

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 APRIL 2008 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 APRIL 2008 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr K Allen	-	Deputy Mayor
Mr R Graham	-	Councillor
Ms H Attrill	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Ms T. Truscott	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant
Ms V. Viljoen	-	PA to Chief Executive Officer
Mrs L. Jakovich	-	PA to Directors Eng. & Works / Planning & Dev.

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil



3. DISCLAIMER (To be read aloud by Presiding Member)

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

4 (OCM 10/4/2008) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

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

5 (OCM 10/4/2008) - APOLOGIES AND LEAVE OF ABSENCE

Councillor Ian Whitfield - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 10/4/2008) - PUBLIC QUESTION TIME

NOTE: AT THIS STAGE OF THE MEETING, THE TIME BEING 7.02PM, DUE TO DISTURBANCE FROM THE PUBLIC GALLERY, THE PRESIDING MEMBER REQUESTED THE CHIEF EXECUTIVE OFFICER DIRECT MRS ROBYN O'BRIEN TO MAINTAIN ORDER.

Dan Scherr, Coogee

Agenda Item 18.1 – Adoption of the Draft Plan for the District 2008 – 2018 and Public Consultation Processes

Q1. Specifically where and when will the Draft Plan for the District be advertised? With an advertising period of only six weeks what is the point of briefing community representatives through the Community Development Strategy Forum? The Coogee Beach Progress Association, for example, won't meet again until June – too late for any community consultation on the plan.

A1. The Plan will be publicly advertised in next weeks' issues of the Cockburn Gazette and the Herald. It will also be advertised on the



City's website as of tomorrow and in the May edition of the Cockburn Soundings. Copies of the Plan are being distributed to all community groups represented on the Regional Community Development Forum next week, and a presentation will be given to the Forum in May. The City does not intend holding a separate public workshop, but of course the Plan may be commented on by any member of the public.

- Q2. Will Council please arrange a briefing session for all interested community members at the earliest possible date and allow questions on all aspects of the plan? In particular, will you post signs about the plans relating to particular projects, for example Poore Grove, at the locations in question, with details on where to access further information about that location and when submissions are due?
- A2. The City has previously developed a signage campaign to advertise major works for development across the City. The recent Community Needs Survey reiterated to Council that whilst many of these projects are in planning stages, members of the public don't necessarily know where they are being built. The sample signage that Council has is fairly substantial. It consists of a billboard 4m x 2m. But for the City to actually install these, it needs to lodge its own development application, which has been done. A number of these sites though do not belong to the City, for example Poore Grove and other Road Reserves. These are sites where the City needs to obtain approval from the Western Australian Planning Commission or the Main Roads Department before such signs can be displayed. The applications have been lodged and at this stage the City is still waiting their concurrence. As soon as that happens these should roll off the press in May and be across all of the major locations where there are major construction projects.

Robyn Scherr, Coogee

Agenda Item 16.2 – Road Reserve Signage – Port Coogee

- Q1 Would it be wise for the City of Cockburn to be intermingling its events advertising with Australand's advertising banners within Port Coogee?
- A1 The item seeks to place restrictions on the content of the banners. The item and the recommendation suggests that City of Cockburn events would be suitable content to be included on banners.
- Q2 Will council decline Australand's generous offer to share in their advertising venture?
- A2 Australand have requested Councils consideration and approval to erect banners on the street lights within the development and that matter will be considered at tonight's meeting.
- Q3 Will Council distance itself from any attempts by Australand to present



themselves as good citizens and partners of the City of Cockburn?

- A3 I do not believe that this question has any correlation with the item before Council.
- Q4 Your report states informal advice from Main Roads suggests they have refused Adcorp's application for signs, information pillars and welcome statements on the Cockburn Road verge. Will Council advise Australand and AdCorp that a footpath is needed on the Cockburn Road verge, not signage?
- A4 The issue of pedestrian access through the development or on the new Cockburn Road which travels around the development is not the subject of the item before Council. Council has however been negotiating with MRWA, DPI and the developer regarding pedestrian and cyclist access during the development phase.
- Q5 Will you also inform Australand and Main Roads that residents and ratepayers couldn't care less about entry statements to Port Coogee while the entrance to our beach and residential area remains so despoiled and ugly as a result of the Port Coogee project and Cockburn Road realignment?
- A5 I will relay your views to the developer.

Mary Jenkins, Spearwood

Agenda Item 18.1 - Adoption of the Draft Plan for the District 2008 – 2018 and Public Consultation Processes

- Q1. Will the State R20 zoning changes restrict the Phoenix Plan infill program? Will this become policy and set a precedent for advertising in Cockburn in future? Is council restricting developments on a residential lot of 900-1000 square metres? Does this policy go against the State's Network city plan to increase urban infill? Subdividing 900 square metre lots to allow 450 square metres has been a good way to facilitate urban infill as Council has allowed in the past. Smaller lot sizes and homes makes it more affordable for people to live closer to existing facilities. This is less intrusive than two story town houses on a block or high rising dwellings which will inevitable cause social and welfare problems in future to a future Council.

The question that was read out above was not the actual question that was submitted in writing and therefore not answered. The written question below was answered at the meeting:

Will the State Government zoning changes restrict and hinder infill programs in Cockburn?

- A1. The Urban Renewal (revitalisation) projects proposed in the Plan for the District are actually based on the State Government's Planning



Policies. The potential outcomes of those projects will address the objectives and goals of those State Government policies and therefore it is strongly anticipated will be supported by the State Government.

Mary Jenkins, Spearwood

Agenda Item 16.2 – Road Reserve Signage – Port Coogee

- Q1. Who is calling the shots at Council over a banner policy and the mess Australand has created at the entrance to Coogee Beach with the sumps near the café. The bus stop and roads are not user friendly. This is an accident waiting to happen. Seems the only concern by Council is what Australand's needs are, not the rest of the beach going community at Coogee Beach. How safe are the tennis courts and Caravan Parks at Coogee Beach from the developers? What is Council's commitment to maintain these tennis courts and deliver easy access to users? The present system is not user friendly and we have few recreation facilities in Cockburn as it is. And these tennis courts need to be upgraded and it was brought up in a previous meeting.

The question that was read out above was not the actual question that was submitted in writing and therefore not answered.

- A1. The Presiding Member advised Mrs Jenkins that the remainder of her written questions would be responded to writing as her allocated time of three minutes had elapsed.

Michael Sussa, Hamilton Hill

Agenda Item 13.2 - Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 19 March 2008

- Q1 Will Elected Members be required to bring requests for re-imbursment of any legal fees incurred, irrespective of the value, before the Council for consideration?

- A1 Not necessarily. Subject to the application conforming with the requirements of Councils Policy in relation to legal representation costs, the Chief Executive Officer is able to approve claims for re-imbursments of these expenses up to a value of \$6,000.

- Q2 What proof of payment of the legal expenses will be required to be produced to Council?

- A2 Any application for re-imbursment of legal fees incurred must provide details of the services previously supplied.

- Q3 Is there any limit on the amount of expenses that can be claimed?

- A3 No

- Q4 Has any claims been submitted by elected members or are there



claims pending?

