

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 NOVEMBER 2011 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 NOVEMBER 2011 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

| | | |
|--------------------|---|--------------------------|
| Mr L Howlett | - | Mayor (Presiding Member) |
| Mr K Allen | - | Deputy Mayor |
| Mr Y Mubarakai | - | Councillor |
| 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 |
| Ms L. Boyanich | - | Media Liaison Officer |
| Mrs L Jakovich | - | PA to Directors of Planning & Development and Engineering and Works |

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 p.m.

Mayor Howlett made the following announcements:

I welcome Cr Carol Reeve-Fowkes back to the Council Chambers having been re-elected and extend a warm welcome to the newly elected Councillors Stephen Pratt, Steve Portelli and Yaz Mubarakai.



I also advise that Cr Kevin Allen was elected as Deputy Mayor at a special meeting of Council held on Monday 24 October 2011. Congratulation to each Elected Members.

'Nostalgia in Blue'

A major exhibition of Chinese artwork is currently on display at the Hamilton Hill Memorial Hall and I urge everyone to take the opportunity to view it between 10.00 a.m. and 3.00 p.m. up to and including Sunday 13 November 2011.

This unique exhibition of traditionally dyed Chinese textiles will not be showcased elsewhere in Western Australia and in the year we celebrate the 'Year of Chinese Culture in Australia' and a further acknowledgement our sister city relationship with the City of Yueyang.

Cockburn Rotary Spring Fair

Sunday 6 November saw another successful Spring Fair albeit the weather threatened to 'rain down'. Congratulations to the members of the Cockburn Rotary Club, Bridget Norton and Cassandra Cooper and the events team for their work over the previous 12 months culminating in yet another great event.

Coogee Beach Surf life Saving Club

On Saturday 15 October I had the honour of awarding Bronze Medallions to 24 young surf life savers following their practical completion of the two week course. Congratulations go to Gary and Sheree Hart for supervising the course and to the many other volunteers at the Club who provide outstanding opportunities for young people who opt into the courses run by the Club.

Co-Health Program

The City's Co-Health project is up and running following the \$703,000 Australian Government Grant earlier this year. It is pleasing to see the uptake of programs by various groups and these augers well for the program outcomes.

Awards

The City received a 'Certificate of Excellence' in recognition of finishing second in the inaugural 2011 Children's Environment & Health Report Card Project.

The City also received a 'Certificate of Achievement' in recognition of winning both the Outdoor Air Quality and Communicable and Notifiable Diseases categories in the Inaugural 2011 Children's Environment & Health Report Card Project.



Remembrance Day

As most, if not all of us know, tomorrow is Remembrance Day and I take this opportunity to acknowledge on behalf of the City of Cockburn the ultimate sacrifice made by the many thousands of Australians in wars and armed conflicts going back to the Boer War and those that followed. It also time to reflect on those who returned home from far off lands and those who stayed behind to help with the war effort.

I encourage everyone to consider attending a Remembrance Day Service tomorrow. The local Cockburn RSL will be conducting a Memorial Service at the Memorial outside the Hamilton Hill Memorial Hall from 10.30am.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4 (OCM 10/11/2011) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

- | | | | |
|-----------------------|---|-----------|------------|
| ➤ Clr Steven Portelli | – | Item 13.1 | (Conflict) |
| ➤ Clr Yaz Mubarakai | – | Item 17.2 | (Conflict) |
| ➤ Clr Bart Houwen | – | Item 23.1 | (Conflict) |

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil.



5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7. PUBLIC QUESTION TIME

ITEMS IN WRITING, ON THE AGENDA

Mrs A & Mr I M Gaglia, Hammond Park

Item 14.4 – Proposed Structure Plan – Location: Lots 43 and 44 Frankland Avenue Hammond Park)

Q1. *Mr & Mrs Gaglia had no objection to the above proposed Structure plan, but had some concerns as follows:
I refer to the Council Recommendation to our submission recorded in the attachment.*

One of our concerns is the underdevelopment of road infrastructure at the site. Another is public road users including pedestrians. Council recommendation is that Franklin Avenue will be required to be upgraded to an urban standard road as part of any future subdivision in accordance with standard practice. There seems to be a little misunderstanding here; therefore, I ask this question. Will the approval of this development proposal accelerate the construction of the extension of Hammond Road through Hammond Park and if so what is the expected timeframe for its construction?

A1. The approval of this development is not considered to be an influencing factor on the timing of construction of the Hammond Road extension within Hammond Park.

The design and construction is scheduled to occur in the 2014/15 financial year. The City's 'Plan for the District 2010 – 2020' outlines that the first stage of this extension, being from Roper Boulevard to Gaebler Road, is currently in the design and construction phase with completion likely to be in 2012/2013. The second phase, being from Gaebler Road is notionally identified as having the required land acquired by 2013/2014 and construction in 2014/2015. It should be noted; however, that this timeline on the second phase of the extension is also heavily influenced by the timing of delivery of the Rowley Road extension from the Kwinana Freeway to the Kwinana



Industrial area by Main Roads Western Australia.

ITEMS IN WRITING, NOT ON THE AGENDA

Ms Rachel Calderbank, Spearwood

Traffic between Mell Road and Hamilton Road.

Rachel Calderbank was not present at the meeting and therefore her written questions will be responded to in writing.

ITEMS NOT IN WRITING, NOT ON THE AGENDA FROM THE GALLERY

Geoff Anderton, Naval Base Caravan Park 534

Rubbish charges at the Naval Base Caravan Park

Q1. *We are currently paying \$70,000 per year for the equivalent of green bins. We have got 4 skip bins. I table a quote which I obtained for emptying them 4 times a week for a year which is \$14,000, not \$70,000. I cannot see why we are being charged \$70,000.*

A1. I have indicated to Mr Anderton in writing that we are looking at those issues now. We will put a reply to Mr Anderton in writing. We are bringing these issues to Council in conjunction with the lease and we will have a proposal put to Council with regard to these matters when the lease comes to Council early in the new year.

Q2. *Admission Fees at Naval Base Caravan Park*

Even though these are to be demolished, Council has received quotes of \$6,000 to remove each building. I have a quote which I tabled last time of \$1,200 from Brajkovich and I table two more quotes from smaller companies which are from Anthonys Asbestos and Demolition Contractors for \$1,200 each if no asbestos and \$2,000 if asbestos. Another quote from Laze Gastarov Demolition for \$1,400 for non asbestos and \$1,900 for asbestos. I don't see why we are paying \$600 a year towards something that is not required.

A2. We have done some work on that matter and again I will come back to Council with a report early in the new year. We have got another two more quotes and they are in excess of these quotes. Some including removing asbestos and some without the removal of asbestos. This again will be brought to Council along with the previous question in the new year.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 4650) (OCM 10/11/2011) - ORDINARY COUNCIL MEETING 13/10/2011

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 13 October 2011, as a true and accurate record.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 10/0

8.2 (MINUTE NO 4651) (OCM 10/11/2011) - SPECIAL COUNCIL MEETING 24/10/2011

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Monday 24 October 2011, as a true and accurate record.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 10/0

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

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.16 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

| | | | |
|------|------|------|--|
| 14.5 | 15.1 | 16.3 | |
| 14.6 | 15.2 | | |
| 14.7 | | | |

CLR PORTELLI LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.17 PM.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received a Declaration of Interest as follows:

CLR PORTELLI

Declared a Conflict of Interest in Item 13.1 "Minutes of the Grants and Donations Committee Meeting 1 November 2011", pursuant to Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the interest is that I am the Chairperson of the Atwell College Board, which is the recipient of a grant, as recommended by the Committee.

13. COUNCIL MATTERS

13.1 (MINUTE NO 4652) (OCM 10/11/2011) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING 1 NOVEMBER 2011 (CR/G/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 1 November 2011 and adopt the recommendations contained therein.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

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

Report

Council approved a budget for grants and donations for 2011/12 of \$806,000 to be distributed as grants, donations and sponsorship.

At its meeting of 26 July 2011 the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 11 August 2011.

The September 2011 round of grants, donations and sponsorship funding opportunities has now closed and the Committee at its meeting of 1 November 2011, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.

A summary of the donations for general operating expenses recommended to Council are as follows:

| | |
|--|----------|
| Cockburn Toy Library | \$4,000 |
| Yangebup Family Centre | \$5,000 |
| Returned Services League – City of Cockburn..... | \$8,000 |
| Cockburn Volunteer Sea Search and Rescue | \$8,500 |
| Cockburn Community and Cultural Council..... | \$9,000 |
| Port Community High School..... | \$15,000 |
| Fremantle Hospital Medical Research Foundation | \$15,000 |



A summary of the sponsorship recommended by the Committee is as follows:

| | |
|---|----------|
| Bryan Williams – 2012 National Transplant Games | \$1,000 |
| Georgia Wilcox – World Challenge Laos Expedition | \$2,000 |
| Jarrold Pickett – U15 National AFL Team tour to SA | \$2,000 |
| Friday Zico - School Sport Australia Football Team tour | \$2,000 |
| Cockburn Dragon Boat Club..... | \$2,000 |
| Cockburn Basketball Association | \$2,000 |
| Atwell College..... | \$5,000 |
| Coogee Jetty to Jetty Swim | \$10,000 |

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

Council approved a budget for grants and donations for 2011/12 of \$806,000 to be distributed as grants, donations and sponsorship.

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

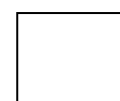
| Description | Allocated 2011/12 | Proposed Allocations Nov 2011 | Balance remaining for next round |
|--------------------------------|-------------------|-------------------------------|----------------------------------|
| Committed/Contractual Donation | \$195,776 | \$183,857 | \$ 11,919 |
| Specific Grant Programs* | \$430,224 | \$430,224 | N/A |
| Donations | \$140,000 | \$ 64,500 | \$ 81,500 |
| Sponsorship | \$ 40,000 | \$ 26,000 | \$ 18,000 |
| Total | \$806,000 | \$704,581 | \$111,419 |
| Balance 2011/12 | | | \$111,419 |

The next round of grants, donations and sponsorship funding will be advertised in February/March 2012.

* Specific Grant Programs include a range of funding programs with varying expenditure to date and committed future expenditure.

Legal Implications

Nil



Community Consultation

In the lead up to the September 2011 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised of:

- Three advertisements running fortnightly in the Cockburn Gazette's City Update on 16/08/11, 30/08/11 and 13/09/11.
- Four advertisements running fortnightly in the City of Cockburn email newsletter.
- Full page advertisement in the August 2011 Soundings.
- Promotion to community groups through the Community Development Service Unit email networks and contacts.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.

Attachment(s)

Minutes of the Grants and Donations Committee Meeting on 1 November 2011.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

CLR PORTELLI RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 7.18 PM.

THE PRESIDING MEMBER ADVISED CLR PORTELLI OF THE DECISION OF COUNCIL MADE IN HIS ABSENCE.

13.2 **(MINUTE NO 4653) (OCM 10/11/2011) - DELEGATES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - SOUTH METROPOLITAN ZONE (CC/C/011) (D GREEN)**

RECOMMENDATION

That Council appoint _____ and _____ (Elected Members) as delegates to the Western Australian Local Government Association – South Metropolitan Zone.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Deputy Mayor K Allen that Council appoints Mayor Logan Howlett and Clr Tony Romano as delegates to the Western Australian Local Government Association – South Metropolitan Zone.

CARRIED 10/0

Background

The Western Australian Local Government Association (WALGA) is the peak advocacy body representing local government in this State. It is comprised of a number of Zones, including the South Metropolitan Zone, which covers the districts of Melville, Fremantle, East Fremantle, Cockburn, Kwinana and Rockingham.

Submission

N/A

Report

WALGA Zone Meetings consider a broad range of portfolio functions across the full range of local government responsibilities that have the capacity to affect local government in a generic sense. Each Zone submits recommendations to be considered by the WALGA State Council. Once adopted, the WALGA State Council decisions become the official position promoted on behalf of member Councils.

Clr Carol Reeve-Fowkes was re-elected at the October Elections and her representation continues accordingly.

Previous council delegates to the Zone were Clrs Reeve-Fowkes, Attrill and Limbert. Hence there are two positions available through the vacancies created by past Councillors Attrill and Limbert. Zone meetings are held on the last Monday of each month at 5.30 p.m. on a rotational basis at member Councils.

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

Council provides annual membership subscriptions of \$52,500 to WALGA.

Legal Implications

Nil.

Community Consultation

Nil.

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.3 (MINUTE NO 4654) (OCM 10/11/2011) - DELEGATE - SOUTH WEST CORRIDOR DEVELOPMENT FOUNDATION (INC) (CC/C/012) (D GREEN)

RECOMMENDATION
That Council appoint _____ (Elected Member) as its delegate to the South West Corridor Development Foundation (Inc).

COUNCIL DECISION
MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that Council appoints Clr B Houwen as its delegate to the South West Corridor Development Foundation (Inc).
CARRIED 10/0



Background

The South West Corridor Development Foundation (Inc) (SWCDeF) is an incorporated body whose membership consists of each of the participating South West Group local governments, as well as regional Chambers of Commerce and employment based organisations.

Submission

N/A

Report

Council was previously represented on this Group by former Councillor Whitfield.

The Foundation has, as its primary focus, the economic development interests of the South West Corridor local governments. Meetings are conducted bi-monthly on the same day and venue as the South West Group Board Meetings.

Strategic Plan/Policy Implications**Employment and Economic Development**

- To plan and promote economic development that encourages business opportunities within the City.

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

13.4 (MINUTE NO 4655) (OCM 10/11/2011) - COUNCIL DELEGATE - COCKBURN DISABILITY ACCESS AND INCLUSION REFERENCE GROUP (CR/C/001) (D GREEN)

RECOMMENDATION

That Council appoint _____ (Elected Member/s) to the Cockburn Disability Access and Inclusion Reference Group.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that Council appoints Clr V Oliver and Clr L Smith to the Cockburn Disability Access and Inclusion Reference Group.

CARRIED 10/0

Background

The Disability Access and Inclusion Reference Group was initially formed in 1995 to assist the City of Cockburn develop its first Disability Access and Inclusion Plan (DAIP). Since then, the Group has undertaken an important role in monitoring the ongoing implementation of its DAIP. The Group's mission is to advise the City on the provision of universal access to all facilities and resources within and for the local community.

