

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 OCTOBER 2012 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 OCTOBER 2012 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs B. Pinto	-	PA to Directors – Fin. & Corp. Serv./Admin. & Comm. Serv.
Ms L. Boyanich	-	Media Liaison Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.01 pm.

Mayor Howlett made the following announcements:

Cockburn Voluntary Emergency Services Building

On Friday, 21 September 2012, Ms Melissa Parke MP, Member for Fremantle, the Hon. Troy Buswell MLA and Mayor Howlett officiated at the opening the latest City of Cockburn community infrastructure project. The building has become the new home of the Cockburn SES and the South Coogee Bush Fire Brigade.



The Open Day held on Sunday, 23 September 2012 was an outstanding success with hundreds of people enjoying the opportunity to see the new facility and to talk to the volunteers about their roles and responsibilities.

Congratulations go to Ms Cassandra Cooper from the City and to Mr Don Johnston, the recently retired Chief Bushfire Control Officer for the City.

Sister City Delegation

In November this year the City will be sending a delegation to its Sister City - the City of Mobile in the USA. Some of the delegates will also be joining a local government sustainable infrastructure study group that will be visiting Israel. During the visit to Israel the delegates will attend the Eilat Eilat Renewable Energy Conference and Exhibition.

Wireless Hill Centenary Celebrations

Mayor Howlett attended the Wireless Hill Centenary celebrations event on Sunday, 7 October 2012, where many of the local radio and telecommunication enthusiasts enjoyed the opportunity to showcase the history of the location and its importance to Australia in terms of communications with the world. The station closed in 1968 and is one of the few surviving stations of its kind in Australia.

An added bonus of visiting Wireless Hill Park was the magnificent display of wildflowers.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (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 11/10/2012) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received advice from Clr Portelli that he had an impartiality interest in Item 14.2 which will be read at the appropriate time.



5 (OCM 11/10/2012) - APOLOGIES AND LEAVE OF ABSENCE

Clr Y Mubarakai - Apology

6 (OCM 11/10/2012) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mayor Howlett, in response to a question in relation to the Cockburn Police Station, advised the meeting that there has been no reply from the Minister for Police or the Commissioner of Police. This matter was followed up again today but no reply yet. The City was advised that the Chief of Staff to the Minister for Police is attending to the request.

7 (OCM 11/10/2012) - PUBLIC QUESTION TIME

Bruce Gilmore, President Naval Base Holiday Association

Q1 Is there a proposed timetable for public consultation regarding the Naval Base Holiday Management Plan to be developed? When will this Plan be implemented?

A1 Council did indicate that it will be preparing a Management Plan over the Caravan Park. At this stage the officers are still in the process of finalising all the various lease arrangements of the individual lease sites. Once this has been completed probably early next month, the officers will commence working on the draft Management Plan. It is proposed in the new year that the City will engage with the leaseholders in relation to that draft Management Plan. So it is unlikely that the consultation will commence until early next year.

Mark Taylor, Jandakot

Agenda Item 14.2 – Consideration to adopt Scheme Amendment No.92 for final approval – Bush Fire Prone Areas

Q1 Will proposed Amendment No.92 be voted on tonight? A submission was made to amend the proposal and would like to know whether this will be considered tonight? Will it be voted on what as it was proposed or has it been amended since then?

A1 The recommendation does contain some amendments to Amendment that was advertised.



Ray Woodcock, Spearwood

In response to Mayor Howlett's announcement about the Minister for Police, Mr Woodcock requested that when the personnel from the Police Department are likely to meet that they appear before a public forum so that there could be discussions on the Cockburn Police Station with the public at these meetings.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 4873) (OCM 11/10/2012) - MINUTES OF ORDINARY COUNCIL MEETING - 13/09/2012

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 13 September 2012, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 9/0

8.2 (MINUTE NO 4874) (OCM 11/10/2012) - MINUTES OF SPECIAL COUNCIL MEETING - 20/09/2012

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Thursday, 20 September 2012 as a true and accurate record.

COUNCIL DECISION

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

CARRIED 9/0



9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.15 PM THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COMMITTEE:

14.1	15.1	17.1
14.3	15.2	17.2
		17.3
		17.4

13.1 (MINUTE NO 4875) (OCM 11/10/2012) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 27/09/2012

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 27 September 2012, as attached to the Agenda and adopts the recommendations contained therein.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr L Smith that Council adopt the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 27 September 2012, subject to Minute



No.100 – Proposed amendments to Policy APD11 ‘Ancillary Accommodation’, being withdrawn for discussion.

CARRIED 9/0

NOTE: The Committee Minutes did not accurately portray in the table on Page 3 that Items 10.19 to 10.24 inclusive, were part of the “En Bloc” resolution of the Committee. This does not affect the official record of the Minutes, however, as each of these items in the Minutes does reflect the Mover and Secunder and the result of the vote.

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 27 September 2012. The Minutes of the meeting are required to be prese

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.

The primary focus of this meeting was to review the Policies and Position Statements of the Community Services Division, in accordance with Council’s decision.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

As contained in the Minutes.



Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 27 September 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

(MINUTE NO 4876) (OCM 11/10/2012) - PROPOSED AMENDMENT TO POLICY APD11 'ANCILLARY ACCOMMODATION ON RURAL LIVING, RURAL AND RESOURCE ZONE LOTS (SM/P/002) (J MCDONALD) (ATTACH)

COUNCIL DECISION

MOVED Clr S Portelli that Council adopt proposed amendments to Policy APD11 'Ancillary Accommodation on Rural Living, Rural and Resource Zone Lots', as shown in the attachment.

MOTION LAPSED FOR WANT OF A SECONDER

(MINUTE NO 4877) (OCM 11/10/2012) - PROPOSED AMENDMENTS TO POLICY APD11 'ANCILLARY ACCOMMODATION ON RURAL LIVING, RURAL AND RESOURCE ZONE LOTS (SM/P/002) (J MCDONALD) (ATTACH)

COUNCIL DECISION

MOVED Clr B Houwen SECONDED Deputy Mayor K Allen that Council adopt the recommendation subject to amending Clause (2) Point (3) of the Policy to read as follows and as shown in the attachments to the Minutes:

Policy



- (2) 3. The maximum internal floor area of the ancillary accommodation is not to exceed 100 sq.m.. The 100 sq.m. is the total living area only and does not include verandahs, patios, pergolas, alfresco areas or carports/garages.

CARRIED 8/1

Reason for Decision

The primary reason for ancillary dwellings occurs due to aging parent, or a family member who needs special care.

Justification to reduce the proposed living area down to 75m², where 100m² has been acceptable to the City in the past, seems a retrograde step for the amenity of the people who seek this kind of accommodation.

The 100m² should be incorporated Citywide, as there may be requirement for Universal Access or facilities to assist with seniors or residents with disabilities who may be negatively impacted upon by this reduction in accommodation size. Sufficient space should be ensured, as each case will be different and not enough evidence is provided to support a reduction.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 4878) (OCM 11/10/2012) - PROPOSED SCHEME AMENDMENT NO. 95 - LOCATION: LOTS 1 AND 9004 ARMADALE ROAD, LOT 9002 JANDAKOT ROAD AND LOT 132 FRASER ROAD, BANJUP - OWNER: STOCKLAND WA DEVELOPMENT PTY LTD/ ARMADALE ROAD PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (93095) (T GREENHILL) (ATTACH)

RECOMMENDATION

That Council:

- (1) in pursuance of Section 75 of the Planning and Development Act 2005 (Act) initiate Amendment No. 95 to the City of Cockburn Town Planning Scheme No. 3 (Scheme) for the purposes of:
1. Excluding Lots 1 and 9004 Armadale Road, Lot 9002 Jandakot Road and Lot 132 Fraser Road, Banjup from 'Resource' and including these in 'Development' zone.
 2. Amending Schedule 11 of the Scheme Text to add new 'Development Area 23' as follows:



"Schedule 11 – Development Areas.

Ref. No.	Area	Provisions
DA23	Banjup Quarry Redevelopment	<ol style="list-style-type: none"> 1. An approved structure plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. The structure plan is to provide for residential development, community and education facilities and a local centre. 3. The structure plan is to provide for safe and efficient pedestrian connections between DA23 and the Cockburn Central Railway Station. 4. Land uses classified on the structure plan apply in accordance with clause 6.2.6.3. 5. The Local Government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.6.3 for any part of the Development Area as defined on the approved structure plan. All land use and development for a particular lot or lots the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan. 6. The standards and requirements applicable to zones and R Codings under the Scheme shall apply to the same extent to the areas having corresponding designations under the approved structure plan. Notwithstanding this, an approved structure plan may by a clear statement of intent to do so, make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the approved structure plan, or any stipulated part of that area, as if it was a variation incorporated in the Scheme.

(2) amend the Scheme map accordingly.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

The subject land is approximately 153 ha in size and has frontages on Armadale Road, Solomon Road and Jandakot Road, Banjup. (refer to Attachment 1 for a copy of the location plan).

The subject site is currently vacant and has been extensively cleared and excavated as part of a previous quarrying operation. Lots 9002, 9004 and 132 have an existing subdivision approval for 65 special rural lots that has not been exercised. The site is also dissected by a Power Transmission Easement.

The site is currently the subject of a Metropolitan Region Scheme (MRS) Amendment (1221/41) to rezone the land from 'Rural Water Protection Zone' to 'Urban Zone', 'Primary Regional Roads Reservation', 'Water Catchments Reservation' and 'Urban Deferred Zone'. This MRS amendment was advertised for public submissions from 25 October 2011 to 3 February 2012 and was subsequently reviewed, modified and recommended that the Minister for Planning present the modified amendment to the Governor and Houses of Parliament for consideration and approval.

At that time, the City requested that (i) the WAPC investigate the rezoning of adjoining land from 'Industrial' to 'Urban' and (ii) that a Town Planning Scheme (TPS) Amendment of the land to development zone be undertaken separately from the MRS Amendment as additional scheme text modifications are required. The WAPC recommended that, without further study, the abutting industrial area remain unchanged and that the TPS Amendment be undertaken separately. This application is being made in response to the second request of the City.

This Town Planning Scheme (TPS) Amendment is subject to the approval of the MRS Amendment by Parliament, however this does not preclude Council from initiating the Scheme Amendment for advertising and subsequently making a determination. It is expected that the MRS Amendment will be resolved prior to the resolution of this scheme Amendment.



Submission

The proposed Scheme Amendment has been lodged by Development Planning Solutions on behalf of Stocklands WA Development Pty Ltd, the owners of the majority of the subject site.

The proposal seeks to rezone the site to 'Development Area 23' and amend Schedule 11 to detail the requirements of a structure plan for the subject site, and amend the scheme map to reflect this accordingly.

Report

Site Description

The proposal includes the following lots:

<u>Address</u>	<u>Land Area (ha)</u>	<u>Owner</u>
Lot 1 Armadale Road	8.08	Armadale Road Pty Ltd
Lot 9002 Jandakot Road	62.91	Stocklands WA Development Pty Ltd
Lot 9004 Armadale Road	36.52	Stocklands WA Development Pty Ltd
Lot 132 Fraser Road	45.71	Stocklands WA Development Pty Ltd

The majority of the site has been cleared as a result of quarrying operations over the years and the excavation has resulted in a 'bowl' effect with the land sunken from the surrounding roads on most edges of the site. Beyond the excavation of sand, limited evidence of this previous use is evident on the site. With the exception of an untouched bushland area on the eastern edge of the property, little of the original vegetation remains on site although low grassy scrubland has begun to re-establish itself. A wide power easement runs east-west across the site with elevated transmission lines strung across a series of towers.

The surrounding land uses include a mix of vacant or undeveloped bush land, bush forever sites and rural residential lots on the northern, eastern and southern edges, and an industrial zoned estate in the south western corner. Water Corporation wellheads are located along the western boundary and the south western corner of the site and associated buffers extend up to 300m into the site from these wellheads. Access to the site is currently via Fraser Road or Dollier Road.

The site is located within a Priority 2 (P2) groundwater area and is currently zoned as a 'Rural - Water Protection' zone under the current MRS Scheme. An MRS amendment is currently in front of Parliament to change this to an 'Urban' zone. The Department of Water submission to the MRS amendment states that given the strategic value of the site as identified and confirmed by the WAPC, the



Department of Water will reclassify the site from P2 to P3. A P3 classification will allow the development of the site for urban use.