- A4 Claims for indemnification of legal costs have been made in the past by Elected Members and Employees of the City since the Policy was first adopted in 1999. There are no known claims currently pending.

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 3699)** (OCM 10/4/2008) - ORDINARY COUNCIL MEETING - 13/03/2008

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 13 March 2008, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr H Attrill that the Minutes of the Ordinary Council Meeting held on 13 March 2008 be adopted as a true and accurate record.

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 (OCM 10/4/2008) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil

NOTE: AT THIS POINT OF THE MEETING, THE TIME BEING 7.19PM, THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:- 13.1; 13.3; 14.2; 14.3; 15.2 AND 16.1.



13. COUNCIL MATTERS

13.1 (MINUTE NO 3700) (OCM 10/4/2008) - MINUTES OF THE AUDIT COMMITTEE MEETING - 19 MARCH 2008 (5017) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit Committee Meeting held on 19 March 2008, as attached to the Agenda and the recommendation contained therein be adopted.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

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

Report

The Committee considered the following report:

Internal Audit Plan - Year 1 (2007/08) - Council's newly appointed Internal Auditors, Stamfords, attended the meeting to explain the proposed scope of the Internal Audit for Year 1 of the 4 year period for which they have been appointed.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

As contained in the Minutes.



Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Attachment(s)

Minutes of the Audit Committee Meeting - 19 March 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

13.2 (MINUTE NO 3701) (OCM 10/4/2008) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 19 MARCH 2008 (1054) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 19 March 2008, as attached to the Agenda and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 19 March 2008. The Minutes of the meeting are required to be presented to Council and its recommendations considered by Council.



Submission

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

Report

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

An item dealing with a proposed new policy on Coogee residential height requirements lapsed due to conflict of interest provisions. The City's Planning Department has advertised the draft policy for public comment, the results of which will be incorporated into the report to be produced for the July Committee Meeting.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 19 March 2008.

Advice to Proponent(s)/Submissioners

N/A



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

Nil

13.3 (MINUTE NO 3702) (OCM 10/4/2008) - REVIEW OF WARD BOUNDARIES AND COUNCILLOR REPRESENTATION (1035) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) gives local public notice advising of a review of its Ward boundaries and Councillor numbers for each Ward;
- (2) based on results of the recent community research undertaken, advertises its preferred model as the retention of the current Ward system (ie. West, Central and East) as shown in the attachments to the Agenda; and
- (3) invites submissions from the public in respect of the review for a period closing 6 June 2008.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0

Background

At the Council meeting conducted on 11 January 2007, the following resolution was carried:

- (1) *retain the current Ward boundaries to be effective for the City of Cockburn elections to be held in 2007;*
- (2) *following the 2007 elections, undertake community research to gauge current elector preferences in relation to Ward and Non-Ward systems of elected member representation for the City of Cockburn;*
- (3) *upon receipt of the results of (2) above, conduct a formal review of its Wards and Councillor representation, in accordance with schedule 2.2 of the Local Government Act, 1995; and*



- (4) *ensure the review undertaken pursuant to (3) above is presented to Council, with any recommendations, by no later than 18 July, 2008.*

Subsequent to the Council elections held in October 2007, community research has been undertaken, the results of which indicate a clear preference for the retention of the current Ward system of representation (see attachment).

To ensure compliance with the remainder of Council's decision, it is now necessary for Council to seek public submissions on its review. It is intended that during this period Council's preference be advertised and that any submissions be included in a report for Council's final consideration at its July 2008, meeting.

Submission

N/A

Report

Following the October 2007, local government elections, correspondence has been received from the Local Government Advisory Board re-affirming the requirements of the Local Government Act, 1995, in relation to the statutory provisions regarding a review of the current Ward structure and Councillor numbers.

The Board's assessment of Council's current structure is portrayed as follows:

Ward	No. of Clrs	No. of Electors	Ward Ratio Average	% Ratio Deviation
Central	3	14,299	4,743	11.93
East	3	20,539	6,846	-21.00
West	3	16,156	5,385	4.82
Total	9	50,924	5,658	

To ensure that any changes can be implemented in time for the 2009 local government elections, any review must be submitted to the Board by 31 December 2008.

It is therefore recommended that this process be dealt with in accordance with the timeframe committed to in Council's January 2007, decision (ie. by July 2008) to enable the Board's requirements to be satisfied.

While there is no statutory provision which specifies any preferred position of Council is required to be submitted for public scrutiny, the Department of Local Government and Regional Development



Guidelines on this matter suggest that options should be provided to the public as a means of stimulating participation in the process.

Accordingly, an assessment of the current system, together with an analysis of the community perceptions of the current scenario, has been undertaken. This assessment identifies that there is overwhelming support for the current three ward system of representation (2 out of 3 responses in favour) over a non-ward system (1 in 4 respondents preference). A small percentage of respondents (1 in 16) preferred neither option, although these preferences were not explored in any further detail. With this in mind, a comparison of elector/councillor ratio illustrates that the same inequity in numbers which was highlighted in the January 2007, report is still a factor. That is, the growth of residential development in the East Ward far outweighs those in the Central and West Wards combined.

However, what the latest elector figures also reveals is that the growth rate is not as high as has been predicted in the past. It has been generally considered that the District would be effectively fully developed, in terms of residential stock by 2016. However, given the increase in electors since 2000 equates to about 9,000, there will be at least one more electoral review required by Council before the District will be fully developed. The broader economic data would tend to support this premise, with property affordability likely to be a factor in reducing the population growth rates across parts of the District for the short term future at least. If this is the case, there is no doubt that the development of the district will be curtailed, in terms of population growth, by a minimum of 4 years. This will have an impact on the manner by which any representative structure of Council will be managed into the future.

What was previously considered to be the 'ultimate' scenario timeframe (ie. 2016) is now likely to be beyond 2020, which is well beyond the next statutory timeframe for a formal review to be conducted in accordance with the Act.

Therefore, it is likely that a further 'interim' assessment will be required in 2016, which will impact on the timeframes for which Council will be required to consider its 'ultimate' scenario.

Accordingly, it is recommended that Council does not recommend a Ward restructure which reflects its predicted ultimate development, but rather implement a modified amendment which reflects the current and shorter term situation in terms of elector/councillor ratio numbers.

This has been effected by simply relocating the suburb of North Lake and that part of Bibra Lake (east of North Lake Road) from East Ward to Central Ward. This will provide the Central Ward with the majority of the elector base, but not to the extent that it will unduly impact on the ratio criteria, which should be as equally distributed as possible



between the three Wards. The proposal , as suggested, is illustrated as follows:

Ward	No. of Clrs	No. of Electors	Ward Ratio Average	% Ratio Deviation
Central	3	18,278	6,093	-7.53
East	3	16,520	5,507	+2.81
West	3	16,196	5,399	+4.72
Total	9	50,994	5,666	

While these figures indicate a sharp increase in the elector numbers for the Central Ward, it is highly likely that the growth rate for this Ward will be considerably lower than the East Ward, which will continue to develop at a more accelerated pace and West Ward, which will benefit from the development of North Coogee and in the future, the 'Cockburn Coast' refurbishment programme.

