

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 AUGUST 2006 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 AUGUST 2006 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr R Graham	-	Deputy Mayor (Presiding Member)
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr D. Arndt	-	Director, Planning & Development
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr A. Conroy	-	Manager, Parks
Mrs B. Pinto	-	Secretary/PA to Director, Finance & Corporate Services
Mr N. Evans	-	Communications Manager

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

#### 2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



**3. DISCLAIMER (Read aloud by Presiding Member)**

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

**4 (OCM 10/08/2006) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received a declaration of interest from Clrs Allen, Oliver and Goncalves which would be read at the appropriate time.

**5 (OCM 10/08/2006) - APOLOGIES AND LEAVE OF ABSENCE**

Mayor S Lee	-	Apology
Mr S Cain, Chief Executive Officer	-	Apology

**6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**7. PUBLIC QUESTION TIME**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 3224) (OCM 10/08/2006) - ORDINARY COUNCIL MEETING - 13/07/2006**

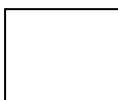
**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 13 July 2006, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 9/0**



**8.2 (MINUTE NO 3225) (OCM 10/08/2006) - SPECIAL COUNCIL MEETING - 25/07/2006**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Tuesday, 25 July 2006, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

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

Nil

**13. COUNCIL MATTERS**

**DECLARATION OF INTEREST**

Cllrs Allen and Oliver declared financial interest in Agenda Item 13.1. The nature of the interest being that they were benefactors of a monetary donation to their 2005 election fund from Mayor Lee. Part of the funds for Mayor Lee's campaign account were obtained from the Port Coogee NOW Group, of which Mr Gianoli, a representative of one of the appraising real estate agents, is a member.

CLRS ALLEN AND OLIVER LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.05 PM.



13.1 **(MINUTE NO 3226) (OCM 10/08/2006) - MINUTES OF STRATEGIC FINANCE AND INVESTMENTS COMMITTEE MEETING 19 JULY, 2006 (5017) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Strategic Finance and Investments Committee Meeting held on 19 July, 2006 as attached to the Agenda and the recommendations contained therein be adopted.

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**Background**

The meeting of the Strategic Finance and Investments Committee was conducted on 19 July 2006.

**Submission**

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

**Report**

The Committee considered items related to the land transactions and reviewed a report prepared by Council's Investment Advisors, Oakvale Capital Limited on Council's investment strategy.

**Strategic Plan/Policy Implications**

Strategic Plan Initiative Outcome refers:

***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**

1. Trustees Amendment Act, 1997, refers.
2. Sec. 3.59 of the Local Government Act, 1995, refers.

**Community Consultation**

N/A

**Attachment(s)**

Minutes of Strategic Finance and Investments Committee 19 July 2006.

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

N/A

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

Nil

CLRS ALLEN AND OLIVER RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.07 PM.

The Presiding Member read aloud the decision of Council whilst Clrs Allen and Oliver were absent from the meeting.

**13.2 (MINUTE NO 3227) (OCM 10/08/2006) - MINUTES OF AUDIT COMMITTEE MEETING 19 JULY, 2006 (5017) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on 19 July 2006, as attached to the Agenda and the recommendation contained therein be adopted.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**



**Background**

A meeting of the Audit Committee was conducted on 19 July 2006.

**Submission**

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

**Report**

The City's Auditors, Barrett and Partners provided the Annual Interim External Audit Report which was presented to the Committee for its consideration. There were a number of recommendations made to Council by the Audit Committee.

**Strategic Plan/Policy Implications**

Strategic Plan Initiative Outcome refers:

***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**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

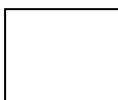
Minutes of Audit Committee 19 July 2006.

**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 3228) (OCM 10/08/2006) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW)**

**RECOMMENDATION**

That Council:

- (1) delegate its authority to approve or to refuse to approve plans and specifications under Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, to Council's Building Surveyor, Gary Robert Cox; and
- (2) issue to Gary Robert Cox, a Certificate of Authorisation relating to recommendation (1) above as required by Section 9.10(2) of the Local Government Act 1995.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

Mr Gary Cox is due to commence casual employment with the City of Cockburn on 7 August 2006, to assist while a Building Surveyor is on leave and to address the current workload. Part of Mr Cox's duties is to approve or refuse building plans and specifications under delegated authority of Council.

**Submission**

N/A

**Report**

Mr Cox has the necessary Local Government Qualifications to accept this delegation.

**Strategic Plan/Policy Implications**

Strategic Plan Initiative Outcome refers:



**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**

The casual appointment was anticipated and provisions included in the current Building Service Budget.

**Legal Implications**

Section 3.74(1b) of the Local Government (Miscellaneous Provisions) Act 1960.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

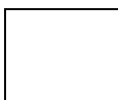
Nil.

**14.2 (MINUTE NO 3229) (OCM 10/08/2006) - PROPOSED AMENDMENT NO. 18 TO TOWN PLANNING SCHEME NO. 3 - RESERVE 39181 - BARTRAM ROAD, SUCCESS - OWNER: DEPARTMENT OF AGRICULTURE - APPLICANT: MGA TOWN PLANNERS (93018) (ML)**

**RECOMMENDATION**

That Council:

- (1) adopt the following modifications to Amendment No. 18 in pursuance of Section 75 of the Planning and Development Act 2005, by amending City of Cockburn Town Planning Scheme No. 3 as follows:-



Amending the Scheme Maps by including Crown Reserve 39181 at the corner of Hammond and Bartram Roads, Success, within Development Contribution Area 2; and

- (2) modify the scheme amendment documents accordingly.

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**Background**

ZONING:	MRS:	Urban Deferred Other Regional Roads
	DZS:	Public Purposes – Department of Agriculture
LAND USE:	Previous Apiary Site	
LOT SIZE:	5.6471 ha	

Council at its meeting of 13 July 2006, adopted an amendment to Town Planning Scheme No. 3, to rezone the subject site from 'Public Purposes' to 'Development' Zone (Development Area 28).

Inadvertently, the report to Council indicated that the site was within Development Area 8. The site is actually outside all Development Areas. It is therefore impossible for Council to seek any contributions when the site is finally developed for urban purposes. Consequently this report seeks Council to include the site within Development Contribution Area 2, so that development contributions may be applied.

