeting 12 March 2015 Cr Steve Portelli requested the following matter to be noted for investigation without debate:

“That a report be prepared and presented to Council on Chivalry Way – Community consultation. A report on what specific contact and community engagement was undertaken? What steps can be made so this does not repeat itself?”



Submission

N/A

Report

The footpath in Chivalry Way project was listed on Council 2014/15 budget in response to a petition received from the community in August 2013 for a footpath in Chivalry Way, Atwell. An information letter was sent to all residents impacted by the proposal on Monday 12th January 2015 with information that the works for constructing the footpath will commence at the beginning of February 2015.

Following the Council resolution at the Ordinary Council Meeting of 12 March 2015 regarding the report mentioned above, a second letter drop was then issued to all residents on both sides of the street seeking any objection to the construction of this footpath. The results of the letter drop indicated a high level of support for the construction of the footpath and the project proceeded to completion.

To provide the residents and stakeholders with the opportunity to engage with Council on policies, plans, events or issues that impact their lives, the Council developed the City of Cockburn's Community Engagement Policy SC2 'Community Engagement' which was last reviewed on the 13 March 2014.

The purpose of this policy is:

- to adopt a Community Engagement Model based on three strategies information, consultation and active participation;
- to implement the Community Engagement Framework to ensure a consistent approach to community engagement across the City;
- to ensure the endorsed approach is widely practiced by City staff;
- to ensure that all legislative and statutory regulations are met and, where possible, exceeded, and
- to regularly survey the community on their needs and the performance of the City in meeting their needs

The Community Engagement Policy SC2 policy applies to all employees and to consultants engaged by the City of Cockburn, and all officers have been instructed to comply with that Policy whenever there is community engagement.

All future projects are to be carried out in accordance with this Policy.



Strategic Plan/Policy Implications

Infrastructure

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

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.
- Safe communities and to improve the community's sense of safety.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Policy SC2 'Community Engagement'

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

(MINUTE NO 5576) (OCM 13/8/2015) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Pratt that Council in accordance with Council's Standing Orders Local Law Clause 4.14 an



extension of time of no more than 45 minutes be granted to enable business of the meeting to be considered.

CARRIED 9/0

Reason for Decision

Suspending Standing Order 4.14 will allow Council sufficient time to conclude the business of Council.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5577) (OCM 13/8/2015) - PROPOSED CHANGE TO THE GAZETTED FIRE DISTRICT (ESL AREA 3 - ESL AREA 1) (150/014; 027/007) (R AVARD) (ATTACH)

RECOMMENDATION

That Council advise the Department of Fire and Emergency Services that it does not support the proposed amendment to the gazetted Fire District (ESL1) to include the locality of Banjup.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr K Allen that Council advise the Department of Fire and Emergency Services and the Minister for Emergency Services, the Honourable Joe Francis, MLA, that it:

1. does not support the proposed amendment to the gazetted Fire District (ESL 1) to include the locality of Banjup, and
2. urges that the current gazetted Fire District (ESL 1) applicable to non - reticulated Resource Zoned properties located in the rural areas of Jandakot and Banjup be reverted back to ESL 3.

CARRIED 6/3

Reason for Decision

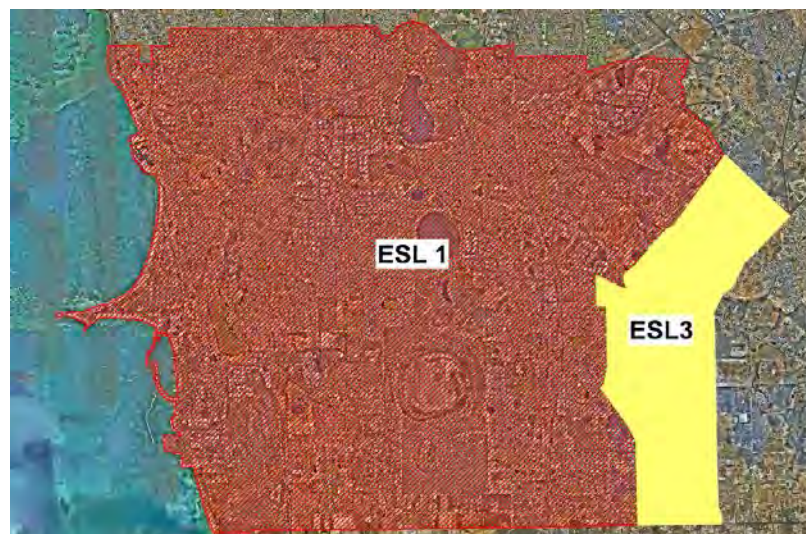
For the same reasons Banjup should not be made ESL 1 the rural properties located in the Jandakot area cannot be addressed by the career firefighters as their equipment is inadequate. In fact having the area designated ESL 1 could slow down response times and put life and property at further risk.