The combined impact of this relatively minor change will be to equalise the elector/councillor ratio in the short term and also the corresponding effect of lessening the inequity in the ratio, which will exist as a result of the East Ward accounting more than half of the expected growth rate to be experienced over the next 8 years.

In addition, any impacts which will result from the recent amendments to suburb boundaries as recommended by Council at its March 2008, meeting will be minimal because of the small numbers of affected electors.

In conclusion, it is recommended that Council endorses the attached model as its preferred option for the terms of this review (ie. until 2016) at which time, a more definite outlook on the ultimate development of the District should have emerged, and a Council decision based on more accurate figures than current estimates will be possible.

The attached option can then be promoted in Council publications as a means of soliciting public comment on this and other alternatives for Council's consideration, which will be required as part of a full report following the close of the submission period. This report will also be required to consider other factors such as financial, physical/topographical features and community of interest issues in addition to the demographic make-up of the District.

For that reason, these matters have not been considered at this stage in this report, however, will be mentioned in Council's publicity of the review process.



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

Schedule 2.2 of the Local Government Act, 1995 refers.

Community Consultation

The review will be subject to extensive public consultation through Council's promotion channels.

Attachment(s)

1. Map depicting current Ward boundaries.
2. Map depicting optional Ward boundaries, identifying the suburbs of North Lake and Bibra Lake (East of North Lake Road) being transferred from East to Central Ward.
3. Extract from Community Research on Preferred Structure.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

MAYOR LEE, CLR OLIVER AND CLR GRAHAM LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.21PM, AND WERE ABSENT FOR THE DELIBERATION OF ITEMS 14.1 AND 16.2.

DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT FOR THE DELIBERATION OF ITEMS 14.1 AND 16.2.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received Declarations of Interest as follows:



MAYOR STEPHEN SLEE

Declared a Financial Interest pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in Item 14.1 "Multiple Dwelling Development (38 Dwellings, Including 2 Single Bedroom Dwellings)". The nature of his interest is that it appears that he was the recipient of a notifiable gift from a company, a Director of which owns property within the subject area, in relation to the 2005 election at which he was elected, and he is therefore deemed to be a closely associated person.

CLR VAL OLIVER

Declared a Financial Interest pursuant to Section 5.61 of the Local Government Act, 1995, in Item 14.1 "Multiple Dwelling Development (38 Dwellings, Including 2 Single Bedroom Dwellings)". The nature of the interest is that she received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

CLR RICHARD GRAHAM

Declared a Conflict of Interest, pursuant to Part 21 of Council's Standing Orders, in Item 14.1 "Multiple Dwelling Development (38 Dwellings, Including 2 Single Bedroom Dwellings)". The nature of the interest is that he had given evidence at the Corruption and Crime Commission ("CCC") which, by implication, was critical of Australand Limited's conduct in relation to the Port Coogee development. He believes his participation in decision-making in relation to the Port Coogee development gives rise to a perception of a conflict of interest until the CCC makes findings in relation to the matters that were the subject of his evidence

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3703) (OCM 10/4/2008) - MULTIPLE DWELLING DEVELOPMENT (38 DWELLINGS, INCLUDING 2 SINGLE BEDROOM DWELLINGS) - OWNER: PORT CATHERINE DEVELOPMENTS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (6008306) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:-

- (1) grant its approval for the erection of a multiple dwelling development, comprising 38 dwellings, including 2 single bedroom dwellings, on Lots 100, 9011 and 9016 (Proposed Lot 785) Orsino Drive, Port Coogee, subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.



2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
3. The extent (length) of solid wall comprising the northern section of the eastern boundary being reviewed to the City's satisfaction, the details in respect of which are to be provided to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property.
4. The Blue/Green glazing identified for the corner of Orsino Boulevard and Road 14, and that proposed for the Road 14 lobby being transparent in nature, the details in respect of which are to be provided to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property.
5. The details of the Artist Designed wrought iron infill proposed for the pool fence area adjoining Road 14 being provided to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property. In this regard, the City's seeks infill that has at least 50% transparency.
6. The combined height of the Rough Stone Base and terrace balustrades in the western elevation being no greater in height than 2.2 metres. In all instances, the balustrades should be transparent as noted on the plans.
7. The submission of material, finish and colour details for the development to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property (having regard for the requirements of the Port Coogee Design Guidelines).
8. The submission of a landscaping plan, detailing in particular:
 - a) the landscaping of all private areas, both soft and hard elements; and
 - b) the northern interface with the adjoining public open space (including the intended fence height and design);to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property.
9. All landscaping is to be undertaken and completed in accordance with the approved landscape plan prior to the



occupation of any dwellings on the subject property.

10. The landscaping installed in accordance with the approved landscape plan is to be reticulated/irrigated and maintained to the City's satisfaction.
11. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
12. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
13. All sealed areas must be drained so that no stormwater discharges onto road reserve or adjacent properties. Acceptable treatments are on-site disposal structures designed for a 1 in 100 year, 24 hour storm, with contingency for flooding and a 300mm freeboard. The acceptable on-site disposal structures are soakwells/swales/sump/infiltration basins. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or hydraulic consultant, to the satisfaction of the City.
14. All car parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking).
15. The location and allocation of car parking bays to specific dwellings is to be provided prior to the issue of a building licence for any dwellings on the subject property and are to be reflected on any strata plan for the subject property to the City's satisfaction.
16. No more than two (2) parking bays being provided per dwelling. Where a dwelling is proposed to be provided with three (3) bays, the third bay is to be used for storage purposes only.
17. All visitor car parking bays are to be clearly delineated (marked/signed), available for use in perpetuity and reflected as such on the strata plan for the development/property.
18. All service areas (clothes drying areas and bin stores) and service related hardware, including antennae, satellite

dishes and air- conditioning units, being suitably located from public view and/or screened, the details of which are to be provided to the satisfaction of the City prior to the issue of a building licence for any dwellings on the subject property.

19. The height of the bin store wall where it abuts Orsino Boulevard being reviewed to the City's satisfaction, the details in respect of which are to be provided to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property.
20. Any car park ventilation grills and/or panels are to be suitably located relative to the surrounding public domain taking into account the prominence of the subject property. The details are to be provided to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property.
21. The submission of a Waste Collection and Disposal Strategy to the City's satisfaction (Engineering Services) prior to the issue of a building licence for any dwellings on the subject property.
22. All proposed clearance strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon. The burning of vegetation is not permitted on-site.
23. The City of Cockburn Local Government Act Local Laws 2000 requires that a detailed Dust Management Plan must be submitted to Health Service. The Dust Management Plan must comply with the City's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn". The plan must be approved by an authorised officer prior to the commencement of any earthworks on site.
24. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
25. The submission of a construction management plan, to the satisfaction of the City prior to the issue of a building licence for the subject property, detailing how it is proposed to manage:
 - a) access to and from the site;



- b) the delivery of materials and equipment to the site;
 - c) the storage of materials and equipment on the site;
 - d) the parking arrangements for contractors and subcontractors; and
 - e) other matters likely to impact on the surrounding properties.
26. No building (or related) activities associated with this approval 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.

