

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 DECEMBER 2005 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 DECEMBER 2005 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor

##### IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr K. Lapham	-	Acting Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr M. Ross	-	Acting, Director, Planning & Development
Mr A. Jones	-	Communications Manager
Ms V. Viljoen	-	Personal Assistant to CEO

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

#### 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 08/12/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

Nil

**5 (OCM 08/12/2005) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Val Oliver	-	Apology
Clr Kevin Allen	-	Apology

Mayor Lee advised the meeting that the City had received four Awards, as follows:

1. From IFAP (Industrial Foundation for Accident Prevention) and CGU – Safe Way Achiever Silver Award in recognition of Cockburn's Safety Management Programme.
2. From IFAP and CGU – Safety Achiever Award for the City of Cockburn successfully achieving a 50% reduction in the Lost Time Injury Frequency Rate.
3. From the Community Services Industry Awards 2005 - Finalist – Alcoa of Australia/City of Cockburn Projects Fund in the category Business and Community Partnerships.
4. From the Community Services Industry Awards 2005 - Finalist – Cockburn Community Development Strategy in the category Strengthening Communities.

**6 (OCM 08/12/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil



## 7 (OCM 08/12/2005) - PUBLIC QUESTION TIME

### Glen Diggins, Coogee

Agenda Item 13.3 – Response to Issues Paper “Local Government Structural and Electoral Reform in WA”

In considering the response prepared for this item will Council:

- Q1. Recognise that the form of words used are likely to be interpreted as indicating that the City of Cockburn Council is a bit of an easy touch and would not put up too much resistance to any proposal to take over part of its territory?
- Q2. Consider changing the form of words used so that they fully represent the true character of the Council and indicate in no uncertain terms that it will not entertain any takeover proposal?
- A. Council’s formal position to vigorously oppose any proposal for boundary alterations with the City of Fremantle was provided to the Local Government Advisory Board in April 2002, as the result of comments attributed to some residents of the West Ward by the local print media. This position remains intact today.

The latest Review by the Board is being undertaken on a holistic basis across the State, and has not been initiated as a result of any local lobbying or partisan commentary by any particular Council.

The Review is a public process and the Board is seeking general community feedback to assist it in its assessment of the many options available to it for structural reform of local government in this State. It is not seeking parochial argument from individual Councils seeking to protect or expand their current Districts.

An amendment is being proposed this evening regarding this matter.

### Ken Hynes (Yangebup Progress Association), Yangebup

Agenda Item 14.2 – Proposed Inert Landfill Site and Resource Recovery Centre – Lots 1, 410 and 451 Miguel Road, Bibra Lake

- Q1. Will you clarify the word “resource” in the applicant’s proposal for an “Inert Landfill site and resource recovery centre”? Does this leave us open to some unknown salvage operation at some future date?
- A1. The initial proposal included some minor salvage of materials but is no longer included in the current application. This is a matter that may be discussed in Council’s deliberations on this application at tonight’s meeting.



- Q2. On page 2 of 5 section 3 Department of Environment Application for Works Approval (See copy attached) dated 22/11/2005 Prescribed Premises Category. We note that the category description is "Class 1 inert landfill" does this then mean that recovery of resources cannot be approved?
- A2. This question should be directed to the Department of Environment not Council but on inspection of the Environmental Protection Regulations (EPR) a Waste Depot is prescribed premises No 62 which is not included in the application for works approval.

Mayor Lee asked Mr Ross to provide the meeting with a brief description of 'prescribed premises'. Mr Ross advised that it was his understanding of the EPR that there are 60 different activities that could generate impacts, either on site or off site, and they are regulated by the EPA through works approvals, etc., which are subject to conditions. The application that Moltoni Corporation have lodged does not include the waste depot, it is just the Class 1 landfill and that is all that is being considered.

Mr Hynes asked if he could continue with his question on Item 16.3, however the Mayor advised that as there was insufficient time a letter of response would be sent to Mr Hynes.

**Robyn Scherr, Coogee**

Agenda Item 14.3 – Proposed Building Height Limit to State Coastal Planning Policy

- Q. The people of Cockburn and other Coastal Communities on the metropolitan coast have indicated through DPI workshops and consultation that the proposed height limits are acceptable by consensus. Why then is my Council going against their wishes? Who is the City of Cockburn representing in opposing these changes?
- A. Mayor Lee advised that the City of Cockburn, as always, is representing its community and residents. The City is well aware of the DPI workshops that have been conducted on coastal planning. Community consultation is not complete as other views may come through the public consultation process on the proposed changes to the WAPC Coastal Policy. This is ongoing and will be ongoing throughout the whole process. The development of our coast is something that this Council, both on an Elected Member level and on a professional officer level have fought for, for many years, and we will continue that fight until it is developed according to the vision this Council develops in consultation with its community. That will be ongoing for many years. However long it takes and as long as the community wishes Council to represent them, then this Council will continue to make the effort and commit the time to do so.





Council is entitled to form its own views on the acceptability of the proposed policy changes as it applies to the Cockburn Coastline and particularly to the North Coogee area. The Officer's report is based on each development being assessed on its merits and furthermore where building height could have regard to principles of sustainable urban design such as efficient use of land, increased residential densities, improving walkability, creating critical mass to support a range of services. Whatever is necessary for this Council to do, or the community feels is necessary to do within its means and as an outcome of its consultation and workshops, it will continue to do. These are principles in the WAPC's Cockburn Coast Dialogue – Urban Design Issues Paper. It could mean however that 5-storey residential development, which is what the policy changes propose, along the entire WA coastline is totally unacceptable and a lesser height would be preferable and where alternatively taller buildings could be acceptable in the proper development context.

### **Dan Scherr, Coogee**

#### Agenda Item 14.3 - Proposed Building Height Limit to State Coastal Planning Policy

- Q. Council is proposing to go against the Community's wishes re height restrictions on the Cockburn Coast. So please tell us whose vision of the Cockburn Coast you will be promoting as Council's delegate to the Cockburn Coast Steering Committee with special regard to building heights and setback requirements.
- A. The Mayor advised that as he had just explained and would stress again, Council was democratically elected just recently and will continue to represent the vision of its residents, ratepayers and the community who have placed us here and given us the position of trust, to pursue the vision. Those visions were, in fact, well and truly given discourse during the course of the elections. Some people even stood specifically to be elected to positions against the coastal development and were unsuccessful in doing so. Council will represent the community as it has been elected to do.

Council is entitled to form its own views on the acceptability of the proposed policy changes as it applies to the Cockburn Coastline and particularly to the North Coogee area. The Officer's report is based on each development being assessed on its merits and furthermore, where building height could have regard to principles of sustainable urban design, such as efficient use of land, increased residential densities, improving walkability, creating critical mass to support a range of services. These are principles in the WAPC's Cockburn Coast Dialogue – Urban Design Issues Paper. It could mean however that 5-storey residential development, which is what the policy changes propose, along the entire WA coastline is totally



unacceptable and a lesser height would be preferable and where alternatively higher buildings could be acceptable in the proper development context. Council will have the courage, the vision and will have had the consultation and, hopefully with the instigation of the Minister's Steering Committee, Council will have the support of the Government and the community.

**Geoffrey Sach, Coogee**

Agenda Item 13.3 – Response to Issues Paper “Local Government Structural and Electoral Reform in WA”

Q. In reviewing the response prepared for this item, will council consider the following?

1. Adjust the northern boundary of the City of Cockburn west ward as follows. The new northern boundary to proceed from the high water mark at South Beach along the prolongation of Duro Road to the intersection with Hampton road ,thence proceed in a south easterly direction to the intersection with Clontarf Road then proceed in an easterly direction along Clontarf Road to join with the current West Ward northern boundary along Jean Street. This boundary adjustment to incorporate a small portion of the south ward of the City of Fremantle, will in my view, comply with the guiding principles of the Perth Coastal Planning Strategy, and allow for coordinated planning of the South Beach Development and Port Coogee Development.

2. In regard to recommendation 4, alter the recommendation to agree with the above boundary change proposal?

A. The Mayor stated that there is a misunderstanding by certain individuals who think that structural reform or a strategic review of Local government in WA is an opportunity to 'land grab'. This is not the case and it is not this Council's intention to propose any boundary amendments. A lot of people do propose amendments, such as Mr Sach has proposed here this evening, but it is not Council's intention to pursue them at this stage.

Structural reform or strategic planning is precisely what it says. It is not looking for a quick fix, easy way out solution. It is planning your City's future for the next 20 years. Council is involved in a very complex and complicated, and hopefully successful planning session at the moment which is taking up a great deal of time and resources to plan our City for years to come so that the millions of dollars needed to provide infrastructure can be provided in a reasoned and sensible way without having to run to others for handouts or to steal land from adjacent Cities. The key to successful structural strategic reform is based on thorough and proper strategic planning.



**8 (MINUTE NO 3032) (OCM 08/12/2005) - CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 10 November 2005 be adopted as a true and accurate record.

**COUNCIL DECISION**

MOVED Cllr L GONCALVES SECONDED Cllr T ROMANO that the recommendation be adopted.

**CARRIED 8/0**

**9 (OCM 08/12/2005) - WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil

**10 (OCM 08/12/2005) - DEPUTATIONS AND PETITIONS**

Nil

**11 (OCM 08/12/2005) - BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)**

Nil

**12 (OCM 08/12/2005) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 3033) (OCM 08/12/2005) - MINUTES OF AUDIT COMMITTEE MEETING 14 NOVEMBER 2005 (5017) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Audit Committee meeting held on 14 November 2005, as attached to the Agenda, and the recommendations contained therein be adopted.



**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury that Council adopt the recommendation subject to the withdrawal of Item 8.1 which is to be considered separately.

**CARRIED 8/0**

**Background**

A meeting of the Audit Committee was conducted on 14 November 2005.

**Submission**

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

**Report**

The committee considered the following matters:

- (1) Report of 2004/05 Interim External Audit – Barrett and Partners
- (2) Report of 2004/05 Annual External Audit – Barrett and Partners
- (3) Report of 2004/05 Internal Audit – Year 2 – K.P.M.G.
- (4) Recommendation for position of Acting CEO – 2006.

**Strategic Plan/Policy Implications**

Key Result Area “Managing Your City” refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

Local Government (Financial Management) Regulation 5(2)(c) refers.  
Part 7 of the Local Government Act, 1995, Local Government (audit) Regulations refer.

**Community Consultation**

N/A



**Attachment(s)**

Minutes of Audit Committee 14 November 2005

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

N/A

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

Nil.

**(MINUTE NO 3034) (OCM 08/12/2005) - (AC 14/11/2005) - ITEM 8.1 - AUDIT COMMITTEE MEETING 14 NOVEMBER 2005 - RESULTS OF INTERIM EXTERNAL AUDIT FOR THE YEAR ENDED 30 JUNE 2005 (1712;5009) (KL)**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that Council:

- (1) as recommended;
- (2) note the comments made in the letter from its external auditor, dated 9 August 2005 ("the Letter");
- (3) in response to the Letter, require the CEO to make it a term of Council's terms of credit so that customers of the Henderson Landfill Site, that are non-publicly listed companies, provide Council with a Directors' guarantee of the customer's liabilities;
- (4) direct the CEO to provide a report to a future meeting of the Committee regarding Council's risk exposure in relation to credit provided to debtors that is either not secured or guaranteed.

**CARRIED 8/0**

**Reason for Decision**

The motion adopted by Council is substantively the same as the motion adopted by the Committee, but is more specific.



**13.2 (MINUTE NO 3035) (OCM 08/12/2005) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 14 NOVEMBER 2005 (1054) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 14 November 2005, as attached to the Agenda, and adopts the recommendations contained therein.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that Council adopt the recommendation subject to the withdrawal of Item 14.4 which is to be considered separately.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 14 November 2005. The minutes of the 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**

Key Result Area "Managing Your City" refers.



**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Committee Minutes refer.

**Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 14 November 2005.

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

N/A

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

Nil.

**(MINUTE NO 3036) (OCM 08/12/2005) - (MINUTE NO 167) (DAP&PS 14/11/2005) - PROPOSED AMENDMENT TO POLICIES AND POSITION STATEMENTS AFFECTED BY ELECTED MEMBERS USE OF CREDIT CARDS (1705) (DMG) (ATTACH)**

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield THAT Council adopt the recommendation subject to the addition of the following:

- (3) that Council directs the DAPPS Committee to review Policy AES6 "Attendance at Conference and Seminars" to consider including a requirement for Council delegates to provide a post-conference report to Elected Members on the content and benefits of the conference/seminar attended.

**CARRIED 8/0**



**Reason for Decision**

It is common practice in many businesses that delegates to conferences/seminars are required to capture the information presented so that other people who have not attended can benefit.

**13.3 (MINUTE NO 3037) (OCM 08/12/2005) - RESPONSE TO ISSUES PAPER 'LOCAL GOVERNMENT STRUCTURAL AND ELECTORAL REFORM IN W.A.' (1335) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council advises the Local Government Advisory Board that:-

- (1) it believes the ultimate predicted future growth of the City of Cockburn (i.e. estimated population of approximately 110,000 by 2020) will result in an optimum sized and sustainable local government entity and any reduction to this scenario will proportionately diminish the ability of Council to service the future strategic needs of the Cockburn community;
- (2) on the basis of (1) above, any proposals to significantly alter the current boundaries of the City of Cockburn should be discouraged;
- (3) the City of Cockburn supports the principle of resource sharing and other initiatives which would create cost efficiencies between local governments; and
- (4) notwithstanding the legislation provisions of the Local Government Act, 1995, relating to changing the boundaries of local governments, it is the City of Cockburn's position that amalgamations of local governments should only be contemplated following the exhaustion of attempts to achieve a voluntary arrangement between two or more local governments, or where the financial viability of one or more local governments is clearly unsustainable.

