

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JUNE 2012 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JUNE 2012 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor (Arr. 7.07 pm)
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor (Arr. 7.06 pm)
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr A. Trosic	-	Manager, Strategic Planning
Mr J. Snobar	-	Media & Communications Officer
Mrs B. Pinto	-	PA to Directors – Fin. & Corp. Services / Admin. & Comm. Services

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.04 pm.

The Presiding Member welcomed Andrew Trosic, Manager – Strategic Planning in the absence of Daniel Arndt, Director – Planning and Development.

Mayor Howlett commended all those involved in the recent storm damage including the Police, FESA, Ambulance Services, SES (the Jandakot Volunteer Bushfire Brigade and the South Coogee Volunteer Bushfire Brigade). He acknowledged the hard work and efforts carried out by professional and volunteer organisations in the past week, which was conducted to a very high standard.



2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

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

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5 (OCM 14/06/2012) - APOLOGIES AND LEAVE OF ABSENCE

Clr Tony Romano - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 14/06/2012) - PUBLIC QUESTION TIME

Neil Raine, Banjup

Agenda Item 15.3 – Adoption of Business Plan 2012/13, Differential Rates, Municipal Budget 2012/13 and Schedule of Fees and Charges

Q1 How much has been paid in donations by the City in the past year? What donations over \$10,000 have been made? Further, what is proposed in the budget for 2012/13?

A1 1. Effective today, the City has paid out or committed \$701,965 in Grants and donations for 2011/12.

2. To date there have been 13 grants and donations made to individual not for profit institutions and charities greater than \$10,000 and a further six programs where, when aggregated,



grants and donations totalling more than \$10,000 have been paid.

3. The proposed 2012/13 budget has \$1.05m for grants and donations.

Q2 The City's Business Plan for 2012/13 reveals that the City will be hiring 31 extra staff next year. What will those people be doing that could not be done by making more effective use of the 422 staff already employed?

A2 The Business Plan data shows the baseline for FTE's at the start of the current and new FY. The City only proposes to hire 18 new employees in the FY, comprising five new library staff to the new Success Library plus 13 staff filling positions across a range of Business Units.

On top of the FY 11/12 baseline, 12 employees were hired as a result of in-sourcing the contract verge collection program and landfill operations, and were made following separate Council decisions on these programs to reduce expenditure. One further FTE employee was hired as a result of a grant from the State Government.

Neil Williams, Banjup

Q1 What artwork had Bridget Norton produced for the City of Cockburn over the past 3 years and how much in total has been paid to her?

A1 2009/10 – nil
2010/11 – nil
2011/12 - \$72,000 for the soon to be erected "Poppies" piece of public art to be installed at the Spearwood Avenue War Memorial.

Q2 How much has the City spent in each of the past 3 years directly on its sister city programme for each of Split, Mobile, and Yueyang, including what is planned to the end of this financial year? Further, what is proposed in the budget for 2012/13?

A2 2009/10 – \$11,179
2010/11 – \$64,723
2011/12 - Nil
2012/13 – The proposed budget is \$65,000

Q3 How much has the City spent in each of the past 3 years indirectly on its sister city programme for each of Split, Mobile, and Yueyang, such as the artworks celebrating Split along Spearwood Avenue, including what is planned to the end of this financial year?



- A3 The following amounts have been expended on a number of projects along Spearwood Avenue including public art greening plans etc.

Split

2009/10 – 2011/12 – nothing

Mobile

2009/10 - \$62,000

YueYang

2010/11 - \$96,000

2011/12 – \$69,000

Ian Thurston, Banjup

Agenda Item 15.3 – Adoption of Business Plan 2012/13, Differential Rates, Municipal Budget 2012/13 and Schedule of Fees and Charges

- Q1. How many jobs for its ratepayers have been created in the City of Cockburn as a result of the sister city programme?

A1. The program is not measured in the number of jobs it creates. However, the total economic spend on wages and materials creates value through the local economy for a number of suppliers, which in turn aids employment.

- Q2. Why does the City propose to continue with its sister city programme despite reports to council that it produces “few, if any, economic outcomes”?

A2. Direct economic outcomes are sometimes difficult to measure in purely dollars and cents. What the Sister City program does is to facilitate a relationship between communities. In the case of Split, Croatia – it provides a link between local Croatian residents, one of the City’s larger ethnic groups, and their homeland. The City has also hosted international business delegations between our two Cities.

For Yueyang, China, that City has as number of steel mills that source iron ore from WA, which in turn allow local businesses opportunities to be suppliers to the State’s resources sector.

Similarly, for Mobile, there is direct link with one of the Ctiy’s largest employers – Austal Ships, with design work on construction occurring in Mobile being undertaken here at Henderson. In fostering relationships that improve our connectivity at a social level, we also assist our local, state and national economies.



- Q3. Will the City's officers acknowledge that it did take the City 7 weeks to respond to reasonable enquiries about the City's performance?
- A3. Yes, 7 weeks is too long to respond to reasonable enquiries, the City's customer charter calls for 5 days to firstly acknowledge the enquiry.

Neil Raine, Banjup

- Q1 Does the Chief Executive now agree that merely placing small and obscure notices about matters important to hundreds if not thousands of Cockburn residents in the Classifieds section of the West Australian newspaper is inconsistent with the City's promise of:
- Effective two way communication
 - Open and accountable processes
 - Listening to you
 - Treating you with respect and fairness

- A1 This question does not make reference to any specific public advertising that the City has recently undertaken, but I suspect it may relate to the advertising of the Objects and Reasons for the proposed Differential Rates.

s6.3 of the Local Government Act (1995) outlines the specific requirement for notice to be given of the advertising of differential general rates or minimum payment charges. The Act also specifies how such advertising is to be undertaken for matters requiring public notice in s1.7 and 1.8. Specifically s1.8 requires the use of a newspaper that has statewide coverage, which is the rationale for all Local Governments placing adverts in the 'Public Notice' section of *The West Australian* newspaper.

In addition to this, the City uses its weekly insert in the *Gazette* newspaper, the public consultation section in the *Cockburn Soundings* and on the City's website to bring matters to the public's attention. The City also uses a variety of survey methods; eg. phone surveys for the Community Perceptions survey and brochure style used for the Hamilton Hill revitalisation project, where it is deemed appropriate.

The Objects and Reasons were available on the City's website, but if the question is about the degree of awareness of this item, I would agree that it could have been made more prominent and I have made some changes to the internal processes to ensure this occurs in future.

- Q2 Further, does the Chief Executive now commit to advertising all such important matters prominently on the City's web site and in its



newsletters, in its large advertisements in local newspapers, and by email to the City's known community groups?

- A2 The City is committed to meeting its statutory requirements under the Local Government Act, as outlined above. Additionally, to ensure that the best use is being made of the public consultation mechanisms mentioned above, I have asked the Director of Administration and Community Services to review the process by which important items are picked by the Communications team to ensure we are capturing these for the media channels mentioned.

Mayor Howlett advised Mr Raine that Council has requested that a policy be formulated in relation to advertising.

- Q3 Can the CEO tell us the number and names of surrounding Councils that have a fire break period the same as being proposed? If the number is zero as believed by the Banjup Residents Group why was a misleading statement allowed to be printed?

- A3 None of the local authorities mentioned in the Report to Council on this matter in April have the same timeframes as proposed by Cockburn. The point being made in the subsequent advertising was that those Councils have common mitigation timeframes applicable across their own Districts, whereas Cockburn currently has a different period related to Residential land (being 1 October – 31 May) and Rural land (being 30 November – 31 March).

- Q4 Can the CEO tell us the numbers of fires on rural properties there have been in the period 1 April to 31 May in the past 5 years and in how many of these fires were fire fighters hindered by the condition of firebreaks that had been cleared in the previous spring?

- A4 This information will be sourced from FESA and provided to the Bushfire Reference Group when it next meets to consider the matter.

- Q5 Further, can the CEO explain why the proposed date of 31 May was set when it had not been discussed or agreed at the Cockburn Volunteer Bush Fire Reference Group meeting as seen in the minutes of the meeting of 6 December 2011? Indeed, why were the proposals not discussed with any of the stakeholders in rural properties, particularly those in Banjup?

- A5 It is acknowledged that the 31 May date was not mentioned in the Minutes of the Reference Group Meeting, but it was understood by the staff in attendance that this was the case.

It is accepted that more consultation with directly affected property owners should have occurred in this instance and a review of these



practices will ensure no such oversights occur in future.

Ari Hall, South Lake

- Q1 How can ratepayers stay in touch with what the Council is advertising in the local papers when they do not receive it?
- A1 Local Governments use the local newspapers to reach the broadest possible audience and rely on local people to do the distribution. It is possible that your area does not have a distribution representative, and perhaps you may wish to discuss this matter with the representative of the Cockburn Gazette who is present here tonight.
- Q2 Whose responsibility is it for the maintenance of the street lights?
- A2 It is the responsibility of Western Power. There is a hotline number where faults are reported. People often ring the City and the City then reports the fault.
- Q3 On 14 March 2012 Mr Hall wrote a letter regarding a complaint against a neighbour's dog. Why has there been no response made to date?
- A3 The query will have to be taken on notice.

Ray Woodcock, Spearwood

- Q1 Will Council explain to the ratepayers why is it necessary for Council and staff to place warning signs near the foreshow on the limestone walls at the Port Coogee marina? There are 2 warning signs inside the Port Coogee marina on the waterway facing the ocean where the limestone wall is. Why is it necessary for Cockburn to be mentioned on that warning sign as it is a private area?
- A1 Question will be taken on notice and followed up. The Chief Executive Officer advised Mr Woodcock that the walls actually belong to the City of Cockburn. All the instructional location within the marina belongs to the City of Cockburn. A number of those public spaces have been handed over to the City including the northern breakwater; hence you may see the signage of the City. However, Director – Engineering and Works will be able to give you a better indication.
- Q2 Will the Council consider arranging a memorial to the early market gardeners of Munster, South Coogee and Spearwood in the form of a community garden that ratepayers can have a small portion of land to grow produce for their own personal use?



- A2 Mayor Howlett advised that it is a very commendable idea but will take it on board and consider that opportunity, discuss it with administration and make a response to you in writing. Recently, Council has adopted a policy n 'Community Gardens', providing guidance and direction to the community for those who wish to develop their own community gardens.
- Q3 In a letter from the Director, Planning and Development to Mr Hopkins dated 24 February 2012 concerning a memorial for Mr William Watson, there is no mention of a definite area where the memorial might be. Is there any specific area planned by the Council or will it be left to developers?
- A3 In relation to the most appropriate location for that type of memorial, the Director – Planning and Development has not gone into specific detail, but would be around the Heritage Park which is being planned as a focal point around the old rose garden and limestone steps of the original Homestead of the area. This is intended to be a reminder of the past, to reflect and interpret the former he Watsonia factory. The design will be undertaken by the developers of the actual site, but the City is aware of their support to the concept of a memorial park.
- Q4 Will there be any consultation?
- A4 Documents have been given to staff in relation to the contribution made by Mr Watson of many, many years. As the project moves forward there will be further discussion and community consultation

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 4779)** (OCM 14/06/2012) - ORDINARY COUNCIL MEETING - 10 MAY 2012

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 10 May 2012, as a true and accurate record.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0



8.2 (MINUTE NO 4780) (OCM 14/06/2012) - SPECIAL COUNCIL MEETING - 17 MAY 2012

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Thursday, 17 May 2012, as a true and accurate record.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.35 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COMMITTEE:

13.1	14.1	15.1	16.1
	14.2	15.2	
	14.4		



13.1 (MINUTE NO 4781) (OCM 14/06/2012) - MINUTES OF THE DELEGATE AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 24 MAY 2012 (CC/P/003) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 24 May 2012, as attached to the Agenda and adopts the recommendations contained therein.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 24 May 2012. 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 Order.



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

As contained in the Minutes.

Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Attachment(s)

Minutes and attachments of the Delegated Authorities, Policies and Position Statements Committee Meeting – 24 May 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

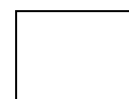
- 14.1 (MINUTE NO 4782) (OCM 14/06/2012) - SINGLE DWELLING (TWO STOREY WITH UNDERCROFT) - LOCATION: 8 CEDRON RISE, COOGEE - OWNER: RONNIE AND NINA JANE PELLICCIONE - APPLICANT: SHELFORD CONSTRUCTIONS PTY LTD (3318812) (T CAPPELLUCCI) (ATTACH)**

RECOMMENDATION

That Council grant planning approval for a single dwelling at No. 8 (Lot 162) Cedron Rise, Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. Prior to the application for a Building Permit, revised plans are to



be submitted showing the proposed secondary street wall on the eastern elevation being truncated or reduced to no higher than 0.75 metres within 1.5 metres of where the wall adjoins the proposed driveway.

2. All stormwater being contained and disposed of on-site to the satisfaction of the City.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays during construction.
4. The proposed crossover must be located and constructed in accordance with the City's requirements.
5. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.

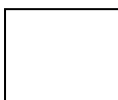
Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regard to Condition 2, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0



Background

Zoning:	MRS: Urban
	TPS3: Residential R30
Land use:	Single Dwelling
Lot size:	655m ²
Use class:	P

The subject site is located on a corner block, at the top of Cedron Rise in Coogee and is currently vacant.

The proposal does not comply with the City's "Coogee Residential Height Requirements" Policy APD 53 with regard to maximum top of wall (roof over) height. As the proposal is not in accordance with this Policy Council approval is required.

Submission

The applicant seeks approval to construct a two-storey dwelling with undercroft. The proposed new dwelling results in a maximum top of wall (roof over) height of 7.68 metres directly above natural ground level on the northern elevation.

The proposed variations were advertised to surrounding landowners. Two (2) submissions were received supporting the application and no objections were received.

Report

The following section provides a discussion of the various issues affecting the proposal.

Coogee Residential Height Requirements Policy APD 53

The Coogee Residential Height Requirements Policy APD 53 was prepared to guide the height of residential development in the suburb of Coogee and was adopted by Council on 14 August 2008. The policy states that:

“Maximum building height of residential development shall be limited to:

- (i) Top of wall (roof over) - 7m*
- (ii) Top of Wall (parapet) – 8m*
- (iii) Top of pitched roof – 10m”*



The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal that exceeds the requirements is to be advertised for public comment.

Building Height

As mentioned above, the proposal will result in a building with a wall height exceeding the maximum wall height specified by Council policy by 0.68 metres.

Whilst the top of wall heights exceed Council's policy on the southern, northern and eastern elevations of the proposed development, the building on these elevations is compliant with boundary setbacks. There is no proposed overshadowing onto the only adjoining residential property at No. 10 Cedron Rise to the west. In addition, the only residential property abutting the subject site is on the western elevation, where the proposed dwelling does not exceed 7 metres in top of wall height above natural ground levels.

The steep gradient of the land from the eastern street frontage of the block from Cedron Rise, rising up to the adjoining dwelling on the western boundary means that the wall height variation is limited to the eastern portion of the site, with the maximum occurring in the north east corner. The dwelling has generally been designed in relation to the natural ground levels existing on-site by incorporating an undercroft level consisting of a garage, guest room, cellar and storage areas as well as a raised ground floor in order to avoid the need for excessive retaining.

Building Side Setbacks

The application proposes a side setback variation from the ground floor alfresco area towards the western boundary abutting No. 10 Cedron Rise, Coogee. The covered alfresco area is setback 1.39 metres from the boundary in lieu of the required 1.5 metres as required by the R-Codes. During the advertising period, no comments were received from the directly affected adjoining property.

The setback variation proposed however is minor and the alfresco area does not cause any undue amenity impacts on the adjoining property. This is a result of the finished floor level of the proposed alfresco, at 9.614, being lower than the existing top of retaining wall boundary height of the adjoining property to the west, at No. 10 Cedron Rise, at 10.77. Therefore, the proposed variation is deemed acceptable and compliant with the Performance Criteria of Clause 6.3.1 of the R-Codes.



