

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 NOVEMBER 2007 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 NOVEMBER 2007 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr K Allen	-	Deputy Mayor
Mr R Graham	-	Councillor
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	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
Ms V. Viljoen	-	PA to Chief Executive Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A



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

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

4 (OCM 08/11/2007) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Chief Executive Officer advised the meeting that he had received declarations of interest from Mayor Lee, Deputy Mayor Allen, Cllr Graham and Cllr Oliver, which would be read at the appropriate time.

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 08/11/2007) - PUBLIC QUESTION TIME

Logan Howlett, North Lake

Item 14.5 – Fees for Pre-Application Meetings for Developments in the City of Cockburn

Q1. Will elected members be present at these meetings?

A1. Elected members will not be present at the pre-application meetings.

Q2. Will any elected member(s) be briefed following these meetings on the outcomes?

A2. Elected members will only be briefed by the Director or the Chief Executive Officer if, during the discussions, a major or potential issue is identified that the Council needs to be made aware of.

Q3. Will officers be briefed by an Elected Member(s) prior to these meetings?

A3. No, in accordance with Clause 10 of the Local Government (Rules of



Conduct) Regulations, 2007 an Elected Member is not permitted to directly discuss matters with staff members which may impact on their duties as an officer of Council.

- Q4. Where will the funds accrued from these meetings be retained?
- A4. All fees received will be credited to the municipal fund as are other planning fee sourced revenue. The fees will then be accounted for as a separate revenue line item in the Statutory Planning Department's annual/monthly budget.
- Q5. Are applicants required to pay up front?
- A.5 Yes, the applicants will be required to pay prior to the meeting.
- Q6. Is there an appeal mechanism available to applicants?
- A6. The pre-application meetings are non-compulsory and as no decisions will arise from the meetings there is no need for an appeal mechanism.

Siobhan Austen, Coogee

Request: Urgent Action to Address Traffic Flows on Beach Road and Hillcrest Street, Coogee

- Q1. At a meeting of residents held on Wednesday, 24 October, residents expressed their extreme concern about high traffic levels on Beach Road and Hillcrest Street which had increased substantially since the closure of Kiesey Street. Could Council please identify specific measures to restore the local streetscape and safety of Beach Road and Hillcrest Street, Coogee?
- A1. Notice has been received from Cllr Romano seeking a report to address this specific issue, and this Notice will be presented to Council this evening.

Robyn Scherr, Coogee

Question referred to a letterbox drop leaflet relating to the Fund The Gap programme:

- Q1. How many households was the pamphlet sent to?
- A1. Fund the Gap is a major political campaign run by the National Growth Councils across Australia, in the lead up to the Federal Elections. It is designed to solicit Federal support. We are seeking support from the public – if people do not support it then there is no obligation to send the petition back to Council and, quite simply, this is the choice you have to make. Council has sent out approximately 2000 in areas



directly impacted where we are seeking major funding for infrastructure.

Q2. Why was there no box to tick for “do not support the Fund the Gap programme” or that they we support some parts of the programme and not others?

A2. Council is looking for general support from community members who wish to become part of the committees, such as the Neighbourhood watch group. Again, this is a voluntary organisation and people are able to choose to belong or not.

For the community interest ... Council has been very heavily involved in this campaign and has had the federal candidate for Fremantle at Council to brief her and lobby very strongly for support from her party, should they be successfully elected, because Council does not believe ratepayers should have to fund all of its infrastructure. Council is looking for support from both State and Federal government.

Logan Howlett, North Lake

Q1. Is there any proposal for rezoning or for high rise development to go in a green park section between March Street and Gerald Road, Spearwood?

A1. The Director of Planning and Development was not aware of any proposed development, but would take the question on notice to check there is nothing proposed in that area.

AT THIS POINT IN THE MEETING THE PRESIDING MEMBER ADVISED THAT THE CHIEF EXECUTIVE OFFICER HAD AN ANNOUNCEMENT.

The Chief Executive Officer advised that since the Public Question Time protocols were adopted, Council has tracked the timing and receipt of all questions. From the staff perspective, preparing a detailed response to each public question is the preference. It has become apparent that a number of persons are waiting, literally, until the eleventh hour to submit their questions which puts enormous pressure on staff to try to prepare a standard response. Based on this, the CEO approached the Mayor and sought his approval to bring the Public Question Time cut-off for lodgement of questions to the same time as for Elected Members to lodge their alternative recommendations, that being 10.00am on the day of the meeting. Mayor Lee discussed this request with the Elected Members, who have agreed to the changed deadline. Therefore, the CEO advised that in accordance with procedures which will be adjusted for the December 2007 Ordinary Council Meeting, the lodgement of all public Questions via Council website and elsewhere will be 10.00am on the day of the meeting.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3589) (OCM 08/11/2007) - ORDINARY COUNCIL MEETING - 11/10/2007

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 October 2007, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 10/0

8.2 (MINUTE NO 3590) (OCM 08/11/2007) - SPECIAL COUNCIL MEETING - 23/10/2007

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Tuesday, 23 October 2007, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen 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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 3591) (OCM 08/11/2007) - MEETING STRUCTURE OF COUNCIL (9005) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) Disbands all Committees previously established by Council pursuant to Section 5.8 of the Local Government Act, 1995, except the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee and the Delegated Authorities, Policies and Position Statements Committee (DAPPS);
- (2) Continues to support the following community based functions as Reference Groups administered by Council and allocate any interested Elected Member or members as a Council delegate or delegates to each Group:
 - (1) Aboriginal Services
 - (2) Bush Fire Services
 - (3) Disability Services
 - (4) Cultural Services
 - (5) Youth Services
 - (6) Recreation Services
 - (7) Citizen Awards Selection
 - (8) Grants and Donations Allocations
 - (9) Sister Cities Interests
 - (10) Neighbourhood Watch
 - (11) Azelia Ley Museum
 - (12) Community Safety and Crime Prevention
 - (13) Greening Plan Review
 - (14) Water Usage and Regional Open Space Greening
- (3) Pursuant to Sec. 5.10 of the Act, nominates the following Elected Members, being a minimum of three(3) in number, to:



1. the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee;

Clr _____
 Clr _____
 Clr _____
 Clr _____
 Clr _____

2. the Delegated Authorities, Policies and Position Statements Committee:

Clr _____
 Clr _____
 Clr _____
 Clr _____
 Clr _____

(4) Requires the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee and the DAPPS Committee to meet on the third Thursday, of November, March and July each year, commencing 15 November 2007;

(5) Requires all other functions previously allocated to other committees for consideration and recommendation to Council to be provided directly to Council as officer reports in future, with the exception of those matters to be dealt with by the Audit Committee and Local Emergency Management Committee, which are required to be established by Council, and the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee and the DAPPS Committee;

(6) Requires Staff to review all related Delegated Authorities, Policies and Position Statements required to support the functioning of the meeting structure referred to in (2) above and present any necessary amendments to the DAPPS Committee meeting to be held on 15 November 2007, for consideration;

(7) Nominates Elected Member _____ as its delegate to the Wetlands Education Centre Management Committee, Elected Member _____ as its deputy delegate to the Woodman Point Management Planning Committee and Elected Member _____ as its deputy delegate to the Beeliar Regional Park Advisory Committee and advise the relevant organisations of these appointments; and

(8) Advise the Department of Local Government and Regional Development of Council's decision relative to (1-6) above.



COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr T Romano that Council:

- (1) disbands all Committees previously established by Council pursuant to Section 5.8 of the Local Government Act, 1995, except the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee, the Delegated Authorities, Policies and Position Statements Committee (DAPPS) and the Grants and Donations Committee;
- (2) Continues to support the following community based functions as Reference Groups administered by Council and allocate any interested Elected Member or members as a Council delegate or delegates to each Group:
 - (1) Aboriginal Services
 - (2) Bush Fire Services
 - (3) Disability Services
 - (4) Cultural Services
 - (5) Youth Services
 - (6) Recreation Services
 - (7) Citizen Awards Selection
 - (8) Sister Cities Interests
 - (9) Neighbourhood Watch
 - (10) Azelia Ley Museum
 - (11) Community Safety and Crime Prevention
 - (12) Greening Plan Review
 - (13) Water Usage and Regional Open Space Greening
- (3) Pursuant to Sec. 5.10 of the Act, nominates the following Elected Members, to:
 1. the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee;
 - Mayor Stephen Lee
 - Deputy Mayor Kevin Allen
 - Cllr Richard Graham
 - Cllr Tony Romano
 - Cllr Sue Limbert
 - Cllr Carol Reeve-Fowkes
 2. the Delegated Authorities, Policies and Position Statements Committee:
 - Mayor Stephen Lee
 - Deputy Mayor Kevin Allen



- Clr Richard Graham
- Clr Tony Romano
- Clr Sue Limbert
- Clr Carol Reeve-Fowkes

3. the Grants and Donations Committee:

- Deputy Mayor Kevin Allen
- Clr Ian Whitfield
- Clr Helen Attrill
- Clr Sue Limbert
- Clr Val Oliver

- (4) Requires the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee and the DAPPS Committee to meet, as a minimum, on the third Thursday, of November, March and July each year, commencing 15 November 2007;
- (5) Requires all other functions previously allocated to other committees for consideration and recommendation to Council to be provided directly to Council as officer reports in future, with the exception of those matters to be dealt with by the Audit Committee, which will also take on the responsibilities and functions of the former Strategic Finance and Investments committee, Local Emergency Management Committee, which are required to be established by Council, the Chief Executive Officer's (CEO) Performance and Senior Staff Key Projects Appraisal Committee, the DAPPS Committee, and the Grants and Donations Committee;
- (6) Requires Staff to review all related Delegated Authorities, Policies and Position Statements required to support the functioning of the meeting structure referred to in (2) above and present any necessary amendments to the DAPPS Committee meeting to be held on 15 November 2007, for consideration;
- (7) Nominates Clr Val Oliver as its delegate to the Wetlands Education Centre Management Committee, Clr Julie Baker as its delegate and Clr Reeve-Fowkes as its deputy delegate to the Woodman Point Management Planning Committee and advise the relevant organisations of these appointments; and
- (8) Advise the Department of Local Government and Regional Development of Council's decision relative to (1-6) above.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Reason for Decision

Council feels it is vital that certain strategic and financial processes that it currently performs require the formal minuting, acceptance and adoption by full Council, and is far more comfortable with the listed committees remaining as formal Council Committees. Cllr Baker, Cllr Reeve-Fowkes and Cllr Oliver have expressed an interest in those groups referred to in sub-recommendation (7) above.

Background

Council currently conducts its business by holding monthly Council meetings, supported by a system which comprises of a briefing session by Staff to explain the items to be presented to the Council meeting and a series of committees established to consider other matters specified by Council.

Currently, there are 23 committees established by Council under the provisions of Section 5.8 of the Local Government Act, 1995. Membership of these committees, as also appointed by Council expires from 22 October 2007, as the result of the bi-annual Council elections.

Therefore, it is necessary for Council to reconsider the appointment of members to its established committees.

A recent probity audit undertaken by the Department of Local Government and Regional Development recommended that Council undertakes a thorough review of its meeting structure to determine what committees are required by Council to be established under Section 5.8 of the Act and proceed with the proper operation of those committees to comply with the Act.

In accordance with that recommendation, an in depth assessment of the meeting structure has been undertaken, focussing mainly on the committee system and its relevance to the function of assisting Council, as per Section 5.8 of the Act.

Submission

N/A

Report

More detailed information is contained in the attachment to the Agenda.

It is important for Council to understand that the committees established by it following the 2005 elections are still in place, however,



the tenure of its members has expired from the date of the 2007 elections.

Therefore, any committees which are no longer required for the purposes of assisting Council should be formally disbanded.

Should Council wish to maintain the current role of any of these committees, then it is required to appoint new membership to the committees.

As explained in the attachment, these members can be appointed from the Elected Members of Council and/or its employees and/or other persons external to the organisation, or a combination of any of these categories of persons. However, they can only be effective after a resolution of Council, by an absolute majority, appoints them and if the appointed Committee number of members is at least three.

All other information in relation to the recommended course of action by Council is contained in the attachment and does not require any further explanation here.

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

Nil, unless additional administrative support is required to support a committee system.

Legal Implications

Sections 5.3, 5.8, 5.9 and 5.10 of the Local Government Act, 1995 refer.

Community Consultation

N/A

Attachment(s)

Review Paper to 'Examine the Meeting Structure of Council and Available Options for the Conduct of Business'.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

13.2 (MINUTE NO 3592) (OCM 08/11/2007) - ESTABLISHMENT OF AUDIT COMMITTEE (5017) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to Section 7.1A of the Local Government Act, 1995 establish an Audit Committee;
- (2) appoint the following Elected Members (minimum 3) to the Committee _____;
- (3) pursuant to Clause 17.7(a) of Council's Standing Orders Local Law stipulate the qualification for membership of the Committee is to be City of Cockburn Elected Members only;
- (4) pursuant to Clause 17.7(b) of Council's Standing Orders Local Law, adopt the attached Terms of Reference for the Committee; and
- (5) pursuant to Section 7.1B of the Local Government Act, 1995, delegate the authority of Council to meet with the Auditor to the Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Limbert that Council adopt the recommendation and appoint the following Elected Members to the Committee:

- Mayor Stephen Lee
- Deputy Mayor Kevin Allen
- Clr Richard Graham
- Clr Tony Romano
- Clr Sue Limbert
- Clr Carol Reeve-Fowkes

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Reason for Decision

It is necessary for Council to appoint members to its Audit Committee.

