

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 JUNE 2008 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 JUNE 2008 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr K Allen	-	Deputy Mayor
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr N. Mauricio	-	Manager, Management Accounting & Budgeting
Mrs B. Pinto	-	PA to Directors, Finance & Corporate Services / Administration & Community Services
Ms T. Truscott	-	Media Liaison Officer

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 12/6/2008) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

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

5 (OCM 12/6/2008) - APOLOGIES AND LEAVE OF ABSENCE

Clr R. Graham	-	Apology
Clr J. Baker	-	Apology
Mr S Cain, Chief Executive Officer	-	Apology

6 (OCM 12/6/2008) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

It is confirmed that written questions submitted by Ms Zoe Inman in relation to the Heritage Markets at the Ordinary Council Meeting held on 8 May 2008 have been responded to in writing.

7 (OCM 12/6/2008) - PUBLIC QUESTION TIME

Peter Madden, Beeliar

Agenda Item 14.4 – Proposed Scheme Amendment No.63 to Town Planning Scheme No.3 – Rezoning of Lot 503 Phoenix Road, Bibra Lake from Special Use 12 (SU12) to Industry, Mixed Business, Light and Service Industry and Parks and Recreation

Q1. There is a large wetland area on Phoenix Road side of plant. Is this to be retained in its present condition?

A1. There are no recognised wetland areas between the existing box plant and Phoenix Road on the Amcor site. There is a small drainage on the northern side of the box plant proposed in the subdivision, which is yet to be submitted, which is to be enlarged and deepened to



accommodate stormwater run-off from the proposed roads as well as roof run-off from the box plant.

J (Len) Glamuzina, Spearwood

Q1. Will the Mayor ensure that an item is placed on the Agenda, at the next Council Meeting, so that Elected Members, can formally consider a motion to the effect, that Council will not purchase or compulsorily acquire property, under Division 4 of the Planning and Development Act in the Phoenix Central Study Area?

A1. The Presiding Member stated that this item has been put forward as a late item by himself and will be considered by Council at tonight's meeting.

Robyn Scherr, Coogee

Agenda Item 13.3 - Final Adoption of the Plan for the District 2008 – 2018

The Plan stated that two submissions, namely one from Mr Bovill and the other from the Coogee Beach Surf Life Saving Club, were received. Only the submission from Mr Bovill was attached to the Agenda. Following was her question:

Q1. Why was a copy of the letter from Daryl Smith not included in the attachments to the Agenda which outlined comments he had made in relation to the Plan for the Future of the District?

A1. The Presiding Member directed the Acting Chief Executive Officer to investigate with the Chief Executive Officer on his return, why the submission was not included with the Agenda attachments.

Q2. What were the changes which were incorporated into the Plan?

A2. The Acting Director, Administration and Community Services advised that these were minor changes relating to the staging of the development.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3729) (OCM 12/6/2008) - ORDINARY COUNCIL MEETING - 08/05/2008

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 8 May 2008, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 12/6/2008) - DEPUTATIONS AND PETITIONS

The Presiding Member invited the deputation from Taylor Burrell Barnett on behalf of Landcorp, comprising of Karen Wright and John Hackett, in regard to planning issues relative to Item 14.5 – Proposed Scheme Amendment No.65, Lot 9006 Discovery Drive, Bibra Lake, to address Council.

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

Nil

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

Nil



13. COUNCIL MATTERS

13.1 **(MINUTE NO 3730) (OCM 12/6/2008) - ELECTION OF DELEGATE TO WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - SOUTH METROPOLITAN ZONE (1054) (S CAIN)**

RECOMMENDATION

That Council:

- (1) appoints Clr _____ as a delegate for a vacant position on WALGA's South Metropolitan Zone; and
- (2) in the absence of any of the three voting delegates to a Zone meeting, deputises the Chief Executive Officer to act as a voting delegate for that meeting.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Clr S Limbert that Council:

- (1) acknowledges the resignation of Clr Graham and Mayor Lee as delegates of the Western Australian Local Government Association (WALGA) South Metropolitan Zone; and
- (2) inform WALGA that:
 1. It appoint Clr Helen Attrill and Clr Carol Reeve-Fowkes as replacement delegates to the South Metropolitan Zone, effective immediately; and
 2. in the absence of any of the three City of Cockburn voting delegates at a Zone meeting, it nominates Mayor Lee and the Chief Executive Officer (or Deputy) as proxy voting delegates at South Metropolitan Zone meetings.

CARRIED 8/0

Reason for Decision

Mayor Lee and Clr Graham have been Council's nominated representatives to the WALGA South Metropolitan Zone for a number of years and now wish to retire from this role. It is considered an opportune time for other Elected Members to gain exposure to the issues which more broadly affect local government in this State. Clr Attrill and Clr Reeve-Fowkes have indicated an interest in these positions and are ideal representatives for the City, until 2011 when their terms as Elected Members expire.



Background

The City is allocated three delegate positions on the West Australian Local Government's (WALGA's) South Metropolitan Zone. At the Ordinary Council Meeting of 10 May 2005, Council elected Mayor Stephen Lee, Councillor Richard Graham and Councillor Sue Limbert as its delegates. There was no need for Council to reconsider its Zone delegates following the May 2007 elections, as each of the three delegates still had unexpired terms as Elected Members.

Submission

Councillor Graham has advised that he would like another Elected Member to take his place on the Zone, as an opportunity for others to gain experience in working with the WALGA executive.

Report

Across the State, WALGA has 18 Zones each of which elect three delegates to the State Council. The South Metropolitan Zone consists of the Cities of Cockburn, Fremantle, Melville and Rockingham, and Towns of East Fremantle and Kwinana. Each Council is allocated three voting delegate positions, with the Municipality's CEO also attending as a non-voting delegate. The South West Group is also represented at the Zone, with the Director of the Group also attending as a non-voting delegate.

Following the advice from Councillor Graham, the CEO contacted all Elected Members about the vacancy. Councillor's Attrill and Reeve-Fowkes have both indicated their interest in being appointed to this position.

In some circumstances, Council's have appointed their CEO's as voting delegates, usually as a deputised role in order to retain the Municipalities voting numbers. This provision is being recommended to ensure the City retains its representation on the Zone in such circumstances.

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)

N/A

Advice to Proponent(s)/Submissioners

Councillors Attrill and Reeve-Fowkes have been advised that this matter will be put to the June 2008 OCM.

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

N/A

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.22 PM, ITEMS 13.2, 15.1, 15.2, 15.4, 17.1 AND 17.2 WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

13.2 (MINUTE NO 3731) (OCM 12/6/2008) - SUBMISSION ON SYSTEMIC SUSTAINABILITY STUDY DRAFT REPORT (1054) (S CAIN) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Western Australian Local Government Association (WALGA) of its strong support for industry lead reform of the Local Government sector in this State;
- (2) recognise that the concept of regional service delivery is likely to be the best model for achieving greater efficiency within the sector, but that the regional model adopted may differ across regions and should include the option for corporate structures, or other partnering arrangements that do not require creation of Regional Councils;
- (3) participate through the South Metropolitan Regional Zone and the South West Group in ongoing dialogue and review of the recommendations contained within the WALGA report 'The Journey: Sustainability into the Future'; and



- (4) forward the City's submission to WALGA in response to the draft report.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendaton be adopted.

CARRIED 8/0

Background

In early 2005 the West Australian Local Government Association (WALGA) State Council agreed to lead a major review of the future sustainability of the Local Government sector. Under the banner of 'Systemic Sustainability' a panel of experts was formed to conduct a high level overview of the sector's economic, social and community capacity building roles and capabilities. The initial report of the panel contained 41 recommendations and was referred to the State Council for further action.

The Council resolved to investigate these in more detail and it formed a Taskforce to oversee this, under the banner of the 'Systemic Sustainability Study' (SSS). Five working groups, consisting of Councillors and senior Local Government managers from across the State (including the City's CEO and Director, Engineering and Works), addressed the themes below:

- Leadership for change
- Finance
- Revenue
- Services
- Capability

The results of the working group were finalised in January 2008 and in February WALGA publicly launched a draft SSS 10 Year Industry Plan. The report is now the subject of a public consultation period, which ends mid June. To promote the outcomes of the report, WALGA has arranged presentations to Councils, Zones and industry organisations. A presentation was given to the Southern Metropolitan Zone, to which the City of Cockburn belongs, on 26 March 2008 at the City of Melville. A copy of the full WALGA report, which can be found at www.walga.asn.au, was also made available for Elected Members to review.



Submission

N/A

Report

The SSS Plan, entitled *The Journey: Sustainability into the Future*, seeks to promote a new vision for West Australian Local Government. At the heart of this vision is a recognition that the sector needs to initiate industry-wide reform on a voluntary basis, or face the prospect that the State Government will mandate this. The report also recognises that there are significant challenges facing the sector and that a proactive approach to resolving these is required.

The vision being promoted is that:

“Local Government will implement and maintain a governance model that integrates effective service delivery (on a regional basis) with appropriate political representation (on a local basis)”.

It recommends that the Regional areas be based on current WALGA Zone boundaries.

The report also recommends a number of innovations for the industry:

- Enhanced capacity for Local Governments to create trading entities
- Adoption of best practice models for rate setting
- New best practice for setting of development charges
- Increased use of prudentially managed debt
- Creation of a Local Government Independent Assistance Commission to support and advise
- Sector-wide adoption of long term (10 year) financial and service plans
- Increased transparency by annual reporting on achievements
- Markedly improved standards of infrastructure and asset management

The proposed Regional model would see Councils sharing resources and infrastructure. In establishing such entities it is expected that some ‘front end’ services; such as planning, road maintenance, community services, etc and many ‘back end’ functions; such as accounting, rates, and information technology, could be undertaken by a Regional Council. Governance would be undertaken both locally and regionally, but by fewer Councillors.

Submissions from Partner Organisations. The City is a member of a number of interest groups that are making submissions on the plan. The South West Group (SWG) has a draft report, copy attached, which will be considered at its next meeting to be held on 9 June 2008.



A key issue for the SWG is the potential structure of a local 'regional' council. While supporting the Zone as the logical starting place for this, consideration has to be given to the implications for other governance structures. The City is already a member of the Southern Metropolitan Regional Council (SMRC), which has the SW Zone members and the City of Canning as its members. The SMRC's mandate is narrowly focussed on the provision of regional waste management services. For a variety of reasons, it is probably not the best vehicle to use for an expansion of services.

Similarly the SWG is a voluntary organisation and has no formal status to propel it to act as a regional council. Key issues that the City of Cockburn would have to consider in moving to become part of another regional authority are:

- How would this improve service delivery?
- Can this reduce cost or improve access to services?
- Would this simply improve the viability of other Local Governments, without assisting the City, which would otherwise have to consider amalgamation as an alternative?

While it is not possible to answer these questions at this stage, the absence of an answer should not preclude the City from considering regionalisation. Both the waste management provided to the City by the SMRC and the collaborative Community Security Service provided in conjunction with the City of Melville, are good examples of the benefit of regional service delivery. But there may be other models, such as joint venture between Councils, which might equally deliver efficiencies. Officers from the City are currently considering how we might create a shared services bureau for information services, on some form of partnership basis. Such an arrangement is intended to reduce infrastructure costs and create greater systems redundancy in the event of an emergency.

While the City should fully participate in any review of a regional structure so as to ascertain answers to the questions posed above, it should also consider that establishing another Regional Council may not necessarily be the only way of achieving regionalisation.

At officer level, the CEO is also a member of the Outer Metropolitan Growth Councils Policy Forum (OMGCPF). This group comprises the CEOs from all of the 'high' growth metropolitan Councils and it has been very effective in generating improvements within the Local Government sector. The Electronic Lodgement System (ELS) for building applications and draft Development Contributions for Community Infrastructure levy are both examples of projects that have been initiated by this group. A copy of the submission from the group has also been included for information.



The OMGCPF's approach has been to strongly support industry reform. In making its submission it sees that a proactive and positive approach is required, lest the inability to achieve common ground causes the whole process to grind to a halt. The group believes that the sector has no more than the next term of a new State Government to demonstrate it is capable of self regulated reform, or the State will simply mandate change.

It is worth remembering that wholesale Local Government structural reform has now occurred in all States, less Western Australia. The most recent example is in Queensland where the former Beattie Government initiated unilateral reform, reducing the number of Local Governments from 157 to 73. This reform was executed without consultation, either to the sector or public.

The covering letter to the OMGCPF's submission has been attached to demonstrate a collaborative view is possible, while acknowledging that the group's members do have differing opinions on different recommendations. One of the key features of this group is that, with the exception of the Towns of Kwinana and Serpentine Jarrahdale, each of the Council's represented is relatively large in size; ie has around 80,000 or more residents. Whereas many of the non-metropolitan Local Governments across the State are considerably smaller. Such small entities must still consider that regionalisation will not necessarily make them sustainable and that amalgamation may be the better approach for them.

