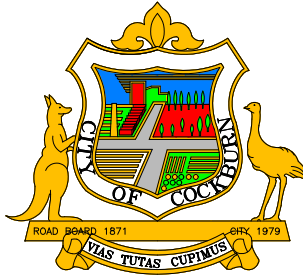


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

### **AGENDA ATTACHMENTS**

#### **FOR**

#### **THURSDAY, 14 AUGUST 2008**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 14 AUGUST 2008 AT 7:00 PM

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## CITY OF COCKBURN

### AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 14 AUGUST 2008 AT 7:00 PM

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1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **(OCM 14/8/2008) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Written questions submitted by Mr Patrick Rivers in relation to Items 14 6 – Proposed Modification to Cell 9 Yangebup Structure Plan – Visko Park to the Ordinary Council Meeting held on 10 July 2008, have been responded to in writing.

7. **PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 14/8/2008) - ORDINARY COUNCIL MEETING 10/07/08**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday 10 July 2008, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

**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 (OCM 14/8/2008) - MINUTES OF THE AUDIT COMMITTEE MEETING - 17 JULY 2008 (5017) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on 17 July 2008, as attached to the Agenda and the recommendation contained therein be adopted.

**COUNCIL DECISION**

## **Background**

A meeting of the Audit Committee was conducted on 19 March 2008.

## **Submission**

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

## **Report**

The Committee considered a report in response to advice from the Australian Taxation Office that the City would be subject to an audit review of property transactions to establish Council's compliance. No issues of substance were identified in the audit process.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

## **Budget/Financial Implications**

As contained in the Minutes.

## **Legal Implications**

As contained in the Minutes.

## **Community Consultation**

N/A

## **Attachment(s)**

Minutes of the Audit Committee Meeting - 17 July 2008.

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

N/A

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

Nil.

**13.2 (OCM 14/8/2008) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 17 JULY 2008 (1054) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 17 July 2008, as attached to the Agenda and adopts the recommendations contained therein.

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

**COUNCIL DECISION**

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 17 July 2008. The Minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The Minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

**Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

**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**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Committee Minutes refer.

**Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements  
Committee Meeting dated 17 July 2008.

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

N/A

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

Nil.

**13.3 (OCM 14/8/2008) - MINUTES OF THE GRANTS AND DONATIONS  
COMMITTEE MEETING HELD ON 15 JULY 2008 (5930) (R AVARD)  
(ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations  
Committee Meeting held on 15 July 2008 and adopt the  
recommendations contained therein.

**COUNCIL DECISION**

**Background**

The Council of the City of Cockburn established the Grants and  
Donations Committee to recommend on the level and nature of Grants  
and Donations provided to external organisations.

### **Submission**

To receive the Minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

### **Report**

On Council's 2008/09 Budget the sum of \$714,000 was identified for distribution as grants and donations to not-for-profit organisations and to individuals. The Grants and Donations Committee at its meeting of 15 July 2008 gave consideration to the level and nature of grants and donations for 2008/09.

A list of the recommended grants and donations made by the Committee is attached along with the Minutes of the Grants and Donations Committee.

### **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**

All grants and donations will be considered in the context of Council Policy SC35 'Grants and Donations – Not-for-Profit Organisations' which establishes that 2% of rateable income will be available for this purpose.

### **Legal Implications**

N/A

### **Community Consultation**

The availability of community grants, donations and sponsorship will be advertised at the appropriate time.

### **Attachment(s)**

Minutes of the Grants and Donations Committee Meeting – 15 July 2008.

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

N/A

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

Nil.

**13.4 (OCM 14/8/2008) - SCHEDULED ORDINARY COUNCIL MEETING - JANUARY 2009 (1704) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council not conduct an Ordinary Council Meeting in January 2009.

**COUNCIL DECISION**

**Background**

Council Policy SC3 (copy attached) determines the day and time that Ordinary meetings of Council will be held each month. The current scenario, that of the meeting on the second Thursday of each month commencing at 7.00 pm has been in place since June 2005.

Council resolved in December 2007, to relax this requirement for the month of January 2008, to enable recess from the normal meeting schedule. No issues of concern were raised by residents or ratepayers of the district. In addition, other council stakeholders, in both the public and private sectors were not adversely affected and no concerns were forthcoming from these areas.

**Submission**

N/A

**Report**

Elected Members were advised in November 2007, that it was intended to bring as much business of Council to its December 2007, Ordinary Council Meeting, in order to enable Council to consider going into recess for the month of January 2008, as it is traditionally relatively quiet during this period and many of Council's major customers in the development and building sector are also winding down while their workforces take holidays. Accordingly, with much of the priority business able to be presented to or prior to the December 2008, meeting for Council to consider, there is an opportunity for Council to

take leave from its normal routine for January 2009. Should an urgent need arise for Council to convene; a Special Council Meeting can be arranged at short notice. By advertising Council's intention this far in advance will give Council's customers in the development industry every opportunity to finalise any issues which may require Council consideration prior to the end of 2008.

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Sec.5.3 of the Local Government Act, 1995 refers.

### **Community Consultation**

N/A

### **Attachment(s)**

Council Policy SC3 'Council Meetings'.

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

N/A

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

Nil.

## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 (OCM 14/8/2008) - 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 (FILE 36066) (R DONG) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) initiate the following amendment subject to the Scheme Amendment document being modified to incorporate the following:-

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

AMENDMENT NO. 66

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:

| No.   | Description of Land               | Restricted Use   | Conditions   |
|-------|-----------------------------------|--|--|
| 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:

| No.   | Description of Land                | Restricted Use   | Conditions   |
|-------|------------------------------------|--|--|
| 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 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 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 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 the 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

### Background

This item was deferred at the Council Meeting on 12 June 2008 to facilitate further discussions between Council Officers and the applicant in respect to those uses which may be permitted on the subject site.

On 22 July 2008, the applicant advised the City by email that their client and landowner have reached agreement in respect of the proposed 'Restricted Uses' and would like to proceed with the Scheme Amendment as per the officer's recommendation of the agenda for the June Council Meeting.

|           |                 |                                    |
|-----------|-----------------|------------------------------------|
| 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 and 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 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. This would include a time frame of say 5 years on the approval and conditions that ensure there are no off site emissions or impacts including odours, fumes, noise, dust, light or vibration that would restrict the adjoining land being developed for residential purposes as proposed by 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
- 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 a new 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).

Notwithstanding the above, it is recommended that the existing Restricted Uses (which is 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 providing 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 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 manufacture of composite materials 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 to be 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 14 August 2008 Council Meeting.

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

Nil.

**14.2 (OCM 14/8/2008) - DELEGATED AUTHORITY UNAUTHORISED BUILDING WORK - SECTION 374AAB LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (J WEST) (ATTACH)**

**RECOMMENDATION**

That Council delegate its authority to approve or refuse to approve plans and specifications under Section 374AAB of the Local Government (Miscellaneous Provisions) Act 1960 to:

Manager of Building Service – John West  
Building Coordinator – position vacant  
Senior Building Surveyor – Mike Ward  
Senior Building Surveyor – Noel Olsen  
Building Surveyor- Jim Martin  
Building Surveyor – Paul Sportel  
Building Surveyor – Keith Brameld  
Building Surveyor – Gary Cox

**COUNCIL DECISION**

**Background**

The provisions in the Local Government (Miscellaneous Provisions) Act 1960 (LGMPA 1960) did not allow local governments to issue an approval for unauthorised building work that have been commenced or completed without a building licence, or which was not built in compliance with, or was a departure, from approved plans and specifications. Recent legislative change facilitates local governments to lawfully approve building/s in appropriate circumstances that have been built without a building licence.

**Submission**

This report seeks Council's consideration adopting a delegation as a consequence of changes to the relevant Acts and Regulations which were gazetted on 6 June 2008 and have taken effect on 1 July.

The Local Government Act 1995 (The Act) provides for the delegation of certain powers and duties to certain committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by Council instrument of

delegation, further on-delegate powers and duties to employees (Section 5.44).

In some instances such as in this matter, the delegation is from Council directly to specific officers.

### **Report**

From 1 July 2008 the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989 have been amended to provide for the issue of a “building approval certificate” in relation to unauthorised building work when an owner has submitted an application to the local government, paid all relevant fees and demonstrated to the local authority that building work complies with all of the relevant standards. This provision allows local governments to issue an approval and be satisfied that the building is safe, complies with all necessary requirements, and is included in the building records.

Owners and builders should be mindful that performing unauthorised building work remains an offence under the LGMPA 1960 and either the local government or the Builders Registration Board under the Builders’ Registration Act 1939, may prosecute for such breaches. It should be noted, however, that the offences for these breaches continue to apply only to the person who commits the offence i.e. the builder or the original owner who commences unauthorised building work or who allows an unauthorised building to be occupied, not a person who may subsequently become the owner.

The power to approve plans of unauthorised building work may be delegated to a person employed by a contract of service by a local government, and who holds a certificate of qualification under the Local Government (Building Surveyors) Regulations 2008, which includes persons holding a Municipal Building Surveyors Certificate of Qualification.

All officers nominated have the necessary qualifications to receive the delegation.

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

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

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

#### **Governance Excellence**

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

**Budget/Financial Implications**

Should the Council choose not to delegate authority to its officers, additional financial cost will be incurred in the extra administrative resources that would need to be applied in order to prepare reports seeking authorisation for individual actions from Council.