FOOTNOTES

1. The application has been determined on the basis of the plans and information provided to Council for assessment.
2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
3. The Council accepts no responsibility or liability in respect of the location of the development relative to any new lot boundary/ies. This is the sole responsibility of the applicant/landowner/developer (to ensure development complies with the necessary setbacks and easements from new lot boundaries).
4. With respect to the supported variation regarding visitor parking bay numbers, the City's support in this regard is based on the close relationship of kerbside parking bays to dwelling entry points at the ground floor level. The City's support is also based on minor nature of the variation and the provision of two (2) service bays in the basement parking level.
5. In relation to condition 3, the City seeks to ensure the pedestrian experience of the development adjoining Orsino Boulevard is positive and interactive. The wall proposed is considered contrary to achieving the desired outcome due to its solid nature, for a distance of approximately 25 metres.
6. In relation to conditions 6 and 19, the City seeks to ensure a builtform interface with Road 13 that is pedestrian in scale and interactive in nature.
7. With respect to condition 20, given the prominent location of the subject land, the placement of services and related

hardware will require specific attention at working drawings stage. With respect to air conditioning condenser units, a generic approach to screening such units may be necessary (through a consistent screening element in balustrades for example).

8. The development is to comply with the requirements of the Building Code of Australia.
 9. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.
 10. Where an approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained..
- (2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No. 3; and
- (3) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 6/0

Background

The subject land is situated on the western (coastal) edge of the Port Coogee project area, on the south side of the Marina Village precinct. When created, the lot will be 5251 square meters in size and will abut the public open space link between Stage 1 and the beach. The Detailed Area Plan for the lot (and Lot 786) was approved in principle by Council at its February 2008 meeting subject to a number of minor changes.

Submission

In accordance with the zoning of the proposed lot under the amended Port Coogee Structure Plan, application has been made to develop 38 multiple dwellings on the land. In detail, the following is proposed:



1. A basement parking level containing 76 bays (74 resident; 2 service).
2. Three (3) levels of builtform extending around the southern, western and northern boundaries of the land (containing 36 dwellings).
3. Two (2) single bedroom dwellings on the south western corner of the lot.
4. Resident amenities, including a gym/pool area and a large internal courtyard.

Vehicular access to the basement level parking will be via a crossover on Orsino Boulevard. This same crossover will serve five (5) visitor and two (2) resident bays in the courtyard. Pedestrian access to the development will be available from Orsino Boulevard and the southern frontage of the proposed lot (currently road 14). Additionally, pedestrian access will be directly available to all (12) ground floor units.

Report

The following matrix provides an account of compliance with the planning controls (the Detailed Area Plan and R-Codes) applicable to the land.

Standard	Provision	Compliance
Use	Residential	Yes (residential)
Density	R80	Yes (42 dwellings permissible, 38 proposed)
Plot Ratio	1.0:1.0 (5,251m ²)	No – 1.05:1.0 (or ~ 5535m ²) – see report
Height	3 storeys/13.6m	Generally – see report
Setbacks	As per DAP	Generally – see report
Open Space	DAP/R-Codes	Yes (55% of site, ~ 57% proposed) Communal, 16m ² /dwelling = 608m ² , ~1041m ² proposed
Car Parking	R-Codes	Generally – see report

Plot Ratio

The plot ratio proposed for the site exceeds that permitted by approximately 284 square metres. This in part reflects the location and nature of development proposed for the land i.e. a lesser number (than that permitted) of larger dwellings.

From a planning perspective, the additional plot ratio is supported for the following reasons:

- The extra floor space in part responds to the City's desire to see builtform reinforce the corner of Orsino Boulevard and Road 14.



Initially, a single level structure was proposed for this corner. Given the importance of Orsino Boulevard and the practice of reinforcing corner locations in 'mainstreet' environments, the City requested this aspect of the development be increased in height and presence, resulting in the two (2) single bedroom dwellings;

- The additional floor space after taking the above into account is minor as a percentage of that permissible.

Furthermore, it is important to note that whilst plot ratio is a relevant consideration, it is often regarded a somewhat rudimentary, arbitrary measure. Across Port Coogee, considerable emphasis is being placed on builtform outcomes, particularly how development addresses the street environment and/or public open space. In the subject instance, the proposed development will provide a responsive address where it meets the public domain.

Height

With the exception of a feature element above the north-west corner of the building, the proposal sits beneath the height control applicable to the land. The element above the north-west corner is supported as an element of interest that will assist in defining the corner location.

In addition to building height, particular concern has been expressed in regard to ground floor levels (heights) where they sit adjacent to adjoining streets and the north side public open space. The objective is to achieve a meaningful relationship between internal floor levels and the pedestrian environment. To protect this objective, a number of conditions are proposed to ensure the disparity between the two levels is not too great.

Setbacks

The building setbacks are generally compliant with the requirements of the DAP. The objective of the required setbacks is an 'urban' form of development, providing for a strong edge to the public environment. In this regard, there are some elements at the lower level of the building that require further detailing to ensure a positive interface with the public domain. Conditions regarding these elements are recommended.

Car Parking

Resident parking is proposed in accordance with the requirements of the R-Codes. As with other similar developments in Port Coogee and South Beach, a condition limiting the number of bays to two (2) per dwelling is recommended. Any third bay i.e. for larger dwellings is to be used for storage purposes only.



Eight (8) visitor parking bays are required to be provided on-site. In total, seven (7) bays are proposed; this includes the two (2) service bays in the basement. The minor variation to the required number is supported in the knowledge that the development will be surrounded by kerbside visitor parking in the adjoining road reserves. It is expected this parking will be well used by visitors to ground floor dwellings.

Other

Other matters typically addressed by conditions of approval on applications similar to that proposed include:

- The submission of material, finish and colour details;
- Service hardware details i.e. where service hardware such as air conditioning condenser units are to be located on-site and/or screened (if necessary); and
- Landscaping details.

The above matters need to be addressed to the City's satisfaction prior to the issue of a building licence for the development.

Conclusion

The subject proposal is considered to be of a high standard, addressing the key principles fundamental to achieving a positive and interactive environment between the public and private domains. The development will also provide a mix of dwellings types and sizes, important in the creation of a diverse population and community. Bearing these in minds and the comments above, it is recommended that Council conditionally approve the application under Town Planning Scheme No. 3.

Recommendation

That Council conditionally approve the application for the erection of 38 multiple dwellings (including two single bedroom dwellings) on Lots 100, 9011 and 9016 (Proposed Lot 785) Orsino Boulevard, Port Coogee. It is also recommended the Council resolve to:

- issue a Notice of Determination of Application for Planning Approval; and
- advise the applicant of Council's decision.

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 identify community needs, aspirations, expectations and priorities for services that is required to meet the changing demographics of the district.

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by the City.

Legal Implications

Town Planning Scheme No.3
R-Codes
Port Coogee Structure Plan (including DAP's)
Planning and Development Act 2005

Community Consultation

Not undertaken, noting the proposal is generally in accordance with the relevant planning controls

Attachment(s)

- (1) Location plan;
- (2) Site plan, floor plans and elevations.