The subject land is located at the northern end of the Jandakot Underground Water Pollution Control Area (UWPCA). The applicant has submitted evidence as part of the MRS amendment that the groundwater resources can be protected with respect to the water quantity and water quality of rainfall recharge to the aquifer. It is worth noting that the site will also be subject to State Planning Policy 2.3 – Jandakot Groundwater Protection Policy which is currently under review.

Proposed Amendment 95

The purpose of this scheme amendment is to assist in the proper and orderly planning of the site through the implementation of a 'Development' zone across the entire site known as 'Development Area 23'. This new 'Development' zone will replace the existing 'Resource' zone and establishes the need for a structure plan that identifies residential development, community and educational facilities, pedestrian connections and land uses. The proposed structure plan will also allow for and identify the locations of detailed area plans and outlines how the R-Codes will be applied in the Development Area.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

- To construct and maintain community facilities that meet community needs.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

Lifestyle and Aspiration Achievement

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



Transport Optimisation

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

Budget/Financial Implications

A Development Contribution component to this Development Area will be established through a future scheme amendment that will address community and infrastructure costs resulting from this project.

Legal Implications

This Town Planning Scheme (TPS) Amendment is subject to the approval of the MRS Amendment by Parliament, however this does not preclude Council from initiating the Scheme Amendment for advertising and subsequently making a determination. It is expected that the MRS Amendment will be resolved prior to the resolution of this scheme Amendment.

Community Consultation

In accordance with the Town Planning Regulations 1967 consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

Attachment(s)

1. Location Plan.
2. Town Planning Scheme No. 3 Amendment 95 Report dated September 2012 prepared by DPS.

Advice to Proponent(s)/Applicant

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 October 2012 Council Meeting.

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

Nil.



CLR PORTELLI LEFT THE MEETING THE TIME BEING 7.25 PM.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had receive advice from Clr Portelli in relation to the following item. The nature of the interest is that he made a personal submission on the matter which he believes should be taken into consideration by Council in making its decision.

14.2 (MINUTE NO 4879) (OCM 11/10/2012) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 92 FOR FINAL APPROVAL - BUSH FIRE PRONE AREAS - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93092) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorses the Schedule of Submissions prepared in respect of Amendment No. 92 to City of Cockburn Town Planning Scheme No. 3;
- (2) prepares a Local Planning Policy to help guide development within designated Bushfire Prone Areas to provide consistency to officers, landowners and developers going forward;
- (3) adopts for final approval Amendment No. 92 to City of Cockburn Town Planning Scheme No.3 for the purposes of:
 1. Modifying Clause 8.2.1 (b) of the Scheme Text by including an additional sub-clause as follows:
 - (v) *the development is included in a Bushfire Prone Area, as defined by clause 6.6.1 of the Scheme.*
 2. Modifying Clause 6.1.1 of the Scheme Text by including an additional sub-clause as follows:
 - (c) *Bushfire Prone Areas, being all land in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone, shown on the Scheme Map as BPA;*
 3. Amending the Scheme Map and Legend to introduce the Bushfire Prone Area Special Control Area designation.
 4. Including a new Clause 6.6 in the Scheme Text as



follows:

6.6 *Bushfire Prone Areas*

6.6.1 *For the purposes of this clause, a Bushfire Prone Area means any area located in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone, identified by the Local Government and shown on a Bushfire Hazard Assessment Map.*

6.6.2 *The purpose of Bushfire Prone Areas are to:*

- (a) implement State Planning Policy 3.4 Natural Hazards and Disasters;*
- (b) identify land that is subject, or likely to be subject, to bushfire hazard;*
- (c) ensure a bushfire attack level assessment is carried out on land that is subject, or likely to be subject, to bushfire hazard;*
- (d) ensure that development effectively addresses the level of bushfire hazard applying to the land.*

6.6.3 *A Bushfire Hazard Assessment Map shall indicate Bushfire Prone Areas.*

6.6.4 *If a Local Government resolves to prepare a Bushfire Hazard Assessment Map, the Local Government:*

- (a) is to notify in writing the owner and occupier of all the properties in the affected area;*
- (b) is to publish a notice once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of:*
 - a. where the draft Map may be inspected;*
 - b. the subject nature of the draft Map;*
 - c. in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.*



- (c) *may publish a notice of the proposed Bushfire Hazard Assessment Map in such manner and carry out such other consultation as the Local Government considers appropriate.*
- 6.6.5 *After the expiry of the period within which a submission may be made, the Local Government is to:*
 - (a) *review the proposed Bushfire Hazard Assessment Map in light of any submissions made*
 - (b) *resolve to adopt the Bushfire Hazard Assessment Map with or without modification, or not proceed with the amendment.*
- 6.6.6 *If the local government resolves to adopt the Bushfire Hazard Assessment Map, the local government is to publish a notice of the Bushfire Hazard Assessment Map once in a newspaper circulating in the Scheme area.*
- 6.6.7 *The Bushfire Hazard Assessment Map has effect on publication of a notice under clause 6.6.6.*
- 6.6.8 *A copy of the Bushfire Hazard Assessment Map, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.*
- 6.6.9 *A land owner may dispute the classification of their land as set out on the Bushfire Hazard Assessment Map in writing to the Local Government for consideration.*
- 6.6.10 *Prior to the adoption or amendment of a structure plan resulting in the introduction or intensification of development or approval of a subdivision or development application within a Bushfire Prone Area, a bushfire attack level assessment satisfactorily addressing the level of bushfire hazard applying to the land is to be submitted.*



- 6.6.11 *In addition to development which otherwise requires approval under the Scheme, planning approval is required for any development within a Bushfire Prone Area, that does not comply with an approved bushfire hazard assessment undertaken as part of the structure planning or subdivision of an area or is inconsistent with the WAPC's and FESA's Planning for Bush Fire Protection Guidelines (Latest Edition).*
- 6.6.12 *In determining an application to carry out development in the Bushfire Prone Area, the Local Government may refuse the application, or impose conditions on any planning approval as to:*
- (a) the provision of a fire fighting water supply;*
 - (b) the provision of fire services access;*
 - (c) the preparation of a fire management plan in accordance with the Planning for Bush Fire Protection Guidelines (Latest Edition) and implementation of specific fire protection measures set out in the plan;*
 - (d) the implementation of measures to ensure that prospective purchasers are aware of the relevant Scheme provisions, fire management plan and publications addressing fire safety.*
- 6.6.13 *An application for development approval must be accompanied by:*
- (a) a bushfire attack level assessment carried out in accordance with the methodology contained in the Planning for Bush Fire Protection Guidelines (Latest Edition);*
 - (b) a statement or report that demonstrates that all relevant bushfire protection acceptable solutions, or alternatively all relevant performance criteria, contained in the Planning for Bush Fire Protection Guidelines (Latest Edition) have been considered and complied with, and*

effectively address the level of bush fire hazard applying to the land.

6.6.14 If, in the opinion of the Local Government, a development application does not fully comply with the bushfire protection acceptable solutions contained in the Planning for Bush Fire Protection Guidelines (Latest Edition), the application shall be referred to the FESA for advice prior to a decision being made.

6.6.15 Despite any existing assessment on record, the Local Government may require a bushfire risk assessment to be carried out prior to the approval of any development proposed within a Bushfire Prone Area as designated on the Bushfire Hazard Assessment Map.

- (4) prepare Bushfire Hazard Assessment Map(s) for areas identified as Special Control Area – Bushfire Prone utilising the previously endorsed methodology, in anticipation of the Hon. Minister's advice that final approval will be granted for the Scheme amendment;
- (5) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission without modification; and
- (6) advise all submissioners to Amendment No.92 of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that Council defer the matter until a full briefing/workshop has been provided to Councillors to include, but not limited to the following:-

- (1) advice from FESA on proposed areas suggested in the report and whether FESA consider them sufficient;
- (2) advice from the Bush Fire Reference Group and Volunteer Bush Fire Brigades on the areas specified and whether they concur and whether they suggest any additional inclusions;



- (3) advice from the City's Aerial Mapping Department whether some of the Market Garden areas and cleared areas warrant inclusion as Bush Fire Prone Areas;
- (4) written advice from Local Government Insurance Services (LGIS) on potential insurance premium increased costs, and legal consequences of being declared a Bush Fire Prone Area;
- (5) advice from the City's Environmental Officers on consequences of Bush Fire prone areas around our wetlands adjacent to residential areas and whether those areas of concern should be included; and
- (6) advice from an independent Fire Assessor on whether declaration of Bush Fire Prone Areas is appropriate for those areas specified within the City of Cockburn.

CARRIED 6/2

Reason for Decision

Whilst this proposed change to TPS3 seeks to deal with new dwellings, not enough information has been provided regarding potential consequences for existing homes, what changes may be required of them and their lifestyles. Ground truthing needs to be implemented rather than just declaring areas Bush Fire Prone based only on their zoning, with no consideration for what actually exists on the ground.

A deferral will provide Elected Members with an opportunity to discuss the full implications and consequences of this matter with Officers from Planning, Environment and the Chief Bush Fire Officer in conjunction with advice to be received from FESA and Jandakot and South Coogee Bush Fire Brigades.

Background

At its Ordinary Council Meeting held on 12 April 2012 Council resolved to initiate Amendment No. 92 to City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The purpose of the amendment is to place a Special Control Area over land currently zoned Rural, Resource, Rural Living and Conservation under the Scheme, dealing with bushfire risk management through the planning process. The amendment also proposes a number of alterations and additions to the Scheme Text.



The amendment was referred to the Environmental Protection Authority who granted consent to advertise. The amendment was subsequently advertised for public comment for a period of 42 days between the 26 June 2012 and the 7 August 2012, in accordance with the requirements of the Town Planning Regulations 1967.

A total of 19 submissions were received. The purpose of this report is to consider the amendment for final adoption in light of the advertising process having taken place.

Submission

N/A

Report

This amendment proposes additions of a number of provisions related to Bushfire Protection and Management. The intent of these changes are to:

1. Identify land that is subject, or likely to be subject, to bushfire hazard.
2. Ensure a bushfire attack level assessment is carried out on land that is subject, or likely to be subject, to bushfire hazard.
3. Ensure that development effectively addresses the level of bushfire hazard applying to the land.

The amendment will include a process for the introduction of a Bushfire Hazard Assessment Map(s), these maps will sit outside the Scheme and indicate the level of fire hazard for land located within the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone. These maps will be independently approved by Council and will be subject to their own community consultation process. Where land is shown to be subject to a potential bushfire hazard, the Scheme will trigger the process for requiring planning approval for development and as part of that planning approval requiring an appropriate bushfire attack level assessment to be undertaken by the proponent.

Background

Australia and Western Australia specifically is a land mass prone to incidences of bushfire. In recent times a number of fire events have come under scrutiny from various State Governments to ascertain the cause, appropriateness of response and need for change. The need for the City of Cockburn to identify Bushfire Prone Areas and take reasonable and appropriate responses to this issue is in response to these reports.



In Western Australia, unlike other states, the declaration of bushfire prone areas is currently at the discretion of Local Government. Local Government can indicate a Bushfire Prone Area by two main mechanisms:

1. Within a Town Planning Scheme
2. By powers conferred by the Local Government Act 2005.

Only two Local Governments in Western Australia have used legislative powers available to them to designate Bushfire Prone Areas. A number of Local Governments, including Busselton and Margaret River, have included Bushfire Prone Areas within their Town Planning Schemes. A number of local governments in the Metropolitan Region have indicated their intention to move towards the identification of Bushfire Prone areas through their Town Planning Schemes.

A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review ("Keelty Report") and The Major Incident Review – Lake Clifton, Red Hill and Roleystone Fires – June 2011 offered a number of reviews of the role of Local Government. In the review of the Red Hill fire, the review stated that there is no doubt that the areas burnt out, being the Darling Scarp, was a bushfire prone area. The review criticised that Local Government for not declaring the area so. The review went on to state that “failing to declare these areas bushfire prone inhibits the effectiveness of FESA’s operational response”.

Within both the Major Incident Review and Keelty Report it is recommended that planning undertaken by Local Government seek to appropriately respond to bushfire risks. This Scheme amendment is viewed in this light, of the City of Cockburn seeking to ensure its Scheme is appropriately structured in a way to ensure bushfire issues are dealt with through the planning system. This is no different to (for example) how traffic issues need to be dealt with as part of a planning application, how environmental issues need to be dealt with etc. It is seen as a positive step for the City to be taking.