**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr S Limbert that Council advises the Local Government Advisory Board that:

- (1) it believes that both currently and as a result of the ultimate predicted future growth of the City of Cockburn (i.e. estimated population of approximately 110,000 residents by 2020), Cockburn is and will remain an optimum sized and sustainable local government entity and any reduction to this scenario will proportionately diminish the ability of Council to service the





future strategic needs of the Cockburn community;

- (2) on the basis of (1) above, any proposals to significantly alter the current boundaries of the City of Cockburn will be strongly resisted;
- (3) as recommended;
- (4) as recommended; and
- (5) for Postal Elections, the election timetable should reduce the time available for electors in the Metropolitan area to complete and return their ballot papers to 7 days.

**CARRIED 7/1**

### **Reason for Decision**

While it is recognised that this matter is in its preliminary stages, it is suggested that Council's official response be made in the strongest possible terms in order to confirm its commitment to the retention of the current District boundaries. Currently, the WA Electoral Commission allows two to three weeks for postal ballot papers to be completed and returned for inclusion in the count. As the great majority of votes are returned within three days of being received, it is apparent that voters who intend to participate in Council elections do not require such an extended timeframe to consider their preference. Accordingly, the Commission's practice should reflect voter habits. The extended voting period is also an onerous and expensive imposition on candidates, who have to continue campaigning over a three week period whilst not knowing if any further votes are being cast. Given that it is desirable to encourage people to nominate and participate as Elected Members in Local Government, the process should be as friendly and as accessible to all as possible.

### **Background**

A review of structural and electoral reform was announced on 5 October 2005 by the Minister for Local Government and Regional Development, Hon John Bowler MLA. The Local Government Advisory Board has been given terms of reference, with a requirement for public consultation, and a due date of 10 February 2006 to report to the Minister. The terms of reference and an issues paper are attached to the Agenda.

The W.A. Local Government Association is coordinating a response from local governments throughout the state on the electoral reform issue. It is also preparing its own submission to the Board in relation to the matter of structural reform. However, as this has been an item of



interest to this Council for some time, it is considered appropriate that the City of Cockburn submits its own comments on this important issue.

**Submission**

N/A

**Report**

**1. Introduction**

Structural reform of local government in this state has been under review for many years. In fact, it has been an ongoing topic of discussion since the 1974 Royal Commission into Metropolitan Municipal District Boundaries Report. However, apart from two major exceptions - being the dissection of the Cities of Perth and Wanneroo for reasons not related to overall local government structural efficiencies - there has been no realistic attempt made by successive state governments to implement a programme of reforming the local government sector during this timeframe. For such a reform agenda to achieve noticeable efficiencies, it is generally accepted that this means a reduction in the number of local governments, through a process of unification or amalgamation, as has been the case in all other states which have undertaken this exercise.

**2. Recent Historical Perspective**

The City of Cockburn has, in recent times, maintained a position that its current size and configuration will amount to the "ideal" local government when full development is achieved by the estimated date of 2020. This is based on an ultimate population growth of around 110,000 by 2015 and the subsequent infill of the City's commercial and industrial land by 2025. Council has always seen this proportionate growth of urban and business development as essential criteria for underpinning its strategic objectives for the Cockburn community. Any significant amendments to this position would seriously compromise Council's ability to plan and provide for the ultimate infrastructure and service needs of the District, as it currently stands, whereas retention of the status quo will see these needs achieved in a well planned, responsible and sustainable manner into the future.

It is on this basis that Council has made submissions to the Board, defending its current status, in the past, as shown in the attachments to the Agenda.



A submission was made as a result of a newspaper report in 2002 which claimed there was public support for an amalgamation of some of the City of Cockburn West Ward with the City of Fremantle.

Prior to that, in 1996, Council responded to a report prepared by a Structural Reform Advisory Committee. In its submission Council highlighted its preference for the growth of the District to be the primary source of funding the future infrastructure and service provision for the Cockburn community.

The premise of that submission is still relevant as it remains the principal strategic goal of this Council to provide for the long term needs of the District and not simply endeavour to manage these needs on an ongoing basis from one year to the next.

### **3. Resource Sharing Opportunities**

As it is Council's contention that it should retain the right to determine its own destiny, the focus on reform should be in the efficient sharing of the resource base necessary for local government to operate at a more cost effective and sustainable level for the benefit of local communities.

Again, in its 1996 submission, Council highlighted the effectiveness of its involvement in the South West Group of Councils which operates in the combined interests of the Councils located in the South West Metropolitan corridor on issues of Regional importance and significance. This voluntary and cooperative approach, which has been in place since 1990, is seen as an ideal vehicle for expanding the sharing of resources in operational and functional areas between two or more local government Districts. Currently, the Group CEO's are investigating resource sharing opportunities between member councils as a commitment to the potential of this concept.

If encouraged, and instigated to its maximum potential, this could result in tangible and cost effective benefits across local government, without the necessary turmoil and divisive outcomes which inevitably result from a more forceful approach such as amalgamation.

Indeed, if the concept of resource sharing was embraced as a primary motivator for local government to more fully investigate, it is suggested that the industry would be more likely to enthusiastically take up the challenge of identifying real benefits which could be achieved, rather than adopt a defensive approach to protecting the status quo at all costs – a position



which has been effective in discouraging previous state governments from further pursuing the reform agenda.

#### **4. Current Legislative Requirements**

At the present time there is an exhaustive process which must be followed if major alterations to local government District boundaries are to be effected.

These procedures ensure that there is adequate opportunity for all aspects of proposals, irrespective of where they may have originated from, to be thoroughly researched and considered prior to being given formal approval for implementation.

This process was outlined in the 2002 report considered by Council, an extract of which is attached.

While this legislative safeguard offers some assurance to all but the most vulnerable of local governments regarding their future, it should not be taken for granted that it is the right of all local governments to remain in their present form into the future.

It is possible that, at some stage, the state government could adopt a position that could accelerate the reform agenda and potentially take the future control of this process away from local government.

#### **5. Conclusion**

Local Government in W.A. has, to a degree, been spared the effects of "corporatisation", as experienced by other state and federal government entities, as well as its counterparts in other states. However, with the reform agenda gathering momentum at other levels of government, it is unlikely that this situation will remain intact for much longer.

Therefore, in order to address what is likely to be a mandatory exercise in the not too distant future, it is recommended that all Councils adopt a position that will allow them to investigate opportunities to rationalise their activities and operational methods with a view to becoming more cost effective and sustainable organisations.

Should this approach be accepted at a broader level, then it is considered that a more coordinated approach will result and that some logical and tangible benefits will become evident.

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

Key Result Area "Managing Your City" refers.



**Budget/Financial Implications**

Nil

**Legal Implications**

Schedule 2.1 Local Government Act, 1995, refers.

**Community Consultation**

N/A

**Attachment(s)**

1. Local Government Advisory Board Issues Paper
2. Extracts – Response to Recommendations of Structural Advisory Committee
3. Extract of Council Minutes – 16 April 2002
4. Provisions for Changing Boundaries of Local Governments

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

N/A

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

Nil.

**13.4 (MINUTE NO 3038) (OCM 08/12/2005) - COCKBURN COAST STEERING COMMITTEE (9523) (DMG)**

**RECOMMENDATION**

That Council nominates Mayor Stephen Lee as its delegate to represent the City of Cockburn on the Cockburn Coast Steering Committee.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## **Background**

The Cockburn Coast, comprising South Beach, Robb Jetty, Port Coogee and Woodman Point is a significant area of coastal land, characterised by former and continuing industrial uses, poor access and underutilised natural assets.

The potential for the area to become a mixed use coastal hub has been recognised for many years, with the impetus now in place to progress the transformation of this unique and exceptional area.

As the request of the Minister for Planning and Infrastructure, the Dialogue for the Cockburn Coast was held in May 2005. The Dialogue provided a forum for the local community to outline their aspirations and a broad vision for the Cockburn Coast. It is now time to take these aspirations and move forward with the structure planning process for the Cockburn Coast.

## **Submission**

N/A

## **Report**

The Minister has indicated that development of a planning framework for the Cockburn Coast is a priority, and has recently approved the formation of the Cockburn Coast Steering Committee to manage the development of the structure plan.

The involvement of the City of Cockburn is critical to the success of the regeneration of the Cockburn Coast and the formulation of a structure plan. The Department therefore seeks a delegate to represent the City of Cockburn on the Cockburn Coast Steering Committee.

## **Strategic Plan/Policy Implications**

Key Result Area "Planning Your City" refers.

## **Budget/Financial Implications**

Nil.

## **Legal Implications**

Nil.

## **Community Consultation**

Nil.



**Attachment(s)**

Nil.

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

Nil.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

- 14.1 (MINUTE NO 3039) (OCM 08/12/2005) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - LOT 20; 136 COCKBURN ROAD, HAMILTON HILL - OWNER: CORDIA PTY LTD - APPLICANT: GREG ROWE & ASSOCIATES (2200603) (JB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the following amendment:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME – DISTRICT ZONING SCHEME NO. 3

AMENDMENT NO. 45

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928, amend the above Town Planning Scheme by:

Amending the Scheme Maps by:

1. deleting Restricted Use 9 (“RU 9”) applying to Lot 20 (No. 136) Cockburn Road, Hamilton Hill and replacing with new Restricted Use 11 (“RU 11”).

Amending the Scheme Text by:

1. adding new Restricted Use 11 to Schedule 3 – Restricted Uses as follows:



No.	Description of Land	Restricted Use	Conditions
RU 11	Lot 20, Cockburn Road, Hamilton Hill.	Motor Vehicle, Boat & Caravan Sales, Educational Establishment, Motor Vehicle Repair and Trade Display.	Planning Approval
<p>(2) sign the amending documents, and advise the WAPC of Council's decision;</p> <p>(3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;</p> <p>(4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;</p> <p>(5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;</p> <p>(6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and</p> <p>(7) advise the applicant of Council's Decision and request the applicant to prepare five (5) copies of the amendment documents.</p>			

**COUNCIL DECISION**

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

**CARRIED 8/0**





## Background

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

## Submission

The applicant has provided the following justification for the proposed Scheme Amendment:

- A key element of the ‘Vision for Cockburn Coast’ for this area is the strategic shift to remove inappropriate industrial uses from the coastline and to facilitate the transformation of the area into a vibrant coastal village.
- The proposed Scheme Amendment will remove the potential land use conflicts that the current RU 9 impose on the subject site and will facilitate land uses more readily compatible to the future of the development and will complement a future coastal village theme.

A copy of the applicant’s full submission should be read in conjunction with this report and is contained in the agenda attachments.

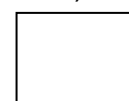
## Report

The subject land is zoned Industry with an existing “Restricted Use” (RU 9) under the City of Cockburn Town Planning Scheme No 3., which provides for the processes for and incidental to the production of meat and allied products.

The application proposes to rezone the site by removing the existing RU 9 and allocating an “Additional Use” (AU) to include “Motor Vehicle, Boat and Caravan Sales”; “Educational Establishment”; “Motor Vehicle Repair” and “Trade Display”.

If the Restricted Use was to be removed and an Additional Use allocated in its absence without any further restrictions being placed on the site the base zoning of Industry would apply. This would literally have the effect of allowing the site to be developed as any other industry site in the City. This is an outcome that the City strongly suggests should not be pursued.

Nevertheless, the overall desired outcome that the applicant is trying to facilitate can still occur if the rezoning of Lot 20 (No. 136) Cockburn



Road, Hamilton Hill allows for the removal of existing "Restricted Use 9" and the allocation of a new "Restricted Use" providing for "Motor Vehicle, Boat and Caravan Sales"; "Educational Establishment"; "Motor Vehicle Repair" and "Trade Display".

This will ensure the site is still restricted from other industry uses that may not be appropriate in this location, in line with the strategic 'Vision for Cockburn Coast'.

The removal of the existing RU 9 (processes for and incidental to the production of meat and allied products) and the allocation of new "Restricted Use" will facilitate the site being developed as a car dealership in the immediate future and the added flexibility of future uses if a market demand is identified in the area.

If Council initiates the scheme amendment, the proposal will be referred to the EPA and subject to approval, be advertised for public comment in accordance with the Town Planning Regulations.

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning and Development Act  
Town Planning Regulations

### **Community Consultation**

Subject to advice from the EPA the proposed scheme amendment will be advertised to the community for a period of 42 days upon initiation of the amendment.

### **Attachment(s)**

- (1) Location Plan
- (2) Submission



### Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 8 December 2005 Council Meeting.

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

Nil.