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 10 April 2008 Council Meeting.

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

Nil



14.2 (MINUTE NO 3704) (OCM 10/4/2008) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 (1)(B)(I) OF THE LAND ADMINISTRATION ACT 1997 - LOT 8506, 8508 & 8509 ON PLAN 43622 (451856, 451855) (K SIM) (ATTACH)

RECOMMENDATION

That Council;

- (1) request that the Minister for Planning and Infrastructure dedicate Lots 8506, 8508 & 8509 on Plan 43622 as a Road Reserve, pursuant to Section 56(1)(b)(i) of the Land Administration Act 1997; and
- (2) indemnify the Minister Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0

Background

The subject land parcels are shown as Heywood, Darcy and Koolan Lanes respectively on Landgate Survey Plans.

Submission

McMullin Nolan licensed surveyor on behalf of the owners, Stockland South Beach P/L, has written to the City requesting that the subject laneways be dedicated as public roads.

Report

McMullin Nolan, as the Licensed Surveyors for the subdivision, report that the laneways were not vested as road reserves automatically when the Deposited Plan 43622 was registered because the widths of the laneways were less than 6.00 metres. Section 295(5) of the Local Government Act 1960 stipulates that Local Authorities only assume care, control and management of roads that are greater than 6.00 metres in width. This provision has been subsequently amended by clause 172 of the Planning and Development Act 2005. Clause 295(5) however applied at the time of the initial lodgement of the Deposited



Plan. It is the intention of the subdivision that the laneway be available to the public at large.

Accordingly, it is recommended that the City request the Minister for Planning and Infrastructure to vest the relevant laneways shown as Heywood, Darcy and Koolan Lane, North Coogee, as public roads. The procedure for the dedication is set out in Section 56 of the Land Administration Act 1997. The Laneways were constructed along with the rest of the subdivisional roadworks at the time of the subdivision. Clause (4) of Section 56 requires the local government to indemnify the Minister in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request.

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

The dedication is pursuant to Section 56 of the Land Administration Act 1997, which requires the City to indemnify the Minister in respect to all costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor.

Legal Implications

Land Administration Act 1997 refers.

Community Consultation

N/A

Attachment(s)

Location Plans

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 April 2008 Council Meeting.



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

Nil

14.3 (MINUTE NO 3705) (OCM 10/4/2008) - SALE OF PORTION OF LOT 14 HAMMOND ROAD, SUCCESS (55143961) (D ARNDT) (ATTACH)**RECOMMENDATION**

That Council:

- (1) accept the offer of \$50,204 exclusive of GST from Hammond Gardens Private Estate No. 2 Pty Ltd for the purchase of 326 square metres of Lot 14 Hammond Road, Success subject to the purchaser meeting all costs associated with the subdivision and application for balance certificate of title;
- (2) transfer the proceeds of the sale to the Land Development Reserve Account; and
- (3) formally agrees to provide access to Lot 14 Hammond Road, Success to Hammond Gardens Private Estate No. 2 Pty Ltd to undertake the required works prior to the creation of the subject titles.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED 9/0**Background**

At its meeting on the 14 February, 2008, Council resolved the following:

- (1) defer the decision to sell 326 sq.m. of Lot 14 Hammond Road, Success to Hammond Gardens Private Estate No.2 Pty Ltd;
- (2) enter into negotiations with Hammond Gardens Private Gardens Estate No.2 Pty Ltd for an increased price for the portion of Lot 14; and
- (3) refer the outcome of negotiations to a future meeting of Council for determination.



Submission

Hammond Gardens Private Estate No. 2 Pty Ltd initially made a written offer to purchase two separate portions of Lot 14 (170sqm & 156sqm) for a consideration of \$45,640.

Report

Hammond Gardens are the subdividers of land north and south of Lot 14. The structure plan approved by Council clearly shows that there should be two road connections, 13 metres in width, across Lot 14 at two separate points, approximately 140 metres apart.

Lot 14 is a 15 metre wide strip of land formerly used as an open drain. Its current function is as an over land drainage outlet in the event of a one in a hundred year storm event.

A subdivision application connecting the subdivisional estates has been forwarded to the Western Australian Planning Commission.

The application shows the two road way sections with the balance of the land to remain as a single freehold lot for drainage purposes. Hammond Gardens Private Estate No.2 Pty Ltd has agreed to beautify the balance of the land in conjunction with the adjoining subdivision works while at the same time maintaining the over land flow drainage function of Lot 14.

A valuation report dated 13 September 2007 has been supplied by Wayne Shroy of McGees, Licensed Valuer, acting on behalf of the City. The valuation report determines the market value of the two parcels of land to be \$45,640 exclusive of GST. The valuation utilises a direct market comparison approach as the primary method of valuation, essentially analysing sales evidence at a rate per square metre of land area, taking into account lot size, zoning, and location and market factors.

Council Officers contacted McGees who confirmed that their September 2007 valuation was still valid in February 2008, as land prices had not significantly varied.

In negotiations with Hammond Gardens Private Estate No.2 Pty Ltd they have subsequently provided a revised offer, based on the original valuation of \$140 per metre square plus a premium of 10% exclusive of GST. They have also requested that should Council accept the offer that the City also provides access to Lot 14 for the required works to be undertaken as titles are not likely to be transferred before works are completed.



Given Council's view on this matter Officers arranged an additional independent valuation to be undertaken. The valuation was supplied by Pember Wilson & Eftos, Licensed Valuers, determined that the market value of the two parcels of land to be \$46,200 exclusive of GST.

Pursuant to Section 3.58 of the Local Government Act, the proposal was advertised in the West Australian Newspaper on 12 December 2007. The advertised offer was \$45,640 whereas the recommendation is \$50,204. The variation amounts to \$14 per square metre and is not considered to be materially different to the advertised figure. It is not considered necessary to re-advertise the disposition. At the conclusion of the statutory advertising period there were no objections to the proposal.

Given that the two independent valuations have determined that the market price is approximately \$140 per metre square it is recommended that Council accept the offer by Hammond Gardens Private Estate No. 2 Pty Ltd of \$50,204 for the two portions of Lot 14 Hammond Road, Success.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

Budget/Financial Implications

The proceeds of the sale will be transferred to the Land Reserve Account.

The applicant will meet all costs associated with the required subdivision.

Legal Implications

Section 3.58 of the Local Government Act 1995 refers.

Community Consultation

The proposal has been advertised in the Western Australian newspaper.

Attachment(s)

1. Plan of the subject land
2. Proposed subdivision drawing



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 10 April 2008 Council Meeting.

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

Nil

CLR REEVE-FOWKES LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.26PM.

DEPUTY MAYOR ALLEN REMAINED IN THE ROLE OF PRESIDING MEMBER AT THIS POINT.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received Declarations of Interest as follows:

CLR CAROL REEVE-FOWKES

Declared a Financial Interest in Item 15.1 "List of Creditors Paid – January 2008", pursuant to Section 5.62(1)(b) of the Local Government Act, 1995. The nature of the interest is that she is an employee of the Yangebup Family Centre which is a recipient of funds paid by Council during this period.