On 22 March 2012 the Delegated Authorities, Policies and Position Statements Committee ("DAPPS") recommended Council adopt a new position statement, PSPD22 Fire Management Plans. The Position Statement noted that in the absence of any identified Bushfire Prone Areas and until the Scheme is amended, it is recommended that Council adopt a position that clearly articulates that a precautionary approach will be taken. Therefore the Position Statement calls on Council to clearly communicate to the community that approved Fire Management Plan recommendations and requirements will be implemented through the issue of a building permit whether or not the subject land is within a declared bushfire prone area.



The City is proactively seeking to deal with bushfire risks, through ensuring the risk posed by bushfire prone areas are recognised and dealt with through all relevant planning, subdivision and development considerations.

Special Control Area

Amendment 92 proposes to create an additional Special Control Area within the Scheme, titled Bushfire Prone Areas. This area specifically applies to the entirety of the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zones of the Scheme. It is proposed that Clause 6.1.1 be modified to show the entirety of the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zones on the Scheme Map as BPA. This Special Control Area would be Clause 6.6 of the Scheme.

The purpose of a Bushfire Prone Area is to:

- (a) implement State Planning Policy 3.4 Natural Hazards and Disasters;
- (b) identify land that is subject, or likely to be subject, to bushfire hazard;
- (c) ensure a bushfire attack level assessment is carried out on land that is subject, or likely to be subject, to bushfire hazard; and
- (d) ensure that development effectively addresses the level of bushfire hazard applying to the land.

The identification of the Resource zone, Rural Living and Rural zones reflect the risk of bushfires in those areas. In terms of residential areas, it was considered that their existence in a fully urban environment needed to be treated differently to rural zones which are a significantly heightened risk in terms of fire.

The Scheme amendment will allow for the creation of a Bushfire Hazard Assessment Map. This map and Clause 6.6.3 states that only a Bushfire Prone Assessment Map shall indicate Bushfire Prone Areas. Although Clause 6.1.1 will designate all areas on the Scheme Map via the BPA Special Control Area, it is only the identification of land as Bushfire Prone on a Bushfire Hazard Assessment Map that initiates the various requirements of proposed Clause 6.6.

The Bushfire Hazard Assessment Map will sit outside the Scheme and be separately approved by Council as required. The process for approval and modification of a Bushfire Hazard Assessment Map is set out in Clause 6.6.

As stated above, the Bushfire Hazard Assessment Map will sit outside the Scheme, though be directly referenced by the Scheme. Placing the



Hazard Assessment Map outside the Scheme is in response to the need for flexibility in the process of identification and the changing nature of the urban/rural and natural environment of the City. By placing the Map outside the Scheme it allows Council to adapt the map as situations require and new information comes to hand.

Bushfire Prone Areas, as a norm will require development to be subject to the construction standards set out in Australian Standard 3959-2009: Construction of buildings in the bushfire-prone areas (AS3959-2009). Properties in fire prone areas will also require a Fire Management Plan, as identified in proposed Clause 6.6.12 of the Scheme, as a condition of planning approval. These conditions may be imposed as reference in the proposed clause below:

6.6.12 In determining an application to carry out development in the Bushfire Prone Area, the Local Government may refuse the application, or impose conditions on any planning approval as to:

- (a) the provision of a fire fighting water supply;*
- (b) the provision of fire services access;*
- (c) the preparation of a fire management plan in accordance with the Planning for Bush Fire Protection Guidelines (Latest Edition) and implementation of specific fire protection measures set out in the plan;*
- (d) the implementation of measures to ensure that prospective purchasers are aware of the relevant Scheme provisions, fire management plan and publications addressing fire safety.*

Proposed development within the new Special Control Area that has previously undergone a fire assessment, compliant with the WAPC's and FESA's Planning for Bush Fire Protection Guidelines (Latest Edition), at either the Subdivision or Structure Planning stage, will not be required to undergo additional fire assessment. This is subject to such development complying with the previous assessment for that area.

Identification of Bushfire Prone Land

For the purpose of the Bushfire Hazard Assessment Map, the following protocol is utilised when identifying an area of bushfire prone land:

- Inclusion of identified native vegetation of 1 Ha or greater (by aerial photograph);
- Identification of native vegetation less than 1 Ha in size but within 50m of identified native vegetation (>1 Ha);
- Buffering of all the above by 100m (shown in different colour from main hazard area).



For the purpose of registering an accurate assessment of bushfire risk; the identification of bushfire prone areas includes land meeting the first two criteria but not within area covered by Bushfire Hazard Assessment Map, including areas of native vegetation within neighbouring Local Government Areas.

Council at its meeting on 12 April 2012 endorsed the above methodology for the use on any future Bushfire Hazard Assessment Map.

Bushfire Hazard Assessment Map

The processes and mechanism for the creation of a Bushfire Hazard Assessment Map is set out in Clause 6.6. Appropriate levels of community consultation; including, advising all affected landowners directly and notice in a local publication (for two consecutive weeks) is required. Review of any map is then necessary prior to consideration for final adoption.

A landowner may at anytime dispute the assessment of their land in writing to the Local Government. The onus would be on the landowner to provide evidence to support their claims.

A draft version of a Bushfire Hazard Assessment Map, covering the southern section of Banjup has been included as Attachment 2. This map was created using the methodology endorsed by Council on 12 April 2012. The map is a guide only and subject to change both from further analysis and any submissions received through future community consultation. Final approval of any Bushfire Hazard Assessment Map would be at the discretion of Council.

Requirements for Planning Approval

Clause 8.2 of the Scheme sets out the types of development that are exempt from planning approval, referred to as Permitted Development. The amendment proposes changes to Clause 8.2(b) that deals with the erection of a single house on a lot, including any extension, ancillary outbuilding and swimming pools. This Scheme amendment introduces an additional exception to Clause 8.2(b) where:

- (v) *the development is included in a Bushfire Prone Area, as defined by clause 6.6.1 of the Scheme.*

Historically within the areas subject to the proposed amendment planning approval has not been required for the development of a single house within a designated building envelope (should one exist). Planning approval has been required for development outside and/or



relocation of building envelopes. The amendment proposes a major shift in the approval process of rural residential development in these areas.

For the purpose and intent of the amendment to be fulfilled it is deemed necessary to alter the status quo in these areas. The development approval process is the appropriate stage of the development assessment process to ensure that the requirements outlined in proposed Clause 6.6 are adhered.

It would be envisioned that the requirement for landowners to apply for development approval in these areas will place an additional financial and time constraint on those individuals. However, as both the Keely Report and the Major Incident Review identified, these hesitations have existed and continue to exist within Local Government, and that not exercising these power for the reasons outlined earlier in this document is not appropriate.

The disincentives of imposing higher building costs through bush fire designation must be carefully weighed against the wider responsibility of Local Government. Local Government through building and planning controls can have an important and positive influence on the survivability of development (and thus human life) during a fire event.

Bushfire Building Cost Comparison

By designating an area bush fire prone it places an additional upfront financial encumbrance on the owners of that land in that they need to comply with AS3959-2009. The amendment proposes to require planning approval for the erection of a single house, including any extension, ancillary outbuildings and swimming pools where the lot is identified as Bushfire Prone on a Bushfire Hazard Assessment Map. A requirement of said approval will be for the application to be built to AS3959-2009, with the provision for additional bush fire related conditions as outlined in Clause 6.6.12 of the proposed amendment.

FESA in their submission to Keely Report produced the following table derived from the Australian Building Codes Board publication the “*Final Regulatory Impact Statement for Decision (RIS 2009-02)*”.

Table: Cost of Compliance with AS3959-2009

Category of bush fire attack	Predicated bush fire attack and level of exposure.	Base house	Large two story	Elevated light weight construction
BAL – Low	Insufficient risk to warrant specific requirements.	\$0	\$0	\$0



Category of bush fire attack	Predicated bush fire attack and level of exposure.	Base house	Large two story	Elevated light weight construction
BAL – 12.5	Ember attack.	\$11,535	\$14,981	\$21,428
BAL – 19	Increasing levels of ember attack and burning debris ignited by windborne embers together increasing heat flux.	\$11,535	\$14,981	\$21,428
BAL – 29	Increasing levels of ember attack and burning debris ignited by windborne embers together increasing heat flux.	\$15,471	\$17,095	\$35,024
BAL – 40	Increasing levels of ember attack and burning debris ignited by windborne embers together increasing heat flux with the increased likelihood of exposure to flames.	\$17,107	\$19,751	\$62,357
BAL – FZ	Direct exposure to flames from fire front in addition to heat flux and ember attack.	\$20,885	\$28,905	\$76,679

Alternatively to the table above, the Shire of Busselton in Council Agenda dated 11 May 2011 on a matter concerning the identification of bushfire prone areas provided the following information that estimated the costs (above standard constructing standards) of compliance with AS3959-2009:

- BAL – 12.5 – 3-4%
- BAL – 19 – 4-5%
- BAL – 29 – 6-6.5%
- BAL – 40 – 6-10%
- BAL – FZ – 8-10%

An application for Planning Approval on land subject to the proposed amendment would be required to provide a bush fire attack level assessment carried out in accordance with the methodology contained in the *Planning for Bush Fire Protection Guidelines (2010)*; and a statement or report that demonstrates that all relevant bush fire protection acceptable solutions, or alternatively all relevant performance criteria, contained in the *Planning for Bush Fire Protection Guidelines (2010)* have been considered and complied with, and effectively address the level of bush fire hazard applying to the land.

It would be anticipated that due to the prevailing geology, topography and built form of the City of Cockburn and specifically the areas subject to the proposed amendment; the majority of dwellings subject to increased AS3959-2009 standards would fall within the base house and large two story categories.



Accordingly issues such as minor increases in development costs are noted, but do not represent a magnitude which should dissuade this being seen for the broader importance of development being undertaken in a more appropriate manner cognisant of the bushfire risk.

Public Consultation

In accordance with the Town Planning Regulations 1967 Amendment 92 was advertised for public comment for a period of 42 days between the 26 June 2012 and the 7 August 2012. Consultation included; letters to all affected landowners (approximately 1,000), advertisement in the Cockburn Gazette and letter to relevant State Government Authorities. Additional consultation was also undertaken with the Banjup Residents' Association.

In total 19 submissions were received:

- 1 from Cr Portelli.
- 4 from State Authorities.
- 1 from the Banjup Residents' Association.
- 13 from affected landowners or representative of affected landowners.

All submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 2).

A number of objections were received from affected landowners and the Banjup Residents' Association. These are comprehensively addressed in the Schedule of Submissions; however the main areas of concern are outlined and addressed in detail below.

Exclusion of urban areas/regional and local reserves

A number of submissions noted the inclusion of only rural residential land in Scheme Amendment 92.

The decision to include on the Rural, Rural Living, Resource and Conservation zones in the Bushfire Prone Special Control Area was on the basis that those zones reflect the clear and present risk of bushfires. While residential areas may be subject to risks, it was considered that their existence in a fully urban environment needed to be treated differently to our rural zones which are a significantly heightened risk in terms of fire.

The exclusion of regional and local reserves from the Amendment area is not a reflection of their level of fire risk but more a reflection on the type of uses found on such land (i.e. not intended to be developed for residential purposes now or into the future). Amendment 92 is primarily



focused on the protection of human life through the implementation of higher building standards. Such development is not traditionally found within reserved land. Such land is reserved for recreation, preservation or conservation as such their inclusion in a Special Control Area would not lead to a lowering of bushfire risk to people or property across the locality.

Responsible authorities have other obligations under other Acts concerning the maintenance and upkeep of such land in respect of bushfire risk.

Insurance Premiums

A number of submissions noted concern that the zoning of an area bushfire prone would place upwards pressure on insurance premiums. The Insurance Council of Australia has noted that risk assessment is for the most part undertaken on a property specific basis and the declaration of an area as bushfire prone should have negligible impact on premiums as such risk is already factored into calculations. The declaration of large areas of New South Wales and Victoria, following recent fire events, has not lead to a significant shift in premiums. The insurance industry advises that dwellings built to ASC3959-2009, could over time, experience a lowering of insurance premiums due to the lowering of risk through a designated bushfire prone area.

Cost of building/upgrades

As noted above, the disincentives of imposing higher building costs through bush fire designation must be carefully weighed against the wider responsibility of Local Government.