**Submission**

N/A

**Report**

Details supplied at Council Meeting held 13 July 2006.

**Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome refers:



**Demographic Planning**

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

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

The Council will now have the legal power to charge developer contributions against any future development.

**Community Consultation**

The proposed scheme amendment will be advertised for a period of 42 days to relevant government agencies and surrounding community upon initiation of the amendment.

**Attachment(s)**

N/A

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

The applicant has been advised that this item will be considered by Council at the Ordinary Meeting to be held 10 August 2006.

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

Nil.



**14.3 (MINUTE NO 3230) (OCM 10/08/2006) - WATSONS FOODS ODOUR BUFFER ASSESSMENT - HAMILTON ROAD, SPEARWOOD (9654; 3209990) (AJB)**

**RECOMMENDATION**

That Council:

- (1) agree to commission Environmental Alliances Pty Ltd to liaise with the Department of Environment (DOE), rerun the Watsons odour model and prepare a report for submission to DOE;
- (2) provide a copy of the finalised odour assessment to Watsons Foods for their information;
- (3) submit the finalised odour assessment to the Department of Environment for approval of the odour buffer; and
- (4) advise Watsons Foods accordingly.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**Background**

At the meeting of Council held on 11 May 2006 Clr Allen requested that Council review the findings of the last Watsons Foods odour buffer study and look at the possibility for staff to engage the consultants used by Watsons Foods for the purpose of finalising the report entitled "Odour Assessment for Watsons Food (WA), Spearwood" for inclusion by the City in the future structure planning for the area, and report those findings back to a future meeting of Council.

**Submission**

Nil

**Report**

In December 2004 Environmental Alliances Pty Ltd prepared an odour assessment for the Watsons food plant in Hamilton Road Spearwood. The report showed a significant area around the plant and particularly to the west of Hamilton Road was affected by odours from the plant and was within the defined odour buffer area.



The report was submitted by Watsons to the Department of Environment for review in accordance with the licence conditions for the plant. By letter dated 29 June 2005 the Department of Environment responded to Watsons raising a number of issues relating to the report, the result of which was the need to rerun the odour model to incorporate the standards and data set specified by the DOE. Watsons has not and is not required to complete the odour assessment. Until the odour assessment is agreed to by DOE it is not possible to proceed with the planning and rezoning of the surrounding area which is zoned rural in TPS No 3.

This matter has been discussed with Watsons and they raise no objections to Council engaging Environmental Alliances Pty Ltd to rerun the odour model and submit it to DOE for approval. The odour assessment will determine the buffer around the Watsons plant.

Once the buffer is determined Council officers can proceed with the preparation of a district level structure plan for the area outside the buffer which will be suitable for residential purposes. Land affected by the buffer will not be suitable for sensitive land uses such as residential, office and commercial purposes as previously advised by DOE. The only form of subdivision that would be acceptable in the buffer would be for a limited range of industrial purposes. Land owners around Watsons have previously strongly rejected this option and accordingly it is not intended to revisit that area affected by the buffer at this time. It will remain zoned rural in TPS No 3.

It is considered appropriate that the City commission Environmental Alliances Pty Ltd to rerun and update the odour modelling assessment to determine the buffer zone. This will enable the matter to proceed to finality and allow for a district level structure plan and Scheme amendment to rezone appropriate areas earmarked for residential development to be prepared.

The cost to commission Environmental Alliances Pty Ltd to liaise with DOE, rerun the odour model and prepare a report for submission to DOE is \$5,500 inc GST. The cost of the study can be paid for from Strategic Planning Services town planning studies budget. Environmental Alliances Pty Ltd is the most logical consultant to prepare the study given that they hold the data required to run the odour model and have the required knowledge of Watsons Foods plant and their activities.

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

Following Strategic Plan Initiative Outcome refers:





**Demographic Planning**

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

**Governance Excellence**

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

**Budget/Financial Implications**

Cost of the study can be met from the Strategic Planning Services town planning studies budget.

**Legal Implications**

N/A

**Community Consultation**

Will be undertaken once the review of the odour study is complete.

**Attachment(s)**

N/A

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

N/A

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

Nil.

**DECLARATION OF INTEREST**

Cirs Allen and Oliver declared a financial interest in Agenda Item 14.4. The nature of the interest being that they were benefactors of a monetary donation to their 2005 election fund from Mayor Lee. Part of the funds for Mayor Lee's campaign account were obtained from the Port Coogee NOW Group, of which Mr Gianoli, a representative of one of the appraising real estate agents, is a member.

Clr Goncalves declared a conflict of interest in Agenda Item 14.4. The nature of the interest being that her partner's father is one of the applicants to market Council owned land.



CLRS ALLEN, OLIVER AND GONCALVES LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.09 PM

**14.4 (MINUTE NO 3231) (OCM 10/08/2006) - APPOINTMENT OF REAL ESTATE AGENT TO MARKET COUNCIL OWNED LAND (4809) (KJS) (ATTACH)**

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr A Tilbury that the matter be moved to 'Confidential Business' to be discussed behind closed doors.

**CARRIED 6/0**

CLRS ALLEN, OLIVER AND GONCALVES RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.10 PM

**14.5 (MINUTE NO 3232) (OCM 10/08/2006) - ALLOCATION OF CASH-IN-LIEU MONIES (9477) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) amend the 2006/07 Municipal Budget by allocating funds for the following projects:

	LOCALITY	LOCATION	DESCRIPTION	AMOUNT
a.	Spearwood	Smart Park	Landscape works for amphitheatre, seating and paths	\$44,622
b.	Atwell	POS Brenchley Dr	R44871 and Pt Lot 7	\$48,500
c.	Yangebup	Nicholson Reserve	Lighting of reserve	\$14,094
d.	Coogee	Market Garden Swamp No.2	Revegetation, paths and signs	\$40,284
e.	Coogee	Coogee Beach & Foreshore	Dune rehabilitation works	\$33,391

- (3) transfer funds from the Public Open Space Development Restricted Funds as follows:

1. Atwell	\$48,500
2. Coogee POS	\$73,675
3. Spearwood POS	\$44,622
4. Yangebup	\$14,094



- (4) not proceed with the construction of the carparking at Atwell Sports Reserve at this time (Proposal 10b of the Cash-In-Lieu program) and investigate alternative projects for the expenditure of the cash-in-lieu money;
- (5) not proceed with the construction of the four shade shelters at Coogee Beach (Proposal 2a of the Cash-In-Lieu program) and investigate alternative projects for the expenditure of the cash-in-lieu money;
- (6) investigate additional funding opportunities for the amphitheatre and lighting at Smart Park, Spearwood with specific reference to the cash-in-lieu money generated by the subdivision of Part Lot 13 Rockingham Road, Munster (WAPC Ref: 124183); and
- (7) seek to endorse from the Minister for Planning and Infrastructure to the amended allocations for cash-in-lieu funds.