**14.2 (MINUTE NO 3040) (OCM 08/12/2005) - PROPOSED INERT LANDFILL SITE AND RESOURCE RECOVERY CENTRE - LOTS 1, 410 AND 451 MIGUEL ROAD, BIBRA LAKE - OWNER/APPLICANT: MOLTONI CORPORATION PTY LTD (4109346) (4113473) (4413031) (JB) (ATTACH)**

That Council:

- (1) grant temporary planning approval for a period of three years only for an inert landfill site and resource recovery centre on Lots 1, 410 and 451 Miguel Road, Bibra Lake, in accordance with Clause 10.6 of Town Planning Scheme No. 3, subject to the following conditions:

#### STANDARD CONDITIONS

1. The site shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
2. 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 Sundays and Public Holidays.
3. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. All earthworks and/or associated drainage details shall be in accordance with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
6. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.



7. Vehicular access to and from the site shall be restricted to that shown on the plan approved by the Council.
8. Crossover is to be located and constructed to the City's specifications.
9. The carrying on of the development must not cause a dust and smoke nuisance to neighbours. The developer is required to submit a Dust Management Plan in accordance with the Council's Policy SP7 Prevention of Sand Drift from Subdivision and Development Sites within the City of Cockburn. The Plan is to be approved by the Council's Health Services prior to the commencement of earthworks and complied with during the life of the development.
10. No burning of cleared vegetation on the site.
11. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
12. The applicant engaging a suitably qualified noise consultant to prepare and submit a site specific noise report demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of Council.
13. The applicant to submit a site-specific vibration management plan, prepared by a suitably qualified consultant, prior to the commencement of operations to the satisfaction of Council.
14. The developer is to erect signs on the site for the duration of the development. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of works and the phone contact details of the principal contractor and Department of Environment (DOE) for any complaints relating to the proposed works.

SPECIAL CONDITIONS

15. The unauthorised removal of kerblines and verge area along Miguel Road, adjacent to Cocos Drive is to be reinstated, graded, stabilised and landscaped to the satisfaction of the Council prior to the development being occupied and no vehicle access to the site is permitted at



this location.

16. The proponent shall prior to commencing development, furnish to the Council a bond of \$50, 000 or other amount required to ensure compliance with all conditions of approval, which ever is the greater amount ("the bond").
17. The proponent shall also, prior to commencing development, enter into a legal agreement to be prepared by the City's solicitors at the cost of the owner, dealing with the satisfactory compliance of all conditions of approval, and whereby the applicant covenants to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Council in the same terms; and authorises the Council to lodge an absolute caveat over the land to ensure that such obligations run with the land.
18. If in the opinion of the Council any condition(s) have not been complied with (including following the expiration of the term of this approval), then without prejudice to any other remedy available to the Council, the Council may on 7 days written notice to the owner and occupier by its officers, employees or agents, contractors, enter the land the subject of this approval or any part as many times as the Council deems necessary, with or without vehicles, machinery, equipment or plants for as long as the Council deems necessary to undertake remedial works.
19. A monitoring bore shall be installed down gradient of the land fill to provide quarterly reports of the ground water monitoring to the Department of Environment and to the Council.
20. The inert land fill operation must not at any time contaminate soil and groundwater and if any materials or waste are deposited that are not clean fill and Type 1 Inert Waste these must be removed immediately and disposed of off-site in accordance with the Department of Environment & Health Department requirements pertaining to that class of waste.
21. Filling of the site shall only consist of clean fill and Type 1 Inert Wastes at all times.
22. The applicant engaging a qualified engineer to certify that filling has been adequately compacted for industrial development to the satisfaction of Council. The site must generally achieve an "A" classification as defined by AS2870 and in accordance with Council's Earthworks

Policy APD 35 (as amended).

23. No filling and batters are to extend into the land reserved as an "Other Regional Road" in the City of Cockburn Town Planning Scheme No. 3.
24. Natural vegetation should be retained along Miguel Road and the future Railway Parade to provide a visual buffer.
25. The intersection treatment which includes an acceleration and a passing lane onto Miguel Road in the location on the approved plan must be designed and constructed to the satisfaction of Council prior to commencement of any filling works.
26. If the Spearwood Avenue extension works proceed concurrently with landfill operations subject of this approval, the developer must undertake additional measures to provide suitable revegetation to ensure that landfill operations are visually screened as far as practicable from the Spearwood Avenue extension.
27. Notification in the form of a memorial is to be placed on the Certificates of Title of all lots within the application area advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost.

This memorial to state as follows:

*"This land is being used as an Inert Landfill site and therefore prior to subdivision and development the site must be appropriately filled and compacted to achieve an "A", "S" or "M" classification under Australian Standard (AS) 2870".*

28. Lots 1, 410 and 451 Miguel Road must be amalgamated onto one title to the satisfaction of Council.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regards to Condition No. 21, site classifications are predominantly to achieve an "A" classification. Lots other than Class "A, S & M" are not supported under the City's



Earthwork Policy APD 35. "S & M" site classifications would require a Section 70A notification confirming site classification on the Certificates of Title in each instance.

3. Prior to the commencement of works, the contractor is required to arrange a site meeting with Councils Health Services in order to discuss the implementation of the approved Dust Management Plan.
4. All signage shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of council.
5. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
6. The applicant is advised that the Department of Environment (DoE) has assessed the application and has no objection subject to the following conditions:
  - Works Approval – A works approval and a license are required for the proposed activity. The proponent is advised to contact the Kwinana office on 9411 1777.
  - Waste Acceptance – The Licensee shall only accept and bury the following types of waste at the premises:
    - Clean fill; and
    - Type 1 inert waste.
  - Noise - An acoustic report should be undertaken to determine whether the proposed buffers are satisfactory. Noise emissions from operations on site are required to comply with the Environmental Protection (Noise) Regulations 1997.
  - Pollution – The licensee should take all reasonable and practicable measures to prevent or minimise the discharge of waste and the emission of noise, odours or electromagnetic radiation from the premises. The licensee should inform the Director at least 24 hours prior to the commencement of any planned non-standard operations, which may have the potential to cause pollution.
  - Wind-Blown Waste – The licensee shall, where waste material has the potential to become wind blown waste or a dust nuisance, place on the waste daily a minimum of 150 millimetres of clean cover material, free from any potential wind blown waste or dust nuisance. The licensee shall ensure that any wind blown waste is removed from the premises fences and roads, and from

land between the premises fence and public roads.

Burning of Wastes – The licensee shall not burn, or permit the burning of any waste on site.

Storage of Hydrocarbons – The licensee shall store hydrocarbons (where the total volume exceeds 250 litres) within low permeability ( $10^{-9}$  metres per second or less) compounds designed to contain not less than 110% of the volume of the storage vessel and allowing sufficient capacity to all for average rainfall events.

Groundwater Monitoring – A monitoring bore shall be installed down gradient of the landfill and provide quarterly results of the groundwater monitoring to the DoE. Please refer to the DoE's Water Quality Protection Note: Groundwater Monitoring Bores and Guideline "Groundwater Monitoring at Municipal Landfill Sites" issued by the department of Minerals and Energy (Geological Survey of WA) for further information.

Groundwater Separation Distance – The licensee shall maintain an undisturbed separation distance of at least three metres between the base of the deepest excavation and the highest seasonal groundwater level.

Dust Management Plan – A Dust Management Plan being prepared and implemented prior to the commencement of site works to the satisfaction of the DoE. The licensee shall ensure that all areas on the premises from which dust may be generated are maintained so that no visible dust emissions cross the boundary of the premises.

Documents – Where appropriate, the licensee should be aware of and endeavour to comply with the following policy documents issued by the Department of Environment (and advise the Director where the licensee is unable to comply with any of the documents):

- Landfill Waste Classification and Waste Definitions 1996 (as amended);
- Guidelines for Acceptance of Solid Waste to Landfills;
- Water Quality Protection Note: Land Filling with Inert Material; and
- Guideline "Groundwater Monitoring at Municipal Landfill Sites".

7. The DoE advise that the subject land is located in the Cockburn Groundwater Area, which is proclaimed under the Rights in Water and Irrigation Act 1914. This means there is a requirement to obtain a Groundwater License should groundwater draw be necessary for reasons other than for domestic purposes or irrigating greater than 0.2 hectares in size. The issue of a license is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each year. If



there is an existing license for the property, it may need to be amended to change the purpose or area. Please contact the Allocation Section of Kwinana-Peel Region Office on 9411 1777 for more detailed information on licensing.

8. The Department of Planning and Infrastructure (DPI) advise the following:  
The subject land (Lot 410) is affected by a land requirement for the future construction of Spearwood Avenue, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS) (see attached extract). It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of constructing the ORR. You are advised to contact the Western Australian Planning Commission (WAPC) – Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the WAPC.
9. In regard to Special Condition 27 if the site is not properly filled and compacted the Council reserves the ability to recommend refusal of subdivision to the Commission and may decide to reject further development of the land.
10. Upon the expiration of this 3 year approval no further development may occur unless with the prior consent of Council, whereby a fresh application must be lodged.

#### **COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council adopt the recommendation with the following amendments:

- (1) limiting approval to an inert landfill site and deleting reference to a resource recovery centre in sub-recommendation (1);
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of an MRS form 2 Notice of Approval); and
- (3) advise the submissioners and Yangebup Progress Association of the Council's decision accordingly.

**CARRIED 8/0**



### Reason for Decision

The applicant is not proceeding with a Resource Recovery Centre and therefore the approval is limited to an inert landfill site.

If Council approved the proposed development then a notice of approval must be issued to the applicant and the Yangebup Progress Association and the other submissioner should be informed of the decision accordingly.

### Background

ZONING:	MRS:	Industrial & Other Regional Roads
	TPS NO. 3:	Industry & Other Regional Roads
LAND USE:	Vacant	
LOT SIZE:	Lot 1: 0.2931ha, Lot 410: 2.135ha, & Lot 451: 3.3134ha Miguel Road, Bibra Lake.	
AREA:	5.7415ha	
USE CLASS:	Inert Landfill Site & Resource Recovery Centre Industry – General (Licensed) 'D' (Discretionary)	

Council at its Ordinary Meeting on 14 July 2005 resolved as follows:

- (1) *receive the report;*
- (2) *advise the applicant that:*
1. *On balance of the issues raised in the two divergent legal opinions it is satisfied that there is an arguable case that the proposed Resource Recovery Centre could be classified as an Industry – General (Licensed) use pursuant to the City of Cockburn Town Planning Scheme No. 3;*
  2. *It is prepared to make a final determination of the application pursuant to Strategic Council Policy SC17 – “Request for Reconsideration of Refused Applications” and waiving the 14 day reconsideration period for the applicant to forward requests in writing.*
- (3) *advertise the proposal for 14 days to all adjacent and adjoining landowners for comment;*
- (4) *refer the application back to a future Meeting of Council upon the closure of the public comment period. If no submissions of objection are received the application will be dealt with under delegated authority o Council; and*



(5) *advise the applicant accordingly*".

Following Council's resolution the following relevant events have occurred:

- 19 July 05 Moltoni Corporation were advised of Council's Decision;
- 20 July 05 Public consultation was undertaken with surrounding landowners and relevant authorities (see community consultation);
- 20 July 05 The application was deferred pending receipt of amended plans clarifying the scope of works relating to potential noise, dust, vibration and predicted staging levels of the land filling works;
- 27 July 05 Information was received from applicant confirming that a crushing plant was no longer required as a component of the filling operations. Ongoing dialogue continued between the applicant and the City pertaining to dust, noise and vibration issues and appropriate vehicle access/egress plan for the site;
- 29 August 05 A staging plan and indicative timelines for the landfill application received by the City;
- September 05 The applicant advised that they were pursuing two options for vehicle access/egress of the site: Option No. 1 would involve the leasing of the railway reserve to the north of the site and would entail gaining access/egress off Wellard Street. Option No. 2 would entail gaining access/egress off Miguel Road with appropriate acceleration lanes and passing lanes;
- 5 October 05 The applicant advised it would not be possible to secure a leasing arrangement from the Public Transport Authority for the railway reserve to the north of the site (Option No. 1) and that they would pursue the Miguel Road vehicle access/egress option (Option No. 2) through a transport consultant;
- 25 October 05 The applicant advised their transport consultants were nearing completion of a vehicle intersection treatment for Miguel Road;
- 2 November 05 The City's Engineering Services agreed "in principle" to support the applicant's proposed intersection treatment for Miguel Road. However this was dependent on a final design plan after all services



were identified and final horizontal alignments were determined;

- 9 November 05 A subdivision response from the City was sent to Western Australian Planning Commission relating to the future subdivision of the site following completion of earthworks.

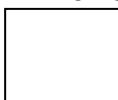
### **Submission**

The applicant has provided the following justification in support of the proposal, which has been summarised accordingly:

- The site occupies an area of approximately 11.1 hectares. The base of the pit remains at a contour of 34.5m AHD with relative surrounding AHD levels ranging from 40m AHD to 50m AHD.
- The proposed areas of filling contain little vegetation due to previous quarrying activities conducted on the site.
- The fill is to be comprised of both clean fill and Type 1 waste.
- Fill will be transported to the site via rigid and semitrailer trucks with loads ranging from 10 to 20 tonnes.
- A Site Manager will ensure daily records are kept on the amount, location and type of fill being deposited at the site.
- The initial application is for a period of 3 years. It is expected that the filling of the site will take up to 7 years. This will be done in 5 stages. It is expected that a geotechnical classification of Class "A" will be achieved for the entire site. At this stage, the applicant has only sought approval for 3 years.
- Compaction of the site will be achieved through utilising a 'Rolling Dynamic Compaction' technique.
- Vibration limitations will be placed on the impact roller to ensure it complies with nominated vibration limits.
- A subdivision application has been lodged with the Western Australian Planning Commission (WAPC), which reflects the future finished AHD levels for the site.