I ask that a copy be sent to the Minister for Emergency Services, Joe Francis.

Background

The City of Cockburn received correspondence from the Department of Fire and Emergency Services (DFES) (attachment 1), advising on the re-examination of the current Gazetted Fire District. The review by DFES has determined the risk profile and services available within the area of Banjup are adequate to extend the current ESL 1 area across the ESL 3 (see map 1 below) area to form part of the gazetted fire district.



Map 1: Current Emergency Service Levy status within the City of Cockburn

In accordance with the Fire and Emergency Services Act 1998, the Minister can determine the type of category an area is subject to under sub-section 2 of the Act. Before the change in category is gazetted, the Minister is to consult with the affected Local Government. Under the Fire Brigades Act 1942 the minister has the ability to gazette areas of land to a fire district, for the purposes of servicing them from a career Fire and Rescue Service.

At the City of Cockburn Bushfire Advisory Reference Group (BFARG) meeting held 25 March 2015, strong opposition to the proposed change was conveyed by the Reference Group's members. The BFARG unanimously do not to support the current proposal.

Submission

N/A



Report

The Department of Fire and Emergency Services wrote to the City in March 2014 seeking comment on the proposed changes to include Banjup as part of the Gazetted Fire District and in turn alter the category of the Emergency Services Levy. Council at its April 2014 Ordinary Council Meeting resolved to seek detailed justification from DFES and recommended the commencement of a public consultation period for residents within the area affected by the change.

In April 2015, DFES responded to Council's request providing a succinct summary to justify the change in category. The DFES response highlighted a number of reasons for the boundary and category change. This includes a change in risk profile of Banjup and nearby resourcing available from DFES, to support the proposed gazetted fire district.

Members of the BFARG reviewed the justification provided by DFES, and do not support the substantiation to alter the category of Banjup from ESL 3 to ESL 1. BFARG members insisted that without a change in the current services offered to the Banjup area by the Fire and Rescue Service, an effective response is not possible.

The proposed change will ultimately lead to two changes that affect the City of Cockburn and residents in Banjup. The increase in levy charged to landowners through Council rates, and the change in response by the City's Bushfire Brigades.

The ESL levy is determined by the Gross Rental Value of a property, and collected by Local Governments on behalf of DFES. Table 1 (below) provides indicative figures for the proposed increase in levy paid by landowners.

HECTARES	GRV	ESL3	ESL1
3.153ha	26000	\$156.00	\$319.80
2.00ha	19500	\$117.00	\$239.85
2.04ha	18300	\$109.80	\$225.09

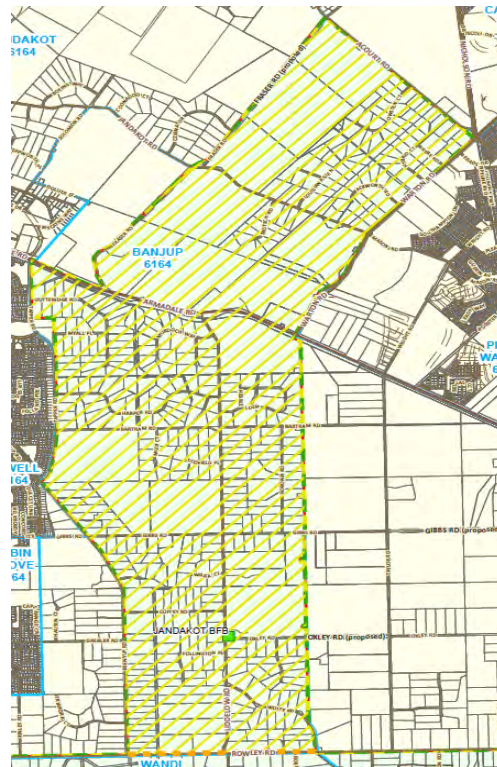
Table 1: Indicative charge in levy paid by resident