Driveways

The proposed dwelling intends on having two (2) driveways, one each from the eastern and southern elevations directly accessed from Cedron Rise. As per Clause 6.5.4 of the R-Codes, no single driveways are to be wider than 6 metres at the street frontage boundary and driveways in aggregate no greater than 9 metres for any one property.

Both driveways proposed are less than 6 metres in width, however the total aggregate width of the driveways exceeds 9 metres. 11 metres of crossover width is proposed. Given that the proposed dwelling is situated on a corner lot with the driveways on separate street frontages, it is believed that the driveways will not adversely affect the aesthetics of the site as each driveway is on a separate frontage and at a different level. In addition, the total width of the driveways (11 metres) does not occupy more than 40 per cent of the frontage of the property, as required under the Acceptable Development Provisions of Clause 6.5.4 of the R-Codes, and along with complying with the Performance Criteria of the R-Codes as outlined above, the variation to the maximum aggregate width of driveways is supported.

Sightlines

The application proposes a solid 1.8 metre high secondary street wall on the eastern frontage facing Cedron Rise, which is within 1.5 metres of the proposed driveway connecting to the under-croft garage. As per Clause 6.2.6 of the R-Codes, walls and fences are to be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicle access points.

Given the proposed secondary street front wall is solid for 1.8 metres in height, and is within 1.5 metres of the subject driveway, a condition has been placed that prior to the issue of a Building Permit, revised plans are to be submitted showing the wall being truncated or reduced to no higher than 0.75 metres within 1.5 metres of where the wall adjoins the driveway.

Streetscape

On the opposite side of Cedron Rise, to the south of the subject property, there are two (2) similar sized two-storey dwellings with relatively similar heights, natural ground levels, design and scale to that of the proposed dwelling, which indicates that the visual impact on the Cedron Rise streetscape will be minimal. However, while the adjoining property to the west is single storey, given it has significantly higher natural ground levels than that of the levels proposed for the new dwelling on the subject site, this will result in a development that



minimises the visual difference in building height to the directly adjoining property.

The over height portions of the dwelling are located predominately in the north eastern corner of the site, where the lowest natural ground levels of the site are present but instead of proposing a third storey, an under-croft has been cut into the sloping lot. The proposed development appears to not have any impact on coastal views of any of the adjoining dwellings within the Cedron Rise streetscape given the natural ground levels present.

The contemporary facade of the dwelling presenting to the street frontages of Cedron Rise is staggered, comprising a range of external wall surface treatments and varying window sizes that will provide articulation and interest to the streetscape. In addition, the proposed upper floor balcony on the southern elevation will assist in providing passive surveillance of Cedron Rise and will make an attractive addition to the streetscape for what amounts to a minor variation with no undue amenity impacts to any of the adjoining residential properties.

Conclusion

In light of the above, the proposed maximum top of wall (roof over) heights on the northern, eastern and southern elevations are considered to not adversely impact on the amenity of the surrounding area. It is recommended that Council approve the application, subject to the conditions confirmed in the officer's recommendation to address the above matters.

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.

Budget/Financial Implications

N/A

Legal Implications

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



Community Consultation

In accordance with Council's policy APD53, the proposal was advertised to the surrounding five (5) neighbours for comment. Two neighbours responded consisting of two (2) non-objections being received.

Attachment(s)

1. Location plan
2. Site plan
3. Floor plans
4. Elevations
5. Overshadowing plan
6. Variations to Height Limits

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 June 2012 Council Meeting.

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

Nil

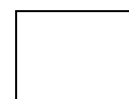
14.2 **(MINUTE NO 4783) (OCM 14/06/2012) - SINGLE DWELLING (TWO STOREY WITH UNDERCROFT) - LOCATION: 1 KOREL PLACE, COOGEE - OWNER: D MONASTRA - APPLICANT: D MONASTRA & P CATALANO (3316537) (L REDDELL) (ATTACH)**

RECOMMENDATION

That Council grant planning approval for a single dwelling at No. 1 (Lot 675) Korel Place, Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. Front fencing to be visually permeable in accordance with the requirements of the R-Codes.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays during the



construction period.

4. The proposed crossovers to be located and constructed in accordance with the City's requirements.
5. The surface finish of the boundary wall abutting adjoining lot is to be either face brick or rendered the same colour as the external appearance of the dwelling unless otherwise approved by the City. In all instances, the work is to be of a high standard.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regards to Condition 1, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.
3. In regards to Condition 2, the R-Codes define visually permeable in reference to a wall, gate, door or fence as a vertical surface of:
 - a. continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least one half of the face in aggregate as viewed directly from the street; or
 - b. a surface offering equal or lesser obstruction from view.
4. In regards to Condition 5, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the City.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0



Background

Zoning:	MRS: Urban
	TPS3: Residential R20
Land use:	Single House
Lot size:	733m ²
Use class:	P

The subject site is located on the south-west corner of the intersection of Korel Place and Longreach Parade in Coogee. The site is currently vacant.

The proposal does not comply with the City's Local Policy APD 53 "Coogee Residential Height Requirements" with regard to maximum top of wall (roof over) heights and therefore requires Council determination.

Submission

The applicant seeks approval to construct a two-storey dwelling with an under-croft garage, gym and storeroom. The proposed dwelling has a maximum wall height of 7.38 metres above natural ground level at the south-east corner of the house. This is the only section of the dwelling which does not comply with the requirements of APD 53.

Because the proposal does not comply with the 7m maximum wall height (roof over) specified by Part 1 of APD 53 the proposal is being referred to Council for determination.

Report

The following section provides a discussion of the various issues affecting the proposal.

Coogee Residential Height Requirements Policy APD 53

The Coogee Residential Height Requirements Policy APD53 was prepared to guide the height of residential development in the suburb of Coogee and was adopted by Council on 14 August 2008. The policy states that:

"Maximum building height of residential development shall be limited to:

- (i) Top of wall (roof over) - 7m*
- (ii) Top of Wall (parapet) - 8m*
- (iii) Top of pitched roof - 10m"*



The proposed development does not comply with this policy as the proposed maximum top of wall height (roof over) proposed is 7.38 metres at the south-east corner of the dwelling which exceeds the 7 metre maximum.

The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal which exceeds the specified requirements shall be advertised for public comment. The subject proposal was advertised to adjoining neighbours and no submissions were received.

The only section of the proposal which does not comply with the 7m maximum wall height is the south-east corner of the dwelling which is defined by a large balcony, accessed from Bedroom 2 and located under the main roof line. Refer to Attachment 2 which clearly demonstrates the minor extent of the variation to the building height limit.

While the R-Codes require outdoor living areas elevated more than 500mm above natural ground level to be calculated as a wall with a major opening, the location of a balcony at the highest point of the building helps to provide relief for the additional height. The variation in height above natural ground level is a result of the fall across the site from west to east.

The siting of an undercroft garage on the eastern side of the lot makes use of the natural fall across the site and prevents the need for excessive retaining to the street. The design is generally respectful of the natural contours of the land and the requirements of APD 53. The extent of the proposed variation is minor in nature and is not expected to have any significant impacts on the desired streetscape character or the amenity of any adjoining dwelling.

Both frontages of the dwelling are well articulated with varied setbacks and a mix of materials and finishes which provide visual interest. Numerous windows and a balcony also assist in providing passive surveillance and activation of Korel Place and Longreach Parade. In addition, it is noted that a number of similarly proportioned dwellings are located in the vicinity of the site, ensuring that the impact of the over height wall on the streetscape is limited.

R-Code Variations

The proposal generally complies with the 'Single House' requirements of the R-Codes except in relation to the setbacks provided to the eastern side of the dwelling.

Primary and Secondary Street Setbacks



The proposed dwelling has its pedestrian entry to Korel Place, which makes this frontage the 'Primary Street' as per the definitions in the R-Codes. The proposal however effectively seeks to reverse the primary and secondary street setback requirements by providing the larger setbacks to Longreach Parade and the smaller setbacks required for secondary streets to Korel Place. This ensures that the setback provided to Longreach Parade generally matches that of No. 41 Longreach Parade (on the opposite side of Korel Place) and will match that of No. 45 Longreach Parade (to the immediate south) when a dwelling is constructed.

Given the proposal would satisfy the setback requirements, including those for the garages if the front door to the dwelling were accessed from Longreach Parade, a variation is considered reasonable as the front entry to the dwelling is clearly visible and the proposed setbacks will not adversely affect the streetscape character or the amenity of the neighbouring dwellings.

Front Fences and Sightlines

The plans are unclear as to the type of infill panels proposed for the fencing shown to Longreach Parade and Korel Place. The applicant has indicated that they are yet to decide what kind of infill panels they would like but are happy to accept a condition to ensure any fencing will be as per Council's specifications and semi-permeable. It is therefore recommended that a condition to this effect be added to any approval.

In respect to sightlines it is noted that the proposed fencing does not provide a 1.5m truncation at the vehicle access points to satisfy the R-Codes. Given that there are no footpaths immediately adjacent to the sites boundaries and the requirement to provide permeable fencing above 1.2m in accordance with the R-Codes, a variation can be supported as adequate sightlines will be achieved and the safety of pedestrians and other road users will not be adversely affected.

Conclusion

In light of the above comments and recognising the proposal responds appropriately to the streetscape character of Korel Place and Longreach Parade and the amenity of the surrounding properties it is recommended that Council approve the application, subject to appropriate conditions.



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.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

In accordance with Council's Local Policy APD53, the proposal was advertised to seven surrounding (7) neighbours for comment.

No submissions were received.

Attachments

1. Location Plan
2. Variations to height limits
3. DA12/0185 submitted plans

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

Nil

14.3 **(MINUTE NO 4784)** (OCM 14/06/2012) - HAMILTON HILL REVITALISATION STRATEGY LOCATION: CITY OF COCKBURN (SM/M/044) (R SERVENTY) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Draft Hamilton Hill Revitalisation Strategy ("Draft



Strategy") for the purposes of advertising;

- (2) advertise the Draft Strategy for 60 days; and
- (3) as part of the advertising of the Draft Strategy, undertake at least two community open days, as well as a direct letter to each landowner inviting their feedback on the Draft Strategy.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr S Portelli that Council:

- (1) adopt the draft Hamilton Hill Revitalisation Strategy for the purposes of advertising, subject to land adjacent to Bakers Square being identified with no change to its residential density of R20;
- (2) advertise the draft Hamilton Hill Revitalisation Strategy for 60 days; and
- (3) as part of the advertising of the Hamilton Hill Revitalisation Strategy undertake two community open days.

MOTION LOST 2/7

MOVED Mayor L Howlett SECONDED Cllr S Pratt that the recommendation be adopted.

CARRIED 9/0

Background

The Hamilton Hill Revitalisation Strategy ("Strategy") is the latest of the City of Cockburn's revitalisation projects. In September 2011 Council resolved to endorse the Strategy Project Plan and support the preparation of the Strategy as described within the Project Plan.

The Hamilton Hill Revitalisation Strategy follows on from the Phoenix Central Revitalisation Strategy which was finalised in May 2009. The City is now implementing the Phoenix Central Revitalisation Strategy, with the majority of the project area's residential land having now been rezoned to R30, R30/40, R40 and R60 in 2010. Development and redevelopment based on these new residential zonings is now taking place throughout the project area.



In 2010 the Western Australian Planning Commission released its latest Strategic Plan for Perth and Peel titled *Directions 2031 and beyond: Metropolitan planning beyond the horizon* ("Directions 2031"). Directions 2031 sets a target that 47% of Perth's additional dwellings required by 2031 be delivered through urban infill. Hamilton Hill as a well connected inner ring suburb is well situated to contribute to the delivery of these infill targets.

The purpose of this report is for Council to consider endorsing the Draft Hamilton Hill Revitalisation Strategy, in order to proceed to public advertising of the document. The Draft Strategy has evolved out of the visioning and public engagement exercises held throughout 2011, and accordingly endorsement of the Draft Strategy will allow for the next wave of community engagement to occur through consideration of the key aspects of the Draft Strategy.

Submission

N/A

Report

The Hamilton Hill Revitalisation Strategy will guide the form of future development within the established suburb of Hamilton Hill. The Draft Strategy proposes how future urban infill will be delivered within the suburb, and the works required to facilitate improvements in the urban environment.

The Draft Strategy is structured into two parts, the proposed Revitalisation Plan and the Background Report. The Revitalisation Plan includes:

- A draft residential densities plan (Attachment 3)
- A proposed land consolidation bonus
- Proposed changes to Local Planning Policy APD58 - Residential Design Guidelines Policy
- A Public Open Space Improvement Strategy
- Recommendations for delivering improvements to the suburb's neighbourhood centres
- A movement network assessment
- Strategy Implementation Table.

The Background Report includes a policy analysis, site analysis, contextual studies, stakeholder consultation outcomes and analysis of how urban infill and medium density development is occurring in the City of Cockburn, and the lessons for future planning for medium density development.



There is also discussion about involvement with other agencies, especially the Department of Housing which own a large amount of land within the project area. The Draft Strategy seeks to ensure that there is an appropriate response to the way in which State Government owned housing is managed, and that redevelopment potential delivered through ultimately higher codings is managed to protect existing community and social networks.

Figure 1 outlines the process for preparing the Draft Strategy. This report represents the culmination of the 'Draft Strategy Preparation Phase'.



The vision for the Draft Strategy is:

“To plan in a proper and orderly manner for the revitalisation of Hamilton Hill through appropriate urban infill and investment in the urban environment”



The objectives of the Draft Strategy are to:

1. Maintain and enhance the local character of Hamilton Hill through development and investment that complements the existing urban fabric.
2. Provide opportunities for urban infill that meet the needs of the existing and future community of Hamilton Hill.
3. Contribute to the urban infill aspirations of Direction 2031.
4. Provide for a more sustainable, accessible and compact urban form within Hamilton Hill.

Draft Residential Densities Plan

The draft residential density plan is based on the following principles:

- The base density code of R30 will maintain the existing local character of Hamilton Hill.
- Higher density development should be focused around:
 - The suburb's Neighbourhood Centres and substantial Local Centres.
 - High frequency bus routes.
 - Areas of POS.
 - Around primary and secondary schools.
 - Large land parcels which offer the opportunity to undertake coordinated urban infill development.

Dwelling and Population Projections

A dwelling and population forecast for 2031 based on the draft residential density plan projects an addition of approximately 800 dwellings and a population increase of 1,704 people. Expressed as a percentage of the current dwelling numbers and population in the study area, this is an increase of approximately 32% and 20% respectively.

Proposed Land Consolidation Bonus

In order to support urban consolidation and coordinated urban infill within Hamilton Hill and throughout the City, it is proposed that Town Planning Scheme No. 3 be amended to allow Council to grant approval to a maximum density of R40 within any R30 coded area where the proposed development site is greater than 1,500m² subject to the application being consistent with the provisions and objectives of APD58 - Residential Design Guidelines.



Proposed changes to Local Planning Policy APD58 - Residential Design Guidelines Policy

The proposed changes to APD58 include the introductions of additional controls for:

- Development and subdivision within the proposed R20/60 split coding.
- Building height and design.
- Private access way design.
- Waste collection for grouped and multiple dwellings.

Public Open Space Improvement Strategy

The Draft Strategy recognises that an increase in the number of people living in Hamilton Hill must be accompanied by an increased investment in POS. It is not possible to acquire significant new area of POS in Hamilton Hill, but an upgrade in the existing POS through greater investment in park infrastructure and landscaping will need to be delivered as part of the Draft Strategy. The Draft Strategy proposes that these improvements be funded by cash-in-lieu of POS payments for subdivision applications in Hamilton Hill, which propose more than two lots. The Draft Strategy outlines the proposed upgrades to POS in Hamilton Hill which will be funded by the contributions.