While Amendment 92 will place additional cost impositions on landowners and developers seeking to undertake development in bushfire prone areas, these are considered not to represent a magnitude which should dissuade this being seen for the broader importance of development being undertaken in a more appropriate manner cognisant of the bushfire risk. In general these additional costs will be incurred by the following:

1. Application for planning approval;
2. Requirement to address the bushfire risk of the land through a bushfire attack level assessment;
3. Cost of building new dwellings to AS3959-2009; and
4. Future cost of compliance with planning approval

Submissioners through the advertising process requested clarification on the need to comply with AS3959-2009 when undertaking an upgrade or extension to an existing dwelling in a bushfire prone area.



In general, such requirement will only be necessary when an extension or upgrade is deemed 'major'. Moreover when a 'minor' extensions is undertaken there is, for the most part, no requirement to build the extension to AS3959-2009 as doing so would have negligible impact on the overall safety of the dwelling during a fire event.

Following consultation with other local governments on how this definition is determined in their localities; it was deemed appropriate to address such matter in through a Local Planning Policy, the creation of which is a recommendation of this item. The future policy will provide landowners, developers and City staff with consistent guidance going forward.

Native vegetation removal

The Banjup Residents' Association and a number of other submissioners have noted their concerns surrounding the need for clearing of vegetation, as part of a hazard separation zone, around dwelling built to ASC3959-2009. Their concerns go to the potential loss of the current amenity of the area, environmental concerns, increased temperatures and inconsistency with current clearing regimes.

As noted above all new dwellings within an identified bushfire prone area will be required to undertake a bushfire attack level assessment. This assessment will be required to be undertaken in line with the WAPC's Planning for Bushfire Protection Guideless. Where an extreme or high fire risk exists in close proximity to a proposed dwelling; low fuel areas known as Hazard Separation and Bushfire Protection Zones need to be identified on a bushfire attack level assessment. These areas are critical in ensuring that flames do not come in direct contact with buildings.

In general the following criteria apply in order to fulfil the requirements of the WAPC's Guidelines:

1. Fuel load reduced and maintained at 2 tonnes per hectare.
2. Trees are low and pruned.
3. No tall shrubs or tree is located within 2m of building.
4. No tree crowns to be overhanging buildings.

Although it is favourable that these areas have limited vegetation, be grassed or paved; the presence of native vegetation is not restricted in totality. Moreover, such requirements will only apply where development is proposed and a bushfire attack level assessment recommends such action. Accordingly, each lot that is created and zoned to provide for development for residential purposes, will result in the creation of the protection zone which will result in modification to



native vegetation. This issue cannot be avoided, and is the result of development to create private allotments taking place.

The WAPC Guidelines note that the enforcement of such restrictions can have a negative impact on remnant vegetation through clearing. The proposed Local Planning Policy, a recommendation of this agenda item, will provide consistent guidance to landowners and developers on this matter to ensure the balance between vegetation conservation and preservation of life can be appropriately met.

Conclusion

It is considered that the proposed Scheme amendment will provide better bushfire safety and prevention within the City of Cockburn's more vulnerable areas. It will designate bushfire prone zones, showing where higher building standards and fire management plans are needed.

As noted above, through community consultation, it has been demonstrated that there is a need for a number of matters to be clarified through a Local Planning Policy. Therefore, such an action has been added to this recommendation.

It is therefore recommended that Council proceed to adopt the Scheme Amendment as outlined.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.

Natural Environmental Management

- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

There are nil direct financial impacts faced by the Local Government. It is noted however throughout the report financial impacts associated with higher building costs in order to address fire prone areas.



Legal Implications

Planning and Development Act 2005
City of Cockburn Town Planning Scheme No. 3
Town Planning Regulations 1967
Local Government Act 1995
Bush Fires Act 1954

Community Consultation

In accordance with the Town Planning Regulations 1967 consultation was undertaken subsequent to the local government initiating the Scheme Amendment and the Environmental Protection Authority ("EPA") advising that the proposal is environmentally acceptable. The amendment was advertised for 42 days.

Attachment(s)

1. Scheme Amendment Map
2. Schedule of Submissions

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 October 2012 Council Meeting.

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

Nil.

CLR PORTELLI RETURNED TO THE MEETING THE TIME BEING 7.40 PM.

THE PRESIDING MEMBER ADVISED CLR PORTELLI OF COUNCIL'S DECISION WHILST HE WAS AWAY FROM THE MEETING.



14.3 (MINUTE NO 4880) (OCM 11/10/2012) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 18 (NO. 603) ROCKINGHAM ROAD, MUNSTER - OWNER: T GARBIN - APPLICANT: DYKSTRA PLANNING (SM/M/056) (T GREENHILL) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Proposed Structure Plan for Lot 18 Rockingham Road, Munster subject to the following modifications:
 1. The incorrectly labelled Yerilla Way being labelled Riverina Parade.
 2. A temporary access laneway being shown which connects the easternmost laneway to Riverina Parade. This is to be annotated as a temporary access link which may be removed only once the laneway is extended northwards by development of the northern adjoining land in order to complete the through access.
 3. The coding of the 4 lots in the central cell facing Coogee Road and Riverina Parade being changed from R25 to R30.
 4. A notation being added to the Structure Plan advising that a finalised version of the Landscape Concept Plan is to be developed in collaboration with the City and submitted with the future subdivision application.
 5. A notation being added to the Structure Plan advising that a suitably worded Section 165 notification under the Planning and Development Act 2005 is required to be imposed at the subdivision stage in order to advise prospective purchasers of the midge impacts associated with being close to nearby wetlands.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
- (4) advise the proponent and those persons who made a submission of the Council's decision; and



- (5) advise the proponent that the site is subject to both Development Contribution Areas No. 6 and No. 13.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lot 18 (No. 603) Rockingham Road, Munster ('subject land'). The Proposed Structure Plan seeks to provide the development framework for the subject land incorporating a range of densities and accommodating a Resource Enhancement Wetland and associated buffers.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to specifically consider the Proposed Structure Plan for adoption, in light of the advertising process and assessment by officers.

Submission

N/A

Report

Planning Background

The subject land is 2.0512 ha in size and extends from Rockingham Road on its eastern boundary to the resource enhanced wetland to the west and Yindi Way to the south. A location plan is shown in Attachment 1.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS') and 'Development' under the City of Cockburn Town Planning Scheme No. 3 ('Scheme'). The subject land is also located within Development Area 5 (DA5) and is subject to both Development Contribution Areas No. 6 (DCA6) and No. 13 (DCA13).

The western fifth of the site contains a Resource Enhanced Wetland ('REW') and associated buffers and is also within the buffer zone of an



Environmental Protection Policy wetland ('EPP'). The site also contains Bush Forever site 429 along this western edge.

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision and development of land within a Development Area.

In accordance with the above, a Proposed Structure Plan has been submitted to the City by Dykstra Planning on behalf of the landowner.

Proposed Structure Plan

The Proposed Structure Plan provides for a diversity of lot sizes and housing types with 29 residential lots proposed. 10 of these lots are coded R40, 10 are coded R30 and 9 are coded R25. The remainder of the lot comprises of roads, public open space, drainage and resource enhanced wetlands and buffers as indicated in Attachment 2.

Residential Density

The proposed densities ranging from R25 to R40 will assist in the provision of a range of dwelling choices across the site. Directions 2031 and Beyond (directions 2031) and Liveable Neighbourhoods (LN) promote 15 dwellings per gross hectare as the standard density for new greenfield development in urban areas. These densities are generally conducive to the densities found in surrounding residential area which are predominantly either R20 or R40.

Higher density lots have been proposed adjacent to the public open space to encourage overlooking, safety and to discourage anti-social behaviour. Lots adjacent to Rockingham Road have also been coded R40 in keeping with existing coding along this roadway. A Detailed Area Plan will be required over all land zoned R40 to ensure that the design form outcomes are achieved.

R25 lots are located in the central cell facing Yindi Way to help maintain a consistent streetscape. The 4 lots at the rear of these R25 lots that front Coogee Road and Riverina Parade (mislabelled as 'Yerilla Street') should be recoded to R30 to ensure a consistent streetscape along these streets.

Public Open Space

The Proposed Structure Plan requires a total of 10% of the gross subdividable area to be ceded as Public Open Space ('POS') across the site. With the exclusion of the land within EPP and REW wetlands and their associated buffers and Bush Forever site, this equates to a total of 1,472.8m² of public open space to be provided. Liveable



Neighbourhood identifies that up to 2% (294m²) of the 10% POS requirement may be provided as restricted public open space.

The Structure Plan as submitted shows 5.7% (849 m²) of unrestricted public open space. The applicant requests a further 3.4% (500m²) of restricted public open space in Bush Forever Site No. 429 is included as part of the public open space contribution. The final 0.9% (123m²) is considered restricted POS associated with the 1 in 5 year ARI drainage system. Therefore the applicant is requesting that 4.3% (623m²) of restricted public open space be included in the public open space calculation.

The inclusion of Bush Forever sites as public open space is provided for under SPP2.8 Bushland Policy for the Perth Metropolitan Region ('Bush Forever'). This states that:

“The WAPC may accept whole or part of the conservation area may be considered as a component of the 10% open space contribution where it can be demonstrated that –

The conservation area or portion serves a local passive recreation function which is consistent with the values of bushland and the conservation management objectives of the site;

Management infrastructure and other measures are provided that support the use and management of the conservation area in accordance with an endorsed management plan;

It is acceptable to the future proposed management body, relevant environmental agencies and local government;

The overall “land take’ for open space is likely to jeopardise the overall development viability of the project, based on evidence supplied to the decision making body; and

Other planning and environmental considerations and policies of the WAPC have been taken into account.”

The WAPC had granted a similar exception for land located directly to the south of this lot subject to the “*subdivision application being appropriately conditioned to require both the entire POS being ceded and betterment works to be undertaken requiring the POS to be comparable and compatible with adjoining POS to the south*’. The WAPC has advised that historical considerations are favoured over the approach outlined in Liveable Neighbourhoods.

The applicant has submitted a draft landscape concept plan (Attachment 3) for this property and for property to the north known as



Lot 19 Rockingham Road indicating how the Bush Forever Site would be comparable and compatible with the unrestricted open space adjacent. This plan would be expected to be refined in collaboration with the City's Parks department. This forms a specific recommendation.

The public open space as proposed is to be located adjacent to the wetland and will serve as a natural buffer from development to the wetland and also act as part of the Building Protection Zone as outlined in the fire management plan. The open space will contain a continuation of the dual use path from the south, and an additional footpath adjacent to the R40 zoned properties. This corridor of open space will provide a functional 'break out' strip of public open space adjacent to the wetland that will be accessible to the public with good natural surveillance from adjacent properties.

Access

The Proposed Structure Plan is dissected by the extension of two 15m roads running approximately 60m north through the site. These north running roads are labelled as Coogee Road and Yerilla Street on the Proposed Structure Plan, however Yerilla Street is incorrectly labelled and is actually an extension of Riverina Parade. A temporary cul-de-sac will be required at the northern end of these roads until such a time as the lot to the north is constructed and the roadways are extended.

Two 8m laneways are also proposed at the rear of the R40 coded lots to ensure access and improve the streetscape adjacent to Rockingham Road and increase opportunity for visual surveillance over the Public Open Space. A temporary turnaround will be required at the end of the western laneway until such a time as the lot to the north are developed. An 8m dog leg and associated turning circle is required to connect the laneway to the extension of Riverina Parade until such a time as the laneway to the north is constructed.

A series of parking bays have been provided in the laneways, on the extension of Riverina Parade and on Yindi Way adjacent to the proposed public open space. These will serve as visitor parking for proposed residents and the wider public.

Midge Buffer

The entire site falls within the 500m buffer for lakes and wetlands subject to midge infestation. Whilst this does not preclude development a notation should be added to the Structure Plan advising that a suitably worded Section 165 notification under the Planning and Development Act 2005 is required to be imposed at the subdivision



stage in order to advise prospective purchasers of the midge impact associated with being close to nearby wetlands.

Community Consultation

The Proposed Structure Plan was advertised in the Cockburn Gazette for public comment for a period of 21 days from 21 August 2012 to 18 September 2012. The Proposed Structure Plan was advertised to nearby and affected landowners and also referred to relevant government authorities.

In total 10 submissions were received for the Proposed Structure Plan, including:

- 2 from adjoining landowners.
- 8 from government agencies.