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Essentially, the initial application is for a 3-year period. The applicant intends to achieve sustainable land use outcomes by returning the existing site to its original form by utilising both clean fill and Type 1



waste. Facilitating a higher and better industrial end use through the future subdivision of the site into industrial lots.

## **Report**

Although delegated authority was granted to the City to determine the application if no objections were received during the public submission period, submissions raising concerns were received and it was thought that the scope and scale of the proposed works required Council's determination.

The subject land is zoned Industry under the City of Cockburn Town Planning Scheme No 3. Council has previously determined that the proposal is an Industry – General (Licensed) Use. Based on this pre-established position, Council has the discretion to either approve (with or without conditions) or to refuse the application.

The site is located at Lots 1, 410 & 451 Miguel Road, Bibra Lake, near the junction of future Spearwood Avenue realignment and Railway Parade. The total site area, according to the City's records, is approximately 5.8 hectares

### Surrounding Land Uses

Subject to the proponent complying with the recommended conditions outlined, the proposal is unlikely to have any adverse impact (ie noise, vibration and dust) on the surrounding land uses.

The City's Health Services have been liaising with the proponent regarding appropriate dust suppression management for the site and expected noise management and initially didn't support the plans in its present form.

In response the proponent is currently working on a revised dust management plan in accordance with the City's Health Services requirements that is likely to demonstrate compliance with the criteria set in the Department of Environment Document: *"Land development sites and impacts on air quality – A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia"*.

### Access

Depending on the source, supply and demand for filling the proponent has estimated that the site has the potential to generate up to 30 vehicle movements per day. In order to address safety issues associated with increased traffic the City has facilitated extensive discussions with the proponent on the most appropriate site access/egress.



“In principle” the City’s Engineering Services are satisfied that the applicant’s Traffic Consultant’s have adequately addressed safety concerns with accessing Miguel Road by utilising acceleration and passing lanes, these draft plans still require formal endorsement at the detailed planning stage. Accordingly, a condition of approval is that the intersection treatment onto Miguel Road is to be approved and constructed to the satisfaction of Council’s Engineering Services prior to commencement of works.

The potential for traffic to impact on residents in Yangebup will be further minimised with the expected closure of the Miguel Road Railway Crossing due to occur by 30 November 2005, which will result in the redirection of some traffic through the Spearwood Avenue/Yangebup Road intersection.

### Environmental Management

Due to the land filling aspect and associated works of the proposal a ‘Works Approval’ and ‘Licence’ will be required by the proponent from the Department of Environment (DoE) (see Footnote No. 6). The proponent has already submitted a licence application with DoE, which has been assessed and is pending Councils determination. The licence means that the DoE is responsible for managing the potential environmental impacts and any associated complaints that are generated from the proposal, including:

- Waste Acceptance Types
- Noise
- Pollution
- Wind-Blown Waste
- Burning of Wastes
- Storage of Hydrocarbons
- Groundwater Monitoring
- Groundwater Separation Distances
- Dust Management; and
- Compliance with DoE Documents pertaining to “Landfill Waste Classification and Waste Definitions 1996 (as amended)”; “Guidelines for Acceptance of Solid Waste to Landfills”; “Water Quality Protection Note: Land Filling with Inert Material”; and “Groundwater Monitoring at Municipal Landfill Sites”.

Further, to the DoE requirements the City has recommended a number of management conditions, addressing: appropriate legal agreements and notifications, site compaction, vibration, noise, dust, groundwater monitoring and bonding for remedial works.



### Community Consultation

Three submissions were received pertaining to the proposed landfill site. Issues identified relate to the potential for externalities to be generated from the site, relating to: loss of amenity; dust, noise & vibration management; vehicle access/egress of the site; and no definitive timeframe for the completion of works. The community consultation section of this report addresses these issues.

### Recommendation

Subject to proper management and compliance with the recommended conditions by the proponent the proposal is considered acceptable from a planning point of view. The potential impact and possible risks of the proposed works in general are manageable from a compliance perspective. Accordingly the application is supported subject to compliance with a comprehensive set of conditions which include the requirement for a performance bond and legal agreement.

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

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

1. Managing Your City
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
  
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Council Policies which apply to this item are:

APD35	FILLING OF LAND
SPD7	PREVENTION OF SAND DRIFT FROM SUBDIVISION AND DEVELOPMENT SITES

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3



## Community Consultation

In accordance with Council's resolution at its Ordinary Meeting held on 14 July 2005 comments were sought from all adjacent and adjoining landowners.

Two submissions were received during the consultation period. One late submission from the Yangebup Progress Association was received on 22 September 2005.

The main issues of concern raised in the submissions are summarised below:

- (1) Noise emanating from the site, crusher location and machinery usage.
- (2) Dust generation from the site.
- (3) Loss of amenity if landscaping is removed from lot closest to Miguel Road.
- (4) Duration of works.
- (5) Access/egress of the site and the safety of motorists.
- (6) Timing of works for the Miguel Road cul-de-sac at the railway line to prevent truck access through the Yangebup residential area.

The above concerns are addressed as follows:

- (1) The applicant has informed the City that the crushing aspect of the development is no longer required. Noise and hours of operation are dealt with through appropriate conditions.
- (2) A condition of approval will be that a dust management plan is to be approved by the City's Health services prior to the commencement of works.
- (3) A condition of approval is that natural vegetation should be retained along Miguel Road and the future Railway Parade to provide a buffer and maintain the visual amenity of the site
- (4) There is a fair amount of uncertainty in relation to the proposed duration of works associated with the development. It is therefore recommended that in accordance with Clause 10.6 Sub-Clause 10.6.1 of Town Planning Scheme No. 3 that Council only grant a temporary planning approval for a period not exceeding three years. This will enable the City to revisit the terms and conditions of the approval within a defined period to





ensure all works are or have been completed to the satisfaction of Council.

- (5) Extensive discussions have occurred between the proponent and the City regarding the most appropriate access/egress of the site. Accordingly, a condition of approval is that the intersection treatment onto Miguel Road is to be approved and constructed to the satisfaction of Council's Engineering Services prior to commencement of works.
- (6) At Council's Ordinary Meeting held Thursday 10 November 2005 Council resolved to close the Miguel Road Railway crossing by 30 November 2005. It is expected that this closure will cause traffic to use the Spearwood Avenue railway bridge, which will result in greater volumes of traffic passing through the Spearwood Avenue/Yangebup Road intersection.

#### **Attachment(s)**

- (1) Development Application – Staging Plan
- (2) Location 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 8 December 2005 Council Meeting.

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

Nil.

### **14.3 (MINUTE NO 3041) (OCM 08/12/2005) - PROPOSED BUILDING HEIGHT LIMIT TO STATE COASTAL PLANNING POLICY - SPP NO. 2.6 (MR) (1332) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) lodge a submission with the Western Australian Planning Commission based on the comments made in the report expressing its objection to the proposed changes to Statement of Planning Policy No 2.6 which seeks to introduce building height limits along the Western Australian coastline;
- (2) advise the Western Australian Local Government Association accordingly.



**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr J Baker that that Council support as an interim arrangement the proposed changes to Statement of Planning Policy No. 2.6 which seeks to introduce building height limits along the Western Australian coastline subject to the Commission undertaking a more detailed investigation to determine lower building height limits along environmentally sensitive coastline and allowing possibly higher building height limits where this may be more environmentally and socially acceptable.

**MOTION LOST 2/6**

MOVED Cllr R Graham SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED 6/2**

**Background**

The Gallop Government made a commitment in the “*Better Beaches Policy*” to limit the height of development along the Western Australian coast. A copy of the policy is included in the Agenda attachments.

The Minister for Planning and Infrastructure requested that the Western Australian Planning Commission give due regard to the policy when exercising their decision-making and planning and policy development. The Minister furthermore stated in a letter to the City dated 21 April 2005 as follows:-

*“In light of the Government’s policy commitment, any proposals for developments which might be contrary to this policy, or which reduces the public facilities and services along our beaches, I judge to be at least regional importance, because of their potential to dramatically effect the access to, or enjoyment of, those beaches.”*

The Western Australian Planning Commission acting under direction from the Minister has now introduced call in powers for development applications that could be of State or Regional significance under Clause 32 of the Metropolitan Region Scheme. This has the consequence of already applying the proposed changes to SPP No 2.6 before they are introduced, which diminishes the ability to influence the outcome of the advertised policy changes.

This now means that the dual planning approvals granted by the Council under delegated authority of the WAPC pursuant to the



Metropolitan Region Scheme and its own Town Planning Scheme No 3 no longer apply. The WAPC is now responsible for granting development approval based on the Clause 32 requirements for development within 300m of the coast with the exception of industry and infrastructure and other similar developments. Council is now only responsible for granting planning approval pursuant to its Town Planning Scheme No 3. If an applicant fails to secure both planning approvals from the WAPC and Council then the development could not proceed.

### **Submission**

This proposed amendment to Statement of Planning Policy No 2.6 State Coastal Planning Policy has been released for public comment. The Western Australian Planning Commission (WAPC) has invited the City to comment.

The State Coastal Planning Policy is a broad sector policy under the State Planning Framework. The proposed amendment to the policy will insert an additional sub-section to section 5 Policy Measures entitled Building Height Limits. The proposed provisions of this part of the policy will relate to development including residential (including short stay residential), offices and hotel purposes, or any combination of these uses within 300 metres of the horizontal setback datum of the coastline. The proposed provisions do not relate to ports, industry and infrastructure.

The proposed amendment states that the height of buildings should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Local governments may specify lower maximum height limits in particular localities in order to achieve outcomes, which respond to the desired character, built form and amenity of the locality.

Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:

- a) there is broad community support for the higher buildings following a process of full consultation;
- b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;
- c) the location is part of a major tourist or activity node;
- d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore;
- e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

In considering proposals for medium and high density developments on the coast consideration should be given to any other relevant policies and guidelines adopted by the WAPC.



The deadline for submissions is on Friday, 23 December 2005.

## **Report**

The proposed changes to Statement of Planning Policy No. 2.6 – State Coastal Planning Policy seek to limit high-rise developments on the State’s beaches. The policy change applies to all land within 300 metres of the horizontal setback datum (beginning of primary coastal vegetation or eroding foreshore) except industry, infrastructure and other similar developments.

### Blanket Approach

A “blanket policy approach” to controlling development along the Western Australian coastline is highly subjective and questionable. It is not understood why the acceptable building height of five storeys is proposed, why not six, why not seven storeys? Similarly there is no explanation given to limit building height to eight storeys. Building height limits should be up to local government to formulate and apply their own unique requirements, in consultation with their local community.

### Inhibits Development

The Cockburn Coastline is subject to revitalisation plans that include mixed-use development and high-density residential development. Redevelopment plans could be arbitrarily restricted or inhibited by the proposed policy changes. The policy changes are also a fundamental departure from considering all development “on its merits” based on the “effects” it would have on coastal amenity.

The maximum building height limit is eight storeys in the changes to the State Coastal Policy. This would prohibit any development being considered by the WAPC above eight storeys in height even if upon a site-specific assessment that all of the policy criterion can be satisfied. There should be some flexibility for the WAPC to support structures higher than 8 storeys for applications where there is a demonstrated community benefit and no adverse impact on the community through amenity considerations of overshadowing and privacy.

### Inconsistent

Notwithstanding the relevance of the proposed changes to the Coastal Planning Policy, no consideration has been given to applying restrictions on high-rise development along the Swan River, which has consistently more pressure for redevelopment. In comparison there is little or no pressure for high-rise development along 99% of the WA coastline. There is a clear inequity and inconsistency in the Government’s approach.



Metropolitan Coastline

There should be recognition that higher density development along the metropolitan coastline needs to be dealt with differently from the whole of the WA coastline. The metropolitan coast is highly developed and includes development nodes such as Mindarie Keys Marina, Hillarys Marina, Scarborough, Cottesloe, Fremantle, future Port Coogee, future FPA outer harbour, Henderson, Rockingham and Mandurah Marina. Most of the Perth Metropolitan Coastline besides Observation City is less than five storeys in building height.

Public Consultation

*there is broad community support for the higher buildings following a process of full consultation*

This is the first criterion for an eight-story structure that must have broad community support must be achieved but how? How must the City engage the broader community and how do we ensure that most people have a say on development? Also is this 51% of submissions, or 60% or 90% of all submissions received?

*the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area.*

The proposed changes to the policy are as subjective as individual preferences on building architecture and where it may not be possible to achieve broad community support anywhere along the WA coastline.

South Beach – The adopted South Beach Structure Plan includes a range of medium to high-density codes from R20-R40, R40-R80, R60-R100 and R60- R80 on Mixed Business land. An 8 storey 21 apartment approval has already been granted approval by the Council on Lot 113 Rollinson Road and is about to undergo construction. There are several other high-density development sites in the South Beach development area affected by this policy change. The proposed policy changes fail to recognise that the WAPC has endorsed the Structure Plan that includes these high-density codes that could facilitate development of 8 storey buildings.

The Council has already undertaken a community consultation process that lead to its adoption of the South Beach Structure Plan and where there is no building height limit applied. Development will be restricted above 5 storeys in height due to the requirements for advertising and WAPC approval, which can substantially increase the processing time for applications and where the outcome of decisions becomes increasingly uncertain.

