

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 AUGUST 2007 AT 7:00 PM

	Page
1. DECLARATION OF MEETING	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	1
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER).....	1
4 (OCM 09/08/2007) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)	2
5 (OCM 09/08/2007) - APOLOGIES AND LEAVE OF ABSENCE.....	2
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
7 (OCM 09/08/2007) - PUBLIC QUESTION TIME.....	2
8. CONFIRMATION OF MINUTES	6
8.1 <u>(MINUTE NO 3518)</u> (OCM 09/08/2007) - ORDINARY COUNCIL MEETING - 12/07/2007	6
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE	6
10. DEPUTATIONS AND PETITIONS.....	6
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	6
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER.....	6
13. COUNCIL MATTERS.....	7
14. PLANNING AND DEVELOPMENT DIVISION ISSUES.....	7
14.1 <u>(MINUTE NO 3519)</u> (OCM 09/08/2007) - FINAL ADOPTION OF PROPOSED AMENDMENT NO. 53 TO TOWN PLANNING SCHEME NO. 3 - RECLASSIFY LOT 201 (NO. 33) MIGUEL ROAD, BIBRA LAKE FROM LOCAL RESERVE 'PUBLIC PURPOSE' TO 'INDUSTRY ZONE' (4413025) (SDS) (ATTACH)	7
14.2 <u>(MINUTE NO 3520)</u> (OCM 09/08/2007) - OUTBUILDING (R-CODE VARIATION) - LOT 183 (NO. 7) ROSSELL PLACE, ATWELL - DEAN & PETA BARRATT (5515929) (ES) (ATTACH).....	9

14.3	<u>(MINUTE NO 3521)</u> (OCM 09/08/2007) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW)	16
14.4	<u>(MINUTE NO 3522)</u> (OCM 09/08/2007) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW)	18
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....	20
15.1	<u>(MINUTE NO 3523)</u> (OCM 09/08/2007) - LIST OF CREDITORS PAID - JUNE 2007 (5605) (KL) (ATTACH)	20
15.2	<u>(MINUTE NO 3524)</u> (OCM 09/08/2007) - STATEMENT OF FINANCIAL ACTIVITY - JUNE 2007 (5505) (NM) (ATTACH)	21
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	24
16.1	<u>(MINUTE NO 3525)</u> (OCM 09/08/2007) - TENDER NO. RFT17/2007 - HOT ASPHALT ROAD SURFACING - SUPPLY AND LAYING (RFT17/2007) (JR) (ATTACH)	24
17.	COMMUNITY SERVICES DIVISION ISSUES.....	27
17.1	<u>(MINUTE NO 3526)</u> (OCM 09/08/2007) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) PARKING AND PARKING FACILITIES LOCAL LAW (1116) (RA) (ATTACH)	27
17.2	<u>(MINUTE NO 3527)</u> (OCM 09/08/2007) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2007/08 (8812) (RA)	30
17.3	<u>(MINUTE NO 3528)</u> (OCM 09/08/2007) - COCKBURN CIVIC CENTRE INTERIM USAGE (8188) (RA) (ATTACH)	33
18.	EXECUTIVE DIVISION ISSUES.....	36
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	36
20	(OCM 09/08/2007) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	37
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS	38
	<u>(MINUTE NO 3529)</u> (OCM 09/08/2007) - APPOINTMENT OF PRESIDING MEMBER	38
21.1	<u>(MINUTE NO 3530)</u> (OCM 09/08/2007) - MINUTES OF THE WATER USAGE AND REGIONAL OPEN SPACE GREENING COMMITTEE MEETING HELD ON 9 AUGUST 2007 (6148) (DMG) (ATTACH).....	39

	Page
22 (OCM 09/08/2007) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	41
23. CONFIDENTIAL BUSINESS	42
24. <u>(MINUTE NO 3531)</u> (OCM 09/08/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)	42
25 (OCM 09/08/2007) - CLOSURE OF MEETING	42

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 AUGUST 2007 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Mr T Romano	-	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
Mrs B. Pinto	-	PA to Directors - Finance & Corporate Services / Administration & Community Services
Ms L. Boyanich	-	Media Liaison Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open 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 09/08/2007) - 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 a Conflict of Interest from Deputy Mayor Graham and declarations of Financial Interest from Clrs Allen and Oliver and one from himself which would be read at the appropriate time.

5 (OCM 09/08/2007) - APOLOGIES AND LEAVE OF ABSENCE

Clr L. Goncalves - Apology
Clr J. Baker - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 09/08/2007) - PUBLIC QUESTION TIME

Val Leitner, North Lake - Agenda Item 17.3 - Cockburn Civic Centre Interim Usage

Q1. Could the Council defer making a decision for 4 weeks regarding the recommendation until the Seniors of Cockburn have been consulted?

A1. It is possible that Council could resolve to defer a decision.

Mayor Lee asked the Director, Administration and Community Services whether there was any reason for this matter to be delayed any more than 4 weeks, to which he replied, that there is no reason for any further delay that this time.

Mayor Lee advised Ms Leitner that there was an alternative recommendation which would be discussed at the appropriate time.

Peta Barratt, Atwell - Agenda Item 14.2 - Outbuilding (R-Code Variation) - Lot 183 (No.7) Rossell Place, Atwell

Q1. Given that at the July meeting, it was our understanding that comments would be sought by 3 surrounding neighbours, and in fact was sought by 9 without any objection, can this be deemed as a n issue that is acceptable by all and more of the surrounding residences?