City of Cockburn Submission: The attached submission looks at each of the recommendations from an entirely local perspective. While much of the report has been supported; ie 45 of the 61 recommendations, a further 13 recommendations are partially support and only 3 recommendations are not supported. As the details of these are contained in the attachment, they are not individually recorded here.

The three recommendations that are not supported (ie Recommendations 18, 22 and 33) relate to the proposed establishment of a Local Government Finance Authority (LGFA) and Local Government Independent Assistance Commission (LGIAC). While acknowledging that aspects of this concept have merit, it could also lead to the creation of additional layers of bureaucracy. The report does not address how the roles of the WA Grants Commission, Local Govt Advisory Board, LGFA, LGIAC and functions of WALGA and the DLG&RD in the overall management and regulation of Local Government, could be integrated to facilitate better and simpler industry governance.

It is noteworthy that the Minister for Local Government and Regional Development, Ljilijanna Ravlich MLC, has publicly supported the overall tenor of the plan and the majority of its recommendations.



However, a key feature of WALGA's submission (recommendation 61), was a bid for \$30M from the State Government in order to progress the regional model. The FY 2008/09 budget, announced on Thursday 8 May 2008, contained no such allocation. Ultimately, without significant financial support from the State it is doubtful whether real reform across the whole of the sector will be possible.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

There are no known implications at this time.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

- (1) Draft submission from the South West Group
- (2) Draft covering letter to submission from the OMGCPF
- (3) Draft City of Cockburn submission

Advice to Proponent(s)/Submissioners

N/A

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

N/A

13.3 (MINUTE NO 3732) (OCM 12/6/2008) - FINAL ADOPTION OF THE PLAN FOR THE DISTRICT 2008 - 2018 (1029) (S CAIN) (ATTACH)

RECOMMENDATION

That Council adopt the amended draft Plan for the District 2008 –2018, as attached to the Agenda, as its approved 'Plan for the Future' for the period 2008 – 2018.



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

At the April 2008 Ordinary Council Meeting, Council resolved to:

- (1) *adopt the draft Plan for the District 2008 –2018;*
- (2) *initiate a public consultation process over the next six weeks, to include a briefing to community representatives through the Community Development Strategy forum;*
- (3) *make the draft available via the City’s website and initiates other means of communicating the draft plan; and*
- (4) *following consultation bring the Plan back to Council for its final consideration at the June Ordinary Council Meeting.*
- (5) *examine the possibility of bringing the golf course project forward by 12 months, with concept design design to commence in 2008/09.*

Submission

At the close of the consultation period two public submissions on the Plan were received. Additionally, Council resolved at its May 2008 Ordinary Council Meeting to amend the timeframe for the development of the Hammond Road Regional Sports Centre development. Staff have also sought some additional amendments to the plan. A report on these modifications is detailed below, with recommended changes being incorporated into an updated version of the Plan.

Report

The Plan for the District is a detailed ten-year program for infrastructure development, services expansion (including future staffing requirements) and financing management plan. Since it was adopted for public comment in April 2008 it has been displayed on the City’s website, in libraries and copies provided to community groups.

Consultation Program. The Plan was formally presented to community leaders at the Community Development Strategy forum on 15 May 2008. Copies of the plan had previously been distributed to community



groups in order to promote discussion of the Plan prior to the presentation. The feedback from the participants was good, with only Mr Daryl Smith subsequently responding, providing some clarifying points on the development of the proposed Surf Life Saving Club.

Advertising. The Plan was advertised in the Cockburn Herald on 18 April and in the Cockburn Gazette on 15 April. Following the April Council meeting there have also been several articles in the local newspapers on projects detailed in the Plan.

A copy of the Plan and more detailed copies of some of the drawings were placed on to the City of Cockburn Website on 4 April 2008. The May edition of the Cockburn Soundings also had reference to it, as well as the *e-newsletters* issued on 14 and 30 April 2008.

Submissions. As at 30 May 2008, being the closing date for submissions, two public submissions were received. Commentary on these and recommended modifications to the Plan are detailed below:

- The submission from Mr Daryl Smith resulted in some minor changes to the text associated with the SLLC project.
- A submission was received from Mr Kevin Bovill that primarily dealt with concerns regarding the development of public open space (POS). Of the four matters raised by Mr Bovill, only the development of the Cockburn Central Heritage Park was listed as a project in the Plan. While his recommendation for an expansion of this area is not supported, bringing forward the timing of the development of a concept plan for the area is supported and has been included in the updated Plan. It is the opinion of staff that the other three matters contained in the submission are more environmental or planning issues, not directly related to the infrastructure theme of the Plan. A copy of the City's response to Mr Bovill on his submission is attached.

Other Proposed Modifications. There are several changes proposed by staff to the draft plan. Details of these and recommendations on each are shown below:

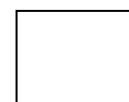
- Golf Course. For the golf course to proceed three elements are necessary; the Department of Planning and Infrastructure (DPI) needs to agree to the land being used for an active recreation reserve, the Department of Water (DOW) needs to agree to the use of water from the Port Coogee groundwater interception system being allocated for this purpose in perpetuity, and a business plan would need to be adopted by Council. The latter requirement is the least problematic, as the project will either be financially viable or not. The other two are more difficult to finalise. Preliminary discussions have been held with DPI; however, the issue of land use within the adjacent precinct, which is currently impacted by the Watson's odour buffer, complicates this matter. Any changes to the



land use in this area will have an impact on planning, traffic engineering and environmental management and these need to be fully understood before Council can proceed. The issue of water supply is critical to the overall viability of the golf course and much still needs to be done before this matter is resolved. Current approval to extract water from the groundwater interception system, is restricted to re-injection and irrigation of 8ha of POS only. The licence is for a 2 year period and no commitments have yet been given for long-term supply. These issues will have some impact over the longevity of the supply and it is difficult to move forward with a golf course proposal until the outcomes are known. Resolving the various matters detailed above will not occur quickly. It is for this reason that it is not possible to bring this project forward.

- Regional Sports Centre (Hammond Road, Success). At the May 2008 Ordinary Council Meeting it was resolved to proceed with the earthworks for this project and amend the timeframe for the development of this facility, borrowing funds to complete it over two years rather than the proposed five year development. As such, the timetable now reflects this, as does the Financial Plan. The draft 2008/09 budget also contains provision for the first stage of works to proceed.
- North Coogee Foreshore Management Plan. A plan for redevelopment of the North Coogee foreshore was presented to Council on 12 April 2007. While the public advertising is completed, the DPI has requested additional data, including a review of the groyne extension, prior to making formal comment on it. The environmental remediation of the dunes has been pending the adoption of the plan, but has to commence shortly in conjunction with the development by Stockland. A plan (either modified or not) is likely to be presented to Council at the July 2008 Ordinary Council Meeting. Provision has been made for the City's financial contribution to the works on this project, which will be undertaken in several stages, pending the plan's formal adoption by Council.
- Employees. The Plan includes projections of the likely growth in employee numbers over the next decade. This information is used to support future budget submissions as well as plans for accommodation requirements. As a result of a recent strategy mapping exercise undertaken by Senior Staff, there have been changes made to the forecasts in the draft.

Plan Adoption. An updated version of the Plan, incorporating the modifications detailed above, is attached to the Agenda. It is recommended that this version of the Plan be now formally adopted. The Local Government Act (1995) requires that the City adopt a Plan for the Future, with this to be reviewed every two years. The City's Plan for the District 2008 – 2018 meets the requirements of the Act. As this Plan focuses heavily on infrastructure development, a two yearly review will be important as construction costs are continuing to escalate at a rate faster than general inflation.



As with the current version of the Plan, several of the projects listed in it are currently out to tender, or going to tender. Others will be the subject of Council review as part of the 2008/09 Budget adoption process. It is again anticipated that, in light of normal community consultation, variations to the scope or timing of these projects will also occur prior to the next formal review of the Plan.

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.

Budget/Financial Implications

Each of the items contained in the Plan will be subject to separate budget submission, during the life span of the Plan.

Legal Implications

N/A

Community Consultation

There has been extensive advertising of the draft Plan via local newspapers, presentation to Regional Community Group and the document being displayed at the City's libraries and on its website.

Attachment(s)

- (1) Copy of response to Mr Kevill Bovill on his submission.
- (2) Updated draft Plan for the District 2008 – 2018.

Advice to Proponent(s)/Submissioners

Each of the submissioners has been advised that this matter is to be considered at the June 2008 Council meeting.

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

The Plan is being adopted as the City's 'Plan for the Future', required under s5.56 of The Local Government Act (1995).

MAYOR LEE AND CLR OLIVER LEFT THE MEETING AT THIS POINT THE TIME BEING 7.23 PM



DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER

DECLARATION OF INTEREST

Deputy Mayor Allen advised the meeting that he had received a declaration of financial interest from Mayor Lee in relation to Item 14.1, pursuant to Section 5.62(1)(ea) of the Local Government Act 1995. The nature of the interest being that it appears that he was the recipient of a notifiable gift from the developer (Australand) in relation to the 2005 election at which he was elected, and is therefore deemed to be a closely associated person.

Deputy Mayor Allen also advised the meeting that he had received a declaration of financial interest from Cllr Oliver in relation to Item 14.1, pursuant to Section 5.61 of the Local Government Act 1995. The nature of the interest being that she received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3733) (OCM 12/6/2008) - DETAILED AREA PLAN AND DESIGN GUIDELINES FOR STAGE 4A PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (125410) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plan and Design Guidelines presented for Stage 4A Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly.



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr H Attrill that the recommendation be adopted.

CARRIED 6/0

Background

The land covered by the subject Detailed Area Plan (DAP) and Design Guidelines is within the Port Coogee development area. Under the Structure Plan, the land represents Stage 4A. The land is identified for low density residential development (R25) and forms one of the 'Water Based Residential' precincts. The DAP and Guidelines provide development direction for 36 single residential lots within the stage, including 18 waterside lots on the southern side of the subdivision. The 18 lots forming the northern edge of the subdivision abut foreshore public open space.

Whilst the DAP is primarily aimed at guiding builtform outcomes on all lots, the guidelines deal with the control and development of jetties in the mooring envelopes of the waterside lots.

Submission

DAP

The attached DAP and Design Guidelines address amongst matters:

- Key elements to be considered in the design of dwellings.
- Dwelling setback requirements (front and rear), including the extent to which parapet walls can be erected on side boundaries.
- Dwelling levels and height relative to lot levels etc.
- Access and garage requirements.

Where the DAP does not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Planning Codes (R-Codes) and Town Planning Scheme No. 3 (where the R-Codes do not apply).

Report

DAP

The Stage 4A DAP provides location and site-specific planning information, to be considered in the design and development of the lots in question. The information is to be considered within the framework



of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme.

Presentation of the DAP to the City was by the planning consultant for Port Coogee. Subsequent to the initial submission of the document, considerable review and negotiation has taken place with the consultant and developer. In this regard, the Planning Services was particularly keen to ensure that all aspects of future development on the lots are satisfactorily covered in the document.

The DAP now includes details of what is possible, in terms of structures and fences, within the rear setback areas of respective lots. These considerations were identified as important given the very public 'face' the rear of the lots will present to both the Marina waterways and foreshore public open space. Particular attention was also paid to site and building levels.

The amended DAP is now considered comprehensive and complete in terms of content, and it is recommended that Council adopt the document.

The DAP refers to Jetty and Mooring Design which will govern:

- The location and dimensions of the jetty and mooring envelopes for the waterway lots
- The design parameters for any proposed jetties
- The construction standards for any proposed jetties, pontoons or mooring piles

These are currently in draft form and will be the subject of a further item to Council.

Conclusion

The DAP and Design Guidelines provide detailed controls and direction for development on the subject lots. As mentioned, Planning Services has worked closely with the planning consultant and developer to ensure the documents contain sufficient, well considered requirements to ensure future development takes place in an orderly and proper manner. It is, therefore, recommended that the DAP and Guidelines be adopted by Council.

The approval of the DAP and Design Guidelines is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP (and Guidelines) and the process for adopting such. Where a DAP/Guidelines may affect landowners other than the owner/s of the subject land, the City may undertake consultation. As Stage 4A essentially represents an island with no immediate neighbours, no consultation has taken place.



Clause 6.2.15.8 provides scope for a DAP/Guidelines to be amended.

Strategic Plan/Policy Implications

APD 31 – Detailed Area Plans

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops. Additionally, Stage 4A sits in isolation to other development precincts within Port Coogee.