South Beach and the area identified in the Vision for Cockburn Coastline will be tightly controlled if the building height policy changes are adopted by the WAPC.



Port Coogee – The City's Town Planning Scheme No 3 sets out in Development Area One (DA1) provisions that apply specifically to Port Coogee. Provision 21 includes similar building height controls to that proposed by amendments to the SPP No 2.6 applying to development within the Marina Village, and local centre areas as follows:-

*“21. Within the Marina Village, and local centre areas coded R80, development is restricted to a maximum of eight storeys. The height of buildings in residential R60 and R80 areas should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:-*

- a) there is broad community support for the higher buildings following a process of consultation;*
- b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;*
- c) the location is part of a major tourist or activity node;*
- d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
- e) there is visual permeability of the foreshore and ocean from nearby residential area, roads and public spaces.”*

Development within the R20, R25, R30 and R40 coded residential areas is restricted to two storeys in height plus a loft under provision 18.

The Port Coogee scheme provisions are very similar to the proposed changes to the State Coastal Policy. There are no apparent conflicts between the local and state approach in this instance. These building height controls were required by the Minister prior to the gazettal of the Port Coogee scheme amendment.

Coogee Beach Structure Plan – It is unlikely that any new buildings within the Structure Plan area would exceed 5 storeys in height. New buildings include the proposal for a Coogee Surf Club but this is unlikely to exceed these requirements.

Other – The Henderson Ship Building Precinct is within the 300m development control area but is exempt from the proposed building height controls and therefore no issues arise that conflict with the policy changes in this respect.

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

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



2. Planning Your City

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Council Policies that apply are:-

SPD4            Liveable Neighbourhoods

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No. 3

Metropolitan Region Scheme Clause 32 resolution – call in powers currently apply to the proposed changes in SPP No 2.6

**Community Consultation**

The proposed changes to SPP No 2.6 are being advertised for public comment until Friday, 23 December 2005.

**Attachment(s)**

- (1) Areas subject to proposed amendment to height of buildings
- (2) Proposed text amendments to SPP No 2.6 State Coastal Policy
- (3) Better Beaches – Gallop Government Policy

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

N/A

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

Nil.



**14.4 (MINUTE NO 3042) (OCM 08/12/2005) - PROPOSED 7 LOT SUBDIVISION - LOT 74 HOWE STREET, BEELIAR - OWNER: LF & MH BULL - APPLICANT: JOHN CHAPMAN TOWN PLANNING CONSULTANTS (129482) (SDS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) recommends to the Western Australian Planning Commission that the proposed subdivision of Lot 74 Howe Street, Beeliar, be approved subject to the following conditions:-

MOVEMENT NETWORK

- 1 Satisfactory arrangements being made with the Local Government for the construction and drainage/upgrading of that section of Howe Street and View Road abutting the application to the satisfaction of the Western Australian Planning Commission.
2. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.

CONTRIBUTIONS

3. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the provision of proportional contributions towards those items of development infrastructure defined in the operative town planning scheme for the Yangebup West Development Contribution Area (DCA4).

EARTHWORKS

4. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
5. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements, and/or reserves necessary for the implementation thereof, being provided free of cost.
6. Where a well or bore is located within the subdividable area, the applicant shall either:
  - (a) fill the bore or well under the supervision of a practicing structural engineer or





- (b) provide a certificate from a practicing structural engineer stating the closest setback a building may be sited from the bore or well.
7. The applicant engaging a qualified engineer (with subdivision experience) to prepare a pre-works geotechnical report to certify that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
8. The applicant preparing a post geotechnical report certifying that all subdivision works have been carried out in accordance with the pre-works geotechnical report and the site has been adequately compacted and drained to enable residential development, to the satisfaction of the Western Australian Planning Commission.
9. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
10. The emissions of airborne dust and sand drift must not cause nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan, in accordance with the Local Government Guidelines for the preparation of Dust Management Plans, is to be submitted by the subdivider to the Local Government for approval.

#### RETAINING WALLS

11. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained due to earthworks associated with the subdivision to the satisfaction of the Western Australian Planning Commission.
12. A building licence to be obtained prior to the construction of any retaining walls or other structures proposed as part of the subdivision to the satisfaction of the Western Australian Planning Commission.

#### PUBLIC OPEN SPACE

13. At least ten percent of the gross subdivisible area, in a position to be agreed between the subdivider and the



Local Government, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.

SERVICES

14. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
15. Street lighting being provided to the satisfaction of the Western Australian Planning Commission.

MISCELLANEOUS

16. No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00 p.m. or before 7.00 a.m. Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission.
17. Any outbuildings or improvements on the proposed vacant lots being demolished and removed to the satisfaction of the Western Australian Planning Commission.
18. All buildings and structures having the necessary clearance from the new boundaries as required under the relevant legislation to the satisfaction of the Western Australian Planning Commission.
19. The subject land being investigated for soil contamination and any contamination shall be remediated to the satisfaction of the Western Australian Planning Commission. ( DoE)
20. The location of any on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned and removed.



ADVICE TO APPLICANT

1. Asbestos is to be handled in accordance with the Health (Asbestos) Regulations 1992 and disposed of in accordance with the Environmental Protection (Controlled Waste) Regulations 2001. Any queries should be directed to City's Health Services.
2. The applicant's attention is drawn to the provisions of section 20C of the Town Planning and Development Act 1928 whereby arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the applicant to the Local Government, in respect of **Condition 13** of this approval.
3. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
4. The applicant is advised that the Cockburn Council has adopted a policy titled "Prevention of Sand Drift from Subdivision and development sites V/ SPD7 " which prohibits bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March. Subdividers must also liaise with the City regarding the preparation of a Dust Management Plan prior to commencing bulk earthworks.
5. The applicant is advised that subdivision construction drawings and earthworks should be approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
6. Subdivisional work shall comply in all respects with the Environmental U/ Protection (Noise) Regulations 1997
7. The Western Australian Planning Commission is reminded of the need to consult where appropriate with relevant authorities and apply conditions relating to the following matters:
  - Padmount sites - Western Power
  - Underground Power - Western Power
  - Reticulated Water - Water Corporation
  - Reticulated Sewer - Water Corporation
  - School Site Contribution ~ Education Department



Accepting that the above list is not finite.  
 (2) advise the proponent of Council's decision accordingly.

**COUNCIL DECISION**  
 MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.  
**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Development Zone (DA4) (DCA4)
LAND USE:	Rural	
LOT SIZE:	4806m <sup>2</sup>	

The subject lot was included together with adjoining properties in a subdivision application dated 26 April 2001. Council at its Ordinary Meeting held on the 19 June 2001, resolved not to support the proposal due to design issues, and issued its recommendation to the Western Australian Planning Commission in Council's letter dated 20 June 2001. The applicant has stated that the subsequent lack of interest on the part of the adjoining major landowner has contributed to the prospect not proceeding.

The owners of Lot 74 Howe Street are now once again keen to pursue the subdivision on their land and in part to secure a separate title for the existing dwelling situated on the lot.

**Submission**

The applicant has submitted a subdivision application to the Western Australian Planning Commission (WAPC) dated 5 October 2005 for the creation of seven (7) lots along Howe Street. (Refer to Attachment 1)

**Report**

The land is included in a Development Zone under Council's Town Planning Scheme No.3 (TPS3) where a structure plan has not yet been adopted by Council. The purpose of the Development Zone is to identify areas requiring comprehensive planning, and coordinate subdivision and development. Subject to TPS3, the subdivision and development of land within a Development Area is to be generally in



accordance with any structure plan that applies to that land. However Clause 6.2.4.2. of TPS3 states:

*"6.2.4.2 Council may recommend subdivision or approve development of the land within a Development Area prior to a structure plan coming into effect, if Council is satisfied that this will not prejudice the specific purposes and requirements of the Development Area."*

Furthermore, the current application's lot layout is identical to that originally submitted to the WAPC on 26 April 2001. Lot 74 is a corner lot, with an elevation, area and dimensions, which can permit subdivision without having a significant impact on the eventual planning design for the balance of the Development Zone.

Given the location of the lot on the periphery of Development Area 4, it is considered that the application will not prejudice the specific purposes and requirements of the Development Area and can be supported in this instance.

A structure plan will not be progressed for Development Area 4 until there is a demonstrated landowner agreement for a structure plan being prepared. Current market gardening activity in the area will continue until the owners want to realise the development potential of their land for residential development. The City will then have the responsibility of facilitating a structure plan prepared by developers.

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

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

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

The Planning Policies which apply to this item are:

APD 16A Standard Subdivision Conditions and Reasons for Refusal

### **Budget/Financial Implications**

N/A



**Legal Implications**

Town Planning and Development Act  
Town Planning Scheme No. 3

**Community Consultation**

N/A

**Attachment(s)**

- (1) Location Plan
- (2) Plan of subdivision

**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 8 December 2005 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 3043) (OCM 08/12/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receives the List of Creditors for October 2005, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

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



**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

Key Result Area *Managing Your City* refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – October 2005.

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

N/A

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

Nil.

**15.2 (MINUTE NO 3044) (OCM 08/12/2005) - STATEMENT OF FINANCIAL ACTIVITY - OCTOBER 2005 (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated documents for the period ended 31 October 2005, as attached to the Agenda.



**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Section 6.4 of the Local Government Act 1995 requires local governments to prepare and present financial reports in a manner and form prescribed. The Local Government (Financial Management) Regulations 1996 were amended in March 2005 with substantial changes made to Part 4 – Financial Reports. The revised Regulation 34 now prescribes a monthly reporting regime.

**Submission**

N/A

**Report**

Effective as of 1 July 2005, Regulation 34(1) prescribes that *a local government is to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d)*. As Regulation 22(1)(d) refers to a Rate Setting Statement, the required Statement of Financial Activity is of a similar format to that of a Rate Setting Statement.

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

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

Regulation 34(4)(a) prescribes that:

*the Statement of Financial Activity and accompanying documents are to be presented to the Council -*

- (i) *at the next ordinary meeting of Council; following the end of the month to which the statement relates; or*





- (ii) *if the statement is not prepared in time to present it to the meeting referred to in (i), then to the next ordinary meeting after that meeting.*

Due to Council's Agenda preparation timetable, it will not be possible to submit the Statement to the Ordinary Council Meeting immediately following the end of the month. Therefore, monthly statements will be presented to the second meeting following the end of month (ie. one month in arrears) in accordance with Regulation 34(4)(a)(ii).

However, to improve the timeliness and relevance of the information provided, a copy of the Statement of Financial Activity will also be included in the councillors' fortnightly newsletter after preparation each month.

#### Material Variance Threshold

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

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

#### Statement of Financial Activity & Associated Reports

Attached to the Agenda is the Statement of Financial Activity for October 2005. It has been prepared in accordance with all the prescribed requirements and is similar in format to a sample circulated by the Department of Local Government.

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

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

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

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



**Strategic Plan/Policy Implications**

Key Result Area *Managing Your City* refers.

**Budget/Financial Implications**

Where material variances are identified as relating to misjudged cash flow timing projections, these will be rectified so as not to impact again on future reporting periods (i.e. reported once only).

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

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports for October 2005.

**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 3045) (OCM 08/12/2005) - ERECTION OF BUS SHELTER - 215 YANGETUP ROAD, YANGETUP (4502) (JR) (ATTACH)**

**RECOMMENDATION**

That Council approve the erection of a bus shelter on the verge at 215 Yangebup Road, Yangebup, together with a Be Tidy bin.



**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Council has a program of installing bus shelters each year at various locations of high bus patronage and for special considerations such as elderly patrons. The current Budget has an allocation of \$80,000 for this purpose, with an allowance in this of \$34,000 under the State Government's Bus Shelter Grant Scheme.

There have been several requests over many years from bus patrons living in Yangebup to establish a bus shelter at the bus stop outside 215 Yangebup Road. Due to objections in the past, a shelter was not established at the location. Most recently, the Yangebup Progress Association requested that the shelter be established following a number of requests to them, particularly as it is well used for the buses travelling to Gateways Shopping Centre and to Perth in the mornings. A survey identified 36 people using the bus stop between 6:45am and 8:30am on a weekday.

Consequently, in view of the continuing requests and the confirmed high bus stop usage, the current bus shelter program allows for the establishment of a bus shelter at this location, to be 50% funded by the Bus Shelter Grant Scheme.

**Submission**

A strong objection to establishing the bus shelter has been received from the property owner at 215 Yangebup Road, stating:

- The bus stop attracts anti-social behaviour and the shelter will make it worse by also providing somewhere to hide behind.
- At least 4 dirty and used syringes are discarded into his garden every week.
- Requests for telephone use after hours to check bus times.
- Vandalism to the shelter and rubbish will detract from his property and neighbourhood.
- Views from lounge will be blocked.
- Property devaluation.
- Visibility difficulties when leaving driveway.



## **Report**

Due to the strong demand at the location, it is considered that the bus shelter should be erected. The resident's objections can generally be addressed as follows:-

- The new style bus shelter is attractive and will not devalue the neighbourhood. A picture of a typical shelter is attached to the Agenda.
- The provision of a Be Tidy bin adjacent to the shelter will provide a facility for rubbish.
- The type of shelter to be used is not prone to attracting vandalism/graffiti.
- The shelter can be set well back from the kerbline to maximise visibility when leaving driveways.