Two submissions from adjoining landowners have been received. Concerns were raised relating to density and the proximity of residences to open space. The density of the site is in keeping with that outlined in Directions 2031 and with the surrounding neighbourhood. The location of residences directly adjacent to public open space provides for passive surveillance opportunities and is in keeping with current Crime Prevention Through Environmental Design (CPTED) principles.

Concerns were raised in relation to the location of the laneway at the eastern edge of the property and the impact on the existing residence to the north. This laneway has been requested by the City to reduce vehicle access points on Rockingham Road and present a unified streetscape to Rockingham Road. The applicant has agreed to a temporary 'dogleg' to the laneway until such a time as development on the northern lot occurs. The Structure Plan provides a long term planning vision and if lots on Lot 19 facing Rockingham Road are zoned R40, as is appropriate and has been indicated on plans viewed to date, then a laneway is required for these lots as well. The inclusion of the temporary dogleg for the laneway will have no impact on the timing or economic life of the existing structure on Lot 19.

A request to increase the density of lots facing Coogee Road and Riverina Parade was received and it is recommended that these lots are changed to R30 to present a consistent streetscape.

A request to straighten the lot line on the westernmost edge facing the open space was received. The lot line on the westernmost edge deviates to ensure adequate provision of open space and to accommodate fire separation requirements. No change is recommended in response to this submission.



The Department of Environment and Conservation (DEC) has advised that the interface between Bush Forever Site 429 and the residential properties should be a road to address fire management concerns and separation of open space from bushland. The provision of a road is not felt to be necessary and the same benefits of public safety, protection of bushland and fire safety can be met through this alternate design.

Public safety of the park is improved through the location of residential properties directly adjacent to the open space. The protection of bushland is achieved through the delineation of 'bushland' and open space by a dual use path along the bushland edge. The provision of fire safety is achieved through a low primarily cleared and grassed area between the wetland and the adjacent properties. The dimensions of this park are similar to that of a perimeter road and will serve the same function. No change is recommended in response to this submission.

DEC also raised concerns about the location of the site near Market Gardens and on a potentially contaminated site. Guidance on how to deal with issues arising from the proximity of residential development to operating market gardens is outlined in the WAPC's Planning Bulletin 63 Section 5.0 – Policy Measures which notes a number of options available to decision makers for dealing with proposed residential development on 'urban' zoned land adjoining operating market gardens. As per Planning Bulletin 63 such a requirement only applies where residential development occurs on land zoned 'rural' under the MRS. Site contamination is a valid concern and will be addressed through the conditions outlined by the DEC. However, these conditions are relevant for the subdivision stage.

All of the submissions received are set out and addressed in the Schedule of Submission (Attachment 4)

Conclusion

It is recommended that the Council adopt the Structure Plan for Lot 18 Rockingham Road, Munster and pursuant to Clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Demographic Planning

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



Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Budget/Financial Implications

The required fee was calculated on receipt of the Proposed Structure Plan and has been paid by the proponent. The site is subject to both Development Contribution Areas No's 6 and 13. There aren't any other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 18 September 2012.

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised from 21 August 2012 to 18 September 2012. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

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

Attachment(s)

1. Location Plan
2. Structure Plan
3. Draft Landscape Plan
4. Schedule of Submissions



Advice to Proponent(s)/Applicant

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 October 2012 Council Meeting.

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

Nil.

**14.4 (MINUTE NO 4881) (OCM 11/10/2012) - SALE OF LAND
LOCATION: LOT 331 BOSWELL PLACE, SPEARWOOD OWNER:
CITY OF COCKBURN APPLICANT: DEPARTMENT OF EDUCATION
(3311001) (LEE GATT) (ATTACH)**

RECOMMENDATION

That Council

- (1) accept the offer from the Department of Education to purchase lot 331 Boswell Place, Spearwood;
- (2) subject to no objections received following the statutory advertising pursuant to Section 3.58 of the Local Government Act 1995,
- (3) amend the 2012/13 Municipal Budget by increasing proceeds from asset sales by \$1.6m and transferring the proceeds to the Land Development and Investment Fund Reserve; and
- (4) advise the applicant and neighbouring residents of the decision of Council.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Lot 331 Boswell Place, Spearwood is owned in freehold by the City and has been identified in the Land Management Strategy 2011-2016 as



being a development project in the coming five years. The Strategy detailed that the potential income 2015-16 was estimated at \$1.6m. An extract from the strategy is provided at Attachment 1.

Lot 331 is located adjoining the Newton Primary School as shown in Attachment 2.

The purpose of this report is to consider an offer from the Department of Education to purchase the subject land from the City of Cockburn. This is on the basis of the Department viewing it as an important asset to add to its current primary school site.

Submission

An Offer from the Department of Education of \$1,600,000.00 has been received for the subject land. A copy of the offer is at Attachment 3.

Report

The City was contacted by the Headmaster of the Newton Primary School in September 2011 to request information about the future development of Lot 331 Boswell Place.

The City advised the School that the land was detailed in the City's Land Management Strategy for development/sale in 2015–16. This would be for a form of residential development.

In April 2012 the Education Department wrote to the City advising of their concerns in relation to any future development of Lot 331 for residential purposes. The letter raised concerns such as the proximity of residences to the active recreation space (noise and inconvenience) and the reduction in the active recreation space currently enjoyed by both the school and the local community.

The letter enquired whether the City would be prepared to consider the sale of the land to the Department of Education for subsequent inclusion into the school site (Reserve 37249). A copy of the letter is provided at Attachment 4.

The City responded in May 2012 advising that it would consider the sale of Lot 331 to the Department provided the offer was appropriate considering the potential for the land and also the indicative returns identified by the Land Management Strategy.

The City has received an offer from the Department for \$1,600,000.00 (ex GST) provided the land is transferred as an unencumbered freehold Certificate of Title. The City's Officers have confirmed that the



Certificate of Title is currently unencumbered. A copy of the letter of offer is at Attachment 3.

A valuation was undertaken by McGees Property Valuers in April 2012 which is at Attachment 5 as a confidential attachment.

Advertising as required by Section 3.58 of the Local Government Act 1995 was undertaken on 27 September 2012 and to date no submissions have been received. The closing date for submissions is 11 October 2012 and if any submissions are received they will be the subject of a further report to Council.

The consideration proposed by the Department is considered appropriate based on the potential that the land represents as a future development project. It is also considered a very appropriate use for the land, continuing the current use of the land which effectively presents as a continuation of the school itself.

It is therefore recommended that Council accept the offer from the Education Department to purchase Lot 331 Boswell Place, Spearwood and advise the applicant accordingly.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

- To develop and maintain a financially sustainable City.

Budget/Financial Implications

Proceeds of the sale totalling \$1,600,000 (ex GST) will be transferred to the Land Development and Community Infrastructure Reserve Fund.

Legal Implications

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



Community Consultation

Details of the sale were advertised in a newspaper for State wide publication, on 27 September 2012 as required by Section 3.58 of the *Local Government Act 1995*.

Attachment(s)

1. Extract from Land Management Strategy 2011-2016.
2. GIS extract
3. Letter/Offer from Department of Education
4. Initial letter from Education Department
5. Indicative Valuation (confidential attachment provided under separate cover)

Advice to Proponent(s)/Applicant

The Applicant has been advised that this matter is to be considered at the 11 October 2012 Ordinary Council Meeting.

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

Nil

14.5 **(MINUTE NO 4882) (OCM 11/10/2012) - RETROSPECTIVE COMMERCIAL VEHICLE PARKING - LOCATION: 139 BRITANNIA AVENUE BEELIAR - OWNER/APPLICANT: KEITH LOMAX (3411485) (L REDDELL) (ATTACH)**

RECOMMENDATION

That Council:

- (1) refuse to grant approval for parking of two Commercial vehicles at 139 Britannia Avenue, Beeliar for the following reasons:

Reasons

1. The proposed development is contrary to the requirements of Clause 5.10.8(c)(iv) of the City of Cockburn Town Planning Scheme No. 3 in that it will adversely affect the amenity of the surrounding land.
 2. The proposed development is contrary to Clause 10.2.1(b) of the City of Cockburn Town Planning Scheme No. 3 in that it does not represent orderly and proper planning.
- (2) notify the applicant and those who made a submission of



Council's decision; and

- (3) issue a Directions Notice under section 214 of the Planning and Development Act for the removal of one of the commercial vehicles from the subject site and for the remaining vehicle to be parked to the rear of the dwelling and provided with a suitable paved and drained crossover, driveway and parking area.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr C Reeve-Fowkes that Council defer consideration of the application for parking of two commercial vehicles at 139 Britannia Avenue, Beeliar, to the December Council Meeting, to allow the applicant to prepare revised details on how the commercial vehicles could be suitably contained within the subject property without adversely impacting on the streetscape or adjoining landowners.

CARRIED 9/0

Reason for Decision

The applicant has advised that he is prepared to amend the parking arrangements to reduce the impact of the commercial vehicle parking on the streetscape and the adjoining landowners. In addition, a number of the concerns raised by those landowners have been addressed and by agreeing to defer consideration of the matter it would allow the applicant to obtain confirmation of the adjoining landowners' support for a revised parking arrangement.

It was also decided that a timeframe be placed on the issue to prevent delays from a decision being made.

Background

The subject site is located on the southern side of Britannia Avenue, Beeliar approximately 425m east of its junction with Jervois Road. The site is developed with a single-storey house and associated outbuildings.

Submission

The parking of commercial vehicles on the site has been the subject of complaints to the City. As a result of the City's Development



Compliance Officer following up the complaints the owner of the land has submitted a retrospective application for the parking of an additional commercial vehicle on the property.

Report

This application seeks retrospective approval for the parking of two commercial vehicles on the site and located in front of the existing dwelling.

Information provided with the application indicates that the owner of the site runs his own trucking business which involves the following:

1. One prime mover with a tare weight of 8.25 tonnes.
2. One rigid truck with a tare weight of 6.14 tonnes.
3. Two trailers (one of which is for sale and will not be replaced).
4. Repairs and maintenance of the commercial vehicles being carried out in an outbuilding at the rear of the dwelling.
5. Normal working hours being between 7am and 6pm, Monday to Friday.
6. Both commercial vehicles driven by the owner, no other drivers are employed.

'Commercial Vehicle Parking' is defined by the City of Cockburn Town Planning Scheme No. 3 (Scheme) as *'parking of any vehicle used or intended to be used in the course of a business or trade which has a tare weight of 3.5 tonnes or more'*.

Pursuant to Clause 5.10.8(b) of the Scheme specifies that one commercial vehicle may be parked on land owned by the owner of a vehicle without the approval of the local government within the Rural Living Zone. Accordingly, the applicant is permitted to park one commercial vehicle on their property 'as of right' without approval from the City. In effect this means that the applicant is seeking approval for the second commercial vehicle only.

Clause 5.10.8(c) indicates that a commercial vehicle may be permitted to be parked within the Rural Living Zone provided that:

1. The vehicle is parked on a lot containing only a single house;
2. The vehicle forms an essential part of the occupation of an occupant of the dwelling;
3. Any repairs undertaken on the lot, must be carried out in an area which is fully screened from the street and adjoining properties;
4. In the opinion of the local government, is not likely to adversely affect the amenity of the surrounding land;
5. The local government may apply any conditions to the approval it sees fit;



6. The local government has the ability to withdraw its approval at any time for any reason;

The owner of the site has indicated that the application relates to a lot containing a single house only, that the vehicle forms an essential part of his business and that all repairs and maintenance are undertaken in an outbuilding at the rear of the lot, thereby satisfying points (i)-(iii) of Clause 5.10.8(c) detailed above. The City concurs with these points.

Given the submission of two objections from neighbouring properties (see 'Community Consultation' below) regarding streetscape, noise, sightlines and damage to the roads, kerbs and verges and follow up site visits it is apparent that the parking of the commercial vehicles at the front of the site is detrimentally affecting the amenity of the immediate area and not compliant with point (iv). The objections state that there is excessive noise resulting from idling trucks and reversing beepers, the smell of diesel fumes. Safety concerns are also raised in relation to vehicle sightlines and the impact on the appearance of the Britannia Avenue being adversely affected.

The concerns raised in the objections are considered valid given the predominantly residential nature of the area. However, it is noted that issues relating to noise, fumes, sightlines and streetscape could be substantially addressed if the two commercial vehicles were parked at the rear of the site, behind the existing dwelling and not immediately next to neighbouring dwellings.