During the 2014/15 financial year, the City of Cockburn collected a total \$12,388,000 in ESL rates for DFES and received \$229,000 in return to support the City's two bushfire brigades and Cockburn State Emergency Services unit.

Currently, when a fire is reported within Banjup/ESL 3 area (map 2), the first response and suppression of fires falls to the Jandakot Volunteer Bushfire Brigade. Should the area be changed to ESL 1, the first call out and response will most likely be serviced from the Success



Fire and Rescue Station (FRS). Jandakot and South Coogee Bushfire Brigades will be utilised during larger fires or when their all-terrain and bulk water delivery vehicles are required.



Map 2: Current ESL 3 area

Arrangements can be put into place where the DFES Communications Centre can call out both a volunteer brigade and career units when required. Dual call outs will reduce the time it will take to activate the unique capabilities of the City’s volunteer Bush Fire Brigades.

Table 2 (below) highlights the number of calls received by the DFES Communications Centre. The table shows the number of incidents requiring the City’s Bushfire Brigades within the Banjup ESL 3 area.

Year	Bushfire Incidents
2010/11	16
2011/12	11
2012/13	13
2013/14	21
2014/15	15
Total	76

Table 2: BFB Callouts in the ESL 3 Area

**Statistics provided by DFES, Information is believed to be accurate at time of writing this report. DFES were not able to supply statistical data relating to the Career Fire and Rescue callouts for the ESL 3 area.*



To date DFES has confirmed the need to maintain and support South Coogee and Jandakot Volunteer Bush Fire Brigades in their current locations, irrespective of the proposed changes to the ESL and gazetted fire district.

The City has received correspondence from the Local Emergency Management Committee and Jandakot Volunteer Bush Fire Brigade, outlining specific reasons for why the proposal should not be supported.

DFES Assistant Commissioner Darren Klemm provided a presentation to the Banjup Residents Group at its 21 June 2015 meeting. The Banjup Residents Group resolved to unanimously not support the proposed changes to the ESL category to Banjup.

Strategic Plan/Policy Implications

Community & Lifestyle

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

Leading & Listening

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

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

There will be a limited impact on the Council budget as any additional Emergency Services Levy funds raised as a result of the area being transferred from ESL 3 to ESL1 are forwarded directly to the State Government.

Legal Implications

Fire Brigades Act 1942
Fire and Emergency Services Act 1998
Bush Fires Act 1954

Community Consultation

The Banjup Residents Association have advised that they do not support the inclusion of the suburb of Banjup in the ESL 1 area.



Attachment(s)

1. April 2015 correspondence from DFES
2. Correspondence from City of Cockburn Local Emergency Management Committee
3. Correspondence from Jandakot Volunteer Bushfire Brigade
4. Current Emergency Services Levy category 1 & 3 Map
5. Current Emergency Services Levy category 3 Map
6. Proposed Emergency Services Levy area for City of Cockburn

Advice to Proponent(s)/Submissioners

The Department of Fire and Emergency Services have been advised that this matter is to be considered at the 13 August 2015 Council Meeting.

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

Nil.

17.2 (MINUTE NO 5578) (OCM 13/8/2015) - PROPOSED AMENDMENT TO BANJUP SUBURB BOUNDARY AND NEW LOCALITY NAME (159/008) (D GREEN) (ATTACH)

RECOMMENDATION

That Council

- (1) advises the Geographic Names Committee (GNC) that it supports:
 1. The creation of a new locality to be named "Quendalup" for the area of Banjup bounded by Armadale Road, Warton Road, Jandakot Road, Solomon Road, Dollier Road and the current Jandakot (north / south) location boundary between Dollier Road (to the north) and Armadale Road (to the south), as shown in the Attachment to the Agenda.
 2. The inclusion of the area of Banjup bounded by Jandakot Road, Warton Road, Acourt Road and Fraser Road into the existing locality of Jandakot.
- (2) informs those who lodged a submission of Council's decision.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that That the recommendation be adopted with the following amendment to sub –



recommendation (1) 1.