Submission

N/A

Report

The Reference Group is an active forum which meets monthly (1st Tuesday) at the City of Cockburn and is facilitated by Council staff attached to the Family Services Unit. The allocated officer is usually the Disability Access and Inclusion Officer. Elected Member representation was previously provided by former Councillor Limbert.



As this is a Reference Group, there is no limit on the number of Elected Members who may participate in its operation. It is practice for an Elected Member to Chair the meetings. Accordingly, it is considered appropriate for Council to formally appoint an Elected Member/Members to fulfil this role.

Strategic Plan/Policy Implications

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.

Budget/Financial Implications

The Reference Group is allocated an annual operating budget to cover its meeting requirements.

Legal Implications

N/A

Community Consultation

External positions on the Group are filled by community and industry representatives and are advertised if vacancies occur.

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.5 (MINUTE NO 4656) (OCM 10/11/2011) - ELECTED MEMBER DELEGATE - COCKBURN YOUTH ADVISORY REFERENCE GROUP (CR/C/010) (D GREEN)

RECOMMENDATION

That Council appoint _____ (Elected Member/s) as a delegate to the Cockburn Youth Advisory Reference Group.



COUNCIL DECISION

MOVED Cllr T Romano SECONDED Cllr C Reeve-Fowkes that Council appoints Cllr S Pratt as a delegate to the Cockburn Youth Advisory Reference Group

CARRIED 10/0

Background

The Cockburn Youth Advisory Reference Group has been established to address issues relevant to young people in the City of Cockburn. It comprises mostly of upper school students in the 13 – 18 year age demographic; however, people up to the age of 25 are eligible to apply for membership of the Group.

Submission

N/A

Report

The Group is a Council initiated forum and therefore has no limit on the number of Elected Members wishing to participate in its activities. Meetings are held monthly at the City of Cockburn and are supported administratively by relative staff members. The previous Elected Member representative to the Group was retired Councillor Whitfield.

Strategic Plan/Policy Implications

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.

Budget/Financial Implications

An operational budget is provided to support the administrative operations of this Reference Group.

Legal Implications

Nil.



Community Consultation

Nil.

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.6 (MINUTE NO 4657) (OCM 10/11/2011) - NEIGHBOURHOOD WATCH REFERENCE GROUP (CR/C/011) (D GREEN)

RECOMMENDATION

That Council appoint _____ (Elected Member/s) as a delegate to the Neighbourhood Watch Reference Group.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that Council appoints Clr S Portelli as a delegate to the Neighbourhood Watch Reference Group.

CARRIED 10/0

Background

The Neighbourhood Watch (NHW) Reference Group is in place to promote safety in the district through the provision of co-operative assistance to neighbours, thus helping to create effective deterrents to potential criminal activity. The Group consists of suburb “Managers” recruited to share strategies and promote the NHW values among residents.

Submission

N/A



Report

The NHW Reference Group meets monthly and is administratively supported by relevant staff. As an internal Referencet Group, there is no limitation on Elected Member participants in its activities. The previous Elected Member delegate to the Group was form Clr Limbert, who also was the Presiding Member at meetings.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.

Budget/Financial Implications

Council provides funds for the administrative operations of the Reference Group.

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.7 **(MINUTE NO 4658)** (OCM 10/11/2011) - COUNCIL DELEGATE - PERTH SOUTHERN DISTRICT OPERATIONAL ADVISORY COMMITTEE (1240) (D GREEN)

RECOMMENDATION

That Council appoint _____ (Elected Member) as a delegate to the Perth Southern District Operational Advisory Committee.



COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr S Portelli that Council appoints Cllr S Pratt as a delegate to the Perth Southern District Operational Advisory Committee.

CARRIED 10/0

Background

The Perth Southern District Operational Advisory Committee (PSDOAC) is a forum comprising of the Chief Bush Fire Control Officers (CBFCOs) and their Deputies of the six large southern metropolitan local government areas most prone to bushfire events. It has been customary for an Elected Member of each organisation to also be represented on the Committee.

Submission

N/A

Report

The Committee is a long standing forum which represents the interests of all southern metropolitan local governments most affected by bushfire hazards. The Committee provides an opportunity for broad based bushfire control matters to be discussed amongst those officers most responsible for supervising the operations of volunteer fire brigades in their areas (i.e. CBFCO and Deputy CBFCO).

Meetings of the Committee are convened quarterly on a rotational basis amongst participating local governments.

Retired Councillor Whitfield was the previous Council delegate and it is generally expected that Council's Elected Member delegate to the Bushfire Advisory Reference Group, also be appointed to this Committee.

Strategic Plan/Policy Implications**Governance Excellence**

- To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.



Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.8 (MINUTE NO 4659) (OCM 10/11/2011) - COUNCIL DELEGATE - COCKBURN BUSHFIRE ADVISORY REFERENCE GROUP (1240) (D GREEN)

RECOMMENDATION

That Council appoint _____ (Elected Member/s) to the Cockburn Bushfire Advisory Reference Group.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Clr T Romano that Council appoints Clr S Pratt, Clr C Reeve-Fowkes and Clr L Smith to the Cockburn Bushfire Advisory Reference Group.

CARRIED 10/0



Background

Council has two (2) long established volunteer bushfire brigades (Jandakot and South Coogee) with which it has had strong association in the past. Both Brigades operate independently of Council and comprise their own membership, with their major source of funding being provided through the State Government administered Emergency Services Levy (ESL).

A Council appointed Chief Bushfire Control Officer (CBFCO) is currently shared with the Fire and Emergency Services Authority (FESA) and provides support and close liaison with the Brigades. The Council appointed reference Group is established to further support the volunteers in administering their primary function.

Submission

N/A

Report

The primary function of this Reference Group is to liaise with the senior personnel of both volunteer brigades to ensure they are adequately prepared to perform their function as fire control organisations.

The Group also comprises representatives of FESA and other government agencies with a role in fire control. While there is no set timeframe for reference Group meetings, it is expected that it will be convened at least biannually to review and monitor matters of relevance.

Given the high profile nature of bushfire control issues in the community, it is recommended that an elected Member appointed representative/s is made to ensure a Council perspective of the Group's activities of provided.

As the forum is a Reference Group, there is no limitation to the number of members Council may appoint. The previous Council delegate has been retired Cllr Whitfield.

Strategic Plan/Policy Implications

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

Bush Fires Act, 1954, refers.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 4660) (OCM 10/11/2011) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF ONE (1) ALERNATE MEMBER BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (PS/C/005) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) appoints Clr _____ as the alternative member to the South West Metropolitan Area Joint Development and Assessment Panel; and
- (2) provides the names of its nominated and alternative members to the Minister for Planning for appointment.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that Council:

- (1) appoints Clr S Portelli as the alternative member to the South West Metropolitan Area Joint Development and Assessment Panel; and



- (2) provides the names of its nominated and alternative members to the Minister for Planning for appointment.

CARRIED 10/0

Background

At its May 2011 meeting the Council resolved to appoint two (2) members and two (2) alternate members to the South West Metropolitan Joint Development Assessment Panel (JDAP). The members appointed to the Panel were: Mayor Logan Howlett and Deputy Mayor Kevin Allen. The alternate members were: Councillor Carol Reeve-Fowkes and Councillor Sue Limbert. Once Council's decision is received, the names of the members and alternate members will be provided to the minister.

Submission

The City recently received a letter from the Development Assessment Panels office seeking replacement JDAP members where vacancies have arisen due to an existing or alternate member being unsuccessful in their bid to be re-elected at the recent local government elections.

As former Councillor Sue Limbert was unsuccessful in her bid to be re-elected to Council, there is the need to nominate another alternate member for appointment to the South West Metropolitan Joint Development Assessment Panel.

Whilst the letter received from the Development Assessment Panels office refers to the submission of nominations by 31 October, the City has received an extension to this due to the date of the next (November) ordinary Council meeting.

Report

The 2010 Amendment Act resulted in a number of amendments to the *Planning and Development Act 2005* (PD Act). Part 3 in particular, introduces a new Part 11A – Development Assessment Panels, into the PD Act. To give new effect to these provisions, the *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP Regulations') have been introduced. The DAP Regulations provide the heads of power enabling the operation, constitution and administration of DAPs.



As described in the Western Australian Planning Commission (WAPC) Planning Bulletin 106/2011, *DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision making authority. The introduction of DAPs is one of the fundamental principles of the national Development Assessment Forum's leading practice model for development assessment.*

DAPs comprise of the following membership:

- Two (2) local government representatives.
- Three (3) specialist members, one of whom will be the presiding member, one who will be the deputy presiding member, and one who will otherwise possess relevant qualifications and/or expertise.

Local authorities are responsible for nominating DAP representatives from their pool of elected members (Councillors). When determined, in this case being for an alternate member, the City provides the name of the nominated Councillor to the Minister for Planning for appointment. Following this and if successful, the name of the member appointed to the JDAP will be published on the DAP website maintained by the Department of Planning.

The role of an alternate member is to replace a permanent local government DAP member when required (due to illness, leave or other cause). Alternate members can only sit in replacement of a permanent local member where they generally share the same knowledge and/or experience as the permanent member.

In the event a local authority fails to nominate an elected representative, the Minister has the power to appoint an alternative community representative. The DAP Regulations require this person to be a local resident, with sufficient local knowledge and/or appropriate experience whereby in the opinion of the Minister, they can suitably represent the interests of their local community.

In all instances, nominated DAP and alternate members are required to undergo mandatory training before they can sit on a DAP. Training addresses the Western Australian planning and development framework, planning law, the operation of a DAP, the DAP Code of Conduct and the expected behavior of DAP members.

DAP members will be paid by the Department of Planning where they successfully complete the required training (\$400). DAP members attending a DAP meeting will also be paid a sitting fee of \$400 per meeting. Similarly, reimbursement of all travel expenses incurred when attending a DAP meeting is provided for by the DAP Regulations.



All DAP members are appointed for a term of two (2) years.

DAPs will typically meet on a monthly basis. The City of Cockburn forms part of a Joint Development Assessment Panel (JDAP) for the South West Metropolitan Area. Other local authorities comprising this JDAP include the Cities of Fremantle and Rockingham, and the Town's of East Fremantle and Kwinana.

The two appointed local government members are required to attend a JDAP meeting when an application for development within their local authority is to be determined. It is unlikely, therefore, that Cockburn members will be required to attend meetings every month (notwithstanding the holding of a meeting should applications from other local authorities be required to be determined).

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

There are no budgetary or financial implications arising from the nomination and appointment of Councillors to the JDAP. Sitting fees will be provided directly to the members by the Commission.

Legal Implications

Planning and Development Act 2005 (as amended).
Approvals and Related Reforms (No. 4) (Planning) Act 2010.
Planning and Development (Development Assessment Panels) Regulations 2011.

Community Consultation

N/A

Attachment(s)

Letter from the Government of Western Australia, Development Assessment Panels

Advice to Proponent(s)/Submissioners

N/A



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

Nil

14.2 (MINUTE NO 4661) (OCM 10/11/2011) - NOMINATION OF ELECTED MEMBER FOR SOUTH WEST DISTRICT PLANNING COMMITTEE (9300) (A TROSIC)

RECOMMENDATION

That Council, in accordance with Clause 9(2)(b) of Schedule 2 of the *Planning and Development Act 2005*, appoint Cr _____ as its delegate to the South West District Planning Committee, and advise the Committees Secretary of the Western Australian Planning Commission of this nomination.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr V Oliver that , in accordance with Clause 9(2)(b) of Schedule 2 of the *Planning and Development Act 2005*, appoint Cr C Reeve-Fowkes as its delegate to the South West District Planning Committee, and advise the Committees Secretary of the Western Australian Planning Commission of this nomination.

CARRIED 10/0

Background

Council's representative on the South West District Planning Committee ("Committee") was Ian Whitfield. Due to his recent retirement from Council, a vacancy now exists for this Committee. The Committee is formed under Clause 9 of Schedule 2 of the *Planning and Development Act 2005*, and has an important role in assisting the Western Australian Planning Commission ("WAPC") on district planning issues pertaining to the Metropolitan Region Scheme. The Committee's meetings are infrequent (generally no more than once or twice yearly), but nonetheless the Committee is important in respect of its role in considering broad strategic planning issues affecting the City of Cockburn. The Committee membership is not remunerated.

Each local government within the South West District (City of Cockburn, City of Fremantle, City of Melville, City of Rockingham, Town of East Fremantle and Town of Kwinana) is required to have a nominated



Councillor to represent their respective local government as part of the Committee. This is the purpose of this report.

Submission

N/A

Report

The Committee has its key responsibilities established under Clause 9(5) of Schedule 2 of the *Planning and Development Act 2005*. This states:

- (5) *A district planning committee -*
- (a) *is to assist and advise the Commission;*
 - (b) *may, and at the direction of the Commission is to, make inquiries into and report and formulate recommendations in relation to the Metropolitan Region Scheme so far as it relates to the area or part of the area comprising the district which the district planning committee represents; and*
 - (c) *perform such of the functions of the Commission under this Act and any other written law as are delegated to the committee under section 16.*

Clause 9(2)(b) provides for the Committee to consist of one member appointed by each of the local governments, with that member representing their local government through the Committee process.

There has been only one meeting in the last 12 months, and this was associated with public hearings on the Proposed Metropolitan Region Scheme Amendment for the Cockburn Coast Project. While meetings are infrequent, they are a very important process especially where issues of district planning may impact upon the City of Cockburn.

It is recommended that Council nominate a Councillor for the position, and advise the WAPC 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 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)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.3 (MINUTE NO 4662) (OCM 10/11/2011) - CLOSURE OF PORTION OF COCKBURN ROAD, COOGEE - LOCATION: ADJOINING LOT 512 COCKBURN ROAD, COOGEE - OWNER: MAIN ROADS WA - APPLICANT: WHELANS TOWN PLANNING (450601) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) subject to the proponent agreeing in writing to meet all costs associated with the proposal, proceed with the proposed road closure for portion of Cockburn Road, Coogee pursuant to Section 58 of the *Land Administration Act 1997*;
- (2) at the conclusion of the statutory advertising period and subject to no objections, request that the Minister for Lands permanently close portion of Cockburn Road, Coogee pursuant to Section 58 of the *Land Administration Act 1997*;



- (3) subject to the road closure, the land being made available for purchase to the owner of Lot 512 Cockburn Road as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

Background

Cockburn Road, Coogee is a Proclaimed Main Road that is under control of Main Roads WA. Lot 512 is a freehold lot in the ownership of Main Roads WA.