**Legal Implications**

The legislative change that has occurred on 1 July 2008 will mean that the City can now lawfully address and resolve the issues associated with buildings that have been built without a building licence.

**Community Consultation**

N/A

**Attachment(s)**

Extract from Local Government (Miscellaneous Provisions) Act 1960.

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

N/A

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

Nil.

**14.3 (OCM 14/8/2008) - STORAGE YARD - LOCATION: LOT 4 HAMILTON ROAD SPEARWOOD - OWNER: GEORGE WESTON FOODS LTD - APPLICANT: MARK W SKEWES (3209746) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) refuse to grant its approval for a storage yard on Lot 4 Hamilton Road for the following reasons:-
  1. The proposal is considered an industrial use that does not provide for rural pursuits and will detract from the rural character and amenity of the locality which is inconsistent with the objectives of the rural zone.
  2. The proposal is contrary to the orderly and proper planning of the area due to the lack of structure plan to guide future development of the area.
  3. The proposal is considered to present an unacceptable impact on the amenity of nearby residents.

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 - Notice of Refusal; and
- (3) advise the applicant and petitioners of the decision of Council.

**COUNCIL DECISION**

**Background**

|            |              |       |
|------------|--------------|-------|
| Zoning:    | MRS:         | Urban |
|            | TPS3         | Rural |
| Land Use:  | Storage Yard |       |
| Lot Size:  | 8.9236 ha    |       |
| Use Class: | "A"          |       |

The subject site is located on the corner of Hamilton Road and Entrance Road in Spearwood. It is currently vacant with the south-east portion containing an unsealed car park of approximately 0.3ha. There are also several unsealed roads which traverse the site. The site is relatively flat and mostly cleared with some scattered vegetation. It is located approximately 27m from residential dwellings on rural lots on Entrance Road, approximately 240m from the Port Coogee Development and abuts a railway reserve to the north.

The site forms part of a larger precinct which is zoned rural (under Town Planning Scheme No. 3) which contains lots within the Watson’s Foods Odour Buffer. There is currently no structure plan in place to guide future subdivision or development of this area.

**Submission**

The applicant has proposed the following development on Lot 4 Hamilton Road, Spearwood:-

1. A 7.8 ha hardstand/laydown area proposed for the storage of transportable buildings, steel pipe and sea containers.
2. A 500sqm drainage pit located in the north-west corner of the lot.
3. A 20m wide landscape buffer abutting Entrance Road, a 5m - 10m wide landscape buffer abutting Hamilton Road and a 10m wide landscape buffer abutting the adjoining Lot 9902 Cockburn Road.

3. Chain Link fence with shade cloth around the perimeter of the lot.

## **Report**

The following section provides a discussion of the proposal's statutory and strategic context as well as issues affecting the proposal.

### Statutory Context

Whilst the subject lot is zoned Urban under the Metropolitan Region Scheme (MRS), it is zoned Rural under the provisions of the City of Cockburn's Town Planning Scheme No. 3 (TPS 3) and the objective of this zone is:

*'to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the area.'*

Based on the information supplied with the application, the proposed use of the land for storage of transportable buildings, steel pipe and sea containers is not associated with any rural activities. The sealed and hardstand area is shown to retain no vegetation and whilst a landscape screen buffer is proposed, the development would result in a commercial facility with heavy truck movements in and out of the facility. It is reasonably clear that the proposal does not achieve the objectives of the rural zone in the City's TPS 3.

TPS 3 defines the storage use as:

*'premises used for the storage of goods, equipment, plant or materials.'*

The proposal to store transportable buildings, steel pipe and sea containers on the subject site is consistent with this definition. A storage yard is an 'A' use which means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4. The proposal was advertised to affected landowners in accordance with this clause (see Community Consultation section of the report below). Council has the discretion to either approve (with or without conditions) or to refuse the application.

### Strategic Context

The subject lot is located in within a small precinct of Spearwood that remains zoned rural under the City's TPS 3. This small precinct incorporates land bounded by the railway line, Watson's Foods and a Light and Service Industry zoned portion of land to the north, residential zoned land to the east and south and reserved crown land to the west. This rural zoned land is in fragmented ownership with

Watson's Foods owning a significant number of lots within the precinct. Many of the other lots are owned by local residents or their decedents who used the land for market garden purposes. Most lots within the precinct exceed 4ha in area and contain single residential dwellings; however, several lots have been subdivided resulting in some 700sqm lots.

There is currently no structure plan in place to guide subdivision or development of the area and therefore the future use of the land is unknown. Rezoning for a higher and better use would only be considered by Council if a structure plan was adopted which would address critical infrastructure and development issues including land use, road layout, drainage and public open space. However, a structure plan has been unable to be developed for the area due to the existence of Watson's Foods and the determination of an appropriate buffer which is still being negotiated by the Department of Environment and Conservation (DEC). It is however, anticipated that a portion or portions of the subject site may be suitable for future urban development. If this occurs, then the proposed storage use would be inconsistent with this.

#### Visual Amenity

The proposal incorporates a 20m wide landscape buffer area abutting Entrance Road, a 10m wide landscape buffer abutting the western boundary and a buffer between 5m and 10m wide abutting Hamilton Road. No details have been provided with the application detailing the type or extent of landscaping. The application also proposes to erect a chain link fence with shade cloth around the site (within the landscape buffer) to further screen the development. Should Council approve the proposal, a condition of development could be imposed requiring dense, mature vegetation that would be of an appropriate height to offer a high level of screening to the goods being stored on the premises.

Council should consider that if it approves the proposal, the overall visual amenity of nearby residents would become that of a commercial storage facility rather than a vacant rural lot that currently exists.

#### Noise

The proposed development itself is unlikely to create an unreasonable level of noise given that there will be no processing or manufacturing on the site. However, the delivery of such bulky items as transportable buildings and sea containers is likely to involve very large trucks which will inevitably cause a great deal of noise to nearby residents. The vehicle noise plus the process of loading and unloading of the items will be the main sources of noise. Should Council consider approving the application, a condition could be imposed restricting delivery times which may reduce the frequency of noise from vehicles.



### Traffic and Access

Any development of the proposed lot will result in an increase in traffic in and around the site given that it is currently vacant. Most traffic generated from the development will be from large trucks and other oversized vehicles using the proposed access point which is on Entrance Road, approximately 20m from Hamilton Road. The appropriateness of this entrance point would need to be further investigated through a traffic management plan as some of the vehicles suitable to deliver transportable buildings and sea containers could exceed 20m. This has the potential traffic issues around the intersection of Hamilton Road and Entrance Road. Notwithstanding this, access from Hamilton Road is less likely to be supported.

### Drainage

The proposal incorporates 7.8ha of hardstand area consisting of 80mm of asphalt and 200m crushed limestone. This amount of hardstand area is likely to cause significant runoff and adequate drainage would need to be contained on site. The proposal incorporates a 50sqm drainage pit on the north-western portion of the site abutting the railway reserve. Should Council approve the proposal, a condition could be imposed requiring a drainage plan to be submitted and approved by the City prior to the commencement of development.

### Property Values

Many of the objections discussed impact the development on property values. Whilst this may be a very real concern of nearby landowners, the impact of a proposed development and how it may affect property values is not a valid planning concern.

### Rural Character and Amenity

Whilst it is understood that the area in which the subject lot is located may not remain rural in the long-term, no structure plan has yet been developed which means that any proposal for development must be assessed based on the current rural zoning. Given that the use is listed as an industrial use class in TPS 3 and is unrelated to any rural activity, it is clear that the proposal will detract from the rural character and amenity of the area.

### **Conclusion**

Based on the above discussion, it is considered that the proposed development should be refused for the following reasons:

1. The proposal is considered an industrial use that does not provide for rural pursuits and will detract from the rural character

and amenity of the locality which is inconsistent with the objectives of the rural zone.

2. The proposal is contrary to the orderly and proper planning of the area due to the lack of structure plan to guide future development of the area.
3. The proposal is considered to present an unacceptable impact on the amenity of nearby residents.

### **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.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

#### **Budget/Financial Implications**

N/A

#### **Legal Implications**

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

#### **Community Consultation**

The proposed use as a 'Storage Yard' is an 'A' use in the City's Town Planning Scheme No. 3 which means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4. The proposal was advertised to landowners of rural lots within approximately 300m of the subject site (refer to Site Plan). In total, 11 submissions were received which were all objections. In addition, a petition opposing the proposed development was received by the City which contained 34 names, addresses and signatures.

The main issues which were raised during the consultation process relating to the proposal included:

1. The proposal detracting from rural character of the area
2. Visual impact

3. Noise
4. Traffic
5. Drainage
6. Lack of Strategic Plan for the area
7. Destruction of natural habitat in the area
8. Property values
9. An inappropriate use of the land

All of the above issues have been discussed in the Report section above.

#### **Attachment(s)**

1. Location Plan
2. Site Plan
3. Petition

#### **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 14 August 2008 Council Meeting.

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

Nil.