## **Strategic Plan/Policy Implications**

Facilitating a range of services responsive to the community needs.

## **Budget/Financial Implications**

The provision of the bus shelter is accommodated within the Bus Shelter program on the current Budget.

## **Legal Implications**

Nil.

## **Community Consultation**

N/A

## **Attachment(s)**

- (1) Picture of bus shelter type to be installed.

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

The resident at 215 Yangebup Road has been advised that his objection to the shelter will be considered at the 8 December 2005 Council Meeting.

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

Nil.



**16.2 (MINUTE NO 3046) (OCM 08/12/2005) - NAVAL BASE HOLIDAY VILLAGE - STAIRWAY TO BEACH (1914) (JR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) not proceed with the project CW4141 – Naval Base Caravan Park – Stairs at South end; and
- (2) reallocate funds of \$10,976 from CW4141 (Naval Base Caravan Park – Stairs at South end) and remaining funds of \$11,064 from CW4185 (Naval Base Shacks – Asphalt Last Section of Road) to the new project Naval Base North Ablution Block – Refurbishment.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

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

- (1) as recommended;
- (2) as recommended; and
- (3) advise the Naval Base Holiday Centre Association of Council's decision.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Reason for Decision**

It is important to ensure that the local association is kept informed of decisions involving the Naval Base Holiday Village.

**Background**

There is an allocation on the current Budget of \$10,976 for the construction of a steel stairway at Naval Base Holiday Village for safe access to the beach down the cliff face. These are the remaining funds following design and geotechnical fees for the steel stairway.

**Submission**

Following completion of the stairway design, quotes were obtained to supply and install the stairway. The cheapest quote for the installation



is \$75,000 (including GST), the cost having blown out due to the extensive geotechnical requirements.

Feedback from users of the shacks indicate concern at the need to build the stairway, particularly as there are already Council-built stairways in place, and the proposed location would benefit only a few. The suggestion is that the funds would be more beneficial and cost-effective in re-tiling and modernising the northern ablution block. Copies of the requests are attached to the Agenda.

### **Report**

There are two purpose-built stairways at Naval Base providing adequate access to the beach. The proposed third location is to a limited beach area and the required funds are not budgeted, and could not be justified.

The southern ablution block was refurbished last year, however the northern ablution block has become aged and is in need of refurbishment in the way of re-tiling, painting and fixtures. It would be more prudent to refurbish this ablution block than provide additional funds for a third stairway. The estimated cost of refurbishment is \$18,000 to \$21,000.

Asphalt sealing works at Naval Base of the last section of road were completed on the current Budget (CW4185) at an \$11,064 savings to the budget allocation. It is considered that these remaining funds should be combined with the funds allocated for the stairway to refurbish the northern ablution block instead.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*



**Budget/Financial Implications**

There is inadequate specific funding on the current Budget to complete the stairway. A re-allocation of funds as recommended to refurbish the northern ablution block at the Naval Base Holiday Village would provide a more beneficial and cost-effective utilisation of funds.

**Legal Implications**

Nil.

**Community Consultation**

Nil apart from informal feedback from shack users.

**Attachment(s)**

- (1) Copies of requests to upgrade the northern ablution block.

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

The Naval Base Holiday Centre Association have been advised that this matter is to be considered at the 8 December 2005 Council Meeting.

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

Nil.

**16.3 (MINUTE NO 3047) (OCM 08/12/2005) - PROPOSED TEMPORARY CLOSURE OF YANGETUP ROAD AT SPEARWOOD AVENUE (450027 & 45008) (SL)(ATTACH)**

**RECOMMENDATION**

That Council:

- (1) as a result of objections received to date adopt Option 2 allowing the left turn in and out as the preferred treatment for the temporary closure of Yangebup Road on the west side of Spearwood Avenue;
- (2) Note the refusal received by Main Roads WA for the installation of signals at the intersection of Spearwood Avenue and Yangebup Road;
- (3) monitor the intersection for traffic impact over the next 3 months and present a report to the April Ordinary Council Meeting addressing traffic movement and recent safety data;



- (4) close the left turn access (in Option 2) from Yangebup Road (west) to Spearwood Avenue (north), if illegal traffic movements become prevalent, such as crossing double white lines to make U turns in Spearwood Avenue (north); and
- (5) advise residents of the Council's decision accordingly.

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr A Tilbury that Council:

- (1) as recommended;
- (2) as recommended;
- (3) monitor traffic movement at the intersection over the next 3 months, review available crash data, identify appropriate options for the redevelopment of the intersection, undertake community consultation and present a report to the April 2006 Ordinary Council Meeting detailing the information;
- (4) as recommended; and
- (5) advise the Yangebup Progress Association and those residents affected by the temporary closure of the Council decision accordingly.

**CARRIED 8/0**

**Reason for Decision**

The recommendation has been amended to confirm the importance of informing the Yangebup Progress Association and the affected community of the details of the temporary closure and of involving the community when determining the most appropriate treatment for the intersection.

**Background**

It was anticipated that after the closure of Miguel Road at the railway crossing, the existing southbound traffic on Miguel Road (4034 vehicles per day) will be diverted to Spearwood Avenue. The traffic volume in Spearwood Avenue, north of Yangebup Road will therefore increase to an estimated 8900 vpd.

There was strong community concern that the increase in traffic volume in Spearwood Avenue would result in more crashes at the





intersection of Spearwood Avenue and Yangebup Road, which has already had a number of crashes since its opening to traffic in 2004. Unfortunately the City has been unable to quantify the accident history throughout 2005 as the data will not be made available until early 2006.

Council was made aware of the community concern. In August 2005 Council resolved to approach MRWA with a proposal to signalise the intersection at Spearwood Avenue and Yangebup Road. At its meeting of 10<sup>th</sup> November 2005 Council resolved to:

- (1) close Miguel Road Railway crossing by 30 November 2005;
- (2) endorse the temporary closure of the western link of Yangebup Road at the intersection of Spearwood Avenue until the proposal to signalise the intersection is determined by MRWA;
- (3) advertise the closure in accordance with s3.50 of the Local Government Act 1995, consult the community in the affected area and seek feedback from South West Transit Bus Services regarding the temporary closure with any objections to the proposal to be lodged by 2 December 2005;
- (4) subject to no objections being received, institute the temporary closure on the 12<sup>th</sup> December 2005;
- (5) receive a further report on formal rationalisation of the network as soon as possible once Main Roads WA has determined the current submission for signals at Spearwood Avenue and Yangebup Road;
- (6) advise the Yangebup Progress Association and those who lodged submissions of the Council decision accordingly; and
- (7) place appropriate signage on the roads affected by this decision.

### **Submission**

Objections have been received to the temporary closure of the western link of Yangebup Road. A summary of community feedback received to date to the proposed temporary closure is attached to the Agenda.

An alternative treatment allowing increased serviceability of the intersection has been developed as a compromise position. Treatment Options 1 and 2 are attached for consideration, together with diagrams showing vehicle turning movements at the intersection during the morning peak and afternoon peak hours, and a Vehicle Collision Diagram based on the reported accidents at the intersection for the period July to December 2004. Crash records for 2005 are as yet unavailable from Main Roads WA.



## Report

Letters advising of the temporary road closure were forwarded to the affected members of the community on Wednesday, 16<sup>th</sup> November. Information signs for the road closure were erected at the intersection on Tuesday 22<sup>nd</sup> November and an advertisement was placed in Cockburn City Herald on Saturday 26<sup>th</sup> November with objections to be lodged by close of business 9<sup>th</sup> December 2005. Whilst it is understood that the period for lodging objections has not yet lapsed, it is clear that the community has some concerns with proposed temporary closure thus the matter has been brought to the attention of Council for resolution at this meeting. To date Council has received five (5) objections and five (5) submissions in favour for the temporary road closure. Details are shown in the attachment.

Based on the crash data and crash patterns shown in the Collision Diagram for the intersection, the majority of crashes (75%) occurred when motorists crossed the intersection from one side of Yangebup Road to the other and were hit by through traffic on Spearwood Avenue. According to a video survey and Police reports, the contributing factor for most crashes at this site was due to the failure of motorists to obey the regulatory Stop Lines or Stop Signs established at Yangebup Road.

The temporary closure of the western link of Yangebup Road at the intersection was identified as a means of reducing the potential for crashes until the proposal to signalise the intersection could be determined by the MRWA and if successful, the signals could be established. The City has now received a response by Main Roads refusing the request for signals at the intersection (letter attached). The issues raised by MRWA are reasonable and need to be considered in the context of how Council wishes to proceed with the redevelopment of this intersection.

Option 1, i.e. full closure of Yangebup Road west at the intersection in accordance with Councils resolution, was referred to the community and transit authorities. The majority of objections received to date are from local residents concerned about the amount of traffic that will be diverted onto Spinnaker Heights and Mainsail Terrace. Clearly traffic volumes on these roads will increase however it was to be for only a short period of time and these roads can easily cater for the additional traffic. On the basis of the objections received and of MRWA position regarding the signals, an alternative Option 2 has been developed to increase the serviceability of the intersection and to minimise the impact on the residential area. This option largely restricts the through movement of Yangebup Road which is important to mitigate the crash history identified. It is recommended however that Council endorse the immediate closure of Yangebup Road west (Option 1) in the event that



traffic attempts to travel straight through the intersection illegally and present a significant danger to other motorists.

Staff require at least a three month period to review the following:

- The impact of the closure of Miguel Road on the traffic volumes of Spearwood Avenue and the intersection of Spearwood / Yangebup.
- The crash data for the intersection
- The traffic movements within the area
- The impact of the proposed closure of Yangebup Road at the rail crossing and the upgrade of the Beeliar / Birchley intersection.
- The alternative options previously presented to Council.

It is therefore recommended to establish a temporary partial closure of Yangebup Road west in accordance with Option 2 to be established from the 12<sup>th</sup> December 2005. The treatment will be in place until the end of April 2006 at which time Council would have considered a report identifying the redevelopment options for Spearwood Avenue and Yangebup Road.

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

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

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

### **Budget/Financial Implications**

The proposed closure of Miguel Road Railway Crossing has been a carry forward item CW-2157.

An amount of \$60,000 was provided for this work, however, \$2,815 has already been expended leaving a balance of \$57,185.

The Council at its meeting of 11 August 2005, resolved to create an account CW-2182, for the Spearwood Avenue/ Yangebup Road intersection to provide a total of \$250,000 for the signalisation of this intersection.



### **Legal Implications**

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

### **Community Consultation**

Community consultation forms part of the road closure process. This is being undertaken currently.

### **Attachment(s)**

- (1) Summary of community feedback to 25 November 2005.
- (2) Intersection treatment options 1 and 2.
- (3) Intersection traffic volumes.
- (4) Intersection collision history July to December 2004.
- (5) Letter from MRWA regarding Spearwood Avenue and Yangebup Road
- (6) Public Notice of Temporary Road Closure – 26 November 2005.

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

Those who lodged written submissions on the proposal have been advised that this matter is to be considered at the 8<sup>th</sup> December 2005 Council Meeting.

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

Nil.

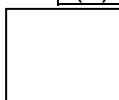
## **17. COMMUNITY SERVICES DIVISION ISSUES**

### **17.1 (MINUTE NO 3048) (OCM 08/12/2005) - COCKBURN CENTRAL YOUTH CENTRE (8136A) (RA) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the Concept Plan for the development of Reserve 46894 (the Concept Plan) as attached to the Agenda;
- (2) seek the approval from the Department of Planning and



Infrastructure for the development of the youth facility and associated infrastructure as shown on the concept plan;

- (3) direct the CEO to provide reports to a future meeting of the Cockburn Central Youth Centre Committee (“the Committee”), within the next three months, regarding the following:
  1. a detailed operational cost plan for the proposed Cockburn Central Youth Facility (“the facility”);
  2. funding and leasing arrangements with the W.A. Health Department for the use of a portion of Reserve 46894 for youth-related purposes;
  3. detailed design and costings for construction of the facility;
  4. contributions towards the cost of development of the facility from sources other than the Council;
- (4) advise the Disability Services Commission, South Metropolitan Personnel and the Department for Community Development that Council is investigating a number of site and funding options for the location of a range of government and Council activities and that they will be advised of the outcomes accordingly; and
- (5) enter negotiations for an exchange of up to 1.0 hectare of portion of reserve 46894 for land at Cockburn Central and prepare a report for consideration by Council on the matter.

#### **COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr I Whitfield that Council:

- (1) as recommended;
- (2) seek approval from the Department of Planning and Infrastructure for the development of a youth facility and associated infrastructure on the southern portion of Reserve 46894;
- (3) as recommended;
- (4) as recommended;
- (5) enter negotiations with the Department of Planning and Infrastructure which will allow for up to a 1.0 hectare portion of

Reserve 46894 to be relinquished with the income generated to be retained by the City; and

- (6) submit a Registration of Interest to LandCorp for Council to acquire land within the Cockburn Central Precinct and require the CEO to prepare a report to Council on options for the development of land proposed to be acquired.

**CARRIED 8/0**

### **Explanation**

The northern portion of Reserve 46894 is of greater commercial value than the southern portion of the reserve. It is in Council's financial interest to seek approval to sell the northern portion of the reserve and retain the southern portion for a youth facility.