Background

Part 7 of the Local Government Act, 1995 prescribes matters dealing with Audits and financial accounts in local government and requires all Councils to establish an Audit Committee and appoint at least three persons to the Committee.

Submission

N/A

Report

Membership of the Audit Committee may comprise only of Elected Members and other persons subject to a majority of members being Elected Members of Council. As there is a requirement for the Committee to liaise very closely with both its internal and external Auditors, it is not considered that any other persons be appointed as Committee members. Employees of the City, including the Chief Executive Officer, are excluded from becoming members of the Committee.

The Terms of Reference (TOR) for the Committee are recommended to include the functions of the previously established Strategic Finance and Investments Committee. This is because the functions of that Committee fall within the Charter of the Audit Committee and are able to be effectively monitored by the Audit Committee.

In addition, it is recommended that the Audit calendar also be included in the TOR to ensure the Committee meets to a regular timeframe throughout the year and considers those matters identified in the calendar and the TOR in a timely manner.

Finally, it is considered appropriate for Council to delegate the function of meeting with the appointed (external) Auditor to the Committee to eliminate the requirement for the Auditor to present the same reports to both the Committee and the Council, as required under Section 7.12A(2) of the Act.

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

Part 7 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

Terms of Reference.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.3 (MINUTE NO 3593) (OCM 08/11/2007) - ESTABLISHMENT OF LOCAL EMERGENCY MANAGEMENT COMMITTEE (8958) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to Sec. 38 of the Emergency Management Act, 2005, establishes a Local Emergency Management Committee for the City of Cockburn district;
- (2) appoints _____ (Elected Member(s)) as members of the Committee;
- (3) requests representatives from the following organisations to be appointed members of the Committee:
 1. Police Service - South Metro Sub-District Local Emergency Co-ordinator.
 2. City of Cockburn Bush Fire Brigade.
 3. WA State Emergency Service.
 4. Cockburn State Emergency Service.
 5. Fire and Emergency Services Authority.
 6. St John Ambulance Service.



7. Department for Communities.
 8. Fremantle Hospital; and
- (4) provides the Committee with the attached State Emergency Management Policy No.2.5 for consideration and adoption, if appropriate.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr S Limbert that Council adopt the recommendation and appoint Mayor Stephen Lee and Cllr Carol Reeve-Fowkes to the Local Emergency Management Committee.

CARRIED 10/0

Reason for Decision

Mayor Lee and Cllr Reeve-Fowkes have expressed an interest in the role of this committee.

Background

All Councils in this State are now required to establish a local emergency management committee, pursuant to the Emergency Management Act (EMA), 2005. An extract of the relevant provisions of the Act is attached.

Submission

N/A

Report

The EMA provides that the Committee consists of members appointed by Council, one of which must be the local emergency co-ordinator, who is attached to the District Office of the WA Police Service. The previously constituted committee had a membership which is representative of all organisations which have a role in the preparation of counter emergency plans and operations. Therefore, it is recommended that Council adopt a similar structure in order to maintain the continuity of its functions.

The Act also provides for the State Emergency Management Committee to determine the constitution, procedures and terms/conditions of appointment of the Committee members. These have been provided for in the attached Policy No.2.5. The document



also establishes the regularity of Committee meetings and the matters which should be considered by the Committee.

Other procedures, functions and arrangements to be undertaken by the Committee are also contained within the Policy. Administrative support for the Committee is to be provided by the City.

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

No additional funding has been provided in Council's Budget to provide the necessary administrative support for the committee. This will be the subject of a report during the 2008/09 Budget process.

Legal Implications

Sec. 38 of the Emergency Management Act (EMA) 2005, refers.

Community Consultation

N/A

Attachment(s)

1. Extract from EMA (Sec. 38).
2. State Emergency Management Policy No.2.5.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



13.4 (MINUTE NO 3594) (OCM 08/11/2007) - MINUTES OF SPECIAL AUDIT COMMITTEE MEETING - 11 OCTOBER 2007 (5017) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Special Audit Committee Meeting held on 11 October 2007, as attached to the Agenda and the recommendation contained therein be adopted.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

A meeting of the Audit Committee was conducted on 11 October 2007.

Submission

To receive the Minutes of the Committee and adopt its recommendation.

Report

The Committee considered the following report:-

1. To accept Tender No.30/2007, Auditing Services – External, for a four (4) year period (2007-2011)

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

As contained in the Minutes.



Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Attachment(s)

Minutes of Special Audit Committee Meeting - 11 October 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.5 (MINUTE NO 3595) (OCM 08/11/2007) - CODE OF CONDUCT FOR ELECTED MEMBERS (1054) (D GREEN) (ATTACH)

RECOMMENDATION

That Council adopts the Code of Conduct for Elected members as contained in the attachment to the Agenda.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

All Councils in this State are required to adopt a Code of Conduct for its Elected Members and employees.

Until recently, it was necessary to review these Codes following each biennial election cycle. However, from 21 October 2007, the Local Government (Rules of Conduct) Regulations 2007, became effective. These Regulations prescribe mandatory behavioural and conduct matters which apply uniformly to all Elected Members of Local Governments across the State.



The Regulations supersede any other form of standards imposed on Elected Members by the Code of Conduct, which, in itself, is a list of voluntary obligations with no capacity for enforcement. Notwithstanding, it is considered appropriate to amend the Code to remove any statements which have the capacity to conflict with the new Rules of Conduct and enabling the remaining clauses to be observed as voluntary standards of conduct and behaviour for Elected Members.

Submission

N/A

Report

It is proposed that the Code be amended in the following manner to reflect the introduction of the Rules of Conduct Regulations:

1. Addition of Clause 1.3 in the "Introduction".
2. Delete the following Clauses under Part 3 "Conduct":
 - (1) 3.1 - Now covered by new Regulation 6 "Use of Information"
 - (2) Current Clauses 3.2 and 3.3 which are renumbered to new Clauses 3.1 and 3.2.
 - (3) 3.4 - now covered by new Regulation 8 "Misuse of local government resources"
 - (4) 3.5 - now covered by new Regulation 11 "Disclosure of Interest"
 - (5) 3.6 - now covered by new Regulation 7 "Securing Personal Advantage or Disadvantaging Others"
 - (6) 3.7 - now covered by new Regulation 12 "Gifts".
3. Deletion of Clause 4.11 "Administrative Compliance", as this matter is now covered under new Regulation 10 "Relations with Local Government Employees" and the renumbering of Clauses 4.12 and 4.13 to Clauses 4.11 and 4.12.
4. Deletion of Clause 6 "Compliance with Standing Orders" as this matter is now covered under new Regulation 4 "Contravention of Certain Local laws".

Accordingly, with the amendments shown on the attachment, it is recommended that Council adopt this document as the Code required, pursuant to Sec. 5.103 (1) of the Act. The Code of Conduct for staff, which was adopted by Council in May 2005, is not affected by the amendments to the legislation. However, it has been administratively reviewed and is deemed to be still suitable and relevant to be retained in its current format.



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

Sec. 5.103(1) of the Local Government Act, 1995, refer.

Community Consultation

N/A

Attachment(s)

1. Draft Code of Conduct for Elected Members (showing proposed amendments from current version).
2. Local Government (Rules of Conduct) Regulations 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.6 (MINUTE NO 3596) (OCM 08/11/2007) - APPOINTMENT OF DELEGATE(S) - SOUTH WEST CORRIDOR ENVIRONMENT AND SERVICES COMMITTEE (1320 (D GREEN) (ATTACH)

RECOMMENDATION

That Council nominates Elected Members _____ and _____ as delegates to the South West Corridor Environment and Services Committee.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that Council nominate Clr Julie Baker and Clr Carol Reeve-Fowkes as delegates to the South West Corridor Environment and Services Committee.

CARRIED 10/0

Reason for Decision

Clr Baker and Clr Reeve-Fowkes have expressed an interest in this committee.

Background

Correspondence has been received from the South West Group informing that a new sub-Committee of the Group is to be established from 2008, to be known as the South West Corridor Environment and Services Committee. Two delegates from the City of Cockburn are requested to be nominated.

Submission

N/A

Report

A Statement of the role of the new Committee is attached for the guidance of Elected Members. While all Elected Members are able to register their interest in membership of the Committee it may be an opportunity for the two newly Elected Members, Clrs Attrill and Reeve-Fowkes, to familiarise themselves with the operations of the Group and its activities.

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)

Role Statement - South West Corridor Environment and Services Committee.

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 3597) (OCM 08/11/2007) - LIMESTONE LAYDOWN AREA FOR THE STORAGE OF REDUNDANT EQUIPMENT AND MATERIALS - LOT 305 (NO. 354) WATTLEUP ROAD WATTLEUP - OWNER: R L LEWIS - APPLICANT: C LEWIS (4412804) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval for the establishment of a limestone laydown area for the storage of redundant equipment and materials at Lot 305 (No.354) Wattleup Road, Wattleup, in accordance with the approved plan and related details subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plan.
 2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
 3. The use of the land for the purpose intended is limited to a period of two (2) years only (from the date of this approval notice).
 4. The site being cleared of all redundant equipment and materials following the expiration of the two (2) year



approval period.

5. The use of the site for the approved purpose, including the movement of redundant equipment and materials to and from the site, is limited to between the hours of 7.00am and 6.00pm Monday to Friday, 8.00a.m. and 1.00p.m. Saturday, and not at all on Sundays and public holidays.
6. No sales of redundant equipment and/or materials taking place from the site. The site is to be used for storage purposes only.
7. Redundant equipment and materials stored on-site are to be no larger than those detailed in the application. At no stage is large equipment (greater than that detailed) and/or vehicles of any size permitted to be stored on-site.
8. Screening of the limestone laydown storage area and the front of the property taking place prior to commencement of storage on-site. In this regard, screen details are to be determined in consultation with, and approved by the City prior to erection.
9. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
10. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
11. Where petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed washdown area and a petrol/oil trap (gravity separator) must be installed in accordance with the relevant requirements of the City of Cockburn's Local Laws 2000 and approved by the Manager Environmental Health.
12. An environmental management plan being prepared by a suitably qualified environmental consultant prior to the commencement of the storage use, identifying:
 - the current environmental state of the proposed limestone laydown and surrounding area;
 - management measures to be implemented in association with the proposed use; and
 - the nature of testing to be undertaken following the

expiration of the approval period for the purpose of identifying any change in the local environment arising from the use of the land.

13. Site remediation taking place in respect of any site contamination or environmental degradation identified through the requirements of condition 13 above.

FOOTNOTES

1. The application has been determined on the basis of the plan and information provided to the City for assessment, including the advice that approval is sought for a two (2) year period only.
 2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Planning Services should be consulted.
 3. Conditions 3 and 4 take into account the future development of the locality for residential purposes in the short to medium term.
 4. Conditions 5-10 are concerned with protecting the amenity of property owners in the vicinity and the locality generally.
 5. Conditions 11-13 are concerned with ensuring the use of the land does not impact on the environment of the subject or adjoining land. In this regard, particular concern is expressed in regard to soil and groundwater contamination arising from the spill or leakage of remnant fuel, oil etc in redundant equipment.
 6. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.
- (2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No. 3;
 - (3) advise the applicant and submissioners of Council's decision accordingly.



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver that Council:

- (1) refuse to grant its approval for the establishment of a limestone laydown area for the storage of redundant equipment and materials at lot 305 (No. 354) Wattleup Road, Wattleup for the following reasons:
 1. It would prejudicially impact on the potential for this area to be developed for residential uses in the future.
 2. It would adversely impact on the current and future amenity of the surrounding properties.
- (2) issue a Schedule 9 Notice of determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant and submissioners of Council's decision accordingly.

TIED VOTE 5/5

CARRIED BY CASTING VOTE OF PRESIDING MEMBER

Reason for Decision

Council and local residents believe that the proposal is not an appropriate use for this rural zoned area. The area is in transition moving gradually towards residential development in accordance with zoning changes.

Background

ZONING:	MRS:	Urban Deferred
	TPS3:	Development Zone
LAND USE:	Residential	
LOT SIZE:	5.292Ha	
USE CLASS:	Storage Yard	

The subject land is currently occupied by a single residence adjacent to Wattleup Road and a number of appurtenant outbuildings. The balance of the land appears to have been used for agricultural/rural purposes. The land is flanked to the east by two properties. The property adjoining (fronting Wattleup Road) is occupied by a single residence and a large outbuilding. The balance of the east side



boundary abuts a 'bush' block. The western side of the land is flanked by market garden land. Adjacent to the subject land on the southern side of Wattleup Road is a number of properties, all used for market gardening (intensive agricultural purposes).

The current zoning of the land under the City's Town Planning Scheme No. 3 is 'Development Zone'. The land is zoned 'Urban Deferred' under the Metropolitan Region Scheme.

Submission

Application has been made to use 2875m² of the subject land for storage purposes. The area proposed is situated approximately 150 metres north of Wattleup Road, and 66 and 44 metres respectively from the east and west side boundaries of the property. Access to the storage area is proposed via an existing track extending from Wattleup Road. In detail, the following items are proposed to be stored:

- Redundant machinery i.e. electric motors, gear boxes etc;
- Redundant materials i.e. pipe, timber and drums of cable.

The machinery stored is stated as being 1.5 by 2.0 metres in size, whilst the pipe is between 10 and 12 metres long.

In support of the proposal, the applicant states the following:-

Our business is located in Naval Base but with the resources boom we need extra storage As there is next to no site available in Naval Base we seek approval to store equipment on our property in Wattleup Road.

We would load or unload equipment for approximately 20 hours per month. All sales and processing is done from Naval Base.