MAYOR LEE, CLR OLIVER AND CLR GRAHAM RETURNED TO THE MEETING, THE TIME BEING 7.27PM.

THE PRESIDING MEMBER ADVISED THE MAYOR AND COUNCILLORS OF THE DECISION OF COUNCIL IN THEIR ABSENCE, IN RELATION TO ITEMS 14.1 AND 16.2

MAYOR LEE RESUMED ROLE OF PRESIDING MEMBER.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (MINUTE NO 3706) (OCM 10/4/2008) - LIST OF CREDITORS PAID
- FEBRUARY 2008 (5605) (K LAPHAM) (ATTACH)**

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - February 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

CLR REEVE-FOWKES RETURNED TO THE MEETING, THE TIME BEING 7.29PM.

THE PRESIDING MEMBER ADVISED CLR REEVE-FOWKES OF THE DECISIONS OF COUNCIL WHILST SHE WAS ABSENT FROM THE MEETING.

15.2 (MINUTE NO 3707) (OCM 10/4/2008) - STATEMENT OF FINANCIAL ACTIVITY - FEBRUARY 2008 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 9/0



Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for February 2008.

The financial statements for February 2008 incorporate those changes to the budget resulting from the mid-year Budget Review adopted by Council in February 2008.

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

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

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

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



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

Material Variance Threshold

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports - February 2008.



Advice to Proponent(s)/Submissioners

N/A

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

Nil

16. ENGINEERING AND WORKS DIVISION ISSUES**16.1 (MINUTE NO 3708) (OCM 10/4/2008) - PROCLAMATION OF ROE HIGHWAY STAGE 7 AND THE KWINANA FREEWAY PATHS (9710) (J RADAICH) (ATTACH)****RECOMMENDATION**

That Council agree to the proposal by the Commissioner of Main Roads in accordance with Section 13 of the Main Roads Act, to proclaim the Main Roads controlled paths on Roe Highway and Kwinana Freeway as shown in Main roads WA Drawing Nos. 9422-036-03, 0693-367, 0693-368, 0793-986, 0793-987, 0793-988, and 0493-193-01.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be carried.

CARRIED 9/0**Background**

The extension of Roe Highway from South Street to Kwinana Freeway was opened in mid March 2006. There is a need for the Commissioner of Main Roads WA to formalise responsibilities for the highway and its associated ramps and paths, together with paths associated with the Kwinana Freeway, data for which was not available when the Kwinana Freeway was proclaimed.

Submission

Main Roads WA have requested Council's endorsement for Main Roads to be proclaimed as responsible management authority for the Roe Highway/Karel Avenue, Kwinana Freeway/Roe Highway, Kwinana Freeway/Berrigan Drive, Kwinana Freeway/Beeliar Drive, Kwinana Freeway/Russell Road and Kwinana Freeway/Rowley Road paths to better define it for all parties.



Report

The proclamation will formalise the existing management arrangement for the freeway/highway paths in question and should be supported.

Strategic Plan/Policy Implications

Transport Optimisation

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

- Letter from Main Roads regarding the Proclamation of Roe Highway Stage 7 – South Street to Kwinana Freeway
- Main Roads WA Drawing Nos. 9422-036-03, 0693-367, 0693-368, 0793-986, 0793-987, 0793-988 and 0493-193-01 showing the freeway/highway paths to be formally proclaimed.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received Declarations of Interest as follows:

MAYOR STEPHEN LEE

Declared a Financial Interest pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in Item 16.2 "Road Reserve Signage Application – Port Coogee". The nature of his interest is that it appears that he was the recipient of a notifiable gift from a company, a Director



of which owns property within the subject area, in relation to the 2005 election at which he was elected, and he is therefore deemed to be a closely associated person.

CLR VAL OLIVER

Declared a Financial Interest pursuant to Section 5.61 of the Local Government Act, 1995, in Item 16.2 "Road Reserve Signage Application – Port Coogee". The nature of the interest is that she received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

CLR RICHARD GRAHAM

Declared a Conflict of Interest, pursuant to Part 21 of Council's Standing Orders, in Item 16.2 "Road Reserve Signage Application – Port Coogee". The nature of the interest is that he had given evidence at the Corruption and Crime Commission ("CCC") which, by implication, was critical of Australand Limited's conduct in relation to the Port Coogee development. He believes his participation in decision-making in relation to the Port Coogee development gives rise to a perception of a conflict of interest until the CCC makes findings in relation to the matters that were the subject of his evidence.

16.2 (MINUTE NO 3709) (OCM 10/4/2008) - ROAD RESERVE SIGNAGE APPLICATION - PORT COOGEE (3209006) (4271) (1146) (J RADAICH) (ATTACH)

RECOMMENDATION

That Council:

- (1) approves the application by Adcorp to erect banners on street lights on Pantheon Avenue and Orsino Blvd subject to:
 1. Confirmation that the street lights/poles that are carrying the banners will be certified by a structural engineer as to their engineering adequacy.
 2. Provision of a detailed location plan showing where the banners will be located, particularly at intersections and the plan will be supported by a traffic engineer's assessment that the banners will not restrict visibility or create a distraction for motorists.
 3. The applicant indemnifying the City against loss, damage or any other claim which may be attributed to the banner or pole.
 4. approval will be for a twelve month period and the applicant will be required to re-apply to the City at the expiry of that period.
 5. The applicant will be responsible for the maintenance costs of the banner and pole for the period whilst the banners



- are erected.
6. The content on the banners must be approved by the City and will be restricted to marketing of the location, environment, lifestyle and place of the development or events and strategies promoted by the City of Cockburn.
- (2) prepare a policy on the provision and approval of banners to be presented to a future Council meeting.

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 6/0

Background

The Port Coogee development has progressively satisfied land development requirements and is releasing lots for sale as each stage is approved.

Submission

To facilitate promotion of the land development. Adcorp, the marketing consultant for the developer, Australand, has made application to install a number of signage options in and around the Port Coogee development:-

1. Welcome Statement - on Cockburn Road verge at the northern and southern entries to the development, and communicating the benefits of coastal living at Port Coogee.
2. Information Pillars – six banner-like information signs on the re-aligned Cockburn Road verge to direct visitors to the Port Coogee sales and information office.
3. Single Sided Banners – sixteen banners attached to the existing Council approved non-Western Power street lights in the future Pantheon Avenue and Orsino Boulevard, the main east-west and north-south entry roads within the Port Coogee development. These would add visual appeal and vision to the development during construction.

It is intended that the signage would assist visitors in their navigation throughout the development whilst enhancing the visual appeal of the streetscapes. After the development phase, the developer intends to



offer the signage back to the City to promote community events and activities.

A Concept Plan of the signage proposal is attached to the Agenda.

Report

Adcorp's application for Welcome Statements and Information Pillars has been referred to the Main Roads WA as they are contained on the Cockburn Road verge which is under their jurisdiction. Informal advice from Main Roads suggests that they have refused Adcorp's application for these signs.