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

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr I Whitfield that:

- (1) the report be received;
- (2) the 2006/07 Municipal Budget be amended by allocating funds for the following projects

	LOCALITY	LOCATION	DESCRIPTION	AMOUNT
a.	Spearwood	Smart Park	Landscape works for amphitheatre, seating and paths	\$44,622
b.	Atwell	POS Brenchley Dr	R44871 and Pt Lot 7	\$48,500
c.	Yangebup	Nicholson Reserve	Lighting of reserve	\$14,094
d.	Coogee	Market Garden Swamp No.2	Revegetation, paths and signs	\$40,284
e.	Coogee	Coogee Beach & Foreshore	Dune rehabilitation works	\$33,391

- (3) transfer funds from the Public Open Space Development Restricted Funds as follows:
  - 1. Atwell \$48, 500
  - 2. Coogee POS \$73, 675
  - 3. Spearwood POS \$44, 622
  - 4. Yangebup \$14, 094



- (4) the construction of the carparking at Atwell Sports Reserve not proceed at this time (Proposal 10b of the Cash-In-Lieu program) and investigate alternative projects for the expenditure of the cash-in-lieu money;
- (5) the construction of the four shade shelters at Coogee Beach not proceed (Proposal 2A of the Cash-in-Lieu Program) and Council include the following alternative Coogee Beach projects for approval by the Minister:
  1. A large quality shade shelter over the grassed area playground.
  2. a shaded walkway between the kiosk and the jetty.
  3. Cooler limestone based paving on the walkway between the kiosk and the jetty.
  4. A large undercover assembly/picnic area on the grassed area.
  5. Lighting upgrades to walkways and other areas to improve safety.
- (6) additional funding opportunities for the amphitheatre and lighting at Smart Park, Spearwood be investigated with specific reference to the cash-in-lieu money generated by the subdivision of Part Lot 13 Rockingham Road, Munster (WAPC Ref: 124183); and
- (7) Council seek the endorsement from the Minister for Planning and Infrastructure to the amended allocations for cash-in-lieu funds.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

### **Reason for Decision**

The four proposed beach shelters would provide limited wide community benefit as only four families at a time could utilise the shelters. The nominated alternatives would provide a much wider community benefit. Some have been identified by both the Coogee Beach Progress Association and the Coogee Beach Surf Club as location needs.

### **Background**

Council at its meeting held on 18 January 2005 resolved to adopt the proposed strategy for the expenditure of Public Open Space Cash-in-Lieu monies and forward it to the Minister for final consideration.

The Minister approved the expenditure of cash-in-lieu funds allocated in Proposals 1-8, 11, 12, the \$60,000 allocated in Proposal 9 for the



installation of bore and pump, the expenditure allocated for car parking and a lake aerator but refused the expenditure of \$23 000 allocated in Proposal 9 and \$40 000 allocated in proposal 10.

Refer letter from the Western Australian Planning Commission dated 16 April 2005 with the Agenda attachments.

Council at its meeting held 8 September 2005 resolved to allocate the cash-in-lieu funds approved by the Minister in its 2005/06 budget for the first round of projects.

### **Submission**

This report proposes to allocate cash-in-lieu funds in its 2006/07 Municipal Budget for 'round 2' of the cash-in-lieu projects approved by the Minister.

### **Report**

The Proposed Expenditure Timeframe Table with the Agenda attachments outlines the timeframes for expenditure of the cash-in-lieu monies.

The following information and recommendations are provided for specific cash-in-lieu projects:

#### Coogee Beach Foreshore

The rubbish bins have been installed, however Engineering Services have requested that the four shelters for the beach foreshore not be installed. The previous shelters were removed in 2003 after several sand erosion and accretion events were followed by serious vandalism that rendered the shelters unsafe. Engineering Services considers that the four proposed replacement shelters would have a limited lifespan and the cash-in-lieu money would be better spent on alternative projects.

The City's Engineering Services has identified the following alternative projects that could be constructed using the cash-in-lieu monies:

- a large quality shade shelter over the grassed area playground;
- a shaded walkway between the kiosk and the jetty;
- cooler limestone-based paving on the walkway between the kiosk and the jetty;
- a large undercover assembly/picnic area on the grassed area.
- lighting upgrades.

The alternative proposals suggested by the Engineering Services would require further approval from the Minister for Planning and



Infrastructure (the Minister) prior to the City being authorised to use the cash-in-lieu money for the construction of the alternative project(s).

It is recommended that the four shade shelters be deleted from the budgeted project list and that the City investigate alternative projects for the expenditure of the cash-in-lieu money.

#### Atwell Sports Reserve

The lake aerator is currently under construction and is due for completion in July 2006.

A need for additional car parking at the Atwell Sports Reserve was previously identified and it was proposed to construct additional car parking in conjunction with an extension to the existing club rooms. However, the Minister refused the allocation of cash-in-lieu funds for the proposed extensions to the club rooms.

In addition to the above, car parking will be constructed as part of the adjacent future Atwell Senior High School, due to be completed at the beginning of 2008. Also, a 55 bay car park has recently been constructed off Brenchley Drive as part of the pre-school and shared use of this car park has alleviated parking issues for users of the sports field accessing the park from the eastern side.

In consideration of the above, it is recommended that the City's Engineering Service undertake further investigation to determine ultimate parking requirements and to review the need for the proposed additional car parking to be constructed at the Atwell Sports Reserve. It is recommended that Council not proceed with the construction of the carparking at Atwell Sports Reserve at this time.