Additionally, we would be happy with a two year limit and to screen the area with a two metre shade cloth fence. Having spoken to our neighbours they do not have a problem

Report

Development approval can be granted in respect of Development Zoned land without a Structure Plan or detailed controls where *the local government is satisfied that this will not prejudice the specific purposes and requirements of the development area.*

The subject location is characterised by intensive agricultural uses and hobby farms. It is an area in transition, however, moving gradually towards residential development in accordance with zoning changes facilitating such. As an interim use, therefore, and on the basis approval is for a two (2) year period only, the proposed use of part of



the site for the purposes of storage is considered acceptable. The storage use is proposed centrally on the land, well removed from Wattleup Road and adjoining properties. Bearing this in mind and on the basis several other requirements are recommended i.e. screening of the storage area, the proposal is considered supportable.

In addition to screening, conditions dealing with hours of operation and the type of storage that can take place are recommended for the purpose of protecting the amenity of adjoining properties. Conditions to be addressed for the purpose of protecting the local environment are also recommended.

Consultation

Four (4) adjoining/adjacent property owners were consulted in respect of the application. In response, three (3) submissions have been received. One (1) submission objects to the proposal on the basis that it *could interfere with the future development of the ... area*. The other two (2) submissions in essence, offered qualified support.

The concern regarding the future development of the area is addressed above; approval will be for a period of two (2) years only. The qualified support offered by the remaining two submissions relates to the existing appearance of the property, and the need for environmental 'checks' to be put in place (in relation to the proposed use). With respect to the existing (and proposed) appearance of the site, a condition requiring screen fencing is proposed. Similarly, conditions are proposed for the purpose of protecting the local environment.

Conclusion

It is recommended that Council, having regard for the above comments, conditionally approve the application. The proposal is seen as an appropriate interim use pending the development of the location for residential purposes.

Recommendation

That Council conditionally approve the application for a limestone laydown area for the storage of redundant equipment and materials on Lot 305 Wattleup Road, Wattleup. It is also recommended the Council resolve to:

- issue a Notice of Determination of Application for Planning Approval; and
- advise the applicant, and submissioners of Council's decision.



Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by the City.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

Adjoining/adjacent owners were consulted about the proposal.

Attachment(s)

- (1) Site plan, accompanying information.
- (2) Submissions received.

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 8 November 2007 Council Meeting.

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

Nil.



14.2 (MINUTE NO 3598) (OCM 08/11/2007) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 58 - PROPOSED CONSERVATION ZONE - APPLICANT: CITY OF COCKBURN (93058) (M CARBONE) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (2) advise the submissioners of Council's decision.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

Council at its meeting held on 12 July 2007 resolved to initiate Amendment 58 to Town Planning Scheme No. 3 for the purpose of advertising. The amendment will add new provisions into the Scheme regarding Conservations Zones.

Submission

The City initiated the Scheme Amendment after it recognised the need to ensure that areas of high conservation value which are retained in private ownership are used, managed and maintained in an appropriate manner.

Report

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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment for a reduced advertising period of 28 days which was granted by the WAPC. Three



submissions were received during the advertising period, two from government agencies and one from a Planning Consultant stating no objections to the proposed amendment. It is considered that the submissions do not require explanation over and above that outlined in the schedule of submissions contained within the agenda attachments.

The new Scheme provisions regarding Conservation Zones are necessary to ensure that areas of high conservation value which are retained in private ownership are used, managed and maintained in an appropriate manner. To achieve this, the new Conservation Zone provisions and associated land use management requirements incorporated into the Scheme can be applied through a structure plan or a subsequent amendment to the Scheme to conserve areas being retained in private ownership.

Conclusion

It is recommended that Amendment No. 58 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

Strategic Plan/Policy Implications

The Planning Policies which apply to this item are:

Natural Environmental Management

- *To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.*
- *To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.*

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 3
Town Planning Regulations 1967

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a period of 28 days. The reduced advertising period of 28 days was approved by the WAPC. The 28 day public consultation period for Amendment 58 concluded on 9 October 2007. At the close



of the advertising period 3 submissions were received, none of which objected to the proposal.

Attachment

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 8 November 2007 Council Meeting.

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

Nil.

14.3 (MINUTE NO 3599) (OCM 08/11/2007) - LOTS 36 AND 37 GAEBLER ROAD, LOT 45 FRANKLAND AVENUE, AND LOT 101 BARFIELD ROAD, HAMMOND PARK - OWNER: HAMMOND PARK DEVELOPMENT COMPANY PTY LTD - APPLICANT: CARDNO BSD (9682) (R DONG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) adopt the Hammond Local Structure Plan for Lots 36 and 37 Gaebler Road, Lot 45 Frankland Avenue and Lot 101 Barfield Road, Hammond Park subject to the following;
 1. The proponent prepares and submits a Local Water Management Strategy to the Department of Water.
 2. The Local Water Management Strategy is approved by the Department of Water.
- (2) adopt the Schedule of Submissions contained in the Agenda attachment;
- (3) upon receiving a written advice from the Department of Water confirming that it has approved the Local Water Management Strategy, forward the structure plan documents and Schedule of Submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3; and
- (4) advise the applicant and those persons who made a submission

of Council's decision, and request the Department of Water to provide a written advice when it has approved the Local Water Management Strategy.

COUNCIL DECISION
 MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.
CARRIED 10/0

Background

Zoning:	MRS:	Urban
	TPS:	Development (DA9)
Land Use:	Lot 37 – Market gardening; Lot 36 – Rural residential; Lot 45 – Rural Residential; and Lot 101 – Rural residential.	
Lot Size:	Lot 37 - 4.0469ha; Lot 36 - 4.0469ha; Lot 45 – 4.0823ha; and Lot 101 – 2.0235ha.	

The proposed Hammond Local Structure Plan site comprises four lots with a total combined area of approximately 14.20 hectares and is located on the southern side of Gaebler Road between Frankland Avenue and Barfield Road (see Location Plan, Attachment 1).

The subject lots fall within the area of the Southern Suburbs District Structure Plan (SSDSP) Stage 3 which was adopted by the Council on 11 August 2005, only for “the purpose of an advisory document, to guide and coordinate the preparation of Local Structure Plans...” (Council Minute No 2924 refers). It was not formally adopted by Council under clause 6.2 of Town Planning Scheme No. 3, and therefore has not been referred to the Western Australian Planning Commission (WAPC) for endorsement.

Submission

Cardno BSD (applicant) at request of the landowner (Hammond Park Development Company Pty Ltd) has submitted a local structure plan (LSP) for the subject land.

Report

MRS Zoning

SSDSP Stage 3 comprises two portions:



1. Hammond Park portion, on the eastern side of Hammond Road;
and
2. Wattleup portion, on the western side of Hammond Road.

Hammond Park Local Structure Plan area falls within the Hammond Park portion and is now zoned "Urban" under the MRS which supports the proposed LSP.

Proposed Local Structure Plan (LSP)

The final version of the proposed LSP was prepared by Cardno BSD on behalf of the landowner in August 2007 (Attachment 2 refers). The purpose of the LSP is to provide a framework for the future development of the land in the LSP area and establish a context for its eventual subdivision.

The LSP document provides comprehensive planning justifications to support the proposed Local Structure Plan (Attachment 2 refers).

The LSP proposes a split R coding (R17.5/R20) over the 190 residential lots being proposed for the subject four parent lots. R17.5/20 represents low density residential which is appropriate for this locality given that the subject land is not within the walkable catchments to any major public transport node and Activity Centre.

The majority of lots proposed are in accordance with the R17.5 coding (average lot size is 571m²) except for the lots fronting Public Open Space (POS) and Gaebler Road where the lots are adjacent to the proposed Local Centre on the northern side of Gaebler Road. These lots are in accordance with the R20 coding (average lot size is 500m²), which is consistent with the *Liveable Neighbourhoods* principles. Detailed Area Plans will be required for the lots adjacent to the POS at subdivision stage as a part the City's normal planning practice.

Other design rationales including POS schedule are articulated in the LSP document (Attachment 2 refers).

Consultation and Formal Advertising

The proposed LSP has been referred to the City's internal technical departments for comment. The final version of the LSP has addressed the issues relating POS, drainage and roads which were raised by the City's technical departments.

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 11 September 2007 to 10 October 2007, including advertisements in Cockburn Gazette for public comment, letters to adjacent landowners for comment, letters to the government agencies for comment, and



information made available at Council's Administration Office and on Council's website.

At the close of the advertising, 6 submissions of no objection were received. All the submission comments and officer's recommendations are included in the Schedule of Submission (Attachment 3 refers).

Of a particular note the Department of Water (DoW) requests that a Local Water Management Strategy shall be prepared by the proponent and approved by the DoW prior to the adoption of the proposed Structure Plan (Attachment 3 refers). The City supports the DoW's initiative, and accordingly, recommendation is made in section one of this report to ensure this issue is addressed prior to the final adoption of the Structure Plan.

Scheme Amendment No. 28

The purpose of the proposed Scheme Amendment No. 28 is to:

- (1) Introduce two new Development Contribution Areas the SSDSP Stage 3 area (DCA9 for the Hammond Park portion and DCA10 for the Wattleup portion) to establish a statutory planning mechanism for cost sharing between landowners on infrastructure such as road and regional drainage.
- (2) Introduce two new Development Areas to the SSDSP Stage 3 area (DA26 for the Hammond Park portion and DA27 for the Wattleup portion) to include statutory planning provisions for local structure plans to be adopted to guide subdivision, land use, as well as development control.

Proposed Scheme Amendment No. 28 is yet to be finalised.

Future Rowley Road

Future Rowley Road is likely to be classified as Primary Regional Road (Red Road) – a major freight road linking the Kwinana Freeway and the proposed Outer Harbour Port in Henderson. This has been confirmed by the Fremantle Ports. However, final approval for Rowley Road to be Primary Regional Road has not been granted yet by the State Government.

The likely classification of future Rowley Road as a Red Road will affect the for the SSDSP Stage 3 area in two aspects:

Firstly, the obligation for landowner to contribute to the new Rowley Road will need to be reviewed as this road will be a State road. Secondly, the status of future Rowley road as a freight road will mean that land adjacent to Rowley Road will be more likely affected by traffic noise. This may require some potential changes to the SSDSP Stage 3



to address the increased noise level for the land adjacent to Rowley Road. Notwithstanding the above, conditions such as noise walls, quiet house design and notifications on titles will be imposed at subdivision and development approval stages to the lots adjacent to Rowley Road.

The proposed LSP, however, is not affected by the status of future Rowley Road as it has a reasonable distance (1km approximately) from future Rowley Road.

Conclusion

The proposed Hammond Park LSP is generally consistent with the SSDSP Stage 3. The design of the LSP is generally in line with the *Liveable Neighbourhoods* principles. Furthermore, the MRS has already zoned the subject land Urban, which means that the proposed LSP is consistent with the MRS zoning (Urban). It is therefore recommended that the Council adopt the Hammond Park Local Structure Plan subject to the approval of a Local Water Management Strategy for the LSP area.

Strategic Plan/Policy Implications

Infrastructure Development

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

Natural Environmental Management

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

Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

The Planning Policies which apply to this item are:

SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD16A	Standard Subdivision Conditions and Reasons for Refusal
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans



APD33 Town Planning Scheme No. 3 Provisions
APD34 Uniform Fencing Subdivision and Development

Budget/Financial Implications

N/A

Legal Implications

Nil

Community Consultation

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 11 September 2007 to 10 October 2007, including advertisements in Cockburn Gazette for public comments, letters to adjacent landowners for comment, letters to the government agencies for comment, and information made available at Council's Administration Office and on Council's website. 6 submissions of no objection were received during the advertising period as mentioned previously.

Attachment(s)

- (1) Location Plan
- (2) Structure Plan Document
- (3) 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 11 November 2007 Council Meeting.

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

Nil.

DECLARATION OF INTEREST

The Chief Executive Officer advised the meeting that he had received a conflict of interest from Mayor Lee, pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995 in relation to Item 14.4. The nature of his interest is that it appears that he was the recipient of a notifiable gift from the developer (Australand) in relation to the 2005 election at which he was elected, and he is therefore deemed to be a closely associated person.



The Chief Executive Officer advised the meeting that he had received a conflict of interest from Deputy Mayor Allen, pursuant to Section 5.60B of the Local Government Act, 1995, in relation to Item 14.4. The nature of his interest is that he is a proximity landowner of property adjoining land adjacent to the Port Coogee development, from where this business currently operates.

The Chief Executive Officer advised the meeting that he had received a conflict of interest from Clr Oliver, pursuant to Section 5.61 of the Local Government Act, 1995, in relation to Item 14.4. The nature of the interest is that she received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

MAYOR LEE, DEPUTY MAYOR ALLEN AND CLR OLIVER LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.39PM.

THE CHIEF EXECUTIVE OFFICER CALLED FOR NOMINATION OF A PRESIDING MEMBER.

(MINUTE NO 3600) (OCM 08/11/2007) - APPOINTMENT OF PRESIDING MEMBER

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that Clr Ian Whitfield be elected to the position of Presiding Member.

CARRIED 7/0

DECLARATION OF INTEREST

The Chief Executive Officer advised the meeting that he had received a declaration of a conflict of interest from Clr Richard Graham.

Clr Graham declared a Conflict of Interest, pursuant to Part 21 of Council's Standing Orders, in relation to Item 14.4. The nature of the interest is that he has given evidence at the Corruption and Crime Commission ("CCC") which, by implication, was critical of Australand Limited's conduct in relation to the Port Coogee development. He believes his participation in decision-making in relation to the Port Coogee development gives rise to a perception of a conflict of interest



until the CCC makes findings in relation to the matters that were the subject of his evidence.

CLR GRAHAM LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.42PM.