Submission

Whelans Town Planning, in its role as land consultant for Main Roads WA, has written to the City requesting closure of portion of Cockburn Road, Coogee adjacent to Lot 512 Cockburn Road.

Report

Lot 512 Cockburn Road is the site of the State Heritage Listed Coogee Hotel and Coogee Post Office. Both buildings intrude partially on to the existing Cockburn Road reserve. Given the nature and heritage significance of the buildings, it is neither feasible nor desired to modify the structures such as to remove the intruding portions from the road reserve. Rather, the desired solution is to modify the extent of the adjoining Cockburn Road reserve to ensure the buildings are totally within the lot boundaries of a modified Lot 512. This is the purpose of the proposed road closure.

Closure of the portion of road reserve will enable a new boundary to be aligned adjacent to the edge of the existing footpath. This closed portion of road reserve will be purchased by Main Roads WA and amalgamated with Lot 512.

All of the service authorities have been notified of the proposal, and have not indicated any objections. The proposal has also been publicly



advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections having been received.

Although Main Roads WA are both the landowner of Lot 512 and managing authority for Cockburn Road, it is only via Section 58 of the *Land Administration Act 1997* that roads can be permanently closed. This requires the Local Authority to manage the road closure process including advertising and necessary Council resolutions.

It is recommended that Council proceed with the road closure request as per the officer recommendation.

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.

Transport Optimisation

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

Budget/Financial Implications

All associated costs are to be paid by the proponent.

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.

Community Consultation

The proposal has been advertised in the *West Australian* in accordance with the requirements of the *Land Administration Act 1997*.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 November 2011 Council Meeting.



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

Nil.

14.4 (MINUTE NO 4663) (OCM 10/11/2011) - PROPOSED STRUCTURE PLAN - LOCATION: LOTS 43 AND 44 FRANKLAND AVENUE, HAMMOND PARK - OWNER: BEAUCHAMPS NOMINEES PTY LTD AND FOBBING HALL PTY LTD - APPLICANT: BURGESS DESIGN GROUP (SM/M/030) (R COLALILLO) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of the Structure Plan;
- (2) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopt the Structure Plan for Lots 43 and 44 Frankland Avenue, Hammond Park as (as shown within Attachment 3) subject to:
 1. the approval of the associated Local Water Management Strategy by the Department of Water;
 2. the addition of a notation on the Structure Plan requiring the preparation and implementation of a Fire Management Plan at the subdivision stage;
 2. the addition of a notation on the Structure Plan requiring the implementation of the requirements of the Market Garden Impact Assessment at the subdivision stage; and
 4. the indicative road layout shown on Lot 42 adjoining the Structure Plan area to the north being revised in accordance with the details as shown in Attachment 4.
- (3) subject to compliance with (2) above, in pursuance of Clause 6.2.10.1 of the Scheme, the proposed Structure Plan be sent to the Western Australian Planning Commission for endorsement;
- (4) advise the proponent and those persons who made a submission of Council's decision;
- (5) advise the proponent that Developer Contribution Area 13 - Community Infrastructure is now operational under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the developer contribution plan requirements; and



- (6) advise the proponent that Council is currently in the final processes of an amendment to the Scheme, which seeks to introduce new developer contribution arrangements for hard infrastructure within proposed Development Contribution Area 9 - Hammond Park. Landowners subdividing to create residential allotments will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme amendment becomes operational.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr V Oliver that Council adopts the recommendation with the following amendment to sub-recommendation (2):

Numerals (2) 1. 2. 2. 4;
To become (2) 1. 2. 3. 4.

CARRIED 10/0

Reason for Decision

This will correct the typographical error.

Background

The subject land comprises two lots with a total combined area of approximately 8ha. It is bound by Frankland Avenue to the west and south, Qube's 'Hammond Rise' residential estate to the east and an undeveloped land parcel to the north.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within 'Development Area 31' ("DA31").

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 Structure Plan has been submitted to the City by Burgess Design Group on behalf of the landowner, to guide future residential subdivision for Lots 43 and 44 Frankland Avenue, Hammond Park.



The purpose of this report is to consider the Structure Plan for adoption in light of the advertising process which has taken place.

Submission

N/A

Report

Southern Suburbs District Structure Plan - Stage 3

The subject land is located within the Southern Suburbs District Structure Plan - Stage 3 ("SSDSP3"), as shown in Attachment 2. SSDSP3 identifies that the subject land should meet an urban density target of at least 12 dwellings per hectare. The proposed Structure Plan has a density of approximately 15 dwelling per hectare and therefore achieves the target set by SSDSP3. It should be noted that the 15 dwellings per hectare is now a revised minimum target set by the Western Australian Planning Commission's ("WAPC's") 'Directions 2031 and Beyond' Strategic Plan ("Directions 2031"). This is the key strategic plan contemplating how future growth of the Perth and Peel area will be managed. Achieving at least 15 dwellings per hectare as part of new residential subdivision and development is a critical aspect of the growth targets set within Directions 2031.

Proposed Structure Plan

The Proposed Structure Plan design provides for a diversity of lot sizes and housing types, with a total of 119 residential lots being proposed. The Proposed Structure Plan comprises 62 'R20' coded lots, 35 'R30' coded lots and 22 'R40' coded lots, local roads and an area of public open space ("POS") as shown in Attachment 3.

Public Open Space

SSDSP3 requires all landowners to provide their 10 per cent POS requirement within their own landholding. A POS area of 7633.4m² is proposed as part of the Structure Plan. This is proposed to abut the northern boundary of the site, to enable future consolidation with POS provided on the adjoining Lot 42 when it is developed in the future. Detailed Area Plans will be required for the lots adjacent to the POS at the subdivision stage consistent with the City's standard design requirements. This will seek to ensure appropriate interface and presentation of development occurs to the POS area, which is an important aspect in respect of passive surveillance and security.



Surrounding Market Gardens

Operating market gardens are located to the south of the Proposed Structure Plan area. In order to mitigate potential impacts of future subdivision and development activities on the market garden sites and vice versa, a Market Garden Impact Assessment has been prepared by the applicant. The assessment proposes a number of management measures including installation of appropriate fencing and vegetation on the southern boundary of the Structure Plan area and notations on title advising of the existence of the market gardens. It is recommended that a notation be placed on the Proposed Structure Plan requiring the implementation of the measures identified in the Market Garden Impact Assessment at the future subdivision stage.

Local Water Management Strategy

In accordance with the requirements of the Department of Water ("DoW") and WAPC, a Local Water Management Strategy ("LWMS") has been prepared by Shawmac, on behalf of the landowner. The LWMS has been assessed by the DoW and the City and some minor modifications have been requested to the document prior to final endorsement being granted.

As the changes are only minor in nature, it is recommended that approval of the Structure Plan may proceed subject to the submission and final endorsement of the revised LWMS by DoW and the City.

Consultation

The Proposed Structure Plan was referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it proposes the subdivision of land. No comments were received from the WAPC and as such the City proceeded to advertise the proposal for public comment.

The Structure Plan was advertised for public comment for 21 days in accordance with the Scheme requirements. Six submissions were received from government authorities and servicing agencies. Five of the submissions expressed no objection subject to certain conditions and/or advice and one initially objected subject to further modifications and studies being undertaken by the proponent. The objection was later revised to no objection following assessment of additional studies and details provided by the applicant. The submissions that were received are set out and addressed in detail within the Schedule of Submissions (Attachment 5).

Only one modification to the proposed Structure Plan is recommended as a result of the formal advertising process as follows:



- The addition of a notation on the Structure Plan requiring the preparation and implementation of a Fire Management Plan at the subdivision stage.

The above addition is proposed in order to ensure that future development is consistent with the requirements of the WAPC's Planning for Bush Fire Protection Guidelines.

It is noted that the original concerns raised by the Department of Environment and Conservation ("DEC") have now been suitably addressed by the proponent. The DEC's objection to the indicative road layout shown for Lot 42 which abuts the Structure Plan area to the north was addressed by the proponent as shown in Attachment 4 which demonstrates a modified road layout to avoid intrusion into the wetland area. Although this relates to an area which is outside the Structure Plan area it is recommended that the updated indicative road layout be reflected in the adopted Structure Plan to ensure future development of Lot 42 is consistent with the DEC's requirements.

Draft Scheme Amendment No. 28

The proposed Structure Plan falls within draft Development Contribution Area 9 – Hammond Park which is the subject of Amendment No. 28 to the scheme which has previously been approved by Council and referred to the WAPC for the Minister's approval. Once adopted, all landowners within DCA 9 will be required to make a proportional contribution to hard infrastructure items such as land, drainage, road widening and all associated costs required as part of the development and subdivision of the Hammond Park Development Contribution Area. Approval of Amendment 28 by the Minister for Planning is anticipated to occur in early 2012.

Conclusion

The proposed Structure Plan is consistent with SSDSP Stage 3 and surrounding residential development. The design of the Structure Plan conforms to Liveable Neighbourhoods principles and integrates with the adjacent road network and lot layout in a logical manner. It is therefore recommended that Council adopt the Structure Plan subject to the final endorsement/approval of the associated Local Water Management Strategy.

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.

The Planning Policies which apply to this item are:

SPD4 'Liveable Neighbourhoods'

APD4 'Public Open Space'

Budget/Financial Implications

The Structure Plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

Once Amendment 28 to the Scheme is adopted, all landowners within DCA 9 will be required to make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Hammond Park Development Contribution Area.

Future subdivision and development will also be subject to community based infrastructure contributions which was recently introduced into the Scheme via Scheme Amendment No. 81.

Legal Implications

N/A

Community Consultation

Community consultation was carried out for a period of 21 days. The Proposed Structure Plan was advertised in the newspaper, on the City's website and letters were sent to affected landowners and government/servicing authorities in accordance with the Scheme requirements. A total of six submissions were received.

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

Attachment(s)

1. Location Plan
2. South Suburbs District Structure Plan Stage 3
3. Proposed Structure Plan
4. Modified Road Layout
5. Schedule of Submissions



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2011 Council Meeting.

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

Nil

14.5 **(MINUTE NO 4664) (OCM 10/11/2011) - CONSIDERATION TO ADOPT STRUCTURE PLAN - LOCATION: LOTS 480 AND 483 ROCKINGHAM ROAD, SPEARWOOD - OWNER: AEGIS AGED CARE GROUP PTY LTD - APPLICANT: PETER WEBB AND ASSOCIATES (SM/M/052) (R SERVENCY) (ATTACH)**

RECOMMENDATION

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 480 and 483 Rockingham Road, Spearwood;
- (2) in pursuance of Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopt the Proposed Structure Plan with the following modifications:
 1. The design layout of the Proposed Structure Plan being modified to reflect the final updated version contained within Attachment 5 to this report.
 2. An annotation being added to the Proposed Structure Plan requiring boundary fencing to addresses noise and light emissions from the commercial businesses located to the north of the Structure Plan area.
 3. The Noise Impact Assessment being suitably updated to the satisfaction of the City of Cockburn to reflect the final modified design layout.
- (3) in pursuance of Clause 6.2.10.1 of the Scheme, forwards the Proposed Structure Plan once modified in accordance with (2) above to the Western Australian Planning Commission for endorsement;
- (4) advise the proponent that Developer Contribution Area 13 - Community Infrastructure is now operational under the City of Cockburn's Town Planning Scheme No. 3. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the developer contribution plan



requirements;

- (5) advise the proponent that Council is currently in the final processes of an amendment to City of Cockburn Town Planning Scheme No. 3, which seeks to introduce new developer contribution arrangements for hard infrastructure within Development Contribution Area 12 – Packham North. Landowners subdividing to create residential allotments will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme Amendment becomes operational. This is expected in late 2011;
- (6) advise the proponent and landowner of the Proposed Structure Plan that it should continue to liaise with the service station owner so that appropriate cooperation can occur in respect of dealing with the issue associated with the LPG tank interface. This may include cost sharing for an appropriate wall treatment, staging of development to allow sufficient time to instigate a solution or some other approach; and
- (7) advise the proponent and all who made submission of its decision.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

A Proposed Structure Plan for Lots 480 and 483 Rockingham Road, Spearwood ("Proposed Structure Plan") was received in March 2011. The Proposed Structure Plan was initially assessed then advertised under delegated authority in accordance with Clause 6.2.8.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The Proposed Structure Plan provides for an aged persons (over 55 years) development across the majority of the subject land. A small portion of the subject land adjoining Rockingham Road is proposed for future residential subdivision. Public open space will also be provided as part of the proposed development.



The subject land is within the Packham North District Structure Plan area. The District Structure Plan was prepared by the City of Cockburn ("City") in order to guide future local structure planning within the Packham North area. The District Structure Plan was adopted by Council at the August 2011 Ordinary Council Meeting.

The purpose of this report is to now consider the Proposed Structure Plan for Lots 480 and 483 Rockingham Road for final adoption in accordance with the scheme.

Submission

The Proposed Structure Plan has been submitted by Peter Webb and Associates on behalf of Aegis Aged Care Group Pty Ltd.

Report

City of Cockburn Age- Friendly Strategic Plan (2009)

The Age- Friendly Strategic Plan identifies current and future needs for seniors living within the City. The Strategic Plan determined that there was a shortfall in the provision of independent retirement accommodation options in the City. The Strategic Plan notes that this type of accommodation will be particularly important in the future due to changing expectations of seniors to remain living and working within the community for longer. The Proposed Structure Plan provides for such independent aged persons accommodation and will contribute to the delivery of the policy objectives of the Age- Friendly Strategic Plan.

Packham North District Structure Plan

The District Structure Plan was prepared to facilitate proper and orderly planning across Development Area 31, which represents the land which accommodated the former Watsonia Abattoir and Small Goods Factory and the surrounding rural land holdings which were affected by the plant's buffer. Closure of the plant has enabled the long term planning for urban development across the affected land area to now occur.

The Proposed Structure Plan for Lots 480 and 483 Rockingham Road is the third local structure plan within the Development Area 31. In respect of the first two structure plans, these were adopted by Council at its 13 October 2011 Ordinary Council Meeting. These covered the majority land holdings west of Mell Road.

A location plan showing Lots 480 and 483 Rockingham Road is provided as Attachment 1.