#### **14.4 (OCM 14/8/2008) - PUBLIC OPEN SPACE CASH IN LIEU REFUND - LOT 3 LYON ROAD AUBIN GROVE - LOCATION: LOT 4 LYON ROAD AUBIN GROVE - OWNER: CONDOR NOMINEES PTY LTD - APPLICANT: KOTT GUNNING SOLICITORS (127417) (A BLOOD)**

##### **RECOMMENDATION**

That Council:-

- (1) agree to refund Condor Nominees Pty Ltd the over payment of cash in lieu of public open space as a result of the Owston Nominees case; and
- (2) amend the 2008/09 budget to reimburse Condor Nominees Pty Ltd \$654,756.50 from the Restricted Use Fund Account – Public Open Space.

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

## COUNCIL DECISION

### Background

Council at its meeting held on 12 June 2008 considered a similar request for the over payment of cash in lieu of public open space (Item 14.2 – minute No 3734).

The report to the June meeting of Council detailed the court decision in the Owston Nominees case which affected the basis of POS cash in lieu calculations for subdivision approvals granted under the former Town Planning and Development Act.

The City noted the determination of the Owston Nominees case and agreed to refund Bravado Nominees Pty Ltd for the resultant POS over payment.

The City has also collected cash in lieu of the 10% public open space requirement in respect to lot 3 Lyon Road Aubin Grove owned by Condor Nominees Pty Ltd. This subdivision was also approved under the former Town Planning and Development Act.

### Submission

Kott Gunning solicitors on behalf of the owners of lot 3 Lyon Road (Condor Nominees Pty Ltd), have requested reconsideration of the value of the cash in lieu of open space in light of the Owston Nominees 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 repayment of \$654,756.50 has been requested.

### Report

The Planning and Development Act (2005) replaced the former Town Planning and Development Act (1928) when it was gazetted on 9 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 subdivision approval for the subject land was issued on 8 August 2005, but sought clearance and payment of the cash in lieu 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 on this very issue. The City sought advice from McLeods and in accordance with that advice sought payment was 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 Owston Nominees case 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 Condor 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. Planning Officers are not aware of any other subdivisions that that would give rise to further claims for a refund in the future.

At the request of the City, McGees has reviewed the assessment of the cash in lieu payment and conclude that the overpayment is \$654,756.50. 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 Condor Nominees payment was in dispute it had not been allocated to fund any POS project.

It is recommended that the over payment of POS cash in lieu be repaid to Condor Nominees Pty Ltd.

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

#### **Governance Excellence**

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

#### **Budget/Financial Implications**

Refunds for 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) which has adequate funds to cover the refund.

#### **Legal Implications**

Town Planning and Development Act 1928  
Planning and Development Act 2005

#### **Community Consultation**

N/A

#### **Attachment(s)**

NA

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

The applicant has been advised that this matter is to be considered at the 14 August 2008 Council Meeting.

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

Nil

- 14.5 (OCM 14/8/2008) - DEVELOPMENT AREA 19 - MURIEL COURT DRAFT STRUCTURE PLAN - LOCATION: MURIEL COURT, COCKBURN CENTRAL - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (9681) (A BLOOD) (ATTACH)**

#### **RECOMMENDATION**

That Council endorse the revised Draft Structure Plan for Development Area 19 - Muriel Court for the purpose of advertising and public consultation.

**COUNCIL DECISION****Background**

Council at its meeting held in December 2007 considered a report on the Draft Structure Plan for DA 19 - Muriel Court (Item 14.8, Minute No. 3630) and resolved to endorse the draft Structure Plan for the purpose of advertising and public consultation.

**Submission**

Nil.

**Report**

In accordance with the Council decision the Draft Structure Plan for DA 19 - Muriel Court, Cockburn Central (Plan 1 in the agenda Attachments) was advertised for public comment between 14 December 2007 and 13 March 2008. Consultation included advertisements in the local paper, letter to landowners within and immediately adjacent to DA19 and letters to relevant government agencies and servicing authorities. A landowner meeting was held at the Council administration centre on 23 January 2008.

Twenty nine submissions were received during the advertising period. The main issues were as follows;

1. The financial impact of the deviation of Semple Court on landowners affected by the new alignment. In the main owners sought higher densities as well as the proposed payment to offset the financial impact of losing the land required for the road.
2. Owners adjoining the R160 area in the south eastern portion of the Structure Plan area sought a more gradual R Code transition between the proposed R160 and R40 development. They proposed an area of R100 development.
3. Owners in the south western portion of the Structure Plan area fronting Semple Court sought higher density than proposed.
4. Officers at the Department of Planning and Infrastructure (DPI) requested the reduction in POS in the south eastern portion of the Structure Plan area to maximise the number of dwellings within the walkable catchment of the Cockburn Central station

and the inclusion of a link between North Lake Road and the R160 area through the mixed business zone in the south east corner to improve permeability.

5. Support for the development of office and integrated residential fronting the eastern frontage of North Lake Road.

As a result of the submissions, the City engaged MacKay Urban Design to review the Draft Structure Plan. The review concluded that the Structure Plan should be amended to reflect the general thrust of the submissions. In particular the changes relate to the R Code designations with the base code being generally increased from R20 to R25 and a greater diversity of medium and high density codes to include R60, R80 and R100. Overall this will result in greater housing choice and diversity and maximise the development potential of this key area of land.

It was also considered appropriate to reduce the south eastern area of POS as per the DPI comments. This will result in the loss of a minor amount of vegetation around the edges of the damp land which are cleared or degraded but in environmental terms this will be more than replaced by the required enhancement works on the balance area and the resultant significant increase in the population in the walkable catchment of the Cockburn Central railway station which adds to general sustainability.

The changes to the Draft Structure Plan (see Plan 2 in the Agenda attachments) are reasonably significant and given the overall strategic importance of the project, it is considered that the revised plan should be readvertised for public comment. Owners/residents and authorities are familiar with the project and accordingly it is considered that an advertising period of 28 days is sufficient.

Following the readvertising of the Structure Plan a full report on submissions will be presented to Council for detailed consideration.

It is recommended that Council readvertise the revised DA 19 – Muriel Court Structure Plan for 28 days.

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

#### **Demographic Planning**

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



**Infrastructure Development**

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

**Transport Optimisation**

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

**Budget/Financial Implications**

The costs of advertising will be covered under the existing budget.

**Legal Implications**

N/A

**Community Consultation**

To be undertaken following Council endorsement of the revised Draft Structure Plan.

**Attachment(s)**

1. Current Plan 1 – advertised DA19 – Muriel Court Structure Plan.
2. Proposed Revised DA 19 – Muriel Court Structure Plan.

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

Landowners and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 August 2008 Council Meeting

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

Nil.

**14.6 (OCM 14/8/2008) - RURAL SHED - LOCATION: 42 COLLIS ROAD WATTLEUP - OWNER/APPLICANT: MILAN ILIC (441629) (R TAYLOR) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) refuse to grant its approval for the proposed outbuilding on 42 Collis Road for the following reasons:-

1. The proposal is non compliant with Council Policy APD 18

- (Outbuildings), which states a maximum aggregate floor area of 300m<sup>2</sup> per rural property.
2. The City believes it will set an undesirable precedent for future applications in the locality.
  3. The proposal will have a negative impact on the rural amenity and character of the area.
  4. The proposal is contrary to the orderly and proper planning of the rural zone.
  5. The proposal does not comply with Clause 5.10.2 (d) of the Town Planning Scheme relating to setbacks.
  6. The proposal does not comply with Clause 5.10.5 of the Town Planning Scheme relating to Protection of the land and existing vegetation, as the lot has been partially cleared and levelled in preparation for the shed.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant of his responsibility to revegetate the cleared portion of the land and retain the stormwater on site.

**COUNCIL DECISION**

**Background**

|            |                            |       |
|------------|----------------------------|-------|
| Zoning:    | MRS:                       | Rural |
|            | TPS3                       | Rural |
| Land Use:  | Single House (Outbuilding) |       |
| Lot Size:  | 1.0547 Ha                  |       |
| Use Class: | "P"                        |       |

**Submission**

A proposal for an outbuilding on a rural lot at 42 (Lot 47) Collis Road, Wattleup, has been lodged which has been summarised accordingly:-

1. An outbuilding which is 252m<sup>2</sup> in area (28m x 9m).

2. The outbuilding is located at the rear of the property, set back 2.5m from the northern boundary, and 25m from the eastern boundary.
3. The outbuilding has a wall height of 5m and a roof pitch of 5.8m.
4. The applicant has advised that the outbuilding will be used to store tractors and motor vehicles.

## Report

The subject land is 1.05ha in area and is bounded by Collis Road and Power Avenue in Wattleup. The site contains an existing single residential dwelling and is surrounded by other similar properties. The area where the proposed outbuilding is to be located has already been cleared of all vegetation by the existing landowner (without any clearing approval). The applicant has also installed a new crossover to Power Avenue, also without Council approval.

The lot is zoned Rural under the Metropolitan Region Scheme (MRS) and the City of Cockburn Town Planning Scheme No. 3 (TPS 3). Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development does not comply with the standards and provisions of TPS 3 in the following respects:-

1. Clause 5.10.2 of the Town Planning Scheme requires all buildings (including outbuildings) to be setback a minimum of 10m from any boundary of the lot.
2. Council's Policy APD 18 (Outbuildings) requires the maximum floor area of all outbuildings combined in a rural zone is to be 300m<sup>2</sup>.