14.4 (MINUTE NO 3601) (OCM 08/11/2007) - JET SKI BUSINESS - LOT 171 POWELL ROAD COOGEE (COOGEE BEACH) - OWNER: LAND VESTED IN THE CITY OF COCKBURN - APPLICANT: B MOURITZ (COOGEE JET SKI HIRE) (4412804) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) resolve to refer the application for a Jet Ski Business at Lot 171 Powell Road, Coogee (Coogee Beach), to the Western Australian Planning Commission with a recommendation for approval subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plan.
 2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
 3. The approval is limited to a period of two (2) years only i.e. for Summer 2007/2008 and 2008/2009.
 4. Access arrangements being resolved with the City of Cockburn's Environmental and Parks Services, including any security requirements relating to the use of the access way.
 5. The area of beach used by the Jet Ski Hire business shall be kept in a neat and tidy condition at all times to the satisfaction of the City.

FOOTNOTES

6. The application has been determined on the basis of the plan and information provided to the City for assessment.
7. With respect to condition 2, the onus is on the applicant to ensure all other relevant approvals and/or compliance with written laws and/or legislation are obtained/satisfied. In this regard, the approved use of the water adjacent to the beach for Jet Ski use is fundamental. Any



environmental requirements should also be satisfied.

8. With respect to condition 3, approval for two (2) years takes into account the emerging residential development in Port Coogee.

(2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 6/0

Background

Zoning	MRS:	Parks and Recreation Reserve
	TPS 3:	Parks and Recreation Reserve (under the MRS)
Land Use:	Commercial Use – Entertainment	
Lot Size:	N/A	
Use Class:	Recreation – Private	

Coogee Jet Ski Hire business has a history dating back to 1993. The following points provide a background to the operation of the business along Coogee Beach.

- The business first commenced operation in 1993, approximately 300 metres south of Coogee Beach Jetty. The business operated on water licensed by the Department of Transport. The business also paid the City an annual licence fee.
- In 1995, the business relocated to the north side of Coogee Beach Jetty (approximately 350 metres north). Access to the business was gained via an existing track midway between Coogee Beach Jetty and Omeo Wreck. The relocation took place in response to concerns raised by local swimmers (swimming between Coogee Beach and Woodman Point jetties). The business continued to be licensed by the Department of Transport and the City.
- 1995 – May 2002. Coogee Jet Ski Hire business continued to operate. In May 2002, the business was sold to the current operator.



- In 2005, Australand continued to support and provide access to the operation of the business. The business continued to be licensed by the Department of Transport and the City (Summer 2006/2007).
- October 2007. Access no longer available due to Port Coogee development by Australand. Identified that no planning approval in place for Jet Ski Hire use/business. Business continued to be licensed by the Department of Transport and the City.

Submission

Application has been made to continue the use of the same section of Coogee Beach for the operation of the Jet Ski hire business. Access is proposed via an existing pathway at the northern end of Coogee Beach car park, approximately 160 metres north of the beach café. It is noted the pathway has to be widened to facilitate access, involving the City's Environmental and Parks Services. The widened pathway will also allow access by other relevant persons, including the contractor responsible for clearing seaweed from the beach.

As stated by the business owner:

- *Our hours of operation are between 8.00 a.m. and 6.30 p.m. weekends, and during the warmer months of the year i.e. the height of summer we operate every day conditions permitting.*
- *We have purchased a purpose built truck and are able to take all our equipment needed for our operation with us when we have finished for the day. We leave only our tracks in the sand.*
- *We are constantly looking at safer ways to carry out our operations and this has been shown in that we have so far had no serious issues at all at the facility.*
- *I am hoping that Council can give favourable consideration to our proposal. This is so that the Jet Ski Hire can continue providing an exciting recreational facility for all its patrons, whom come from all parts of the metropolitan and country areas to utilise the excellent facilities presently available at Coogee Beach.*

Report

The subject land is vested in the City's care, control and maintenance. The land is reserved for Parks and Recreation under both the Metropolitan Region Scheme and the City's Town planning Scheme No. 3. Whilst application is made to the City, therefore, determination is by the Western Australian Planning Commission. The City has 42



days within which to provide its recommendation to the Commission on the application.

From a planning perspective, the continued operation of Coogee Jet Ski Hire business in the same location as recent years is considered acceptable and should be supported by the City. In recognition of the emerging residential development in Port Coogee; however, it is recommended that Council's support for the application be on the basis that approval is for a period of two (2) years only i.e. summer 2007/2008 and 2008/2009. This should provide sufficient time for the operator to obtain all necessary approvals for an alternate suitable location.

The relocation of the business is a matter that has been discussed with the applicant on numerous occasions. In this regard, the need to find a section of Cockburn coast that offers suitable conditions and access, without conflict with other beach users, has been discussed. As stated by the applicant, *the long term objective is for the Coogee Jet Ski Hire to be located at the southern end of Coogee Beach, south of the ammunition jetty.* This would require access across land under the control of the Department of Environment and Conservation.

The two year approval period though, provides the opportunity for the applicant to pursue alternate arrangements with all relevant landholders and/or government agencies.

Consultation

No consultation has been undertaken. Coogee Jet Ski Hire has operated at Coogee Beach for almost 15 years. With the exception of conflict with swimmers, resulting in the relocation of the business in 1995, there are no records suggesting the activity has caused detriment to the amenity of the local residential community. Furthermore, in the event the application is conditionally approved by the Commission for a period of two (2) years, the use will cease at around the time first residents move into the southern part of Port Coogee.

Conclusion

It is recommended that Council, having regard for the above comments, resolve to refer the application to the Western Australian Planning Commission with a recommendation for conditional approval. Conditions recommended relate to the requirement for the business to operate in the manner detailed, and for matters such as access to be suitably arranged (across the widened pathway) with the City. It is also recommended the applicant be advised of the City's position.



Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of the application determination, there may be a cost to be borne by the City.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

Consultation was not undertaken.

Attachment(s)

Site plan, accompanying information.

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 8 November 2007 Council Meeting.

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

Nil.

MAYOR LEE, DEPUTY MAYOR ALLEN, CLR GRAHAM AND CLR OLIVER REJOINED THE MEETING AT THIS STAGE, THE TIME BEING 7.44PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE, DEPUTY MAYOR ALLEN, CLR GRAHAM AND CLR OLIVER OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT FROM THE MEETING.

MAYOR LEE RESUMED AS PRESIDING MEMBER.



14.5 (MINUTE NO 3602) (OCM 08/11/2007) - FEES FOR PRE APPLICATION MEETINGS FOR DEVELOPMENTS IN THE CITY OF COCKBURN (9003) (V LUMMER)

RECOMMENDATION

That Council:

- (1) advertise the fee schedule for the provision of pre application meetings; and
- (2) Subject to no objections, introduce the fee from 1 January 2008.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that Council:

- (1) advertise the fee schedule for the provision of pre-application meetings subject to the following:

<u>Cost of Development</u>	<u>Fee</u>
Under \$25,000	No fee applicable.
\$25,000 to \$50,000	\$50 per meeting
\$50,000 to \$500,000	\$100 per meeting
\$500,000 to \$5.0 Million	\$200 per meeting
Over \$5.0 Million	\$500 per meeting

- (2) subject to no objections being received during the advertising period, the fees being introduced from January 1, 2008.

CARRIED 10/0

Reason for Decision

The City receives complex applications daily for new land releases in areas such as South Beach, Port Coogee, Cockburn Central and Henderson. These developments are often complex and lengthy. The Officers have recommended that these developments should attract a pre-application fee. Council believes that Council Officers should provide a free service for pre-application meetings for developments by applicants who have minor or low cost applications.



Background

The City's Planning Services team recognises that there is scope to make improvements in the development application process to deal with a number of issues including:

- The complexity of town planning legislation and requirements.
- A strong desire to improve the quality of development design.
- Lack of sufficient numbers of experienced and skilled planners.
- Delays in the assessment of applications largely the result of poor designs, incomplete and/or non compliant applications.

Complex applications are being received daily for new land released in areas such as South Beach and Port Coogee, Cockburn Central and Henderson.

The development application process is complex and often lengthy and assessment of applications is made more difficult when developments are poorly designed, not a complaint with regulations or applications is missing vital information.

It is intended to introduce a formal but voluntary system of pre application meetings for developers/applicants proposing to submit applications to the City.

The introduction of a "pre application" meeting has been successful in other states, with individual local governments implementing differing variations of the process according to their own needs.

Submission

The purpose of this report is to outline this initiative and seek Council's approval of the cost structure proposed.

Report

The anticipated benefits of introducing a formal system of pre-application meetings are:

- There will be the opportunity to gain input and feedback from the City early in the design process, including feedback on variations to relevant planning controls.
- Obvious deficiencies in a proposal can be addressed and/or amended prior to lodgement.
- Well designed and documented planning applications are lodged with the City resulting in less need for further information or delays in process.



- There will be faster decision making time frames and more certainty in outcomes.
- Better quality applications resulting in better quality decisions and ultimately better quality built environment for the developer and the City.

The introduction of a fee for this service is considered appropriate as each meeting will last approximately 45 minutes and will be attended by a minimum of 2 planners (one senior and one junior). There will also be written minutes provided after each meeting. Other professional staff such as building surveyors, environmental health officers or engineering officers may also attend the meeting and give advice if required.

The fees that are proposed will not cover the full cost of the officer time put in to the meeting, however will instil a certain amount of respect for the process and recognise the time and advice provided by the City's professional officers.

The Planning and Development (Local Government Planning Fees) Regulations 2000 have set hourly rates for planning advice and include a scale of rates for various positions (Manager, Senior, Planner, etc). It was decided not to use the maximum fees allowable under these regulations as, to implement this initiative successfully, it is considered that a minimum fee should apply. This fee will be reviewed within 6 months of implementation, in time for the 2008/2009 Budget.

The fees for this service are based on the estimated cost of development and must be paid at the time of the meeting as follows:

<u>Cost of Development</u>	<u>Fee</u>
Under \$50,000	\$50 per meeting
\$50 000 to \$500,000	\$100 per meeting
\$500,000 to \$5.0 Million	\$200 per meeting
Over \$5.0 Million	\$500 per meeting

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

The income from these meetings will go into a specific income account under statutory planning, so that the income is used as one of the measurable indicators of success of this initiative.

This fee will be reviewed at the time of the 2008/2009 Budget.

Legal Implications

Local Government Act, 1995 refers.

Community Consultation

This initiative will be promoted as widely as possible with articles in the Cockburn Soundings, the local newspaper, brochures at the front counter and letters to some of the City's regular development application customers.

Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

N/A

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

Nil

- 14.6 **(MINUTE NO 3603) (OCM 08/11/2007) - 6 MULTIPLE RESIDENTIAL UNITS - 1 ROCKINGHAM ROAD HAMILTON HILL - OWNER: KEE VEE PROPERTIES APPLICANT: K D SHERLOCK (2212274) (V LUMMER) (ATTACH)**

RECOMMENDATION

That Council:-

- (1) Delegate authority to the Manager Statutory Planning to grant approval to the application for 6 multiple dwellings, including the conversion of the existing Newmarket Hotel, at 1 Rockingham Road, Hamilton Hill in accordance with the plans and application (DA07/0805) received by the City on 17 October 2007, upon receipt of written support for the proposal from the Heritage Council of Western Australia, subject to the following conditions:- (and any further conditions recommended by the Heritage Council.



STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Licence being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.
5. Landscaping and tree planting to be undertaken in accordance with the approved plan **prior to the occupation of the site.**
6. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
7. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
8. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
9. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
10. All stormwater being contained and disposed of on-site.

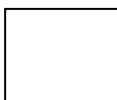
11. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
12. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
13. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
14. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
15. Car bay grades are not to exceed 6% and disabled car bays are to have a maximum grade 2.5%.
16. All outdoor living areas, including the communal space between the buildings, must be fully developed with appropriate paving and landscaping with visually permeable front fences above 1.2 metres in height.
17. The provision of 10% of the number of on-site car parking or a minimum of 2 bays being marked and permanently retained for use of **visitor parking** only.
18. All plant and equipment i.e. air conditioning condenser units, solar hot water units etc are to be placed and/or erected so as to not be visible from public view.

SPECIAL CONDITIONS

19. The surface finish of the boundary wall abutting adjoining lots is to be either face brick or rendered the same colour as the external appearance of the respective dwellings unless otherwise agreed with the adjoining property owner/s. In all instances, the standard of work is to be of a high standard.

CONDITIONS TO BE COMPLIED WITH PRIOR TO APPLYING FOR A BUILDING LICENCE

20. A photographic record of the building is to be completed to



accord with the Minimum Standards for Recording Places document and submitted to the satisfaction of the Heritage Council, **prior to the issue of a Building Licence.**

21. All **stormwater** drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be **certified by a suitably qualified practicing engineer**, and designed on the basis of a 1:10 year storm event.
22. A landscape plan must be submitted to the Council and approved, **prior to the issue of a Building Licence** and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and verge treatments.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regards to Condition No. 19 the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained



- (2) delegate authority to the Manager Statutory Planning to issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval), in accordance with (1) above.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted with the amendment to sub-recommendations (1) and (2) by deleting reference to the Manager Statutory Planning and substituting “Chief Executive Officer”.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Reason for Decision

In accordance with The Local Government Act, 1995, Council only has the authority to delegate authority to the Chief Executive Officer.