“delete the name “Quendalup” in the first line and substitute the words “Treeby” as first priority and “Quendalup” as second priority.

CARRIED 6/3

Reason for Decision

Cockburn and Banjup Residents would be respectful of having a name relative to its military history, especially in acknowledgement of the World War 1 ANZACS. The Banjup Memorial is in the proposed new suburb. Banjup has had most of its new suburbs named after pioneers (Atwell, Hammond, Aubin,) of the area and Treeby would be the most poignant of them all. The Banjup Resident’s Group represents the majority of the existing suburb and a petition organised by them shows the support. The Calleya estate newer residents respectfully have not been exposed to this history. Quendalup is a name that pays respects to the original land owners, the Noongar people, but it has no other relevance as it is a suburb where Quendas no longer exist.

Background

At the Ordinary Meeting of Council held on 9 July, 2015 it was resolved, as follows:

MOVED Clr S Portelli SECONDED Clr Y Mubarakai that Council:

- (1) *propose to amend the boundary of the locality of Banjup and create a new suburb bounded by Armadale Road to the south, Jandakot Road to the north, Warton Road to the east and Solomon Road to the west, excluding the landholdings within the Jandakot Industrial Area (as shown in the attachment to the Minutes), to be called ‘Quendalup’ or ‘Kwentalup’;*
- (2) *proposed that the remaining area of the locality of Banjup to the north of Jandakot Road and west of Warton Road be included within the existing locality of Jandakot;*
- (3) *advise those affected landowners within the current locality of Banjup, together with the developer of the Calleya estate (Stockland), by letter of the proposal to create a new locality, to be called ‘Quendalup’ or*



‘Kwentalup’ and of the proposed boundary adjustment to the locality of Jandakot to include part of Banjup;

- (4) *invite affected landowners to make a written submission on the proposal, the recommended names and any alternate names which conform to Geographic Names Committee (GNC) Guidelines within a 21 day period;*
- (5) *refer the submissions regarding the proposal, the recommended names, and any alternate names with Officers recommendations to Council for consideration; and*
- (6) *advise GNC of Council’s decision.*

Submission

N/A

Report

In accordance with sub – recommendation (4), letters were sent to all landowners subject to the potential locality name changes, together with a short survey form to indicate whether they supported or opposed the proposed change, in addition to submitting any alternatives which could be considered by Council as suburb names. This entailed two separate letters being forwarded to landholders in the areas affected by Council’s decision.

One letter was sent to around 400 landowners in the area proposed to be renamed “Quendalup” or “Kwentalup” (known as Survey 1). This included 7 owner / occupier residential properties in the area branded “Calleya Estate” and 10 rural (2 ha) property owner / occupiers. The remaining landholders are either absent owners, property developers, Government Agencies or operating business premises. At the closing date for submissions, 131 responses have been received. Of these, 74 supported the proposal and 57 opposed. Of the 74 who responded in favour, 54 specified Quendalup and only 5 noted Kwentalup as the preference. Significantly, only 7 of the 17 owner / occupiers responded. Of these 2 supported the proposal and 5 opposed the proposal.

Of the opponents there were a number who offered an alternative for Council’s consideration. These are listed separately on the Attachment, together with officer comment on their suitability. The most favoured alternatives were “Treeby” (5), “Oxley” (5) and a merger with adjoining Jandakot (5). The suggestion of merging this part of Banjup with Jandakot is not supported as it would create an abnormally large location which would contain a number of vastly differing land uses and



would forego the obvious opportunity to rebrand a developing residential suburb.

Both “Treeby” and “Oxley” could be acceptable, as they are generally in compliance with GNC Guideline 7.1.1, given the relativity of these names to early settlers. Treeby is historically the more significant, as it refers to Joseph Treeby and his wife, Emma, who settled in the area and developed a vegetable garden in the 1890`s. In addition, 3 of the Treeby sons served in World War 1, with one killed in action. Oxley refers to the surveyor of the area, James Oxley, who first recorded Lake Bangup, (later altered to Banjup Lake) in 1889.