#### Smart Park Amphitheatre

Parks Services Officers have reviewed this proposal and determined estimates for the proposed works. Paths and seats may be installed at a total cost of approximately \$36,000. The balance of \$8,622 is insufficient for completing earthworks and landscaping to an amphitheatre at this location. It is recommended that additional funding of \$40,000 be sourced for the construction of an amphitheatre. An additional \$45,000 would be required for park lighting and power outlets for performances.

The subdivision of Pt Lot 13 Rockingham Road, Munster (WAPC Ref: 124183) generated an amount of \$126 573 cash-in-lieu, of which part may be used for the additional funding for the construction of the amphitheatre and lighting at Smart Park, subject to further investigations and approval by the Minister.



Conclusion

It is recommended that the Council receive the report and amend the 2006/2007 Budget to reflect the project funding.

**Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome *refers:*

***Infrastructure Development***

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

The Council Policies that apply to this item are:-

SPD2 COMMUNITY FACILITIES INFRASTRUCTURE –  
10 YEAR FORWARD PLAN  
APD4 PUBLIC OPEN SPACE

**Budget/Financial Implications**

The total funds available in the POS account is \$728,822.28. The proposals put forward in this agenda item total \$180,891.

The proposal is to expend the funds in the Public Open Space Development Restricted Funds over the next 3 years (i.e. 2006-2008 inclusive).

Council will need to allocate cash-in-lieu funds in its 2006/07 Municipal Budget to allow the expenditure on cash-in-lieu projects planned for 2006/07 to take place.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

- (1) Letter dated 16 April 2005 from the Western Australian Planning Commission.
- (2) Proposed Expenditure Timeframe Table.



- (3) Extract of Council Decision – 8 September 2005 - List of Cash-in-lieu projects.

**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 3233) (OCM 10/08/2006) - LIST OF CREDITORS PAID - JUNE 2006 (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for June 2006, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome refers:





**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 – June 2006.

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

N/A

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

Nil.

**15.2 (MINUTE NO 3234) (OCM 10/08/2006) - STATEMENT OF FINANCIAL ACTIVITY - JUNE 2006 (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated documents for the period ended 30 June 2006, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**



## **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 June 2006. The figures shown will be subject to further end-of-year adjustments for accruals etc. A report on the final end-of-year position with any resultant budget adjustments required will be presented to the September meeting of Council.

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, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

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

**Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome refers:

***Governance Excellence***

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

**Budget/Financial Implications**

As the mid-year budget review has already been conducted and was based on financial information as at 31 December 2005, any further material variances of a permanent nature will now 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 for – June 2006.

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

N/A

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

Nil.



**15.3 (MINUTE NO 3235) (OCM 10/08/2006) - REQUEST FOR BUSINESS DATA BASE (5220) (DMG/ATC)**

**RECOMMENDATION**

That Council approves the provision of a database of business registered in the City of Cockburn on a free of charge basis to the Melville-Cockburn Chamber of Commerce.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that approval for the provision of a database of businesses registered in the City of Cockburn be given, on a free of charge basis to the Melville-Cockburn Chamber of Commerce, subject to confirmation from the Chamber that the information will only be utilised for its own marketing purposes and not made available to any other person or organisation.

**CARRIED 9/0**

**Reason for Decision**

It is important that the integrity of Council-provided information be maintained. This will require an assurance from the Chamber that the data supplied by council will not be passed on for others to use.

**Background**

The City of Cockburn is a major sponsor of the Melville-Cockburn Chamber of Commerce (MCCC). The Chamber has a new membership coordinator who is keen to contact businesses in Cockburn to inform them of the Chamber's activities and the potential benefits of them being members of the Chamber.

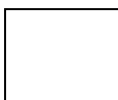
**Submission**

To provide a copy of a database of businesses in the City of Cockburn to MCCC, free of charge.

**Report**

MCCC are embarking on a marketing campaign to promote its organisation within the Cities of Cockburn and Melville.

This promotion is aimed at increasing its profile in the business sector and assist in increasing its membership base within the two cities, in particular, the Cockburn District. While Council's system has the capacity to compile the information sought, it has been Council's



previous position not to make such information available for commercial purposes.

However, as the MCCC is an organisation which represents business, and is not itself a commercial entity, it is considered that the provision of this information will not prejudice Council's previous position.

Accordingly, it is recommended that Council supplies the details as requested, free of charge, as it will offer MCCC the opportunity to expand its presence within the City of Cockburn.

**Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome refers:

***Governance Excellence***

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

**Budget/Financial Implications**

No direct costs, will be incurred in providing the information requested.

**Legal Implications**

Sec 5.94 of the Local Government Act, 1995 refers.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

N/A



**15.4 (MINUTE NO 3236) (OCM 10/08/2006) - LEASING OF IT INFRASTRUCTURE ASSETS (1402) (ATC)**

**RECOMMENDATION**

That Council approve:

- (1) the future funding of it's IT Assets through a 4 Year Leasing Model;
- (2) the sale and lease-back of existing IT assets with the net proceeds after leasing costs are deducted being deposited into the Computer Reserve Fund; and
- (3) the change of purpose for the capital funding provided for IT equipment to that of an Operating Lease Expense and any remaining balance to be transferred into the Computer Reserve Fund.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

The City of Cockburn currently owns all of its Information Technology (IT) hardware and software outright and funds the purchase of new and replacement assets during its annual budget deliberations. The source of funding for these purchases is provided through the Computer Reserve Fund. This Reserve is replenished each year by an amount equivalent to the annual depreciation charge in respect to these assets.

An alternative funding strategy for these assets is to acquire them through operating leases. For some years now, the City has been leasing all of its major photocopiers, which are characterised by relatively high pricing but have limited life spans. It was logical to evaluate the extension of this funding method to the City's other IT assets, namely PCs, servers and major printers, as these items have similar characteristics to those of the photocopiers.

Staff researched and assessed the relevant issues surrounding leasing, namely the financial and operating benefits and



consequences. Indicative quotations were obtained from two major leasing companies, Alleasing and IBM Global Financing.

### **Submission**

N/A

### **Report**

Under the City's current IT Replacement Plan, PCs have tended to have a working life of between 4 and 5 years. In some cases, they have been kept past their use-by date and thus become obsolete. This has led to dissatisfaction from users and pressure to fund new PCs through Council's mid-year budget reviews. This can be attributed to the fact that with direct ownership, there is the motivation to not surrender assets before the end of their useful life, in order to minimise costs and stretch the replacement budget.