Background

Zoning	MRS:	Urban
	TPS3	Local centre Zone
Land Use:	Vacant Heritage Listed Hotel - Newmarket Hotel	
Lot Size:	994m ²	
Use Class	“D” - local government must exercise discretion	

3 June 2005 - Application received for 7 residential apartments (DA07/0400).

8 September 2005 - Application DA07/0400 was refused at Council meeting.

On 13 October 2005, Minute No.2972 - Council reconsidered the legal action against the owner and resolved as follows:

“That Council instruct its Solicitors to recommence legal proceedings against Kee-Vee Properties Pty Ltd (ACN 009 292 237), being the owners of Lot 21 (1) Rockingham Road, Hamilton Hill, for a breach of Special Conditions 13 and 14 of the planning approval dated 21 May 2003, in contravention of the City of Cockburn’s Town Planning Scheme No.3 and the Town Planning and Development Act 1928.”



The legal action is ongoing and the matter will come before the Fremantle Magistrates Court on 17 January 2008.

10 November 2005 - Application received for 6 residential apartments (DA05/0858)

6 September 2006 - Permanent entry of the place in the State Register of Heritage Places.

The owner was of the opinion that the development application submitted on 10 November 2005 received approval; however, the City's records do not indicate that approval has been granted and in addition, the owner has been unable to produce a copy of the approval. Due to the length of time that has elapsed and the changes made to the plans, a new application has been submitted rather than attempt to resurrect the existing application.

Submission

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

- *The application is prepared in response to the points raised by the Heritage Council in its letter dated 20 October 2006 which was a comment by the Heritage Council on the previous development application, submitted on 10 November 2005 (DA05/0858).*

Report

The subject land is zoned Local Centre under the City of Cockburn Town Planning Scheme No. 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

Policy OLPD7 requires that places listed as Category "A" on the City's Municipal Inventory of Heritage Places are determined by Council and not under delegated authority.

The application was referred to the Heritage Council of WA for comment (on 19 October 2007) as the place is included on the State Register of Heritage Places. At the time of writing this report, a response has not been received from the Heritage Council; however, in order not to unnecessarily delay the determination of this application, it is proposed that Council delegate authority to the Manager Statutory Planning to approve the application, subject to conditions, upon receipt of written support from the Heritage Council.

The subject site does not have a R Coding over it, as it is zoned "Local Centre". There are no specific standards in Town Planning Scheme to guide this development, so the standards of the Residential Design



Codes have been used. The development of 6 units on this site of 994m² equates to a density of R 60, which is consistent with the density of the nearby properties. The proposed development complies with the standards and provisions Residential Design Codes with the exception of the following:-

- The maximum plot ratio for R 60 development is 0.7. The proposed plot ratio is 0.9. This is considered acceptable given that 4 out of the 6 units proposed have to be retrofitted into an existing heritage structure. The two new units are not considered excessive in plot ratio, as they only contain one living area each.
- The number of on site car bays required is 16. The proposed number of bays is 8. Each unit has one garage and there are 2 open car bays proposed at the south western corner of the site. There is also a parking and access easement granted in 2005 over the carpark on the abutting lot which contains the bottle shop, allowing parking for residents of the subject site. On this basis, it is considered that the variation to parking provided on site is acceptable.
- The open space required on the site is 50%. The open space provided is 74.52%.
- In multiple unit developments, 16m² communal open space is required per unit giving a total of 96m². There is no defined communal open space indicated on the plans however, the open courtyard area between the new building and the existing hotel, incorporating a porch and landscaping, could be developed as attractive and useable communal space and has an area of over 100m². This is considered to meet the requirement.
- The size and provision of private open space (balconies) complies for units 3, 4, 5 and 6, but does not comply for units 1 and 2 as they are provided with no outdoor private area. These two units have access to the front verandah as outdoor area, however this is largely public space and faces Rockingham and Cockburn Roads, which will not lend itself to use as private space. Residents of these two units will also be able to use the communal courtyard space described above.
- The height of the new building is approximately 9.3m or 3 storeys. This is lower than the existing hotel and is considered appropriate.

Clause 7.5 of Town Planning Scheme No. 3 allows Council to grant variations to any of the provisions of the Town Planning Scheme or Residential Design Codes where it is desirable to facilitate the conservation of a Heritage Place. In this instance the variations listed



above are considered acceptable and directly facilitate the redevelopment and conservation of the Newmarket Hotel.

Recommendation

The current application facilitates the redevelopment, conservation and re use of the Newmarket Hotel, which has long be a goal of the owner and the Council alike. The variations to the required residential standards are not considered excessive in order to achieve this goal. It is recommended that Council support the plans and delegate authority to the Manager Statutory Planning to approve the application upon receipt of support from the Heritage Council.

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 conserve the character and historic value of the human and built environment.*

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No. 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations
Heritage of Western Australia Act 1990

Community Consultation

No community consultation is required in regard to this application.

Attachment(s)

- (1) Location Plan
- (2) Site Plan and Elevations

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 8 November 2007 Council Meeting.



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

Nil

DECLARATION OF INTEREST

The Chief Executive Officer advised the meeting that he had received a declaration of interest from Mayor Stephen Lee pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in relation to Item 14.7. The nature of his interest is that it appears that he was the recipient of a notifiable gift from a company, a Director of which has expressed an interest in acquiring this property, in relation to the 2005 election at which the Mayor was elected, and he is therefore deemed to be a closely associated person

The Chief Executive Officer advised the meeting that he had received declaration of a financial interest from Clr Val Oliver pursuant to Section 5.61 of the Local Government Act, 1995, in relation to Item 14.7. The nature of the interest is that she received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

MAYOR LEE AND CLR OLIVER LEFT THE MEETING AT THIS POINT, THE TIME BEING 8.54PM.

DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER, THE TIME BEING 8.55PM.

14.7 (MINUTE NO 3604) (OCM 08/11/2007) - LICENCE AGREEMENT - LOT 22 & PORTION OF LOT 14 PROGRESS DRIVE BIBRA LAKE - OWNER: ADVENTURE WORLD PTY LTD (1117891) (K SIM) (ATTACH)

RECOMMENDATION
That Council issue a licence to Adventure World Pty Ltd for the non exclusive use of Lot 22 and portion of Lot 14 Progress Drive as overflow car park for 1 year 11 months subject to Adventure World:

- (1) establishing and maintaining the hard stand on the licence area;
- (2) constructing an asphalt cross over of at least 30 metres on to



Progress Drive;

- (3) not removing any significant vegetation;
- (4) erecting rural fencing to prevent vehicular access to the balance of Lot 14;
- (5) planning approval;
- (6) preventing any dust nuisance for the life of the licence term;
- (7) removing the hard stand material and fencing if required by the City of Cockburn at the conclusion of the licence term; and
- (8) paying an annual fee of \$2,000 in advance.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that no action be taken on this item, in accordance with the advice received from Adventure World.

CARRIED 8/0

Reasons for Decision

Adventure World Pty Ltd has formally advised that the timeframe of the proposed licence is insufficient for them to commit substantial funds for the construction and maintenance of the car parking area. In addition it is likely that time taken in obtaining the required planning approval and constructing the parking area would mean that it would not be available for the peak summer '07- '08 school holiday season.

Background

Council has owned Lot 14 Progress Drive since 1985. Lot 22, formerly part of Lot 14 was created in 2000. It was to be utilized as a soccer pitch in association with a sporting association who owned adjoining Lot 23 at the time. That proposal has since expired.

Submission

Adventure World Pty Ltd have submitted a written request to utilise Lot 22 and portion of Lot 14 as overflow parking during their peak season.



Report

Adventure World if granted the use of the land, will establish as a minimum a hardstand of stabilized limestone sufficient to accommodate approximately 380 bays. The total area of the licence will be 2.1 hectares.

The subject area is reserved "Regional Reserve – Parks and Recreation" and the use of the area for temporary parking is considered to be generally in accordance with the purpose of the reserve. Adventure World is not proposing to remove any significant vegetation, with the parking areas to be located in the existing cleared areas. The parking areas are also located away from the heritage listed Morton Bay Fig trees on Progress Drive. In accordance with the Beeliar Regional Park Management Plan, the subject area is designated as "Sport and Recreation" whereby the use of the area for temporary parking is acceptable. Adventure World have also provided a letter of support for the proposed parking from the Bibra Lake Residents Association Inc.

The recommended licence period being less than 2 years allows the city to enter into this arrangement without having to comply with provisions of 3.58 of the Local government Act. It is also a requirement that the occupation by Adventure World be non exclusive. It is considered highly unlikely that there will be significant demand for parking by any one else but Adventure World patrons. The only other attractions in the vicinity are the chip and pitch golf facility on the opposite side of Progress Drive and a paint ball operator on Lot 21 Progress Drive.

To guard against anti social use of the area in the off season, a lockable gate will be established at the entrance. The second reason to limit the licence period is that it will allow sufficient time for Council Officers to undertake a comprehensive assessment of the area consisting of Lot 22, Lot 14 and portion of Reserve 46787.

The assessment will examine

- environmental constraints
- opportunities for further development
- overall parking requirements
- possible land exchanges involving Council freehold and
- managed crown reserve land

It is anticipated that the area assessment will give direction on how a possible integrated entertainment precinct could be developed.

Car parking will always be crucial to the success of current or future enterprises. The proposed licence term will allow a degree of flexibility into the future. The licence will allow Adventure World to overcome an



immediate problem with parking issues in Progress Drive whilst the longer term use of Council's freehold Lots 14 and 22 are being assessed. Adventure World state that their expenditure in providing the hardstand and asphalt drive will cost them a minimum of \$200,000. The extent of their outlay and because they believe that future expansion is constrained they would prefer to purchase the licence land. It is believed that the interests of the City are best served by taking a wider view. Selling portion of Lot 14 and Lot 22 could prejudice future opportunities.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

The anticipated income will offset the administrative input required of Council Officers.

Legal Implications

Councils' Solicitors will draft a suitable agreement designed to protect the City and address conditions set by the Council. Section 3.58 of the LGA does not supply.

Community Consultation

Given the short term nature of the proposal it is not considered necessary to formally advertise the proposal. It is noted that in Adventure World's submission a written endorsement of the proposal was attached from the Bibra Lake Residents Association

Attachment(s)

Site Plan



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 November 2007 Council Meeting.

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

Nil.

MAYOR LEE AND CLR OLIVER REJOINED THE MEETING, THE TIME BEING 8.58PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE AND CLR OLIVER OF THE DECISION OF COUNCIL IN THEIR ABSENCE.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

14.8 (MINUTE NO 3605) (OCM 08/11/2007) - PETROL FILLING STATION AND FAST FOOD OUTLET - LOT 760 NO. 49 BERRIGAN DRIVE SOUTH LAKE - OWNER: BALER PTY LTD - APPLICANT: PLANNING SOLUTIONS PTY LTD (5115260) (L PALERMO) (ATTACH)

RECOMMENDATION

That Council:-

- (1) grant its approval for a Petrol Filling Station & Fast Food outlet on No 49 (Lot 760) Berrigan Drive, South Lake in accordance with the approved plan dated 09/08/07 subject to the following conditions:-

STANDARD CONDITIONS

- 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- 3. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation



of the site.

4. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
5. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign license must be submitted to the Council prior to the erection of any signage on the site/building.
6. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
7. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
8. All stormwater being contained and disposed of on-site.
9. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
10. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
11. Access onto the site shall be restricted to that shown on the plan approved by the Council.
12. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
13. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for offstreet car parking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to

the satisfaction of the Council.

14. Car bay grades are not to exceed 6% and disabled car bays are to have a maximum grade 2.5%.
15. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.
16. The development must display the street number and where there is no street number allocated to the property, the lot number shall be displayed instead.

CONDITIONS TO BE COMPLIED WITH PRIOR TO APPLYING FOR A BUILDING LICENCE

17. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council **prior to the issue of a building licence**, and before the commencement or carrying out of any work or use authorised by this approval.
18. Applicant submitting a detailed plan showing waste bin storage arrangements and staff and customer toilet facilities to the satisfaction of Council's Environmental Health Services.
19. A landscape plan must be submitted to the Council and approved, **prior to applying for building licence** and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained; and
 - (4) those areas to be reticulated or irrigated; and verge treatments.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the



	Building Code of Australia.
3.	In relation to Condition No. 18, customer facilities are required if more than 20 seats are provided.
4.	All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer , and designed on the basis of a 1:10 year storm event.
(2)	issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

Zoning:	MRS:	Urban
	TPS3	Local Centre
Land Use:	Petrol Filling Station and Fast Food Outlet	
Lot Size:	1194m ²	
Use Class:	Petrol Filling Station – A Fast Food Outlet - D	

The subject site is located on the corner of Berrigan Drive and South Lake Drive in South Lake. There is an existing dilapidated disused former Service Station building located on the subject lot.

There are two access/egress points to the site one from Berrigan Drive and one from South Lake Drive. The existing local Shopping Centre located on the same lot is serviced by two additional access/egress driveways on Berrigan Drive and South Lake Drive leading direct to the Shopping Centre carpark and located further away from the street corner.



Submission

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

- The proposal is for refurbishment and modernisation of the existing disused Service Station and retail outlet/shop and a change of use and refurbishment of the existing workshop area to fast food outlet.
- The proposal includes the addition of technologically advanced filling stations and improvements in pollution control and vapour recovery.
- The proposal capitalises on its proximity to regional transport networks and business, industrial and service-commercial land uses including the South Lake Shopping Centre, Jandakot Town Site and Jandakot Regional Centre.
- The proposal is consistent with the relevant statutory considerations.
- The proposal makes best and efficient use of existing infrastructure.
- The proposal shall provide for a wider range of petroleum and associated convenience goods and take away food to the local community that meet current market demand.