This option was discussed with the applicant during a preliminary assessment of the application. However it was apparent that this was not the applicant's preference citing the cost of constructing a new driveway and hardstand as well as access issues associated with the location of a power pole in front of the premises (located approximately 8.5m from the eastern boundary). The applicant has instead offered to remove an existing gate to allow the articulated vehicle to move further back onto the site so that it would not overhang the verge.

While the City has no in-principle concerns with the parking of two commercial vehicles on the site, it is not considered appropriate in this instance to allow the vehicles to be parked within the front setback area. The negative impact on amenity created by the parking of two commercial vehicles in the front setback area of the lot is contrary to the Scheme and valid objections have been raised.

As the applicant has verbally indicated in discussions with the Planning Department they do not wish to pursue the option of parking at the rear of the site, it is recommended that the application be refused.



It is noted that there may be potential to consider a revised application subject to the commercial vehicles being parked at the rear of the site. Vehicles parked to the rear could then have the ability to enter and exit the site in a forward gear. This would significantly reduce or eliminate the disturbance caused by the reversing warning sounds from the vehicles.

Conclusion

The application to park two commercial vehicles on the site ought to be refused on the grounds that the application does not comply with Town Planning Scheme No.3 Clause 5.10.8(c) (iv) as it will adversely impact on the amenity of the surrounding area. Further that approval would not be in the interest of orderly and proper planning as envisaged for the Rural Living Area under the Scheme.

Strategic Plan/Policy Implications

Employment and Economic Development

- To pursue high value employment opportunities for our residents.

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

The application was referred to the adjacent residential properties, including those on the opposite side of Britannia Avenue, for comment. Two objections were received which can be summarised as follows:



1. Noise pollution from idling trucks, reversing alarms and truck maintenance.
2. Odours from the diesel fumes.
3. Damage to the road surface on Britannia Avenue and nearby kerbing, verges and driveways due to the large turning circle of the vehicles.
4. Damage to Telstra pits.
5. Safety concern regarding sightlines on Britannia Avenue.
6. Inappropriate to run a commercial business from home.
7. Unattractive appearance devalues neighbouring properties.

It is noted that one of the objections indicated that they would support the application if the vehicles were parked and maintained at the rear of the site behind the house.

It is also noted that property values are not a valid planning consideration.

Attachments

1. Location Plan
2. Submitted Plans

Advice to Proponents / 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 11 October 2012 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4883) (OCM 11/10/2012) - LIST OF CREDITORS PAID - AUGUST 2012 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2012, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0



Background

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

Submission

N/A

Report

The List of Accounts for August 2012 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – August 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.2 (MINUTE NO 4884) (OCM 11/10/2012) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2012 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the Statement of Financial Activity and associated reports for August 2012, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

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

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

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

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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance



details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2012/13 financial year.

Submission

N/A

Report

Closing Funds

The City’s closing municipal position of \$72.8M was \$7.0M higher than the revised YTD budget target of \$65.8M in August 2012. The budgeted year end closing funds position (currently at \$34k) will fluctuate throughout the year as it is impacted by various Council decisions and minor system adjustments and corrections. Details of these are outlined in Note 3 to the financial report.

Operating Revenue

Operating revenue at \$79.2M is tracking slightly ahead of budget by \$0.3M. Key factors are \$1.3M of above budget Waste Services fees & charges revenue and \$0.5M of Human Services grants also ahead of budget. Payment of the first quarter of Financial Assistance grants was delayed until September, causing an unfavourable variance of \$805k.

Details of material variances are disclosed in the agenda attachment.

Operating Expenditure

Operating expenditure (including depreciation) is tracking under budget overall by \$1.4M.

Waste Services is over budget due to increased tonnages received through the gate for the August 2012 month which has resulted in additional income and expenditure including landfill costs. Parks has a current spending surplus of \$0.6M.

Details of material variances within the service units are disclosed in the agenda attachment.

The following table shows budgetary performance from a nature or type perspective:

Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$6.17M	\$6.44M	4.2%



Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Materials and Contracts	\$4.19M	\$5.48M	23.5%
Utilities	\$0.52M	\$0.77M	32.2%
Insurances	\$1.00M	\$1.02M	2.0%
Other Expenses	\$1.82M	\$1.22M	-48.7%
Depreciation (non cash)	\$3.66M	\$3.69M	1.0%

Other expenses are impacted by the additional accrual of landfill levy that is subject to negotiations between the City and Department of Environment and Conservation (DEC).

Capital Program

The City's capital budget has incurred expenditure of \$4.3M versus the YTD budget of \$14.6M. This indicates that the cashflow budgets for major projects are not accurate and the Engineering division will be revising these in the next couple of months.

The more significant project spending variances are disclosed in the attached CW Variance analysis report.

Turning to capital income, settlement of land sales is \$3.1M behind budget targets, especially for the Grandpre Crescent development at \$2.9M behind the YTD budget. Whilst all lots have sold, settlement is yet to occur on several lots. Transfers to and from Reserves are \$2.4M and \$8.7M behind budget respectively in correlation with the capital underspending and reduced capital income from land sales..

Cash & Investments

Council's cash and current/non-current investment holdings increased to \$99.8M (from \$76.0M at the end of July). This has risen in line with the collection of property rates due at the first instalment date of 4th September.

\$62.8M of this total cash and investment holding represents the City's cash reserves.

Another \$7.1M of the cash position represents funds held for other restricted purposes such as bonds, restricted grants and capital infrastructure contributions. The remaining balance of \$29.9M represents the cash and investment component of the City's working capital, available to fund ongoing operations and the municipal funded portion of the capital program.



The City's investment portfolio made an annualised return of 5.47% for the month, down from 5.68% last month. The benchmark BBSW performance for August was 3.58%.

The majority of investments held continue to be in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are mainly invested for terms of between three and six months, as this is where the value lies in the yield curve.

Whilst the Reserve Bank has reduced interest rates over the past several months by 75 basis points the City's investment strategy of rolling over TD's for six monthly terms has somewhat buffered the City's investment performance from significant and sudden falls. The 2012/13 budget was premised on a reduced investment earnings potential as interest rates are likely to continue facing downward pressure and the balance of funds held will diminish as a result of the large capital works budget.

Description of Graphs and Charts

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

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

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

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

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



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Other material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item).

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and Associated Statements – August 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 4885) (OCM 11/10/2012) - APPOINTMENT OF BUSH FIRE CONTROL OFFICER (RS/L/007) (R AVARD)

RECOMMENDATION

That Council

- (1) request the Fire and Emergency Service Authority (F.E.S.A),



under Section 38A of the Bush Fire Act 1954, appoint Mr Leslie Woodcock as the City of Cockburn Chief Bush Fire Control Officer; and

- (2) revoke the appointment of Mr Don Johnston as the City of Cockburn Chief Bush Fire Control Officer.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

Council, at its meeting of 30 June, 2003, resolved to enter an arrangement with the Fire and Emergency Services Authority (F.E.S.A.) for the employment of a jointly funded Community Fire Manager. A significant role of this position is that of the Chief Bush Fire Control Officer.

F.E.S.A. advertised the position of Community Fire Manager as a short term contract prior to a permanent position being advertised and filled. F.E.S.A. has advised of the appointment of Mr Leslie Woodcock.

Submission

N/A

Report

Under Section 38A of the Bush Fires Act 1954 (the Act) F.E.S.A. is empowered, at the request of a Local Government, to appoint a member of its staff (as defined in the F.E.S.A. Act) for the district of that Local Government for the purposes of the Act.

Accordingly, a Council decision is required to make a formal application to F.E.S.A. to appoint a Chief Bush Fire Control Officer employed by F.E.S.A for the City of Cockburn.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.



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

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Budget/Financial Implications

Costs associated with the transfer to F.E.S.A. are included in the 2012/13 Municipal Budget.

Legal Implications

Bush Fire Officers are required to be appointed by Council under the Bush Fires Act, 1954.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.2 **(MINUTE NO 4886) (OCM 11/10/2012) - PROPOSED AMENDMENT TO THE CITY OF COCKBURN FENCING LOCAL LAW 2012 (CC/P/009) (J NGOROYEMOTO) (ATTACH)**

RECOMMENDATION

That Council

(1) advises the Joint Standing Committee on Delegated Legislation



(JSCDL) that Council will undertake to:

1. Amend Clauses 4.1(1)(a)(iii) and 4.1(2)(b) of the local law to delete 'AS/NZS 3016: 1994' and insert 'AS/NZS 3016:2002.

2. Delete the definition of 'AS/NZS 3016-2002' in Clause 1.5 of the local law and insert:

AS/NZS 3016:2002 means Australian Standard/New Zealand AS/NZS 3016:2002 Electrical installations – Electric security fences published by Standards Australia on 10 January 2003 as amended from time to time.

3. Make any consequential amendments.

4. Provide the Committee with a copy of the Minutes of the meeting at which the City of Cockburn resolved to provide the undertakings.

5. In the interim, where the local law is made publically available by the City of Cockburn, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings;

(2) undertake Statewide public advertising to amend the Local Law; and

(3) provide a copy of the undertaking and notice to the Minister for Local Government.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

Council at its meeting of 14 June resolved to adopt the *City of Cockburn Fencing Local Law 2012*.



All local laws are forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL) following gazettal for their information and scrutiny.

The City adopted the *City of Cockburn Fencing Local Law 2012* based on consultation with relevant officers who are responsible for the administration of the local law. Clause 4.1(1) (a) (iii) and 4.1(2) (b) of the local law refer to a superseded Australian Standard AS/NZS 3016:1994. AS/NZS 3016:1994 has been superseded by AS/NZS 3016:2002. Therefore, Clause 4.1 is inoperative under section 3.7 of the *Local Government Act 1995*, to the extent of the inconsistency and void under section 43(1) of the *Interpretation Act 1993* to the extent of the inconsistency.

As the City's Fencing Local Law 2012 contains a Clause that is invalid and not authorised by the empowering enactment, the JSCDL requires an undertaking from Council to ensure that this clause is amended and correct the definition of a standard. In the Interim, where the local law is made publically available by the City of Cockburn, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings.

Submission

N/A

Report

Council resolved to adopt the City of Cockburn Fencing Local Law 2012 in its final form at its meeting of 14 June 2012. The local law was gazetted on 3 July 2012 and came into force on 18 July 2012.

The City received advice on 12 September 2012 from the JSCDL that the City of Cockburn Fencing Local Law 2012 contains a Clause that has been superseded.

Clause 4.1(1) (a) (iii) and 4.1(2) (b) of the local law refers to a superseded Australian Standard AS/NZS 3016:1994. AS/NZS 3016:1994 has been superseded by AS/NZS 3016:2002.

The City of Cockburn provided advice that Clause 4.1 should have referred to AS/NZS 3016: 2002 twice. (That was not the City's intention to adopt a superseded standard). The local law refers to the new standard (AS/NZS 3016:2002 at clause 1.5 (where it defines this term) and in Schedule 4. The Minutes of the Ordinary Council meeting of 12 April 2012 also refers to amending clause '5.1 (e)' of the local law to refer to 'AS/NZS 3016:2002 Electrical installations – Electric security fences as amended from time to time'.



The Committee is of the view that it is not clear on simply reading the local law as to what standard the City of Cockburn intended to adopt the local law and if the references to AS/NZS 3016:1994, in the context of other clauses referring to AS/NZS 3016:2002, were made in error. Clause 4.1 is uncertain and vague as to be invalid.

The Committee also noted that the definition of AS/NZS 3016:2002 in Clause 1.5 does not define this standard to mean the standard '*as amended from time to time*' Clause 1.5 states:

AS/NZS 3016-2002 means "Electrical installations- Electric security fences" published by Standards Australia and Standards New Zealand;

Section 3.8 of the Local Government Act 1995 provides that a local law may adopt a standard issued by Standards Australia as it exists at a particular date or as from time to time as amended. The Committee recommends to amend the reference to the standards to include '*as amended from time to time*'. This reflects Committee practice, Parliamentary Counsel's Office (PCO) practice, and what the Council decided at its meeting on 12 April 2012.

The Committee's preference is that the definition of a standard should define the standard '*as amended from time to time*' - rather than inserting '*as amended from time to time*' on each occasion the standard is referred to in the local law.

The Committee also noted that the definition of 'AS' in Clause 1.5, which defines 'AS' to mean an Australian Standard or New Zealand Standard published by Standards Australia, may be considered redundant as the only standard referred to in the local law, after the recommended amendments are made, will be AS/NZS 3016:2002, and this will be defined in Clause 1.5. Therefore, the definition of 'AS' should be deleted.