LandCorp have approached the City encouraging Council to take up and develop land within the Cockburn Central Precinct for Council related purposes. The opportunity for the City to have a presence at Cockburn Central ought to be further investigated for consideration by Council.

### **Background**

Council, at its meeting of 21 September 2004 resolved to:

*“approve the development of detailed plans and costings for a youth facility of 1250 square metres that includes areas for computer games, music practice and recording, informal socialisation space, café, multifunctional auditorium, arts/craft/display, office space, meeting room and requisite toilets and entry areas”*

The Cockburn Central Youth Centre Committee, at its meeting of 28 September 2005 resolved as follows:-

#### **“COMMITTEE RECOMMENDATION**

*Moved Deputy Mayor Graham seconded Nigel Morrison that Council:-*

- (1) *adopt the Concept Plan for Reserve 46894 (“the Concept Plan”) and the Cockburn Central Youth Facilities Programme (“the Programme”) as attached to the agenda;*
- (2) *seek approval from the Department of Planning and Infrastructure;*



- (3) *direct the CEO to provide reports to a future meeting of the Cockburn Central Youth Centre Committee (“the Committee”), within the next three months, regarding the following:*
1. *a detailed operational cost plan for proposed Cockburn Central Youth Facility (“the facility”);*
  2. *funding and leasing arrangements with the W.A. Health Department for the use of a portion of Reserve 46894 for youth-related purposes;*
  3. *detailed design and costings for construction of the Facility;*
  4. *contributions towards the cost of development of the Facility from sources other than the Council;*
- (4) *advise the Disability Services Commission, South Metropolitan Personnel and Department for Community Development that Council is prepared to consider the provision of facilities on the site provided that suitable funding and land tenure arrangements can be agreed to the satisfaction of the City of Cockburn; and*
- (5) *require a report be presented to Council as a result of the discussion and negotiations with the parties described in (4) above.”*

### **Submission**

In response to meetings held with the Mayor and officers of the City, Landcorp has written to the City proposing a land dealing arrangement that would result in the City having freehold land holdings on the Cockburn Central area being developed by Landcorp. A copy of this letter is attached to the Agenda.

### **Report**

Council has indicated a desire to proceed with the development of a youth centre on a portion of the reserve on the corner of Beelias Drive and Wentworth Parade in Success ( reserve 46894). Architects for the development have prepared a concept plan for the site which was considered by the Youth Centre Committee at its meeting of 28 September 2005. The committee supported the establishment of a



youth facility to be located on the northern portion of the site and comprising of 1250m<sup>2</sup> of youth specific activity space, 250m<sup>2</sup> of space to accommodate the Health Department – Youth Mental Health Service and 100m<sup>2</sup> of commercial activity space. The total floor space for the building proposal is 2165m<sup>2</sup> over two stories and an additional 293m<sup>2</sup> of entry and verandah areas.

A concept plan for the proposed building and associated parking and landscaping has been prepared by Holton Conner Architects and costed by Trevor Phillips and Associates. A copy of the indicative costs is attached to the Agenda. The total cost exclusive of G.S.T. but inclusive of construction contingency professional fees, furnishings and escalation to 30 June 2006 is \$4,088,000.

Independent advice has been acquired from Con O'Brien Management Consultant on estimates of rental and operating costs for the proposed facility. A copy of the report is attached to the Agenda.

Should Council agree to proceed with the construction of 250m<sup>2</sup> of office space for the Health Department, advice from the Management Consultant is that a lease fee at current values of between \$175 - \$200/m<sup>2</sup> should be achieved which equates to an annual gross rental of \$43,750 to \$50,000.

Incorporated into the concept plan are two commercial activity spaces of 50m<sup>2</sup> each. These sites have an estimated total income potential of between \$20,000 to \$30,000.

Also of significant value to the City is the ability to defray some of the fixed costs associated with the building by lessees paying outgoings. The consultant has identified \$157,850 of total projected cost of which \$34,500 would be recouped through outgoings charges.

In summary the analyses indicate that the Central Cockburn Youth Centre's annual operating performance could be projected as follows:

**Revenue**

	\$
Rental – Dept. of Health	43,750 – 50,000
Rental – Commercial Tenants	20,000 – 30,000
Recoverable Charges	35,000
Facility Hire (net)	25,000
Event Income (net)	20,000
<b>Total Revenue</b>	<b>143,750 – 160,000</b>
<b>Operating Costs</b>	<b>388,250</b>
<b>Annual Net Centre Cost of Operations (deficit)</b>	<b>\$244,500 - \$228,250</b>





A number of organisations in addition to the Health Department's Youth Health Service have indicated an interest in a presence on the site. These agencies and their anticipated building space requirements is as follows:

- |   |                   |
|---|-------------------|
| ▪ Disability Services Commission          | 130m <sup>2</sup> |
| ▪ South Metropolitan Personnel            | 250m <sup>2</sup> |
| ▪ Department of Community Development     | 300m <sup>2</sup> |
| ▪ Department of Health – Community Health | 250m <sup>2</sup> |

It was the view of the committee that the government services identified above would be better accommodated within another building, as they are not youth specific. Furthermore, if they were included in the youth facility the scale of the building and its nature would change to a "government welfare services enclave".

Discussions have been held with Landcorp canvassing a possible land exchange for a portion of reserve 46894 for land of equal value within the Cockburn Central Landcorp development area. Landcorp are keen for the City to have a presence on the entry site (lot 7). Such a land swap arrangement would be of great benefit to the City if it were able to acquire freehold land in the Cockburn Central area. The land swap arrangement would need to be approved by the Department of Planning and Infrastructure (DPI) to proceed. The initial negotiations with Landcorp and the final decision of DPI on the proposed land swap are likely to take some considerable time. Notwithstanding this Council could come to a long term lease arrangement to at some future date construct office space for these government agencies and have them pay a long term lease fee.

The concept plan for the Success site shows the proposed youth facility on the northern portion of the site. A valuation prepared by McGees Property has indicated the 1.0 hectare northern portion of the site is of greater value than the southern 1.0 hectare portion. A copy of the executive summary of the valuation report has been provided to elected members as a confidential attachment.

Should a land exchange proceed on a value of value basis, it would be in Council's financial interest to exchange the northern portion of the reserve land for freehold land on the Cockburn Central site. This option would, however, result in a youth facility being located on the southern portion of the site close to a proposed liquor outlet. As ultimately the reserve land is set aside for 'community benefit' it can be argued that the benefits of the youth facility would be best served by being on the northern portion of the site.

Should Council seek to construct the youth facility on reserve 46894 in accordance with the proposed construction schedule, which calls for



the construction to begin in 2006 a decision needs to be made to proceed with the development subject to a number of conditions:

- Approval from DPI for the proposed facilities to be constructed on the site;
- Agreement with the Department of Health on the terms and conditions of a lease;
- Availability of funds. There may be a need for council to raise a loan. Some level of commitment from Council would permit external agencies such as Lotterywest and the Department for Community Development to be canvassed;
- Identification of suitable tenant for the commercial lease areas;
- Final approval from Council to the plans for the facility and;
- Approval to the budget for the ongoing operation of the city.

It is proposed that Council commit to progressing discussions with the Health Department for the Youth Health Service to be collocated within the previously agreed youth facilities areas.

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

“Facilitating a range of services responsive to community needs”

### **Budget/Financial Implications**

The total likely capital cost of the building and associated infrastructure is estimated at \$4,088,000. There is scope for the Council to acquire grants from Lotterywest and possibly the Department of Community Development. There remains an option for the City to take out a loan. The Health Department is keen to enter a lease arrangement with the City.

The cost per square metre for the building at \$4,088,000 inclusive of car parking and landscaping is \$1,660. The cost to Council to construct the 250m<sup>2</sup> of space with the requisite parking and landscaping for the Health Department and 100m<sup>2</sup> of commercial space is \$581,000.

### **Legal Implications**

Should the development of the Youth Facility proceed with the inclusion of areas for lease by the Health Department and commercial activities the appropriate legal agreements will be required.

### **Community Consultation**

The development of the Youth Facility proposed was based on extensive community consultation.



**Attachment(s)**

- (1) Concept Plan for the development of Reserve 46894.
- (2) Indicative construction and fees costs prepared by Quantity Surveyors Trevor Phillips and Associates.
- (3) Report on Estimates of Rental Returns and Operating Costs prepared by Con O'Brien Management Consultant.
- (4) Indicative schedule of work for the Cockburn Youth Centre.
- (5) Cockburn Central proposed subdivision.
- (6) Report Summary by McGees Property (Confidential Attachment)

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

Government Agencies have been advised that this matter is to be considered at the December 2005 Council Meeting.

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

The provision of lease space within the Youth Facility for the Health Department's Youth Health Service can be seen to comply with section 3.18(3)(a). The provision of space for commercial activity within the Youth Facility is of a minor nature and does not breach the intent of section 3.18(3)(a).

**17.2 (MINUTE NO 3049) (OCM 08/12/2005) - DISABILITY ADVISORY COMMITTEE MEMBERSHIP (8143) (BF)**

**RECOMMENDATION**

That Council, in accordance with section 5.10 of the Local Government Act, appoint the following individuals as members of the Disability Advisory Council:

- Cockburn Community Care Manager – Martin Garsed (advisor)
- Richard Hill – Consumer Representative
- Michele Hodgson - Consumer Representative
- Jan de Groote - Consumer Representative
- Rosemary Fielder - Consumer Representative
- Pam Jones - Consumer Representative
- Craig Beringer - Consumer Representative
- Geoff Griffiths - Consumer Representative
- Chris Kuca-Thompson – Industry Representative
- Stuart North - Industry Representative
- Rebecca Cottrell - Industry Representative
- Lesley Cangemi - Industry Representative

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

On the 5<sup>th</sup> December 1995 Council approved the appointment of a Disability Advisory Committee to monitor and prioritise the implementation of the City of Cockburn's Disability Services Plan.

The Committee's mission is to advise the City of Cockburn on the provision of universal access to all facilities and resources within and for the local community.

Nominations for 2005/06 members for the Disability Advisory Committee were called for through advertisements in the local papers (Herald & Gazette) and posters placed in public buildings. Information was also mailed to organisations working with people with disabilities in the City of Cockburn. An applicant for the Committee was required to be a resident of the City who has a disability, is a parent, carer or advocate of a person with a disability, or a person who works in the disability field within City of Cockburn either in a voluntary or paid capacity.

**Submission**

All nominated applicants met the required criteria and are duly recommended for appointment by Council.

**Report**

During the last year the Committee has had involvement in the development of a third Supported Work Crew in partnership with South Metropolitan Personnel in the running of two Community Forums for people with a disability and those working in the field, in supporting the increased inclusion of the Youth Services School Holiday Program and in the development of collaborative projects with DADAA (Disability in the Arts Disadvantage in the Arts). Councillors Limbert and Oliver were appointed to the committee in May 2005 with the Child Development / Disability Officer and Social Services Manager as advisors.



**Strategic Plan/Policy Implications**

The Committee will continue to provide advice and information on disability issues within the City and to monitor the implementation of the City's Disability Services Plan.

**Budget/Financial Implications**

The Disability Advisory Committee is allocated an annual budget of \$2000 for minor operating expenses.

**Legal Implications**

N/A

**Community Consultation**

The positions for the Disability Advisory Committee were well advertised and open to all members of the public who met the criteria.

**Attachment(s)**

Nil.

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

N/A

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

Nil.

**17.3 (MINUTE NO 3050) (OCM 08/12/2005) - DOG PARK - BRANDWOOD RESERVE, LEEMING (1115807) (RA) (ATTACH)**

**RECOMMENDATION**  
That Council make a local law to amend the City of Cockburn (Local Government Act) 2000 Local Law Part 11 Division 2.5 Schedule 1 by adding Reserve 41193R (Brandwood Reserve) to the schedule.

**COUNCIL DECISION**  
MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.  
**CARRIED 8/0**



## **Background**

Council, at its meeting of 13 October 2005 received a petition in relation to the allocation of a dog park in Leeming.

## **Submission**

A petition was received from a Hayley McGiveron signed by 18 petitioners, 16 of which are from the City of Cockburn portion of Leeming. The petitioners declaration is as follows:-

*“We the undersigned believe that the establishment of a fenced dog park at Brandwood Reserve, Leeming would be an asset to our community allowing more dogs and their owners to actively recreate in the City of Cockburn.”*

The purpose of the proposed amendment is to provide additional dog exercise areas within the City. The effect is to create an additional dog exercise facility in the eastern portion of the City on Brandwood Reserve, Leeming.

## **Report**

Council placed on its 2004/05 budget \$25,000 for the construction of a fenced area specifically designed to serve as a dog park. At its meeting of 9 June 2005 Council resolved not to proceed with a specific area dog park and for the allocated funds to be reallocated in the 2005/06 budget process.

The explanation given for the Council decision was that there does not appear to be a strong community support for the development of a specific Pet Park in the City. Strong objections were received from residents close to other suggested locations. Furthermore, in the next few years there will be a great demand on the Council's financial resources for infrastructure maintenance and development and the funds allocated for the pet park would be better utilised for this purpose.

It was clearly the intent of Council not to proceed with the development of a fence specific area for dogs. Notwithstanding this, the location proposed by the petitioners is in the north eastern portion of the City and is not readily accessible for the vast majority of residents of the City.