Attachment(s)

- (1) Location/Structure Plan
- (2) Detailed Area Plan

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at 12 June 2008 Council Meeting.

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

Nil.



MAYOR LEE AND CLR OLIVER RETURNED TO THE MEETING THE TIME BEING 7.25 PM

THEH PRESIDING MEMBER ADVISED MAYOR LEE AND CLR OLIVER OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT FROM THE MEETING.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER

14.2 (MINUTE NO 3734) (OCM 12/6/2008) - PUBLIC OPEN SPACE CASH IN LIEU REFUND - LOT 4 LYON ROAD AUBIN GROVE - LOCATION: LOT 4 LYON ROAD AUBIN GROVE - OWNER: BRAVADO NOMINEES PTY LTD - APPLICANT: KOTT GUNNING SOLICITORS (127382) (A BLOOD)

RECOMMENDATION
That Council:-

- (1) note the determination of the Owston Nominees case which affects the basis of calculating the value of cash in lieu of public open space for subdivisions approved during the operation of the former Town Planning and Development Act (1928);
- (2) agree to refund Bravado Nominees Pty Ltd the over payment of cash in lieu of public open space resulting from (1) above; and
- (3) amend the 2007/08 budget to reimburse Bravado Nominees Pty Ltd \$521,129.00 from the Restricted Use Fund Account – Public Open Space.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The City has collected cash in lieu of the 10% public open space requirement in respect to lot 4 Lyon Road Aubin Grove.



Submission

Kott Gunning, solicitors on behalf of the owners of Lot 4 Lyon Road (Bravado Nominees Pty Ltd) have requested reconsideration of the value of the cash in lieu of open space in light of the recent court decision which determined the basis of valuation for determining a cash in lieu payment for subdivisions approved during the operation of the former Town Planning and Development Act. A refund of \$521,382.00 has been requested.

Report

The Planning and Development Act (2005) replaced the former Town Planning and Development Act (1928) when it was finalised on 9th April 2006. One of the significant changes in respect to cash in lieu of public open space was the basis of valuation calculation. Under the former Act the date of valuation was the date on which the subdivision approval was issued by the Western Australian Planning Commission where as under the latter Act the date of valuation is at the time of payment which is usually the time of seeking clearances.

The conditional subdivision approval for the subject land was issued in August 2005 but clearances and payment of the cash in lieu were sought in June 2007. Accordingly the cash in lieu was calculated by the City in accordance with the Planning and Development Act.

At the time the owners objected about the basis of the valuation arguing that it should have been in accordance with the former Town Planning and Development Act which was in force at the time of the approval being issued. The objection was based on advice they had received and that there was a court case (Shire of Peppermint Grove V Owston Nominees No 2 Pty Ltd) on this very issue. The City sought advice from McLeods and in accordance with that advice sought payment based on the new Act. In order to secure clearances from the City the owners paid to the City the sum determined under the new Act but this was under protest on a without prejudice basis.

The judgement on the Owston Nominees test case was handed down in March 2008 and determined that cash in lieu of open space for subdivision approvals issued under the former Town Planning and Development Act should be determined in accordance with the provisions of that Act. McLeods have confirmed the outcome of the case.

The outcome of the court determination has direct relevance to the City in respect to Bravado Nominees land and any other parcel of land where the cash in lieu has been likewise determined under the new Act rather than the former Act. The principles will also need to be applied to all other approvals issued under the former Town Planning and Development Act that have yet to be activated. Whilst there are no



precise numbers of approvals affected by the decision, it is expected to be small as the City generally requires land to be vested as POS rather than the provision of cash in lieu.

At the request of the City, McGees has reviewed the assessment of the cash in lieu payment. McGees conclude that the overpayment is \$521,129.00. The valuation assessment has been reviewed by the Land Administration Officer who agrees with the methodology and value of overpayment.

Public open space cash in lieu payments are held in a Restricted Use Fund Account and refunds will be made from that account. As the Bravado Nominees payment was in dispute it had not been allocated to fund any project. Funds in the POS are currently invested and accordingly payment will not be able to be paid until 30 July when funds will be available.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Refund of the over payment of cash in lieu of public open space will be paid from Account No GL 889 5756 (Restricted Use Fund Account – Public Open Space). Payment will be made 30 July 2008 when the invested funds become available.

Legal Implications

Town Planning and Development Act 1928
Planning and Development Act 2005

Community Consultation

N/A

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the 12 June 2008 Council Meeting.

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

Nil.

14.3 (MINUTE NO 3735) (OCM 12/6/2008) - INITIATION OF PROPOSED AMENDMENT NO. 66 TO TOWN PLANNING SCHEME NO. 3 - LOCATION: 136 (LOT 20) COCKBURN ROAD, NORTH COOGEE - OWNER: CORDIA PTY LTD - APPLICANT: GREG ROWE & ASSOCIATES (36066) (R DONG) (ATTACH)

RECOMMENDATION			
That Council:			
(1) initiate the following amendment subject to the Scheme amendment document being modified to incorporating the following:-			
<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 66</p> <p>Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by including the following an additional Restricted Use in Schedule 3 – Restricted Uses RU12 of the Scheme as follows:</p>			
<u>No.</u>	<u>Description of Land</u>	<u>Restricted Use</u>	<u>Conditions</u>
RU 12	Lot 20 Cockburn Road, North Coogee	Light Industry Service Industry, and Manufacture of Composite Materials and uses incidental to the Manufacturing of composite materials as determined by Council	Planning approval including compliance with the Environmental Protection (Noise) Regulations 1997 and nuisance provision of the Health Act 1911 and the City of Cockburn Local Government Act Local Laws 2000
(2) adopt the following amendment subject to receiving the modified amending document:			



PLANNING AND DEVELOPMENT ACT 2005

CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 66

The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town Planning Scheme by including the following an additional Restricted Use in Schedule 3 – Restricted Uses RU12 of the Scheme as follows:

<u>No.</u>	<u>Description of Land</u>	<u>Restricted Use</u>	<u>Conditions</u>
RU 12	Lot 20 Cockburn Road, North Coogee	Light Industry Service Industry, and Manufacture of Composite Materials and uses incidental to the Manufacturing of composite materials as determined by Council	Planning approval including compliance with the Environmental Protection (Noise) Regulations 1997 and nuisance provision of the Health Act 1911 and the City of Cockburn Local Government Act Local Laws 2000

- (3) sign the modified documents, and advise the WAPC of Council's decision;
- (4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation without reference to the Western Australian Planning Commission;
- (6) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;



- (7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment;
- (8) advise the applicant that City may recommend the Western Australian Planning Commission to impose a certain timeframe in its approval conditions for the subject land to ensure that the development does not conflict with the planning objectives of the Draft Cockburn Coast District Structure Plan; and
- (9) advise the applicant of Council's decision accordingly.

COUNCIL DECISION
 MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council defer the determination of this matter to facilitate further discussion between Council Officers and the applicant in respect to those uses which may be permitted from the subject site.

CARRIED 8/0

Reason for Decision

The applicant, on behalf of the landowners, has indicated that the proposed restrictions to 'Light and Service Industry' do not suit their future intentions for the subject site. It is therefore considered prudent for the matter to be deferred to allow further discussion to be held on what uses should be permitted from the subject site.

Background

Zoning:	MRS:	Industrial
	TPS3:	Industry with Restricted Use "R12"
Land Use:	Industrial uses	
Lot Size:	1.6011ha	

The subject land is located within the City's North Coogee industrial area (Attachment 1 refers). The subject lot is zoned Industry under Town Planning Scheme No. 3 with a frontage to Cockburn Road a rear boundary abutting a portion of Manning Park.

The applicant, Greg Rowe and Associates, has been engaged by the tenant of the subject land (Quickstep Technologies) to prepare an amendment to the City's Town Planning Scheme No. 3 (TPS No 3) to allow for an additional Restricted Use – manufacture of composite



materials, in order to accommodate the land use activities of Quickstep Technologies on the subject site.

Submission

The applicant at request of Quickstep Technologies has submitted the document for proposed Scheme Amendment No. 66 (Attachment 2 refers).

Report

Proposed Development Concept

The purpose of the proposed Scheme Amendment is to facilitate the approval of "Quickstep" on the subject site. Quickstep is a company which manufactures advanced high quality composite components predominantly for the aeronautical and automotive industries. The composite materials are made up of a number of non-toxic fibres and resins that when combined provide a superior constitute material in terms of strength and durability. Quickstep technology uses various low intensity machinery and rooms to produce the final composite material.

According to the applicant, a Development Application for Quickstep will be lodged with the City in the future that considers the relevant development requirements under the provisions of the Scheme. The subject land falls within Clause 32 (of MRS) Area – Resolution No. 60 North Coogee Industrial Area, which requires all Development Applications lodged with the City of Cockburn to be referred to the Western Australian Planning Commission (WAPC) for their determination. The City of Cockburn will be required to provide comment to the WAPC, recommending approval with conditions or refusal of the application. The application will finally be determined by the WAPC. It is likely that the City will recommend the WAPC to impose a certain timeframe in its approval conditions for the subject land to ensure that the development does not conflict with the planning objectives of the Draft Cockburn Coast District Structure Plan.

Scheme Amendment No. 66

Scheme Amendment No. 45 to TPS No 3 was gazetted on 9 February 2007 which affects the subject site. Amendment 45 adopted the following Restricted Uses (RU12) for the site:

- Motor Vehicle, Boat & Caravan Sales;
- Educational Establishment;
- Motor vehicle Repair; and
- Trade Display.

Given that the manufacture of composite materials does not appear to fit into any the above uses, to enable the continued use of the site to



occur by Quickstep, RU12 will require an additional Restricted Use to be included. The new Restricted Use is proposed to be classified as:

“Manufacture of Composite Materials and uses incidental to the manufacturing of composite materials as determined by Council”

The proposed use is considered to be consistent with the planning objectives of the existing zoning for this area (i.e. Industry) and will offer an opportunity for a land use consistent with the surrounding area to occur.

Notwithstanding the above, it is recommended that the existing Restricted Uses (which are no longer needed by Quickstep) be deleted and replaced with two new additional Restricted Uses, namely “Light Industry” and “Service Industry”. This is because that these two uses would have less impact on the future planning objectives for the area (compared to the existing Restricted Uses) whilst still provide the landowner some flexibility for leasing the site to a different tenant should Quickstep discontinue its tenancy in the near future.

Internal Consultation

The proposed amendment has been referred to the City’s internal technical departments for comment. No issues have been raised by the Engineering and Building departments. The Environmental and Health departments however, raised issues relating to potential noise and odour as a result of the development. To address this issue, the Health department requests the following wording (in italic) to be included in the “Conditions” column of RU12:

“Planning approval including compliance with the Environmental Protection (Noise) Regulations 1997 and nuisance provision of the Health Act 1911 and the City of Cockburn Local Government Act Local Laws 2000.”

These additional conditions will enable the issue of the potential noise and odour which may be caused by the development of Quickstep to be addressed more thoroughly at the Development Approval stage.

Conclusion

Proposed Amendment No. 66 is aimed to accommodate the proposed Restricted Use which is considered being consistent with the planning objectives of the industrial uses encompassing this locality. The additional health conditions recommended in the above enable the City to have adequate control over the issue of the potential noise and odour which may be caused by the proposed use at the Development Approval stage. It is recommended that the Council initiate Scheme Amendment No. 66 for the purpose of advertising.



Strategic Plan/Policy Implications

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)
Metropolitan Region Scheme (MRS) Text

Community Consultation

The proposed amendment is required to be referred to the EPA for comment; following receipt of advice from the EPA, the amendment is required to be advertised for a 42 day period in accordance with Town Planning Regulations 1967.

Attachment(s)

1. Locality Map
2. Scheme Amendment Document

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 12 June 2008 Council Meeting.

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

Nil.