Recommendations for delivering improvements to neighbourhood centres

The recommendations include:

- Working with land owners within the Winterfold and Rockingham Road Centres to prepare a masterplan for the centres.
- Preparation of statutory planning documents, such as a Detailed Area Plan for the centres, which ensure future development accords with the masterplan.
- Preparation of an implementation strategy to deliver the required physical improvements in the public realm based on centre masterplans.
- Undertake a detailed feasibility study into the possibility of developing a community cafe and garden within the Simms Road Reserve.

Movement Network Analysis

The Draft Strategy recognises that future redevelopment will not place a measureable increase in pressure on the movement network. As part of its consideration for more sustainable forms of urban development, the Draft Strategy seeks to promote opportunities for the highest density development to occur surrounding neighbourhood and local centres and along the key public transport routes, both of which



provide opportunities for reduced dependence on the private motor vehicle.

The City is also not supportive of the Roe Highway extension west of Kwinana Freeway, and accordingly if this reservation is ultimately removed through Hamilton Hill and made available for development, there could be a variety of urban infill / open space scenarios to result.

But this is a matter for further determination especially at the State Government level, and accordingly this Revitalisation Strategy is designed to be able to take place in a manner which is not reliant on any decision being made about the future of the Roe Highway reservation. This is discussed following.

The Roe Highway Primary Regional Road Reserve under the Metropolitan Region Scheme runs through the Hamilton Hill Revitalisation Study Area. The Reserve severs the neighbourhood and due to the uncertainty of the future of the Reserve the properties within and surrounding the Reserve are prone to blight and neglect.

Ultimate responsibility for the planning for land in a Regional Reserve falls to the Western Australian Planning Commission. The planning for the Reserve through this section of Hamilton Hill has not been finalised and is dependent on the State Government's final decision on whether to construct Roe Highway from the Kwinana Freeway through to Stock Road as proposed under the Roe 8 project. The City of Cockburn remains opposed to any extension of Roe Highway west of the Kwinana Freeway.

The Draft Strategy ensures that it has no reliance upon any decision being made about future roads associated with Roe Highway, and instead advocates for the removal of this as a regional road. This would create a unique opportunity for the suburb in terms of urban regeneration and new open space provision.

If a decision was made by the State Government to deliver a road however, it would be critical to try to manage the impact and severance this would have on a community like Hamilton Hill. This would be through design responses such as:

- Making sure it is an urban standard road which provides several crossing points for local traffic so as not to sever the area in two.
- Ensuring protection of local heritage places including significant trees which exist within the current reserve.
- Ensuring that development is able to respond and be presented to the road, rather than be orientated to back on to the road. This will be critical in maintaining its urban feel as part of the area.



Again the Draft Strategy aims for the position of the Roe Highway road not being required, and accordingly the preceding commentary should not be taken as indicating any level of support for the road being delivered into the future.

Conclusion

The Draft Hamilton Hill Revitalisation Strategy represents the next exciting urban renewal project within the City of Cockburn. The Draft Strategy has evolved out of a detailed process of community visioning and engagement, and accordingly the Draft Strategy is considered to be reflective of the comprehensive feedback provided through these early engagement exercises.

The Draft Strategy will be presented to the community still as a document which is expected to evolve, as the community start to consider the detailed implications represented by the Draft Strategy. This next wave of public consultation will enable further enhancement of the Draft Strategy to occur.

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.

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

Consultation with the Hamilton Hill community was undertaken upfront to ensure their views could be used to inform the preparation of the draft Strategy. In September and October 2011 the City engaged with the community through a survey and two community visioning forums.



The key outcomes of the community consultation were:

Support for urban infill:

- The majority of residents support urban infill in Hamilton Hill. Support is generally for modest change throughout the suburb and moderate change in targeted areas.
- There is a portion of the community that do not support urban infill in Hamilton Hill.

Hamilton Hill Centres

- There is no readily identifiable “heart” in Hamilton Hill and this is regarded as a major shortcoming.
- There is strong support for a community hub or hubs to be created within the suburb. These should be available as community gathering spaces, and ideally contain cafés, retail uses, meeting rooms and other community facilities, as well as local medical facilities and small, passive open space areas of high quality.
- The community is unhappy with the generally poor standard of presentation of the buildings and parking areas, the high number of vacant tenancies, the lack of al fresco eating/drinking areas and good landscaping, the limited variety of retail premises in Hamilton Hill’s centres and the inability of these centres to function as true multi-purpose community
- The Winterfold Road Centre and the Rockingham Road Centre are very well patronised by Hamilton Hill residents, more so than the large Phoenix Shopping Centre nearby.

Public Realm: Streetscapes and POS

- The community is not satisfied with the general appearance of the streets in Hamilton Hill. The wish to see more street trees planted.
- The many trees in Hamilton Hill are important to the community.
- The community is generally satisfied with the quality of their local parks and the provision of various park infrastructures with the exception of access to good picnic areas, adequate seating and lighting.
- The community feels that the potential of Hamilton Hill parks are largely unrealised and the opportunity exists to upgrade and improve them.



Movement Network

- The community is not satisfied with the cycle paths in Hamilton Hill. They wish to see more bike lanes and cycle paths.

Character

- The heritage of Hamilton Hill is important to the community.

Future Consultation

The Draft Strategy will be advertised for 60 days. During the advertising period the City will run two community open days, one at Memorial Hall in Hamilton Hill and one at the City offices. There will also be a direct letter sent to all landowners within the area.

Attachment(s)

1. Hamilton Hill Revitalisation Study Area
2. Existing Residential Density Codings
3. Draft Residential Densities Plan
4. Draft Hamilton Hill Revitalisation Strategy

Advice to Proponent(s)/Applicant

N/A

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

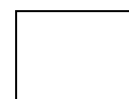
N/A

14.4 (MINUTE NO 4785) (OCM 14/06/2012) - ENDORSEMENT TO NEGOTIATE A COMMERCIAL LEASE WITH THE KIOSK LOCATED ON RESERVE 24308 (NAVAL BASE SHACKS) - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: CITY OF COCKBURN (SM/L/002) (L GATT / A TROSIC) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the negotiation and preparation of a separate Commercial Lease for the Kiosk at Reserve 24308;
- (2) receive a further report once the Commercial Lease has been negotiated, so that the terms of this lease can be considered for endorsement by Council prior to the new lease being advertised in accordance with the requirements of Section 3.58 of the Local Government Act 1995;



- (3) endorse the preparation of a Business Plan for redevelopment of the Naval Base Kiosk Site; and
- (4) receive a further report once the Business Plan has been prepared to endorse the terms of the Business Plan.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED 9/0

Background

At the Ordinary Council Meeting held on 10 May 2012 Council endorsed a new lease for the shacks located on Reserve 24308 (Naval Base Shacks). This deals with the leasing of the shacks for holiday accommodation. The reserve also comprises a kiosk, which due to the nature of the use and income generating aspects requires consideration for a commercial lease to be negotiated and prepared.

The City must also consider that the City's Health Department has previously stated that the kiosk is currently too small, however, they have not insisted on it being replaced with a larger structure as the future of the shacks and the future use of the reserve was still under consideration.

It is now proposed that the City prepare a Business Plan to consider the opportunity of replacing the current kiosk structure with a more significant kiosk at the Reserve.

The purpose of this report is to gain Council's endorsement to enter into negotiations to prepare a short term commercial lease between the City and the current lessee of the kiosk, and as a separate process endorse the preparation of a business plan for the redevelopment of a kiosk at Reserve 24308.

Report

The future management of Reserve 24308 has been under consideration by the City over the last two years. Council at its Ordinary Meeting held on 10 May 2012 endorsed a new lease for the shack structures on Reserve 24308. As part of the overall improved



management of the site, the City proposes to prepare a Business Plan for the consideration of redevelopment of the existing kiosk on the site. In addition to this, to cover the current operation of the existing kiosk, it is proposed that Council commence negotiations of an appropriate short term commercial lease for the kiosk located on the reserve, recognising this use and being different to the other shacks utilised for holiday accommodation purposes. This however recognises that, pending the outcome of the Business Plan, a new arrangement for the kiosk use is likely to eventuate.

The lessee of the kiosk is currently operating under the standard Memorandum of Agreement which applies to all the shack structures located on the reserve. The current memorandum does not deal appropriately with the use of the shack as a kiosk, and does not impose an appropriate commercial lease reflective of the commercial nature of the use within the subject shack. This is proposed to be undertaken to provide a short term commercial lease, and in conjunction with this a Business Plan prepared to consider the future of the kiosk on the site and what form this should take. A copy of the current Memorandum of Agreement is provided at Attachment 1.

It is proposed that the City will engage a Licensed Valuer to provide advice on a suitable lease fee for the kiosk. The valuation will take into consideration the commercial exposure (eg. passing traffic and coastal location), the size of the kiosk and a comparison with other similar facilities. Also that the kiosk will only likely continue in its current form in the short term.

The draft commercial lease which will provide the lessee with the ability to operate the kiosk for the entire year, and remove the qualification regarding holiday accommodation, will be prepared by the City's Solicitors.

Several other clauses that will be included in the commercial lease will cover matters such as the short term nature, assignment of the lease, subletting requirements, workers compensation requirements, rent reviews and control of the permitted use. As the kiosk is located on a Crown Reserve with a Management Order for the purpose of "Recreation and Camping", the Department of Lands have advised that any commercial lease should only be one that *'enhances the use and enjoyment of the land for the community benefit'*. This is considered to support the City in pursuing a commercial lease for any kiosk on the reserve.

It is proposed that the commercial lease be offered initially for a short term to enable the City to investigate the options for the future of the kiosk.



The current structure is considered too small by the City's Health Department and is not built to the City's Building Standards. If a new kiosk was considered viable it would be designed to meet these standards and a new longer term commercial lease would be offered to the occupier.

The current location of the kiosk is also very close to the road. Options will be considered to improve this arrangement through the business plan process for the kiosk use. A sketch detailing the current location of the kiosk is provided at Attachment 2.

It is therefore recommended to Council to endorse the negotiation and preparation of a new short term lease agreement for the current occupiers of the kiosk, and the preparation of a business plan for the redevelopment of the kiosk on Reserve 24308.

Both items will be the subject of further reports to Council for their endorsement.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

The costs for the valuation and preparation of the draft lease will be charged to the Naval Base Shacks Reserve account.

Legal Implications

Land Administration Act 1997
Property Law Act 1969
Commercial Tenancy and (Retail Shops) Act 1985
Local Government Act 1995
Building Act 2011
Health Act 1911
Planning and Development Act 2005



Community Consultation

N/A

Attachment(s)

1. Copy of current Memorandum of Agreement.
2. Site plan showing kiosk location

Advice to Proponent(s)/Submissioners

The lessee of the Naval Base Shacks Kiosk has been advised that the report will be considered by Council on 14 June 2012.

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

Nil.

14.5 (MINUTE NO 4786) (OCM 14/06/2012) - FINAL ADOPTION - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) AMENDMENT LOCAL LAW 2010, (PART II - ANIMALS AND PART V - DANGEROUS AND OFFENSIVE THINGS) (CC/P/099) (P WESTON) (ATTACH)

RECOMMENDATION

That Council pursuant to section 3.12(4) of the Local Government Act 1995 adopt the amendments to the City of Cockburn (Local Government Act) Amendment Local Law 2010 (Part II – Animals and Part V – Dangerous and Offensive Things), as shown in the attachments to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 12 April 2012 (Minute No.4738) Statewide



notice was given in the 'West Australian' newspaper on 19 April 2012 stating that:

1. The City of Cockburn proposed to amend its Local Government Amendment Local Law 2010.
2. A copy of the proposed local law may be inspected or obtained from places specified in the notice.

Submissions about the proposed local law may be made to the City of Cockburn before the day specified in the notice, not less than six (6) weeks after the notice was given (31 May, 2012).

Submission

To adopt the proposed amendments.

Report

The purpose of the amendments is to provide clarity and to enable the City to control nuisances as a result of:

1. the keeping of animals; and
2. through land clearing and development to reduce the effects of dust and sand drift.

The effect of the amendments is intended to:

1. Reduce ambiguity to the meaning of the term 'nuisance';
2. Simplify provisions for the keeping of various animals (bees, pigeons and cats);
3. Revise the Sand Drift and Dust Management clauses to allow for the efficient application of these dust control provisions; and
4. Other minor changes – mainly typographical in nature.

Some new penalties have been introduced. The penalties for non-compliance remain the same for other similar clauses. No increased penalties are proposed.

The proposed amendments have been drafted in consultation with relevant Council staff that has the responsibility for the administration and enforcement of such laws.



Legal advice has also been sought from the City's solicitors who assisted with the initial drafting of the proposed amendments.

As there were no submissions received, it is now proposed that Council resolve to make the City of Cockburn (Local Government) Amendment Local Law 2012 and have it published in the Government Gazette ultimately bringing the local law into force.

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

The cost of amendment and implementation of the changes proposed will be absorbed through Health Services operational budget.

Legal Implications

Section 3.12 and 9.10 of the Local Government Act 1995 refer.

Community Consultation

Advertisement of the proposed amendments was placed in a statewide public notice on 19 April 2012. No submissions were received.

Attachment(s)

Copy of the proposed City of Cockburn (Local Government) Amendment Local Law 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.6 (MINUTE NO 4787) (OCM 14/06/2012) - FINAL ADOPTION - CITY OF COCKBURN FENCING LOCAL LAW 2012 (CC/P/099) (P WESTON) (ATTACH)

RECOMMENDATION

That Council pursuant to section 3.12(4) of the Local Government Act, 1995, proceed to make the City of Cockburn Fencing Local Law 2012.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 12 April 2012 (Minute number 4740) Statewide notice was given in the 'West Australian' newspaper on 19 April 2012 stating that:

1. The City of Cockburn proposed to make the City of Cockburn Fencing Local Law 2012.
2. A copy of the proposed local law may be inspected or obtained from places specified in the notice.

Submissions about the proposed local law may be made to the City of Cockburn before the day specified in the notice, not less than six (6) weeks after the notice was given (31May, 2012).

Submission

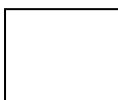
To make the City of Cockburn Fencing Local Law 2012.

Report

The purpose of this local law is to provide for the regulation, control and management of fences within the district.

The effect of this local law is to:

1. regulate, manage and control fences; and



2. establish the standard of a “sufficient fence” according to land use.

As there were no submissions received, it is now proposed that Council resolve to make the City of Cockburn Fencing Local Law 2012 and have it published in the Government Gazette ultimately bringing the local law into force.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 3.12 and 9.10 of the Local Government Act 1995 refer.

Community Consultation

Advertisement of the proposed amendments was placed in a statewide public notice on 19 April 2012. No submissions were received.

Attachment(s)

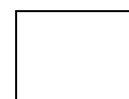
Copy of the proposed City of Cockburn Fencing Local Law 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.7 (MINUTE NO 4788) (OCM 14/06/2012) - FINAL ADOPTION - CITY OF COCKBURN HEALTH LOCAL LAWS 2000 (PARTS 1-9 VARIOUS AMENDMENTS THROUGH THE ADOPTION OF THE CITY OF COCKBURN HEALTH AMENDMENT LOCAL LAW 2012 (CC/P/009) (P WESTON) (ATTACH)

RECOMMENDATION

That Council pursuant to Section 3.12(4) of the Local Government Act, 1995 proceed to make the City of Cockburn Health Amendment Local Law 2012, as contained in the attachments to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED C/r C Reeve-Fowkes SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 12 April 2012 (Minute number 4739) Statewide notice was given in the 'West Australian newspaper on 19 April 2012 stating that:

1. The City of Cockburn proposed to amend the City of Cockburn Health Local Law 2000.
2. A copy of the proposed local law may be inspected or obtained from places specified in the notice.
3. Submissions about the proposed local law may be made to the City of Cockburn before the day specified in the notice, not less than six (6) weeks after the notice was given (31May, 2012).