The proposal includes the construction of a 252m<sup>2</sup> shed set back 2.5m from the northern boundary. Whilst the proposed outbuilding complies with the requirements of TPS 3, due to the existing 90m<sup>2</sup> shed located on the site, the proposal results in a total of 342m<sup>2</sup> of outbuilding floor area which does not comply with Council Policy APD 18. The purpose of the policy is to provide uniform development requirements which are consistent with local needs. The lot does not contain a working farm or any rural activity so it is considered that the requirement for greater than 300m<sup>2</sup> of shed area is not warranted. Also, the approval of outbuildings resulting in floor space exceeding 300m<sup>2</sup> in rural zones will inevitably detract from the amenity of the area. It is suggested that should Council approve an additional outbuilding on the property, that the floor space be restricted to 210m<sup>2</sup> so that the proposal complies with APD 18.

The proposed 2.5m setback from the northern boundary is considered too close to the adjoining property and may set a precedent for future outbuildings in rural areas. The applicant has advised that the reason that the setback variation is required is due to the topography of the site which incurs a fall from the north to the south. It appears that some fill has occurred on the site and that a set back of 10m could be achieved. It is recommended that should Council approve the proposal, a minimum 10m setback from the northern boundary be required.

As mentioned above, the applicant has already cleared all native vegetation from the front portion of the land (without Council approval). However, the owner has advised they are willing to replant 20 new mature trees if the proposal goes ahead. Should Council consider approving the proposal it is suggested that a condition be imposed requiring the lodgement and approval of a comprehensive landscape and revegetation plan. This plan would ensure that significant revegetation occurs in lieu of vegetation lost.

The owner was advised how he could comply with Council's Policy; however, he has chosen not to amend his application.

#### Recommendation

It is recommended that Council refuse this application based on the reasons specified.

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

##### **Demographic Planning**

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

##### **Natural Environmental Management**

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

The Planning Policy that applies to this item is:-  
APD 18- Outbuildings

#### **Budget/Financial Implications**

N/A

## Legal Implications

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

## Community Consultation

No neighbour consultation took place as part of this application process; however, an objection was lodged by the adjoining owner abutting the southern boundary. Their concerns related to concerns with flooding on to their property as the land has already been cleared and in filled without Council approval. Should Council approve the proposal, a condition could be imposed requiring a stormwater plan to be lodged and all stormwater to be contained on the property.

## Attachment(s)

1. Site Plan
2. Photographs of the site as at 25 July 2008
3. Aerial Photograph

## Advice to Proponent(s)/Submissioners

The Proponent and submissioners have been advised that this matter is to be considered at the 14 August 2008 Council Meeting.

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

Nil.

### 14.7 (OCM 14/8/2008) - MINOR BOUNDARY ADJUSTMENT - RESERVE 15556 - LOCATION: HAMMOND ROAD SUCCESS - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: CITY OF COCKBURN (4412147) (K SIM) (ATTACH)

#### RECOMMENDATION

That Council:-

- (1) request the Department of Land Administration to excise 453 square metres from Reserve 15556 Hammond Road, Success in order to extend the road reserve and be consistent with the Metropolitan Region Scheme and City of Cockburn TPS No. 3;
- (2) request that the Minister for Planning and Infrastructure dedicate the portion of Land in (1) as Road Reserve pursuant to Section `56 (1) (b) (i) of the Land Administration Act 1997; and
- (3) indemnify the Minister for Planning and Infrastructure against

reasonable costs incurred in considering and granting this request.

## **COUNCIL DECISION**

### **Background**

Reserve 15556 is an 'A' class reserve managed by the Conservation Commission of Western Australia for the purpose of Biological Station, conservation, drainage and fauna. This extent of this reserve mostly takes in the area surrounding Thomson Lake with a north eastern extension to Hammond Road and adjoining the Emmanuel Catholic College.

### **Submission**

The Conservation Commission of Western Australia forwarded written consent to the excision of 453 square metres of Reserve 15556 to facilitate the extension of Hammond Road Reserve.

### **Report**

Hammond Road is reserved "Other Regional Road" in both the City of Cockburn Town Planning Scheme (3) and the Metropolitan Region Scheme. The cadastral boundary of Reserve 15556 marginally extends into the land reserved for Other Regional Road.

The Conservation Commission of Western Australia has given written approval for the excision of 453 square metres from Reserve 15556 for inclusion in the Hammond Road Reserve subject to the City of Cockburn erecting a new boundary fence. The required fence will be erected in conjunction with a dual carriage way road construction project.

Council's decision will be forwarded to State Land Services.

### **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**

N/A

**Legal Implications**

Land Administration Act 1997.

**Community Consultation**

N/A

**Attachment(s)**

Location Plan

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

N/A

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

Nil.

**15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

**15.1 (OCM 14/8/2008) - LIST OF CREDITORS PAID - JUNE 2008 (5605)  
(K LAPHAM) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**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 May 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 – June 2008.

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

N/A

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

Nil.

**15.2 (OCM 14/8/2008) - STATEMENT OF FINANCIAL ACTIVITY - JUNE 2008 (5505) (N MAURICIO/S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the interim Statement of Financial Activity and associated reports for June 2008, as attached to the Agenda; and



- (2) adopt a materiality threshold of \$50,000 or 10% (whichever is the greater) for the 2008/09 financial year in accordance with Financial Management Regulation 34(5).

## COUNCIL DECISION

### Background

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

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

### Submission

N/A

### Report

Attached to the Agenda is the Statement of Financial Activity for June 2008. The figures shown are only interim at this stage and will be subject to further end-of-year adjustments until the final audit is complete. The final end-of-year cash position including adjustments to the estimated carried forwards adopted in the 2008/09 Budget will be presented to the September meeting of Council.

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

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

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

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

#### Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, 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.

It is proposed that the materiality threshold for the 2008/09 financial year remain at \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc.).

#### Annual Performance Review of Monetary Investments

As required under Council Policy SFCS1, the City reports on an annual basis for the performance of its monetary investments against a benchmark agreed by Council.

#### Monetary Investment Returns for 2007/08

The following table indicates the performance of the City's funds over the period July 2007 to June 2008:

| <b>Portfolio Performance</b> | <b>Benchmark</b> | <b>Portfolio</b> | <b>Variance</b> |
|------------------------------|------------------|------------------|-----------------|
| Last twelve months           | 7.3%             | 5.2%             | -2.1%           |
| Weighted Avg Funds           | \$52,404,274     |                  |                 |

The performance for the financial year ending 30 June 2008 was 5.2% as against a benchmark 90 day BBSW (Bank Bill Swap Rate) published by UBS of 7.3%. This is a lower rate than the benchmark rate by 2.1%.

As at 30 June 2008, the current portfolio is earning a rate of 8.39%.

The predominant cause of this shortfall in achieving the benchmark was the City's investments in managed funds. These are funds held by Fund Managers and invested in a range of investments including Australian equities. The sudden downturn in the equities markets in January 2008 saw no gain in the capital invested. After three months of monitoring the performance of the managed funds part of the overall portfolio, the City redeemed all funds without loss of capital. These funds were then placed into fixed interest term deposits and bank bills earning between 7.5% to 7.9%.

It is stressed that investment action is always initiated by the City with the advice of Council's independent financial advisor, Oakvale Capital.

All other products invested in by the City including CDOs, Bank Floating Rate Notes, Term deposits, bank bills and mortgage backed securities continue to pay interest as and when it falls due.

#### Accounting Standards

The City in its annual financial statements will comply with Australian Accounting Standards and the 2007/08 financial statements will report both current and non-current investments depending on when the investments mature. If an investment matures within the next twelve months, the investment will be shown as current otherwise it will be shown as non current. This is different to prior years because the City is accurately reporting the status of the investment portfolio whereas previously it was all lumped into one category (current) and never queried by the external auditor. It is also being undertaken because not all investments in the City's portfolio have been acquired for trading and therefore do not require the face value to be marked to market as at balance date being 30 June 2008.

As you can see from the table below, the breakup between current and non-current is:

| <b>Classification</b>                            | <b>Amount</b> |
|--|---------------|
| Current Investments (working Capital & Reserves) | 29,119,277    |
| Non-Current Investments (Reserves only)          | 15,878,670    |
| Total Monetary Investments                       | 44,997,947    |

### Classification of Monetary Investments

As noted above, the City continues to receive interest as and when due on all investments including structured and fixed interest product. At the time of writing this report, the City has not been advised that any of the structured investments are in partial or full default, even though a number of the structured investments have received rating downgrades by the various Rating Agencies. On 29 July 2008, the City also received back \$1m from one of its structured investments in line with the maturity date. In accordance with reports from Oakvale Capital, a further two are due to mature in December 2008 and December 2009 totalling \$1m. Again, advice from Oakvale Capital indicates no deterioration in the product that may impact on redemption on the prescribed maturity date.

Based on the above and after discussions with the City's Auditor, the City will reallocate for balance sheet purposes investments between current and non-current assets as they should have been in prior years as per the Accounting Standards. The City will not take an impairment test (write off by way of a provision for doubtful or bad debts). This is on the basis that the City continues to receive interest payments and there are no defaults in the investments. Should a default occur then an impairment charge may have to be considered. This will be the subject of a further report if and when this situation occurs.