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

Report

City of Cockburn Town Planning Scheme No. 3

The subject land is zoned Local Centre under the City of Cockburn Town Planning Scheme No. 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed uses are designated as follows under the TPS 3 zoning table:

Petrol Filling Station – (A) - use requires an application for Planning Approval and advertising to public in accordance with Clause 9.4 of the Scheme.

Fast Food Outlet – (D) -use requires application for Planning Approval.

The main objective of the Local Centre Zone as stated in the Clause 4.2.1 (d) of the TPS 3 is:

To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local – serving role of the centre.



The proposal for petrol Filling Station inclusive of convenience retail shop and a fast food outlet aimed at serving the local community is considered to be in line with the above stated objective of the zone.

The proposal is for refurbishment and modernization of the existing disused Service Station, which was previously approved by Council. The new proposed use being a Petrol Filling station rather than a Service Station would have less impact on the surrounding residential uses as it doesn't include a vehicle service and repair workshop.

Fast Food Outlet component of the proposal being a 'D' use in the Zoning Table was required to be advertised for public comment in accordance with the TPS 3. The required advertising was carried out. One objection was received during the advertising period, which is detailed in the Public Consultation section of this report.

The proposal also complies with the requirements under the TPS 3 provisions for car parking and landscaping. However a detailed landscape plan would be required prior to issue of a Building Licence, which is recommended to be included as one of the conditions of Planning Approval.

New signage is also proposed as part of the application. The applicant did not submit enough information regarding the proposed signage at this stage. A condition is recommended to request the applicant to lodge a separate application for the proposed signage.

Shopping Centres and Service Stations Policy APD 36

Council has an adopted Local Planning Policy APD 36 – Shopping Centres and Service Stations Policy, which sets out the main objective for shopping centre and service station proposals and requirements in terms of their functionality, impact on the amenity of surrounding area and sitting/location.

The applicant addressed all the aspects of the Policy in the report submitted with the application.

The location of the proposed petrol filling station on the corner of Berrigan Drive and South Lake Roads on the same lot as the local shopping centre is considered to be suitable and convenient and would fulfil the purpose of providing necessary service to the local residents and businesses and passing traffic in accordance with the Policy APD 36.

Policy APD 36 also contains the following assessment requirement:



The design and layout of the proposed service station shall not have a detrimental impact on the local amenity in respect to traffic and pedestrian movements, odours, lighting, noise and hours of operation.

In relation to the above requirement, the proposal is for refurbishment of the existing service station building. As stated by the applicant the proposal seeks to improve the functionality of its internal layout, design and improve the quality of service and operation. The size/scale of the existing service station is not proposed to be changed.

The proposed hours of operation are from 6.00 a.m. to 10.00 p.m. weekdays and 6.00 a.m. to 11.00 p.m. weekends. It is also stated by the applicant petrol tanker deliveries of fuel would not be undertaken outside of the proposed trading hours.

The proposed car parking facilities were designed in accordance with the relevant Australian Standards. As also stated in the applicant's report the petrol filling station and the proposed fast food outlet shall further promote pedestrian activity within the area.

Another requirement of the Policy is that Service Stations are not located on high speed arterial roads. Berrigan Drive and South Lake Drive are not considered to be high speed roads. The prescribed speed limits for these roads are 60km/h and 50km/h.

It is considered that the proposal for refurbishment of the disused service station building and the change of use from the vehicle repair workshop to a fast food outlet is in line with the guidelines under the Policy APD 36.

Recommendation

It is recommended that the application for a Petrol Filling Station and a Fast Food Outlet on the subject site be approved by Council subject to standard conditions, as it is considered that the proposal is line with the main objective of the local centre zone and also complies with all the requirements under the Scheme and Council Policy APD 36.

The proposal seeks to refurbish a disused and neglected existing service station building, which would improve the aesthetic amenity in the locality and potentially reduce antisocial behaviour associated with vacant buildings.

The proposal reduces hours of operation in comparison with the previous service station use and limits deliveries of fuel by petrol tanker trucks to be during the proposed trading hours.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

Council may have to bear the costs associated with SAT proceedings in case of an application for Review of Council's decision by SAT by the applicant.

Legal Implications

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

Community Consultation

The proposed Petrol Filling Station Use being an 'A' use in the TPS 3 Zoning Table was required to be advertised in accordance with the Clause 9.4 of the Scheme. The applicant was requested to install an advertising sign, which remained on site for 14 days. Council received one objection during the advertising period. The main points raised in the objection were relating to the issues associated with the service station previously operating on the subject site, which is summarised below:

- One of the issues with the previous service station was congestion caused due to high volumes of traffic using the same access/egress driveways servicing the shopping centre and the service station.
- Noise from the service station customers' vehicles and delivery trucks in the early hours of the morning affecting the surrounding residential properties.
- Antisocial behaviour by some persons within the service station grounds.
- Bad petrol fumes and smell from the leaking petrol tanks.
- There is another service station in close proximity to the subject site on the corner of Berrigan Drive and North Lake Road.

The applicant was requested to respond to the issues raised in the objection. The main points of applicant response are summarised below:

- Parking aisles are designed in accordance with the relevant Australian Standard. Reciprocal access easements apply on the subject site.
- Berrigan drive according to Main Roads WA Metropolitan Functional Road Hierarchy document Berrigan Drive is a District Distributor -A road. It is expected that certain noise levels are expected from such carriageways. Commercial/Retail nodes such as the subject site also generate noise levels greater than areas set aside purely for residential purposes.



- Petrol Tanker deliveries are not proposed out of Petrol Filling Station normal operating hours.
- Refurbishment and modernisation of the disused facility in accordance with the WAPC Designing Out Crime Guidelines June 2006 would assist in limiting of antisocial behaviour in the vicinity of the subject site.

It should be noted that the objection was mainly focusing on the petrol station use rather than the proposed fast food outlet, which was the main reason why the proposal was required to be advertised for comment in accordance with the TPS 3 requirements.

Service Station is an approved use on the subject site and the proposal is for continuation of that use after repair and refurbishment works are carried out.

Attachment(s)

1. Location Plan showing where Submissions of Objection and Support have been received from.
2. Applicant's report
3. Site Plan and Elevation Plans
4. Copy of the objection received
5. Applicant's response to the objection.

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 8 November 2007 Council Meeting.

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

N/A

14.9 (MINUTE NO 3606) (OCM 08/11/2007) - PROPOSED JANDAKOT AIRPORT DRAFT MAJOR DEVELOPMENT PLAN - HOPE ROAD JANDAKOT - OWNER & APPLICANT: JANDAKOT AIRPORT HOLDINGS PTY LTD (1211) (R DONG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) forward a submission to Jandakot Airport Holdings (JAH) and the Department for Planning and Infrastructure on the basis of the Officer's report and comprising the following recommendations:



1. The Jandakot Airport Draft Major Development Plan (MDP) be supported subject to:
 - a) The location of the fourth runway being in accordance with "Option 1" of the Jandakot Airport Master Plan – North existing 12/30 runway, described by the Jandakot Airport Draft Major Development Plan as "12R/30L (990m x 18m) touch and go runway".
 - b) A detailed traffic assessment, being prepared by JAH, outlining the impacts on the City's infrastructure outside of JAH land generated by the proposed development to the satisfaction of the City of Cockburn.
 - c) JAH constructing the infrastructure and upgrades of any existing infrastructure outside of JAH land as identified in the approved detailed traffic assessment.
 - d) A detailed flora and fauna survey and management plan be prepared as a part of the MDP in consultation with the City of Cockburn, and be referred to the Commonwealth Department of Environment and Water Resources for assessment under the Environmental Protection and Biodiversity Conservation Act 1999.
 - e) A detailed urban water management plan is prepared by JAH in close consultation with the City of Cockburn and the Department of Water.
 - f) All existing houses and residential accommodation located within a new 20-25 contour (as a result of the proposed fourth runway operation) be acoustically treated at JAH's expense to mitigate some of the aircraft noise experienced inside the buildings.
2. The description of the zones and land uses activities within the commercial development precincts should be consistent with the City of Cockburn Town Planning Scheme No. 3.
3. Any retail activity within the commercial development precincts be considered on the basis of serving the airport precinct and limited to a "Local Centre" scale with a total maximum aggregated floor space of 2000m², in order to minimise the impact on the City of Cockburn's Local Commercial Strategy.
4. JAH be requested to prepare detailed structure plans for each area to guide future subdivision and development in consultation with the City of Cockburn.

5. If roads, drainage, reserves and other infrastructure, within the JAH land, are to be handed over to the City of Cockburn to maintain and manage, the construction of this infrastructure is to be in accordance with the City's normal engineering subdivision guidelines, approval and supervision processes, and to standards agreed between City and JAH and that JAH engineers certify that infrastructure has been constructed accordingly.
 6. A Protocol is to be established which provides for Council's input into the preparation and processing of structure plans, the processing of subdivision and development applications including parks and landscaping design and construction standards for infrastructure.
 7. The proposed road to the east to link with Ranford Road and the proposed road to the south to link Jandakot Drive are supported by the City as they provide alternative traffic routes to the existing Hope Road in case of emergency.
 8. A separate application is to be made for Council approval of any construction of roads or modifications to the existing road network outside of the JAH land to meet Council's requirements.
 9. The Construction Environmental Management Plan should be amended to incorporate the City's comments listed in this report.
 10. JAH to provide copies of all sub-leases within the commercial precinct to the City, upon JAH entering into any sub-lease within that precinct.
- (2) forward a copy of this Council Minute to the Minister for the Department of Transport and Regional Services and the Commonwealth Department of Environment and Water Resources.

COUNCIL DECISION

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

- (1) as recommended, with the following additional condition:
 1. (g) That a fauna underpass be constructed under the southern link road within the JAH site connecting the conservation areas on either side of the proposed road;

Insert a new item (2), as follows:



- (2) request an investigation by Council of an alternative naming for Lancaster Road, Jandakot with a report back to Council on this matter; and
- (3) request Jandakot Airport Holdings enter into negotiations with the Department of Environment and Conservation, to undertake a land swap offsetting the clearing of 62 hectares of bush within the proposed Commercial Development Area with a similar Banksia woodlands area within the City of Cockburn;
- (4) Renumber item (2) to item (4) and adopt it as recommended; and
- (5) Organise a briefing of Councillors by Jandakot Airport Holdings.

MOTION LOST 2/8

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Deputy Mayor K Allen that Council defer the matter and:

- (1) arrange a briefing of Councillors by Jandakot Airport Holdings;
- (2) the Mayor, Chief Executive Officer, Director Planning and Development, Director Engineering and Works and Director Finance and Corporate Services meet with Jandakot Airport Holdings to discuss strategic issues and to seek an extension to the submission period; and
- (3) the letter requesting the extension be copied to each of the candidates representing the Fremantle area who are standing for election in the forthcoming Federal Election.

CARRIED 9/1

CLR IAN WHITFIELD REQUESTED THAT HIS VOTE AGAINST THE DECISION BE RECORDED.

Reason for Decision

As the land occupied by Jandakot Airport Holdings (JAH) is controlled by the Federal Government, it is not necessary for them to comply with any Local Government conditions of development. Therefore, it would be more productive for Council to meet with JAH and discuss how Council could influence an outcome that would address all its issues of concern.



Background

ZONING:	MRS:	Public Purposes – Commonwealth Government
	TPS:	Public Purposes – Commonwealth Government – Regional Reserve – Water Catchment – Special Control Area – Jandakot Airport
LAND USE:	Aviation	
LOT SIZE:	512 ha	

The Jandakot Airport Master Plan which was approved by the Minister for the Department of Transport and Regional Services (DoTaRS) in January 2006 includes plans for the construction of a fourth runway and the allocation of non-aviation land for a commercial development precinct.

The City was invited to comment on the Master Plan in 2005. Council at its meeting dated 8 September 2005 resolved to support the fourth runway being in accordance with “Option 1” of the Master Plan subject to a series of conditions (Minute No 2951 refers). The three options referred in the Master Plan are as follows:

- Do nothing option;
- Option 1 – New parallel 12R/30L (990m x 18m) touch and go runway of the existing 12/30 runway; and
- Option 2 – New parallel runway (1390 x 30m) south of the existing 12/30 runway.

A Major Development Plan (MDP), generally speaking, is a more detailed plan to the Master Plan. Under the Airport Act 1996, a MDP for the proposed works, as well as formal advertising and consultation are required before the draft MDP being submitted to the Minister for the DoTaRS for approval.

The City has received a letter from the Jandakot Airport Holdings Pty Ltd (JAH) on the 8 August 2007, in which the JAH has notified the City of its intention to submit a draft MDP to the Minister for DoTaRS under the Airport Act 1996.

The advertising of the draft MDP (Attachment 1 refers) commenced on August 22, 2007 and will be concluded on November 15, 2007. The City intends to comment on the draft MDP and make a submission to JAH. The draft MDP has been assessed by the City’s internal technical departments including Strategic Planning, Engineering, Environmental, Parks and Health. This report provides some recommendations for Council’s consideration on the MDP. Adoption of these



recommendations will then form a formal position of the Council on the Draft MDP, and be forwarded to the JAH.

Report

Draft Major Development Plan (MDP)

The draft MDP shows the proposed development including:

- A new parallel 12R/30L (990m x 18 m) touch and go runway north of the existing 12/30 runway. ("Option 1" refers, which was supported by Council at the Master Plan consultation stage).
- A road to the East to link with Ranford Road. (not proposed in the Master Plan 2005).
- A road to the South to link with Jandakot Drive. (not proposed in the Master Plan 2005).
- Civil works including sewer, power and water services. (proposed in the Master Plan 2005).
- Clearance of 62ha of bushland to facilitate a commercial development. (proposed in the Master Plan 2005).