The Single Sided Banners on the proposed local roads (blue dots on the attachment) are within the jurisdiction of the City of Cockburn. Whilst Pantheon Avenue and Orsino Blvd are private roads within the Port Coogee development, they will be vested under the City's control as public roads as the subdivision development is cleared and on that basis, The City should consider its position with regards to banner signage in general.

The City does not currently have a position on banners on street lights. Officers believe that banner poles or banners on street lights will be a marketing tool more commonly employed by developers as they seek to improve the visual amenity, therefore in permitting this application, it is likely that the City will be setting a precedent. In considering any application for banners, Council must be conscious of the potential for banners to distract motorists which may compromise safety. This can be mitigated by restricting banners to roads with lower volume and speed profiles however this would need to be reviewed on an individual basis.

The content on banners is also a primary issue which needs to be addressed when providing some broad guidelines. It is assumed that the City would not want banners to be used for broad based product advertisement.

In considering this application in the context of the broader issue of banners on street lights, officers believe that banners may be permitted on the following basis:-

- a) Confirmation that the street lights/poles that are carrying the banners will be certified by a structural engineer as to their engineering adequacy.
- b) Provision of a detailed location plan showing where the banners will be located, particularly at intersections and the plan will be supported by a traffic engineer's assessment that the banners will not restrict visibility or create a distraction for motorists.
- c) The applicant indemnifying the City against loss, damage or any other claim which may be attributed to the banner or pole.



- d) approval will be for a twelve month period and the applicant will be required to re-apply to the City at the expiry of that period.
- e) The applicant will be responsible for the maintenance costs of the banner and pole for the period whilst the banners are erected.
- f) The content on the banners must be approved by the City and will be restricted to marketing of the location, environment, lifestyle and place of the development or events and strategies promoted by the City of Cockburn.

As it is likely that the City will receive further requests for banners on street lights, a policy should be prepared using the above guidelines as a basis for review and discussion. It is recommended that a policy on the provision and approval of banners be prepared and presented to a future DAPPS meeting.

Strategic Plan/Policy Implications

Transport Optimisation

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

Budget/Financial Implications

Nil, though there could be on-going costs in maintaining banners should Council decide to support the application.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

- Concept plan of the Port Coogee signage proposal.
- Port Coogee road reserves as at 1 March 2008

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 10 April 2008 Council Meeting.

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

Nil



17. COMMUNITY SERVICES DIVISION ISSUES

Nil

NOTE: AT THIS STAGE OF THE MEETING, THE TIME BEING 7.31PM, DUE TO FURTHER DISTURBANCE FROM THE PUBLIC GALLERY, THE PRESIDING MEMBER REQUESTED THE CHIEF EXECUTIVE OFFICER TO INSTRUCT MEMBERS OF THE GALLERY TO MAINTAIN ORDER AND REFRAIN FROM INTERJECTING, NAMELY MRS MARY JENKINS AND MRS ROBYN O'BRIEN.

18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 3710) (OCM 10/4/2008) - ADOPTION OF THE DRAFT PLAN FOR THE DISTRICT 2008 - 2018 AND PUBLIC CONSULTATION PROCESSES (1029) (S CAIN) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopts the draft Plan for the District 2008 –2018;
- (2) initiates a public consultation process over the next six weeks, to include a briefing to community representatives through the Community Development Strategy forum;.
- (3) makes the draft available via the City's website and initiates other means of communicating the draft plan; and
- (4) following consultation brings the Plan back to Council for its final consideration at the June Ordinary Council Meeting.

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr R Graham that Council adopt the amended recommendation, as follows:

- (1) to (4) as recommended; and
- (5) examines the possibility of bringing the golf course project forward by 12 months, with concept design design to commence in 2008/09.

CARRIED 8/1



Reason for Decision

The addition of a golf course to the City will add an important recreation facility to the City. Preliminary concept work has already been done on this, so it would be beneficial to ratepayers if the project could be commenced earlier.

Background

The 2005 review of the Local Government Act 1995 (Act) required all local authorities to replace their Principle Activities Plan with a 'Plan for the Future', with this reviewed every two years. The City adopted its current plan entitled *Plan for the District 2006 –2016* in November 2006. Since then considerable progress has been made on implementing this plan. As required under the Act, the Plan has now been reviewed and updated.

Submission

N/A

Report

The City's Strategic Plan identifies the *Plan for the District* as one of the major subordinate plans that guides the development of the City. The Plan provides a detailed ten-year program for infrastructure development, services expansion (including future staffing requirements) and the financial projections for future operating and capital finance requirements.

Plan Development. Over the past year the City's staff have developed the draft revision of the Plan. This process was done in conjunction with the strategic planning review process and has incorporated the findings from the *Community Perceptions Survey* and recent *Community Needs Survey*, completed in March 2008. While the essence of the Plan is about providing infrastructure and services the community wants, it has been developed in the context of what is more broadly needed and can be afforded.

Format. The Plan contains a significant amount of information about the City's future development. The existing format has been retained with a background section that is intended to give the reader some context about the factors that will affect the City. The plan is presented in three main sections, as follows:

Infrastructure Plan. This section contains details on all of the infrastructure projects, including proposed location, development timeframe, capital and operating costs. The projects are separated into:



- Community Infrastructure Projects
- City Infrastructure Projects
- Road Infrastructure Projects

Services Plan. This section contains details of the City's service programs, including a description of the new staff proposals and the requirement for them.

Financial Management Plan. This section details the financial implications of the above development programs. It includes projections of capital costs, sources of funds (existing and new) and projected increases in service charges (rates).

Communication. Upon adoption by Council of the draft Plan it is intended to take this to a public consultation phase. As much of the Plan relates to community infrastructure and services development, it is again intended to use the City's Community Development Strategy forum for soliciting feedback. Community leaders will be provided with copies of the document for further dissemination and additional briefings will be offered to local community groups as required.

The Plan will also be made available via the City's website and information about it communicated via other media, such as Cockburn Soundings and the local newspapers.

Some aspects of the Plan are likely to generate significant community input, while others will have little direct interest. While the Plan is a continuation of its predecessor, it remains in a draft version with the option for amendment prior to final adoption, as Council believes appropriate.

Review. As the plan is an updated version of the current version, the public consultation phase will run for six weeks at the end of which a final version will be presented to Council. Upon final adoption of the Plan the document will be made available to the community in both a full and shortened version.

While the Plan extends until 2018, it will be reviewed again in 2010. The 2008 version of the Plan incorporates contemporary factors which have emerged since its adoption in 2006. It is anticipated that future versions of the Plan will continue to improve as a result of the experiences gained from this version.



Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

It is intended to present the Draft Plan to the Regional Community Development Strategy Forum as a means of instigating interest in its content. Concurrently, the Plan will be advertised for six weeks for public comment as well as being made available via the City's website, and a shortened version produced for mass distribution via Cockburn Soundings and Community Newspapers.

Attachment(s)

Draft Plan for the District 2008 – 2018.