Proposed Structure Plan for Lots 480 and 483 Rockingham Road, Spearwood

The Proposed Structure Plan will facilitate the subdivision and development of the subject land as strata titled aged persons (over 55 years) development and a small portion for future residential subdivision adjoining Rockingham Road.

A copy of the advertised version of the Proposed Structure Plan is provided as Attachment 2 to this report.

The Proposed Structure Plan will provide a detailed planning framework to guide the subdivision and development of the subject land. The Structure Plan proposes 83 aged persons dwellings, at a density of R30. The Proposed Structure Plan is considered to generally comply with the indicative layout of key roads, open space and accessibility indicated by the District Structure Plan.

Design principles

The Proposed Structure Plan provides for strata allotments to accommodate a two bedroom independent living unit with a small manageable area of private open space. The model of development proposed is similar to the Aegis independent living units recently constructed just south of the subject land, on the north side of the new high care nursing home facility on Mell Road.

All units include an enclosed single bay garage and a tandem visitor bay. The average lot size is 200 m², which complies with the R30 density code and associated bonus for aged and dependant persons accommodation under the R Codes.

The strata lots are to be accessed by an internal vehicular accessway. A network of footpaths will be provided within the accessways which will provide residents and the local community with pedestrian links between Rockingham Road and Mell Road as well as the public open space located within the Proposed Structure Plan area. Public access to these accessways and footpaths will be secured through easements in gross which will be in favour of the City. Rubbish collection services will operate on the internal vehicular accessways.

The Proposed Structure Plan requires that the dwellings adjacent to public open space, Rockingham Road and pedestrian accessways be designed to provide for passive surveillance of these public areas. This will help promote safety and security throughout the area.

The Proposed Structure Plan sets aside an area of land adjacent to Rockingham Road, for residential development at a density code of



R40. This portion of the subject land contains two existing dwellings. The Proposed Structure Plan requires the preparation of a Detailed Area Plan prior to subdivision and development of this land to particularly control how access arrangements from Rockingham Road will be managed. There is no direct vehicle access proposed from Rockingham Road for the aged person's development, with access instead via Mell Road.

Response to issues raised through community consultation

Community consultation was carried out for a period of 21 days, from 10 May to 31 May 2011. An advertisement was placed in the Cockburn Gazette during this period. A total of nine submissions were received. The submissions which resulted in modifications to the Proposed Structure Plan or raised significant concerns are discussed below.

The key issues were raised in submissions received from the Department of Environment and Conservation ("DEC") and Palermo Retail Group, which owned land immediately north of the subject land. The DEC's submission raised issues regarding potential impacts from the existing commercial and industrial land uses to the north of the Proposed Structure Plan area, as well as potential contamination associated with previous market gardening uses. The submission received from Palermo Retail Group (landowner of Lot 6 Rockingham Road) raised concerns about potential conflict between the service station and the Proposed Structure Plan. These concerns were also discussed in a meeting between the Palermo Retail Group and City officers. The City's response to the issues raised by the DEC and Palermo Retail Group are explained following:

Mixed Business area

Directly to the north of the Proposed Structure Plan, on Lots 17 and 18 Mell Road, there are a number of commercial land uses in operation. The Packham North District Structure Plan zones the land for 'Mixed Business' and prior to the land being zoned 'Development Area 31', the area was zoned 'Light and Service Industry'. Both these zones are compatible with and acceptable within close proximity to residential uses.

The City undertook an audit of the land uses operating on Lots 17 and 18 Mell Road. All operations were found to have current approvals and complied with the objectives of the 'Mixed Business' zone. These operations included offices, showrooms, consulting rooms, private recreation, a training centre with a temporary approval and a service and industry land use, in which frozen fish products were processed. The approval for this frozen fish processing requires the operation to:



- Operate within the *Environmental Protection (Noise) Regulations 1997* for a land use adjacent to sensitive uses, being existing single dwellings.
- Not emit any offensive odour beyond the premise.

This operation and the other approved land uses in the Mixed Business area are considered compatible with the residential uses forming part of the Proposed Structure Plan.

Service Station

A service station operates from Lot 6 Rockingham Road, directly to the north of the Proposed Structure Plan area. The Environmental Protection Authority's Guidance Statement No. 3 on the separation distances between industrial and sensitive land uses recommends a generic separation of 200m between a 24 hour service station and a sensitive land use, such as residential. The Proposed Structure Plan does not provide a 200m separation distance to the service station. There is also a LPG tank located on Lot 6 adjacent to the boundary with Lot 480.

It is important to note that separation distances outlined in Guidance Statement No. 3. Service stations within urban areas generally do not achieve a 200m buffer, and for this reason specific scientific studies are required to be undertaken to ensure the management of uses is such that impacts are managed.

EPA Guidance Statement No. 3 lists the potential impacts from service stations as noise, gaseous, odour and risk. These potential impacts, including the risk related to the LPG tank, have been addressed in the following ways:

- A Noise Impact Assessment has been prepared by Gabriels Environmental Design on behalf of the proponent (refer to Attachment 4). The study recommends a noise control fence to be located on the northern boundary of Lot 480, adjacent to Lot 6, to mitigate against unacceptable noise impacts on future residents within the Proposed Structure Plan area. The City's Environmental Health Officers have been involved in assessing the Noise Impact Assessment, and have required further modification to ensure all potential impacts are identified and managed. The updated Noise Impact Assessment will be used to guide the design of the noise control fence and determine where 'quiet house design principles' will need to be used in the design of any dwellings within the Proposed Structure Plan area. These detailed design issues will be addressed and imposed as requirements at both the subdivision and development application stage.



- To make sure that noise emissions from the service station do not negatively impact future residents, the City has also imposed a redesign of the Proposed Structure Planning to create a buffer (in the form of public open space) adjacent to Lot 6. The Proposed Structure Plan now accommodates a 600m² open space area at this interface, which separates the proposed dwellings from the service station.
- In regard to gaseous and odour emissions, normal emissions from the service station are not considered to pose a risk or nuisance to adjoining residential uses. The area of public open space adjoining Lot 6 included in the revised Proposed Structure Plan is considered adequate to address normal gaseous and odour emissions from the service station.
- In regard to risk to future residents from the service station, including the LPG tank, the City sought advice from the Department of Mines and Petroleum ("DoMP") on the implication of risk from the service station on the Proposed Structure Plan. DoMP advised the City that it is the responsibility of the dangerous goods site operator (i.e. the service station owner) to ensure that the risks from the dangerous goods are minimised to people, property and environment to as low as reasonably practicable. This means complying with the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* and a relevant approved code of practice i.e. AS1596. The DoMP has advised that in the case of changing land uses surrounding the dangerous goods storage area, the licensed handler is responsible for the continued management of the risk to surrounding people, property and environment. The DoMP has also advised that development of the proposed over 55 years development may require the relocation of the LPG tank to meet the requirements of AS1596. This work will be the responsibility of the service station operator to undertake.

The City has requested the proponent (Peter Webb and Associates) and the landowner (Aegis Aged Care Group Pty Ltd) liaise with the service station owner to investigate the option of the two parties contributing to the building of a shared boundary wall constructed to a standard that removes the risks associated with the LPG tank. This is a matter for the two parties to consider.

Administration of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* is the responsibility of DoMP. If the risk is not adequately addressed



before the construction of the proposed aged person's dwellings, DoMP will then be required to take compliance action against the service station owner. It is therefore a matter for the service station owner to primarily ensure it is dealt with as soon as possible.

These submissions have resulted in a redesign of the Proposed Structure Plan, primarily to relocate a 600m² portion of public open space to provide an interface between the subject land and service station site. This has altered the design of the central public open space area, as well as the eastern interfacing strata allotments. This redesign is considered an appropriate outcome for the land, ensuring that development provides an appropriate non-residential interface with the service station site. A copy of the redesigned Structure Plan is provided in Attachment 5.

As mentioned however, this alone is unlikely to deal with the risk issues associated with the LPG tank. While this will be a matter that the service station owner needs to deal with according to the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, it is reasonable to expect that the landowner/proponent of the Proposed Structure Plan will continue to liaise with the service station owner so that appropriate cooperation can occur in respect of dealing with the issue.

Such cooperation may include cost sharing for an appropriate wall treatment, staging of development to allow sufficient time to instigate a solution or some other approach. The City can only encourage this, and it is recommended that a resolution be included to this affect.

Conclusion

In conclusion, the modified Proposed Structure Plan is recommended for adoption. It is considered to represent a suitable development outcome for the subject land, consistent with the adopted District Structure Plan. It is also recommended that Council formally encourage the proponent/landowner of the Proposed Structure Plan to liaise with the service station owner so that appropriate cooperation can occur in respect of dealing with the LPG tank issue.

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.

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*.

Budget/Financial Implications

N/A

Legal Implications

City of Cockburn Town Planning Scheme No. 3

Community Consultation

Community consultation has been undertaken in accordance with the Clause 6.2.8 of the Scheme.

Community consultation was carried out for a period of 21 days, from 10 May to 31 May 2011. An advertisement was placed in the Cockburn Gazette during this period. A total of nine submissions were received.

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

Attachment(s)

1. Location Plan
2. Proposed Structure Plan as advertised
3. Modified Proposed Structure Plan
4. Schedule of Submissions
5. Acoustic Report by Gabriels Environmental

Advice to Proponent(s)/Applicant

The Proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2011 Council Meeting.

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

N/A



14.6 (MINUTE NO 4665) (OCM 10/11/2011) - CLOSURE OF PORTION OF INTERIM ROAD, SPEARWOOD - LOCATION: NUMBERS 16 AND 18 INTERIM ROAD SPEARWOOD - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: JOTON DEVELOPMENTS PTY LTD AND DEPARTMENT OF HOUSING (450601) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) subject to the proponent agreeing in writing to meet all costs associated with the proposal, proceed with the proposed road closure for portion of Interim Road, Spearwood pursuant to Section 58 of the *Land Administration Act 1997*;
- (2) at the conclusion of the statutory advertising period and subject to no objections, request that the Minister for Lands permanently close portion of Interim Road, Spearwood pursuant to Section 58 of the *Land Administration Act 1997*;
- (3) subject to the road closure, the land being made available for purchase to the adjoining landowners as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

The subject road reserve was up until 1969 part of Edeline Street, Spearwood. In 1969 that part of Edeline Street east of Doolette Street was closed, included in the adjoining land and developed as residential lots. The area of road reserve now under consideration remained as road reserve and is shown as part of Interim Road, Spearwood.

Submission

Joton Developments Pty Ltd as owner of 18 and the Department of Housing as owner of 16 Interim Road, Spearwood have requested the



closure of portion of Edeline Street where it adjoins their land. Both parties have requested that parts of the subject land be added to their existing land holding. They each have acknowledged that the land will need to be acquired at a purchase price to be determined by the Department of Regional Development and Lands.

Report

The closure of the road reserve will result in a logical road reserve alignment for Interim Road. Joton Developments Pty Ltd is in the process of preparing a Development Application to construct units on 18 Interim Road, Spearwood. The Department of Housing is assessing how additional land will enhance a future redevelopment of 16 Interim Road, which they have indicated to be currently under consideration.

The road closure will effectively enable surplus portion of road reserve to be acquired for comprehensive redevelopment of 16 and 18 Interim Road. If the road closure proceeds, both landowners will modify their proposals to take advantage of the increased land area.

The statutory advertising as required by Section 58 of the *Land Administration Act 1997* has been completed and there has been no objections received. Service authorities are yet to provide their final responses which will be required to complete the advertising process.

Should Council wish to proceed with the road closure, the procedure following Council resolution will be that officers will obtain from all of the service authorities final confirmation that they have no objection to the closure.

Council officers will then negotiate the optimum apportionment of the land between the two applicants, with due consideration of current zoning. The request will then be forwarded to the Department of Regional Development and Lands who will seek a valuation of the land from the Valuer General's Office.

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.



Transport Optimisation

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

Budget/Financial Implications

All associated costs are to be paid by the proponent.

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.

Community Consultation

The proposal has been advertised in the *West Australian* in accordance with the requirements of the *Land Administration Act 1997*.

Attachment(s)

1. Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 November 2011 Council Meeting.

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

Nil

14.7 (MINUTE NO 4666) (OCM 10/11/2011) - DETAILED AREA PLAN FOR SITE 2 WITHIN PORT COOGEE MARINA VILLAGE: PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT -PROPONENT: AUSTRALAND (PS/A/001)T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plan presented for Site 2 within the Marina Village, Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15.5 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly of Council's decision.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

Site 2 forms the north eastern corner of the marina village within Port Coogee. Shown as a larger super lot on the Revised Local Structure Plan (given the general nature of this plan), the Western Australian Planning Commission (WAPC) recently granted approval to subdivide the lot into 13 smaller lots (June 2011).

One of the conditions on the WAPC approval is the requirement for a Detailed Area Plan (DAP), specifying the manner in which the smaller lots are to be developed.

Submission

The City has received the DAP required in association with the subdivision of the land. The content of the DAP largely represents the 'Site Specific Building Requirements' for the land (Site 2) as detailed in the Built Form Codes for the marina village (adopted by Council in December 2010). The content includes requirements dealing with the following:

- land use (at the ground, first and upper floor levels of any development);
- building setbacks;
- building height (to be as per the requirements of the Revised Local Structure Plan, reiterated in the Built Form Codes);
- the management of wind in the local environment;
- particular requirements for specific sites (the 'gateway' site, and potentially a hotel, and community purpose sites);
- vehicular access and parking; and
- fencing.

The DAP (included in the attachments) also includes a number of illustrations, one depicting the site in accordance with the approved subdivision, the other showing typical setback requirements for the majority of the smaller lots to be created.



Report

The approach to developing the subject land via a range of smaller lots is strongly supported. Advantages in this regard include:

- the development of a collection of quite distinctly different buildings, providing for interesting and diverse streetscapes; and
- the development of the lots by a range of developers, providing greater prospect for a range of different dwelling and product types.

In all instances, however, proposals will need to generally comply with the requirements of the DAP. Whilst catering for individuality, therefore, fundamental requirements providing for a robust urban form are to be met. These requirements include the underlying elements that provide for such including: nil or minimal front setbacks, generally consistent floor to ceiling heights across the street block – commercial in height at the ground floor level, and generally uniform building heights.