The City has been requested by the JSCDL to undertake to, within six months.

Amend clauses 4.1(1) (a) (iii) and 4.1(2) (b) of the local law to delete 'AS/NZS 3016:1994' and insert 'AS/NZS 3016:2002.

Delete the definition of 'AS/NZS 3016-2002' in clause 1.5 of the local law and insert:

AS/NZS 3016:2002 means Australian Standard/New Zealand AS/NZS 3016:2002 Electrical installations – Electric security fences published by Standards Australia on 10 January 2003 as



amended from time to time’; and make any consequential amendments.

Provide the Committee with a copy of the Minutes of the meeting at which the City of Cockburn resolved to provide the undertakings.

In the Interim, where the local law is made publically available by the City of Cockburn, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings.

The Committee is also concerned about the standards adopted in local laws not being accessible by the public at no cost, and requests that we advise how standards are made available to the public by the City.

Purpose: To amend the City of Cockburn Fencing Local Law 2012 to provide clarity, ensure that empowering enactments prevail, and correct drafting errors contained in the local law.

Effect: To enable the City to regulate, manage, control fences, and establish the standard of a “*sufficient fence*” according to land use with correct referencing to the Australian Standards.

If Council resolves to proceed with this matter, an advert will be placed in the ‘West Australian’ newspaper giving notice of Councils’ intention to adopt the proposed local law.

Interested parties will be able to inspect a copy of the proposed amendment or obtain a copy from Council or from one of the City’s Libraries as mentioned in the advertisement and may make a representation to Council in response to the proposed amendments to the current local laws. The submission period for representations is 42 days from the date of the advertisement.

Standards adopted in the local laws will be made accessible to the public free of cost. The City of Cockburn will purchase four original copies of the standards, which will be made available for viewing only at the City of Cockburn main Administration Building and the City’s libraries (Spearwood, Success and Coolbellup). These standards will also be available through the State Library of Western Australia, free of charge to the public on both hard copy and online.



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 3.7 of the Local Government Act refers;
Section 3.8 of the Local Government Act refers;
Section 43(1) of the Interpretation Act 1943 refers; and
Section 3.12 of the Local Government Act refers

Community Consultation

Copy of the Proposed City of Cockburn Fencing Local Law Amendment 2012.

Attachment(s)

Proposed City of Cockburn Fencing Local Law Amendment 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.3 (MINUTE NO 4887) (OCM 11/10/2012) - PROPOSED AMENDMENT TO THE CITY OF COCKBURN HEALTH LOCAL LAW 2000 (CC/P/009) (J NGOROYEMOTO) (ATTACH)

RECOMMENDATION

That Council

- (1) advise the Joint Standing Committee on Delegated Legislation (JSCDL) that Council undertake to:



1. Delete Clause 17.1 of the City of Cockburn Health Amendment Local Law 2012.
 2. Delete the first row of the table in Clause 53 of the City of Cockburn Health Amendment Local Law 2012 and amend the City of Cockburn Health Local Law 2000 to provide that 'Council' in Clause 4 be amended on all occurrences except where it occurs in the definition of 'Water'.
 3. Delete the words 'subsection' and 'subsections' in the City of Cockburn Health Local Laws 2000 and insert 'subclause' and 'subclauses' respectively, except if the reference is made to a subsection or subsections of an Act.
 4. Delete 'Principal Environmental Health Officer' and insert 'Environmental Health Services Manager' in Clause 20(c) of the City of Cockburn Health Local Law 2000.
 5. Delete 'as published by the Water and Rivers Commission in October 1997' from the definition of 'Highest known water table' in Clause 4 of the City of Cockburn Health Local Law 2000.
 6. Delete the first occurrence of 'wash' in Clause 14(1) (c) (i) of the City of Cockburn Health Local Law 2000.
 7. Amend Clause 65 of the City of Cockburn Health Local Law 2000 as follows:
 - (a) In Clause 65(d) after 'cororis' and insert the word 'and'.
 - (b) In Clause 65(e) delete 'capitis' and insert 'capitia'.
 8. Amend Clause 4(1) so that it states 'AS' means Australian Standard or Australian/New Zealand Standard published by Standards Australia.
- (2) undertake Statewide public advertising to amend the local law; and
- (3) provide a copy of the undertaking and notice to the Minister for Local Government, and Minister for Health.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

Council at its meeting of 14 June 2012 resolved to adopt the City of Cockburn Health Amendment Local Law 2012.

All local laws are forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL) following gazettal for their information and scrutiny.

The City amended the City of Cockburn Health Local Law 2000 based on consultation with relevant officers who are responsible for the administration of the local law. Clause 17.1 was amended to change the safety provisions of the Lodging Houses; however the Clause is vague and uncertain as to be an invalid law. It was not detected in review processes undertaken by the City and the Department of Local Government, that Clause 86(1) is not in the City of Cockburn Health Local Law 2000 and therefore is not authorised or contemplated by the empowering enactment.

As the City's Health Amendment Local Law 2012 contains a Clause that is invalid and not authorised by the empowering enactment, the JSCDL requires an undertaking from Council to ensure that this clause is deleted and correct other drafting errors.

Submission

N/A

Report

Council resolved to adopt the City of Cockburn Health Amendment Local Law 2012 in its final form at its meeting of 14 June 2012. The local law was gazetted on the 6 July 2012 and came into force on 23 July 2012.

The City received advice on 12 September 2012 from the JSCDL that the City of Cockburn Health Amendment Local Law 2012 contains a Clause that is invalid and not authorised by the empowering enactment.



Clause 17.1 of the *City of Cockburn Health Amendment Local Law 2012* clause 86(1) states “ *a person shall not fit, or cause or permit to be fitted, to an exit door, a lock or other device which prevents the door from being easily opened from within the lodging house*”.

Whilst the City of Cockburn Health Local Law 2000 does not have clause 86(1), instead it contains only clause 86 which gives the provision for General Construction requirements under the authority of the Building Code. Therefore the effect of Clause 17.1 is deemed to be invalid law.

The City has been requested by the JSCDL to undertake to delete clause 17.1 of the local law to ensure that the empowering enactments prevail.

Delete the first row of the table in clause 53 of the City of Cockburn Health Amendment Local Laws 2012 and amend the City of Cockburn Health Local Laws 2000 to provide that ‘Council’ in clause 4 be amended on all occurrences except where it occurs in the definition of ‘Water’.

Amend the words ‘subsection’ and ‘subsections’ in the City of Cockburn Health Local Laws 2000 and insert ‘subclause’ and ‘subclauses’ respectively, except if the reference is made to a subsection or subsections of an Act.

Delete ‘Principal Environmental Health Officer’ and insert ‘Environmental Health Services Manager’ in clause 20(c) of the City of Cockburn Health Local Laws 2000.

Delete ‘as published by the Water and Rivers Commission in October 1997’ from the definition of ‘Highest known water table’ in clause 4 of the City of Cockburn Health Local Laws 2000.

Delete the first occurrence of ‘wash’ in clause 14(1) (c) (i) of the City of Cockburn Health Local Laws 2000.

Amend clause 65 of the City of Cockburn Health Local Laws 2000 to:

- a. In clause 65(d) after ‘cororis;’ insert the word ‘and’.
- b. In clause 65(e) delete ‘capitis; and’ and insert ‘capitia.’

Amend clause 4(1) so that it states: “AS” means Australian Standard or Australian/New Zealand Standard published by Standards Australia.



Purpose: To amend the City of Cockburn Health Local Law 2000 to provide clarity, ensure that empowering enactments prevail, and correct drafting errors contained in the City of Cockburn Health Amendment Local Law 2012.

Effect: To enable the City to control various matters as they relate to day to day operations of the Health Services area, and make the City of Cockburn Health Amendment Local Law 2012 consistent with the principal Local Laws.

If Council resolves to proceed with this matter, an advert will be placed in the 'West Australian' newspaper giving notice of Councils' intention to adopt the proposed local law.

Interested parties will be able to inspect a copy of the proposed amendment or obtain a copy from Council or from one of the City's Libraries as mentioned in the advertisement and may make a representation to Council in response to the proposed amendments to the current local laws. The submission period for representation is 42 days from the date of the advertisement.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 3.12 of the Local Government Act refers.

Community Consultation

N/A

Attachment(s)

Copy of Proposed City of Cockburn Health Amendment Local Law 2012.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.4 (MINUTE NO 4888) (OCM 11/10/2012) - PROPOSAL TO SELL A PORTION OF GOODCHILD RESERVE FOR COMMUNITY/RECREATION FACILITES (200366) (R AVARD) (ATTACH)

RECOMMENDATION

That Council:

- (1) in accordance with section 3.58 of the Local Government Act 1995 advertise the availability for purchase a portion of Goodchild Reserve to construct a new club and community facility subject to:
 1. The applicant being able to demonstrate that it has the financial capacity to proceed with the project.
 2. A plan of the proposed facility is provided for consideration by Council that demonstrates that:
 - (a) the current buildings on the site are incorporated into the design consideration for the proposed facility.
 - (b) the broader community has access to portions of the building by arrangement.
 - (c) the building use is consistent with being on an active reserve.
 - (d) The building design and purpose is constant with the City of Cockburn Town Planning Scheme 3.
 - (e) The active open space will be available to the proponent, the public and to another sporting club on a sessional basis by arrangement.
 3. An independent valuation of the proposed area for excision for the proposed facility is provided for consideration by Council and the applicant demonstrates



its willingness and ability to purchase the land at the identified price.

- (2) prior to proceeding with the development of the project with the preferred applicant a community consultation process is instigated for the project the results of which will be considered by Council.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

The locality of Southwell in Hamilton Hill has been upgraded over the past few years guided by the Phoenix Rise Revitalisation Plan which was a joint project of the Department of Housing, Satterely Group and the City of Cockburn. Goodchild Reserve is the primary active open space in the locality and is served by an older style club change rooms. The Reserve is held in freehold by the City. There has been no stable long term sporting club using the reserve for many years. A small lacrosse club began utilising the reserve in 2012.

The Southwell Community Centre in Caffery Place is small and poorly located and is recognised in the Phoenix Rise Revitalisation Plan as requiring replacement and stands on land owned by the Department of Housing, leased to the City. The premises is currently leased as a peppercorn by the Burdiya Aboriginal Corporation, the sub-lease expires on 31 May 2014 with an option to extend to 31 May 2016.

Currently the Plan for the District shows an allocation of \$500,000 to go toward the construction of a new/upgraded facility on Goodchild Reserve. The Sport and Recreation Strategic Plan 2009 recommended that a new sport/club be introduced to Goodchild Reserve as it has little current usage.

Submission

The City has received a submission from the W.A. Portuguese Club regarding a proposal to purchase a portion of land at Goodchild Reserve Hamilton Hill and to construct club facilities on the site. The group operates from 2 Strang Street, Beaconsfield which is now known



as the W.A Portuguese Club. A copy of the letter from the club received on 15 May 2012 is attached.

Report

The report seeks from Council in-principal support for the sale of a small portion of Goodchild Reserve to an appropriate community/sport organisation with the financial capacity to construct a club/community facility on the site.

The land under consideration for sale is a portion Lot 9000 on Plan DP 72050 (30 Plantagenet Crescent, Hamilton Hill), also referred to as Goodchild Reserve. The proposed sale will be on the condition of access to the remainder of the reserve by other users as prescribed by the City. The property at present is used by a local Lacrosse Club.

Phoenix Central Revitalisation Strategy identifies a need for improvements to Goodchild Reserve clubrooms and facilities. The strategy recommends a new expanded Goodchild Reserve Recreation and Community Facility.

Any facility constructed on the reserve would enhance its usefulness to the community and would take up a small portion of reserve land. It is expected that any new building would be integrated into the design of the facilities.

The City and Elected Members have had preliminary discussions with Les Richardson, Chairman of the Southwell Community Association and also briefed on the proposal. Mr Richardson was in general agreement with the principal of the arrangements provided that there remains some community access to the club facilities.

Strategic Plan/Policy Implications

Infrastructure Development

- To construct and maintain community facilities that meet community needs.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.
- To deliver our services and to manage resources in a way that is cost effective without compromising quality.



Governance Excellence

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

Budget/Financial Implications

It is expected that the successful applicant will have the financial capacity to develop the proposed facilities and there will be some income for the City derived from the sale of the land.