A1. At the previous Council Meeting, Clr Whitfield indicated that it was his preference that the number of neighbours contacted be expanded as



it was considered that given the height and size of the shed it would have a greater impact than just the three immediate surrounding landowners. Whilst there were no objections received as a result of the additional consultation it is still considered by Council's Planning Services that the proposed shed is out of character for this residential locality.

- Q2. In relation to the comparisons of our proposed shed and other oversized sheds in Atwell, three of the four comparisons listed in the attachment have existing wall heights over the 2.4m restriction, with one being higher than our proposed wall height. Also, three of the four examples do not list the ridge height, offering no comparison. 156 Brenchley Drive has a shed with a floor area of 88 sq.m. which is very similar in size to our proposed shed size. The block size is 770 sq.m.. The application for this shed was approved unopposed by Council and the shed was erected on 15 June 2005, 3 years after 2002 zone changes. Ms Barratt asked why this application was approved so easily while they are having so much difficulty?
- Q3. When Ms Barratt contacted Planning Officer, Eliza Smith regarding the addresses of similar sheds in the area, she made it quite clear that due consideration should be given to the placement and visibility of these sheds in addition to the dimensions, comparing their positions to the proposed location for their shed being directly behind the dwelling. Given that their shed would only be visible to neighbours directly abutting the property, from whom you now have no objection, could you please consider a favourable outcome?
- Q4. Attachment 5, they assume, is meant to give the peruser an accurate viewpoint of actual proposed outbuilding and existing dwelling, as well as the adjacent neighbour at 8 Marich Cove. This diagram is not to scale as their dwelling is 26 courses high, ie. A height of 2.2m built on level soil. 8 Marich Cove is 34 courses high, a height of 2.8m and built on a raised sand pad. Distances between existing dwelling and proposed shed are not correct. The gap between the back wall of the dwelling and the shed is 2.2m, not 1m as illustrated. It is quite easy to concur from plans that the distance from back wall of dwelling to the fence is 11.2m. The proposed width of the shed is 8m, clearly demonstrating the inaccuracy of the diagram, which they feel is misleading to Council members expecting to make a decision using this information. They therefore think that this diagram should be removed from the Minutes as an incorrect reflection of the proposed site. Also, given that there is now no objection from 8 Marich Cove, they are wondering why this would form part of the reasoning the refusal recommendation?

Mayor Lee advised Ms Barratt that a response to the remainder of her questions will be discussed during the course of debate on this item.



Mary Jenkins, Spearwood - Agenda Item 15.2 - Statement of Financial Activity - June 2007

Q1. Did Cockburn Council invest surplus funds in Federation Collateral Debt Obligations created by Grange?

A1. No.

Q2. If so, how much and is Council aware of the recent risks?

A2. Nil. Yes, Council is aware of the recent media news items regarding CDOs but were not affected in regard to Federation Collateral Debt Obligations.

Mary Jenkins, Spearwood - Agenda Item 17.2 - Proposed Calendar of Events for the Summer of Fun 2007/08

Q1. Why has Council allocated \$15,000 for 'film nights' when film nights have failed to be supported in the past?

A1. The free film nights funded by Council have been extremely well patronised over the past few years with an average audience per screening at the Manning Park Music Shell of 700-800 people per night. It was the commercial film companies who leased the music shell site for a whole summer season that failed to attract an audience.

Q2. Why has the Shell in Manning Park been overlooked on entertainment nights?

A2. The Shell has not been overlooked. It is still used on occasions for the free film nights and smaller events and has been upgraded with a new look in the past couple of years. It is also available for public hire by groups and other organisations.

Q3. What about entertainment that is suitable for other age groups, like Swing or Jaz, at Manning Park that were a success in the past?

A3. To be more inclusive of the whole City events such as concerts are now held at various venues around the City so more people can access them and all concerts are aimed at a family audience. The major concert is held at Manning Park as it is the best site to host such a large gathering with contained parking, and access for up to 7,500 people comfortably.

Logan Howlett, North Lake asked a series of questions as follows:

Q1. Why hasn't the Council introduced a 40kph zone on Rockingham



Road between Phoenix Road and Spearwood Avenue to ensure the safety of all persons crossing this stretch of road?

- A1. The City has not recently considered any proposal to reduce the speed limit on Rockingham Road to 40km/hr. Regardless, MRWA is solely responsible for the posting of speed restrictions throughout WA. Rockingham Road is a District Distributor A Road and one of its primary function is to carry and distribute traffic. A proposal to lower the speed limit could only be considered in the broader context of changing its function or reviewing the general road environment similar to the concept considered by Council in 2005. The project was of course deferred due to the \$2.3M capital cost and the City's inability to receive Western Power's funding at this time.

Mayor Lee advised Mr Howlett that there will be an item being presented to the September Meeting of Council to deal with the usage and appearance of this road, the business practices, residential practices, furniture on the road etc. and in general the Precinct itself.

- Q2. When is the Council going to support a controlled crossing on at least two points on this stretch of road?
- Q3. Is the Council aware of the number of young people and senior citizens crossing this road?
- Q4. When is the Council going to open its Agenda Settlement Meetings (Briefing Sessions) to the public as other Councils have done?
- Q5. Are 'notes' kept of the current briefing sessions?
- Q6. What persons are currently authorised to attend the briefing sessions?
- Q7. Are these meetings taped?
- Q8. Does the Council have a policy on the retention of tapes from these briefing sessions (if taped) and the actual Council meetings?
- Q9. When was the policy introduced and how many times has it been revised?
- Q10. What allowances are the Mayor and Deputy Mayor receiving. What was the total annual cost to ratepayers for the 2006/2007 financial year and what is the estimate for 2007/2008?
- Q11. What other annual allowances and payments do they receive for representing the City of Cockburn on 'external' committees or boards etc?
- Q12. What are the annual allowances for the Mayor and Deputy Mayor allocated for attending conferences, seminars etc?