The advantages of leasing include:

- ❖ The spreading out of cash costs over the operating life of the assets;
- ❖ Eliminates the need to have cash reserves in place to fund replacements;
- ❖ Frees up capital that would otherwise be locked up in the equipment owned;
- ❖ Simplifies the administering and disposal of the IT asset fleet (ie. off balance sheet); and
- ❖ Transfers disposal risk to the lessor and eliminates disposal costs.

The Staff research looked at options for leasing over 3 and 4 year terms. Whilst the 3-year term would ensure a highly contemporary fleet of IT equipment, the costs could not be justified. It was concluded that 4 year terms would provide adequate updating of equipment in the majority of cases. Potential lessors have indicated that they would provide an exchange plan that allows the lessee to exchange a proportion of equipment at pre-determined intervals during the lease term. This would provide the flexibility to update any equipment earlier than 4 years should it become necessary.

When looking to compare costs between leasing and direct ownership, it must be realised that leasing is in essence a financing arrangement with an inherent finance cost. What the City gets in return for paying this cost is:

1. The freeing up of capital to use on other higher priority needs or value adding activities;
2. The elimination of the residual risk (ie. the residual value built into the lease is guaranteed by the lessor). Council currently gets no



- return on disposed equipment, hence the motivation to retain until obsolete; and
3. Flexibility in administering and replacing equipment.

The following table compares costs between direct ownership and the leasing of 300 PCs (Council-funded PC fleet) over 4 years:

4 Year Leasing Option						
	Direct Ownership	#Operating Lease				
Description	Total	No. of Months	Monthly Payments	Total Payments	Present Value*	Total Residual (NPV)*
1 PC	1,640	48	38.92	1,868	1,657	-17
300 PCs	\$492,000		11,676	\$560,400	\$502,200	
* Present Value calculated using a discount rate of 6.00%						
# Indicative lease costs as sourced from several suppliers						

Annual cost of self-funding 300 PCs over a 4 year period (75 p.a.) is **\$123,000 (\$492k/4)**.

Annual cost of leasing 300 PCs based on a 4 year lease is **\$140,112 (\$560k/4)**. When this amount is converted to a net present value - **\$125,550 (\$502k/4)**, it is very comparable to the outright purchase cost.

Sale and Lease-Back Scheme

In order to implement the leasing model effectively, both leasing companies will offer Council the option to sell over half of our existing equipment at fair market value and lease it back from them. This has the effect of immediately releasing funds for other uses and simplifying the administration of the facility through consistent treatment of the entire City’s IT assets from day one. It is strongly recommended that the City take advantage of this facility, if implementing the leasing model.

The following table provides some indicative values for the Sale and Lease-Back Scheme as it could apply to the City’s current IT assets. Out of the fleet of 300, 169 PCs have been assessed as suitable for the scheme due to their age. This figure may increase once negotiations commence and detailed analysis is performed on our fleet:

Sale & Lease Back with Exchange Program		Yr 1	Yr 2	Yr 3	Yr 4	Total
Description	Qty					
Funds received from Sale of PC's	169	(176,422)				(176,422)
Lease Payments on Buy Backs	169	66,263	66,263	66,263	<b>New</b> 78,923	277,712
Exchange program - after year 1 = 28%						





Sale & Lease Back with Exchange Program		Yr 1	Yr 2	Yr 3	Yr 4	Total
Description	Qty					
of 176,422 = 30 PC'© Exchange program - after year 2 = 33% of 176,422 = 35 PC'© Exchange program - after year 3 = 39% of 176,422 = 42 PC's <b>Note:</b> <b>Replacement PC's @ \$1640 ea</b> <b>New PC leasing costs @ \$467 p.a.</b>						
<b>Funds received from Sale of Servers</b>	23	(230,500)				(230,500)
<b>Lease Payments on Buy Backs</b>	23	66,484	66,484	66,484	66,484	265,936
<b>Funds received from Sale of Printers</b>	30	(58,800)				(58,800)
<b>Lease Payments on Buy Backs</b>	30	16,960	16,960	16,960	16,960	67,840
<b>Net Cashflows - Sale &amp; Leaseback</b>		<b>(316,015)</b>	<b>149,707</b>	<b>149,707</b>	<b>162,367</b>	<b>145,766</b>
<b>Lease of PC's replaced immediately</b> (Deemed too old for leaseback)	131	61,177	61,177	61,177	61,177	244,708
<b>Net Cashflows – Total IT Asset Fleet</b>		<b>(254,838)</b>	<b>210,884</b>	<b>210,884</b>	<b>223,544</b>	<b>390,474</b>

Whilst the above figures are only indicative at this stage, they show that the City could receive a large lump-sum in year 1. It is recommended that this amount be deposited into the Computer Reserve Fund initially.

#### Computer Reserve Fund

If Council were to lease all of its IT assets then there would be no need for a Computer Reserve Fund. The balance of funds, estimated at 30 June 2007 at \$925,000 could be reallocated to another Reserve Fund. A report on funding requirements for replacement, upgrading and maintenance of infrastructure will be presented to Council early in 2007. At that time recommendations will be made regarding the reallocation of funds from the Computer Reserve Fund to cover future infrastructure liabilities. No further allocations to the Computer Reserve Fund would be required and the funds previously allocated would cover the leasing costs.

#### Conclusion

The research conducted by Staff supports the implementation of a Leasing Model for the funding and procurement of the City's IT Infrastructure assets. The advantages to Council of leasing IT assets are seen to strongly outweigh any perceived disadvantages. It is recommended that the City implement a 4 year Leasing Model in conjunction with a Sale and Lease-Back Scheme. This will ensure that



all IT assets are treated consistently from day one and return funds to the City.

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

Following Strategic Plan Initiative Outcome refers:

#### ***Governance Excellence***

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

### **Budget/Financial Implications**

Council has budgeted for the replacement of PCs in the 2006/07 budget. Should the Leasing Model be implemented, some of these funds will not be required. Any PCs that are due for replacement in 2006/07 would be replaced with leased units and leasing costs can be funded from this capital allocation. Any balance could be addressed at the mid-year budget review.