Land Use Proposals

The approved 2005 Master Plan identifies 148 ha of non-aviation land development in the northern portion of the site for commercial development. Figure 10 – Land Use Precincts plan (Attachment 2 refers) for the commercial development area identifies a series of land use precincts including the existing aviation building area:

- Central Core – containing high density offices and destination uses as food and beverage outlets, local retail, entertainment and leisure, etc.
- Inner frame – containing uses such as offices and showrooms that have a relatively high visitor demand or a relatively high worker population.
- Outer frame – containing uses such as trade-related showrooms, light industry, and logistics and storage that generate truck traffic and have either relatively few workers or visitors.
- Aviation support – containing uses that provide support to aviation operators.



- Aviation core – containing central and intensive uses relating to aviation operations – eg. Hotel and shared terminal.
- Aviation operations – containing aviation operators with direct access to the airside of the airport.

The general allocation of land use activities is supported. However, for clarity and ease of interpretation of the proposed land uses, recommendation should be made to ensure that the description of the zones and land uses activities within the commercial development precincts be consistent with the City of Cockburn Town Planning scheme No. 3. Furthermore, it is considered that any retail activity within the development precinct would only serve the local catchment (the commercial development and aviation areas) and should be limited to a “Local Centre” scale (i.e. maximum floor space of 2000m²), in order to minimise the impact on the City’s Local Commercial Strategy.

The Land Use Precinct plan shows the internal road network and accesses, but no details are provided on how the land is to be developed. It is desirable that future development of the land occurs in accordance with the City’s standards as the commercial development area will be subleased as opposed to a traditional subdivision and freehold title arrangement. It is therefore recommended that JAH be requested to prepare detailed structure plans for each area to guide future development in close consultation with the City of Cockburn.

The detailed structure plan should be prepared in consultation with the City and should address matters such as land use proposals, indicative road layout, cycle and pedestrian networks, typical road sections, drainage, open spaces etc. The structure plan should include the details listed in Clause 6.2.6.1 of the City’s Town Planning Scheme No 3.

Should the land within the commercial development area be subdivided in the future, it is essential that an agreement is reached with the City of Cockburn for the potential management of roads, drainage, open space and other appropriate reserves. It is recommended that JAH should liaise with the City of Cockburn to discuss the details of the infrastructure management should that be a likely option

The proposed development on the airport is not subject to normal State Government or local government subdivision or development processes. However, it is essential for Council to be closely involved and consulted. All infrastructure in this area should be constructed to Council’s specifications and it is recommended that any further development in this area be to standards agreed between Council and JAH and that JAH engineers certify that infrastructure has been constructed accordingly, if it is to be handed over to the City to maintain and manage.



The City has requested during the Mater Plan advertising in 2005 that a protocol between JAH and the Council to cover matters including the preparation and adoption and adoption of a structure plan for the precincts, development standards, zones and permitted uses and specifications for roads and drainage etc. particularly if the area is to be freehold in the future under the City's management. This has been discussed with JAH and there was agreement to further identify items that could be included and possible procedures.

In general, the items important to Council have been identified as follows:

- The use of terms, definitions, zones and development standards that are consistent with City of Cockburn Town Planning Scheme No. 3.
- Adoption of a structure plan by JAH in consultation with Council which shows adequate details guide subdivision and development of the area.
- Referral of subdivision and development applications to Council for its information and comment.
- Procedures for certification that infrastructure including roads and drainage have been constructed to Council specifications, if they are to become public responsibility.

Transport Issues

The two roads proposed to the East to link with Ranford Road and to the South to link Jandakot Road have considerable merit as they provide alternative traffic routes to the existing Hope Road. If Hope Road was blocked due to a crash or other accidents could lead to the following risks:

- Emergency access is lost – this has severe ramifications for the Royal Flying Doctor Service (RFDS).
- Access to RFDS by St John of God Ambulance is restricted.
- Evacuation due to a chemical spill or bushfire is limited.

The new road links will alleviate much of the identified risks as the proposed road network affords increased flexibility for airport access.

Notwithstanding the above, the City has concerns on the impact of the increased traffic volume on the road infrastructure as a result of the development on the airport. The City's most recent traffic forecasting model for 2016 has have now been considered by JAH and general



discussion with Council Officers have identified the following issues, which need to be addressed in a detailed traffic assessment:

- Upgrading Berrigan Drive (between Freeway and Jandakot Road) from 2 lanes to 4 lanes divided. If North Lake Road Bridge is constructed prior to 2016, then Berrigan Drive may cope with 2 lanes.
- Downgrade Berrigan Drive (Jandakot Road to Hope road) from a District Distributor Road to a Local Distributor Road. This will require changing the infrastructure and slowing the speed limit so that most of the traffic will be deflected onto Hope Road and the proposed South Link (Lancaster Drive). JAH suggest that traffic calming treatments may be required on Berrigan Drive in order to restrict the road to “local residents” only.
- Traffic signals will be required at the intersection of Karel Avenue/Hope Road/Berrigan Drive (north).
- Queuing lengths on Karel Avenue approaching the Hope Road/Berrigan Drive intersection, area identified as an issue, particularly if there is a strong demand for a right turn in the evening peak hour into Berrigan drive. JAH propose to restrict green time in peak periods for traffic moving in/out of Berrigan Drive (north).
- A new T-intersection is proposed at the intersection of the South Link (Lancaster Drive) and Berrigan Drive (south). This will function under STOP controls. JAH advised they would reconsider the design of the intersection by providing wide median island so that motorists can egress out of Berrigan Drive in two stages.
- Traffic signals are required at the intersection of Jandakot Road South/Dean Street /Berrigan Drive (south).
- The construction of Lancaster Road (South Link). JAH is waiting for final approval from the DoTaRS and indicated that construction of Lancaster Road (South Link) would begin straight away and be completed within a year.

It is assumed that JAH would be responsible to fund and construct the above infrastructure that fall inside of the JAH land. Whilst some infrastructure outside of JAH area is normally under the responsibility of the City of Cockburn and Main Roads, JAH should be responsible for this infrastructure given that the significant traffic impact was generated by the future development on the airport. It is therefore recommended that JAH fund the construction of the identified infrastructure required by 2016.

The City also has concerns with the future increased traffic volume on Prinsep and Warton Roads which are not discussed in the MDP



document. The few residential houses already there need to be screened by a service road away from the future increased demands on that road by heavy commercial traffic as a result of the commercial development on the airport.

Environmental Issues

The City has great concerns over the issue of clearing natural bushland for the development on Jandakot Airport. The loss of 102 ha of bushland will significantly impact on threatened species of fauna and flora. It appears that there have not been any appropriate flora and fauna surveys undertaken as a part of the MDP. It is strongly recommended that a flora and fauna survey and management plan be undertaken before the MDP referred to the Commonwealth Department of Environment and Water resources for assessment under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

A detailed urban water management plan is required to address surface and ground water management, given that the site is located on the Jandakot Groundwater Mound. This is particularly important for different types of runoff for the aircraft runway and service areas, distributor roads and urban areas. It is recommended that a water management plan be prepared by JAH in close consultation with the City of Cockburn and the Department of Water.

In respect of the Construction Environment Management Plan (Appendix A of the MDP document), the City has the following comments:

- Concern is expressed that the City of Cockburn was not consulted in relation to the clearing bushland of Stage 1.
- With regard to Section 5.1.6 of the Construction Environment Management Plan (CEMP), topsoil cannot be stockpiled for long periods as the seeds may become unviable due to the effect of moisture in the soil. Soil from dieback infested areas should not be mixed with soil from dieback free areas.
- With regard to Section 5.1.9, all refuelling should be undertaken on hard areas to reduce the risk of groundwater contamination.
- Section 5.1.11 – W6 is a Resource Enhancement Wetland and should be adequately buffered. A 50m buffer is normally required by the Department of Water. No clearing should occur within this buffer and the demarcation line should be adequately pegged and visible to machinery operators.
- Section 5.1.13 – Bushland salvage initiatives should be implemented prior to clearing. This should include seed collection,



harvesting hollow logs from existing trees that could then be utilised in other areas of the airport as nesting hollows or habitat logs. Transplantation of plants could also be undertaken for use in landscaping. The City of Cockburn would be keen to undertake some seed collection in areas destined to be cleared.

- Section 5.1.13 – Prior to any clearing approval bushland salvage initiatives should be implemented.
- Section 5.1.16 – Prior to the commencement of any earthworks in the area or translocation of the Protected Flora approval from the Commonwealth Department of Environment and Water resources will need to be obtained.
- Section 5.1.17 – care must be taken to ensure that translocation of plants does not transfer diseases such as dieback to other sites.
- Section 5.1.21 – Clearing should be undertaken when reptile species are active. Clearing in colder periods when reptiles are least active is not advised. Clearing in mid to late spring is also not advised as many bird species will be nesting. It is suggested that a qualified fauna (particularly reptiles) expert be on site during clearing to ensure that any injured, distressed or trapped fauna can be assisted.
- Section 5.4.2 – Given that the works are occurring within the municipality of City of Cockburn the City of Cockburn would like to be notified of any significant environmental incident or emergency.

Aircraft Noise

The proposed fourth runway will increase annual flights by 14,000 approximately reaching a maximum of 514,000 flights per year in 2015.

The Australian Noise Exposure Forecast (ANEF) system of predicting likely impacts of aircraft noise to the general public is limited where there is a significant increase in the frequency of flights. The draft MDP recognises that “for affected residents, the noise impacts associated with the use of the 12/30 direction runways will be intense, at frequent intervals and relatively short duration” as the fourth runway (12R/30L) is parallel to the north of the existing 12/30 runway.

The ANEF maps for 2005 indicates that the 20-25 contour will extend about 265, into the residential areas to the northeast and to a lesser extent to the southwest. The 20-25 contour is recognised in AS2021 Table of Building Site acceptable as the category “Conditional” for houses and schools. “Conditional” typically acknowledges that buildings should be acoustically treated to minimise noise nuisance. In addition, the Draft MDP states that “at the 20 ANEF approximately 10% of



people are “seriously affected” and approximately 45% are “moderately affected” by aircraft noise”.

Should the fourth runway be approved it is recommended that all existing houses and residential accommodation located within a new 20-25 contour (or over) be acoustically treated at JAH’s expense. This will mitigate some of the aircraft noise experienced inside the buildings. However, it is likely that the noise nuisance will continue to exist when residents are enjoying their external living areas. It is noted that the aircraft noise will be restricted to daytime only as the runways will not be lit for night time flights.

The 25-30 contour is recognised in AS2021 as unacceptable for houses and schools. The ANEF map for 2025 indicates that the new 25-30 contour extends slightly into residential areas. This suggests that any further increase in the frequency of flights in the future shall not be approved by the Minister for the Department of Transport and Regional Services given the non-compliance with AS2021.

Conclusion

Despite that the proposed fourth runway will result in an increase in aircraft movements and hence the extended ANEF contours, the development on Jandakot Airport proposed in the draft MDP is likely to provide economic and social benefits to the airport and the district as a whole. The fourth runway will improve aviation safety. The two proposed link roads provide alternative traffic routes to existing Hope Road, and alleviate the risks in case of emergency.

Notwithstanding the above, there are many issues for the proposed development which have not satisfactorily addressed in the draft MDP including planning, engineering, environmental, and health aspects which are listed in the Recommendation part of this report. It is therefore recommended that Council support the proposed development on Jandakot Airport subject to Conditions a) to e) listed in the Recommendation part of this report.

Strategic Plan/Policy Implications

Infrastructure Development

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

Natural Environmental Management

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



Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

The Planning Policies which apply to this item are:

SPD1 Bushland Conservation Policy
SPD3 Native Fauna Protection Policy
APD33Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Under the Airport Act 1996, a Major Development Plan for the proposed works, as well as formal advertising and consultation are required before the draft MDP being submitted to the Minister for the DoTaRS for approval.

Community Consultation

N/A

Attachment(s)

1. Draft MDP Executive Summary
2. Land Use Precincts Plan
3. Jandakot Airport Ultimate Layout Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 **(MINUTE NO 3607) (OCM 08/11/2007) - LIST OF CREDITORS PAID - SEPTEMBER 2007 (5605) (K. LAPHAM) (ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for September 2007, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr S Limbert 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 September 2007 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 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3608) (OCM 08/11/2007) - STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2007 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for the period ending 30 September 2007, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and



- (c) any other supporting information considered relevant by the local government.

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for September 2007.

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

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

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

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

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.



The materiality threshold set by Council for the 2007/08 financial year \$50,000 or 10% (whichever is the greater). This was increased from \$10,000 from previous years to better focus reporting and management's attention to variances considered more material in view of Council's budget size.

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

Where variances reported are of a permanent nature, they will impact upon Council's end of year surplus/deficit position.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports - September 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 3609) (OCM 08/11/2007) - RFT 27/2007 THREE REFUSE COMPACTOR TRUCKS SIDE LOADING (RFT27/2007) (J RADAICH) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the tender submitted by Skipper Trucks, Tender No RFT 27/2007 – for the total changeover price of \$763,680.00 GST Exclusive for three Iveco Acco F2350G/260 side loading waste trucks;
- (2) include the option of Elphinstone six point cell weighing system for \$6,490. GST Exclusive for each unit; and
- (3) remove plant Nos. 7502, 7512 and 7532 from the Assets Register.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

There is an allocation of funds available in the Capital Works budget for the replacement of the three waste trucks excluding GST.

Accordingly, tenders were called for the supply and delivery of three replacement side loading waste trucks.