Q13. What other payments, if any are made by the Council on their behalf or for their benefit?

Q14. Do elected members have corporate credit cards and if so, what was the total expenditure for the 2006/2007 financial year?

Mayor Lee advised Mr Howlett as time was running out, the response to the remainder of his questions would be provided in writing.

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 3518)** (OCM 09/08/2007) - ORDINARY COUNCIL MEETING - 12/07/2007

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 12 July 2007, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3519) (OCM 09/08/2007) - FINAL ADOPTION OF PROPOSED AMENDMENT NO. 53 TO TOWN PLANNING SCHEME NO. 3 - RECLASSIFY LOT 201 (NO. 33) MIGUEL ROAD, BIBRA LAKE FROM LOCAL RESERVE 'PUBLIC PURPOSE' TO 'INDUSTRY ZONE' (4413025) (SDS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval without modification;
- (2) 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
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	Industry
	TPS:	Local Reserves 'Public Purpose - WP'
LAND USE:	Public Purpose	
LOT SIZE:	1.168 Hectares	

Council at its meeting held on 11 January 2007 resolved to initiate Amendment No. 53 to Town Planning Scheme No. 3 which proposed the following:-

- Amend the Scheme Maps by reclassifying Lot 201 Miguel Road, Bibra Lake from 'Public Purpose' to 'Industry Zone' in accordance with the amendment map.



A copy of the proposed amendment document, which includes the Scheme Amendment Map, is included in the Agenda Attachments.

Submission

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

The EPA advised that under Section 48A of the *Environmental Protection Act 1986*, the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under Part IV Division 3 of the *Environmental Protection Act 1986*, and that it was not necessary to provide any advice or recommendations.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

Report

The 42 day public consultation period for Amendment 53 concluded on 14 July 2007. The advertising procedure included an advertisement being placed in the West Australian newspaper, a sign onsite, adjoining landowners being invited to comment on the proposal, and information being made available at Council's Administration Office.

At the close of the advertising period 2 submissions were received. Both submissions received were from Government Agencies (Water Corporation & Public Transport Authority) who had no objections to the scheme amendment.

The site is surrounded by existing Industrial zoned land and Western Power does not require the lot for any public purpose. Development of the site for industrial purposes will result in a natural extension of the existing industrial area.

Given that the proposed re-zoning amendment will facilitate use of the land for industrial development consistent with the immediate surrounding area, it is recommended that Council proceed to adopt the scheme amendment.

Strategic Plan/Policy Implications

Demographic Planning

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

Employment and Economic Development

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



The Planning Policies which apply to this item are:-

APD2 Industrial Subdivision Policy
 APD5 Public Works and Development by Public Authorities

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42-day public consultation period for Scheme Amendment No. 53 concluded on 14 July 2007. At the close of advertising, 2 submissions were received.

Refer to Schedule of Submissions in Attachment 3.

Attachment(s)

- (1) Locality Map
- (2) Scheme Amendment Document
- (3) Schedule of Submissions

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (MINUTE NO 3520) (OCM 09/08/2007) - OUTBUILDING (R-CODE VARIATION) - LOT 183 (NO. 7) ROSSELL PLACE, ATWELL - DEAN & PETA BARRATT (5515929) (ES) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse to grant its approval to the proposed outbuilding for the following reasons:



1. The proposal is contrary to the protection of the residential amenity of the location by virtue of:
 - (a) the visual appearance of the proposed outbuilding in what is a typical single storey residential area;
 2. The proposal is contrary to the orderly and proper planning of the locality by virtue of:
 - (a) being different to the type of development typically anticipated in residential areas taking into account the need to protect residential amenity;
- (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.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council:

- (1) grant its approval for the erection of an outbuilding on Lot 183 (No.7) Rossell Place, Atwell, in accordance with the approved plans, subject to the following conditions:

CONDITIONS

1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
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 height of the ridge line of the proposed outbuilding be reduced to a maximum height of 4.2 metres above the natural ground level.
4. The installation/erection of screening along the northern property boundary, screening the proposed outbuilding from the adjoining property, lot 176, (No.8) Marich Cove, Atwell. The screening to be to the satisfaction of Council and the details of which are to be provided prior to the



issuing of a building licence.

5. All stormwater is to be contained and disposed of on-site.
6. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 pm or before 7.00 am, Monday to Saturday, and not at all on Sunday and Public Holidays.
7. No commercial activities are to be carried out from the proposed outbuilding and the proposed outbuilding is not to be used at any time for any activities associated with the applicant/landowner's occupation or business.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. Issue a Schedule 9 Notice of Determination on Application for Planning Approval. (Inclusive of MRS Form 2 Notice of Approval).
- (2) advise the applicant and submissioners of Council's decision accordingly.

CARRIED 6/2

Reason for Decision

The proposal was originally put forward to the July 2007 Council Meeting where it was deferred pending the proposal being advertised to three other residential property owners directly abutting the subject lot, as well as the other surrounding property owners in Rossell Place, Atwell.

Initially, of the first three surrounding owners that were consulted, one submission was received objecting to the proposal. Mr and Mrs Barrett met with the objector and a satisfactory agreement was reached by both parties. The agreement was that screening along the northern property boundary, screening the proposed outbuilding from the adjoining property, Lot 178 (No.8) Marich Cove, Atwell be installed. This screening forms part of the Council's conditional approval.

Additionally, as Council requested at the July 2007 meeting, comments were sought from an additional nine adjacent neighbours on Rossell Place and Marich Cove, from which one comment of no objection was received.