During the financial year, one structured investment product, Helium was restructured. On the advice of Oakvale Capital Ltd and the issuing bank, Merrill Lynch, the investment was restructured into an investment called Argon. The restructure involved a capital guarantee with a Commonwealth Bank of Australia senior bond. The total value of this investment is \$6m. Since the restructure, the City has still continued to receive all interest coupons and the interest rate paid is 8.57%. To date there has been no change to the status of this product. All Councils, across Australia, who invested in this structured investment apart from one (the City of Perth) participated in the restructure. The City of Perth has chosen not to participate and will provide for any potential doubtful debts associated with their investment in the non-restructured Helium product as they see fit. The City of Perth has \$8m invested in Helium.

The City will need to state in the notes to the accounts the above accounting policy variation and as per last year's financial statements a comment similar to the one below will need to be inserted in the 2007/08 financial statements:

*The City holds a number of structured investment products, which have been affected by the volatility in the world credit markets. The structured investment products are mortgage and corporate backed securities. Oakvale Capital Limited, Council's independent financial advisor, has estimated the net fair value of the structured investments at balance date at \$4.25m compared*

*with their face value of \$5.5m. The significant proportion (72%) of this 'diminution in net fair value' relates to a structured investment named, Credit Linked Enhanced Asset repackaging PLC (CLEAR) due to be redeemed in 2012.*

*To date the City continues to receive interest coupons on all structured investment products including CLEAR with no credit defaults being recorded. Since balance date, the City has seen one structured investment product mature with the funds totalling \$1m being returned to the City in full (including all interest coupons).*

*In reflection of Australian Accounting Standards, the City has classified its current and non-current monetary investments and has shown them in the balance sheet accordingly. As a result no impairment charge was believed warranted on the basis that all structured investments are continuing to pay interest coupons and no credit defaults have occurred. The classification was done because the assets were acquired as part of the City's long term investment strategy and intends to hold these investments until maturity. The necessity of this classification comes about because of the Accounting Standards requirement of Marking to Market all current assets. Given that the structured investments were long term investments and an artificial secondary market was created in attempt to place a current or market value on long term investments, such a market has effectively reduced given the instability in world credit markets. The only buyers in the secondary market are opportunistic at best.*

#### Review of Non-Monetary Assets

The City has a second range of assets it manages that is non-monetary assets. The largest of these is the freehold land assets owned by the City. The summary below highlights a number of land assets currently being developed to improve the financial position of the City.

#### Tapper Road, Atwell

The City has approved the development of a 45 lot residential subdivision. To date, approximately 11 of the initial 21 lots on offer have been sold after the first auction. The aim is to achieve a return of around \$10m on the sale of the land. The proceeds from the development will be transferred to the Land Development Reserve. The proceeds will be used to fund the construction of the office part of the Lot 7 Civic Development. The proceeds will be able to return a commercial income stream, which should exceed that able to be gained through standard cash investments.

### Lot 7, Cockburn Central

This development is being undertaken in joint venture with Combined Equity, a partnership of Castelli Group and the Z Corp. The project is for the construction of signature building in Cockburn Central consisting of a state of the art library, retail/commercial space, office complex, apartments and car parking. Funds have been placed in the budget as well as the ten year financial plan (2008 – 2018) to fund the construction of the library part of the project. The Tapper Road subdivision will fund the cost of construction of the office complex. The office will then be either sold or leased to provide a recurrent income stream for Council.

### Wentworth Parade, Success

The City has been able to purchase Lot 202 Wentworth Parade, Success on the 5% rule. The City had paid \$175,000 for a 0.47 ha lot, which has a current market value of around \$3.5m. The City will be able to use its current zoning of Community Purposes to potentially construct an Integrated Health Facility to serve the southern suburbs of the municipality. Concept plans are being developed, which along with a Business Plan will be presented to a future meeting of Council.

### Other Freehold Properties

The City has a range of additional freehold properties ranging from single small residential lots to potentially large commercially developments. A report on a Commercial Property Strategy is currently being prepared for consideration of Elected Members so as to ensure that all freehold land assets are developed to provide a recurrent income for the City. Potentially, the freehold portfolio could have a current value around \$40m. These assets are not producing a recurrent income stream, although they are appreciating in capital terms.

Overall, the City is well placed to develop a recurrent income stream from its land holdings (non-monetary assets). A significant, albeit a paper gain, has been made on the purchase of the Wentworth Parade site. A range of other land holdings are also being assessed for their development potential.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

**Budget/Financial Implications**

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

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – June 2008.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM 14/8/2008) - TRANSPORT OF TOP SOIL - FIONA STANLEY HOSPITAL SITE TO BEELIAR REGIONAL RESERVE (9509) (S MORRISON) (ATTACH**

|   |
|---|
| <p><b>RECOMMENDATION</b></p> <p>That Council approve the conditional use of Beeliar Drive, Hammond Road, The Grange and Lesueur Pass to transport top soil from the Fiona Stanley Hospital site in Murdoch to sites 1, 2 and 3 within the Beeliar Regional Reserve subject to the following conditions:</p> <p><u>All Sites</u></p> <ol style="list-style-type: none"><li>1. Traffic warning signage to be in place during all hours of operations and to be in accordance with AS 1742.1-2003.</li><li>2. Agreement by the Contractor to repair any damage to the road pavement caused by Contractor activities at the Contractors cost.</li></ol> |
|---|

3. A joint visual inspection (Contractor and City of Cockburn) to be undertaken prior to the start of any topsoil import action.
4. FSH Project Hotline number to be provided to the local community and included on advanced notification signs.
5. Advanced notification signs to be placed in Beeliar Drive approaching the site west of The Grange and east of Hammond Road.

Site Specific

1. South of Beeliar Drive; north east of Kogolup Lake (7350m<sup>3</sup> / 320 truck trips using 23m<sup>3</sup> capacity semi-trailers max).
  - (a) Hours of operation between 7.00 a.m. and 5.00 p.m.
  - (b) A limestone crossover is to be constructed from Beeliar Drive to the fence line of the reserve.
2. Water Corporation easement; east of Lesueur Pass opposite house number 58 (4500m<sup>3</sup> / 375 truck trips using 12m<sup>3</sup> capacity 8 wheel trucks max).
  - (a) No deliveries on weekends.
  - (b) Hours of operation restricted to between 9.00am and 2.30pm to avoid peak traffic times within the area generated by the Beeliar Primary School.
  - (c) Residents in Lesueur Pass from The Grange (south) to #58 to receive written notification of project activities including estimated trip numbers, hours of operation and project duration.
  - (d) An entrance to the site opposite #58 is to be created with a permanent crossover to be installed on completion of the works.
3. Hammond Road; access track adjacent to Emmanuel College south boundary (1420m<sup>3</sup> / 120 truck trips using 12m<sup>3</sup> capacity 8 wheel trucks max).
  - (a) No deliveries on weekends.
  - (b) Hours of operation restricted to between 9.00am and 2.30pm to avoid peak traffic times within the area generated by the Emmanuel Catholic College.
  - (c) A crossover at the entry point from Hammond Road (currently kerbed) is to be constructed.



**COUNCIL DECISION****Background**

The State Government of Western Australia has committed to the construction of the 643 bed Fiona Stanley Hospital (FSH) in Murdoch, to be completed in 2013. The construction of the facility is to be undertaken by the Department of Housing and Works (DHW) as a public work on behalf of the Department of Health (DoH).

In planning for the FSH, the Minister for Health and the DoH have determined that the planning and development of the FSH should also reflect high standards of environmental responsibility and management.

The development of the FSH will entail the clearing of approximately 25 hectares of remnant bushland that is known to be non-breeding, feeding habitat for the threatened Carnaby's Black Cockatoo. In conjunction with the Department of Environment and Conservation (DEC), the DoH and DHW have entered into a Memorandum of Understanding (MOU) in order to successfully implement a range of environmental and conservation initiatives associated with the development of the FSH.

A key initiative outlined in the MOU is for the rehabilitation of degraded land in the Beeliar Regional Park located within the City of Cockburn. A five-year, \$1.1m investment will see approximately 50 hectares of land within the Beeliar Regional Park rehabilitated as part of the FSH Project's environmental program.

The 25 hectares across five sites, including South Lake and Kogolup Lakes (refer to Attachment A), will be restored and revegetated through -

1. weed management
2. the relocation and spreading of top soil taken from the FSH site
3. broadcast seeding and/or planting
4. translocation of grass trees and Zamias from the FSH site
5. the placement of habitat logs using trees from the FSH site
6. ongoing management, including monitoring and weed management.

A key component of the rehabilitation methodology includes the import of top soil from the FSH site. Top soil is an excellent source of

native plant seed and soil biota for land rehabilitation. The top soil at the FSH site is of very good quality and DEC supports its use within the Beeliar Regional Park for local rehabilitation projects.

This will include:

1. top soil imported onto sites 1, 2 and 3 in August / September 2008; and
2. top soil imported onto sites 4 and 5 in winter 2010.

A further 25 hectares of land in Beeliar Regional Park will also be rehabilitated, including intensive replanting of a five hectare area at Kogolup Lakes (refer to Attachment B) and in-fill planting of seedlings over a 20 hectare area around North Lake (refer to Attachment C).

The FSH team is working closely with DEC to ensure the best possible outcomes for all of the rehabilitated areas.