14.4 (MINUTE NO 3736) (OCM 12/6/2008) - PROPOSED SCHEME AMENDMENT NO. 63 TO TOWN PLANNING SCHEME NO. 3 - REZONING OF LOT 503 PHOENIX ROAD BIBRA LAKE FROM SPECIAL USE 12 (SU12) TO INDUSTRY, MIXED BUSINESS, LIGHT AND SERVICE INDUSTRY AND PARKS AND RECREATION - OWNER: PRIMEWEST - APPLICANT: GREG ROWE AND ASSOCIATES (93063) (M CARBONE) (ATTACH)

RECOMMENDATION

That Council:

- (1) require the owners to enter into a legal agreement with the City at the applicant's expense to provide the area shown as parks and recreation on the scheme amendment map free of cost at the time of subdividing the land and for the existing vegetation on that area being retained and to prepare and implement a landscape and planting program to the satisfaction of the City;
- (2) subject to (1) above, resolve to amend Town Planning Scheme No. 3 as follows:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN
TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 63

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Amending Schedule 4 by removing "Special Use 12 – Paper Mill" and deleting associated special provisions on Lot 503 Phoenix Road, Bibra Lake.
 2. Rezoning Lot 503 Phoenix Road, Bibra Lake from "Special Use 12 – Paper Mill" to "Industry", "Mixed Business", "Light and Service Industry" and Parks and Recreation".
 3. Amending the scheme map accordingly.
- (3) adopt the following amendment:

PLANNING AND DEVELOPMENT ACT 2005
CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 63

The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town



Planning Scheme by;

1. Amending Schedule 4 by removing "Special Use 12 – Paper Mill" and deleting associated special provisions on Lot 503 Phoenix Road, Bibra Lake.
 2. Rezoning Lot 503 Phoenix Road, Bibra Lake from "Special Use 12 – Paper Mill" to "Industry", "Mixed Business", "Light and Service Industry" and Parks and Recreation".
 3. Amending the scheme map accordingly.
- (4) sign the amending documents, and advise the WAPC of Council's decision;
 - (5) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
 - (6) following the receipt of formal advice from the Environmental Protection Authority that the scheme amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
 - (7) notwithstanding (5) above, the Director of Planning and Development may refer a scheme or a scheme amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the scheme amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
 - (8) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the amendment;
 - (9) advise the applicant that it is prepared to allow stormwater drainage from the existing box plant site to drain into the proposed Council drainage sump provided that the quality of stormwater is maintained to an acceptable level. In this regard, a legal agreement will need to be prepared to cover the following:
 1. The owner of the box plant site will fund the cost of



- constructing the sump including silt and gross pollutant traps and nutrient stripping.
2. The owner of the box plant site will be responsible for the clean up costs associated with any pollution event that occurs on the land and enters the drainage system.
 3. Only roof and car park stormwater shall be disposed of in the sump. Under no circumstances is effluent or discharge from the plant to be discharged into the drainage system.
 4. Only water from the box plant will be accepted into the sump. All other lots shall contain stormwater on their site.
 5. In the event that the Box Plant site is subdivided, the stormwater from the site shall be contained on that site, unless otherwise agreed to by the City.
- (10) prior to the City finally resolving to adopt the scheme amendment the applicant shall prepare design guidelines for the estate to the satisfaction of the City;
- (11) the applicant be required to implement a management plan for the POS area prepared by a suitably qualified landscape and Arboricultural consultants addressing the following:
1. Retention and management of native vegetation in a parkland setting.
 2. Retention and management of trees most suited to a parkland use and within close proximity to neighbouring commercial developments.
 3. Landscape treatment and planting program to provide for further consolidation of the biodiversity corridor between Manning and Bibra Lakes.
 4. Amenity landscape treatments suitable for the location and use, addressing screening of non-residential activities and structures.
 5. During construction works in adjacent commercial lots that retained trees are protected to the requirements of an Arboricultural consultant.
- (12) the applicant be advised that the tree removal and management works within the open space area be undertaken at earthworks stage of the development and under the guidance of a qualified Arboriculturalist; and



- (13) advise the applicant accordingly.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Limbert that Council:

- (1) as recommended;
- (2) subject to (1) above, resolve to initiate the following amendment to Town Planning Scheme No. 3, subject to the amendment document being modified by increasing the width of the "Parks and Recreation" reservation to 20.0 metres.

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN
TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 63

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Amending Schedule 4 by removing "Special Use 12 – Paper Mill" and deleting associated special provisions on Lot 503 Phoenix Road, Bibra Lake.
 2. Rezoning Lot 503 Phoenix Road, Bibra Lake from "Special Use 12 – Paper Mill" to "Industry", "Mixed Business", "Light and Service Industry" and "Parks and Recreation".
 3. Amending the scheme map accordingly.
- (3) adopt the following amendment, subject to receiving the modified amendment documents:

PLANNING AND DEVELOPMENT ACT 2005
CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 63

The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town Planning Scheme by;

1. Amending Schedule 4 by removing "Special Use 12 – Paper Mill" and deleting associated special provisions on Lot 503 Phoenix Road, Bibra Lake.

2. Rezoning Lot 503 Phoenix Road, Bibra Lake from "Special Use 12 – Paper Mill" to "Industry", "Mixed Business", "Light and Service Industry" and Parks and Recreation".
3. Amending the scheme map accordingly.

(4) to (10) as recommended;

(11) the applicant be required to implement a management plan for the Public Open Space area prepared by a suitably qualified landscape and Arboricultural consultant, in consultation with the Cockburn Wetlands Society, addressing the following:

1. Retention and management of indigenous vegetation in a parkland setting.
2. Retention and management of trees most suited to a parkland use and within close proximity to neighbouring commercial developments.
3. Landscape treatment and planting program to provide for further consolidation of the biodiversity corridor between Manning and Bibra Lakes (particular attention should be paid to utilising local seed stock that includes Carnaby's Black Cockatoo food plants and the need to create a continuous link of connecting canopies between trees). Other habitat features eg. logs and debris from onsite clearing, should also be specified in landscape treatment to enhance and create suitable fauna habitats.
4. Plant an additional 2000 trees in the Parks and Recreation reserve
5. All planted vegetation should be monitored and maintained by the proponent for a minimum period of two years and aim for a minimum survival rate of 90%. Monitoring should commence three months after plantings and be carried out quarterly.
6. Amenity landscape treatments suitable for the location and use, addressing screening of non-residential activities and structures.
7. During construction works in adjacent commercial lots that retained trees are protected to the requirements of an Arboricultural consultant.

(12) as recommended;



- (13) The applicant be advised that Council's initiation of the proposed rezoning does not constitute approval of the draft subdivisional guide plan and that the location and design of both proposed vehicular access points onto Phoenix Road will require further discussions to be undertaken with Council's Engineering Services prior to the proposed subdivisional guide plan being included within the amendment documentation;
- (14) The subdivision application for the subject property be referred to Council for consideration and determination; and
- (15) advise the applicant of Council's determination accordingly.

CARRIED 6/2

Reason for Decision

Increasing the width of the 'Parks and Recreation' reservation to 20.0 metres would provide a wider wildlife corridor to be established along Phoenix Road. The establishment of a suitable corridor of native vegetation is essential in allowing the movement of wildlife between existing conservation reserves in the area.

Many of the species of plants that exist in the proposed 'Parks and Recreation' reserve are not endemic to the area and are not cockatoo friendly. This alternative will enhance the Public Open Space buffer, along Phoenix Road, to one that is suitable as an appropriate bio-diverse corridor between Manning and Bibra Lakes. The use of the Cockburn Wetlands Centre, who already have shown a great deal of interest in this issue, and qualified Aboriculturalist means that appropriate indigenous species will be planted and in appropriate clumpings. Landscaped areas that contain a broad range of plant species are more likely to support a broad range of bird species. It is considered that the planting and monitoring of this vegetation will go a long way to achieving this.

Whilst it is acknowledged that the item before Council is a rezoning application and the final detail of the subdivision and associated road network will form part of the subdivisional application should the rezoning be ultimately approved, the recommendations from the traffic consultant do not appear to be fully incorporated into the draft subdivisional guide plan presented by the applicant. On that basis it is important to highlight that Council's decision to support the rezoning application for advertising does not constitute support for the current road layout proposed on the guide plan.



Background

The subject site currently occupies the Amcor box plant and recycling paper mill plant. The paper mill was established in circa 1966 and ceased operating recently. The box plant was established in 1993 and continues to operate from the site. The applicant wishes to rezone and subdivide the site whilst retaining the centrally located Box Plant facility.

The application was presented to Council on 14 February 2008 and Council resolved to defer the application to allow further discussion between the applicant and Council, with regard to the landscape buffer and the interface of the site with the adjoining residential land (opposite Phoenix Road).

The applicant met with Council staff to discuss these concerns and amended the application to incorporate a 15m wide "Parks and Recreation Reserve" along the Phoenix Road frontage.

The application was again presented to Council on 8 May 2008 and Council resolved to defer the application to allow Elected Members to engage in further discussions with the applicant and technical officers regarding certain aspects of the recommendation. At a meeting with the applicant, Elected Members requested an environmental assessment of the proposal be undertaken. Given the time constraints, the environmental report and Council's Technical Officer assessment was unavailable at the time the report was prepared.

The following report has been modified to include additional information on traffic and the recommendation modified to include more specific requirements for the open space area.

Submission

Greg Rowe and Associates on behalf of Primewest have requested the land be rezoned to industry, mixed business, light and service industry and parks and recreation reserve in keeping with the surrounding industrial land within Bibra Lake. This will ensure that commercial/industrial development can be constructed on the future subdivided lots.

Report

The subject site is currently zoned Special Use 12 (SU12) which allows the site to be used for paper manufacturing and associated uses only. The existing zoning of the land was specifically established to protect the paper mill operations and to provide a mechanism within which there is flexibility for the paper mill to operate. The site has been used for the very specific purpose of a paper mill for over 40 years.



The paper mill ceased operating recently and only one component of the paper mill operation (the Box Plant) will continue to operate. Accordingly, it is appropriate for the land to be rezoned so that it will allow the use of the land in a manner which is consistent with the "Industrial Zoning" under the provisions of the Metropolitan Region Scheme, and which recognises the predominate existing land use pattern within the locality.

The proposal is to rezone the land to 'industry, mixed business, light and service industry and parks and recreation' (refer attachment 2). A 15m parks and recreation reserve is proposed along the Phoenix Road frontage which allows existing vegetation to be retained and provides a buffer to the residential properties located on the opposite side of Phoenix Road. A mixed business zone is proposed to the south of the parks and recreation reserve which acts as a further transition to the industrial land to the south. The remainder of the site is proposed to be light and service industry and is located approximately 240m from the nearest residential land. This proposed separation between Industrial and residential is an improvement to the situation which currently exists along Phoenix Road and assists in addressing the setback distances contained within the EPA Policy on Separation Distances between Industrial and Sensitive Land Uses.

It is noted that a subdivision application has been lodged on the site and the City has requested that the application be deferred until the scheme amendment has been resolved.

Road network

A concept plan has been submitted which demonstrates how the site can be developed. The proposed plan shows two road intersections to Phoenix Road with one of these being the upgrading of the existing driveway access to the site and has been justified through a traffic report. The parks and recreation reserve along the Phoenix Road frontage will prohibit lots having direct vehicle access to Phoenix Road, improving traffic flow and safety.

The applicant commissioned TARSC Pty Ltd to prepare a traffic impact assessment of the proposal which includes two new access points to Phoenix Road. The main findings of the report were:

- That the expected traffic volumes should not exceed the capacity of the various access points with there being no unacceptable excessive delays or vehicle queues;
- There needs to be two intersections with all turn movements provided on Phoenix Road. A single intersection with all turn movements will not function adequately, whilst a single signalised intersection will operate at similar levels to two intersections with added delays to through traffic on Phoenix Road; and



- Sight distances to and from access points should be acceptable.

The City's engineering department have examined the proposed plan and report by TARSC. They agree and support the traffic report that two non-signalised intersections with Phoenix Road will operate satisfactorily and will not interfere with the through traffic flows on Phoenix Road. They suggest that there needs to be access from Phoenix Road to the subdivision and one signalised intersection with Phoenix Road will increase the queue length on the minor road exiting the subdivision and also add delays to through traffic on Phoenix Road.

Drainage

A Drainage and Nutrient Management Report has been submitted which demonstrates that all stormwater runoff from the road network, can be contained within the proposed drainage sump (Council drain). Stormwater runoff from the existing box plant facility is also proposed to drain into the proposed Council drainage sump. This is acceptable in this instance as the stormwater drainage from the Amcor site currently drains into the sump in the location of the proposed enlarged Council drain. A legal agreement will need to be prepared ensuring that the quality of the stormwater from the Box Plant is maintained to the satisfaction of Council and address any water quality issue. The legal agreement is required at the subdivision stage. Stormwater runoff from Phoenix Road is able to be accommodated within the POS area.

Design

New commercial/industrial estates within the City are typically accompanied by design guidelines to ensure that appropriate levels of development and amenity are achieved. The applicant at the request of the City has agreed to prepare design guidelines which will be approved prior to the final adoption of the scheme amendment by the City.

Retention of vegetation

The northern section of the site and Phoenix Road street verge is heavily vegetated and contributes to a unique streetscape. Following the deferral of this application, the applicant prepared a comprehensive Arboricultural report which assessed 631 trees within the northern 25m of the lot and the Phoenix Road street verge. The significance of the trees was gauged based on the approximate height of the tree, the approximate age of the tree, the trunk diameter and any health or structural concerns. The report concluded that the street verge and first 5m contains the most significant trees, the next 10m contains less significant trees and the last 10m contains the least significant trees.