The purpose of the proposed outbuilding will be used for storage of a large boat, large caravan and motorbikes.

Background

ZONING:	MRS:	Urban
	TPS3	Residential R-20
LAND USE:	Residential	
LOT SIZE:	728m ²	
USE CLASS:	Single (R-Codes) House	

The subject land is situated on the northern side of Rossell Road in Atwell and is occupied by a single storey residence. The site is flanked to the north and east by single dwellings. Single dwellings are also present opposite the site. An access lane abuts the western side of the site.

This proposal was originally put forward to the July Council meeting, where it was deferred pending the proposal being advertised to the other three residential property owners directly abutting the subject lot, as well as the other surrounding property owners in Rossell Place, Atwell, be sought.

Comments were sought from an additional 9 (nine) adjacent neighbours on Rossell Place and Marich Cove, in which only 1 (one) comment of no objection was received.

Furthermore comparisons of the proposed shed and adjacent dwellings and other oversized sheds in the Atwell area have been made and are included as attachments to this report. It was concluded through these comparisons that the proposed floor area of the shed is significantly greater than other sheds in Atwell and the proposed wall height of the shed is significantly greater than that of adjoining dwellings.

Submission

The Applicant proposes to erect an 8 metre by 12 metre (96m²) steel frame shed with Classic Cream Monoclad walls and Zincolume roof on the subject site. The outbuilding will have a wall height of 3.6 metres and ridge height of 4.38 metres. It is proposed to be located in the rear eastern corner of the site, setback a distance of 1 metre from both the rear and eastern boundary.

The Applicant has confirmed that the purpose of the proposed outbuilding will be for storage of a large boat, large caravan, a trailer, off road motor bikes & lawn mowers.

A locality map, a copy of the site plan and elevations are included in the agenda attachments.



Report

A shed is defined as an outbuilding under Town Planning Scheme No. 3. An outbuilding is an enclosed non-habitable structure that is detached from any dwelling. Policy APD18 specifies that the floor area of proposed outbuildings in residential areas is not to exceed 60m² or 10% of the lot area whichever is the greater. Additionally the policy specifies that the wall height of the proposed outbuilding is not to exceed 2.4 metres and the ridge height is not to exceed 4.2 metres.

The proposed outbuilding fails to comply with Council Policy *APD18 Outbuildings* in the following respects:

- The floor area proposed is 96m², this exceeds 72m² (10% of lot size).
- Wall height proposed is 3.6 metres.
- Ridge height proposed is 4.38 metres.

Similarly the proposal does not comply with acceptable development standards or the performance criteria for outbuildings in the Residential Design Codes. The performance criterion states that outbuildings should not detract from the streetscape or visual amenity of residents or neighbouring properties. This is discussed below. Furthermore the height and area of the proposed outbuildings exceeds acceptable development requirements of the Residential Design Codes.

The subject land is zoned Residential R20 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.

It is evident that a similar sized outbuilding is located on a nearby site at 1 Rossell Place. A building licence for this was issued in October 1999. Planning Approval was not required to be obtained as the Residential Design Codes were not in place at this time. The Codes came into practice in 2002, hence the regulations have effectively changed since 1999 when the nearby outbuilding was constructed. For this reason the nearby outbuilding should not be used as precedence for the current proposal.

In assessing and determining applications for development within residentially zoned areas, one of Council's principle objectives is the protection of the amenity of residents living within the area. The proposed development is considered contrary to the protection of residential amenity in the subject location, and is not considered to comply with the standards and provisions of the City's Town Planning Scheme No 3, particularly Clause 10.2 that addresses matters to be considered by council.



Effect to adjoining land & Amenity

Clause 10.2.1 (o) states that the effect of height, bulk, scale and the appearance of the proposal is to be considered when assessing the effect of the proposal on adjoining land. An objection has been received from an adjoining neighbour, which included the following concerns:

- Height of outbuilding will detrimentally effect outlook from outdoor entertainment area, back garden, study and bedroom.
- That the outbuilding will be used in conjunction with the applicant's occupation as a tow driver and wrecker.

It is evident from this objection that the proposal will negatively effect adjoining land primarily due to the height of the development. Negotiation was undertaken with the applicant regarding the possibility of reducing the height of the outbuilding. However the applicant does not wish to amend the height as the proposed height is required to store the boat.

In regards to the second concern raised the applicant has stated that he will be using the outbuilding primarily for storage and will not be associated with his occupation.

Whilst no further objections were received when additional advertising was undertaken, the attachments to this report indicate that it is the rear neighbour, who has submitted the objection, that will be most severely affected by the impact of the scale of this proposed shed. The composite elevations indicate that the wall height of the shed is greater than the dwelling and the ridge height the same as the dwelling on the subject site.

Amenity

The Residential Design Codes state that outbuildings should not detract from visual amenity of residents or neighbouring properties, the preservation of amenity of the locality is also a matter to be considered by Council as per Clause 10.2.1(n). The proposed bulk of the outbuilding combined with the proposed materials of the outbuilding is not common in areas zoned residential and will detract from the visual amenity of the area.

The additional comparisons made at Council's request confirm that this proposal is out of keeping with the existing development in the locality. Such large outbuildings are more appropriate in areas zoned for Rural Living.



Orderly & Proper Planning

Council in determining development applications is responsible for considering the orderly and proper planning of a locality, as per Clause 10.2.1(b). It is a concern that the proposed outbuilding has a greater height than most adjoining residential single storey dwellings. In this case the outbuilding will be very dominant on the site and from surrounding residence, consequently detracting from the visual amenity of the residential area. The proposal is not consistent with the appearance of the surrounding neighbourhood, which primarily consists of single residential dwellings.