Submission

Tenders closed at 2:00pm (AWST) on Tuesday 21st August 2007 and four (4) submissions were received from:

1. Major Motors Pty Ltd
2. Skipper Trucks
3. PVT Sales Pty Ltd
4. Brigold Pty Ltd



Report

Compliant Tenderers

All Tenders were deemed compliant with the Specification and the Conditions of Tendering.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Technical Specifications	10%
Workshop Serviceability	15%
Backup Services	10%
Operators/Operations Suitability	15%
References	10%
Tendered Price/Evaluated (Whole of Life) Cost	40%
Total	100%

Tender Intent/Requirements

The Waste Services Department requires side loading compactor garbage trucks to effectively deliver a cost effective service.

Evaluating Officers

The tender submissions were evaluated by the:

1. Waste Coordinator – Gary Ware
2. Workshop Coordinator – Brian Farmer
3. Project Officer – Glen Williamson

Scoring Table

Tenderer's Name	Make/Model	Non-Cost Evaluation Score 60%	Cost Criteria Evaluation Score 40%	Total Score 100%
Skipper Trucks	Ivecco Acco F2350G/260	55.00%	38.38%	93.38%
Major Motors	Isuzu FVY 1400 Auto with Superior Pak Raptor Body	52.00%	40.00%	92.00%
Major Motors	Isuzu FVY 1400 Auto with MacDonald Johnston Sport Gen V	55.00%	35.85%	90.85%



Evaluation Criteria Assessment

The submissions considered showed they have the capacity to meet the City's requirements as detailed in the Specification as well as comply with the General and Special Conditions of Contract as stated in the tender document.

Skipper trucks also offered an optional on-board weighing system valued at \$6,490 GST exclusive. This system is essential for identifying overloading of trucks to avoid overload penalties from R.R.R.C.

Brigold Pty Ltd and PVT Sales offered prices for the outright purchase of the trade-in trucks only; however, they were substantially lower to the trade-in price offered by Skipper Trucks.

Relevant Experience

All considered tenderers have historically a high level of relevant experience in the manufacture of quality Side loading compactor trucks.

Delivery Response Times

All tenderers delivery response times are of a satisfactory level when considering the long fabrication lead time. Subsequently the submission from Skipper Trucks should be supported.

Strategic Plan/Policy Implications

The Strategic Plan 2006-2016 has a commitment to:

Governance Excellence

- *To maximise the use of technology that contributes to the efficient delivery of Council's services.*

Budget/Financial Implications

The budget for each vehicle is as follows: -

Replacement Plant 7502
(CW) 7750 - \$316,500.00

Replacement plant 7512
(CW) 7751 - \$316,500.00



Replacement Plant No 7532
(CW) 7753 - \$316,500.00

There has been an increase of 17% since the previous tender. There will be an increase in operational costs of \$9,000 per truck per annum in the recovery of depreciation in the 2007/08 budget

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

Tender No RFT 27/2007- Refuse Compactor Trucks – Side Loading was advertised on Saturday 4 August 2007 in the Local Government Tenders section of “The West Australian” newspaper.

Attachments

1. Tendered Prices – “Confidential.”
2. Tender Evaluation Sheet – “Confidential.”
3. Compliance Criteria Checklist

Advice to Proponent(s)/Applicants

Tenderers were advised that the matter of the tender for the supply of Three (3) side loading waste compactor trucks will be considered at the Ordinary Council meeting to be held Thursday 8 November 2007.

Implications of Section 3.18(3) Local Government Act 1995

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3610) (OCM 08/11/2007) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) PARKING AND PARKING FACILITIES LOCAL LAW (1116) (R AVARD) (ATTACH)

RECOMMENDATION

That Council pursuant to Section 3.12(4) of the Local Government Act, 1995 make a local law to:

- (1) repeal Part X and associated Schedules - Traffic and Parking of its Consolidated City of Cockburn (Local Government Act) Local Laws 2000;
- (2) establish the City of Cockburn Parking and Parking Facilities



Local Law (2007) and associated Schedules, as shown in the attachment to the Agenda; and

- (3) implement the necessary statutory procedures to ensure the promulgation of (1) and (2) above.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Council at its meeting of 9 August 2007, resolved as follows:

- (1) *pursuant to the requirements of Section 3.12 of the Local Government Act, 1995 makes a Local Law to:*
1. *Repeal Part X and associated Schedules- Traffic and Parking of its Consolidated City of Cockburn (Local Government Act) Local Laws 2000; and*
 2. *Establish the City of Cockburn Parking and Parking Facilities Local Law (2007), as shown in the attachments to the Agenda.*
- (2) *note that the purpose of the proposed Local Law is to update its Local Law provisions to meet new demands as a result of the growth and development of the district and the effect will be to supersede and increase the limited powers contained in Council's current traffic and parking provisions.*

In accordance with the requirements of the Act the proposal to establish the City of Cockburn Parking and Parking Facilities Local Law (2007) was advertised in the public notices section of the West Australian on 18 August 2007. As required by the Act a draft copy of the Parking and Parking Facilities Local Law was forwarded to the Minister for Local Government and Regional Development.



Submission

There were no public submissions received as a result of the advertising in the West Australian.

The response to the draft Parking and Parking Facilities Local Law from the Minister for Local Government and Regional Development has been received and considered by council's Solicitors. A copy of the response is attached.

Report

As required by Section 3.12(3)(a)(iii) of the Local Government Act, 1995 was placed in the West Australian on 18 August 2007 with the closing date of 2 October 2007. A copy of the proposed Local Law was made available on the City's web site and copies were available at the City's Libraries and the Administration Centre. At the close of the notice period there were no submissions received.

As required by Section 3.12(3)(b) a copy of the proposed Parking and Parking Facilities Local Law was forwarded to the Minister for Local Government and Regional Development. Council's Solicitors, McLeods, has reviewed a response from the Department of Local Government and Regional Development and altered the proposed Local Law to reflect the intent of the advice provided. It is considered that the changes made to the original proposed Parking and Parking Facilities Local Law are of a minor nature and not significantly different to that originally considered by the Council. Therefore, it is not necessary to recommence the process to seek public comment on the draft.

Should Council resolve to establish a Parking and Parking Facilities Local Law the new Local Law is required to be published in the Government Gazette and a public notice provided of the adoption of the Local Law in accordance with Sec. 3.12 (6)(a)-(c) of the Local Government Act, 1995.

Strategic Plan/Policy Implications

Governance Excellence

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



Budget/Financial Implications

Costs associated with the establishment of the Parking and Parking Facilities Local Law (2007) will be met within current budget allocations.

The Council has placed on its Plan for the District 2006 - 2016 provision for a parking inspector for 2012/13. The requirement for the position of parking inspector will be monitored as the development of high-density development occurs.

Legal Implications

Sec. 3.12 of the Local Government Act refers.

Community Consultation

Public comment was invited through advertising of the proposed Local Law on 18 August 2007 as required. Copies of the proposed Local Law were available on the City's web site and at the City's Libraries.

Attachment(s)

- (1) Copy of the revised proposed City of Cockburn Parking and Parking Facilities Local Law 2007.
- (2) Copy of letter from Department of Local Government and Regional Development.

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 3611) (OCM 08/11/2007) - CONSTRUCTION SERVICES RESIDENTIAL SUB-DIVISION LOT 5 BARTRAM ROAD, ATWELL - TENDER NO. RFT33/2007 (JK) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Brierty Contractors for the Tender No. 33/2007 - Construction Services Residential Subdivision Lot 5 Bartram Road, Atwell, for the lump sum price of \$1,262,362.55 (GST Inclusive).

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver that Council accept the tender submitted by Brierty Contractors for the Tender No. 33/2007 - Construction Services Residential Subdivision Lot 5 Bartram Road, Atwell, for the lump sum price of \$1,262,362.55 (GST Exclusive).

CARRIED 10/0

Reason for Decision

The Officer's recommendation quoted the lump sum price as being GST "inclusive", however it is actually GST "exclusive".

Background

Council at its meeting of 10 August 2006 resolved to adopt the recommendations of the Strategic Finance and Investment Committee meeting on 19 July 2006 which included the following recommendation:

- (1) receive the Business Plan prepared pursuant to Section 3.59 of the Local Government Act 1995;
- (2) approve the development of Lot 5 Bartram Road into 21 R20 residential lots, excluding lots 6 to 10 and lots 27 to 30;
- (3) proceed to appoint necessary consultants to prepare drawings and specifications sufficient to call public tender to complete the civil works;
- (4) call for public tenders to complete the civil works associated with the subdivision development;



- (5) refer the appointment of the civil works tender back to a future council meeting;
- (6) initiate the rezoning of Lot 27 on subdivision plan from R5 to R20;
- (7) refer the appointment of qualified selling agents to sell twenty one (21) R20 residential lots by public auction back to a future council meeting;
- (8) allocate \$1,500,000 from the Land Development Reserve Fund to cover the costs of the development and amend the 2006/2007 budget accordingly;
- (9) transfer the net proceeds from the sale of the lots to the Land Development Reserve Fund; and
- (10) investigate a higher density for lots 6 to 10 and 27 to 30.

In respect of recommendation 5 of the Strategic Finance and Investment Committee, Consulting Engineers Porter Consulting have prepared the necessary plans and specifications for the civil works. Tenders have been called and the purpose of this report is to consider the submissions and award the contract so that the project can commence.

Submission

Tenders closed at 2.00pm (AWST) on Tuesday 30 October 2007 and tender submissions were received from:

- Terry Ilich Civil Engineering
- Scott Construction & Development P/L
- Mako Civil P/L
- Croker Construction (WA) P/L
- Brierty Contractors
- Malavoca P/L
- Downer EDI Works P/L
- Griffin Civil P/L
- Outlook Contracting P/L

Report

Compliant Tenderers

The nine tenders submitted were deemed compliant with the conditions of tendering and compliance criteria.



Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Relevant Experience	10%
Demonstrated Safety Management	15%
Delivery Response Time	20%
Quality Assurance	5%
References	10%
Insurance	5%
Tendered Price – Schedule of Rates	35%
TOTAL	100%

Tender Intent/Requirements

The provision and installation/placement of fill material and civil infrastructure to allow the creation of:

1. 21 residential lots;
2. balance lot suitable for further subdivision into 25 lots.

The tender submissions were evaluated by:

John Radaich – Manager, Engineering
 Jadranka Kiurski – Project Manager
 Brad Harris, Porter Consulting Engineers.

Scoring Table

Tenderer's Name	Non-Cost Evaluation Score 60%	Cost Criteria Evaluation Score 40%	Total Score 100%
Brierty Contractors	60	40	100
Croker Construction (WA) P/L	60	34.8	94.8
Griffin Civil P/L	50.2	37.6	87.8
Malavoca P/L	51.7	34.8	86.5
Mako Civil P/L	47	38.6	85.6
Downer EDI Works P/L	51.7	32.9	84.6
Terry Ilich Civil Engineering	42.2	29.9	72.1
Scott Construction & Development P/L	38.3	31.5	69.8
Outlook Contracting P/L	28.9	23.8	52.7



Evaluation Criteria Assessment

Tenders were required to provide adequate information in their tender submission to allow for the scoring of each evaluation criteria. Where information was not supplied, the particular criterion was not scored.

Summary

Evaluation was undertaken by two internal staff members independently and a third assessment was undertaken by Council's consultant, Porter Consulting Engineers (copy of this assessment has been attached under confidential cover). The three assessments support awarding the tender to Brierty Contractors and consequently officers recommend that Council accept their tender submission for the lump sum price of \$1,262,362.55 (GST Inclusive)..

Strategic Plan/Policy Implications

Managing Your City

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

Planning Your City

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

Budget/Financial Implications

Funds are available under account number CW 1516 in the 2007/2008 Budget.

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

Tender No. RFT 33/2007 Construction Services Residential Subdivision Lot 5 Bartram Road, Atwell was advertised in The West Australian on Saturday, 13 October 2007 under the Local Government Tenders Section. It was also displayed on the City's website between Friday 12 October 2007 to Tuesday 30 October 2007.



Attachment(s)

1. Tendered Prices – “Confidential”
2. Tender Evaluation Sheet - “Confidential”
3. Porter Consulting Engineers Tender Summary - “Confidential”
4. Compliance Criteria Checklist

Tenders

- (1) Terry Ilich Civil Engineering
- (2) Scott Construction & Development P/L
- (3) Mako Civil P/L
- (4) Croker Construction (WA) P/L
- (5) Brierty Contractors
- (6) Malavoca P/L
- (7) Downer EDI Works P/L
- (8) Griffin Civil P/L
- (9) Outlook Contracting P/L

Advice to Proponent(s)/Applicant

Those companies which submitted a tender have been advised that this matter is to be considered at the November 2007 Ordinary Council Meeting.

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

N/A

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22.1 (OCM 08/11/2007) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Tony Romano – has requested that a report be prepared by Council staff, to be brought to the December 2007 Ordinary Meeting of Council, on the temporary closure of Hillcrest Street on the corner of Beach Road, Coogee, so as to reduce the flow of traffic in the local area

23. CONFIDENTIAL BUSINESS

Nil



24 (MINUTE NO 3612) (OCM 08/11/2007) - 24 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 S Limbert SECONDED Clr V Oliver the recommendation be adopted.

CARRIED 10/0

THE PRESIDING MEMBER ADVISED THE MEETING THAT THE CHIEF EXECUTIVE OFFICER HAD AN ANNOUNCEMENT.

The Chief Executive Officer advised the meeting that the formation of the Agenda is the responsibility of the CEO and that the December 2007 Agenda will be comprehensive and very large. As such, it is foreshadowed that there will be limited items for the following meeting and therefore Council will not meet in January 2008.

25 (OCM 08/11/2007) - CLOSURE OF MEETING

THE MEETING CLOSED AT 8.19PM

CONFIRMATION OF MINUTES

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

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