Submission

To adopt the City of Cockburn Health Amendment Local Law 2012.

Report

The purpose of the amendments is to provide clarity and to enable the City to control various matters as they relate to the day to day



operations of the Health Services area as well as updating due to the introduction of the Building Code of Australia 2011 and the Food Act 2008.

The effect of the amendments:

1. Change of the title of the “Principal Environmental Health Officer” to be the “Manager Environmental Health”.
2. Delete clauses relating to the requirements for Outdoor Festivals which are now covered by other more recent statutory guidelines.
3. A new division is included on the control of flies.
4. Change to the provisions for Lodging Houses relating to safety.

There have been no changes to the penalties provisions.

As there were no submissions received, it is now proposed that Council resolve to adopt the proposed City of Cockburn Health Amendment Local Law 2012 and have it published in the Government Gazette ultimately bringing the local law into force.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 3.12 and 9.10 of the Local Government Act 1995 refer.

Community Consultation

Advertisement of the proposed amendments was placed in a statewide public notice on 19 April 2012. No submissions were received.



Attachment(s)

Copy of the proposed City of Cockburn Health Amendment Local Law 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4789) (OCM 14/06/2012) - LIST OF CREDITORS PAID - APRIL 2012 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for April 2012, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

N/A

Report

The List of Accounts for April 2012 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – April 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 4790) (OCM 14/06/2012) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - APRIL 2012 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statements of Financial Activity and associated reports for April 2012, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0



Background

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 be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2011/12 financial year.

Submission

N/A

Report

Closing Funds

The City's closing municipal funds of \$41.8M were \$1.3M higher than the YTD revised budget. This is representative of favourable operating revenue and expenditure positions and underspending across the capital program. These areas are offset somewhat by a deficit in the proceeds from sale of assets, notably land. Timing variances in the transfers to and from the City's cash reserves also impact the position.

The full year revised budget is showing a closing funds position of \$404k, little changed from last month's figure of \$393k. The budgeted



closing funds position will fluctuate moderately throughout the year as it is impacted by various Council decisions and minor system adjustments and corrections. Details of these are outlined in Note 3 to the financial report.

Operating Revenue

Overall, operating revenue is tracking ahead of budget by \$3.0M, which is slightly up on last month's variance by \$0.1M.

Governance

Interest earnings on investments were \$0.5M ahead of the YTD budget due to the continuing strong cash flow position. Rates revenue was \$0.5M ahead of budget with part year rating of properties continuing to flow through.

Community Services

Service charges for CoSafe were \$0.1M greater than the full year budget.

Human Services

HACC Grant funding and childcare subsidies are current \$0.7M above budget, although these are balanced off at year end and do not flow to the closing budget position.

Building Control Services

Income from building licences/permits was down \$0.3M against budget projections. This has been impacted by a general slow down in building activity across the district and the introduction of the new Building Act requirements resulted in a weak number of applications being approved for April.

Waste Services

Revenue from the Henderson Waste Recovery Park was \$0.8M ahead of the YTD budget, little changed from last month. This result is expected to be retained to the end of the financial year.

Operating Expenditure

Operating expenditure is showing an overall underspend of \$3.1M, being 3.7% of the YTD budget and \$0.2M less than last month. Key contributors to this result include:



- Human Resource spending is \$0.2M below budget.
- a YTD under spend of the Council grants program of \$0.4M,
- General budget under spend within Parks and Environmental Services of \$0.6M,
- Gate fees at the RRRC were \$0.5M higher than the YTD budget.
- Overall budget under spend within Roads Maintenance and Construction Services of \$0.7M, which includes street lighting costs of \$0.5M not yet accounted for due to ongoing negotiations for revised charges. This matter was settled in May.

The following table shows the budgetary performance from a nature or type perspective:

Nature or Type Classification	Actual	Amended YTD Budget	Variance to YTD Budget
	\$	\$	%
Employee Costs	\$29.32M	\$30.32M	3.4%
Materials and Contracts	\$25.04M	\$25.84M	3.2%
Utilities	\$2.55M	\$3.39M	32.9%
Insurances	\$1.73M	\$1.71M	-1.2%
Other Expenses	\$5.90M	\$6.02M	2.0%
Depreciation (non cash)	\$18.27M	\$17.60M	-3.8%

Street lighting costs were subject to a dispute with Synergy, which has now been resolved and will be accurately reflected in the May report. There is a slight lag effect in the recognition of materials and contracts and utility expenses. However, this is caught up in the month of June as year end processing is completed.

Depreciation is ahead of budget due to the impact of the revaluation on road infrastructure performed during the 2011/12 end of year financial reporting.

Capital Program

The City's capital budget is showing an overall under spend of \$15.7M against a YTD budget of \$41.7M and full year budget of \$60.3M. The majority of the City's largest infrastructure projects have now commenced construction, which will increase expenditure over the remainder of the year.

Capital related funding sources and reserve transfers are conversely down a net \$7.8M against the ytd budget, largely as a result of the capital expenditure underspend and sale of land proceeds yet to flow in.

The more significant project spending variances are disclosed in the attached CW Variance analysis report.



Cash & Investments

Council's cash and current/non-current investment holdings reduced to \$95.8M (from \$102.9M in March). This is \$11.1M ahead of YTD budget estimates mainly due to the impact of the capital budget variances, as well as the favourable operating budget. This continues to boost the City's interest earning capacity.

Of this total cash and investment holding, \$45.8M represents the City's cash reserves, whilst another \$6.2M is held for other restricted purposes such as bonds and capital infrastructure contributions. The balance of \$43.8M represents the cash and investment component of the City's working capital, available to fund ongoing operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 6.02% for the month, versus the benchmark BBSW performance of 4.7%.

The majority of investments held continue to be in term deposit products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These mainly range in terms of up to six months, as this is where the current value in the yield curve lies.

The Reserve Bank reduced interest rates at their April meeting by 50 basis points and the City has already seen a commensurate drop in the rates quoted for its investments. However, the impact on revenue will be gradual as most of the City's investments are negotiated for six month terms. The reduced income potential has been factored against the 2012/13 budget.

Description of Graphs and Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a very quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the YTD capital spend against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.



Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).

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

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item).

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statements of Financial Activity and associated reports – April 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

IN ACCORDANCE WITH CLAUSE 10.5 OF COUNCIL'S STANDING ORDERS, THE PRESIDING MEMBER DECLARED THE FOLLOWING A COMPLEX MOTION



That Council:

- (1) as recommended;
- (2) Part A – Municipal Fund Budget 2012/13 Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget as attached to the Agenda and the Minutes, for the City of Cockburn for the 2012/13 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$17,102,318 be increased to \$17,323,318.
 - Statement of Comprehensive Income by Program showing a net result for that year of \$17,102,318 be increased to \$17,323,318.
 - Statement of Cash Flows.
 - Rate Setting Statement showing an amount required to be raised from rates of \$54,229,000.
 - Notes to and Forming Part of the Budget.
 - Budget Program Schedules be amended to increase capital expenditure for the provision of Park Infrastructure - shade structures be increased from \$60,000 to \$360,000 as per the current Strategy for the Provision of Shade Structures, construct a standard 1.5m footpath along Progress Drive (between Hope Road and Farrington Street) totalling \$80,000, Beenyup Road (from Tapper Road to Gaebler Road) Banjup, Gaebler Road (entire length) Banjup and Gibbs Road (Beenyup Road to Liddelow Road) Banjup totalling \$350,000. In addition to the line items of the Statements of Comprehensive Income by Nature and Type, by Program, Statement of Cash Flows and Rate Setting Statement and Annual Business Plan by the reduction of \$100,000 from the Summer of Events Program, \$200,000 from the general Grants and Donations Program allocation, an increase for a specific grants to the Spearwood Dalmatinic Club of \$59,300 for air-conditioning upgrade and \$10,000 to Cockburn Senior Citizens Association for the purchase of a replacement 22 seater (including disability access) bus subject to a successful application to Lotterywest for balance of funds required to purchase the bus, and a reduction of \$399,300 to the new staff appointments budget.
- (3) as recommended, except to amend the payment date for the 4th rates instalment from 5 March 2012 to 5 March 2013.



- (4) as recommended; and
- (5) as recommended.

(MINUTE NO 4791) (OCM 14/06/2012) - PROVISION OF PARK INFRASTRUCTURE - SHADE STRUCTURES (ES/V/001) (A LEES)

COUNCIL DECISION

MOVED Clr L Smith SECONDED Clr S Portelli that Council increase the budget allocation from \$60,000 to \$360,000, as per the current Strategy for the provision of shade structures.

MOTION LOST 2/7

MOVED Clr L Smith SECONDED Clr S Portelli that Council allocates \$100,000 for shade structures until a review of the current Strategy is carried out.

CARRIED 8/1

Reason for Decision

Clr Smith felt that increasing the amount by \$40,000 was adequate at this stage until a more formal review of the current strategy into shade structures was conducted.

The need to increase the allocation of funds for the provision of shade for playgrounds needs to have a higher priority to ensure the City provides an adequate level of shelter for children when they are visiting playgrounds with family or friends.

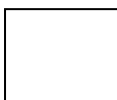
DURING DISCUSSION OF THE ABOVE ITEM CLR MUBARAKAI LEFT THE MEETING THE TIME BEING 8.26 PM AND RETURNED AT 8.29 PM.

(MINUTE NO 4792) (OCM 14/06/2012) - CONSTRUCTION OF FOOTPATH - PROGRESS DRIVE (ES/Y/001) (J KIURSKI)

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr S Portelli that Council construct a standard 1.5m footpath along the east side of Progress Drive, between Hope Road and Farrington Road totaling \$80,000.

CARRIED 7/2



Reason for Decision

There have been numerous requests for the construction of a footpath along Progress Drive, North Lake over the past ten years. The proposed footpath would provide for the safe movement of pedestrians along this section of road and continue the footpath linkages in the locality. It is unsafe for anyone to try and walk along this section of Progress Drive using the road or verges. While a large part of the road is traffic calmed with chicanes there is no safe place to walk. Reference has been made to directing people to the footpath around the lake, however that is considered by most people to be an unsafe option given the isolation of the path, its proximity to bushland and obviously no lighting at night.

(MINUTE NO 4793) (OCM 14/06/2012) - CONSTRUCTION OF FOOTPATHS - BANJUP (ES/Y/001) (J KIURKSI)

COUNCIL DECISION

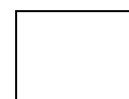
MOVED Mayor L Howlett SECONDED Clr L Smith that Council construct footpaths totaling an amount of \$350,000 in the following priority order:

- (1) Beenyup Road, from Tapper Road to Gaebler Road;
- (2) the entire length of Gaebler Road, Banjup; and
- (3) Gibbs Road from Beenyup Road to Liddelow Road, Banjup

CARRIED 7/2

Reason for Decision

The Banjup Residents Group has requested the provision of footpaths in the locality of Banjup to improve the safety of pedestrians and cyclists and to encourage active healthy lifestyles. The proposed funding allocation continues the connectivity of pathways across the City.



(MINUTE NO 4794) (OCM 14/06/2012) - GRANT - SPEARWOOD DALMATINAC CLUB (CR/G/010) (D VICKERY)

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr C Reeve-Fowkes that Council increase the grant allocation to the Spearwood Dalmatinac Club for an amount of \$59,300 for the airconditioning upgrade.

CARRIED 7/2

Reason for Decision

The Club is well utilised by the community and the City uses the facility for a number of events during the year including the Pioneers Lunch and Seniors Dinner/Dances. The Club's functions are catered for by volunteers, including setting-up, the cooking, serving and cleaning up afterwards. The Club members continue to work hard in terms of promoting their Club across the district and actively encouraging new members.

DURING DISCUSSION OF THE ABOVE ITEM CLR PORTELLI LEFT THE MEETING THE TIME BEING 8.44 PM AND RETURNED AT 8.46 PM.

(MINUTE NO 4795) (OCM 14/06/2012) - REPLACEMENT OF 22 SEATER BUS - COCKBURN SENIOR CITIZENS ASSOCIATION (2210734) (R AVARD)

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr C Reeve-Fowkes that Council grant \$10,000 to the Cockburn Senior Citizen's Association for the purchase of a replacement 22 seater (including disability access) bus, subject to a successful application to Lotterywest for balance of funds required to purchase the bus.

CARRIED 9/0

Reason for Decision

The Council provide \$10,000 towards the cost of acquiring a community bus that the Cockburn Senior Citizens Association will share with the Meerilinga Children and Family Centre Cockburn. A request for the provision of a community bus has been under discussion for well over 18 months and there is now an agreement that a new community bus would be shared between the Cockburn Senior Citizens Association (3



days a week) and the Meerilinga Children and Family Centre Cockburn (2 days a week). The Cockburn Senior Citizens Association should be requested to provide \$10,000 towards the purchase cost of the community bus as opposed to using the \$20,000 they have in their account. Meerilinga Children and Family Centre Cockburn will not be contributing to the purchase cost. It is expected that Lotterywest will be funding the remaining amount. The Cockburn Senior Citizens Association will then have a \$10,000 base amount remaining in their account on which to commence accruing funding towards the next replacement bus – usually a condition Lotterywest place on organisations that they fund for these purposes.

(MINUTE NO 4796) (OCM 14/06/2012) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr C Reeve-Fowkes that Council extend the duration of the meeting the time being 8.57 pm for a further one hour, in accordance with Clause 14.4 of Council's Standing Orders Local Law.

CARRIED 9/0

15.3 (MINUTE NO 4797) (OCM 14/06/2012) - ADOPTION OF BUSINESS PLAN 2012/13, DIFFERENTIAL RATES, MUNICIPAL BUDGET 2012/13 AND SCHEDULE OF FEES AND CHARGES (IM/B/006; IM/B/007) (S DOWNING/N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt:

- (1) the Annual Business Plan for 2012/13;
- (2) Part A – Municipal Fund Budget 2012/13

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget as attached to the Agenda and the Minutes, for the City of Cockburn for the 2012/13 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$17,102,318.
- Statement of Comprehensive Income by Program showing a net result for that year of \$17,102,318.
- Statement of Cash Flows

- Rate Setting Statement showing an amount required to be raised from rates of \$54,229,000.
- Notes to and Forming Part of the Budget
- Budget Program Schedules

(3) Part B – General and Minimum Rates, Instalment Payment Arrangements

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

General Rates

- | | |
|--|------------|
| • Commercial Caravan Park | 8.883¢ in |
| the dollar | |
| • Improved Commercial & Industrial | 7.319¢ in |
| the dollar | |
| • Improved Commercial & Industrial (Large) | 8.358¢ in |
| the dollar | |
| • Improved Residential | 4.859¢ in |
| the dollar | |
| • Resource - General | 0.189¢ in |
| the dollar | |
| • Resource Commercial & Industrial | 0.231¢ in |
| the dollar | |
| • Resource & Rural Vacant Land | 0.357¢ in |
| the dollar | |
| • Rural General Commercial & Industrial | 0.231¢ in |
| the dollar | |
| • Rural General & Rural General UFL | 0.231¢ in |
| the dollar | |
| • Specified Area Port Coogee | 1.568¢ in |
| the dollar | |
| • Special Industrial – Cement Works | 11.676¢ in |
| the dollar | |
| • Vacant Commercial & Industrial | 9.670¢ in |
| the dollar | |
| • Vacant Residential | 9.670¢ in |
| the dollar | |

Minimum Rates

- | | |
|--|-------|
| • Commercial Caravan Park | \$627 |
| • Improved Commercial & Industrial | \$627 |
| • Improved Commercial & Industrial (Large) | \$627 |
| • Improved Residential | \$627 |
| • Resource - General | \$945 |
| • Resource Commercial & Industrial | \$945 |



• Resource & Rural Vacant Land	\$945
• Rural General Commercial & Industrial	\$945
• Rural General & Rural General UFL	\$945
• Special Industrial – Cement Works	\$627
• Vacant Commercial & Industrial	\$627
• Vacant Residential	\$627

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, the following due dates for the payment in full by instalments:

• Full payment and 1 st instalment due date	4
September 2012	
• 2 nd instalment due date	30
October 2012	
• 3 rd quarterly instalment due date	4
January 2013	
• 4 th and final instalment due date	5 March
2012	

3. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, impose an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid.

4. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, impose an interest rate of 4% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

5. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, impose an interest rate of 8% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

(4) Part C – Fees and Charges for 2012/13

Pursuant to section 6.16 of the Local Government Act 1995, the



Fees and Charges to be included inclusive of the draft 2012/13 budget as attached to the Agenda and Minutes.

(5) Part D – Statutory and Other Fees for 2012/13

1. Pursuant to section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960 impose a swimming pool inspection fee of \$30.58 inclusive of GST.
2. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, impose the following charges for the removal and deposit of domestic waste:
 - (a) Residential Premises (including recycling)
 - 240ltr bin per weekly collection (householders) - \$390 p.a.
 - 240ltr bin per weekly collection (rate exempt properties) - \$430 p.a.
3. Pursuant to section 6.38(1) of the Local Government Act and Regulation 54(d) of the Local Government (Financial Management Regulations 1996 impose a service charge of \$55 per rateable property for the provision of a property surveillance and security service.
4. Pursuant to section 6.38(1) of the Local Government Act and Regulations 54(c) of the Local Government (Financial Management Regulations 1996) impose the following service charges for the provision of underground electricity:
 - (a) Rateable property/dwelling \$3,050, with the following discounts:
 - \$500 where a property already has a connection between the property boundary and the meter box.
 - A 50% rebate for registered pensioners as provided by the State Revenue Department.
 - A \$257.45 or equivalent rebate for registered Seniors as provided by State Revenue Department.
 - A 50% discount where properties have HV power lines in front of their property remaining after the completion of work for underground electricity.
 - The service charge applicable for non-standard commercial properties to be provided by Western Power.



- A discount of 6% is provided if the total service charge is paid in full and before the due date after service of the first rates assessment for 2012/13.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Mayor L Howlett that Council adopt:

- (1) as recommended;
- (2) Part A – Municipal Fund Budget 2012/13 Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget as attached to the Agenda and the Minutes, for the City of Cockburn for the 2012/13 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$17,102,318 be increased to \$17,185,318.
 - Statement of Comprehensive Income by Program showing a net result for that year of \$17,102,318 be increased to \$17,185,318.
 - Statement of Cash Flows.
 - Rate Setting Statement showing an amount required to be raised from rates of \$54,229,000.
 - Notes to and Forming Part of the Budget.
 - Budget Program Schedules be amended to:
 - Increase capital expenditure for the provision of Park Infrastructure - shade structures be increased from \$60,000 to \$100,000 as per a review of the current Strategy for the Provision of Shade Structures.
 - Construct a standard 1.5m footpath along Progress Drive (between Hope Road and Farrington Road) totalling \$80,000, Beenyup Road (from Tapper Road to Gaebler Road) Banjup, Gaebler Road (entire length) Banjup and Gibbs Road (Beenyup Road to Liddelow Road) Banjup totalling \$350,000.
 - In addition to the line items of the Statements of Comprehensive Income by Nature and Type, by Program, Statement of Cash Flows and Rate Setting

Statement and Annual Business Plan by the reduction of \$40,000 from the general Grants and Donations Program allocation from \$1,050,000 to \$1,010,000, with specific grants committed to the Spearwood Dalmatinic Club of \$59,300 for air-conditioning upgrade and \$10,000 to Cockburn Senior Citizens Association for the purchase of a replacement 22 seater (including disability access) bus subject to a successful application to Lotterywest for balance of funds required to purchase the bus, both amounts to be taken from the general Grants and Donations budget of \$1,010,000 and a reduction of \$175,000 to the Capital Contingency account and a reduction of \$43,000 to the Operating Contingency account.

- (3) as recommended subject to amending the payment date for the 4th instalment from 5 March 2012 to 5 March 2013;
- (4) as recommended; and
- (5) as recommended.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Reason for Decision

The above amendments reflect those decisions of Council made earlier in the meeting in relation to various expenditure items to be included as part of the adoption of 2012/13 Municipal Budget.

Background

Council is required to adopt an Annual Budget by 31 August each year. To this end the City adopts its budget in June of each year.

In addition, the City also presents the Annual Business Plan for 2012/13 which is a detailed plan for the new financial year. The purpose of adopting an Annual Business Plan allows for each financial year to be based on the broader Plan for the District. This is done so as to allow ratepayers to have certainty that the Plan for the District is the guiding document governing the financial planning for the City.

Submission

N/A



Report

Annual Business Plan 2012/13

The Annual Business Plan (The Plan), detailing the business activities of the City's Service Units for 2012/13 is attached to the Agenda.

The Plan for the District 2010/20 sets out the future for the district over the next ten years. The Plan concentrates on the activities over the next twelve months, that is, the 2012/13 financial year.

The Business Plan sets out a summary of the activities to be undertaken by the City during the year. The Plan sets out by Division and Service Unit, projects to be undertaken, key performance measures and budgets for income and expenditure. The Annual Report for 2011/12 will report on the actual achievements for the year compared to these project lists, measures and budgets.

Municipal Budget 2012/13

Each financial year the City is required to adopt a municipal budget in accordance with Section 6.2 of the Local Government Act 1995 and the associated regulations.

Highlights of the 2012/13 - Municipal Budget:

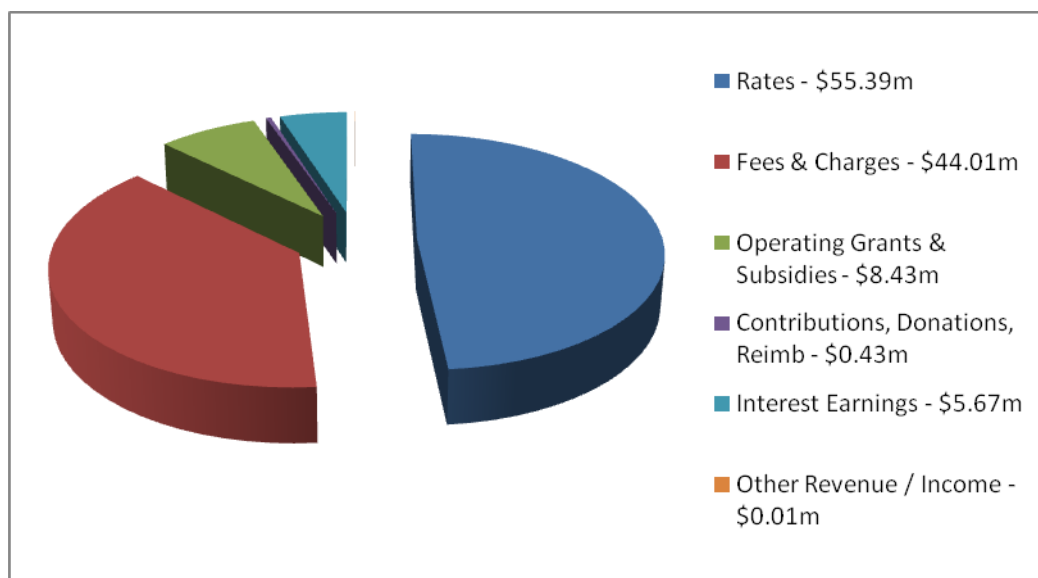
- Residential Rates increase by 4.5%, Commercial, Industrial and Rural Rates increase 5%
- Slower building of domestic housing less 1%, higher activity in commercial sector
- Waste Management service charge increase from \$365 to \$390 – continuing weekly recycling, tip passes and verge collections
- Co-Safe service charge increase from \$50 to \$55
- Budget Surplus for 2012/13 of \$212,000
- Increase revenue of 7%
- Operating cost increase of only 2.9%
- Carbon tax impact on electricity (9% on \$4m) plus landfill - \$7 per tonne +GST.
- Salaries budget to increase by 4.8%
- Record Spend on Community assets for roads, drainage and community infrastructure of \$58m as per Plan for the District
- Planning commences for Cockburn Central West (with CoC/Fed Govt funds), Visko Park (design), Wetlands Education Centre (design), Golf Course (land issues), Paid Parking Station, bridge over Freeway plus associated road network)



- Major Road projects, Franklin Ave (Roper to Gaebler), Hammond Road Duplication and Beeliar Drive/Hammond Rd Intersection (plus land acquisition)
- Completion of Coogee Beach Surf Club, Success Library & GP Super Clinic and ESL Facility
- Continuing funding for Bibra Lake Management Plan and Environmental Works in Wetlands
- Continuation of the UGP projects in Coolbellup and Hamilton Hill
- Borrowing to fund UGP obligations of \$3.86m (5 Years from UGP levy and m/fund 20%) plus \$1m for ESL Facility (10 Years Repaid by FESA)
- Finalisation of three year review of UV to GRV (90% to receive lower rates)
- Record Grants & Donations budget of \$1.05m
- More funds for Summer of Events of \$0.5m
- Capital works being planned for Naval Base Shacks and Coogee Beach Caravan Park

Income

The 2012/13 operating income for the City will be \$113.9m an increase of 7.2% on the 2011/12 adopted Budget. The sources of income are displayed in the chart below. The two main sources of income for the Council are Rates 48.6% and Fees and Charges 38.6% of the operating income respectively.



Rates

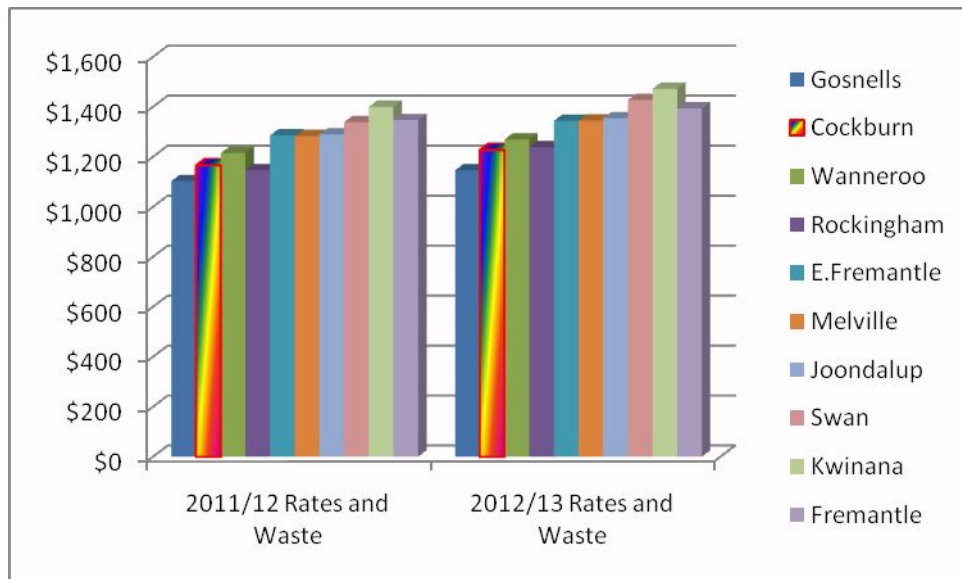
Rates for 2012/13 are recommended to increase by 4.5% for Residential Improved & Vacant and 5% for Commercial, Industrial and Rural General (UV). Resource (UV) being mostly properties in Banjup



and Jandakot have been converted to GRV for rating purposes now that the Minister for Local Government has approved the request from Council. This brings to a conclusion the three year review of UV properties not considered rural in nature and therefore not applicable to receive UV valuations. Where appropriate the converted properties will receive the same rating, so a house valued using UV methodology will now receive the GRV Residential Improved rating.

Rates levied on ratepayers form a significant portion of the City's operating income. This year, that portion accounts for 48.6%. Over the last ten years this dependence on rates has fallen from 49.2% to the current 48.6%. What is more important, the dependence the City has on individual households has fallen from 67% in 2002/03 to 55% in 2012/13 as rate income from commercial and industrial properties has risen significantly. This increase has directed to the cost of building and maintaining an extensive road and drainage infrastructure network the City owns and which is currently valued at \$360m in the balance sheet of City.

Even after the rate increase Cockburn home owners will pay the second lowest household rates including waste management in 2012/13 as the following table demonstrates:



NB: Note that a number of Councils have not been included as they do not publicly disclose residential rating information for example the Canning and Armadale.

The above Councils were chosen firstly as they are in the same local grouping, that is the South West Group and secondly to compare with other outer metro growth Councils such as Swan, Wanneroo and Gosnells.

The advertising of the table of differential rates in May 2012 is the same as tabled in this recommendation of this report.



Overall growth of new properties/improvement to existing properties/vacant land has been budgeted at 2%. This may be conservative given the history of growth in the City, but development has slowed in the creation of new residential lots and building licences issued. This has been slightly offset by commercial development occurring throughout the City but more specifically in the Phoenix and Cockburn Commercial Parks, Jandakot City and the AMC precinct.

Avg House	2011/12 \$	2012/13 \$	% Increase
Rates	769	804	4.5
Waste	365	390	6.8
Co-Safe	50	55	10.0
Council Charges	1,184	1,249	5.48
			+\$1.25 per week
State Govt ESL	191	202	5.75
Total	1,375	1,451	5.52
Min Payment			
Rates	600	627	4.5
Waste	365	390	6.8
Co-Safe	50	55	10.0
Council Charges	1,015	1,072	5.6
			+\$1.09 per week
State Govt ESL	152	160	5.70
Total	1,167	1,232	5.56

Waste Management Service Charge

The service charge will increase from \$365 to \$390 per rates assessment. The City will continue to offer weekly waste and recycling collection, 2 junk and 2 green waste collections each year plus 6 free tip passes to City's Henderson Waste Recovery Park. The 2012/13 Objects and Reasons published in May 2012 indicated a fee of \$385. However on completion of the final budget, the final service charge was calculated to be \$390 in order for the waste management service to be self-balancing and not requiring a contribution from the municipal fund

Community Surveillance and Security Service (Co-Safe)

The service charge will increase from \$50 to 55. Revenue raised by this service charge will fund the Co-Safe service and initiate the first trial of CCTV in the City (along the Cockburn Coast centred on Coogee Beach).



Pool Inspection Fee

The fee increases from \$24.20 to \$30.58 per property with a swimming pool. This increase will fund the continued employment of an additional inspector, bringing the total to two inspectors employed by the City. This is in order to ensure that City will be able to inspect every swimming pool in the municipality once every four years to comply with the relevant statutory requirement.

Port Coogee Specified Area Rate

This rate will be 1.568 cents in the dollar of GRV value. These monies are being quarantined so as to provide funding to ensure that the parks and public areas (including custom street lighting) are maintained in accordance with the higher standards agreed to between the City and the Developer. The additional costs being borne by the developer initially and the landowners ultimately.

The City will commence taking over public open space in the Port Coogee area in 2011/12 which will trigger the City drawing on funds in the Reserve to supplement the additional maintenance work noted above.

Emergency Services Levy

Although not imposed by the City, the levy is collected by the City under direct instruction from the State Government and passed onto the Fire and Emergency Services Authority. The increase for the City of Cockburn ratepayers is 5.61%.

Fees and Charges

The City has budgeted to receive \$44.1m in Fees and Charges in 2012/13. Although this category of income covers all services provided by City, there are four fees that combine to make up \$36.9m or 84% of the total fees and charges. The fees consist of Waste Management Service Charge (for collection of bins), fees related to the Henderson Waste and Recovery Park, fees associated with the South Lake Leisure Centre and finally, the Community Surveillance Service Charge.