Recommendation

It is recommended that Council refuse the application on the basis that the proposal is contrary to both:

- The protection of the amenity of the residential area within which the subject land is located;
- The orderly and proper planning of the locality as required to be considered by Council.

Resolving to refuse the application also takes into account the relevant submissions received by Council in respect of the application.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:-

APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005



Community Consultation

Initially 3 (three) surrounding owners were consulted regarding the proposal. One (1) submission was received objecting to the proposal.

Additionally, as Council requested at the July meeting, comments were sought from an additional 9 (nine) adjacent neighbours on Rossell Place and Marich Cove, in which only 1 (one) comment of no objection was received.

Attachment(s)

- (1) Locality Plan
- (2) Site Plan
- (3) Elevations
- (4) Comparison to other oversized sheds in Atwell
- (5) Comparison to adjoining dwellings

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.3 (MINUTE NO 3521) (OCM 09/08/2007) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW)

RECOMMENDATION

That Council endorse Paul William Sportel employed as a Building Surveyor by the City of Cockburn as an authorised person pursuant to Part VIII, Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

COUNCIL DECISION

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

CARRIED 8/0



Background

The Local Government (Miscellaneous Provisions) Act 1960, Section 245A requires that private swimming pools be inspected every 4 years. A person who is required to oversee or carry out this inspection function must be authorised by the local government for the purpose of Section 245A and have appropriate experience and/or qualifications.

Submission

N/A

Report

Due to staff changes within the Building Service it is required that Mr Sportel be endorsed as an authorised person in regard to private swimming pools.

In order to implement publicly accountable practices and methods that permit flexibility in terms of provision of customer service by the Building Service, the person nominated in the recommendation should be endorsed as an authorised person for the purposes of Section 245A 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.*
- *To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.*

Budget/Financial Implications

N/A

Legal Implications

Section 245A 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.

14.4 (MINUTE NO 3522) (OCM 09/08/2007) - 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, Paul William Sportel; and
- (2) issue to Paul William Sportel a Certificate of Authorisation in relation 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 T Romano SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0

Background

Paul Sportel is due to commence employment with the City of Cockburn on 20 August 2007. Part of Mr Sportel's duties is to approve or refuse building plans and specifications under delegated authority of Council.



Submission

N/A

Report

Mr Sportel has the necessary Local Government qualifications to accept this delegation.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 374(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



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3523) (OCM 09/08/2007) - LIST OF CREDITORS PAID - JUNE 2007 (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 8/0

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

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 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3524) (OCM 09/08/2007) - STATEMENT OF FINANCIAL ACTIVITY - JUNE 2007 (5505) (NM) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 8/0

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 2007. The figures shown are only interim at this stage and will be subject to further end-of-year adjustments and Cash Backed Reserve transfers. The final end-of-year position including adjustments to the budgeted carried forwards will be presented to the October 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, 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 for the 2006/07 financial year is 10% or \$10,000 (whichever is the greater). Council at its last meeting set the threshold to \$50,000 or 10% (whichever is the greater) for the 2007/08 financial year. This will 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 – June 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 3525) (OCM 09/08/2007) - TENDER NO. RFT17/2007 - HOT ASPHALT ROAD SURFACING - SUPPLY AND LAYING (RFT17/2007) (JR) (ATTACH)

RECOMMENDATION

That Council accept Tender No.17/2007 - Hot Asphalt Road Surfacing - Supply and Laying, from Asphalt Surfaces Pty Ltd at their submitted schedule of rates for a two year period to 30 June 2009.

COUNCIL DECISION

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

CARRIED 8/0

Background

Council requires the supply and laying of hot asphalt road surfacing for the completion of capital works road construction and resurfacing projects for a two year period. The current Contract No. RFT16/2005, held by Asphalt Surfaces, has expired 30 June 2007, so accordingly the necessary documentation and specifications were prepared and tenders called.

Submission

Tenders closed at 2:30 pm (AWST) on Tuesday, 19 June 2007 and five(5) tender submissions were received from:

1. Hotmix
2. Boral Asphalt
3. Asphalt Surfaces Pty Ltd
4. Asphaltech Pty Ltd
5. Works Infrastructure

Report

Compliant Tenderers

The five(5) 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 supply and laying of hot asphalt road surfacing used for road resurfacing and construction.

The tender submissions were evaluated by the Acting Works Manager and the Acting Asset Inspection Officer.

Scoring Table

Tenderer's Name	Non-Cost Evaluation Score	Cost Criteria Evaluation Score	Total Score 100%
Asphalt Surfaces Pty Ltd	64.25%	35%	99.25%
Boral Asphalt	64.5%	32.63%	97.13%
Hotmix	65%	30.15%	95.15%
Works Infrastructure	61%	33.15%	94.15%
Asphaltech Pty Ltd	64.5%	29.03%	93.53%

Evaluation Criteria Assessment

The five tenders considered all 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.

Asphalt Surfaces Pty Ltd provided the best assessment against the selection criteria. Referees were consulted and Asphalt Surfaces Pty Ltd has been engaged on previous tenders for the City in the past with successful results. Consequently, it is recommended that the tender be accepted from Asphalt Surfaces Pty Ltd.



Relevant Experience

All tenderers were considered to have a high level of relevant experience.

Delivery Response Times

All the tender delivery response times were of a satisfactory level.

Strategic Plan/Policy Implications

Infrastructure Development

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

Transport Optimisation

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

Budget/Financial Implications

The cost of the hot asphalt road resurfacing and construction is covered in the annual Budget allocations for road construction and maintenance. The estimated expenditure for 2007-2009 is \$3.5M (GST excl.).