Legal Implications

In accordance with section 3.58 of the Local Government Act 1995 and clause 30 of the Local Government (Functions and General) Regulations 1996 should the City dispose of property other than public auction it is a requirement that public notice is given of the disposition inviting submissions to be made. All submissions made in accordance with the Act will be given due consideration.

Community Consultation

Further comprehensive community consultation will be undertaken as part of the planning and development of any proposal. Furthermore community consultation with regards to the disposal of land will be in accordance with the statutory requirements.

Attachment(s)

1. Letter from W.A. Portuguese Club regarding proposal to purchase a portion of Goodchild Reserve.
2. Indicative site plan of the proposed area to be purchased.

Advice to Proponent(s)/Submissioners

N/A

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

Nil



18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 4889) (OCM 11/10/2012) - ADOPTION OF THE STRATEGIC COMMUNITY PLAN 2012 - 2022 (CR/M/008) (S CAIN) (ATTACH)

RECOMMENDATION

That Council adopt the City of Cockburn Strategic Community Plan 2012 –2022.

COUNCIL DECISION

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

CARRIED 9/0

Background

The City adopted its current Strategic Plan (*Strategic Plan 2006 – 2016*) in July 2006. This document superseded the previous version of the Strategic Plan adopted in 2001, which had been an iteration of the process that reviewed the 1996 version of the Plan. It has been the City’s practice to prepare these documents with a 10 year time horizon, but then update them mid way through this period.

While the City was preparing to review the Strategic Plan in accordance with this principle, the State Government introduced changes to the Local Government Act [Administration] Regulations (LGA) that required the adoption of a new hierarchy of documents. The framework entitled ‘Integrated Planning and Reporting Framework’ would require all Local Governments to have:

- A minimum 10 year Community Strategic Plan;
- A minimum 4 year Corporate Business Plan;
- A series of Informing Strategies that included;
 - A 10 Year Financial Management Strategy
 - An Asset Management Strategy;
 - A Workforce Development Strategy; and
- With all of the above linked to the Annual Budget.

Submission

N/A



Report

The Strategic Community Plan, along with our Town Planning Scheme/Local Planning Strategy, is a foundation document that is used to chart the City's development. The Plan sets the goals for the ongoing development of the City, in accordance with the Community's aspirations. It also provides guidance for development of all subordinate strategies and plans.

Development of the Plan

The preparation of the new Plan has been the result of extensive consultation with Elected Members, community groups, industry associations, State Government agencies and the community at large. The City received some financial support from the State Government for this process, which assisted with the engagement of the consulting group AEC and contributed to other expenses, such as the on-line consultation. The Strategic Plan prepared through this process (attachment 1) outlines the stages involved in the development of the Plan (page 4), that has lead up to its presentation for final adoption.

The Plan has many similarities to the current version, which in part reflects the enduring nature of issues impacting on a growing community. Population growth brings a demand for expansion of social services and new community infrastructure. Similarly, industrial growth brings a demand for other types of services and infrastructure, such as the development of the road and freight network. Balancing all of these needs can be difficult, so the City has a responsibility to consult broadly in order to make effective decisions. The new *Strategic Community Plan 2012 – 2022* brings these requirements together in the following key themes:

1. Growing the City
2. Community and Lifestyles
3. A Prosperous City
4. Environment and Sustainability
5. Infrastructure
6. Moving Around
7. Leading and Listening

Vision and Mission

The review also considered other considerations, notably the appropriateness of the current Vision for the City and the Mission statement. At this stage in the City's growth cycle the element that was considered to be inadequately referenced was the importance of the economic development of the City.



Expansion of industrial and commercial precincts within the City is having a marked impact on the importance of Cockburn within the State's economy. While the next decade will see some slowing in the pace of residential development as the City nears its peak population, industrial and commercial growth will remain solid. This outcome will require the City to have developed appropriate strategy that fosters this growth.

Following consideration of this challenge the Vision for the City was amended to include reference to promoting investment (emboldened), as follow:

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

A similar change was reflected in the Mission statement with this being changed to:

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

Communication and Consultation

As the title of the Plan states, it is the Community's plan, so the City has undertaken an extensive public consultation for its development. This included:

- Two workshops with Elected Members that reviewed the outcomes from the previous plan and identified the challenges for the future.
- A stakeholder forum with community groups; representatives from industry, developers and State Government agencies.
- A further workshop with Elected Members to refine a draft plan based on the stakeholder feedback.
- Community consultation via an on-line survey that was widely promoted through advertising in newspapers, the *Soundings*, public displays and the City's website.

The latter generated a much higher level of engagement and response than with the formulation of the previous Plan. The website had over 1,500 visits and drew 200 survey responses. Attachment 2 provides an activity report that summarises demographic and other data gathered through the survey. While it might be considered that the number of survey responses is relatively small compared to the number of persons that viewed the material on the website, this is most



likely explained by the high degree of consensus that had been generated through the development process.

However, there were 71 public submissions gathered via the survey process. These, along with a separate submission from staff, were reviewed and a range of amendments made to the draft Plan. Attachment 3 provides details of these submissions.

Integrated Planning Framework

A number of the public submissions referred to a perceived lack of detail in the Strategic Plan. As the Plan is intended to set 'strategic direction', it is not intended to have the degree of detail that will flow from development of an 'actions' summary.

The Plan had included a relationship diagram on page 3 that shows how it integrates with other elements of the new Integrated Planning Framework, with a similar and more detailed example on page 25. Staff have been progressing the draft version of the '5 Year Corporate Business Plan', which will be presented to Elected Members following endorsement of the Strategic Plan. This document needs to be adopted by March 2013 so that it fits into the FY2013/14 budget process.

Finalisation of the new Strategic Community Plan 2012- 2022 will also allow progression of the new Long-Term Financial Plan, Asset Management Plan, Workforce Plan and a range of other informing strategies. The adoption of the new Strategic Plan does not invalidate any of the currently adopted strategies, rather it will help to guide the future development of these and other plans the City will need over time.

Strategic Plan/Policy Implications

The Strategic Community Plan 2012 - 2022 will replace the current Strategic Plan 2006 – 2016. The Key Result Areas from the current plan have been aligned against the ones for the new Plan in Attachment 4.

Budget/Financial Implications

The City received \$40,000 in financial support from the State Government towards this project. The total cost of preparation of the plan, inclusive of staff time, is approximately \$100,000.

Legal Implications

N/A



Community Consultation

The public consultation for this project was extensive and included: newspaper articles; advertising in the local Cockburn Gazette newspaper and Cockburn Soundings; placement of a flyer with the Annual Rates Notice; a workshop with community representatives; advertising and an on-line survey on the City's website and displays at public locations.

Attachment(s)

1. City of Cockburn Strategic Community Plan 2012 - 2022
2. 'Bang the Table' website activity report
3. Summary of submissions and responses
4. Strategic Plan / Policy Implications comparison

Advice to Proponent(s)/Submissioners

Those parties that made a submission during the public consultation phase were advised that this matter would be presented to the October Ordinary Council meeting.

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

Nil.

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 4890) (OCM 11/10/2012) - TS COCKBURN'S REQUEST TO RELOCATE TO KENT STREET SES BUILDING (22022027) (R AVARD)**

RECOMMENDATION

That Council defer consideration of the leasing of Kent Street premises to a future meeting of Council.



COUNCIL DECISION

MOVED Clr T Romano SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED 9/0

Background

At the Ordinary Meeting of Council held on 13 September 2012, it resolved as follows:

.....defer consideration of the leasing of the Kent Street premises until the October 2012 Council meeting and advise the Cockburn TS Navel Cadets that it supports an arrangement which will allow the building to be used by both the TS Cockburn and the Spearwood Girl Guides or similar group.

Submission

N/A

Report

In accordance with the Council decision a meeting with the Lieutenant of the TS Cockburn and the Group Leader of the Spearwood Girl Guides was attempted to be arranged. Due to personal commitments of the TS Cockburn Lieutenant the meeting could not be arranged for several weeks which did not allow time for a new Agenda Report to be prepared for the October meeting of Council. Subsequently, a senior commanding officer of the Navel Cadets in Canberra advised that he would like to meet with the City to discuss the TS Cockburn proposal and support the co-location of the TS Cockburn with compatible service(s). The meeting is set down for 17 October 2012.

An Agenda Report will be prepared when some agreement on the proposed lease has been achieved and/or when the position of the various interested parties is known.

Strategic Plan/Policy Implications**Infrastructure Development**

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

Lifestyle and Aspiration Achievement

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



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Not required due to the nature of the proposed use of the site

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter will be considered at the October 2012 Council Meeting.

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

Nil.

22 (OCM 11/10/2012) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Deputy Mayor Allen requested a report be prepared on 'Shark Exclusion Barriers', on the basis that the State Government seek Expressions of Interest from Local Governments to undertake a trial of 'Shark Exclusion Barriers' or other like facility the City of Cockburn investigates making a submission based on the following parameters:

- Cost recovery.
- Establishing a 'Shark Exclusion Zone' of approximately 275m long and 75m wide at Coogee Beach either on the north or south side of the jetty depending on consultation with the Coogee Beach Surf Lifesaving Club and the Surf Lifesaving Australia.
- The barrier to be made of a marine mesh or other type product so as to minimise the possibility of entrapment by marine life.
- The barriers will be in place from the October holidays until the Easter holidays each year.



Clr Romano requested that a briefing/workshop be held for Elected Members to be updated on the proposed relocation of the Cockburn Bowling Club to Visko Park. The briefing is to also include an update on the 10 year Capital Works Program.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 4891) (OCM 11/10/2012) - 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 C Reeve-Fowkes SECONDED Clr V Oliver the recommendation be adopted.

CARRIED 9/0

25. (OCM 11/10/2012) - CLOSURE OF MEETING

8.00 pm.



CONFIRMATION OF MINUTES

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

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



POL	ANCILLARY ACCOMMODATION ON RURAL LIVING, RURAL AND RESOURCE ZONE LOTS	APD11
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POLICY CODE:	APD11
DIRECTORATE:	Planning and Development
BUSINESS UNIT:	Planning and Development
SERVICE UNIT:	Statutory Planning Services
RESPONSIBLE OFFICER:	Manager, Statutory Planning
FILE NO.:	SM/P/002
DATE FIRST ADOPTED:	19 August 1997
DATE LAST REVIEWED:	9 July 2009
ATTACHMENTS:	N/A
DELEGATED AUTHORITY REF.:	APD54
VERSION NO.	1

Dates of Amendments / Reviews:	
DAPPS Meeting:	27 September 2012
OCM:	9 July 2009

BACKGROUND:

Ancillary accommodation provides additional self-contained accommodation for members of extended families on the same lot as an existing single house. The development of ancillary accommodation on residential zoned land is controlled by the Residential Design Codes of Western Australia however the use may also be approved within the rural zones of the Scheme.

PURPOSE:

To provide the City with a set of guidelines for the development of ancillary accommodation on Rural Living, Rural and Resource zoned land.

POLICY:

(1) Definitions

1. Ancillary Accommodation: means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house and which is occupied by members of the same family as the occupiers of the of the main dwelling.
2. Self-contained: means a dwelling that includes bathroom, kitchen and laundry facilities in accordance with part 3.8.3.2 of the Building Code of Australia.

POL	ANCILLARY ACCOMMODATION ON RURAL LIVING, RURAL AND RESOURCE ZONE LOTS	APD11
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(2) Policy Provisions

Ancillary Accommodation within the Rural Living, Rural and Resource Zones is required to meet with the following requirements:

1. Not more than one (1) ancillary accommodation unit may be approved on any lot.
2. The proposed ancillary accommodation unit must comply with the definitions outlined in Section 1.0 above.
3. The maximum internal floor area of the ancillary accommodation is not to exceed 100m². The 100m² is the total living area only and does not include verandahs, patios, pergolas, alfresco areas or carports/garages.
4. The ancillary accommodation unit should be located behind the main building line unless otherwise approved by the City.
5. The design, materials and colours of the ancillary accommodation unit must match or complement those of the existing development. Non-reflective materials shall be used and the use of second hand materials is not permitted.
6. The occupier(s) of the ancillary accommodation unit shall be members of the family occupying the primary dwelling.
7. The owner/applicant is required to prepare a Notification under Section 70A of the Transfer of Land Act in a form acceptable to the City and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a building permit. This Notification is to be sufficient to alert prospective purchasers of the use and restrictions of the ancillary accommodation.