Both of these names are commemorated in the area already, with Emma Treeby Reserve and Oxley Road, existing in the Banjup locality, to the south side of Armadale Road.

Given this information, it is considered that the name “Quendalup” is widely favoured by the majority of respondents and it is recommended for Council endorsement accordingly.

The other letter (Survey 2) was sent to 98 owners of land in the area of Banjup proposed to be ceded into Jandakot. The majority of these (71) are owner / occupiers with the remainder being either absent owners or Government Agencies. Responses have been received from 39 landowners with 15 in favour of the suggestion (to amalgamate into Jandakot) and 24 in opposition. 2 respondents who opposed the proposal indicated a preference for the area to be integrated with the proposed new locality area. All responses are summarised in the attachments, together with the officer`s commentary.

While there are more opponents to the proposal (to merge with Jandakot) than supporters, the statistical fact is that less than 25% of the landowners in the area have formally registered this opposition, while the remainder are either in favour (16%), or are ambivalent (59%), by not expressing a particular preference.

In addition to the formal responses received, two petitions have been submitted (one on each proposal) offering alternative names for Council to consider on each proposal. However, in both instances, the majority of signatures are from people not directly affected by the proposals (i.e. are not landowners in those areas). For the sake of consistency, the intent of the petitions have been described in the attachments, indicating the wishes of the ‘eligible’ respondents who would not have otherwise provided comment as identified in the statistics above.

Overall, it is considered that, while the level of support for the proposals has not been overwhelming, neither has opposition to them.



Accordingly, it is now timely for Council to resolve its preferred nomenclature outcomes for these areas, because the opportunity to introduce a new locality name is limited, as the rate of development (and associated home occupancy) increases in the area.

Strategic Plan/Policy Implications

Community & Lifestyle

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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

N/A

Legal Implications

The Geographic Names Committee (GNC) is the branch of the relevant State Government agency ultimately responsible for allocating names to localities across the State. The GNC has comprehensive guidelines which it uses to support its decisions and these must be adhered to by local governments wishing to name / rename localities.

Community Consultation

The landowners in the areas of Banjup directly affected by these proposals (approximately 500 in total) have been contacted and provided an opportunity to support, oppose or offer alternative suggestions to be applied. Respondents had until 3 August 2015 to reply.

Attachment(s)

1. Item previously presented to July 2015 Council Meeting.
2. Map identifying affected areas.
3. Schedule of Submissions (Survey 1).
4. Schedule of Submissions (Survey 2).

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 August 2015 Council Meeting.



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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (MINUTE NO 5579) (OCM 13/8/2015) - NOTICE OF MOTION - MAYOR HOWLETT - RATES NOTICES AND INFORMATION (150/012) (S DOWNING)

RECOMMENDATION

That Council calls for a report on the following:

1. On Rate Notices, itemise by each category the relevant dollar amounts that apply for the Rates levied on its' ratepayers by the Council, the State Government and where applicable the Federal Government.
2. Improve the extent of information provided in the Rates Information Brochure issued with the Rates Notices to reflect the need for informing ratepayers, in a more meaningful way, all sources of revenue and expenditure.
3. Improve the information included in the Differential Rates - Reasons and Objects Notice to inform in a more meaningful way the ratepayers of the proposed income and expenditure for the forthcoming financial year as it applies. This action to include a community engagement process with ratepayers prior to the finalisation of the Differential Rates - Reasons & Objects Advertising Notice period.
4. Call on WALGA to adopt the Recommendation at Points 1, 2 and 3 above through the WALGA Zone process and to consider an advertising program aimed at informing ratepayers about the 'rating' process.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0



Background

Mayor Howlett provided the following notice of motion by email dated Wednesday 5 August 2015.