The per tonne rates for the supply and laying of hot asphalt has increased by approximately 25% when compared with previous rates in Contract No. RFT 16/2005. The per tonne rates for supply only have increased by approximately 5%. These price increases are not unexpected given the current market and the contract period.

The overall estimated contract value has risen from \$3.0M (GST excl.) in 2005-2007 to \$3.5M (GST excl.), an increase of \$0.5M (GST excl.) or 17%.

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 17/2007 Hot Asphalt Road Surfacing – Supply and Laying was advertised in The West Australian on Saturday, 2 June 2007 under the Local Government Tenders Section. It was also displayed on the City's website between 1–19 June 2007.



Attachment(s)

The following attachments have been provided to Elected Members under separate cover:

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

Advice to Proponent(s)/Submissioners

Tenderers were advised that the matter of the tender for the Hot Asphalt Road Surfacing – Supply & Laying will be considered at the Ordinary Council meeting to be held Thursday 9 August 2007.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3526) (OCM 09/08/2007) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) PARKING AND PARKING FACILITIES LOCAL LAW (1116) (RA) (ATTACH)

RECOMMENDATION

That Council pursuant to the requirements of sec. 3.12 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; and
- (2) establish the City of Cockburn Parking and Parking Facilities Local Law (2007).

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr S Limbert that Council:

- (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.

CARRIED 8/0

Reason for Decision

Section 3.12 of the Act requires the purpose and effect of the proposed Local Law to be included in the record of the meeting.

Background

Within the City of Cockburn (Local Government Act) Local Laws there are limited powers over vehicle parking within the City. The laws were adequate to meet the needs of a local authority that was essentially a mix of residential and industrial areas.

With the rapid development of the City of Cockburn and the creation of high-density residential and commercial nodes such as Cockburn Central and Port Coogee there is a requirement for Council to update its Local Law in relation to parking to meet new demands.

Submission

N/A

Report

Council's solicitors McLeods have drafted the City of Cockburn (Local Government Act) Parking and Parking Facilities Local Law a copy of which is attached to the Agenda. It is proposed that Council adopt the Local Laws for parking as proposed with the accompanying modified penalties in accordance with the requirements of the Local Government Act 1995.

The proposed Parking and Parking Facilities Local Law has the effect of superseding those limited number of clauses in the Consolidated City of Cockburn (Local Government Act) Local Laws 2000 and hence Council will be required to repeal Part X - Traffic and Parking of its Local Laws.



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 is invited through the advertising requirement established by the relevant section of the Act.

Attachment(s)

Copy of the proposed City of Cockburn Parking and Parking Facilities Local Law 2007 - Traffic and Parking.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



17.2 (MINUTE NO 3527) (OCM 09/08/2007) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2007/08 (8812) (RA)

RECOMMENDATION

That Council adopt the Calendar for The Summer of Fun Events for 2007/08 as detailed in the report.

COUNCIL DECISION

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

CARRIED 8/0

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 municipal budget. Entertainment has been tentatively booked with the respective management agencies with confirmation of bookings made with Council's approval. Proposed venues have been provided in the table below.

Proposed Summer Concert Series 2007/08

Event	Date	Park	Suburb	Act
Concert One	19/01/08	Beeliar Reserve	Beeliar	Libby Hammer & 13 piece band (swing, brass, big band – very popular)
Concert Two	2/02/08	Lake Lands Reserve	South Lake	LA Gold Cover band (7 piece Corporate band, 2 female singers – popular hits all ages)
Concert	16/2/08	Davilak Oval	Hamilton Hill	'Hells Bells' main act &



Event	Date	Park	Suburb	Act
Three				'Vamp' support act (ACDC Tribute band and All female cover band).
Major Event Concert	2/03/08	Manning Park	Hamilton Hill	To Be Confirmed

Regional Concert – It is proposed that the City of Cockburn join forces with the City of Wanneroo to share resources for the Regional Concert. In doing so the City has the increased opportunity to secure a higher calibre act and entice sponsors to come on board with the event. The City will have better negotiating power with advertisers and promotions for the concert and will be seeking sponsorship with one of the major radio stations. The City of Wanneroo will hold their concert on Saturday 1st March 2008 and it is proposed that the City of Cockburn will hold its concert on Sunday 2nd March 2008. The main act for this concert is still to be confirmed. Negotiations are being held with Premier Artists to secure an act along the lines of Vanessa Amarosi, Thirsty Merc, Jimmy Barnes or similar.

Stand Alone Events

Event	Location	Date
Teddy Bears Picnic (coincides with children's week)	MacFaul Park, Spearwood	31/10/07
Seniors Ball	Spearwood Dalmatinac Club	10/11/07
Seniors Afternoon Tea and Dance	To be arranged by Seniors Group	TBA
Coogee Beach Festival	Coogee Beach Reserve, Coogee	16/03/08
Multi-Cultural Festival Spring Fair	Manning Park	28/10/07
Christmas Lights	Council Building	TBA
Movie Nights	Manning Park	January –March 2008
Heritage festival open day	Azalia Ley Museum	Early June 2008

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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



Budget/Financial Implications

Indicative Budget Allocations

Item or Event	2006/07	2007/08
Promotion	\$17,000	\$25,000
Spring Fair (Multicultural Festival)	\$32,000	\$40,000
Summer Concert Series (1 in each ward)	\$60,000	\$70,000
Christmas Lights (not held due to 06/07 building works)		\$15,000
Regional Concert (Classic Special Event)	\$60,000	\$65,000
Cockburn Festival (revamped Coogee Beach Party)	\$35,000	\$35,000
Seniors Ball	\$6,000	\$6,000
Teddy Bears Picnic	\$6,000	\$6,000
Movie Nights	\$15,000	\$15,000
Total Budget	\$235,000	\$277,000

Legal Implications

N/A

Community Consultation

A referendum from previous years among the City's residents found that the large majority (87%) wanted the City to retain free community festivals and events.