Conclusion

The DAP before Council largely replicates the framework of controls for the subject land contained in the approved Built Form Codes. It is recommended, therefore, that Council approve the DAP in accordance with the provisions contained under 6.2.15 of Town Planning Scheme No.3. In this regard, it should be noted that consultation has not been undertaken in respect of the DAP. With the exception of Lot 786 in the southern part of the village, Australand currently owns all land within the marina village. Further, the document accords with the expectations and requirements of the Revised Local Structure Plan, adopted by SAT 20 May 2010. The Revised Local Structure Plan was the subject of extensive community consultation.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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



- Council Policy that applies is Policy APD 31 Detailed Area Plans.

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP has not been the subject of consultation for the reasons stated above.

Attachment(s)

1. Location/Structure Plan
2. Detailed Area Plan

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 10 November 2011 Council Meeting.

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

Nil.

14.8 (MINUTE NO 4667) (OCM 10/11/2011) - AMENDMENT - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) AMENDMENT LOCAL LAW 2010, (PART IV BUILDINGS) (CC/P/099) (J WEST) (ATTACH)

RECOMMENDATION

That Council make a local law to amend the City of Cockburn (Local Government Act) Amendment Local Law 2010 (Part IV Fencing), as shown in the attachment to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

In accordance with Section 3.12 (3) of the *Local Government Act 1995* and Council resolution of 8 September 2011 (Minute No 4606) Statewide public notice was given in the 'West Australian' newspaper on 14 September 2011 stating that:

1. The City of Cockburn proposed to amend its local laws.
2. A copy of the proposed amendments may be inspected or obtained from places specified in the Statewide notice.
3. Submissions about the proposed amendments may be made to the City of Cockburn before the day specified in the notice, being a day that is not less than six (6) weeks after the notice was given, that being 26 October 2011.

Submission

N/A

Report

The City of Cockburn (Local Government Act) Local Law 2010 includes Part IV relevant to buildings and more particularly fencing. A review of Part IV reveals it should be repealed and more relevant Fencing Local Laws be adopted. More particularly, it provides a clear meaning of a "sufficient fence", which was previously a subject of some uncertainty.

The statewide notice appeared in the *West Australian* newspaper on 14 September 2011 giving notice of Council's intention to amend the City of Cockburn's (Local Government Act) Local Laws 2010 with inspection or copies obtainable from the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Public Libraries during office hours.

Submissions were to be made by 26 October 2011.



No submissions were received. As no submissions were received it is now proposed that Council resolve to adopt the proposed *City of Cockburn (Local Government Act) Local Laws 2010, Part IV Fencing*, as attached to this Agenda.

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 administers 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

Advertisement of the proposed amendments was placed in a statewide public notice, dated 14 September 2011.

Attachment(s)

A copy of the proposed new Part IV of the Local Laws.

Advice to Proponent(s)/Submissioners

Nil.

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

Nil.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4668) (OCM 10/11/2011) - LIST OF CREDITORS PAID - SEPTEMBER 2011 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for September 2011, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

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 2011 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 – September 2011.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 4669) (OCM 10/11/2011) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - SEPTEMBER 2011 (FS/S/001) (N MAURICIO) (ATTACH)**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for September 2011.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0**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 2011/12 financial year.

Submission

N/A

Report

Closing Funds

The City's closing funds of \$72.4M are \$17.5M higher than the YTD revised budget target. \$4.3M of this variance relates to the 2010/11 uncommitted Municipal closing funds. The budget treatment for this was addressed at the October Council meeting and will thus be reflected in next month's report. Favourable operating revenue and expenditure numbers and capital cash flows have also impacted positively on the closing funds position.

The full year revised budget is showing a closing surplus position of \$133k, up on the \$30k adopted in the annual budget. This increase is primarily due to the declared amount of Financial Assistance Grants (FAGS) payable to the City being slightly more than budgeted.

The revised closing budget position will fluctuate throughout the year, as the City's budget is dynamic in nature. Any budget adjustments made throughout the year impacting the closing budget position are outlined in Note 3 to the financial report.



Operating Revenue

Overall, operating revenue is tracking ahead of budget by \$1.5M due to several major items. Interest earnings on investments were \$0.28M ahead of budget due to the strong cash flow position. Revenue from the Henderson Waste Recovery Park was \$0.96M ahead of budget due to strong volumes from landfill customers. Surplus operating grant funds for Human Services are adding \$0.31M to the budget variance. A budget treatment for these will be worked on soon. On the down side, rates revenue was \$0.13M below budget. This position will be reversed once more interim rates are issued.

Operating Expenditure

Operating expenditure is showing an overall underspend of \$2.68M of the budget. Key contributors to this result include:

- a YTD under spend of the Council grants program of \$0.54M,
- two months of unaccounted costs for the community security service totalling \$0.26M,
- general budget under spend in Parks & Environmental Services of \$0.65M,
- general budget under spend in Roads Maintenance & Construction Services of \$0.45M,
- Payment of insurance premiums in advance of the cash flow budget contributes an unfavourable variance of \$0.38M under Financial Services.

The above mentioned budget variances are temporary in nature due to timing issues. It is expected that the operational expenditure budget will approximate budget settings as the year progresses.

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

| Nature or Type Classification | Actual | Amended YTD Budget | \$ Variance to YTD Budget |
|-------------------------------|-------------|--------------------|---------------------------|
| | \$ | \$ | \$ |
| Salaries & Direct Oncosts | (8,023,766) | (8,720,158) | 696,392 |
| Materials and Contracts | (6,675,361) | (8,088,443) | 1,413,082 |
| Utilities | (771,369) | (1,045,933) | 274,564 |
| Insurances | (1,689,709) | (1,309,232) | (380,477) |
| Other Expenses | (2,094,563) | (2,422,170) | 327,607 |

Capital Program

The City's capital budget is showing an overall under spend of \$11.6M against a YTD budget of \$17.4M. This is more an indication that the budgeted cash flows for projects need to be reset to realistic targets, rather than non performance of the project delivery. It should be noted that a substantial amount of the capital budget has already been

committed against supplier contracts as evidenced by note 1 to the financial statement. Budget cash flows are in the process of being revised to better reflect forecast spending patterns now that proper project planning has been carried out.

Funding from capital sources are conversely down \$5.3M against budget targets as a result of the under spend. This is mainly from Council's reserves. Loan funds of \$1.95M have not yet been raised as budgeted and the need for these has been reviewed as a consequence of the closing funds position for the 2010/11 year reported to Council in October.

Income of \$1.6M from the sale of land at Progress Drive, Bibra Lake has been received ahead of the adopted budget setting. This will be adjusted accordingly next month.

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

Cash & Investments

Council's cash and current/non-current investment holdings increased to \$110.7M (from \$108.4M last month). This is \$25.3M ahead of YTD budget estimates and reflects the impact of the capital budget variances, as well as the favourable position of the operating budget. This scenario will continue to boost the City's interest earnings ahead of the budget target. This is timely given interest rates are likely to fall in the months ahead as a consequence of the weakening world economy.

Of this total cash and investment holding, \$48.3M represents the City's cash reserves, whilst another \$5.6M is held for other restricted purposes such as bonds and capital contributions. The balance of \$56.8M represents the cash and investment component of the City's working capital available to fund operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 5.99% for the month, versus the chosen BBSW benchmark performance of 4.81%. The performance has dropped an annualised 29 basis points from last month due to softening rates of return on investments.

Investments made during the month were targeted at six monthly terms in order to lock in relatively high interest rates ahead of potential rate cuts by the RBA (Reserve Bank of Australia). These continued to be in the form of term deposits with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks.



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 spend 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

Material variances identified of a permanent nature (i.e. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). These will be assessed and considered for inclusion in the mid-year budget review at the appropriate time.

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

Statement of Financial Activity and Associated Reports – September 2011.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 15.3 **(MINUTE NO 4670) (OCM 10/11/2011) - SALE OF LAND - PART OF LOT 9001 IVANKOVICH AVENUE, BEELIAR - APPLICANT: COLES PROPERTY DEVELOPMENT GROUP PTY LTD - OWNER: CITY OF COCKBURN (3318030) (S DOWNING) (ATTACH)**

RECOMMENDATION
That Council:

- (1) prepare an offer to sell Part of Lot 9001 Ivankovich Avenue, Beeliar, being identified as part A and B totalling 40,312 sqm (on the attached map) for a consideration of \$12.1m (ex gst) to Coles Property Development Group Pty Ltd;
- (2) subject to the offer contained in (1) above, the provisions of Section 3.58 of the *Local Government Act 1995* being complied with; and
- (3) allocate proceeds of the sale to the Land Development Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

The City of Cockburn issued an Expression of Interest ("EOI") 09/2011 on 23 February 2011 for portion of Lot 9001 Ivankovich Drive (the portion of land south of Beeliar Drive), Beeliar. This comprised a land area of 5.5854 ha. (refer to Attachment 1 - Map).

The Audit and Strategic Finance Committee at its 1 September 2011 meeting:

1. endorsed in principal the freehold sale of a part of lot 9001 Ivankovich Avenue, Beeliar.
2. amended the Business Plan for Lot 9001 Ivankovich Avenue, Beeliar for Major Land Transaction dated August 2011 with amendments to the purpose and the expected effect on the provision of facilities and services by the local government; and
3. endorsed the advertising of the amended Business Plan as required under Section 3.59 of the Local Government Act.

Submission

At the closing date, the City received one submission and this is attached. The submitter supported the land sale. An acknowledgement letter was sent to the submitter.

Report

The Local Government Act 1995 requires under section 3.59 of the Act, the Council provide a 42 day notice period for disposing of land. This advertising was undertaken through the West Australian Newspaper on the 5 September 2011, the public libraries, notice boards and on the Council's web site.

Each of the parties that responded to the expressions of interest was advised on the notice period and the prepared business plan. Both parties were given a copy.

The offer to sell the land will contain the following clauses apart from the standard sale of land contract:

- The purchaser making subdivision application to the Western Australian Planning Commission (WAPC) within 30 days of acceptance.
- Purchaser completing all conditions of subdivision approval as determined by the WPAC within 90 days of subdivisional approval.



- Purchaser preparing a detailed structure plan for consideration and agreement by the City within 90 days of acceptance of the offer.
- Application for Development to be lodged within six months of settlement.
- Settlement within 21 days of a Deposited Plan being in order for dealings at Landgate

A copy of the original report to the Audit and Strategic Finance Committee is attached as is the financial analysis (under confidential cover).

Funds generated by the sale will be initially placed in the Land Development Reserve Fund, but will be available to help fund the future development of the new library on Lot 400 Wentworth Parade, Success.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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

Budget/Financial Implications

Proceeds of the sale will be transferred to the Land Development Reserve Fund.

Legal Implications

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

Community Consultation

Details of the sale will be advertised in a newspaper for State wide publication, as required by Section 3.58 of the *Local Government Act 1995*.

Attachment(s)

1. Map showing subject lot.



2. Copy of the report to the Audit and Strategic Finance Committee dated 1 September 2011.
3. Copy of the letter from the submitting party.

Advice to Proponent(s)/Submissioners

The proponents have been advised that this matter is to be considered at the 10 November 2011 Council Meeting.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 4671) (OCM 10/11/2011) - STREET TREE AT 12 DROSELA LOOP BEELIAR (FS/I/002) (D SMITH) (ATTACH)

RECOMMENDATION

That Council:

- (1) not remove the street tree at 12 Drosera Loop, Beeliar; and
- (2) advise Mr & Mrs Gates of Council's decision in writing following the 10 November 2011 Ordinary Council Meeting.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor K Allen that Council:

- (1) remove the Western Australian Flowering Gum located on the verge at 12 Drosera Loop, Beeliar at its cost;
- (2) replace the street tree with another suitable street tree species at its cost;
- (3) arrange for the crossover to be repaired, where a previous contractor engaged by the City did not concrete or otherwise the pavers to prevent them from 'spreading' when the invasive tree roots were removed from under the driveway, at its cost; and
- (4) advise Mr and Mrs Gates of Council's decision accordingly.

LOST 1/9



MOVED Clr K Allen SECONDED Clr V Oliver that Council:

- (1) authorise the removal of the offending roots;
- (2) authorise the repair and reinstate the damaged pavers as has been recommended in the report in consultation with the City and the owners.

NOTE: FOLLOWING OFFICER COMMENT IN RELATION TO POTENTIAL COUNCIL LIABILITY, CLR OLIVER WITHDREW HER SUPPORT AT THIS TIME, HENCE THE MOTION LAPSED FOR WANT OF A SECONDER.

MOVED Clr K Allen SECONDED Clr T Romano that subject to the agreement of the landowner Council:

- (1) authorise the removal of the offending roots; and
- (2) repair the damaged pavers in accordance to the Arboricultural Report.

**MOTION LOST 5/5
ON THE CASTING VOTE OF THE PRESIDING MEMBER**

MOVED Clr S Portelli SECONDED Clr L Smith that Council:

- (1) make good the tree roots by cutting down the shallow roots that are doing the damage;
- (2) be responsible for associated works within the Council verge area; and
- (3) advise the resident that they will be responsible for the associated works on their property.

CARRIED 9/1

Reason for Decision

This represents the best outcome for both the residents and the City.



Background

At the October 2011 Ordinary Council Meeting under section 22, 'Matters to be noted for investigation without debate', Mayor Logan Howlett requested that a report be prepared for the November Council Meeting addressing the issues associated with the street tree located on the verge of Mr and Mrs Gates' property at 12 Drosera Loop Beeliar.

Officers have reviewed the matter to be noted for investigation without debate and provide the following information to assist Council in its deliberations.

Submission

N/A

Report

The owners, Mr and Mrs Gates advise that the City was notified in 2005 that the tree was a cause for concern. The City has no documented record of this advice. The tree was inspected in early 2011 with subsequent remedial works being undertaken to sever surface roots on the verge. The roots had caused minor lifting to pavers at the edges of the crossover at 12 Drosera Loop Beeliar.

The City has not undertaken any remedial works on private property. This is in accordance with discussions and documentation prepared recently in conjunction with the City's Insurers Local Government Insurance Services (LGIS) in managing tree liability issues which precludes entry onto private property to undertake remediation works.