That Council calls for a report on the following:

1. On Rate Notices, itemise by each category the relevant dollar amounts that apply for the Rates levied on its' ratepayers by the Council, the State Government and where applicable the Federal Government.
2. Improve the extent of information provided in the Rates Information Brochure issued with the Rates Notices to reflect the need for informing ratepayers, in a more meaningful way, all sources of revenue and expenditure.
3. Improve the information included in the Differential Rates Reasons and Objects Notice to inform in a more meaningful way the ratepayers of the proposed income and expenditure for the forthcoming financial year as it applies. This action to include a community engagement process with ratepayers prior to the finalisation of the Differential Rates Reasons & Objects Advertising Notice period.
4. Call on WALGA to adopt the Recommendation at Points 1, 2 and 3 above through the WALGA Zone process and to consider an advertising program aimed at informing ratepayers about the 'rating' process.

Submission

N/A

Report

The need for greater transparency in the rate setting process is required to ensure the sustainability of imposing these charges on the community and property owners.

Local Government being the third tier is constantly subject to cost shifting as the State and Federal Government seek to cut costs to reduce their respective budget deficits. The State Government has imposed substantial increases in a range of charges levied onto local government in areas of the Emergency Services Levy, Street Lighting, Landfill Levy and Infrastructure charges from Western Power and the Water Corporation. In addition, there is also a push to reduce funding



for services such as financial counselling, a vital service in today's economic times.

Although the shifting of costs from the Federal Government to local government are not as pronounced, the distribution of GST back to the State via the fiscal equalization process has meant that the State Government has missed out on billions of dollars of income, which in turn has meant the State is forced to make cuts.

The need to ensure that the community sees the rate setting process as fair, equitable and transparent is paramount if confidence is to be maintained in not only spending ratepayer's funds but also collecting rates and other charges. The need to explain to ratepayers how this occurs should be paramount. In fact the South West Group of Finance Directors has already commenced this process so that an industry process can be put in place with the support of the West Australian Local Government Association (WALGA) and the Department of Local Government.

The Notice of Motion will, if adopted, allow officers to examine what can be done through the rates notice and accompanying information. The intention will be to liaise with other Councils in WA but also examine what happens in other States of the Commonwealth to ensure that best practice is presented to Elected Members for their consideration.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

Section 6.2 of the Local Government Act 1995 refers.

Community Consultation

N/A

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

Mayor Howlett has been advised that the matter is to be considered at the 13 August 2015 Ordinary Council Meeting.

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

Nil.

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

Nil

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

Nil

22 (OCM 13/8/2015) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE

1. **Clr Houwen** – A report be presented to Council on the deputation document in relation to ‘Rates for 2015/16’ presented and submitted by the Banjup Residents Association tonight.
2. **Clr Pratt** – A report be presented to Council at a future Council meeting on potential sites for a Dog Park in the Hammond Park / Success areas similar to the newly completed Yarra Vista dog park in Jandakot. This should be carried out in consultation with residents of the suburbs of Hammond Park and Success.
3. **Clr Allen** – A report to be presented to a future meeting of Council advising how Council can establish a formal committee of Council to give consideration and recommendation to full Council of all matters, not just planning and development, but financial, community engineering and any other matters that may impact on the current or future Council and its ratepayers in regards to subdivisions and the Town Planning Scheme.
4. **Clr Wetton** – A report be presented to a future meeting of Council on a possible location and feasibility for an enclosed dog park in the Spearwood or Port Coogee area.



23. CONFIDENTIAL BUSINESS

23.1 (MINUTE NO 5580) (OCM 13/8/2015) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 16 JULY 2015 (027/002) (S CAIN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee Meeting held on 16 July 2015, as attached to the Agenda, and adopt the recommendations therein.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 9/0

Background

The Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee met on 16 July 2015. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

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

Report

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



Strategic Plan/Policy Implications***Leading & Listening***

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

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 16 July 2015 are provided to the Elected Members as confidential attachments.

Advice to Proponent(s)/Submissioners

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

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

Committee Minutes refer.

24 (MINUTE NO 5581) (OCM 13/8/2015) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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



COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr B Houwen the recommendation be adopted.

CARRIED 9/0

25 (OCM 13/8/2015) - CLOSURE OF MEETING

The meeting closed at 9.18 p.m.

CONFIRMATION OF MINUTES

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

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