The proposed scheme amendment therefore proposes the northern 15m of the lot to be a parks and recreation reserve which allows the best quality trees to be retained. This area is considered sufficient to provide a suitable buffer to the residential development located across Phoenix Road and is the same width as the parks and recreation reserve located on the opposite site of Phoenix Road. Whilst there is generally no provision for Public Open Space (POS) within industrial/commercial subdivisions, Clause 3.6.2 of WAPC Policy DC 4.1 "Industrial Subdivision" may allow land to be given up as POS in order to provide for buffer strips and/or suitable planted areas between industrial uses and any adjacent non industrial areas. The proposed parks and recreation reserve (Public Open Space) has been provided to present a suitable interface to the residential development across Phoenix Road and allow existing vegetation to be retained.

To ensure that only suitable trees within the POS area are retained the City's Parks Department have recommended that a management plan be prepared by a suitably qualified landscape and Arboricultural consultants addressing the following:

- Retention and management of native vegetation in a parkland setting;
- Retention and management of trees most suited to a parkland use and within close proximity to neighbouring commercial developments;
- Landscape treatment and planting program to provide for further consolidation of the biodiversity corridor between Manning and Bibra Lakes;
- Amenity landscape treatments suitable for the location and use, addressing screening of non-residential activities and structures;
- During construction works in adjacent commercial lots that retained trees are protected to the requirements of an Arboricultural consultant

It would also be prudent that the tree removal and management works within the POS area be undertaken at the earthworks stage of the development and under the guidance of a qualified Arboriculturalist.

Existing Box Plant facility

The existing box plant facility is proposed to be retained. A recent development approval allowed for an extension to the facility within the proposed lot boundaries and satisfies the provisions of the scheme. The box plant facility will comply with the industrial zoning proposed under this amendment.



Conclusion

The proposed scheme amendment is necessary as the paper mill has ceased operating and the restricted nature of the existing zoning does not allow other uses to operate from the site. The proposed scheme amendment is consistent with the "Industrial Zoning" under the provisions of the Metropolitan Region Scheme and is consistent with the existing local town planning scheme zoning within the Bibra Lake industrial area. The 15m wide Parks and Recreation Reserve (landscape buffer) together with the restricted nature of the mixed business zone provides a suitable transition and interface to the residential development located on the opposite side of Phoenix Road.

It is therefore recommended that Council proceed to initiate the scheme amendment.

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

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 2
Town Planning Regulations 1967

Community Consultation

The proposed Scheme Amendment will be advertised for a period of 42 days with notices in the local paper and letters sent to relevant government agencies, affected landowners and surrounding community upon initiation of the amendment.

Attachment(s)

1. Location Plan
2. Proposed Zoning Plan
3. Concept Plan



Advice to Proponent(s)/Submissioners

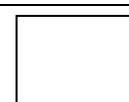
The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 June 2008 Council Meeting.

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

Nil.

14.5 (MINUTE NO 3737) (OCM 12/6/2008) - PROPOSED SCHEME AMENDMENT NO 68 TO TOWN PLANNING SCHEME NO 3 - REZONING PORTION OF LOT 9006 DISCOVERY DRIVE, BIBRA LAKE FROM INDUSTRY TO RESTRICTED USE 14 (RU 14) - TO ALLOW FOR MIXED BUSINESS USES AND LANDSCAPING - OWNER: LANDCORP - APPLICANT: CITY OF COCKBURN (93068) (M CARBONE) (ATTACH)

RECOMMENDATION			
That Council:			
(1) resolve to amend Town Planning Scheme No. 3 as follows:			
<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 68</p> <p>Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:</p> <p>1. Modifying the Third Schedule in the Scheme Text by including RU14 to read as follows:</p>			
No.	Description of land	Restricted Use	Conditions
RU1 4	Portion of Lot 9006 Discovery Drive (Corner North Lake Road and Phoenix Road), Bibra Lake	Only permit those uses listed within the Mixed Business Zone as set out in Table 1 – Zoning Table with the exception of residential uses.	The northern portion of the lot for a width of 15m parallel to and for the entire length of Phoenix Road is to be used for landscaping purposes only.
			Existing vegetation within the landscaping strip is to be retained or the area landscaped all to the satisfaction of the local government



2. Amending the Scheme Maps to identify the Industry Zone on portion of Lot 9006 Discovery Drive, Bibra Lake as Restricted Use 14 (RU 14).

(2) adopt the following amendment:

PLANNING AND DEVELOPMENT ACT 2005
 CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3
 AMENDMENT NO. 68

The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town Planning Scheme by;

1. Modifying the Third Schedule in the Scheme Text by including RU14 to read as follows:

No.	Description of land	Restricted Use	Conditions
RU14	Portion of Lot 9006 Discovery Drive (Corner North Lake Road and Phoenix Road), Bibra Lake	Only permit those uses listed within the Mixed Business Zone as set out in Table 1 – Zoning Table with the exception of residential dwellings	The northern portion of the lot for a width of 15m parallel to and for the entire length of Phoenix Road is to be used for landscaping purposes only
			Existing vegetation within the landscaping strip is to be retained or the area landscaped all to the satisfaction of the local government

2. Amending the Scheme Maps to identify the Industry Zone on portion of Lot 9006 Discovery Drive, Bibra Lake as Restricted Use 14 (RU 14).

(3) sign the amending documents, and advise the WAPC of Council's decision;

(4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;

(5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;



- (6) notwithstanding (5) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (8) advise the applicant accordingly.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that Council adopt the recommendation subject to amendment by the inclusion of a further sub-recommendation (9) as follows:

- (9) require Council's Environmental Services to undertake a Fauna Assessment (Level 1) of the northern portion of Lot 9006 Discovery Drive, Bibra Lake.

CARRIED 8/0

Reason for Decision

As the City is committed to the principal of sustainability it should ensure that the management of the natural environment is handled correctly and based on the best available information. Given the results of the recent Fauna Assessment undertaken on the neighbouring property, Lot 503 Phoenix Road, Bibra Lake, which indicated the presence of Carnaby's Black Cockatoos (a Schedule 1 endangered species in WA), it would be prudent to determine the extent of their habitat in this area.

Background

The City is currently considering a rezoning application on Lot 503 Phoenix Road, Bibra Lake (Amcors site) which is the adjoining property to the subject site. This Amcor application was presented to Council meetings in February and May this year and is also subject to a Council report this month (refer to Council Item 14.4).



Two of the main issues regarding the Amcor rezoning relate to providing a landscaping buffer along Phoenix Road and ensuring a suitable land use transition from Industry to Residential in the form of a Mixed Business Zone.

To provide a consistent land use transition and consistent streetscape along Phoenix Road the northern section of Lot 9006 (Landcorp's land) is proposed to be rezoned similar to the adjoining property (Amcor site).

Submission

Nil.

Report

The subject site is currently zoned Industry and a subdivision application was approved in 2006 which shows the northern section of the site as one lot (3.03ha), although subdivision clearance has not been requested. Given that the City is currently considering a rezoning application on the adjoining property (Amcor site) it is appropriate to apply the same land use interface and landscape buffer requirements on the subject lot. As subdivision clearance has not been requested and the new titles not issued, it is an appropriate time to require the rezoning of this land.

The rezoning application for the Amcor site proposes a 15m wide landscape buffer (Parks and Recreation Reserve) along the Phoenix Road frontage and the northern section of the site as Mixed Business. This ensures a suitable separation between the Industrial zoned land and the residential properties on the opposite side of Phoenix Road.

As the proposed subdivision on Landcorp's land is already approved by the Western Australian Planning Commission, a landscaping buffer cannot be ceded free of cost as is proposed for the Amcor site. It is therefore not suitable to rezone the landscape buffer as a Parks and Recreation Reserve. An appropriate mechanism to ensure a landscape buffer is provided is to apply a Restricted Use over the site and limit it to landscaping in the desired location. This will mean that the landscaping remains in private ownership and is included into the landscaping requirements for the site, therefore not impacting on the development potential of the site.

The remainder of the proposed Restricted Use area is to consist of land uses consistent with the Mixed Business zone. This will provide consistency with the adjoining land (Amcor site) and ensure that the Industrial zoned land on Landcorp's land is approximately 300m from the nearest residential property on the northern side of Phoenix Road. The section of the site containing the proposed restricted use (Mixed



Business) will be located approximately 60m from the nearest residential property.

Conclusion

The proposed Scheme Amendment will ensure that a consistent land use pattern is applied to Amcor's and Landcorp's land and allow the existing vegetation along Phoenix Road to be retained and assist in providing a consistent streetscape. The amendment ensures suitable separation between industrial zoned land and residential uses is achieved and the visual amenity along Phoenix Road is retained.

It is therefore recommended that Council proceed to initiate the Scheme Amendment.

Strategic Plan/Policy Implications

The Planning Policies which apply to this item are:
APD2 – Industrial Subdivision Policy

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

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

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 2
Town Planning regulations 1967

Community Consultation

The proposed Scheme Amendment will be advertised for a period of 42 days with notices in the local paper and letters sent to relevant government agencies, affected landowners and the surrounding community, upon initiation of the amendment.



Attachment(s)

1. Location plan
2. Proposed zoning plan
3. Approved Subdivision Plan

Advice to Proponent(s)/Submissioners

The landowner (Landcorp) to be advised of Council's intention to initiate the Scheme Amendment.

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

Nil.

- 14.6 **(MINUTE NO 3738) (OCM 12/6/2008) - PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOCATION: KWINANA FREEWAY JANDAKOT - OWNER: MAIN ROADS WA - APPLICANT: PLANNING SOLUTIONS PTY LTD (ON BEHALF OF VODAFONE) (6000655) (R COLALILLO / V LUMMER) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval for the erection of telecommunications infrastructure within the Kwinana Freeway road reserve, Jandakot, in accordance with the approved plans subject to the following conditions:
 1. The development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
 3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
 4. The telecommunication pole being constructed using a slimline pole and finished in galvanised grey (non-reflective) with the equipment room finished in colorbond cottage green in accordance with the application.
 5. Access for the installation and future servicing of the facility is limited to the railway station car park adjacent to Knock



Place.

6. The applicant shall be responsible for all costs and relevant environmental approvals for any clearing within the Kwinana Freeway road reservation.
7. The applicant shall make good any damage to existing verge vegetation within the Kwinana Freeway road reservation.

FOOTNOTES

1. The development must comply with the BCA. A building licence is required prior to commencement of construction of the infrastructure.
 2. In five years from the date of this approval, the applicant re-assess the need for this facility and provides Council with a report documenting the appropriateness of the location and any other location options available at the time.
 3. The telecommunication facility must comply with the Australian Radiation Protection And Nuclear Safety Agency ("ARPANSA") established Radiation Protection Standard that specifies limits for continuous exposure of the general public to RF transmissions at frequencies used by the mobile phone base stations and the Australian Communication and Media Authority ("ACMA") mandated exposure limit for continuous exposure of the general public to Radio Frequency EME from mobile phone base stations.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Deputy Mayor K Allen that Council:

- (1) recommend to the Western Australian Planning Commission that the proposed telecommunications facility within the Kwinana Freeway road reserve, Jandakot as proposed by Planning Solutions Pty Ltd (on behalf of Vodaphone) be refused for the following reasons:



1. The proposed telecommunications facility does not comply with Council's Policy APD13 – Telecommunications Policy – High Impact Facilities, in that the facility is proposed to be located within 500 metres of existing and proposed residential dwellings.
 2. The proposed telecommunications facility will adversely impact on the visual amenity of the area.
- (2) advise the applicant and submissioners of Council's recommendation accordingly.
- CARRIED 6/2**

Reason for Decision

The proposed location for the telecommunications facility is within 170 metres of the Cockburn Central town site and 300 metres of an existing residential area, which is inconsistent with current Council Policy which requires a 500 metre separation. The visual amenity in this area is already compromised and a telecommunications tower will further detract from current and future residents enjoyment. Council cannot require a review and relocation in the future when more suitable co-location options might be available.

Background

Zoning:	MRS:	Primary Regional Roads
	TPS3	N/A
Land Use:	Telecommunications Infrastructure	
Lot Size:	N/A	
Use Class:	Use Not Listed	

The facility is proposed to be located on a site which is within the Kwinana Freeway road reserve in Jandakot. The subject site is currently vacant.

The area surrounding the subject site to the east is generally utilised for car parking and industrial purposes. The Cockburn Central train station is located to the west of the site with the Kwinana Freeway running parallel to the subject area.