Proceeds from the Sale and Lease-back Scheme will be recommended for transfer to the Computer Reserve Fund initially, with the future reallocation money held in that Reserve to be determined at a later date.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

N/A

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

N/A

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

Nil.



**16. ENGINEERING AND WORKS DIVISION ISSUES****16.1 (MINUTE NO 3237) (OCM 10/08/2006) - STREETScape BEAUTIFICATION INTERSECTION OF CARRINGTON STREET AND WINTERFOLD ROAD, HAMILTON HILL (4721; 5402) (AC) (ATTACH)****RECOMMENDATION**

That Council approve Stage 2 of the Concept Plan for the streetscape beautification of the Carrington Street and Winterfold Road Intersection, Hamilton Hill.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**Background**

At the Ordinary Council Meeting held on Thursday 13 July 2006, the Council resolved to:

- “(1) *approve Stage 1 of the concept plan for the proposed Streetscape Beautification of the Carrington Street and Winterfold Road Intersection, Hamilton Hill as appended;*
- (2) *defer a decision on Stage 2 of the proposed streetscape plan to enable the Director Engineering & Works to undertake a review of the access and egress to 331 & 333 Carrington Street, to discuss the streetscaping proposal with the proprietor and tenants of the complex and to provide a supplementary report to Council;*
- (3) *allocate \$50,000 from account number CW 5135 (Streetscape Beautification Intersection Treatment) for the project; and*
- (4) *nominate that the trees to be used in the plantings are to be the same species as planted in the courtyard outside the Spearwood Library.”*

**Submission**

N/A



## **Report**

Council's Engineering team undertook a review of the access and egress to 331 & 333 Carrington Street, during the week commencing Monday 17 July 2006. A concept plan detailing proposed changes to the verge area landscaping and car parking arrangement and minor modifications to the access and egress was prepared and discussed on site with the proprietor and tenant of the complex.

Minor changes to the entry have been proposed to provide a suitable area for pedestrians to wait before crossing at the signalised intersection. It has also been reconfigured to discourage exit from the crossover and a sign will be established prohibiting this movement.

The existing carpark will be reconfigured to facilitate a 2.5m path which will ensure connectivity of the network. Whilst trees cannot be established in the revised plan, the hedge and limestone treatments will be established to provide continuity of the streetscape.

Both the proprietor and tenant of the complex have indicated their acceptance of the proposal appended.

## **Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome refers:

### ***Infrastructure Development***

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

## **Budget/Financial Implications**

The project has been estimated at \$100,000 and funds have been allocated in the current budget.

## **Legal Implications**

N/A

## **Community Consultation**

A concept plan detailing proposed changes to the verge area landscaping and car parking arrangement and minor modifications to the access and egress was prepared and discussed on site with the proprietor and tenant of 331 & 333 Carrington Street, who have advised of their acceptance of the proposal.



**Attachment(s)**

Streetscape Beautification Carrington Street and Winterfold Road Intersection, Hamilton Hill - Stage 2

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

The applicant has been advised that this item will be considered by Council at the Ordinary Meeting to be held on 10 August 2006.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 3238) (OCM 10/08/2006) - MEMBERSHIP - RECREATION ADVISORY COMMITTEE (8162) (AJ) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) in accordance with Section 5.10 of the Local Government Act 1995 appoint the following community representatives as members of the Recreation Advisory Committee:
  1. Mr Jack Monaco – Sporting Club Representative
  2. Ms Rosemary Fielder – Aged/Disabled Representative
  3. Mr Brett Gabrielson – Community Representative
  4. Ms Andrea Morgan – Community Representative
  5. Mr Brad Gardiner – Sporting Club Representative; and
- (2) adopt the revised Terms of Reference as attached to the Agenda, for the purposes of conducting the business of the Committee in future.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**



## **Background**

The Recreation Advisory Committee is appointed by Council with the Mission Statement: "Promote, support, develop and generate awareness of local community recreational initiatives, facilities and services in the Cockburn area."

The Terms of Reference were reviewed at the May 2006 Recreation Advisory Committee meeting to better reflect the wishes of the incoming committee and allow for a more workable document for this committee to abide by.

The committee is involved in a number of projects including Bibra Lake Fun Run, Junior Sports Travel Assistance and the Physical Activity and Health Strategic Plan. The committee is integral in the development of recreation policy and procedure with the ability to make recommendations to Council.

## **Submission**

N/A

## **Report**

Following the resignation of a number of committee members, expressions of interest were called for this committee through advertisements in the local papers (Herald & Gazette), by word of mouth and communications with the sporting clubs in the City of Cockburn. All applicants met the required criteria and are duly recommended for appointment by Council. Current members were invited to reapply to the committee for the next twenty four (24) months. Councillor Ian Whitfield is currently appointed to the Recreation Advisory Committee as the Council Representative.

## **Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome *refers:*

### ***Lifestyle and Aspiration Achievement***

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

## **Budget/Financial Implications**

N/A

## **Legal Implications**

N/A



**Community Consultation**

The positions for the Recreation Advisory Committee were publicly advertised and open to all members of the public.

**Attachment(s)**

Revised Terms of Reference.

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

N/A

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

Nil

**17.2 (MINUTE NO 3239) (OCM 10/08/2006) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2006/07 (8812) (RA)**

**RECOMMENDATION**

That Council adopt the proposed Calendar for The Summer of Fun Events for 2006/07.

**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr T Romano that:

- (1) the proposed Calendar for The Summer of Fun Events for 2006/07 be adopted, subject to Concert One being relocated to Dixon Reserve, Hamilton Hill; and
- (2) in respect of the major event concert to be held on 10 March 2007, a report on suitable performers be presented to the September 2006 Meeting of Council.

**CARRIED 9/0**

**Reason for Decision**

Previously there has not been an event that has been held in Hamilton Hill and therefore it was decided that Concert One be relocated to Hamilton Hill.

To ensure artists and equipment for performances are available and that there are no clashes with other events in the area, fixed dates for performances need to be established. This report meets the



requirement other than for the major event act which has been scheduled for 10 March 2007 at Manning Park. In accordance with Council Policy SC34 the major event for 2007 will need to be endorsed by Council.