Continued consultation with involved stakeholders and the community through surveys during each event will ensure a community-oriented calendar of events is presented in subsequent years.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



17.3 (MINUTE NO 3528) (OCM 09/08/2007) - COCKBURN CIVIC CENTRE INTERIM USAGE (8188) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) establish within the Civic Centre Hall office space for the Cockburn Volunteer Resource Centre, a storage area within the Lesser Hall as shown on the attachment and return the Main Hall to its original condition to allow it to be available for hire;
- (2) reallocate \$82,756 from Account No.CW 4211 for the cost of works as detailed in (1) above and amend the budget accordingly; and
- (3) require a report to be presented by Council's Planning Department to a future meeting of Council which provides an overview on the process required to develop a Concept and Structure Plan to guide the future development of the Civic Precinct site.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council defer consideration of interim usage of the Cockburn Civic Centre until the September 2007 Ordinary Council Meeting to allow the Regional Seniors Group to be consulted by Council prior to the September meeting regarding the proposed changes of plan for temporary usage and the future development of the Civic Centre Precinct.

CARRIED 8/0

Reason for Decision

There has been some consideration given by Elected Members to the future development of the Cockburn Civic Precinct. The original intent to convert the existing Civic Centre Hall into a Seniors Centre has been overtaken with the proposal for the current hall site to be completely redeveloped and include a Seniors Centre as part of an overall development. It is important that Council consult with the Regional Seniors Group in respect of this decision to ensure they have the opportunity to consider and gain an understanding of what is being proposed, including the proposal of the interim use of the Civic Centre and for them to be advised of approximately how long this proposed plan may take before a Regional Seniors Centre is established.



Background

Council has recently used the Cockburn Civic Centre Hall as its chambers and by the City's administration as office space for the past year with temporary modifications made to meet these requirements. The completion of the new office accommodation will allow for staff to vacate the Civic Centre Hall, however, Council has made no decision for the short to medium term future of the hall as a comprehensive redevelopment will take at least 2 years before any works begin.

The City's Human Resources Service and Cockburn Volunteer Resource Centre (CVRC) have been located in transportable buildings in the civic quadrant. When these buildings are removed accommodation needs to be found for the CVRC.

There has been an allocation of funds on the 2007/08 Municipal Budget for the cost of design work to refurbish the Civic Centre Hall to create a specific purpose Seniors Centre. Concurrently, there has been an allocation of funds to develop a concept plan for the possible redevelopment of the total Civic Centre Precinct.

Submission

N/A

Report

Human Resources has allocated office space in the new offices however, there is insufficient suitable space to accommodate the CVRC in the new administration offices as they require ready public access. On the assumption that it is Council's intent to move both transportable buildings from the civic quadrant there is a pressing need to find suitable accommodation for the CVRC. This service needs to be readily accessible to the public and close to public transport and a location within the Civic Precinct meets these requirements. The transportable building the CVRC currently occupy is rather small; does not have disabled access; has Occupational Health and Safety concerns as there is only one exit door and will look particularly unsightly if it remains in its present location or moved back to where the Human Resources transportable is currently located in the quadrant.

An option is to make provision within the Civic Centre foyer for an office area of approximately 25 sq.m. (see attached plan) to accommodate the CVRC.

The City's records section currently utilises an area within the Civic Centre Hall that was previously used for chair and table storage as a record store. This requirement will remain for some time. The ramification of this is that there is no allocated space for table and chair



storage should Council seek to make the Civic Hall available for community use. Furthermore, there has been an ongoing problem for the City's administration for storage of larger items that are used on a seasonal basis or which are awaiting disposal, such as furniture and IT equipment.

It is proposed that a temporary wall be created separating the Lesser Hall from the Main Hall that will allow the Lesser Hall to be used as storage space for tables and chairs and to meet administration's storage requirements.

It would be of little value to the residents of the City to leave the current Civic Hall vacant for an extended period. It is proposed that Council allocate funds to remove the temporary partitioning and other infrastructure in the hall and revert it back to its original condition. The main hall, which has a capacity of 400 people, could then be made available for hire to the community.

There has been some consideration given by Elected Members to the future development of the Cockburn Civic Precinct. The original intent to convert the existing Civic Centre Hall into a Seniors Centre has been overtaken with the proposal for the current hall site to be completely redeveloped and include a Seniors Centre as part of the overall development. Should Council seek to redevelop the Civic Hall site under a joint venture arrangement it is probable that the current building will be vacant for at least 2 years.

Council has allocated funds on its 2007/08 Municipal Budget for the redesign of the Civic Centre Hall to form a Seniors Centre and funds for design for the redevelopment of the whole Civic Precinct.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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



Budget/Financial Implications

Council has carried forward \$82, 656 towards the cost of redesigning the Civic Centre to convert to a Seniors Centre. There is a further \$200,000 for design and documentation for the Civic Centre Redevelopment.

It is proposed that Council reallocate the sum of \$82,656 (Account CW 4211 Civic Centre) for the cost of creating office accommodation for the CVRC, creation of storage space in the Lesser Hall, removal of partitioning, associated other temporary fittings in the Civic Centre and returning the main hall floor to its original condition.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Floor plan of Civic Hall showing the proposed location of the CVRC office.