The Gate Fee for the Henderson Landfill facility will rise by 5.9% plus an increase of \$7.70 (inc. GST) for the impact of the carbon tax. All monies raised from the imposition of the carbon tax will be placed into the Carbon Tax Reserve. As the Henderson Landfill releases CO² gas, the City will report the quantum of the gas released to the Federal Government and use the funds raised from this fee to acquire the relevant permits and surrender them to the Federal Government in



accordance with the Clean Energy Act that comes into force as from 1 July 2012. The City is required to acquit the liability over the life decomposition of the waste delivered to the landfill. Each tonne of MSW waste could take up to 30 to 40 years to decompose.

Fees for the South Lake Leisure Centre will rise by 5% in order to cover the increased cost of labour and the substantial rise in electricity that has occurred in 2011/12 as part the Centre obtaining a separate billing meter from the High School next door.

The final substantial fee income is the Community Surveillance Service Charge which is raised to fund the Co-Safe service. This Service Charge is to rise from \$50 to \$55 in 2012/13 in accordance with the Council adopted strategy for Co-safe as well as for the implementation of CCTV.

All other fees will rise in a range from CPI to 5% in order to cover the cost of the service/s provided by the City.

Operating Grants and Subsidies

This income source is provided by the State and Federal Governments. The income is generally recurrent and rises by CPI or a similar agreed factor. Apart from the untied Federal Assistance Grant noted below, the other grants have been provided by the State and Federal Governments for the delivery of specific community programs.

Grant	Amount
Child Care and Children (Fed Govt)	\$2.07m
Financial Assistance (Untied from Fed Govt)	\$1.88m
Financial Assistance (Roads from Fed Govt)	\$1.02m
Aged Services - HACC and HACP	\$1.68m
Youth Services	\$0.28m
Family Services	\$0.51m
Health Services	\$0.26m

Interest Income

Income generated by this item is divided into two parts, municipal fund interest and reserve account interest. The former, (\$3.6m) can be expended directly in the provision of services whereas the latter (\$2.0m) is credited to the reserve account on which the capital has been invested by the Council. Although the cash rate has fallen to 3.50% at the time of writing this report, there is still significant

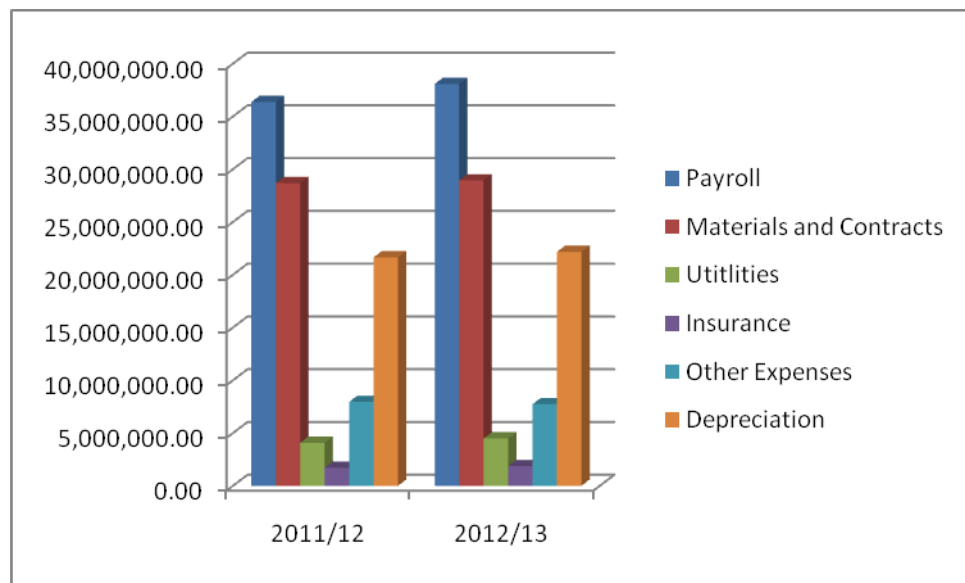


competition by banks for funds generated by the City. The City is still attracting interest rates of 5.0% to 5.5% on term deposits.

The City is compliant with the latest amendment to the Local Government (Financial Management) Regulations in that all funds are invested in Term Deposits held with Australian Banks or Australian Government Bonds apart from three investments grandfathered under the same regulations. One is a floating rate note held with an Australian Registered Bank, the second is a senior bond issued by the Commonwealth Bank and the third is an investment in Australian Mortgage Fund in “reverse” mortgages. Each investment continues to pay a competitive rate of interest and will be redeemed upon maturity.

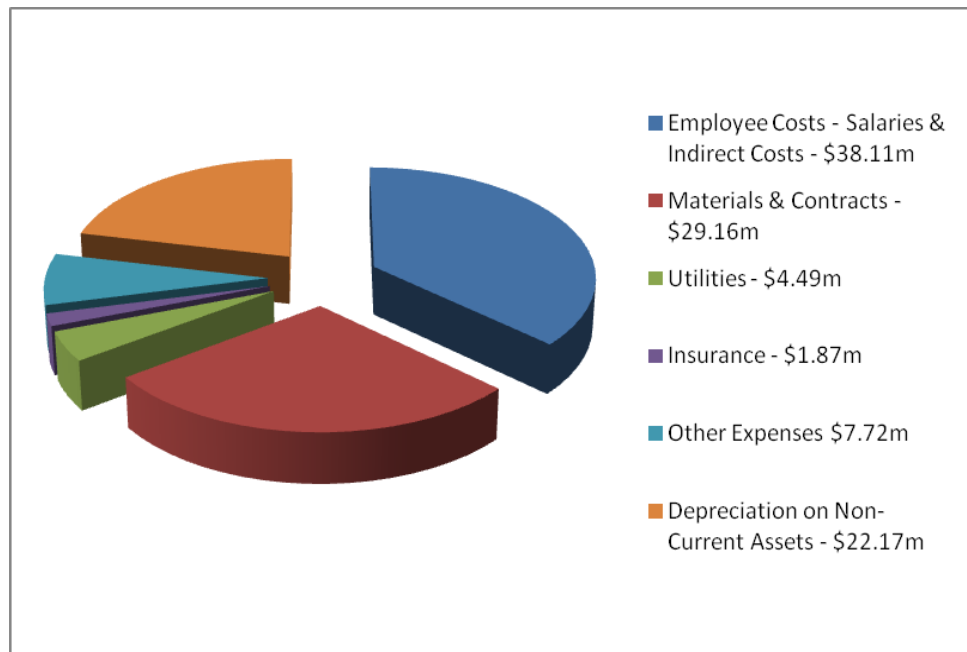
Expenditure

Budgeted growth of operating expenditure for 2012/13 is the lowest for the last five years at 2.93% as all areas of Council expenditure have been reviewed and for operating efficiencies. The following comparative table indicates the growth of operating expenditure over the financial years 2011/12 and 2012/13.



The following graph demonstrates where the City is spending its operating expenditure with a detailed explanation below.





Payroll

The City is in the last year of the current Enterprise Agreement which will see a pay increase of 4.5% for the City’s staff for 2012/13. The overall cost of salaries, on-costs and indirect costs will rise by 4.8% over the amount budgeted in 2011/12. This will also provide for a number of new staff, the most prominent of these are the new library staff for the currently being constructed Success Library. The new library is three times the size of the current library located in the Cockburn Gateway Shopping Centre.

The percentage of rates required to fund payroll has fallen from 71% of rating income to 69%, which is the lowest in the South West Group of Councils or from 37% to 34% of overall operating income again the lowest in the SWG Group.

	2012/13 Cockburn	2011/12 Cockburn	2011/12 Melville	2011/12 Fremantle	2011/12 Kwinana	2011/12 Rockingham
Rates \$m	\$55.3m	\$51m	\$50.90m	\$32.54m	\$24.18m	\$40.25m
Total Revenue \$m	\$113.9m	\$106.1m	\$89.80m	\$62.52m	\$42.37m	\$99.12m
Total Payroll \$m	\$38.1m	\$36.3m	\$36.50m	\$29.34m	\$17.38m	\$39.77m
%Pay: Total Rates Ratio	69%	71%	72%	90%	72%	99%
%Pay:Revenue Ratio	34%	37%	41%	47%	41%	40%



Materials and Contract

The increase in 2012/13 over 2011/12 for this expenditure item is 0.77%. Aside from Payroll and related costs this is the City's largest recurrent operating expenditure item. The following items form over 50% of the expenditure for 2012/13 with the amount in brackets being the amount budgeted in 2011/12. Waste Collection \$6.70m (\$6.62m), SMRC Loan Repayment \$1.5m (\$1.4m), Parks Operating \$3.02m (\$2.95m), Care Giver Payments 1.22m (\$0.96m), Co-Safe \$1.87m (\$1.61m), Engineering Services \$3.58m (\$2.77m).

Insurance

The City like all local governments in WA are members of the Local Government Insurance Scheme (LGIS) – a cooperative insurance scheme. So for Workers Compensation insurance, property and public liability insurance, Council self-insures through the LGIS. Insurance for motor vehicles, councillor and officer liability (similar to Directors and Officers Liability insurance), travel insurance plus others insurances are sourced by the LGIS from external insurance providers.

Overall, insurance premiums are expected to rise by 6.8% or \$0.14m to \$1.87m in 2012/13 due to an insurance market inundated with claims from a series of natural disasters and major fires such as the Town of Claremont's fire and destruction of their civic centre and library. In addition, the City has an active program of regular revaluation of assets so as to ensure Council is not under-insured. Further, the accounting standard changes associated with "Fair Value" accounting will mean a more aggressive asset valuation model in future years. The City currently uses fair value accounting for all asset classes apart from its drainage assets. This is because the quality of the data is not yet finalised in relation to the asset management plan.

Utilities

This item covers expenditures for electricity, gas, water and telecommunications. Electricity is consumed by the City in two ways. Firstly, general power consumption for buildings and associated facilities. In 2011 the City was able to negotiate a fixed price contract for two years (excluding carbon tax impacts) on its "contestable" sites (as defined by the State Government), which for the City are the biggest consumers of electricity by volume and value. This contract does not impact on the other sites which are not "contestable", which means a general price increase of between 3.5% and 5% depending on the tariff applied by Synergy.

It is expected the cost of electricity will increase by at least 12.5% being for electricity tariff increase plus the carbon tax.



The second part of electricity consumption is for street lighting. The City pays for 11,300 street lights, which over the last three years, has seen the running costs raised from \$1m to \$2.45m annually. It would appear the actual cost of street lighting will fall for 2012/13 in tariff terms but rise because of the carbon tax. The actual impact at the time of this report is unknown but the City has provided for a 10% increase to cover the increased cost of the service and an increasing number of new street lights. Overall the State Government is preparing to increase power costs by 9% for the impact of the carbon tax. This means an increase of \$0.39m for the City.

The City will receive no compensation for the impact of the carbon tax from the Federal Government.

As the following table demonstrates, the impact of the rapidly rising cost of utilities imposed on the City by the State Government has been sizeable and is not sustainable.

Utilities	2007/08	2011/12	Increase over 5 years
Electricity ex street lighting	\$240,000	\$948,000	295%
Cost of street lighting	\$949,000	\$2,310,000	143%
Total Electricity	\$1,189,000	\$3,258,000	174%
Gas	\$68,000	\$126,000	85%
Landfill levy	\$1,1017,000	\$6,400,000	529%
Water	\$96,000	\$205,000	114%

Other Expenses

This item of expenditure covers a range of sundry expenses such as the State Government's Landfill Levy (\$4.5m), Fuel (1.1m), grants and donations of \$1.05m, operating contribution to the SMRC of \$0.24m and levy payments to parents of \$0.36m (fully funded from the Federal Government).

Depreciation

The City cash backs its \$22.17m of depreciation recorded in the 2012/13 operating budget. This amount is 2.5% higher than the amount budgeted for in 2011/12. By being fiscally responsible and cash backing the depreciation, the City is able to use the free cash generated by this item to refurbish current assets in addition to



construct new assets. Council has been briefed on a plan to spend up to 80% of the cash produced from depreciation to refurbish assets. This plan will take five to seven years to move from the current 20% of depreciation cash expended on the capital refurbishment program. This plan has been designed so as to provide a greater life for existing City assets.

Carbon Tax Impacts – Landfill and Electricity

As from the 1 July 2012 the City will be subject to the Federal Government's carbon pricing mechanism (known as the "carbon tax") in a bid to reduce the amount of carbon dioxide released into the atmosphere. For the City the significant financial impact will be on the price the City pays for electricity and an impost on material/waste dumped at the Henderson Waste and Recovery Park. The price of electricity is scheduled to increase by 9% as from 1 July 2012 to cover this carbon tax impost on the State Government's electricity generator, Verve. This will cost the City approximately \$300,000. The second part of the carbon tax is the impact on the gate fee at the Henderson Facility. The initial impact of the carbon tax will see the City increase the gate fee by \$7 per tonne of waste delivered to the facility (plus GST) as the Henderson Facility is expected to "trip" the level on which the carbon tax liability of 25,000 tonnes of CO² or its equivalent is expected to be paid. The final level of the carbon tax is still being modelled and will be reported to Council when the modelling is completed.

Capital Income and Developer Contributions

The City has budgeted to receive the following Capital Grants and Developer Contributions for 2012/13.

Road Grants	\$3.36m
Coogee Beach Surf Club *	\$1.27m
Solar Energy Retrofit	\$0.70m
Recreation and Bike paths	\$0.10m
Total Grants	\$5.43m
Developer Contributions	\$3.78m
Total Grants and Contributions	\$9.21m

*The grant for the Coogee Beach Surf Club is to be received via Lotteries West (\$0.52m) and Dept of Sport and Recreation (\$0.75m)

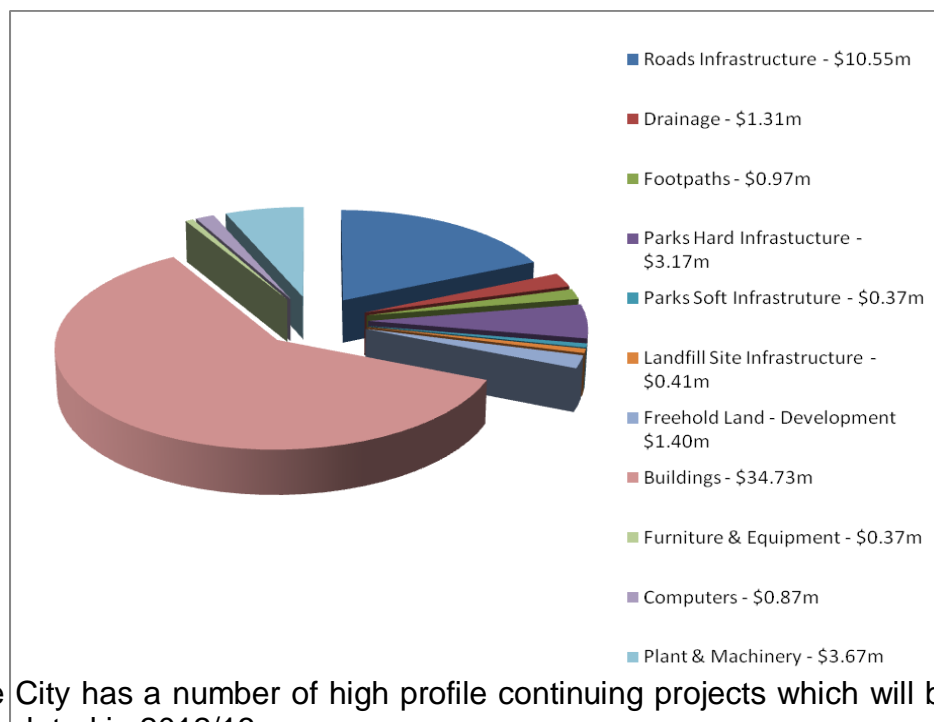
The City is also expected to receive the proceeds from land and plant & equipment asset sales. Cash received from motor vehicle and truck/plant (\$0.89m) will go to the replacement of those pieces of equipment. Cash from land sales (\$1.4m) will go to the Land



Development Reserve except where funds are need to be allocated to POS fund as part of the land sale process.