### **Submission**

The City has received a written request from the Department of Health (Fiona Stanley Hospital Project) (ref: 08/31024) seeking endorsement from the City of Cockburn for the proposed traffic management and route requirements to transport topsoil from the FSH site in Murdoch Drive, Murdoch for rehabilitation works of degraded land within the Beeliar Regional Park earmarked for rehabilitation in 2008 using Beeliar Drive, Hammond Road, The Grange and Lesueur Pass

### **Report**

Correspondence has been received from Strategen who are the Environmental Consultants for the project outlining the project and requesting advice from the City of Cockburn on traffic management issues relating to the delivery of topsoil to sites 1, 2 and 3 (refer to Attachment A)

Site 1 – 6.8 hectares – topsoil requirement is approximately 10,000m<sup>3</sup>.

- Access via Beeliar Drive at the north gate.

Site 2 – 4.5 hectares – topsoil requirement is approximately 6,700m<sup>3</sup>

- Access via Beeliar Drive, The Grange and Lesueur Pass at the west gate opposite house number 58.

Site 3 – 1.3 hectares – topsoil requirement is approximately 2,000m<sup>3</sup>.

- Access via Beeliar Drive, Hammond Road west side near the south boundary of Emmanuel Catholic College.

The three sites have different access requirements and truck sizes are to be limited due to the restrictions dictated by the road geometry and the impact on the residential community.

Officers have evaluated the proposal and recommend that Council approve use of the access routes described subject to the following conditions: -

#### All Sites

1. Traffic warning signage to be in place during all hours of operations and to be in accordance with AS 1742.1-2003.
2. Agreement by the Contractor to repair any damage to the road pavement caused by Contractor activities at the Contractors cost.
3. A joint visual inspection (Contractor and City of Cockburn) to be undertaken prior to the start of any topsoil import action.
4. FSH Project Hotline number to be provided to the local community and included on advanced notification signs.
5. Advanced notification signs to be placed in Beeliar Drive approaching the site west of The Grange and east of Hammond Road.

#### Site Specific

1. South of Beeliar Drive; North East of Kogolup Lake (7350m<sup>3</sup> / 320 truck trips using 23m<sup>3</sup> capacity semi-trailers max).
  - (a) Hours of operation between 7.00 a.m. and 5.00 p.m.
  - (b) A limestone crossover is to be constructed from Beeliar Drive to the fence line of the reserve.
2. Water Corporation easement; East of Lesueur Pass opposite house number 58 (4500m<sup>3</sup> / 375 truck trips using 12m<sup>3</sup> capacity 8 wheel trucks max).
  - (a) No deliveries on weekends.
  - (b) Hours of operation restricted to between 9.00am and 2.30pm to avoid peak traffic times within the area generated by the Beeliar Primary School.
  - (c) Residents in Lesueur Pass from The Grange (south) to #58 to receive written notification of project activities including estimated trip numbers, hours of operation and project duration.

- (d) An entrance to the site opposite #58 is to be created with a permanent crossover to be installed on completion of the works.
3. Hammond Road; access track adjacent to Emmanuel College south boundary (1420m<sup>3</sup> / 120 truck trips using 12m<sup>3</sup> capacity 8 wheel trucks max).
    - (a) No deliveries on weekends.
    - (b) Hours of operation restricted to between 9.00 a.m. and 2.30pm to avoid peak traffic times within the area generated by the Emmanuel Catholic College.
    - (c) A crossover at the entry point from Hammond Road (currently kerbed) is to be constructed.

Sites 4 and 5 may be utilised in the future and have not been assessed at this stage.

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

#### **Natural Environmental Management**

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

#### **Budget/Financial Implications**

N/A

#### **Legal Implications**

N/A

#### **Community Consultation**

Community consultation is to be carried out by the applicant in the following ways;

1. Advanced notification signs to be placed in Beeliar Drive approaching the site west of The Grange and east of Hammond Road.
2. FSH Project Hotline number to be provided to the local community and included on advanced notification signs.
3. Residents in Lesueur Pass from The Grange (south) to #58 to receive written notification of project activities including estimated trip numbers, hours

**Attachment(s)**

1. Plan - rehabilitation areas to receive topsoil from the FSH site
2. Plan - 5 ha intensive rehabilitation area
3. Plan - 20 ha in-fill rehabilitation area
4. Proposed Traffic Management plan for FSH Beeliar Rehabilitation Sites 2008.

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

The Applicant(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 August 2008 Council Meeting.

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

Nil.

**16.2 (OCM 14/8/2008) - PETITION - AGAINST PROPOSED PLANTING OF NORFOLK ISLAND PINES - LOCATION: FORREST ROAD HAMILTON HILL (450497) (A CONROY) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the planting of Norfolk Island Pines in the median of Forrest Road, Hamilton Hill; and
- (2) advise the community of the decision by way of a brochure or leaflet.

**COUNCIL DECISION**

**Background**

On 10 July 2008 the City received a petition containing 138 signatures stating:

*"We the undersigned petition Council to reconsider the plan to plant Norfolk Island Pines down the centre of Forrest Road Hamilton Hill.*

*We the residents of the area and with other concerned Cockburn residents do not wish this species of plant along this local road.*

*We ask that our native local plants be considered”.*

The petitioners are objecting to the selection of Norfolk Island Pines, which are proposed for planting in the median as part of the Forrest Road refurbishment.

### **Submission**

Forrest Road Petition CTR 08/31484 File 450497

### **Report**

To ensure that appropriate species of trees are selected in all landscaping / streetscape projects, Officers endeavor to apply some well reasoned criteria to inform their decisions. In this instance the City’s qualified horticultural staff considered a number of factors when selecting and recommending the tree species for the Forrest Road median, including, but not limited to, the following:

1. Survival Potential  
Likelihood of long term survival at the location in which the trees are to be planted.
2. Environmental Conditions  
Conditions at the planting site that may limit growth of the trees.
3. Ecological Preferences and Requirements  
Potential to enhance functioning of the local ecosystem.
4. Purpose  
The intended outcome of the landscape design.
5. Potential Conflict With Infrastructure  
Footpaths, kerbs, roads, buildings, electricity, gas, water, telephone and sewerage services etcetera.
6. Historic and Cultural Relevance  
Local heritage issues and community preferences.
7. Availability of Stock  
Are they available in number, quality and size at the time planting is required?

After careful consideration of these factors officers concluded that the Norfolk Island Pine, *Aurecaria heteropylla*, presented the least conflict

and best balance between all selection criterion. The rationale used to make the decision is detailed below:

1. Survival Potential

The most important consideration when selecting trees is their potential to survive. Should a tree not survive, because the environmental conditions at the planting site cause death or in the future they are removed because of damage being caused to roads, buildings or services etcetera, or for any other reason, then, no other aspiration for those trees will be achieved. For example, if a tree is chosen to provide nectar for local birds and it dies or is removed, nectar will not be provided. Similarly, if it is chosen because of its ability to provide shade and it dies or is removed, shade will not be forthcoming. Apart from these examples, the greatest loss from the future death or removal of a tree is the loss of time – which can never be replaced.

Environmental, social, Economic or maturity benefits of trees generally increase over time as they mature. Unlike man-made structures such as walls and paths, which can be removed and replaced almost immediately, a twenty-year old tree takes twenty years of growth time to replace. Additionally, at the conclusion of the twenty-years growing time, if the original tree had not been removed, the community would be enjoying the benefits of a forty-year old tree.

*Norfolk Island Pine is the best species to survive in this environment.*

2. Environmental Conditions

There are considerable adverse environmental growing conditions at the Forrest Road planting locations. The most significant impact is the limited planting space, necessitating the selection of trees that will thrive in a confined area and are able to withstand compaction of soil around the root plate as well as tolerate radiated heat from the road surface and pollutants from vehicle exhaust emissions. In addition, the selected species must be able to cope without ongoing supplementary watering and with alkaline soils, due to the presence of naturally occurring limestone in the area and limestone used to construct the road sub grade. Norfolk Island Pine, *Aurecaria heteropylla*, is able to cope with alkaline soils and without supplementary watering. Watering to establish Norfolk Island Pines is no different from that used to establish locally endemic trees, which is watering by water truck for the first two summers and after that, no watering at all.

*Norfolk Island Pine is a hardy species which will thrive in the confined spaces available, will withstand the impacts of the road environment and will not require long term watering.*

3. Ecological Preferences and Requirements

The City's order of preference is to select locally endemic tree species, then native Australian tree species and then exotic tree species, provided other criterion permit.

*Norfolk Island Pine is a native Australian tree species.*

4. Purpose

Of primary purpose to the landscape design was the desire to unify the length of Forrest Road, whilst simultaneously providing the suburb of Hamilton Hill with a sense of place. To achieve these outcomes an avenue of uniform and tall stately trees is required. The current proposal is to plant 34 trees to create this avenue affect.

*Norfolk Island Pine is a tall stately tree that is consistent in uniformity and the proposed treatment will significantly improve the visual amenity.*

5. Potential Conflict with Infrastructure

Because of the limited planting space situated in the centre of a busy road, (particularly between Blackwood Avenue and Rockingham Road) a tree species that has a root system that does not have the propensity to damage road pavement by uplifting nor the tendency to drop branches is required.

*Norfolk Island Pine will not damage the road pavement.*

6. Historic and Cultural Relevance

There are several mature and significant Norfolk Island Pines growing on properties in Forrest Road and throughout the western side of the City.