### Background

Council at its meeting of the 11 August 2005 resolved to adopt a policy which provided for 1% of the rates revenue to be allocated for summer events. It was further resolved that a report would be prepared for consideration by Council that identified the events proposed for the forth coming year.

### Submission

N/A

### Report

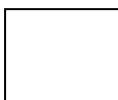
To ensure that venues and acts can be booked Council is required to determine the nature of the events for the forthcoming Summer of Fun activities early in the financial year immediately following the establishment of the 2006/067 municipal budget. Where known the venues and acts are identified in the report, however, there are several activities where the final location and acts are yet to be determined.

#### Proposed Summer Concert Series 2006/07

Event	Date	Suburb	Park	Act
Concert One	27/01/07	Spearwood	Watsons Reserve	Tribute- Abba and Queen
Concert Two	10/02/07	Coolbellup	Len Packham Reserve	The Oz Big Band (18 Piece)
Concert Three	24/2/07	South Lake	Hopbush Park	Countdown
Major Event Concert	10/03/07	Spearwood	Manning Park	To be determined

#### Stand Alone Events

Event	Location	Date
NAIDOC celebrations (coincides with NAIDOC week)	To be determined	June/July
Teddy Bears Picnic (coincides with children's week)	MacFaul Park, Spearwood	25/10/06
Seniors Ball	Len Packham Clubrooms, Coolbellup	4/11/06
Senior Afternoon Tea and Dance	Spearwood Dalmatinac Club	29/09/06
Multi-Cultural Festival Spring Fair	Manning Park	29/10/06





Movie Nights	Manning Park	January – March
Frosh	Manning Park	Finale 29/10/06
Heritage festival open day	Azelia Ley Museum	Early June

### Strategic Plan/Policy Implications

Following Strategic Plan Initiative Outcome refers:

#### ***Lifestyle and Aspiration Achievement:***

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

Council Policy SC34 “Annual Budget Preparation” refers.

### Budget/Financial Implications

Indicative Budget Allocations

Promotion	\$17,000
Spring Fair (Multicultural Festival)	\$32,000
FROSH	\$15,000
Summer Concert Series (1 in each ward)	\$60,000
Regional Concert (Classic Special Event)	\$60,000
Cockburn Festival (revamped Coogee Beach Party)	\$35,000
NAIDOC	\$3,000
Seniors Ball and afternoon tea	\$8,000
Teddy Bears Picnic	\$6,000
Heritage festival open day	\$4,000
Movie Nights	\$5,000
Proposed Budget	<u>\$245,000</u>

### Legal Implications

N/A

### Community Consultation

A recent referendum among the City’s residents found that the large majority (12,500 versus 3,000 residents) wanted the City to keep providing free community festivals and events.

Continued consultation with involved stakeholders and the community after each event will ensure a community-oriented calendar of events is presented in subsequent years. A Festival Committee made up of community stakeholders and Council representation will also allow for the community to have a voice on the continued development of the Festival.



**Attachment(s)**

N/A

**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**

Nil

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

Nil

**23. CONFIDENTIAL BUSINESS**

- 23.1 (MINUTE NO 3240) (OCM 10/08/2006) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING 19 JULY, 2006 (5017) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee



Meeting held on 19 July 2006, as provided under separate cover, and adopt the recommendations contained therein.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The meeting of the Chief Executive Officer (CEO) Performance and Senior Staff Key Projects Appraisal Committee Meeting was conducted on 19 July 2006. The Minutes of the meeting are required to be presented to Council and its recommendations considered.

**Submission**

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

**Report**

The Committee considered a report on the Chief Executive Officer's Performance and the outcome of Key Projects allocated to the Directors of Administration and Community Services and Finance and Corporate Services for the year ended 30 June 2006. In addition, the Committee allocated projects to be undertaken by the three current permanent Directors for the 2006/07 year.

**Strategic Plan/Policy Implications**

Following Strategic Plan Initiative Outcome refers:

***Governance Excellence***

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

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.



**Community Consultation**

N/A

**Attachment(s)**

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee Meeting held on 19 July 2006 are provided to Elected Members as a confidential attachment.

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

N/A

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

Nil.

**DECLARATION OF INTEREST**

Cirs Allen and Oliver declared a financial interest in the following item. The nature of the interest being that they were benefactors of a monetary donation to their 2005 election fund from Mayor Lee. Part of the funds for Mayor Lee's campaign account were obtained from the Port Coogee NOW Group, of which Mr Gianoli, a representative of one of the appraising real estate agents, is a member.

Clr Goncalves declared a conflict of interest in the following item. The nature of the interest being that her partner's father is one of the applicants to market Council owned land.

CLRS ALLEN, OLIVER AND GONCALVES LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.16 PM

**(MINUTE NO 3241) (OCM 10/08/2006) - MEETING BEHIND CLOSED DOORS**

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr A Tilbury pursuant to s5.23 (2) (d) of the Local Government Act 1995, Council move behind closed doors, the time being 7.16 pm to discuss Item 14.4.

**CARRIED 6/0**



**(MINUTE NO 3242) (OCM 10/08/2006) - SUSPENSION OF STANDING ORDERS**

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that, pursuant to Clause 22.1 of Council's Standing Orders Local Law, Standing Orders be suspended the time being 7.19 pm, to enable discussions to take place on Item 14.4.

**CARRIED 6/0**

**(MINUTE NO 3243) (OCM 10/08/2006) - RESUMPTION OF STANDING ORDERS**

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that Standing Orders be resumed, the time being 7.25 pm.

**CARRIED 6/0**

**(MINUTE NO 3244) (OCM 10/08/2006) - APPOINTMENT OF REAL ESTATE AGENT TO MARKET COUNCIL OWNED LAND (4809) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) appoint Cockburn Real Estate to market the sale of vacant lots at 9 Phoenix Road, Spearwood, Lot 709 Southwell Crescent, Hamilton Hill and Lot 380 Congdon Avenue, Beeliar, subject to an exclusive agency period of 90 days, the asking prices being:
  - 9 Phoenix Road, Spearwood \$290,000
  - Lot 709 Southwell Crescent, Hamilton Hill \$260,000
  - Lot 380 Congdon Avenue, Beeliar \$270,000
- (2) accept offers negotiated by Cockburn Real Estate, subject to all offers being above the licensed valuer estimate and complying with the provisions of section 3.58 of the Local Government Act 1995; and
- (3) transfer the net proceeds from the sales to the Land Development Reserve Fund.