Capital Expenditure

The following chart indicates where the City will commit its capital expenditure totalling \$57.58m for 2012/13:



The City has a number of high profile continuing projects which will be completed in 2012/13.

The Continuing Projects are as follows:

Continuing Projects for 2012/13	Allocated Funds
Coogee Beach Surf Club and Community Facility	\$4.0m
Success Library, GP Super Clinic and Integrated Health Facility	\$25.1m
Emergency Services Facility	\$1.0m
Bibra Lake Management Plan	\$1.2m

New Projects

Below is a shortened list of new projects and the capital allocated to them: For a comprehensive list of projects please refer to the attached budget – New Capital Projects 2012/13.

New Capital Projects for 2012/13	Allocated Funds
Road – Intersection of Beeliar Drive and Hammond Road	\$2.32m
Road – Franklin Ave Construction between Roper	\$1.43m



and Gaebler	
Road – Duplication of Hammond Road (Bartram to Russell)	\$2.54m
Parks – New and upgrades	\$2.20m
Operations Depot Upgrade Funding	\$2.10m
Plant and Equipment – New and Replacement	\$3.60m
Land Development (new lot creation)	\$1.20m
Drainage Works	\$1.30m
Resurfacing of Roads	\$0.87m
Footpath (new and rehabilitation)	\$0.96m

Capital expenditure brought forward from 2011/12 to 2012/13 will be presented with their carried forward related budgets to the October 2012 Ordinary Council Meeting. As spending is continuing on these projects the exact amount to be carried forward is still to be finalised at the time of the budget.

Underground Power in Coolbellup and Hamilton Hill

The City is joining with Western Power and the State Government to continue undergrounding of overhead power infrastructure in Coolbellup East and Hamilton Hill East. The project in Coolbellup is underway with affected ratepayers paying their initial contribution in 2011/12. Hamilton Hill East is scheduled to commence construction in October 2012. As such Hamilton Hill East ratepayers will be billed for their contribution in 2012/13. The City has offered all affected ratepayers the opportunity to pay their contribution of \$3,050 over five years at \$610 per annum. A 6% discount is allowed if the total amount is paid in full in year one. Further discounts are provided for registered pensioners, seniors and those impacted by remaining high voltage power lines.

Borrowings

The City is scheduled to borrow \$4.86m in 2012/13 for two specifically self-funded capital projects.

The first is the Emergency Services Centre currently being constructed in Poletti Way, Cockburn Central. The project cost of \$2.6m being funded from a \$1.5m grant from the Federal Government's Local Government Program, with a further grant of \$1.0m from the State Government Emergency Services Levy. The balance is from the City of Cockburn. The State Government will not pay their grant in cash but rather require the Council to borrow the \$1.0m from the WA Treasury Corporation with repayments over ten years. The principal and interest will be repaid to Council by FESA.



The second capital project is the Underground Power projects in Coolbellup and Hamilton Hill. The City has resolved to recover 80% of the overall project cost applicable to City (the total cost is 35% of the \$20m) to be recovered from affected property owners over a five year period. The City will contribute the balance, being 20% directly from the municipal fund. The projects will be completed over three financial years, 2011/12, 2012/13 and 2013/14. Due to the imbalance of cash flows in from the Underground Power Levy and the payments to Western Power, Council will be required to borrow \$3.86m over five years.

Reserves

The City has a pro-active Ten Year Financial Plan which includes funding its financial reserves. The City places great importance in planning for the future and ensuring it has sufficient funds to complete major projects now and into the future. In this budget, Council will transfer \$31.39m into its reserves but will draw down \$38.69m to fund a series of major capital projects, such as the Success Library/GP Super Clinic and Integrated Health Facility.

At the same time the City is still quarantining funds received from the Development Contribution Plan (a levy on all new dwelling for community infrastructure), rent from the Naval Base Shacks Leases and Coogee Beach Caravan Park (to fund capital works). It is anticipated that the City will receive \$1.8m in 2012/13 from developer contributions for community infrastructure in addition to funds for roads and other "hard" infrastructure.

Transfer To Reserves	Amount	Transfers From Reserves	Amount
Waste & Recycling	6,355,000	Land Development & Investment Fund	20,520,000
Plant & Vehicle Replacement	3,260,000	Community Infrastructure	6,750,000
Community Infrastructure	2,700,000	Cockburn Super Clinic Reserve	3,100,000
Community Infrastructure Development Contribution	1,800,000	Roads & Drainage Infrastructure	2,841,590
Major Buildings Refurbishment	1,500,000	Plant & Vehicle Replacement	1,810,000
Underground Power (Coolbellup East) SAR	1,160,000	Waste & Recycling	1,289,000
Carbon Pollution Reduction Scheme Reserve CPRS	1,120,000	Underground Power (Coolbellup East) SAR	1,160,000
Land Development & Investment Fund	1,000,000	Bibra Lake Management Plan	650,000
Roads & Drainage Infrastructure	1,000,000	Green House Emission Reduction	390,000
Total - Major Transfers Highlighted above	19,895,000	Total – Major Transfers Highlighted above	38,510,590



Transfer To Reserves	Amount	Transfers From Reserves	Amount
% of the overall total	64.0%	% of the overall total	97.5%
Total Transfers to Reserve	\$31,392.984	Total Transfers From Reserve	\$38,698, 204

Future Proofing the City - Development of future Income Streams

The City is seeking to future proof income streams so as not to be so reliant on rates as the only source of funds. By monetising non-productive land assets and investing those funds into new sources of recurrent revenue, the City over time will earn substantial income.

Completing the 2010-2020 10 year Financial Plan – Capital Projects

As per the current Ten Year Financial Plan, projects identified in the Community Infrastructure, Road and Parks are being actively planned or under construction including the following:

Completed 10 Year Plan Infrastructure	Being Constructed 10 Year Plan Infrastructure	Being Studied/Designed 10 Year Plan Infrastructure
Hammond Park New Club Rooms	Henderson Waste Park Cell 7	Visko Park Bowling Club
Santich Park Club rooms Upgrade	Cockburn Central Library and GP Super Clinic	Cockburn Central Leisure Centre and Playing fields
Council administration upgrade	Coogee Beach Surf Club	Golf Course
North Coogee Management Plan	Emergency Services Facility	Wetlands Education Centre
Spearwood Avenue	Beeliar Drive Duplication	Hammond Road Duplication Franklin Avenue (Roper to Gaebler) Intersection of Beeliar Drive and Hammond Road

Closing Municipal Position

The overall closing municipal position for Council is \$212,873. This is after all operating and capital income and expenditure items plus reserves are brought to account. A report will be brought to Council in October 2012 in regards to Carried Forward Capital Works and the relevant adjustment made as part of the outcome from the report to Council.



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The Budget provides funds as outlined in the recommendations as the commencement of this report and the detailed attachments.

Legal Implications

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

Community Consultation

Section 6.36 of the Local Government Act 1995 requires the Council to advertise the differential rates proposed in the budget attachments. The Council advertised the differential rates in the West Australian newspaper on Saturday, 5 May 2012. At the same time the Objects and Reasons to support the differential rates were placed in the Library and on the Council's website. Comments were invited from interested parties. At the date of this report one submission was received. The City acknowledged receipt of the submission. The City also advertised the municipal budget was being presented to Council at this Council meeting and copies of the budget would be available on the City's web site.

A copy of the submission is attached with a response where appropriate for each part of the submission.

Attachment(s)

1. Business Plan 2012/13.
2. Municipal Budget for 2011/12 and associated Schedules.
3. Schedule of Submission – Objects & Reasons 2012/13.

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 June 2012 Council Meeting.



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

Nil

**(MINUTE NO 4798) (OCM 14/06/2012) - BUDGET PROCESS
(IM/B/006; IM/B/007) (S DOWNING)**

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that Council engage an independent organization experienced in benchmarking and best practice to conduct a review of Council's Budget process and expenditure in order to identify inefficiencies or waste.

CARRIED 8/1

THE PRESIDING MEMBER ON BEHALF OF COUNCIL ACKNOWLEDGED THE CONTRIBUTION MADE, IN PARTICULAR MR STUART DOWNING AND HIS STAFF, AS WELL AS ELECTED MEMBERS' INPUT INTO THE WHOLE BUDGET PROCESS

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 4799) (OCM 14/06/2012) - TENDER NO. RFT 03/2012 - IRRIGATION / RETICULATION PARTS & MATERIALS SUPPLY & DELIVERY (RFT 03/2012) (A LEES) (ATTACH)

RECOMMENDATION

That Council accept tender for RFT 03/2012 Irrigation / Reticulation Parts & Materials Supply & Delivery – three (3) year contract submitted by Total Eden Pty Ltd T/as Total Eden, for an estimated total Contract value of \$652,080.00 (Inc GST) (\$592,800.00 Ex GST) at the schedule of rates submitted.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0



Background

The City of Cockburn Parks Department currently manages approximately 226 locations containing irrigation infrastructure delivering, primarily, groundwater to turf and garden beds. The extensive range of irrigation infrastructure requires continual inspection and repairing due to build up of foreign material, aging / old infrastructure and damaged caused by vandalism or external organisations. As the number of irrigated locations throughout the City increases through developer contribution and the City's capital works program a tender for the supply of irrigation / reticulation material is required.

The tender called for submissions from suitably experienced and reliable irrigation material supply company for a period of three (3) years with Principal instigated options to extend the period for a subsequent one (1) year period and up to an additional twelve (12) months after that to a maximum of five (5) years.

Tender RFT 03/2012 Irrigation / Reticulation Parts & Materials Supply & Delivery, three (3) year contract was advertised on Saturday 4 February 2012 in the Local Government Tenders section of "The West Australian" newspaper; the tender was also displayed on the City's e-Tendering website between 4 and 21 February 2012.

Submission

Tenders closed at 2:00 p.m. (AWST) on Tuesday 21st February 2012 with tender submissions being received from the following three (3) companies:

1. Francis Corporation Pty Ltd T/as Rainscape Waterwise Solutions
2. Total Eden Pty Ltd T/as Total Eden
3. Sanpoint Pty Ltd T/as LD Total

Report

Compliance Criteria

The following index was used to determine whether the submissions received were compliant.

<u>Index - Compliance Criteria</u>	
a	Compliance with the Specification contained in the Request.
b	Compliance with the Conditions of Tendering this Request.
c	Compliance with Fixed Price and completion of Clause 3.4.2
d	Compliance with Insurance Requirements and completion of Clause 3.2.7.



<u>Index - Compliance Criteria</u>	
e	Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
f	Compliance with ACCC Requirements and completion of Appendix B.
g	Compliance with and completion of the Price Schedule, in the format provided in this Request.
h	Compliance with Subcontractors (Proposed) and completion of Clause 3.6

Tender Compliance

	<u>Tenders Name</u>	<u>Compliance Assessment</u>
1	Francis Corporation Pty Ltd T/as Rainscape Waterwise Solutions	Compliant
2	Total Eden Pty Ltd T/as Total Eden	Compliant
3	Sanpoint Pty Ltd T/as LD Total	Non Compliant

Following an assessment of each Tenderer in accordance with the compliance criteria, the panel determined that Sanpoint Pty Ltd T/as LD Total was non compliant. Sanpoint Pty Ltd T/as LD Total did not provide in their submission a complete listing of prices for Hunter, Toro and similar sprinklers along with poly pipe and associated fittings. Without this information the panel was unable to evaluate whether their submission was competitive against the other Tenderers.

Evaluation Criteria

Tenders were assessed against the following criteria:

<u>Evaluation Criteria</u>	<u>Weighting Percentage</u>
Supply Requirements	30%
Company Stability /Personnel Experience	20%
Local Area Knowledge	10%
Tendered Price – Estimated Lump Sum	40%
TOTAL	100%

Tender Intent / Requirement

The purpose of this Tender was to select an experienced and reliable irrigation material supply company to provide the irrigation infrastructure to the City of Cockburn.



Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn Officers:

1. Anton Lees – Parks Manager (Chair)
2. Dale Smith – Manager Parks & Environment
3. Mladen Thomas – Irrigation Supervisor.

Scoring Table

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
Total Eden Pty Ltd T/as Total Eden**	44.14%	40%	84%
Francis Corporation Pty Ltd T/as Rainscape Waterwise Solutions	44.78%	33.54%	78%

** Recommended Submission

Evaluation Criteria AssessmentSupply Requirements

Total Eden and Rainscape Waterwise Solutions both demonstrated they have the products to service the requirements of the tender and additional products and materials if required. Both Tenderers were able to demonstrate their ability to comply with non stock and back ordering requirements and have the appropriate vehicles to deliver products and materials as requested.

Company Stability/Personnel Experience

Total Eden has been operating in the irrigation industry for 25 years with Rainscape Waterwise Solutions operating over the last 16 years. Both Tenderers provided sufficient documentation outlining the staff that will be involved in the contract and their relevant experience. In addition to the above Total Eden has a sales representative that will liaise with the City on new products and demonstration sites.

Local Area Knowledge

Total Eden and Rainscape Waterwise Solutions both have their main business outlets located on Port Kembla Dr, Bibra Lake. The close proximity of these businesses to the City's Operations Centre will enable procurement of irrigation materials on demand or through



general operational procedures. In addition, both Total Eden and Rainscape have operating hours that are almost identical during the winter and summer periods.

Tendered Price

The tendered priced submitted by Total Eden and Rainscape Waterwise Solutions were extremely competitive across the range of products and materials requested within the Tender. Total Eden was found to have submitted the lowest price.

Summation

Taking in consideration all of the submitted response criteria, the Evaluation Panel recommends to Council that the submission received from Total Eden Pty Ltd T/as Total Eden as being the most advantageous to supply Irrigation and Reticulation materials for an estimated total Contract value of \$652,080.00 (Inc GST) (\$592,800.00 Ex GST) at the schedule of rates submitted and thus be supported as the successful tenderer based on the following:

- Demonstrated ability to supply the irrigation and reticulation materials.
- A stable business structure and range of experienced personnel.
- Are based in the City of Cockburn and have local knowledge.
- The price submitted is considered fair and reasonable.

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

Budget/Financial Implications

The table below shows the actual expenditure for each financial year from 2007 to 2011 and anticipated expenditure figures for the 2011/2012 financial year. Although the expenditure for the 2010 /2011 period was higher than expected, due to replacement of irrigation controllers, the current expenditure trend is growing at a sustainable rate. However, as the City's irrigation infrastructure increases and changes to irrigation designs evolve, expenditure may increase beyond



predictions at various times throughout the duration of the contract period.

The average expenditure over the past 5 years has been assessed as the being the appropriate measure to determine the estimated value on a per annum basis.

Expenditure Table

Financial Year	Expenditure (\$)
2007 / 2008	\$181,000
2008 / 2009	\$185,000
2009 / 2010	\$191,000
2010 / 2011	\$241,000
2011 / 2012 (Anticipated)	\$190,000
Average (over 5 years)	\$197,600

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

Community Consultation

N/A

Attachment(s)

The following confidential attachments are provided under a separate cover:

1. Compliance Criteria Assessment
2. Tender Consolidated Evaluation Score Sheet
3. Tendered Prices

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 14 June 2012 Council Meeting.

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

Nil.