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 (OCM 09/08/2007) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Mayor Lee provided a notice of motion that Council considers an amendment to its Town Planning Scheme No.3 to ensure that all new properties constructed within the City of Cockburn be fitted with rainwater tanks.

MAYOR LEE, CLRS ALLEN AND OLIVER LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.43 PM.

DEPUTY MAYOR GRAHAM ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT

DECLARATIONS OF INTEREST

The Presiding Member read a declaration of financial interest from:

Mayor Lee

Declared a financial interest pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in Item 21.1 - Minutes of the Water Usage and Regional Open Space Greening Committee Meeting held on 2 August 2007. The nature of the interest being that two of the matters contained in the Strategy considered by this Committee deals with Regional Open Space associated with the Port Coogee Development and, as 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, he is therefore deemed to be a closely associated person.

Clr Allen

Declared a financial interest pursuant to Section 5.60B of the Local Government Act, 1995 in Item 21.1 - Minutes of the Water Usage and Regional Open Space Greening Committee Meeting held on 2 August 2007. The nature of the interest being that he is a proximity landowner of property adjoining land adjacent to the Port Coogee development, which is the subject of the strategy considered by the Committee.

Clr Oliver

Declared a financial interest pursuant to Section 5.61 of the Local Government Act, 1995 in Item 21.1 - Minutes of the Water Usage and Regional Open Space Greening Committee Meeting held on 2 August 2007. The nature of the interest being that she had 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.



Deputy Mayor Graham

Declared a conflict of interest pursuant to Part 21 of Council's Standing Orders in Item 21.1 - Minutes of the Water Usage and Regional Open Space Greening Committee Meeting held on 2 August 2007. The nature of the interest being that he had 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 the 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.

DEPUTY MAYOR LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.45 PM

AT THIS POINT IN THE MEETING THE CHIEF EXECUTIVE OFFICER CALLED FOR NOMINATIONS OF PRESIDING MEMBER.

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS

(MINUTE NO 3529) (OCM 09/08/2007) - APPOINTMENT OF PRESIDING MEMBER

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr T Romano that Cllr Limbert be nominated to the position of Presiding Member

CARRIED 4/0

Note:

Four members having declared an interest in Item 21.1 and two members being absent, which left only four members present, a request was made to the Department of Local Government and Regional Development for a reduced quorum to make a decision on the following item. The Chief Executive Officer advised the meeting that, in accordance with authority delegated by the Minister for Local Government, the Acting Director, Governance and Statutory Support has approved the City's application under section 5.7(1) of the Local Government Act 1995 for a reduced quorum of 4 Councillors to enable Council to deal with Item 9.1 "City of Cockburn Water Conservation Strategy".



21.1 (MINUTE NO 3530) (OCM 09/08/2007) - MINUTES OF THE WATER USAGE AND REGIONAL OPEN SPACE GREENING COMMITTEE MEETING HELD ON 9 AUGUST 2007 (6148) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Water Usage and Regional Open Space Greening Committee meeting held on Thursday, 2 August 2007, as attached and the recommendation contained in Item 9.1 be adopted.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 4/0

Background

A meeting of the Water Usage and Regional Open Space Greening Committee was conducted on 2 August 2007.

Submission

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

Report

The Committee considered the following:

1. The City of Cockburn Water Conservation Strategy and action points contained within the Strategy.
2. Joining the ICLEI Water Campaign and undertake work to achieve the five milestones as follows:
 - Milestone 1: Undertake a water consumption inventory and water quality checklist
 - Milestone 2: Establish a water consumption reduction goal and water quality improvement goal
 - Milestone 3: Develop and adopt a local action plan
 - Milestone 4: Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits



Milestone 5: Monitor and report on water consumption reductions, water quality improvements and water management initiatives.

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.*

Lifestyle and Aspiration Achievement

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

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

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Attachment(s)

Minutes of the Water Usage and Regional Open Space Greening Committee Meeting 2 August 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

MAYOR LEE, DEPUTY MAYOR GRAHAM, CLRS ALLEN AND OLIVER RETURNED TO THE MEETING THE TIME BEING 7.48 PM.



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

AT THIS POINT IN THE MEETING MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

22 (OCM 09/08/2007) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

- (1) Clr Whitfield requested that Council instigates a review of the status of Reserve 47250 Carnegie Parade, Success with a view to rezoning the reserve to a residential zoning and disposing of the site, with the funds achieved from the sale of the reserve to be used in the development of recreation reserves in the immediate locality.
- (2) Clr Oliver requested that the City Officers prepare a report for the future consideration of Council which investigates opportunities and strategies for areas within Coolbellup that:
 1. Could be up coded to a higher density to facilitate redevelopment and intensification of residential development to meet the growing need for variety of accommodation types, particularly for young families and the elderly, which is both affordable and manageable.
 2. Could include the Department of Housing and Works or Landcorp as partners for the provision of seniors accommodation.
- (3) Clr Allen requested that the City Officers prepare a report that identifies alternatives Council could implement and utilise to better manage its waste at the Henderson Resource Recovery Park.

The report is to identify as many alternatives as possible, such as shredder machinery that could be used to shred and reduce large volumes of household, demolition, bulky and industrial waste.

The report is to also identify the benefits and gains that could be attributed to the utilisation of this type of machinery, which would include increased site capacity, additional waste capacity, lifecycle and potential bottom line effects on Council revenue by the installation and utilisation of such machinery.



23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3531) (OCM 09/08/2007) - 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 8/0

25 (OCM 09/08/2007) - CLOSURE OF MEETING

7.50 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:/...../.....

