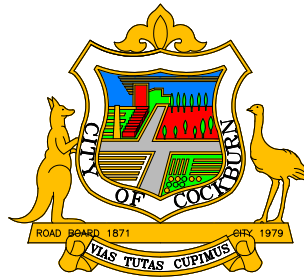


# **CITY OF COCKBURN**



## **SPECIAL COUNCIL**

## **AGENDA PAPERS**

**FOR**

**MONDAY, 22 MARCH 2010**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON MONDAY, 22 MARCH 2010 AT 7:00 PM

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## CITY OF COCKBURN

### AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON MONDAY, 22 MARCH 2010 AT 7:00 PM

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1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
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. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**

Nil

5. **APOLOGIES & LEAVE OF ABSENCE**

Nil

6. **PUBLIC QUESTION TIME**

Nil

7. **DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS**

Nil

**8 (SCM 22/03/2010) - PURPOSE OF MEETING**

The purpose of the meeting is to consider results of further mediated negotiations with Australand on Port Coogee Structure Plan (*a confidential matter which will not be open to the public*).

**9. COUNCIL MATTERS**

**9.1 (SCM 22/03/2010) - STATE ADMINISTRATIVE TRIBUNAL MEDIATION - REVISED PORT COOGEE LOCAL STRUCTURE PLAN - OWNER: AUSTRALAND HOLDINGS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (9662) (D ARNDT) (ATTACH)**

**RECOMMENDATION**

That Council advise the State Administrative Tribunal that it is prepared to accept Australand's offer in relation to application for review on the revised Port Coogee Local Structure Plan, as outlined in their correspondence dated 4 February 2010, in accordance with the Grounds of Settlement, as provided under separate, confidential cover.

**COUNCIL DECISION**

**Background**

On 16 October 2009 Australand lodged an Application for Review (Appeal) with the State Administrative Tribunal on the basis that the Structure Plan was deemed refused, as the City had not made a determination within the specified timeframe under the Scheme.

The matter was considered at a Special meeting of Council on the 225 February 2010, where it was resolved to advise the State Administrative Tribunal that it is prepared to approve the revised Port Coogee Local Structure Plan, the Marina Village Masterplan and Port Coogee Transport Report, in accordance with the Grounds for Settlement.

**Submission**

To receive the Officer's Report and adopt its recommendation.

**Report**

The City's Director of Planning & Development Services and three Elected Members have attended numerous mediation meetings with Australand and their consultants. Following extensive negotiations, this matter appeared to be the subject of general agreement and was referred to Council for its consideration. Council resolved to accept the mediation outcomes subject to a number of amendments. Following further mediation Australand have provided a further offer in order to finalise an agreement. If the Council agrees to the offer then this advice will be conveyed to the State Administrative Tribunal and if they agree then the Tribunal will issue Minute Consent Orders and the Appeal will have deemed to have been settled by agreement.

Section 54(6) of the State Administrative Tribunal Act 2004 requires mediation to be held in private, unless the Mediator directs otherwise. Accordingly, the Grounds for Settlement remain confidential.

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

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

**Natural Environmental Management**

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

**Budget/Financial Implications**

Costs of \$32,867 have been billed to 01 February 2010. This includes a briefing to Council by Council's solicitors in October 2009, an independent planning consultant who has been engaged to assist in the preparation of respondent statements, attendance at mediation, site meetings and drafting of conditions and an independent economic analysis of the retail study. These costs are covered within the 2009/10 budget.

**Legal Implications**

Planning and Development Act 2005  
State Administrative Tribunal Regulations 2004

Section 54(6) of the State Administrative Tribunal Act 2004 requires mediation to be held in private, unless the Mediator directs otherwise. Accordingly, the Grounds for Settlement remain confidential.

**Community Consultation**

N/A

**Confidential Attachment(s)**

- (1) Officer's Report and Recommendations.

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

Australand Holdings Pty Ltd has been advised that this matter is to be referred to a Special Meeting of Council on 22 March 2010.

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

Nil.

**10. (SCM 22/03/2010) - 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**

**11. CLOSURE OF MEETING**

Nil