16.2 (MINUTE NO 4800) (OCM 14/06/2012) - PROPOSED SUSTAINABILITY ACTION PLAN 2012 - 2016 (HS/P/001) (V CUSACK) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed Sustainability Action Plan (SAP) 2012 – 2016, as shown in the attachment to the Agenda;
- (2) update the annual objectives and key performance indicators (KPI's) in the SAP in March each year;
- (3) request that the progress made in meeting the annual objectives and KPI's in the SAP are reported in the State of Sustainability (SoS) Report in October each year; and
- (4) request a summary of the SoS to be included in the Annual Report each year.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr V Oliver that Council adopt the recommendation subject to amending the proposed Sustainability Action Plan 2012 -2016 as follows:

- (1) Objective Eco 3.1 to read:
 - Replace Action 3.1 with the following new Action 3.1:
Seek a commitment from the appropriate stakeholders for the timely construction of the North Lake Road Freeway Overpass and the upgrades to the surrounding road network which have been identified in the City's Major and Regional Road Network Strategy.
 - Replace KPI 3.1 with a new KPI 3.1:
Report on agency responsibility and proposed timeframes for upgrades to the network as identified in the Major and Regional Road Network Strategy

CARRIED 6/3



Reason for Decision

The Action and KPI identified for Objective Eco 3.1 in the draft Sustainability Action Plan is a little simplistic and the term advocate does not go far enough in highlighting the opportunity that the Nth Lake Road overpass and the broader network upgrades will have in unlocking the potential of the area and specifically on Facilitating the development of Local Enterprise. The proposed amendments to the Action and KPI of Objective 3.1 better reflects the need for commitments to these upgrades and seeks confirmation of timeframes by the respective stakeholders responsible for delivering them.

Background

In October and December 2011 respectively, Council updated Policy SC37 and adopted its inaugural State of Sustainability (SoS) Report. In March 2012 Council updated its Sustainability Strategy and requested a completed Sustainability Action Plan to go to Council for consideration and adoption.

Policy SC37, the SoS Report and the Sustainability Strategy are all structured along the four sustainability themes of Environment, Social and Economic plus Governance, which reflect a modern triple bottom line plus one (TBL+1) approach to sustainable development.

The proposed Sustainability Action Plan has also been structured along the TBL+1 sustainability themes and provides the means for achieving a range of sustainability objectives.

The Sustainability Strategy in conjunction with the Sustainability Action Plan will guide the implementation of Policy SC37 and will help ensure that the City continues to embed relevant sustainability objectives into its core business activities and services delivered to the community.

Submission

N/A

Report

The 2 focus areas under each of the TBL+1 sustainability themes and the 4 overarching objectives in each of the focus areas are taken from the Sustainability Strategy.

The overarching objectives have been assigned an easily identifiable abbreviation in line with the TBL+1 themes. The first overarching objective under Governance is therefore labelled Gov 1, the first under



Environment is Env 1, the first under Society is Soc 1 and the first under Economy is Eco 1.

The Strategic Business Managers and the Executive have set the annual objectives and key performance indicators (KPI's) under the overarching objective headings. The annual objectives are based on the SMART principles and are therefore specific, measurable, achievable, realistic and timely.

The final part of the process is to document the progress in achieving those annual sustainability objectives and KPI's in the SoS Report at the end of the year, and to provide a summary of the SoS in the Annual Report.

The proposed Sustainability Action Plan therefore is an integral part of the City's integrated sustainability platform and reporting structure.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Employment and Economic Development

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

Natural Environmental Management

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

Proposed Sustainability Action Plan 2012 – 2016

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.3 (MINUTE NO 4801) (OCM 14/06/2012) - COOGEE BEACH SHARK EXCLUSION ZONE FEASIBILITY STUDY (ES/V/001) (D VICKERY) (ATTACH)

RECOMMENDATION

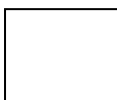
That Council:

- (1) receive the attached Feasibility Study for information; and
- (2) take no further action on the installation of a shark exclusion net or other device at this time.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Clr Y Mubarakai that Council:

- (1) receive the attached feasibility study;
- (2) endorse a proposal to implement the installation of a shark exclusion net for a period of 2 years;
- (3) prepare the proposal on the basis of a 300m long (150m either side of the jetty) shark exclusion zone with 75m returns to the beach either side and using the wire marine mesh to minimize the risk of entanglement;
- (4) lodge an application with the Department of Planning for the installation of a shark exclusion net as proposed above;
- (5) lodge an application with the Department of Transport to install a shark exclusion net as proposed above and to gazette the



exclusion zone as Close Waters – Motorised Vessels and identify the lighting and marking requirements;

- (6) seek a permit to install the shark exclusion net as proposed above with the Department of Fisheries;
- (7) liaise with the Department of Environment and Conservation to determine what further approvals would be necessary to establish shark exclusion nets;
- (8) Identify the final costs and funding options to install and maintain the shark exclusion net as proposed above; and
- (9) present a further report to Council once all approvals have been granted and the final costs determined.

MOTION LOST 4/5

MOVED Mayor L Howlett SECONDED Cllr S Pratt that the recommendation be adopted.

CARRIED 5/4

Background

Over the last several years there has been an increased incidence of fatal shark attacks on swimmers, surfers and divers along Western Australia's west coast, including the Perth Metropolitan area. Each of these attacks has been attributed to great white sharks.

At the 10 November 2011 Ordinary Council Meeting, Deputy Mayor Kevin Allen requested that officers prepare a report to be provided to a future Council meeting, investigating the feasibility of installing shark nets on a section of Coogee Beach.

The report presented is to address all necessary issues, including, but not limited to costs, engineering feasibility, effect on the marine environment, length of deployment, community consultation and any other issues considered relevant by the officer compiling the report.

This report was presented to Council on 10 May 2012 where it was decided that Council would defer this item until June 2012 Council Meeting. The report is represented for consideration.



Submission

N/A

Report

A feasibility study has been undertaken (report attached) that:

- a) Explores what form of shark exclusion net or other devices may be appropriate for installation at Coogee Beach. The Study has investigated what forms of swimmer protection have been installed elsewhere in Australia and the world and assesses their suitability for the Coogee Beach/Cockburn Sound environment. This includes consideration of potential adverse impacts on non targeted marine species and how this would be perceived by relevant Agencies and the Community as a whole.
- b) Provides the statistics to do with shark sightings and incidences with people over the last 120 years as relates to Cockburn Sound and wider metropolitan Perth coastline and draws some conclusions in respect to relative risks for swimmers utilising Coogee Beach.
- c) Explores and reports on the jurisdiction of the City to install shark exclusion nets or other devices and what external agency approvals may be required to proceed with an installation.
- d) Looks at potential impacts on other beach and near shore aquatic activities arising from any exclusion net or other device installation, and at the potential benefits versus dis-benefits of drawing additional people to a section of beach, if that were the outcome of installing some form of protection.
- e) Reports on the current State Government initiative and actions of the Shark Response Unit set up within the Department of Fisheries, this unit conducting research on shark movements and options for providing additional protection for persons entering the water.
- f) Details the existing protective measures and warnings in place through the State Government and the Surf Life Saving Association.
- g) Presents the results of a small community survey of people visiting Coogee Beach in regard to their perception of the need and worth of some form of shark exclusion net at Coogee Beach and whether that would influence them entering the water at that location.



- h) Explores the cost for installation and maintenance of what would appear from the study to be the most appropriate form of shark exclusion net for a section of Coogee Beach, if it were determined to proceed with a detail design and trial.

Conclusions

The nature of Coogee Beach, including the gently sloping and relatively shallow sea bed, and absence of swell generated waves and strong currents, suggest that a net installed over the warmer months of the year is feasible. Further, the City appears to be empowered to install a shark exclusion net at Coogee Beach, subject to certain approvals and permits.

There is however already a very low likelihood of a swimmer being seriously or fatally injured by an encounter with a shark at Coogee Beach, based on historical data. There is no record of any person being seriously or fatally injured from a shark attack in the vicinity of Coogee Beach since records commenced in the 1800's.

The low risk of serious or fatal injury for persons swimming at Coogee Beach has been enhanced by the metropolitan beaches aerial patrols, the (limited) presence of Surf Life Savers at Coogee Beach and public information of the hazards of swimming at certain hours of the day etc.

There is opportunity to expand existing protective measures other than by installing a shark exclusion net, by way of the provision of Surf Life Saving patrols on additional days each year, for instance over school holiday week days, through arrangements with Surf Life Saving Australia and be funded by the City. Similarly the provision of elevated viewing platforms could be considered, to aid the monitoring of swimmers at the beach and through that a rapid response in the event of any incident.

The State Government has established the Shark Response Unit, which is researching shark movements and is expected to report to the Minister later this year on protective measures including exclusion nets at swimming beaches. As it stands any installation of a shark exclusion net at Coogee Beach would be a first for Western Australia and provide a precedent for other Local Authorities. It may also alter the balance of liability of the Council in regard to beach users.

A highlighted issue associated with installing a shark exclusion net at Coogee Beach is the risk arising of entanglement and mortality of marine creatures, including protected species. To minimise the risk of entanglement any net would likely need to be wire marine mesh or a monofilament nylon net hung in a "flag" pattern, whereas a



conventional fishing gill net over anything but a very small length would not be recommended on account of the risk to marine life and fouling. Use of non enclosure nets and drum lines as installed off New South Wales and Queensland beaches is certainly not recommended, for the reasons outlined in the study.

The suggested size of any net to provide a decent enough area of enclosure is approximately 275 metres long (along the beach) by 75 metres wide (off shore), with the deepest part of the net being in about 2.5 to 3 metres depth of water. Very preliminary costings suggest for a net length of around 400 metres total the cost to Council may be around \$150,000 initial cost and around \$72,000 per annum for operating costs including installation and removal, cleaning and depreciation expenses.

The installation of a net of any kind will restrict activities on or in the water at this location other than swimming, such as the use of water craft, wind and kite surfing and also fishing (especially if appended to the Coogee Beach jetty). As well, the installation of a net may lead to over popularity, with consequences for overcrowding and strain on existing facilities and infrastructure. Alternatively the installation of a net may actually deter people from swimming at Coogee Beach, due to the perception that Coogee Beach is a high risk area for sharks.

The community's attitude to the possible installation of a shark exclusion net at Coogee Beach is untested. Whilst a very preliminary beach user survey provided some insight to attitudes (suggesting a 2/3rds in favour - refer to the attached feasibility study findings), a far greater community consultation and education process would be advisable if the Council sought to further consider the installation of a shark exclusion net at Coogee Beach.

Noting the above points, the recommendation arising from the feasibility study is that the City not proceed with the installation of a shark exclusion net at Coogee Beach at this time.

Strategic Plan/Policy Implications

Infrastructure Development

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



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.

Budget/Financial Implications

Budget implications are outlined in the report.

Legal Implications

None ascertained.

Community Consultation

Consultation has been undertaken with the President and a number of members of the Coogee Beach Progress Association and the Coogee Beach Surf Life Saving Club. In addition a survey of beachgoers was conducted over 18 – 20 April 2012, the findings of which are detailed in the attached Feasibility Study Report.

Attachment(s)

Coogee Beach Shark Exclusion Zone - Feasibility Study.

Advice to Proponent(s)/Submissioners

N/A

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

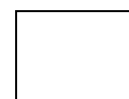
Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil



19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (MINUTE NO 4802) (OCM 14/06/2012) - REQUEST FOR EX-GRATIA PAYMENT TO MRS NOELENE BARRETT (3313297) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council:

- (1) decline the request for an ex-gratia payment to Mrs Noelene Barrett; and
- (2) write to Mrs Barrett advising of Council's decision declining the request of an ex-gratia payment.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that Council approve an ex-gratia payment of \$2,206.00 to Mrs Noelene Barrett, 17 Buchan Close, Spearwood on a 'without prejudice' basis as per the Tax Invoice submitted to the City and subsequently to LGIS, the City's insurer, for damages incurred to her property as a result of water escaping from adjacent parkland (Bishop Park) which is the responsibility of the City of Cockburn.

CARRIED 8/1

Background

Mayor Logan Howlett submitted the following Notice of Motion, which previous notice has been given:

"That Council approves an ex-gratia payment of \$2,206.00 to Mrs Noelene Barrett, 17 Buchan Close, Spearwood on a 'without prejudice' basis as per the Tax Invoice submitted to the City and subsequently to LGIS, the City's insurer, for damages incurred to her property as a result of water escaping from adjacent parkland (Bishop Park) which is the responsibility of the City of Cockburn."

The reason for the notice provided by the Mayor was as follows:

"As a result of rainfall on 20 January 2012 the property owned by Mrs Barrett at 17 Buchan Close, Spearwood was damaged by



water flooding from the adjacent parkland (Bishop Park). A similar incident occurred on 26 March 2010 and I understand, on at least one prior occasion.

Leaves and branches carried by water running off the parkland blocked the drains causing an overflow into Mrs Barrett's property. Tree roots were also found to be blocking the drain pipe. Sewerage also overflowed into Mrs Barrett's property from a blocked (leaves and branches) sewerage line. The City (Road Design section) is reviewing the permeability of the parkland. Mrs Barrett submitted a claim to the City which was then forwarded to its insurers, LGIS who subsequently declined the claim."

Submission

The Proponent has submitted a claim for damages incurred to her property as a result of water escaping from adjacent parkland (Bishop Park).

Report

All claims for damage, under the City's Public Liability Policy, submitted by third parties are forwarded to the City's insurers, the Local Government Insurance Scheme (LGIS). The claim for damage submitted by Mrs Barrett was submitted to the LGIS as per the City's normal procedure. The damage was caused by a severe storm on the 23 January 2012 and the claim was lodged by Mrs Barrett on the 3 February 2012. The City submitted the insurance claim on 16 February 2012.

LGIS assessed the claim and has denied liability on behalf of the City and commented amongst other things:

"Whilst the City makes all reasonable attempts to maintain its drainage systems and parklands, the City is unable to prevent the shedding of debris from trees (as part of its natural process) or foresee weather conditions in reasonable circumstances.

We are advised that Council's drainage systems are designed to cope with storms of minor to moderate severity, but it is not reasonable for Council to provide a drainage system of such capacity to be able to cope with any possible storm, no matter how severe."

and



“Whilst we genuinely sympathise with your unfortunate incident, we are not able to identify any negligence or breach of duty of care on behalf of the City of Cockburn.”

Council has declined similar public liability claims for damage to private property where the City is not found negligent. The last claim submitted was to the November 2011 Council meeting which resolved as follows:

- “(2) Council be responsible for associated works within the Council verge area; and*
- (3) advise the resident that they will be responsible for the associated works on their property.”*

Whilst the City empathises with the stress such damage does to properties in the district, an ex-gratia payment would set a precedent for all such public liability claims in the future where Council is not negligent in how the damage was caused and would be contrary to advice received by the City’s insurers.

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

There will be no budget implications if the recommendation of this report is adopted.

Should Council resolve to approve the request, funds will need to be drawn from the Governance – Elected Members Expenses area.

Legal Implications

Payments of an ex-gratia amount would be contrary to advice from the City’s insurer that the City is not negligent as an outcome of the damage caused by the storm.

Community Consultation

N/A

Attachment(s)

1. Notice of Motion from Mayor Logan Howlett.



2. Letter from LGIS

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 14 June 2012 Council Meeting.

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

Nil.

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

Nil

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

- 21.1 **(MINUTE NO 4803) (OCM 14/06/2012) - SOUTHERN METROPOLITAN REGIONAL COUNCIL WITHDRAWAL ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF CANNING) (ES/L/004) (M LITTLETON) (ATTACH)**

RECOMMENDATION

That Council adopts the recommendation contained in the report on this matter provided to Elected Members under separate confidential cover.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Deputy Mayor K Allen that the matter be deferred to a Special Council Meeting prior to the 30 June 2012.

CARRIED 9/0

Reason for Decision

Consideration of the matter was deferred to a Special Council Meeting due to time constraints.



Background

This is a confidential matter and will be considered behind closed doors. The report has been distributed under separate cover.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 4804) (OCM 14/06/2012) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED C/r C Reeve-Fowkes SECONDED C/r S Pratt the recommendation be adopted.

CARRIED 9/0

25. (OCM 14/06/2012) - CLOSURE OF MEETING

9.57 pm.



CONFIRMATION OF MINUTES

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

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