The nearest existing residential area is approximately 300 metres southeast of the proposed facility. Between the subject site and the residential uses, the Armadale Road reserve and future mixed business precinct provide a significant buffer.



Submission

Vodafone in conjunction with Optus are proposing to construct a new base station and phone tower. The proposed facility is intended to facilitate the new high-speed next-generation mobile network, which will improve mobile telephone content, wireless broadband access and further mobilisation of business applications in the Jandakot area. A recent agreement between Vodafone and Optus has resulted in the sharing of network infrastructure across Perth.

The proposal involves the installation of telecommunications infrastructure within the Kwinana Freeway road reserve, Jandakot. The applicants have advised that the site selection process has been influenced by the objective of avoiding residential areas and other sensitive locations.

Vodafone were proposing to install a 30m high slimline mono pole at the site with 3 antennas located at a height of 29.2m together with an associated equipment room at the base of the structure.

Following negotiations with the City's officers, the pole has been reduced to 25 m in height and the design of the antenna amended to be more visually pleasing.

Vodafone have also indicated that they have a responsible approach to Electro Magnetic Energy (EME) Emissions which is demonstrated through compliance with relevant radio frequency standards and comprehensive policies and procedures to protect the health and safety of the community and employees.

Report

The application is for a use not listed in the City's Town Planning Scheme No. 3 ("Scheme") and, therefore, requires advertising and approval from Council.

The proposal was referred to Main Roads WA for comment as the site is within a Primary Regional Road Reservation. Main Roads raised no objections to the proposal subject to suitable conditions regarding access and remediation being imposed as part of any approval. The application was also referred to Jandakot Airports for comment however to date a response has not been received.

The application was advertised to all residents and property owners within a 500m radius of the subject site (as per APD13 – Telecommunications Policy – High Impact Facilities). A total of 22 submissions were received with 14 raising objections to the proposal and 8 stating no objections to the proposal. A schedule of submissions has been provided as an attachment to this report.



The main issues raised in the 22 submissions received are discussed below.

Electromagnetic Energy (EME) Emissions

The applicants have confirmed that the proposed facility will be designed and installed to comply with Australian safety standards, as set by the Australian Communications and Media Authority (ACMA – formerly ACA). Australia's Standard for EME is designed to protect all sectors of the public (including children) wherever they are in relation to proposed base stations, 24 hours a day.

The modelling undertaken for the production of the EME report for the subject facility selects the orientation of the maximum EME emission. Based on the modelling, EME levels at all other bearings are predicted to be lower than at the point indicated on the EME report.

Proximity to Residential Uses

The subject site is within the Kwinana Freeway Road Reserve, and is therefore consistent with the stated objectives of the City of Cockburn 'Policy No. APD13 – Telecommunications Policy: High Impact Facilities', and the Western Australian Planning Commission's 'State Planning Policy 5.2 – Telecommunications Infrastructure' and 'Guidelines for the Location, Siting and Design of Telecommunications Infrastructure', which encourage minimum adverse impacts on the visual character and amenity of residential areas.

The nearest existing residential dwelling is approximately 300 metres southeast of the subject site. However it should be noted that the subject site is approximately 170 metres from future residential development within the Cockburn Central precinct. Given that the facility is proposed to be located within the Kwinana Freeway road reserve, it is considered that residential areas will not be significantly detrimentally affected by the proposed facility.

Aesthetics

The applicant maintain that the subject proposal is designed and located such that it achieves network coverage for Vodafone/Optus whilst minimising the visual impact of such infrastructure on residential areas and community sensitive sites. The proposed monopole will be constructed using a galvanised finish, with panel antennas flush-mounted to the pole and will be coloured grey, which is deemed to be an unobtrusive colour and appropriate for the Freeway reserve given that existing lighting poles are similar in appearance. The proposed facility is also comparable to existing railway communications poles and associated infrastructure in the immediate vicinity.



However, the location of the proposed pole will be in the direct line of sight to future residents of Cockburn Town Centre. This proximity and the visual impact that it will have is of concern to the City and the applicant was requested to pay particular attention to this issue. In response the applicant has amended the proposal by lowering the height of the pole by 5m to 25m. However, the panel antennas on top of the pole bring the overall height of the facility to 28.6m. The design of the structure has been amended by grouping the panel antennas together at the top of the monopole flush mounting the RT Dish. The revised design is considered to be less visually obtrusive than the original proposal as there are no attachments protruding from the pole.

Co-location Opportunities or Potential Alternative Sites

Due to the City's concerns in regard to the visual impact on Cockburn Town Centre, discussed above, the applicant was requested to provide documented evidence that there had been genuine and extensive attempts to locate the pole out of site of the Town Centre. The applicant has provided evidence that the Public Transport Authority (PTA) does not support the location of a telecommunications facility at Cockburn Central train station as follows:

1. Use of the PTA 25 m light duty antenna pole on the eastern side of the freeway, close to the passenger set down area is not supported due to the future impact on PTA Radio Services.
2. Location of the antennae on the "billboard" western main entry statement to the station and establish a compound nearby is not supported as the station aesthetics would be affected.

The applicant has confirmed that detailed investigations concluded that no co-location opportunities existed to satisfy the coverage objectives of the proposed facility. Existing Vodafone telecommunication structures within the locality were unsuitable due to the topography of the region and the third generation network requiring a greater transmission range. As such, the proposed facility is necessary in order to provide coverage to an area not adequately serviced by the existing co-located infrastructure.

Extensive research and investigation was undertaken by the service provider in order to establish the facility within the nearby Cockburn Gateway Shopping Centre on Beeliar Drive, Success. This site would appear to be the most appropriate from the point of view of the service provider and also the City's officers believe it is ideal. An agreement with the landowner of the centre was unable to be reached because:

1. The owner of the shopping centre did not want any visible supports on the existing pylon sign. These supports would have been necessary to strengthen the pylon sign sufficiently to allow the antenna to be located on the sign.



2. The high cost of the proposed rental per annum made the project unviable.

The applicant has provided network coverage diagrams indicating that the proposed facility cannot be located any further north or east than the proposed site. To do so would reduce the coverage the Cockburn Gateway Shopping Centre, which is (ironically, given the owner's reluctance to participate in the project) one of the targets of the increased coverage.

The applicant stated that the siting of the proposed facility within the nearby freeway reserve was deemed to be a viable solution to the above constraints.

Council Policy

The application largely complies with Council's Policy in relation to site zoning and visual impact requirements however a 500m separation from existing residences has not been achieved in this area.

Council at its Ordinary Meeting held 14 June 2007 considered an application for a similar development within Buckley Street, Jandakot. Council resolved to approve the application subject to conditions. In its approval of the development, Council also resolved to:

"review its 'Telecommunications Policy – High Impact Facilities' APD13, to seek a reduction in the separation distance between a telecommunications tower and prescribed facilities from 500m to 100m."

The review is currently being progressed by City Officers but it has not been finalised. The amended policy will be presented to the Delegated Authority and Policy Committee in July.

This application can be considered in accordance with current Council policy requirements. However, it is noted that Council is contemplating a reduction in distance to as little as 100 metres. The subject proposal is at 350 metres.

Future Development

As this facility is proposed in a location which will be developed with new buildings in the future, there may be options to locate the facility on a "future" building. For this reason, it would be beneficial for the applicant to revisit the location of this facility in 5 years time. This is recommended as a condition of approval.



Recommendation

It is open to the Council to approve the proposed facility. The applicant has satisfied Council officers that they have investigated other sites and opportunities for location of the facility. For various reasons, listed in the report above, they have been unable to locate the facility elsewhere.

The applicant has also lowered the height of the pole and made changes to the design to reduce the visual impact of the pole on the views from the emerging Cockburn Town Centre.

The facility is proposed to be located within an existing Freeway reserve offering adequate separation to residential uses, and will not have a significant detrimental effect on the visual amenity of the locality.

The proposed facility shall operate in compliance with the EME emissions standards mandated by the Australian Communications and Media Authority, with predicted emissions significantly lower than the maximum permitted.

The proposed facility will ensure a greater level of coverage for mobile phone and internet users within the locality, including the higher density location of Cockburn Central.

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 Policy which applied to this item is:-

APD13 Telecommunications Policy – High Impact Facilities

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3



Community Consultation

Community consultation was undertaken in accordance with Town Planning Scheme No. 3 and Council Policy APD13.

There were 22 submissions received; 14 objections and 8 non-objections.

Attachment(s)

- (1) Locality Plan
- (2) Site Plan
- (3) Elevations
- (4) Photo Montage
- (5) Summary of EME Levels
- (6) Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent and submissioners have been advised that this matter is to be considered at the 12 June 2008 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3739) (OCM 12/6/2008) - LIST OF CREDITORS PAID - APRIL 2008 (5605) (K LAPHAM) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for April 2008, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr I Whitfield 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

The list of accounts for April 2008 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – April 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.2 (MINUTE NO 3740) (OCM 12/6/2008) - STATEMENT OF FINANCIAL ACTIVITY - APRIL 2008 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for April 2008, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr I Whitfield 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 April 2008.

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



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

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

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions

held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.

Material Variance Threshold

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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



Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – April 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (MINUTE NO 3741) (OCM 12/6/2008) - DIFFERENTIAL RATES FOR 2008/09 - MUNICIPAL BUDGET 2008/09 (5402) (S DOWNING)

RECOMMENDATION		
That Council:		
(1) adopt the following table of rates and charges for 2008/09:		
Category	Minimum Rate \$	Rate in \$
Residential Improved/Building WIP	534.00	0.056983
Residential/Vacant	534.00	0.090446
Commercial/Industrial Improved	794.00	0.068241
Commercial/Industrial Vacant	794.00	0.108314
Large Commercial/Industrial Improved	794.00	0.078241
Jandakot City/Airport	794.00	0.08850
UFL Residential Improved	551.00	0.058582
UFL Residential Vacant	551.00	0.092588
Resources - General	552.00	0.001565
Rural - General	552.00	0.001565
Rural/Resources – Commercial / Industrial	794.00	0.001738
Rural/Resources – Vacant Land	803.00	0.002621
UFL Rural	794.00	0.001565
Port Coogee – Specified Area Rate: Special Maintenance	100.00	0.01



- (2) the charges for rubbish services be as follows:
1. The Rubbish Collection Charge be levied at \$256.00 per assessed collection service for a weekly rubbish collection, with a mobile bin levy of \$27.00 applying to ratepayers who received their bin after 1 July 2003.
 2. The Rubbish Collection Charges be levied for non-rateable properties at an annual rate of \$370.00 per assessed service for a weekly collection.
 3. The new rubbish services commencing during the year 2008/09 be levied a mobile bin service charge of \$27.00 and a pro-rata charge based on \$256.00 p.a.
- (3) a discount of 5% be allowed for residential improved and vacant properties on current rates provided that all rates and charges due are paid within thirty-five(35) days of the date of issue of the annual Rate Notice;
- (4) offer payment options for Rates and Service Charges of:
1. Pay in full and receive discount (on current rates only) (payment due).
 2. Pay in two instalments.
 3. Pay in four instalments.
- provided that in all cases the first payment must be received within thirty-five(35) days of the issue date of the annual Rate Notice;
- (5) sets the following payment dates for instalment options:
1. Two instalments
 - first payment due 19 August 2008.
 - second payment due 13 January 2009.
 2. Four instalments
 - first payment due 19 August 2008.
 - second payment due 21 October 2008.
 - third payment due 13 January 2009.
 - fourth payment due 3 March 2009.
- (6) charge an administration fee of \$6.00 for the second and subsequent instalments;
- (7) charge an interest rate on instalments of 5% p.a.;



- (8) charge an interest rate on late payments of 11% p.a.;
- (9) allow once-off extensions of up to sixty(60) days, where in the opinion of Council Staff it is reasonable to do so;
- (10) charge instalment interest from the due date, and the administration fee, on once-off extensions;
- (11) provide a Rates Incentive Scheme for full payment within thirty-five(35) days of the date of issue of the annual rate notice;
- (12) impose a Service Charge of \$59.00 per property under Section 6.38(1) of the Local Government Act 1995 on each property owner in the City of Cockburn (except for non-rateable government owned properties) to meet the cost of providing a community Surveillance Service to cover the entire Cockburn district;
- (13) impose a private Pool Inspection Levy of \$16.95 per pool owner under Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Clr T Romano that Council:

- (1) adopt the following amended table of differential rates in its 2008/09 Municipal Budget:

Category	Minimum Rate \$	Rate in \$
Residential Improved/Vacant Land Building WIP	534.00	0.056983
Residential/Vacant	534.00	0.07500
Commercial/Industrial Improved	794.00	0.068241
Commercial/Industrial Vacant	794.00	0.108314
Large Commercial/Industrial Improved	794.00	0.078241
Jandakot City/Airport	794.00	0.08850
UFL Residential Improved	551.00	0.058582
UFL Residential Vacant	551.00	0.092588
Resources - General	552.00	0.001565
Rural - General	552.00	0.001565
Rural/Resources - Commercial / Industrial	794.00	0.001738



Rural/Resources – Vacant Land	803.00	0.002621
UFL Rural	794.00	0.001565
Port Coogee – Specified Area Rate: Special Maintenance	100.00	0.01
<p>(2) to (13) as recommended; and</p> <p>(14) adopt the change in vacant land rates in the proposed 2008/09 Annual Budget by amending the budget for Reserves – Waste Management and Interim Rates.</p> <p style="text-align: center;"><u>CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/1</u></p>		

Reason for Decision

The Vacant Land differential rate was adopted by Council in 1986/87 to encourage home development in the City of Cockburn so that land developers and others would not sit endlessly on large parcels of undeveloped vacant land across the City. The large increase in gross rental values for vacant land in 2008/09 due to the Valuer General undervaluing vacant land over the last five years and if implemented in full in 2008/09 would seriously compromise the efficacy of this initiative hence this amending recommendation.