In respect to dog exercise areas the Council identifies and gazettes reserves where dogs are permitted to be on a lead. Brandwood Reserve in Leeming is not gazetted as a dog exercise area.



As it is evident from the petitioners there is a need for some form of dog exercise area. The gazettal of Brandwood Reserve, Leeming as a dog exercise area is proposed.

**Strategic Plan/Policy Implications**

“Facilitating the needs of your Community” refers.

**Budget/Financial Implications**

The administrative costs associated with the gazettal process and the requisite signage can be met by existing budget allocations.

**Legal Implications**

Statutory process is required for the gazettal of a dog exercise area.

**Community Consultation**

The petitioner has been advised of the status of the matter. The proposed amendment to the Local Law Schedule will be advertised for public comment.

**Attachment(s)**

Plan showing location of Brandwood Reserve

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

The Proponent(s) have been advised that this matter is to be considered at the December 2005 Council Meeting.

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

**18.1 (MINUTE NO 3051) (OCM 08/12/2005) - REPORT ON COUNCIL DELEGATION'S VISIT TO SISTER CITIES, RECYCLING CONFERENCE AND SITE INSPECTIONS (1029)(SC)**

**RECOMMENDATION**

That Council:

- (1) receives the report; and
- (2) reviews the operation Section 4.12 of its Standing Orders on the raising of Matters to be Noted for Investigation without Debate.



**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

At Council's October Ordinary Council Meeting (OCM) under Matters to be Noted for Investigation Without Debate, Councillor Tilbury requested that a report be provided to the December OCM on the recent attendance by the Mayor, Councillor Allen and CEO at the 7<sup>th</sup> World Congress on Recycling, Recovery and Reintegration Conference, Sister City visits and associated site inspections. Reports on several of the above items have been presented to the November and December meetings. This report provides details on the other matters requested by Councillor Tilbury. It also provides comment on the operation of the Council's Standing Orders with respect to the provision of such reports.

**Submission**

N/A

**Report**

At the October OCM Councillor Tilbury requested a report be prepared for consideration by Council at its December 2005 meeting, as follows:

- (1) an itinerary of the international trip to China, London, Hong Kong and the USA;
- (2) total costs;
- (3) total cost to Council and amounts of sponsorship;
- (4) a breakdown of the accounts from which the costs will be drawn from; and
- (5) a report from each person who attended the trip, detailing the advantages to the City of Cockburn gained from each place visited and how these will be implemented.

***Itinerary and Expenditure.*** The following is a summary of the itinerary for the visit and all associated expenditure:





- 20 –22 Sep Hong Kong – one and half day stopover en route to Yueyang, included tour of city urban renewal project on Hong Kong Island.
- 22- 24 Sep Yueyang – three-day official Sister City visit, including cultural and economic visits, official meetings and travel time to / from airports.
- 24 – 29 Sep Beijing – five-day international waste management and recycling conference, included a half-day's rest.
- 30 Sep – 2 Oct London – two-day stop, included tour of Wembley Stadium and one-day rest period.
- 3 - 4 Oct Boston – two-day stopover, included visits to urban renewal projects around Boston Harbour and travel time to / from airports.
- 5- 6 Oct New York – one and half day stopover, this was being arranged by the US Consulate in Perth for the Mayor to meet with City officials on urban crime prevention programs to assist with his role on the State Crime Prevention Committee. Despite promises up until day of departure from NY by the US Consulate, this arrangement did not occur.
- 6 – 7 Oct Miami - two-day stop, included visits to three marinas owned and operated by the City of Miami and discussion with marina management.
- 8 – 11 Oct Mobile – four-day official Sister City visit, including cultural and economic visits (Austal USA), official meetings, a one day tour of coastal housing developments in Florida, function at the Chamber of Commerce, attendance at Bayfest Festival and travel to / from airports.
- 12 -13 Oct San Diego – two day visit which included inspection of two MRFs and visit to manufacturing facilities of CP Manufacturing, and final half day rest.
- 14 – 15 Oct – two-day travel directly from San Diego to Perth with no stopovers.

The costs for the 26-day trip were as follows:

- Conference Attendance and part airfares - \$16,318
- Sister City expenses, including part airfare allocation – \$36,795
- Promotional items, including gifts to Sister Cities - \$4,917

The allocation of these amounts to individual accounts is listed under the Budget section of this report. The sum of \$1,870 was provided by the SMRC to cover part of the Mayor's cost of attendance at the Recycling conference.

**Reports.** The broad range of issues covered in this trip required the presentation of a number of reports to Council. At the November OCM reports were presented on the Sister City visit and International Waste Conference and San Diego Site Inspections. At the December OCM a report was presented on the Submission to the Major Stadium



Taskforce, which included details on the visit to Wembley Stadium in London. Additionally the Mayor has presented a report to the SMRC in November and CEO presented a report on a potential waste recycling initiative that was developed from material gained on the trip. Elected Members (EM) have also been informally advised that a presentation on a number of other matters; including marina management, coastal developments and urban renewal projects, would be presented to them early in the new year.

**Standing Orders.** Section 4.12 of Councils Standing Orders allow for a Councillor to request that a matter be listed on the Minutes and referred to an appropriate staff member for research and response. The implication of this is that only staff members can be directed to prepare reports for Council.

In complying with the Councillor's request advice was sought from the City's solicitors, McLeod's, as to whether an EM can be requested by another EM to produce a report to Council. (See comment under Legal Implications). Based on McLeod's advice material was sourced from the Mayor and Councillor Allen, but only the CEO prepared the various reports for Council.

There are implications in having EMs requesting each other to produce reports, which need to be resolved. What actions are staff to undertake if an EM does not supply information? If no staff member accompanied the EM how are they to prepare a technical report when they have no personal experience of the issue?

On a broader issue, the use of section 4.12 to request reports at short notice or report on matters previously agreed to by Council, is having an impact on the efficiency of the administration. Short notice reports require staff to postpone other issues they are working on. Likewise issues that were the subject of previous Council decisions and in some cases on Council's budget do not add value to the Agenda. It is recommended that Council reconsider how it wants to manage the business initiated under this section of Standing Orders.

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

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

#### *1. Managing Your City*

##### Vision:

Managing the City in a competitive, open and accountable manner.



Objective:

To manage Council affairs by employing publicly accountable practices.

**Budget/Financial Implications**

The following allocations were made to:

A/C 9608/9643 Sister City -\$36,795.47

A/C 110-6110 EM Conferences & Seminars - \$10,773.60

A/C 9624 Promotional Materials - \$4,917.00

A/C 116-6110 Senior Mgmt Travel Conference & Seminars - \$5,544.94

**Legal Implications**

Legal advice sought from McLeod's on the operation of part 4.12 of Council's Standing Orders. This confirmed the following:

- Only officers can be directed to produce reports;
- Councillors can assist an officer by providing information for a report and such assistance does not generate an 'interest' or restrict them from discussion on the matter at Council;

**Community Consultation**

N/A

**Attachment(s)**

Nil

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

N/A

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

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

Nil

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

Nil



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

**21.1 (MINUTE NO 3052) (OCM 08/12/2005) - ANNUAL REPORT 2004/05 (1712) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) accept the Draft Annual Report for the 2004/05 Financial Year as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995;
- (2) ensure administrative additions and amendments to the report are circulated to elected members for information, prior to printing the final draft;
- (3) conduct the Annual Electors Meeting for 2004/05 on Tuesday, 31 January, 2006; and
- (4) distribute a copy of the printed Annual Report to:
  1. Members of the Commonwealth and State Parliaments representing electorates within the City of Cockburn; and
  2. All community organisations associated with the Community Development Strategy

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

Council is required to accept the 2004/05 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday 7 February, 2006, in accordance with Council policy. The Act requires Council to accept the Report no later than 31 December, 2005.

However, as the Annual Electors Meeting is required to be held within 56 days of the acceptance of the Report, it is recommended that it be held on Tuesday, 31 January, 2006, on this occasion.



**Submission**

N/A

**Report**

The Annual Report for 2004/05 Financial Year is in conformity with the following requirements of the Act and contains:

- (1) Mayoral Report.
- (2) Chief Executive Officer's Report.
- (3) Legislative Review Report / Competitive Neutrality Statement.
- (4) Financial Report.
- (5) Auditor's Report.
- (6) Overview of plan for the future and major initiatives proposed during 2005/06.
- (7) Information in relation to payments made to employees.
- (8) Report of activities prescribed by the Disability Services Act, 1993.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

Policy AES1 refers.

**Budget/Financial Implications**

The cost of producing 300 copies of the Report (including GST) is provided for in Council's Governance Budget.

**Legal Implications**

As provided in report.

**Community Consultation**

N/A

**Attachment(s)**

Draft copy of Annual Report 2004/05

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

N/A

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

Nil.



**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

**(MINUTE NO 3053) (OCM 08/12/2005) - MOTION TO MOVE BEHIND CLOSED DOORS**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury pursuant to Sections 5.23 (2) (a) and (c) of the Local Government Act, 1995, Council moves behind closed doors for the consideration of Items 23.1, 23.2 and 23.3.

**CARRIED 8/0**

Messrs R Avar, M Ross, M Littleton, A Jones, Ms V Viljoen, members of the Press and all members of the Public Gallery left the meeting at 8.05pm. Mr K Lapham was requested to remain.

**23.1 (MINUTE NO 3054) (OCM 08/12/2005) - HENDERSON LANDFILL SITE - DISCOUNTED GATE FEES FOR MIXED WASTE (4900) (ML) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) endorse the discounted gate fees proposed for the disposal of mixed waste at Henderson Landfill Site on the basis of volumes disposed per month as contained in the Confidential Report;
- (3) give local public notice of the City's intention to introduce the scale of gate fees proposed from 1 January 2006 in accordance with s6.19 of Local Government Act 1995; and
- (4) review this matter upon the determination of the Department of Planning and Infrastructure (DPI) regarding the future of the licence arrangements for Henderson landfill.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

(A Confidential Report on this item has been circulated to Elected Members under separate cover).

**23.2 (MINUTE NO 3055) (OCM 08/12/2005) - ENGAGING THE SERVICES OF FREEHILLS IN THE MATTER OF MADRIGALI VS CITY OF COCKBURN**

**RECOMMENDATION**

That Council endorse the action of the Chief Executive Officer in engaging the services of Freehills in the matter of Madrigali vs City of Cockburn.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Clr A Tilbury that Council:

- (1) note the action of the CEO in engaging the services of Freehills in the matter of Madrigali vs City of Cockburn;
- (2) direct the CEO to provide a report to a future Council meeting regarding:
  - (i) why it was decided that no member of Council's panel of lawyers was chosen to represent Council in the matter;
  - (ii) whether Council should consider amending its panel tender arrangements to ensure appointed panel members are adequately able to represent Council in relation to both workplace relations matters, and other general legal matters in which local governments are commonly involved;
  - (iii) whether Council should review Policy AES3 in view of Council's experience in this action.

**CARRIED 8/0**



(A Confidential Report on this item has been circulated to Elected members under separate cover).

**Reason for Decision**

A number of years ago, after discussions with the Department of Local Government and Regional Development, the Council adopted the view that in order to be compliant with regulations, it should tender its legal services requirements. Accordingly, a panel of lawyers was established. Council is concerned that it would appear, though it is not expressed in the report, that none of the firms on the panel was seen to be sufficiently able to be chosen to represent Council in this action. This raises the question as to whether Council's panel arrangements are adequate for its requirements, and so Council directs for its CEO to provide a report in this regard. It is noted that the CEO engaged the services of Freehills before he took the matter to Council for consideration, and despite Freehills not being a member of Council's panel of lawyers. It is not clear whether, having tendered for legal services, that Council should be endorsing the engagement of a service provider not on its panel. In view of the experience Council has had in this matter, it is considered timely to review Policy AES3.

**23.3 (MINUTE NO 3056) (OCM 08/12/2005) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (1192) (SC) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 14 November 2005 and 21 November 2005, and adopts the recommendations contained therein.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**





**Background**

The Chief Executive Officer and Senior Staff Performance Appraisal Committee conducted meetings on 14 and 21 November 2005. The minutes of the two meetings are required to be presented to Council and its recommendations considered by Council.

**Submission**

N/A

**Report**

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

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Nil

**Attachment(s)**

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 14 November 2005 and 21 November 2005 are provided to Elected Members as confidential attachments.



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

The CEO is on leave, but has been advised that this item will be considered at the December Ordinary Council Meeting. The Directors have been advised by the CEO of the results of the Committee meeting, pending Council ratification.

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

Committee Minutes refer.

**(MINUTE NO 3057) (OCM 08/12/2005) – MOTION TO RESUME WITH OPEN DOORS**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury pursuant to clause 7.5 (1) of council's Standing Orders Local Law, council resume with open doors.

**CARRIED 8/0**

Ms V Viljoen and members of the Public Gallery returned to the Meeting, the time being 8.13pm.

Note:

At this point of the meeting the Presiding Member read aloud the resolutions which were carried behind closed doors.

**24 (MINUTE NO 3058) (OCM 08/12/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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



**COUNCIL DECISION**

MOVED Clr L Goncalves SECONDED Clr A Tilbury the recommendation be adopted.

**CARRIED 8/0**

**25 (OCM 08/12/2005) - CLOSURE OF MEETING**

MEETING CLOSED AT 8.16PM.

**CONFIRMATION OF MINUTES**

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

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