Mr and Mrs Gates have provided Mayor Howlett with a brief overview in correspondence accompanied by photographs that depicts the damage caused to their property. *A copy of this documentation is attached.*

Each request to remove a street tree that is received by the City is inspected and a decision is based on specific criteria contained in Policy PSEW15 'Removal and Pruning of Trees'. It is important to recognise that no two requests to remove a tree are the same and no two trees possess identical growth characteristics even if both trees are of the same species. The decision to retain or remove a tree is based on situational merits, individual characteristics and specific policy criteria.



The Location – Drosera Loop

The street tree at 12 Drosera Loop is a Western Australian Flowering Gum (*Corymbia ficifolia*) located on the verge, the central point of the tree being 2.6 metres from the kerb, 0.9 metres from the paved crossover and approximately 8.4 metres from the front eave of the brick dwelling constructed on the allotment.

At 1.4 metres above natural ground level, the diameter of the trunk is 0.46 metres, with the trees average canopy spread being 6.15 metres. An aerial photograph of 12 Drosera Loop including the verge area is attached.

The majority of verge trees planted in Drosera Loop are Western Australian Flowering Gums, with other species being She Oak and Weeping Peppermint. Flowering gums have also been sporadically planted in surrounding streets. The trees were planted when the subdivision was developed approximately 15-18 years ago. *An aerial photograph showing verge tree planting within surrounding streets in the subdivision is attached. An aerial photograph of 12 Drosera Loop including the verge area is also attached.*

Characteristics of Plane Tree

A Western Australian Flowering Gum Tree growing in Western Australian conditions would typically possess the following characteristics:

- Hardiness – Hardy in right conditions, tolerating temperate conditions as well as hot, dry summers
- Habit – Evergreen
- Growth Rate – Moderate
- Requirements – Full sun tolerating sandy well drained soils types, air pollution tolerant
- Form – Upright when young; tending to form a domed foliage canopy when mature.
- Size – 10 metres in height with a domed canopy spreading to 8 metres when mature.

The Management Process

A recently developed process - "Process to Manage Tree Liability Issues", now provides City officers with clear direction in dealing with routine tree enquiries including tree roots causing damage to private property.



It is important to recognise that the City has repaired damage to the verge crossover, however the City's legal advice is that rectification works on private property is the responsibility of the property owner.

Independent Investigation

The City engaged the services of an independent Arboricultural Consultant to inspect the tree and found that the tree canopy was well balanced with only minor sections of deadwood. A ground level inspection revealed a structurally sound root system; however, there were sections of pavers that displayed displacement due to root pressure. All offending roots were less than 100mm in diameter.

The consultant advises that tree roots can be severed and removed to allow for paved areas to be repaired and re-laid. The tree specimen provides significant aesthetic and amenity value to the streetscape and therefore there is no sound arboricultural justification to remove the tree or to implement limb reduction at this time. The report recommends that five sections of tree roots within turf areas may be cleanly cut and removal of roots under paved areas is permitted. *A copy of the Arboricultural Report is attached.*

Policies and Documentation

There are policies and supporting documentation associated with tree liability issues. This documentation has been prepared to address a range of current issues relating to the management of street trees. The documentation includes:

Position Statement

- PSEW15 'Removal and Pruning of Trees'

Documentation

- Process to Manage Tree Liability Issues
- Tree Inspection Process to Engage Tree Consultant
- City of Cockburn Tree Inspection Report

This documentation is included as attachments to this report.

Managing Street Trees as a Valuable Asset

It is important to recognise that trees are valuable in the urban environment. Valid, robust and substantiated evidence needs to be provided for assessment before approval is given to remove a street tree.



It is essential that all avenues to mitigate damage are explored and investigated prior to removing a tree.

It is common practice to use the same species as a street tree within a street or subdivision, which is the case in this situation. Should approval be provided for a specific tree to be removed, it is likely that this will establish an undesirable precedent, in that other requests for tree removal will be received for similar or other minor reasons.

Strategic Plan/Policy Implications

Demographic Planning

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

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

It is estimated that the cost of tree removal, disposal of green waste and root grinding will be approximately \$800.00.

Legal Implications

When requested, LGIS assesses all claims on a common law negligence basis. Claims will generally only be paid if LGIS determine that Council would most likely be found liable in a civil court, based on any applicable legislation and case law (precedents set by the courts in previous judgements for similar cases).

A component of the reason Councils have a public liability insurance policy is so that the insurance company can manage these claims on the City's behalf, and when appropriate, defend claims where the City is not liable for a particular loss.

Community Consultation

There have been inspections of the tree and consultation with the owners of 12 Drosera Loop over some time in an effort to resolve this matter.

Attachment(s)

1. Correspondence and photographs provided by Mr and Mrs Gates.
2. Aerial Photograph 12 Drosera Loop showing verge tree planting within the surrounding subdivision.
3. Arboricultural report by independent consultant.



Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 November 2011 Ordinary Council Meeting.

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

Nil.

16.2 **(MINUTE NO 4672) (OCM 10/11/2011) - TENDER NO. RFT 21/2011 - CELL 7 CONSTRUCTION (RFT 21/2011) (L DAVIESON) (ATTACH)**

RECOMMENDATION

That Council:

- (1) accept the submission by CECK Pty Ltd, for Tender No. RFT 21/2011 – Cell 7 Construction, for the contract sum price of \$6,872,552 GST exclusive (\$7,559,807.66 GST inclusive);
- (2) increase CW 1941 by \$1,772,552 to \$6,872,552 exclusive of GST; and
- (3) transfer an additional sum of \$1,772,552 from the Waste Reserve to CW 1941 to offset the increase in price.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Henderson Waste Recovery Park was established in 1990 and has accepted approximately 1.3 million tonnes of waste over that period. The construction of Cell 7 forms part of the Stage 3 development of the site and will provide an additional capacity for 805,000 tonnes of waste to be disposed at Henderson. Cell 7 will have an estimated life of



approximately 3.5 years and have a footprint of 100 x 370m as shown on the attached plan (refer attachment 4).

The Henderson Waste Recovery Park is continuing to develop its waste separation infrastructure. There is however, always a residual component to the waste stream that cannot be recycled and must be landfilled. In keeping with our Sustainability Policy, construction of Cell 7 will provide the necessary adjunct to resource recovery allowing the City to better manage its waste stream and its targets in moving toward zero waste.

The proposed Cell 7 will be adjacent to the existing Stage 1 cells that have been filled, capped and revegetated. The intention is to maintain finished waste levels generally similar to those of the limestone ridge which runs in a north - south direction prior to limestone mining. Therefore, it is proposed to limit the maximum height of the landfill to RL 35m AHD.

The design concept of this Cell will improve the level of environmental protection from the previously constructed cells. This Cell will be double lined with a 2 mm HDPE and a geosynthetic clay liner to prevent the leachate entering the groundwater. Once compaction of landfill benches is complete, the Cell will be covered with a synthetic impervious layer and then covered with 500mm of soil. This will then be planted out with grass and shrubs.

The methane gas extraction infrastructure will be installed as the landfill benches are created to further increase landfill gas capture and electricity generation. A 180 metre wide buffer of natural vegetation will be retained between the external boundary of the site and Cell 7.

Submission

Tenders were called for the construction of cell 7 and closed at 2:00 p.m. (AWST) on Tuesday 20 September 2011 and four (4) tender submissions were received from:

1. All Earth Group Pty. Ltd.
2. VDM Construction (Malavoca).
3. CECK Pty. Ltd.
4. Watpac Civil and Mining Pty Ltd.

There were no alternate tenders though CECK offered a \$2M reduction in the price to own the excavated material.



Report

Compliant Tenderers

All tender submissions were considered against the compliance criteria in the table below. All tenderers were compliant and therefore included in the evaluation.

Evaluation Criteria

| Evaluation Criteria | Weighting Percentage |
|-----------------------------------|-----------------------------|
| Demonstrated Experience | 20% |
| Key Personnel and Sub-Contractors | 20% |
| Tenderers Resources | 5% |
| Methodology | 15% |
| Tendered Price – Lump Sum | 40% |
| TOTAL | 100% |

Tender Intent/ Requirements

The City of Cockburn (The Principal) is seeking the services of a suitably qualified and experienced Landfill Construction Contractor for the construction of a new landfill cell (Cell 7), leachate ponds and vehicle wash down facility at the Principal's Henderson Waste Recovery Park.

The scope of works includes:

1. Survey and setting out.
2. Removal and disposal of any remaining existing infrastructure within the new landfill Cell 7 footprint (majority to be removed by others prior to Contract award).
3. Clearing of vegetation from the work area in accordance with the approved Clearing Permit (obtained by the Principal).
4. Excavation of limestone for leachate evaporation ponds and part of new landfill cell.
5. Construction and reshaping of site access roads and associated stormwater drainage systems.
6. Construction of lined leachate ponds.
7. Leachate control and pumping from Cells 1, 2 & 3 (into newly constructed leachate ponds).
8. Completion of excavation for new landfill cell.
9. Tie-in to the existing Cells 1, 2 & 3 leachate delivery pipe work, including control of leachate.
10. Construction of new leachate extraction system for Cells 1, 2 & 3.



11. Construction of new landfill Cell 7 and leachate extraction system.
12. Construction of vehicle wash down facility.
13. Ancillary works including, but not limited to; piping, pumps, electrics, gates and fencing.
14. Such other Works as shown on the Drawings or as described in the Specification.
15. Provision of "As Constructed" information.

The Contractor will be required to provide all supervision, labour, plant, tools and equipment, materials, etc. and anything else necessary for the completion of the Contract.

The Principal's expectation is that the works will be completed within twenty five (25) weeks from commencement of the works.

Evaluation Panel

The tender submissions were evaluated by:

1. Lyall Davieson – Waste Manager
2. Roan Barrett – Management Accountant Engineering.
3. Ian Watkins – I W Projects - Cell 7 Design Engineer
4. Bruce Bowman – Bowman and Associates - Waste Engineer.

Scoring Table - Combined Totals

| Tenderer's Name | Percentage Score | | |
|----------------------------------|---------------------|-----------------|--------|
| | Non-Cost Evaluation | Cost Evaluation | Total |
| | 60% | 40% | 100% |
| Watpac Civil and Mining Pty. Ltd | 40.65% | 33.66% | 74.31% |
| CECK Pty. Ltd.** | 40.26% | 35.77% | 76.03% |
| VDM Construction. | 24.41% | 35.01% | 59.42% |
| All Earth Group Pty. Ltd | 17.03% | 40.00% | 57.03% |

** Recommended Submission

Evaluation Criteria Assessment

Demonstrated Experience

All points in this section were scored out of a total of 200. The clear leaders in this criterion were CECK with 119.5 and Watpac with 130. These 2 companies have undertaken numerous landfill cell



construction works with leachate collection systems in Western Australia. Their work was shared between the other 4 major metropolitan landfills of Mindarie, Redhill, Rockingham and Sita's site in Cardup.

Key Personnel Skills and Experience

All points in this section were scored out of a total of 280. Here again the clear leaders were CECK with 199 and Watpac with 206. As the construction of a double lined leachate cell requires highly specialised skills, this section required the Tenderers to not only demonstrate their own personnel's skill base and experience but that of their sub contractors as well. Detailed information was requested about the tenderer's specialist Lining Sub Contractor. At a management and operational level, both companies proved that their staff and the staff of their chosen contractors, were suitable qualified to undertake the work.

Tenderer's Resources

All points in this section were scored out of a total of 80. Once again the clear leaders were CECK with 42 and Watpac with 49.

This section sought details on the plant availability and the contingency measures to ensure works would not be interrupted due to plant reliability. Both these companies owned or had access to the necessary machinery to deliver the service with excellent mechanical repair workshops to ensure plant downtime was minimised.

Methodology

All points in this section were scored out of a total of 200. CECK were the leader in this section with 153 points compared to Watpac with 130.5 points.

This section sought details not only on the Tenderer's process for completing the work but specific details on the geo membranes material that were proposed to be installed and the geo membranes manufacturer's experience. The panel's view was that CECK provided a detailed and realistic project program.

Summation

All Earth and VDM Construction did not adequately demonstrate their capacity to meet the requirements of the scope in all 4 selection criteria areas either due to an inability to provide the required details or by providing substandard responses. These two tenderers were not considered by the Panel to be suitable to undertake the work based on their submissions.



CECK have offered a \$2M reduction to their lump sum price provided they were to own the excavated limestone. The City's Officers consider that the value of the limestone as daily cover was considered to be far in excess of the \$2M offered. On that basis, the offer was discounted.

CECK have the highest overall evaluation score after subsequent addendums and clarifications to all tenderers and have been assessed as offering the most advantageous submission for Council. It is therefore recommended that the tender be awarded to CECK Pty Ltd.

Strategic Plan/Policy Implications

Infrastructure Development

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

Natural Environmental Management

- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

Budget/Financial Implications

In the 2011/12 Annual Budget, \$4M was budgeted for the construction of Cell 7 (CW 1941), \$1M has been budgeted for the construction of the leachate ponds (CW 1943) and \$100,000 allocated for the construction of a wash bay facility (CW 1933). All of this work (\$5.1M) has been included in the Cell 7 Construction Tender with the total contract sum of \$6,872,552 submitted. This has resulted in a shortfall in CW 1941 of \$1,772,552 over the three CW projects. Officers propose to source the shortfall from the Waste and Recycling Reserve which has the capacity to fund the difference.

The initial estimates have been exceeded primarily due to the amount of material to be excavated. Original budget estimates were based on the removal of 95,000 tonnes of material. The inclusion of the leachate ponds resulted in the additional clearing and excavation of 235,000m³ of material and subsequent crushing of that material for re-use. Whilst CECK have offered Council a reduction of \$2M if they were able to retain that material, officers believe that it is more valuable to the City for use as cover.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.



Community Consultation

N/A

Attachment(s)

The following confidential attachments are provided under a separate cover:

1. Compliance Assessment
2. Evaluation Score Sheet – Consolidated
3. Tender Prices.
4. Cell 7 Design Layout

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 13 October 2011 Council Meeting.

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

Nil

16.3 (MINUTE NO 4673) (OCM 10/11/2011) - WASTE HANDLING SERVICE (4900) (M LITTLETON / L DAVIESON)

RECOMMENDATION
That Council:

- (1) approve in principle (Option 2) that the City undertake the waste handling service at the Henderson Waste Recovery Park using its own resources; and
- (2) proceed to tender for the purchase of a landfill Compactor, Traxcavator and Hooklift truck in the first instance.