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

N/A

Report

The recommendations shown above relate to the rate in the dollar to be charged, rubbish service charges, discount, payment options and penalty interest rates in the proposed Budget for 2008/09, as well as Service Charges in respect of the Community Surveillance Service and Pool Inspection Levy.

Advertising of Differential Rates

The City received one submission on 3 June 2008 in regards to its requests for submissions.

The ratepayer (who is also a serving officer in partnership with a spouse) commented upon the vacant land differential rate being high given they had purchased a block of land for their child to eventually construct a home at some time in the future.



The ratepayer is aware of the Council's policy to actively encourage development of vacant land and the initiative for 2008/09 where ratepayers who are either building a home or who have had a building licence issued will be rated not as vacant land but as if the home is complete (residential improved). The City will move 973 of the 3,200 vacant lots to this new category. This number will increase as the financial proceeds with another 50 already being reviewed to see if they are eligible.

The ratepayer also made comments on the additional revenue the City will receive which they believe is unfair but in the same sentence acknowledged that lack of government grants for which they believed was basically a problem for Council to solve without reviewing measures of rating policy.

I have prepared a draft thanking the ratepayer for their submissions pointing out Council's intention to encourage development of suburban lots and the initiative taken by Council to reduce rates to meet this aim. I will also acknowledge the increase in revenue but also the increase in costs and projects the community is expecting the Council to complete without assistance from either the State or Federal Governments.

Advertising Specified Area Rate

The City advertised the Specified Area Rate for Port Coogee on 27 May 2008, with submissions closing on 17 June 2008.

To date no submissions have been received. The Council can still adopt the rate even though the submission period has not closed. A report to Council will be submitted if any submissions are received dealing with those submissions. The late advertising of the Specified Area Rate was an oversight which the author apologises.

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

The Budget provides funds for Council's activities in 2008/09. The above recommendations are included in the proposed Budget for 2008/09.



Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

Notice of Intention to levy differential rates and the proposed rubbish collection charge was advertised in the Cockburn Gazette on 13 May 2008 inviting submissions in respect of the proposed rates and charges. No submissions were received by the closing date for submissions of 3 June 2008.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.4 (MINUTE NO 3742) (OCM 12/6/2008) - CITY OF COCKBURN BUSINESS PLAN 2008/09 (1409) (S CAIN) (ATTACH)

RECOMMENDATION

That Council adopt the City of Cockburn Business Plan 2008/09, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 8/0

Background

Council at its Meeting on 13 July 2006 adopted the Cockburn Strategic Plan 2006 – 2016 and the Draft Plan for the District 2006 – 2016.



Submission

Proposed City of Cockburn Business Plan 2008/09.

Report

After adoption of the Cockburn Strategic Plan 2006 – 2016 and the Draft Plan for the District 2006 – 2016, Council is in a position to adopt an updated City of Cockburn Business Plan 2008/09. The first two Plans set out the future for the district over the next ten years. The Business Plan concentrates on the activities over the next twelve months, ie. the 2008/09 financial year.

The Business Plan (the Plan) sets out a summary of the activities to be undertaken by Council during the year. The Plan sets out by Division and Service Unit, projects to be undertaken, key performance measures and budgets for income and expenditure. The Annual Report for 2008/09 will report on the actual achievements for the year compared to these project lists, measures and budgets.

Strategic Plan/Policy Implications

Governance Excellence

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

Section 2(a) of Policy SC34 – ‘Annual Budget Preparation’ requires the preparation of a Business Plan for the financial year.

Budget/Financial Implications

The Business Plan sets out summary of the budget for 2008/09.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

City of Cockburn Business Plan 2008/09.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

Note: At this point of the meeting, Mayor Lee on behalf of all Elected Members thanked the Director, Finance & Corporate Services and Staff on the professional manner in which the briefings and requests from Elected Members and the co-ordination of the Budget papers were produced.

15.5 (MINUTE NO 3743) (OCM 12/6/2008) - ADOPTION OF MUNICIPAL BUDGET 2008/09 (5402) (S DOWNING/N MAURICIO) (ATTACH)

RECOMMENDATION
That Council adopt the Municipal Budget for 2008/09, as attached to the Agenda, subject to the changes made at this meeting.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

N/A

Report

The Municipal Budget, in the required AAS27 format, is attached to the Agenda.

The Municipal Budget for the financial year 2008/09 is proposed to be adopted on 12 June 2008. In addition to the Statutory Budget as required by the Local Government Act 1995 are Schedules covering the Capital Works and Operating Job programs together with the Schedule of Fees and Charges for the new financial year.



The Proposed Budget for 2008/09 is the largest budget ever considered by the Council. The budgeted total cash commitment proposed for 2008/09 is \$138.1m, with total operating expenditure (including depreciation) is \$81m.

The Proposed 2008/09 budget is based on the following set of parameters:

Rates

The residential improved (house) rate is being proposed to increase by 5.5% which, when factored into the property base will lead to an overall increase of 4% for the majority of homes in the City when the basket of rates and levies charged by Council are aggregated. Vacant land has been subject to a high revaluation from the Valuer General of WA. In an attempt to mitigate the overall impact, the City has adopted the strategy of where a building license or building has been commenced the vacant land will be treated as Building Work in Progress (WIP) and afforded the lower residential improved rate. This has impacted on 973 of the 3,200 vacant blocks in the City.

Commercial and industrial properties have seen rates in the dollar held at 2007/08 with new values from the Valuer General being allowed to flow through to rates calculations. The City will also adopt a higher rate in the dollar for 'Large' commercial and industrial with a GRV greater than \$500,000. This will impact on approximately fifty properties. Commercial and Industrial rates have also been introduced for UV properties as there is a burgeoning number of these properties. This has been done to provide additional long term funds for the provision of infrastructure to service the increasing sector. The rates in the dollar have also been held at 2007/08 levels for Resources, Rural and Urban Farmland.

The rates early payment discount of 5% will be retained for residential improved, vacant land and building WIP but will be eliminated for other rating categories.

Levies and Service Charges

The Waste Management Service Charge will increase from \$240 to \$256 to offset the higher costs incurred in providing the service. The City will also trial a larger area in 2008/09 for a weekly recycling trial with an aim to introduce a whole of City program in 2009/10. This is being implemented to reduce the amount of waste going to landfill.

The Community Surveillance Levy is being increased by \$2 to \$59. In addition to providing a security service, the City is reviewing the use of CCTV to complement the service.



The Emergency Services Levy is collected by Council on behalf of the State Government Fire and Emergency Services Authority. The rate in the dollar will be reduced from 0.0152 to 0.0117.

The City is introducing a Specified Area Rate for the Port Coogee area to cover the additional maintenance required in future years.

The Pool Inspection levy will increase to \$16.95 per pool.

All fees raised for levies and service charges are used solely for the purpose they are raised. Any surplus funds are quarantined and placed in an appropriate reserve or restricted fund account at the end of the year.

Fees and Charges

The City is proposing to increase the majority of fees controlled by the Council by CPI, these range from Swimming Pool fees to halls and community facilities. The Tip Fees for Henderson Resource Recovery Facility will rise by 15% to reflect the increased investment the City is funding to maintain the high level approvals required by regulatory authorities.

The City has a number of fees which will not rise in 2008/09 as a result of the heads of power to amend the fees residing with the State Government who has not authorized any increase in 2008/09.

Capital Works

The City is proposing to spend \$25.7m on capital works in 2008/09. The new financial year is significant as it will see a number of significant projects commence after extensive planning and design. These projects are:

- Regional Recreational Facility at Success
- Library and Office at Lot 7 Cockburn Central
- Aubin Grove Community and Centre and Sporting Facility
- Coolbellup Community Facility – Refurbishment
- Hammond Park Local Sports Facilities
- Interim Seniors Centre

A number of unfinished works will be carried forward totalling \$14.0m with an estimated \$3.0m works not yet started to also be carried forward. A full list of carried forward works is provided in the Proposed Budget.

Non-Capital Operating Jobs

The City also funds work on non-capital operating jobs totalling \$7.4m. A schedule of these jobs is attached to the Proposed Budget.



Payroll

The largest recurring operating cost incurred by the City is the salaries budget. 2008/09 will see an increase in line with the Union Collective Agreement of 4.3%. Coupled with the latter increase, grade increases and new staff the proposed budget for salaries will increase by \$4m. New staff will include employees for the Cockburn Youth Centre, the Interim Seniors Centre, Henderson Landfill and waste drivers.

Loan Funds

The City is proposing to raise a loan of \$5m over two years to fund the expedited construction program of the Regional Recreational Facility at Success. The loan will be \$3m in 2008/09 and \$2m in 2009/10. An application will be submitted to the WA Treasury Corporation if and when the Proposed Budget is adopted.

Reserves

Transfers totalling \$29.3m will be placed into the Council's reserves with \$27.5m being transferred from reserves to fund capital and operating works. The long term plan is to keep on placing surplus funds into reserves to fund the sizeable community infrastructure program as outlined in the Plan for the District.

Proposed Surplus for 2008/09

The proposed surplus for 2008/09 is currently \$280,000.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The Budget provides funds for Council's activities in 2008/09. The above recommendation adopts the Budget for 2008/09.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

N/A



Attachment(s)

Municipal Budget for 2008/09 and associated Schedules.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3744) (OCM 12/6/2008) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2008/09 (8812) (R AVARD)

RECOMMENDATION

That Council:

- (1) adopt the proposed Calendar for The Summer of Fun Events for 2008/09 as provided in the report; and
- (2) refer the consideration of the objective for the Summer of Fun Events in Policy SC34 to the next meeting of the Delegated Authorities Policies and Position Statements Committee.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 8/0

Background

Council at its meeting of 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 forthcoming year.

Submission

N/A

Report

Council at its meeting of 12 October 2006 reviewed its policy on the allocation of the 1% of rates income to be spent on events in the City and retained the objective for the events as follows.

“To provide a range of musical events that encourage and support local musical talent across the City that appeals to a broad section of the community and families in particular.”

Over time there has been a shift in the emphasis of the events. It is proposed that the objective of the events be altered to reflect this shift. The revised objective proposed is as follows:

“To provide a range of musical events across the City that appeals to a broad section of the community and families in particular.”

In accordance with Council practice it is proposed that the revised objective for the utilization of the 1% of rates income for events be considered by the DAPPS Committee.

The acts proposed for the 2008/09 Summer Concert Series are reflected in the proposed change in the objective.

Proposed Summer Concert Series 2008/09 venues:

Event	Date	Park	Suburb	Act
Concert One	17/01/09	Dixon Reserve	Hamilton Hill	Queen Tribute show
Concert Two	07/02/09	Mellor Park	Bibra Lake	Blues Bros show or Mick Jagger Tribute Cover band
Concert Three	21/02/09	Nicholson Reserve	Yangebup	Perth band – Cherry or Sambooka (TBC)
Regional Concert	07/03/09	Manning Park	Hamilton Hill	Human Nature - TBC

Regional Concert – The City of Cockburn is currently waiting on confirmation and pricing to book “Human Nature” a four piece male singing group from the Eastern States. As alternatives, if required James Rayne, Rogue Traders, Thirsty Merc, or Bijorn Again are being investigated for availability and cost. These bands do however vary immensely in cost.



As **October** 2009 is the City's 30th anniversary a celebratory Regional Family Concert **leading up to this** event to be held in Manning Park has been proposed. It is envisaged that a budget of \$85,000 similar to that of the annual Regional Concert would be required and sought as a budget allocation for 2009/10.