*Norfolk Island Pine are represented in the community and are considered valid for historic and cultural reasons.*

7. Availability of Stock

*Large specimens of Norfolk Island Pine are currently available from commercial plant nurseries.*



## **Alternative Option**

Officers considered other tree species and analyzed their value against the selection criteria. Although not ideal, *Corymbia calophylla* (marri) presented the next best balance between all selection criterions.

The officer's assessment of the *Corymbia calophylla* (marri) is detailed below:

### 1. Survival Potential

*High potential for survival under normal circumstances.*

### 2. Environmental Conditions

Conditions at the planting sites are detrimental to the growth of marri. The best potential is between Stock Road and Blackwood Avenue, where the median will be continuous and approximately 4.5 metres wide. Planting of marri is not recommended from Blackwood Avenue to Rockingham Road as the planting site consists of 3 metre diameter holes. This will therefore reduce the number of trees planted to 16.

*Survival and or healthy growth of Marri for the entire length of the subject area is highly unlikely. The proposal would need to be reduced in size and the number of tress will be reduced to 16.*

### 3. Ecological Preferences and Requirements

*Marri is a locally endemic tree and therefore meets this criteria.*

### 4. Purpose

Marri attains a height of approximately 50mtrs at maturity in the wild. Although a tall tree, height and shape is variable between individual specimens.

*Marri does not meet the requirement of uniformity adequately enough to provide a unifying statement along the length of Forrest Road.*

### 5. Potential Conflict with Infrastructure

Marri trees have a high probability of kerb and pavement lifting by the root plate as the trees mature. This will definitely occur in that section of the road where the planting space is 3 metres diameter. Marri has much larger and heavier branches than Norfolk Island pines, with a higher propensity of shedding. Leaf

and fruit (honky nut) debris is significantly greater when compared with Norfolk Island pines.

*Marri may have some long term impacts for the road pavement, is susceptible to branch shedding and will generate leaf and fruit litter.*

6. Historic and Cultural Relevance

*Officers are not aware of any historic or culturally significant specimens.*

7. Availability of Stock

*Suitable Stock will not be available until 9 March 2009.*

Given the detailed assessment that has been completed by our horticultural staff, officers are recommending that the City proceeds with its proposal to plant Norfolk Island Pines in the central median of Forrest Road.

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

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

- To conserve the character and historic value of the human and built environment.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

#### **Budget/Financial Implications**

N/A

#### **Legal Implications**

N/A

#### **Community Consultation**

Broad community consultation has not been undertaken because it is difficult to determine on what basis the community would be able to offer feedback. Very few members of the community would have enough knowledge or understanding to apply a reasoned analysis of the various tree species to be able to make an informed decision. Whilst the community may well have a view, it is more likely that it is subjective and based on a personal opinion. Recent media coverage is also inaccurate, thus it is highly probable that the community's

perception has been influenced to the extent that a judicious response is unlikely.

It is not uncommon for sections of the community to initially reject tree species chosen for streetscapes and then, post planting, come to accept them as the most appropriate choice, once they begin to establish and the benefits become apparent. Often the initial rejection is based on a noble aspiration - such as the desire to plant locally occurring plants, which in itself is reasonable. However, just as often, the proponents have not been in a position to give consideration to other factors surrounding the choice of tree, because they have not been involved in analysis of the project scope and don't have the requisite training in landscape design or experience in horticulture/arboriculture. This lack of training and experience can result in noble and well intentioned but misguided choices being made by the community, resulting in disappointment when their anticipated outcomes do not come to fruition. First and foremost, when selecting trees, officers make every effort to choose those most likely to deliver the aspirations of the community. In this instance, officers have determined that Norfolk Island Pine afford the highest potential for delivering the community's aspirations.

#### **Attachment(s)**

Proposed Tree Locations for Forrest Road Refurbishment.

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

The Proponents have been advised that this matter is to be considered at the 14 August 2008 Council Meeting

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

Nil.

### **16.3 (OCM 14/8/2008) - ASSET MANAGEMENT STRATEGY (1015, 1030, 4014) (D VICKERY) (ATTACH)**

#### **RECOMMENDATION**

That Council adopt the Asset Management Strategy as attached to the Agenda.

#### **COUNCIL DECISION**

## **Background**

The City of Cockburn currently manages in excess of \$640M worth of assets and infrastructure on behalf of the community. Assets can be broadly categorized into roads, drains, footpaths, buildings, land, natural and recreational open space areas and associated infrastructure. Effective asset management is a fundamental responsibility for the City and provides the foundation for providing and maintaining quality services and facilities to the community in the short and long term.

The City has been developing a more robust asset management system over the last 2 years. The City was one of the original project participants in the West Australian Asset Management Initiative (WAAMI) which was modeled on the 'step process' established and implemented in the eastern states. Part of the journey of asset management is to clearly outline what asset management means for the organisation (in corporate policy) and to contextualize asset management in the form of a broad overarching strategy. In early 2007 Council considered and endorsed a policy for Asset Management (SC39). This item and attachment is the culmination of considerable consultation across the organisation and provides the framework for asset management within the City of Cockburn.

## **Submission**

The Asset Management Strategy has been developed in accordance with the WAAMI framework, Council's policy SC39 and by the asset management working group in accordance with their terms of reference. It is presented for consideration and adaptation by Council.

## **Report**

The attached Asset Management Strategy document has been prepared for the purpose of mapping out the path proposed to be followed over the next several years for the implementation of improved Asset Management at the City of Cockburn. This document and the actions detailed within it is a further stage in the development and introduction of improved asset custodianship, management and planning processes and practices in the City of Cockburn that has been ongoing for a number of years.

The Strategy document gives a brief background and comment on the current status of Asset Management and picks up on the key areas of asset management going forward such as asset condition and level of service assessments, capture of as-constructed information and the development of meaningful asset management plans that provide a major contributory input to the longer term financial plans.

The Strategy document also covers the introduction and implementation of the 'Works & Assets Management' system which will house and manage the asset data, and also identifies the resource requirements and officer responsibilities in implementing both the Works & Assets module and the overall asset management program.

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

#### **Infrastructure Development**

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Funds for the implementation of the Works and Assets module, the initial data capture and the development of 'first cut' asset management plans have been incorporated into the 2008/09 budget however it should be noted that there will be a long term commitment; required.

Implementing the Asset Management Strategy involves a significant investment by the City however the dividend achieved through this investment will be a far better alignment of the provision and preservation of our assets, particularly infrastructure assets, with current and future needs. This is achieved in part through the development of robust Asset Management Plans based on real assessment of the conditions and required levels of service of our various assets, including risk assessment and contemplation of future trends. These Plans in turn feed into finance plans incorporated in budget submissions that provide the right balance of investment in preservation, renewal, enhancement and growth in new assets, based on sound economic principles and custodianship.

### **Legal Implications**

The Asset Management Strategy implementation, including risk assessment and asset condition assessment and monitoring, will significantly assist in ensuring that our infrastructure assets are provided and maintained in a manner that minimises the City's exposure to legal actions, e.g. through personal injuries.

### **Community Consultation**

A key aspect of the Asset Management process going forward is identifying required levels of service for all our various assets. Throughout this process we will seek to engage the community, key

user groups and other stakeholders to ensure a good alignment between the community's needs and the service levels of the assets they utilise.

**Attachment(s)**

The City of Cockburn Asset Management Strategy

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

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 14/8/2008) - DEED OF ARRANGEMENT - CONTROL OF PARKING - GATEWAYS SHOPPING CENTRE (5518344) (P WESTON) (ATTACH)**

**RECOMMENDATION**  
That Council:

- (1) constitute the Parking Facility located on Lot 203 Beeliar Drive, Success, as a Parking Station, pursuant to the City of Cockburn Parking and Parking Facilities Local Law, 2007; and
- (2) agree to the Deed of Arrangement with Perron Investments Pty Ltd trading as Cockburn Gateway Shopping City, to enforce the Parking and Parking Facilities Local Law 2007, within the area commonly known as the Gateways Shopping Centre (Parking Area).

**COUNCIL DECISION**

**Background**

Perron Investments Pty Ltd being the appointed Manager of Cockburn Gateway Shopping City commonly known as Gateways Shopping Centre has requested the City of Cockburn to designate the parking

area situated at Lot 203(816) Beeliar Drive, Success, as a parking station pursuant to the Parking and Parking Facilities Local Law 2007.

### **Submission**

N/A

### **Report**

This is the first occasion a shopping centre has approached the City to create an agreement to enforce parking at their shopping centre parking area.

The main advantages of the Deed of Arrangement is that the City has the sole responsibility for engagement, employment or appointment and/or the termination of an authorised person.

The City is indemnified with respect to loss, damage and other instances as detailed in the Deed.

All money collected from the infringements shall be the property of the City.

The City has the sole responsibility for administering the Parking and Parking Facilities Local Laws and such Deeds are consistent with the purpose of the Local Laws. Most metropolitan Local Governments have similar arrangements in place to control parking in shopping centres.

Perron Investments Pty Ltd are responsible for the cost and erection of signage as required to the reasonable satisfaction of the City.

Enforcement of the Local Law will be administered in the context of resource availability and competing priorities, as allocated by supervisory staff.

### **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 budget or financial implications with respect to the Deed except all money collected from the infringements will be the property of the City of Cockburn.

**Legal Implications**

City of Cockburn Parking and Parking Facilities Local Law, 2007.