COUNCIL DECISION
MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0



Background

For at least the last 10 years the City has managed its landfill using external machinery provided by the commercial sector. Council has experienced a litany of issues with this approach and the last 3 service providers have been unable to provide services to our satisfaction. This has resulted in Council officers engaging in lengthy contractual discussions and ultimately ending the relationship. Compacting and handling waste is a requirement of our licence and relying on external contractors for this service has proved to be problematic.

Officers have been reluctant to undertake the service in-house in the past due to imposed planning restrictions. Over the past 3 years we have worked proactively with Landcorp and now have obtained agreement to our long term expansion plans at this Facility. As a consequence, the opportunity for the City to undertake the waste handling service can be explored with greater confidence.

With the recent termination of RFT 19/2010 Waste Handling Service in July 2011, the City has commenced the service with a second hand 35 Tonne Bomag Compactor and 3 machines on short term hire. We now need to determine how we wish to deliver this service in the longer term.

Typically the plant hire contracts have called for up to 7 fundamental plant items:

1. Landfill Compactor (Waste compaction).
2. Track/Loader Dozer (Application of cover and batter construction).
3. Wheeled Loader (Handling cover)
4. Water Truck (Dust control).
5. Hook Lift Truck (Waste bin transport).
6. Large Excavator (Recovery of steel).
7. Small Excavator (Recovery of small steel, plastic and wood).

These outsourced machines are augmented by the City's Volvo F90 loader, a hooklift truck, a water truck/fire control unit and 2 all terrain 4WD vehicles (mules). Reliable plant and competent operators is the key to reducing risk in the management of the commercial waste stream.

Submission

Nil



Report

Since the termination of the current service in July 2011, staff have undertaken a review of the service and developed a business model to deliver the service going forward. The scope of this review was to determine the level of service necessary and develop and cost a range of options for running our waste business. Fundamental to the review was our ability to effectively managing the waste stream whilst mitigating the risk to ensure that we continued to meet our licence requirements and obligations. The options considered are as follows:

1. Contractor Provided Service (status quo).
2. City of Cockburn providing the service in-house.
3. City of Cockburn purchasing critical plant items and dry hiring supplementary plant.
4. City of Cockburn purchasing critical plant items and wet hiring supplementary plant.

Option 1 – Contractor Provided Service (status quo)

Option 1 has generally been the method of operation at the HWRP over the last 5 - 8 years. It involves a plant hire contract (wet hire) let traditionally over three years with an option to extend by a further two years by negotiation.

Given the problems that the City has had to resolve with the 3 previous service providers, it is questionable as to whether the commercial sector is able to provide an effective waste handling service at Henderson. The harsh conditions on the active landfill face to which the machinery is exposed has lead to mechanical failures, unplanned maintenance costs and eventually expenses that the Contractor is either incapable or unwilling to carry. As the licensee, the City has an obligation to effectively compact and cover waste each day and previous contractual issues have made it more difficult to meet those obligations. Our ability to adequately compact and cover waste represents a significant risk to our business. This option is not recommended.

Option 2 – CoC Service Purchase of all Plant.

Option 2 represents an in-house service with the business case being based on the full cost of purchasing, maintaining and operating the six plant items required to complete the Waste Handling Service. The evaluation also includes the employment cost for the seven FTEs required to operate those machines. Option 2 proposes to fund all machines from the Waste Reserve.



Operationally, this option delivers the maximum benefit to the City from a risk mitigation perspective. It will facilitate improved plant utilisation, compaction and operation, optimisation of employee resources and enable the City's waste supervisors to explore operational efficiencies.

Operating new machines will bring an immediate projected net benefit in fuel savings of \$72,000. The configuration of machines will also result in overall improved site efficiency and performance with less downtime, improved compaction, less use of daily cover and airspace savings.

Delivering the service in-house will reduce our reliance on contract day labour and give us greater flexibility in staff rostering. We predict that a fully trained and integrated team will reduce the requirement for casual staff by an estimated 1.5 FTEs (\$105,000). These savings would come through multi-skilling staff and rotating them through various machines on weekends. This model builds capacity on the site and is common to all of the three other main metropolitan landfills (EMRC, Mindarie and Rockingham).

Option 3 – Part CoC Purchase/Part Dry Hire of Plant.

To reduce the capital outlay and resultant impact on the Waste Reserve, Option 3 considers the purchase of the three essential plant items (Compactor, Traxcavator and Hooktruck) and the dry hire of the three remaining machines (Loader, Large Excavator and Small Excavator). As this option considers the placement of CoC staff on all six machines, the overall site benefit is identical to Option 2 above. Option 3 has less impact on the workshop hours with only 3 plant items requiring mechanical repairs.

Option 4 – Part CoC Purchase/Part Wet Hire of Plant.

This Option differs from Option 3 above in that the three hired plant items (Loader, Large Excavator and Small Excavator) come with operators who are not CoC employees. These operators are either employees of the plant hire company or contract labour sourced from one of the many labour hire agencies. This option is proven to be less expensive than Option 3 by \$122,154 p.a. though the disadvantages of this proposal are listed below:

- Drivers cannot be swapped to other machines due to lack of licence or experience and these operators will not be conversant with handling waste.
- No wet hire operator available.
- The employees of a contract wet hire staff are likely to be selected at random by the contract company to provide the service to our site, resulting in ongoing inductions, safety and training



commitments. Once again these operators will not be conversant with handling waste.

- With a panel of contractors to select from, the drivers may change and this will again lead to a loss of continuity in experience and training.
- Contract wet hire drivers may be more interested in increasing the hire hours rather than opting for the most efficient way to complete a task (productivity).
- The City lacks the control with wet hire operators to fully screen for police and D and A clearances/testing.
- The City has a reduced ability to remove an unproductive or disruptive contract employee from the Site.
- Wet hire staff are not trained in waste classification thereby increasing the opportunities for unauthorised/unlicensed waste to be buried.
- Lack of ability to direct wet hire staff to undertake the City's requests as directed (lunchbreaks).

This Option lacks the potential for the Site to build capacity and flexibility in the Heavy Plant Waste Team which will impact negatively not only on the active face performance but the overall Site coordination. This option is not recommended.

Financial Summary

To determine the best option to deliver the waste handling service at Henderson, officers conducted a financial analysis of the 4 options explored above. The financial analysis is based on 2 scenarios including a comparison should commercial rates be applied and a comparison against normal plant hire rates.

For the purposes of the commercial comparison, the middle cost option submitted by Micson for RFT 19/2010 was chosen as it represents the best balance of machinery, plant backup, competent personnel and cost. Micson had also provided the service for the preceding 3 year period, were performing to a high standard and on that basis, had a good understanding of what was required to handle waste on our site. To account for the escalation in costs, a 3% inflation rate was applied to those commercial rates.

Table 1 provides a comparison of the costs of the commercial sector against the City's plant hire rates determined for options 2, 3 & 4 which are inflated by a 15% commercial profit margin. When compared to the commercial rate, the "Full CoC Service" projects a \$175,000 saving to Council.



| TABLE 1 (COMMERCIAL COMPARISON) | | | | | | |
|--|---------------------|--------------|-------------------------|----------------|-----------------|--------------------|
| OPT No. | Service Description | Capital Cost | Annual Operational Cost | CoC Staff cost | Plant Hire cost | Total |
| 1 | Commercial Service | \$ | \$2,134,557 | \$ | \$ - | \$2,134,557 |
| 2 | Full CoC Service | \$2,402,000 | \$1,307,632 | \$652,307 | \$ - | \$1,959,940 |
| 3 | Part CoC/Dry hire | \$1,625,000 | \$880,640 | \$652,307 | \$639,260 | \$2,172,207 |
| 4 | Part CoC/Wet hire | \$1,625,000 | \$880,640 | \$326,154 | \$843,260 | \$2,050,054 |

Table 2 compares the commercial rate to our actual plant hire rates that we would apply to option 2, 3 & 4. It models the direct operating costs (depreciation, maintenance, servicing, insurance etc) with no return on equity. This comparison identifies a projected \$575,000 saving per annum when compared to the commercial service.

| TABLE 2 (PLANT HIRE RATE) | | | | | | |
|----------------------------------|---------------------|--------------|-------------------------|----------------|-----------------|--------------------|
| OPT No. | Service Description | Capital Cost | Annual Operational Cost | CoC Staff cost | Plant Hire cost | Total |
| 1 | Commercial Service | \$ | \$2,134,557 | \$ - | \$ - | \$2,134,557 |
| 2 | Full CoC Service | \$ | \$947,332 | \$652,307 | \$ - | \$1,599,640 |
| 3 | Part CoC/Dry hire | \$ | \$636,890 | \$652,307 | \$639,260 | \$1,928,457 |
| 4 | Part CoC/Wet hire | \$ | \$636,890 | \$326,154 | \$843,260 | \$1,806,304 |

Conclusion

On the basis of the review and the financial analysis conducted, officers are recommending that Council endorse the decision to proceed to establish the service using its own resources (Option 2). The recommendation proposes to transition into the service over the next 12 months with the waste compactor, traxcavator and hooklift truck being purchased as a priority. Whilst funding will need to be drawn from the Waste & Recycling Reserve, any necessary budget amendments can be made through the mid-year budget review



process. Our priority is to proceed to tender for the purchase of the plant items as delivery is likely to take in excess of 6 months.

Strategic Plan/Policy Implications

Infrastructure Development

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

Natural Environmental Management

- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

Budget/Financial Implications

Table 1 & 2 clearly demonstrates the benefit of undertaking the service in-house. Our service is competitive against the commercial sector and the actual projected savings of \$575,000 per annum will enable the City to repay its initial investment over 5 years. The item also clearly articulates the operational benefits of resourcing the service. On that it is recommended to undertake the service in-house. We therefore need to consider the impact on the Waste & Recycle Reserve.

As at 30 June 2011, the Waste and Recycling Reserve had a balance of \$11,510,359. The purchase of all 6 plant items will cost approximately \$2.4 million. The reserve is also funding a number of capital projects this financial year including the Cell 7 Construction, 3 leachate ponds and a wash down bay facility which is projected to cost approximately \$7 million.

We have projected and believe that the forecast income into the Waste Reserve over the next five years will be sufficient to meet the capital expenditure required to be funded out of the Waste Reserve and outlined in the current 2010-2020 Plan for the District. Net operational savings generated through this proposal will also be transferred directly into the Waste Reserve.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Nil



Advice to Proponent(s)/Submissioners

N/A

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

The purchase of the Bomag Compactor and the establishment of short term hire arrangements for plant was undertaken to ensure that the City continued to comply with its licence obligations. Annual costs for the hire of plant and machinery will exceed the tender threshold and cannot continue in perpetuity as the City will fail to comply with the Tender regulations. The City needs to determine how it wishes to deliver the service so that officers can procure that service.

17. COMMUNITY SERVICES DIVISION ISSUES

**17.1 (MINUTE NO 4674) (OCM 10/11/2011) - CITY OF COCKBURN
DOG EXERCISE AREAS (RS/A/004; ES/V/001) (R AVARD)
(ATTACH)**

RECOMMENDATION

That Council make a Local Law to amend the City of Cockburn (Local Government Act) Local Law, 2010, as follows:

(1) Schedule 1 by the inclusion of the following:

1. The beach areas within the Woodman Point Reserve as dog exercise areas, as shown in the attached plan.
2. The beach area within Lot 2161 McTaggart Cove, North Coogee, as a dog exercise area, as shown in the attached plan.
3. Reserves 45990 and 44875 Brenchley Drive, Atwell (Pipeline Reserve), as a dog exercise area, as shown in the attached plan.
4. Reserves 48290 and 49069 and Part Reserve 2054 Cnr Hammond Road and Russell Road (Purslane Reserve), Success, as a dog exercise area, as shown in the attached plan.

(2) Section 2.6 (1) by the inclusion of the following:

1. The beach area within Lot 2161 Mc Taggart Cove, North Coogee, as a dog prohibited area, as shown on the attached plan.

TO BE CARRIED BY AN ABOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

At its meeting of the 14 July 2011 Council resolved as follows:

- (1) Proceed to amend the *City of Cockburn (Local Government Act)*.
Local Laws 2010, Schedule 1, with the inclusion of:
 - (i) The beach areas within the Woodman Point Reserve as dog exercise areas, as shown in the attached plan.
 - (ii) The beach area within Lot 2161 McTaggart Cove, North Coogee, as a dog exercise area, as shown in the attached plan.
 - (iii) Reserve 48999 and Lot 8003 Durango Court, Aubin Grove, as a dog exercise area, as shown in the attached plan.
 - (iv) Reserves 45990 and 44875 Brenchley Drive, Atwell, as a dog exercise area, as shown in the attached plan.
 - (v) Reserves 48290 and 49069 and Part reserve 2054 Cnr Hammond and Russell Roads, Success, as a dog exercise area, as shown in the attached plan.
- (2) Proceed to amend the *City of Cockburn (Local Government Act) Local Laws 2010*, by the inclusion of the following area as a Restricted area, pursuant to Section 2.6 (1):
 - (i) The beach area within Lot 2161 McTaggart Cove, North Coogee, as a dog prohibited area, as shown in the attached plan.
- (3) In accordance with Section 3.12 of the *Local Government Act 1995*, the proposed amendments in 1 (i), (ii), (iii), (iv) and (v) and 2 (i) above be advertised for a minimum period of 6 weeks.
- (4) Advice Ms Siobhan Austen on behalf of the petitioners of the decision in relation to (1), (2) and (3) above.



The Council deliberations of the meeting of July 2011 in relation to the dog exercise areas was in the context of a petition received signed by 577 individuals with the following request:

We the undersigned hereby call on Cockburn Council to:

- 1. Take immediate action to remove the dog prohibited signs erected on the beaches on February 2011.*
- 2. Recognise the beaches south of the C.Y. O'Connor Beach to the Northern Port Coogee groyne as dog exercise areas and to Gazette them as such.*

Submission

There were 12 submissions received in response to the public advertising of the proposals for dog exercise areas of which 2 supported all proposals for dog exercise areas. There was also a petition of 105 signatures in support of the extension of the dog exercise area along C. Y. O'Connor Beach.

Report

There were a range of submissions on the proposed dog exercise areas depending upon the area in question.