Summer of Fun - Stand Alone Events

Event	Location	Date
Teddy Bears Picnic (coincides with children's week)	MacFaul Park, Spearwood	22/10/08
Seniors Ball	Spearwood Dalmatinac Club or Council Dining Room (depending on availability)	1/11/08
Senior Afternoon Tea and Dance	To be arranged by Seniors Group	TBA
Coogee Beach Festival	Coogee Beach Reserve, Coogee	15/03/09
Christmas Lights	Council Building	13/12/09

Strategic Plan/Policy Implications

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 for the Summer of Fun (1% of rates income which equates to \$358,000).

Summer of Fun	Actual 2007/08	2008/09
Summer concert Series (1 in each ward)	\$74,364	\$85,000
Regional Concert (Classic Special Event)	\$92,000	\$150,000
Promotion	\$25,000	\$41,000
Teddy Bears picnic	\$6,000	\$8,000
Seniors Ball (X2)	\$6,000	\$12,000
Christmas Concert	\$16,221	\$17,000
Coogee Beach Festival	\$35,000	\$45,000
Total		\$358,000

Note that the significant increase in the cost of the Regional Concert is due to the cost of accommodation for a major artist, security costs and last year the City of Cockburn was able to share the costs associated with Vanessa Amarosi with the City of Wanneroo.

City of Cockburn 30th Anniversary Family Concert will require a budget allocation of \$85,000.



In addition to the Summer of Fun allocation of funds for events there is a further budget allocation of \$117,200 proposed for 2008/09 as follows:

Community Events	2008/09
Bike Week	\$6,000
NAIDOC	\$3,500
Harmony Day	\$500
Hello Baby	\$9,000
Heritage Week	\$4,000
June Show Off Art Exhibition	\$20,000
Fun Run	\$7,000
ARTOPIA	\$5,000
Battle of the Bands	\$15,000
Celebrate Ability Day	\$6,000
Spring Fair	\$41,200
Total	\$117,200

Legal Implications

N/A

Community Consultation

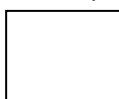
A referendum from previous years among the City’s residents found that the large majority (12,500 versus 3,000 residents) wanted the City to keep providing free community festivals and events.

Continued consultation with involved stakeholders and the community after each event will ensure a community-oriented calendar of events is presented in subsequent years. Recent random telephone surveying of residents provided the following information.

EVENT	HEARD ABOUT base: all who got asked question (n = 326)	ATTENDED base: those who heard about event (n = various)
Teddy Bears Picnic	51%	13%
Seniors Ball	26%	1%
Celebrate Ability Day	13%	1%
Cockburn Christmas Party	39%	3%
Libby Hammer & Hip Mo Toast	13%	1%
LA Gold	11%	1%
AC/DC Hell’s Bells	46%	7%
Vanessa Amorosi	59%	7%
Coogee Beach Festival	71%	19%
Spring Fair	59%	15%
Summer of Fun - Fun Run	44%	1%

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.2 (MINUTE NO 3745) (OCM 12/6/2008) - INTERIM SENIORS CENTRE (8921) (J ZUMACH) (ATTACH)**RECOMMENDATION**

That Council:

- (1) adopt the attached Concept Plan for the conversion of the Civic Centre into an Interim Seniors Centre; and
- (2) utilise the Management Plan for the Interim Seniors Centre, as attached to the agenda, as the basis for the future operation and budgeting for the service.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 8/0**Background**

Council received the City of Cockburn Strategic Plan for Seniors Report at its Ordinary Council Meeting held in December 2004. The report recommended that the City develop a 5 year Capital Works program to upgrade an existing facility in the north western quadrant of Cockburn dedicated to social and recreational activities for seniors. The report has recently been reviewed and updated by 4th Leg Consulting to bring the report in line with the latest demographic data and placed it within the Global Age Friendly Cities framework.

The City of Cockburn has been experiencing strong population growth across all age groups, with the population growth for over 65 year olds increasing at approximately the same rate as the rest of the Cockburn population.



It is expected that seniors in the future will seek access to activities and services that support their continued good health and independence. It is likely that demand for community-based, proactive, social based services and activities will intensify and that demand on local government to meet the health and community needs of older people will increase.

This proposal is also being included in the Draft Plan for the Future of the District 2008-2018. The City of Cockburn Plan for the Future of the District 2006-2016 adopted by Council in July 2007 provided for the refurbishment of the City's Civic Centre to create a seniors centre.

In undertaking the initial draft master plan development for the Civic Centre site it became evident that the development of the Civic Centre into a permanent Regional Seniors Centre would seriously compromise the ability of the City to utilise the Civic Centre site to its full potential. It was therefore necessary to consider the development of the Seniors Centre in conjunction with the overall development of the site and within the context of the Phoenix Central revitalisation process. Due to the community consultation processes, lengthy development timeframes, and possible joint partner development proposals the development of a Seniors Centre would be postponed from the original date of December 2008 listed in the Plan for the future of the District until three to five years later.

Submission

N/A

Report

As part of a community consultation process and the Seniors Plan Review an alternative recommendation regarding an Interim Seniors Centre has been developed for consideration by Council. It is proposed that a conversion be undertaken of the Civic Centre to establish an interim facility for use by July 2009. The Interim Seniors Centre would meet the basic space requirements originally identified through consultation findings with the view that the building will be demolished in 3 to 5 years and the activities of the Interim Seniors Centre relocated to another venue whilst a purpose built Seniors facility is integrated into the Life Long Learning Centre.

Holton Connor Architects were appointed to develop a Master Plan for the Civic Centre site and a concept plan for the conversion of the Civic Centre Hall into a Seniors Centre.

A concept plan for the proposed Interim Seniors Centre has been developed in a parallel process with the Management Plan and a consultation process with the Regional Seniors Group (RSG). The majority of members were supportive of the proposal for an Interim



Seniors Centre and the concept plan. The RSG voted unanimously in favour of the final concept plan.

A copy of the Interim Seniors Centre Management Plan is attached to the Agenda.

The Management Plan has investigated the feasibility of establishing an interim centre. Several models were explored from relevant literature research and during visits to metropolitan centres including Rockingham, Mandurah, Melville, South Perth and Gosnells in order to develop a comprehensive management plan.

As a result of the investigation it is proposed that an Interim Seniors Centre will be owned and operated directly by the City of Cockburn with the aim of promoting it as a regional facility for the following new and existing community groups and organisations:

- predominately consists of Cockburn community members over the age of 50;
- promote and support the well-being of seniors by enhancing their lives;
- encourage social inclusion amongst seniors through various events, workshops and activities

The location near a library and district shopping centre encourages and supports people to access the Seniors Centre.

In summary the Management Plan proposes the Centre will provide a low cost meals service 3 days per week and operate programmes and activities based on the Western Australian Active Ageing Strategy and the existing City of Cockburn Happening Seniors Program, Monday to Friday 9.00 am. until 5.00 pm.

The new staff requirements for the operation of the Centre are listed within the attached Management Plan.

The preferred model will require the following areas to be developed in the Civic Centre hall:

- Multi-purpose hall
- Activity Room
- Lounge Area
- Wet Area
- Podiatry
- Hairdressing
- Dining Area
- Kitchen
- Staff office space and reception area



In addition to these areas the City's current records storage area and Volunteer Resource Centre will continue to require space within the Centre.

The attached Concept Plan has been costed by the Quantity Surveyor for capital works conversion (inclusive of escalation), contingency and architectural services at \$ 488,000 (excluding GST). The Loose Furniture and Equipment budget has been estimated at \$100,000 (excluding GST). An additional allowance of \$12,000 has been calculated for removal of asbestos in the Civic Centre halls airconditioning and other internal fixtures such as fire doors. The total estimated cost is \$600,000.

The projected net cost to Council after revenue for the operation of the Interim Seniors Centre for the 2009/10 financial year will be \$286,084 per annum.

The program for the development of the Interim Seniors Centre provides for it to be operational by 1 July 2009.

Therefore, only part of the staff and operational costs will be required for the 2008/09 financial year. An allocation of \$100,000 for staff salaries and \$50,000 for the continuation of the Happening Seniors Program, and two months of the operational costs for the Interim Seniors Centre in the 2008/09 financial year will be required.

The continuation of the existing Grant Funded "Happening Seniors Program" would be co-ordinated by the Seniors Manager from various halls across the District until the Centre is operational.

Bus

Lack of transport to and from the Centre has been identified as a potential inhibiting factor in regard to participation; therefore a bus will be required for use by the Centre. The community bus placed on the 2007/08 budget has been identified as priority use by senior groups and to be available for use by the Seniors Centre. The estimated operating booking procedures and management will be the responsibility of the Seniors Manager.

Strategic Plan/Policy Implications

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.



Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Budget/Financial Implications

Capital Works Conversion Budget for Interim Seniors Centre is based on the Concept Plan and Quantity Surveyor's Report.

Capital Works Budget

\$500,000 Capital Works Conversion and Architectural Services
 \$100,000 Loose Furniture and Equipment Budget.

A total of \$600,000 has been provided on the draft 2009/10 Municipal Budget for this purpose.

Indicative Operational Budget (2009/10)

\$60,250 Income
 \$364, 517 Expenditure
 \$304,267 Net Cost to Council after Income 09/10 financial year

The annual cost projections scheduled below are based on the following assumptions:

- All amounts relate to current costs (2008);
- No allowance has been provided for maintenance and landscaping expenses for the surrounding site

The anticipated opening date for the Centre is 1 July 2009 which will require operational funds to be included in the 2009/10 budget.

There is a requirement to have a person appointed to co-ordinate the fit-out of the facility and develop all necessary practises and procedures to ensure that the Centre can operate effectively from opening day. An allocation of \$50,000 has been made on the draft 2009/10 Municipal Budget for this purpose.

Legal Implications

N/A

Community Consultation

Community consultation during the development of the initial Seniors Plan (Bertram 2004) and a Seniors Centre Survey, initiated by the



Regional Seniors Group in November 2005, recommended the development of a central facility that caters specifically to the needs of seniors. During the development of the Age-Friendly Strategic Plan the following outcome and related task was identified to incorporate these recommendations.

Task: To provide an interim facility that provides and co-ordinates social and recreational activities for seniors until the Phoenix Central Civic Precinct Redevelopment has been completed

Outcome: That the ageing population in the City of Cockburn has affordable and equitable access to activities and events that support social participation and fosters well being and social integration.

The Regional Seniors Group was consulted at the beginning of the project and presented with the findings at its meeting on 9 April 2008.

Attachment(s)

1. Concept Plan
2. Management Plan for the Interim Seniors Centre

Advice to Proponent(s)/Submissioners

The Regional Seniors Group has been advised that the matter is to be considered at the 12 June 2008 Council meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil



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

21.1 (MINUTE NO 3746) (OCM 12/6/2008) - PHOENIX CENTRAL REVITALISATION PROJECT (9689) (D ARNDT)

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr C Reeve-Fowkes that Council supports previous statements made by Mayor Lee at the recent Community Consultation Forums and in press releases regarding the Phoenix Central project and resolves as follows:

- (1) not to support the compulsory acquisition of any residential property within the Phoenix Central project area for the purpose of creating new road links and the road links going through homes being deleted;
- (2) not to support the inclusion of a busway or transitway in Rockingham Road,
- (3) not to proceed with the development of aged persons development on MacFaull Park; and
- (4) having regard to (1) above, request Strategic Planning Services and Engineering Services to investigate alternative options for accommodating traffic in the area and prepare a report for the future consideration of Council.

CARRIED 8/0

Background

Mayor Lee has requested that this matter regarding the Phoenix Central Revitalisation Project be considered by Council at its June 2008 meeting as a matter of urgent business.

Submission

N/A

Report

The Phoenix Central Revitalisation brochure and supporting technical reports set out ideas for the revitalization of the study area. Some of these ideas and in particular that of possible road links involving private property and the development of a portion of MacFaull park are causing considerable community concern and need to be determined in advance of the formal reporting to Council following the close of the



advertising period. This matter is too important to both the residents of the Phoenix Central area, with respect to their ability to subdivide and to the City as a whole with regards to the creation of a new vibrant town centre, to allow it to fall over for the sake of a small number of issues that can be worked around and therefore it is important we as a Council commit to responding to current valid community input.

22 (OCM 12/6/2008) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Attrill requested that Officers of the City investigate alternative aged persons development within the City of Cockburn to meet the needs of Cockburn's current and future aged population.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3747) (OCM 12/6/2008) - 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 C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 8/0



25 (OCM 12/6/2008) - CLOSURE OF MEETING

8:22 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:/...../.....