**Community Consultation**

N/A

**Attachment(s)**

1. The Deed of Arrangement between the City of Cockburn and Perron Investments Pty Ltd trading as Cockburn Gateway Shopping City.
2. Location Plan identifying Parking Area.

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

The Proponent(s) have been advised that this matter is to be considered at the Council Meeting of 14 August 2008.

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

Nil.

**17.2 (OCM 14/8/2008) - RENTAL AGREEMENT WITH BRIDGING THE GAP (8648) (M ASHE) (ATTACH)**

**RECOMMENDATION**

That Council enter into a lease agreement with Bridging the Gap (BTG) for the use of 9 Kent Street, Spearwood WA subject to the following conditions:

- (1) a rental cost of \$250 per week plus all outgoing costs from commencement of the lease;
- (2) rent will be subject to an annual CPI increase and market rent review on exercise of the options to extend the lease;
- (3) an initial lease period of one year, with the option to extend the lease for two terms of one year; and
- (4) other terms and conditions of the lease to be to the satisfaction of the Chief Executive Officer.



**COUNCIL DECISION****Background**

The premises at 9 Kent St, Spearwood, a three bedroom plus converted sleep-out , one bathroom dwelling has been occupied by various City of Cockburn Community Services programs for over five years. It has served as “over-flow” office space for staff leading up to the refurbishment of the Council Administration building and also the construction of the Cockburn Youth Centre. Staff currently located at Kent Street will be relocated to the Cockburn Youth Centre.

BTG currently operates out of premises in Fremantle, but would prefer to establish its operations at the Kent Street premises for the foreseeable future.

**Submission**

Bridging the Gap has submitted an offer to lease 9 Kent Street, Spearwood to deliver employment and community services specifically their program for homeless youth and the Local Community Partnership that works with schools and industry

The proponent has offered a negotiable rent of \$100 per week plus all outgoing costs and is aware that the rent will be subject to CPI increases and market rental reviews. The proponent has been advised that the lease amount would be based on rent for similar premises. Current rental values for a 3 bedroom 1 bathroom property in Spearwood are in the vicinity of between \$300 and \$350 per week as sourced from local real estate agents. A rent of \$250 per week is deemed reasonable given the nature of the business.

**Report**

Bridging the Gap provides a range of services including:

- **Work for the Dole (WFD)** which provides work experience placements for job seekers in approved activities which provide facilities and services to local communities. Through WFD, participants may also earn a Training Credit and receive a Passport to Employment.
- **Job Placement and Employment Training** to assist young people aged 15-21 years who face significant personal and

social barriers to employment, education or community participation.

- **Connections** which help young people who face major barriers and who have been out of mainstream schooling for more than three months. This personal development programme helps these young people to deal with their personal issues and to increase their life skills, employability skills, self-esteem and resilience. When they are ready, young people are then assisted with transition to school, TAFE, training, an apprenticeship or a job.
- **Employment Directions Network** - a free community service for all West Australians to assist with career guidance and advice.

Bridging the Gap is also a Job Network agency, part of a national network of private and community organisations dedicated to finding jobs for unemployed people, particularly the long term unemployed.

Bridging the Gap is also a Regional Industry Career Advisor, ensuring that young people have access to good quality, relevant, localised industry career information, advice and resources.

Regional Industry Career Advisors maintain relationships with businesses, employers and industry bodies within their service regions and use these contacts to stay up-to-date with industry developments, local career opportunities and regional skills needs.

They also work to improve community awareness of the skills local and regional businesses are currently looking for, and of the local industry sectors with predicted skills needs.

Regional Industry Career Advisors support the work of the Local Community Partnerships by increasing awareness of the Career Advice Australia programmes and trying to get more employers involved in activities such as Structured Workplace Learning and Adopt a School.

Additionally, Bridging the Gap is also part of the Local Community Partnerships (LCP), an incorporated not-for-profit, community-based organisations that work with schools, local businesses and community organisations to help young people gain skills, experience and career guidance as they move through and beyond school.

Local Community Partnerships achieve this through building partnerships with local industries, employer groups and businesses, schools, professional career advisers, community organisations, parents, young people, youth service providers and other government organisations.

Through these affiliations, Local Community Partnerships facilitate three important programmes aimed at increasing the involvement of local businesses in young people's career development:

- Structured Workplace Learning
- Career and Transitions Support
- Adopt a School Programme.

BTG is a reputable organisation with a demonstrated commitment and capacity to meet the support needs of its client group. Whilst the proposal to rent the property at a subsidised rental will be at below normal rental income, the commitment by them to pay all maintenance and utilities costs will more than compensate for the loss of income.

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

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

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

#### **Budget/Financial Implications**

Additional income to the City of \$13,000.

Over the past several years the amounts spent on maintenance alone for Kent Street are:

|         |         |
|---------|---------|
| 2007/08 | \$5,541 |
| 2006/07 | \$7,313 |
| 2005/06 | \$6,755 |

Currently, these costs are the responsibility of the City of Cockburn.

Under the proposed arrangements the maintenance costs would be borne by BTG.

Therefore, an additional estimated net benefit of \$20,000 per annum to the City for the term of the occupancy can be expected.

#### **Legal Implications**

Regulation 30(2)(b)(i) of the Local Government (Functions and General) Regulations 1996 allows an exception from the provisions of Sec. 3.58 of the Local Government Act for the disposal of land when the disposal (including a lease) is to a body whether incorporated or not

“(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.”

Bridging the Gap clearly meets this criteria.

**Community Consultation**

N/A

**Attachment(s)**

Location Plan.

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

Bridging the Gap has been advised that this matter is to be considered at the 14 August 2008 Council Meeting.

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

Nil.

**17.3 (OCM 14/8/2008) - COCKBURN YOUTH CENTRE NAMING (8648)  
(M ASHE) (ATTACH)**

**RECOMMENDATION**

That Council adopt the name "Cockburn Youth Centre" as the official name for the Cockburn Youth Centre facility.

**COUNCIL DECISION**

**Background**

At a meeting of the Cockburn Central Youth Centre Committee, it was decided that a public competition should be held to name the new Youth Centre. The responsibility of the competition was handed to Council's Administration.

It was determined that the name chosen for the Centre reflect ownership by both the City of Cockburn as well as the Community. Selection Criteria was developed to ensure transparency of the process and to assist in the selection. The list of names was short-listed to 15 names by the City's Youth Services staff and the City's Public Affairs Officer. The short-list was given to the Youth Advisory

Council and members of the Cockburn Central Youth Centre Committee for consideration.

### **Submission**

N/A

### **Report**

Over 600 entries were submitted in the naming competition which was advertised through local media, poster distribution throughout the City including all local schools and Cockburn Gateways and Phoenix Shopping Centres. The range of ages of entrants varied from 10 to 47 years old.

The exact name of "Cockburn Youth Centre" was suggested by 33 entrants. The name of "Youth Centre" received the next highest number of entries – 7. No single eligible name from the list of entries was selected unanimously by staff or the Youth Advisory Council. The opinion was strongly held by Council Administration that given the number of entrants that had identified with the name "Cockburn Youth Centre", and this was the name by which the building was currently known, the building should be formally known by that name.

Given that 33 entrants submitted "Cockburn Youth Centre" as the name of the building, it was determined that all 33 entrants would be recognised through the Cockburn website. It was further determined that in order to recognise other worthy entrants in the competition, names would be selected for rooms within the building from the other entries. The selection criteria will be utilised for the selection of names for rooms within the building.

An overall winner of the public competition has been selected based on the criteria. The winner submitted a number of creative, thoughtful names, at least two of which will be considered for rooms within the Centre. The main prize for the winning entrant was a Nintendo Wii. Entrants whose submissions have been selected as the names of other rooms within the Centre will be recognised in Council's publicity of the Centre and with other prizes donated by sponsors of the competition.

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

#### **Infrastructure Development**

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

#### **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**

N/A

**Community Consultation**

The naming competition was advertised widely through local media, Council's website, and poster distribution throughout the City including all local schools and Cockburn Gateways and Phoenix Shopping Centres. Notices were also submitted to schools to be read as part of daily notices. The range of ages of entrants varied from 10 to 47 years old. The Cockburn Youth Advisory Council was consulted in the process.

**Attachment(s)**

1. Copy of Selection Criteria.
2. Short List of suggested submissions.


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

Those who lodged a submission have been advised that this matter is to be considered at the August 2008 Council Meeting.

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

**18.1 (OCM 14/8/2008) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (1192) 17 JULY 2008 (S CAIN) (ATTACH)** 

**RECOMMENDATION**

That Council receives the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 17 July 2008, as attached to the Agenda, and adopts the recommendations contained therein.

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

**COUNCIL DECISION****Background**

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 17 July 2008. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

**Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any elected member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

**Strategic Plan/Policy Implications*****Governance Excellence***

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

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Nil

**Attachment(s)**

Minutes of the Chief Executive Officer Performance and Senior Staff Appraisal Committee 17 July 2008 are provided to the Elected Members as confidential attachments.

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

The CEO and Senior Staff have been advised that this item will be considered at August OCM.

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

Committee Minutes refer.

**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

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

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

**23. CONFIDENTIAL BUSINESS**

**24. OCM 14/8/2008 - 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**

that

**25. CLOSURE OF MEETING**

Nil