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



**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr S Limbert that Council:

- (1) appoint Southside Realty to market the sale of vacant lots at 9 Phoenix Road, Spearwood, Lot 709 Southwell Crescent, Hamilton Hill and Lot 380 Congdon Avenue, Beeliar, subject to an exclusive agency period of 90 days, the asking prices being:
  - 9 Phoenix Road, Spearwood \$320,000
  - Lot 709 Southwell Crescent, Hamilton Hill \$280,000
  - Lot 380 Congdon Avenue, Beeliar \$295,000
- (2) accept offers negotiated by Southside Realty, subject to all offers being above the licensed valuer estimate and complying with the provisions of section 3.58 of the Local Government Act 1995; and
- (3) transfer the net proceeds from the sales to the Land Development Reserve Fund.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0**

**Reason for Decision**

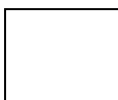
It is the Council's view that it would be in the best interests of the ratepayers to maximise the return from the sale of vacant lots and therefore the highest listing price should be accepted.

**Background**

This item was considered by Council at its meeting on 13 July 2006 but as there were limited numbers of Councillors present at the meeting and this item will need to be carried by an absolute majority of Council it was resolved that Council defer this item until the next Ordinary Council Meeting.

Council at its meeting held on 11 May 2005 resolved to:-

- “(1) defer this item to a later meeting of Council following an independent reappraisal of the land value based on market evidence by three local estate agents and a licensed valuer; and*
- (2) review the procedures and requirements dealing with Council's land disposal practices in the form of a possible new Policy to be referred to the Strategic Finance & Investment Committee.”*



## Submission

N/A

## Report

Five (5) local Real Estate Agents were asked for marketing proposals. The companies were asked to supply asking prices and expected sale price for each lot. They were also asked for details of the company's resources and marketing strategy if they were the successful appointee.

Licensed Valuers McGees were also asked to update their previous market valuations. Licensed Valuer Jonathon Tyson assessed the properties as follows:-

- |   |            |
|---|------------|
| • 9 Phoenix Road, Spearwood                 | \$260,000  |
| • Lot 709 Southwell Crescent, Hamilton Hill | \$210,000  |
| • Lot 380 Congdon Avenue, Beeliar           | \$260,000. |

The Real Estate Agents who submitted proposals were:-

- L J Hooker, Spearwood
- Davies First National, Spearwood
- Cockburn Real Estate, Spearwood
- CRA Realty, Spearwood
- Collett Realty, Hamilton Hill
- Southside Realty, Spearwood.

The proposed marketing strategy for each of the agents was similar and included signs on each lot, advertisements in local and state-wide newspapers.

Most agents have web pages and access a wider list of potential purchasers via internet and databases of people seeking lots.

The Real Estate Agents and the Licensed Valuer all indicate that the market was very much in favour of the seller and that prices were rising. There is a shortage of vacant lots throughout the metropolitan area.

Listed below is a table of the Real Estate Agents fees and prices.

<b>Land Sales Program June 2006</b>				
		Expected Selling Price GST incl. Listing Price ( )		
Real Estate Agent	Selling Cost GST Inc.	9 Phoenix Rd, Spearwood	Lot 709 Southwell Cres Hamilton Hill	Lot 380 Congdon Ave, Beeliar
LJ Hooker	\$19,800	(\$290,000) \$275,000	(\$250,000) \$240,000	(\$260,000) \$250,000

Land Sales Program June 2006				
		Expected Selling Price GST incl. Listing Price ( )		
Davies First National	\$19,400	(\$275,000) \$267,000	(\$260,000) \$252,000	(\$265,000) \$257,000
Cockburn Real Estate	\$15,000	(\$289,000) \$280,000	(\$249,000) \$240,000	(\$259,000) \$250,000
CRA	\$23,100	(\$290,000) \$280,000	(\$200,000) \$180,000	(\$250,000) \$230,000
Collett Realty	\$15,510	(\$265,000) \$255,000	(\$205,000) \$190,000	(\$270,000) \$260,000
Southside	\$16,500	\$320,000	\$280,000	\$295,000
Average		\$288,000	\$240,000	\$266,000

It is not possible to differentiate between the agents ability to achieve the highest possible price for the land sale. Based on the material supplied by each agent they all appear to be experienced, diligent and competent in their field.

Cockburn Real Estate is the recommended agent, based on their slightly lower fee. They have indicated that they will participate in conjunctive offers presented by other agents provided the offer was in the best interest of the City.

All offers presented to the City will have to be conditional on provisions of section 3.58 of the Local Government Act, which requires the City to advertise details of any private treaty sale in a state-wide newspaper and allow at least 2 weeks for the receipt of submissions.

Details in the advertisement include details of the land, proposed sale price, the name of the purchaser and a market valuation by a Licensed Valuer undertaken within 6 months of the proposed sale.

The asking price in the recommendation takes into account the nominated asking price by Cockburn Real Estate with some modification after reviewing the other agents' nominated asking price.

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

Following Strategic Plan Initiative Outcome refers:

#### ***Governance Excellence***

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





**Budget/Financial Implications**

Net Income will be transferred to the Land Development Reserve Fund.

**Legal Implications**

Section 3.58 of the Local Government Act 1995.

**Community Consultation**

Any individual land sale will be advertised in a newspaper that gives state-wide distribution.

**Attachment(s)**

Location Plans of subject lots.

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

N/A.

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

Nil.

**(MINUTE NO 3245) (OCM 10/08/2006) - MEETING OPEN TO THE PUBLIC**

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that the meeting be resumed with open doors, the time being 7.29 pm.

**CARRIED 6/0**

CLRS ALLEN, OLIVER AND GONCALVES RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.29 PM

The Presiding Member read aloud the decision of Council whilst Cllrs Allen, Oliver and Goncalves were absent from the meeting.



**24. (MINUTE NO 3246) (OCM 10/08/2006) - 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 I Whitfield that the recommendation be adopted.

**CARRIED 9/0**

**25 (OCM 10/08/2006) - CLOSURE OF MEETING**

MEETING CLOSED 7.31 PM

**CONFIRMATION OF MINUTES**

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

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