1. Woodman Point reserve area. It was proposed to create a dog exercise area in the south of Woodman Point Reserve near the power boat club to replace the area previously used as a dog exercise area on the east side of the boat ramp as the area has been progressively overtaken by the ship building industry. There was one submission which was against the proposal as it was stated the area would impact on children's beach activity. There were 2 submissions that supported the proposal. The managing agency for Woodman point reserve, the Department of Environment and Conservation (DEC), supports the proposal.

As the proposed dog exercise area has limited use by swimmers is relatively isolated, it is not particularly appealing to swimmers and tends to be used more by kite surfers it is recommended on balance the area be designated as a dog exercise area.

2. There were 3 submissions and a petition of 105 supporting the extension of the dog beach exercise area (Reserve 2161 McTaggart Cove) as shown on the attached plan. There were no objections to the proposal. An extension of the dog exercise area proposed is also in part the intent of the 577 petitioners seeking extensions to dog beaches. It is recommended this area be designated as a dog exercise area.



3. In response to the public advertising there were 5 submissions that did not support the use of Durango Park (Reserve 48999 and Lot 8003) as a dog exercise area, with all objections from neighbours abutting or close to the reserve. There were 2 submissions that supported the use of the reserve as a dog exercise area both of which were from those outside of the area. Given the level of objection the designation of Durango Reserve is not supported as a dog exercise area.
4. The proposal to have Reserves 44990 and 44875 Brenchley Drive, Atwell (Pipeline Reserve) received one objection to the area being designated as a dog exercise area on the basis the area is used as a thoroughfare to the schools and the Stargate Shopping Centre. There were 2 submissions of support to the proposal from individuals living distant from the area.

There are 1519 dogs registered in the suburbs of Atwell (917), Aubin Grove (292) and Jandakot (310). The number will increase significantly in Aubin Grove with residential development. There are currently no dog exercise areas on the eastern side of the freeway serving these suburbs. The linear nature of Pipeline Reserve, rear fence property boundaries and stretches of trees, lends itself to a dog exercise area. Whilst there is some usage of the reserve as a thoroughfare at the same time as dogs being present, this is limited. However, there are no other reserves in the area that are suitable to be deemed dog exercise areas. The nearby Atwell Reserve is a highly used sports ground and its use as a dog exercise area would clearly conflict with sports use.

Council may consider expending municipal budget funds for fencing to create a defined dog exercise area on this reserve if it did not want to proceed to use the whole area for dog exercise. In consideration of the limited areas available, it is recommended this area be designated as a dog exercise area.

5. Power Station beach (Lot 2161 McTaggart Cove) was proposed to be a dog prohibited area. There were 2 submissions that supported it being a dog exercise area, the same 2 submissioners that supported all reserves proposed across the City as being dog exercise areas. The original petition sought to have of C. Y. O'Connor beach as a dog exercise inclusive of this portion; however, it is deemed appropriate to have an area of this beach set aside for swimming only. It is therefore recommended, this area be designated a dog restricted area.



6. Purslane Reserve received no objections for being designated as a dog exercise area and 2 submissions of support. It is recommended this reserve be a designated dog exercise area.

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.

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

Potential cost of fencing a defined dog exercise area within Reserves 44990 and 44875 Brenchley Drive, Atwell (Pipeline Reserve) as detailed at point 4 of the Report above.

Legal Implications

In accordance with the Council decision and the requirements of Part 3, Division 2, subdivision 2 of the *Local Government Act 1995* stipulates the process for amendments to local laws with section 3.12 of the Act stating the requirement for proposed amendments to local laws to be advertised for a period of at least 6 weeks prior to Council gazetting changes to the local laws.

Community Consultation

The notice of the proposal to establish dog exercise areas and for a dog restricted area for C.Y. O'Connor beach was advertised in the Western Australian on the 2 August 2011 with a notice placed in the Cockburn Gazette Cockburn Community update on the 6 August 2011. Signs were erected at all the locations where the proposed changes were to occur, advertising of the Council proposal and inviting public comment.

Attachment(s)

Plan of dog exercise areas proposed.



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 10 November 2011 Council Meeting.

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

Nil.

CLR S PORTELLI LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.50 P.M.

CLR Y MUBARAKAI LEFT THE MEEETING AT THIS POINT, THE TIME BEING 7.50 P.M.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received a Declaration of Interest as follows:

CLR YAZ MUBARAKAI

Declared a Conflict of Interest in Item 17.2 "Deed of Arrangement – Control of Parking – 817 Beeliar Drive Cockburn Central", pursuant to Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the interest is that his parents are the owners of a property within the development to be affected by the proposed Deed of Arrangement.

17.2 (MINUTE NO 4675) (OCM 10/11/2011) - DEED OF ARRANGEMENT - CONTROL OF PARKING - 817 BEELIAR DRIVE COCKBURN CENTRAL (6008606) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) constitute the Parking Facility located on 817 Beeliar Drive, Cockburn Central, as a Parking Station, pursuant to the City of Cockburn Parking and Parking Facilities Local Law, 2007;
- (2) agree to establishment of Deed of Arrangement with The Owners of Plaza 817 Strata Lot 60675 to enforce the Parking and Parking Facilities Local Law 2007, within the area



commonly known as Plaza 817 (Parking Area);

- (3) appoint the following personnel as “Authorised Persons” in accordance with Section 9.10 of the Local Government Act, 1995, to enforce the Parking and Parking Facilities Local Law, 2007, within the Centre Parking area:
 1. Peter Botica
 2. David Bull
- (4) require the “Authorised Persons” to undertake the necessary familiarisation of the Local Law, to enable them to administer compliance proceedings to the satisfaction of Council’s Ranger and Community Safety Services Manager.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED 8/0

Background

The Giorgi Group the developers of 817 Beeliar Drive, Cockburn Central has support the agreement of the Council to control parking on their development. This can be achieved through the parking on the site being designated as a parking station pursuant to the City of Cockburn Parking and Parking Facilities Local Law 2007.

Submission

N/A

Report

The establishment of a Deed of Arrangement with a private land owner is similar to that in place with the Gateways Shopping Centre.

The main advantage of the Deed of Arrangement is that the City has the sole responsibility for engagement, employment or appointment and/or the termination of an authorised person. The City is indemnified with respect to loss, damage and other instances as detailed in the Deed.



All money collected from the infringements shall be the property of the City.

The City has the sole responsibility for administering the Parking and Parking Facilities Local Laws and such Deeds are consistent with the purpose of the Local Laws. Most metropolitan Local Governments have similar arrangements in place to control parking in shopping centres and other places where public have access to areas to park. It is likely that there will need to be a high level of control of parking by businesses in the Cockburn Central area given the proximity of the railway station, the level of commercial activity and the number of residents in the area.

The owners of Plaza 817 will be responsible for all costs including the erection of signage as required by the City and legal costs associated with the preparation of the Deed of Agreement.

Enforcement of the Local Law will be administered in the context of resource availability and competing priorities, as allocated by supervisory staff.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

There is no budget or financial implications with respect to the Deed except all money collected from the infringements will be the property of the City of Cockburn.

Legal Implications

City of Cockburn Parking and Parking Facilities Local Law, 2007.

Community Consultation

N/A

Attachment(s)

Location Plan identifying Parking Area.



Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the Council Meeting 10 November 2011.

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

Nil.

CLR MUBARAKAI RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 7.52 P.M.

THE PRESIDING MEMBER ADVISED CLR MUBARAKAI OF THE DECISION OF COUNCIL IS HIS ABSENCE.

CLR PORTELLI RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 7.53 P.M.

17.3 (MINUTE NO 4676) (OCM 10/11/2011) - EXTRA COSAFE PATROL- BEACH FRONT/INDUSTRIAL AREAS (CR/L/007) (R AVARD)

RECOMMENDATION
That Council:

- (1) provide an additional Co Safe officer and vehicle to patrol the beach front areas and other crime "hot spot" areas of the City of Cockburn for the period 15 December 2011 to the 29 April 2012; and
- (2) amend the 2011/12 Municipal Budget Services and contracts from \$1,590,050 to \$1,649,317.

TO BE CARRIED BY AN ABOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Clr C Reeve-Fowkes SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

The City currently has 4 patrol vehicles operating across the district 24/7. There has been Police reports and anecdotal evidence to the City's patrol service of anti social and criminal behaviour in the beachfront areas during the summer months. This is consistent with what would be expected in these areas at this time of the year. There is also strong evidence that the industrial area such as Bibra Lake suffer a significant upturn in criminal activity.

During the summer months from December 2010 to April 2011 there was an additional patrol car operating along the beach front and backing up on some of the crime hot spot in the industrial areas when available and required.

Call outs for the co-safe service for the comparative period the previous (2009/2010) year demonstrates the need for this additional resource to be deployed by the City. In 2009/10, there were 1,554 call outs for co-safe response across the district. During the corresponding period for 2010/11 there was 4,316 calls were lodged, representing an increase of 277%. Given the activity levels and mobilisation of would be offenders is known to increase in these areas of most vulnerability (i.e. coastal and industrial), it is recommended that an increase in patrols dedicated to servicing these areas be again deployed during the "high season" period of December to April as a deterrent initiative against potential criminal and anti social activity.

Submission

N/A

Report

It has been difficult to ascertain the impact of the increased patrols on the level of crime on the beach front areas of the City as crime statistics are notoriously problematic and volatile. Anecdotally and from advice from the Police there is increased criminal and anti social activity on the beach front areas during the summer months. The presence of patrol vehicles would be expected to give people on the beach front some level of comfort and sense of security with additional patrol vehicles being observed. It would also be expected that those inclined toward anti social and criminal behaviour would be dissuaded from such activity should patrol vehicles be observed. Further, the presence of patrol vehicles facilitates the indication of vehicles and individual involved in criminal and anti social behaviour.

The Police have reported a significant increase in level of crime in the industrial areas in particular in Bibra Lake.



An additional Co safe Officer and vehicle is recommended for the following periods:

- 15 December 2011 – 26 February 2012, 14:00-2:00, Thursday to Sunday inclusive.
- 27 February 2012 – 29 April, for patrolling period (see attached roster).

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To deliver our services and to manage resources in a way that is cost effective without compromising quality.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Budget/Financial Implications

The quotation from Wilsons for the additional officer and vehicle is as follows: Costing details are as follows:

- Labour - \$45,600.54 ex GST (for complete roster from 15/12/11 to 29/04/12 including public holidays where worked).
- Vehicle - \$12,467.00 ex GST
- Fuel costs are estimated to be \$1,200

Total additional cost for the service is \$59,267.

There are sufficient funds within the Security Levy reserve to meet this additional commitment.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Proposed roster 27 February – 29 April 2012.

Advice to Proponent(s)/Submissioners

N/A

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



Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 4677) (OCM 10/11/2011) - MINUTES OF SPECIAL AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 1 SEPTEMBER 2011 (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Special Audit and Strategic Finance Committee Meeting held on 1 September 2011, and adopt the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 10/0

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22.1 (OCM 10/11/2011) - CITY WIDE IMPACTS OF COCKBURN CEMENT LIMITED

Cllr Kevin Allen requests that officers prepare a report into the activities and associated citywide impacts of Cockburn Cement Limited. The report is to focus on, but not be limited to the following issues:



1. Council adopting a position requesting CCL to relocate to a more suitable non urban environment.
2. Council reviewing and quantifying the damage to community member's assets such as buildings, infrastructure, vehicles etc caused by the existing emissions and repeated additional emissions coming from CCL's Munster plan.
3. Council seeks permission from the Department of Local Government to apply higher differential rates to CCL, if dot point 1 above proves not to be possible.
4. Council investigating with 'class action lawyers' the possibility of establishing and supporting a residents claim against CCL for injurious harm to health and property.
5. Council partnering with the Cockburn Sound Management Council to review the damage to Cockburn Sound from activities undertaken by CCL.
6. Council investigating the costs of retaining CCL in the City by way of consumption of Council infrastructure and assets, such as roads and associated road reserve's assets.
7. Council reviewing and quantifying the damage to Council assets such as buildings, parks, waterways and lakes caused by the existing emissions and repeated emissions coming from CCL's Munster Plant.
8. Council investigating the introduction of a specified area rate to recover the excessive wear and tear on said assets. This is to apply to other functions beyond the normal expectations of standard commercial/industrial facilities.
9. Council investigate the legal implications of these items and other issues considered relevant by the officer compiling the report.

22.2 (OCM 10/11/2011) - SHARK NET AT COOGEE BEACH

Clr Kevin Allen request that officers prepare a report to be provided to a future Council meeting, investigating the feasibility of installing shark nets on a section of Coogee Beach.

The report is to address all necessary issues, including, but not limited to costs, engineering feasibility, effect on the marine environment, length of deployment, community consultation and any other issues considered relevant by the officer compiling the report.



CLR HOUWEN LEFT THE MEETING AT THIS POINT, THE TIME BEING 8.01 P.M.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received a Declaration of Interest as follows:

CLR HOUWEN

Declared an Impartiality Interest in Item 23.1 “State Administrative Tribunal Matter No. DR90 of 2011 LandCorp and City of Cockburn – Location: Australian Marine Complex Technology Precinct, Munster” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the interest is that he has made a submission on this item.

23. CONFIDENTIAL BUSINESS

- 23.1 **(MINUTE NO 4678) (OCM 10/11/2011) - STATE ADMINSTRATIVE TRIBUNAL MATTER NO. DR 90 OF 2011 LANDCORP AND CITY OF COCKBURN - LOCATION: AUSTRALIAN MARINE COMPLEX TECHNOLOGY PRECINCT, MUNSTER - OWNER: LANDCORP AND OTHERS - APPLICANT: N/A (SM/M/004) (A TROSIC) (ATTACH)**

RECOMMENDATION
That Council adopts the recommendation contained in the report on this matter provided to Elected Members under separate confidential cover.

COUNCIL DECISION
MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

CLR HOUWEN RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 8.03 P.M.



THE PRESIDING MEMBER ADVISED CLR HOUWEN OF THE DECISION OF COUNCIL IN HIS ABSENCE.

24 (MINUTE NO 4679) (OCM 10/11/2011) - 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 V Oliver SECONDED Clr C Reeve-Fowkes the recommendation be adopted.

CARRIED 10/0

25 (OCM 10/11/2011) - CLOSURE OF MEETING

The meeting closed at 8.03 p.m.

CONFIRMATION OF MINUTES

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

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