Advice to Proponent(s)/Submissioners

N/A

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

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

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil



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

21.1 **(MINUTE NO 3711) (OCM 10/4/2008) - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (1054) (S CAIN) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopts the South West Group (SWG) Memorandum of Understanding, as attached, and authorises the Mayor and Chief Executive Officer to execute this agreement on behalf of the City;
- (2) agrees to adopting a three year funding arrangement for the period 1 July 2008 to 30 June 2011; and
- (3) in accordance with the funding arrangement, makes provision in the annual budget for 2008/09 for an allocation of \$80,000 to the SWG.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr R Graham that the recommendation be adopted.

MOTION LOST 3/6

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr T Romano that item 21.1 be deferred for consideration at the May 2008 Ordinary Meeting of Council to enable consideration of the major project initiatives planned and an overview of past projects and key outcomes achieved.

CARRIED 6/3

Reason for Decision

To allow Council to consider the benefit that has flowed to Cockburn from past participation in the South West Group and is anticipated to flow from the proposed increased contribution to the operating budget of the South West Group.



Background

The South West Group was established on 11 November 11 1983 as Western Australia's first Voluntary Regional Organisation of Councils (VROC). The VROC, comprising the Cities of Fremantle, Cockburn and Rockingham and the Towns of Kwinana and East Fremantle, was developed to tackle unemployment, economic decline and community services needs. The City of Melville joined the Group in 1985.

The initial focus was on employment and community development with some transport and industry development activity. In the early 1990's the focus shifted with the preparation of a five-year Economic Development Plan, involvement in waste management and the first delegation of Mayors and CEO's to Canberra. Transport also became a significant issue with the South West Group lobbying for the extension of the Kwinana Freeway, Light Rail, Heavy Rail and regional road funding

Current priorities for the South West Group are:

1. Regional Governance: To promote the South West Group as a key stakeholder in the decision-making processes that affect the growth and sustainable development of the South Metropolitan Region of Perth
2. Transport: To effectively influence the development of a regional transport network that provides safe, efficient, convenient and environmentally friendly transport options
3. Economic Development: To create strong, vibrant local economies and a diverse economic base that encourages opportunities for both businesses and for employment
4. Socio-economic development: To create cohesive and culturally rich communities with healthy social interaction and a strong sense of community
5. Management of the natural and built environment: To provide leadership in the recognition of the values of both the natural and the built environment whilst supporting sustainable management for the benefit of current and future generations
6. Coordinated Municipal Services: To facilitate delivery of effective and efficient municipal services to the community with an emphasis on initiatives that reduces waste and duplication
7. South West Group Management: To maintain an efficient, proactive organisation that supports and progresses the aspirations of its member councils

Submission

N/A



Report

The current external political environment, at both State Government and a Federal Government level, supports the continuation of an effective regional structure. The Federal Government has just reaffirmed its approach to the use of Area Consultative Committees and its Better Regions Programme. The Western Australian Local Government Association has also supported regional cooperation on service delivery through its report "The Journey: Sustainability into the future". Commencing a three-year MOU in 2008 will align consideration of the structure, resourcing and role of the South West Group with the Federal Government Electoral Cycle.

The 2008 South West Group Workplan is attached showing the wide range of activities carried out.

The South West Group Region is a logical grouping as it reflects the Western Australian Local Government Association South West Zone, the Western Australian Legislative Council South Metropolitan Electorate and the Australian Bureau of Statistics South West Metropolitan Statistical Division.

The South West Group Region is also of sufficient scale to require the attention of State and Federal Governments. With 1.5% of Australia's population it produces 2% of Australia's GDP. The Region represents 15% of both Western Australia's population and GDP.

Funding for the South West Group in the past has been a mix of administration and project funding agreed on an annual basis by the Board of the South West Group.

Regional bodies throughout the world are funded in a wide variety of methods and sources with the most common being based on population (generally with some state government support). A range of models was considered for the South West Corridor looking at rate revenue, population and hybrid combinations (see Table1). The increase in funding from 2007/08 to 2008/09 is principally to fund a Grants Officer.

The Hybrid P Contribution Approach was based on a \$20,000 fee and the balance of the budget sourced based on population. The Hybrid RB Contribution Approach was based on a \$20,000 fee and the balance of the budget sourced based on rate revenue.



Table 1
SOUTH WEST GROUP
FUNDING OPTIONS FOR 2008/09

LGA	Population 2006	Approved Contribution 2007/08 \$	Current Contribution Approach 2008/09 \$	Per Capita Contribution Approach 2008/09 \$	Hybrid P Contribution Approach 2008/09 \$	Hybrid RB Contribution Approach 2008/09 \$
Cockburn	78 768	50 000	72 750	90 000	81 100	77 250
East Fremantle	6 932	25 000	36 350	8 000	25 000	25 100
Fremantle	26 320	30,000	43 650	30 000	40 500	59 250
Kwinana	24 427	50 000	72 750	28 000	39 000	45 700
Melville	97 597	50 000	72 750	112 000	95 800	86 600
Rockingham	89 629	50 000	72 750	103 000	89 600	77 100
Total	323 673	255 000	371 000	371 000	371 000	371 000

Table 2 contains the information on which used to calculate Table 1 contributions.

Table 2
SOUTH WEST GROUP
EXTRACTS FROM 2005/06 FINANCIAL STATEMENTS

	Cockburn	East Fremantle	Fremantle	Kwinana	Melville	Rockingham	Total
Rate Revenue \$m	23.000	3.504	17.996	10.734	32.191	29.845	117.27
Fees and Charges \$m	20.350	0.747	18.378	6.079	18.574	18.927	83.055
Grant Revenue Operating \$m	5.195	0.635	4.561	6.799	3.634	4.181	38.291
Grant Revenue Capital \$m		0.383	1.088	1.500	3.213	7.102	
Total Revenue \$m	59.956	5.347	41.095	26.960	69.724	59.804	262.886

At the December 2007 CEO Forum, a transitional approach was identified using a reduced budget of \$355,000 through delaying the appointment of a Grants Officer. The CEO Forum supported a fixed figure of \$20,000 as a contribution with the balance being determined based on a mix of population and rate revenue. Table 3 details the recommended budget for FY 08/09.



**Table 3
SOUTH WEST GROUP
RECOMMENDED 2008/09 CONTRIBUTION**

LGA	2007/08 Contribution	2008/09 Contribution
Cockburn	\$50,000	\$80,000
East Fremantle	\$25,000	\$25,000
Fremantle	\$30,000	\$40,000
Kwinana	\$50,000	\$50,000
Melville	\$50,000	\$80,000
Rockingham	\$50,000	\$80,000
Total	\$255,000	\$355,000

Strategic Plan/Policy Implications

Governance Excellence

- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The budget allocation for FY 08/09 would be \$80,000.

Legal Implications

N/A

Community Consultation

As the City is an existing member of the SWG, there is no requirement to advertise the MOU.

Attachment(s)

- South West Group 2008-10 Memorandum of Understanding
- South West Group Workplan 2008

Advice to Proponent(s)/Submissioners

The Director of the SWG has been advised that this matter will be considered at the April Council Meeting.

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

N/A



22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3712) (OCM 10/4/2008) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

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

CARRIED 9/0

25. (OCM 10/4/2008) - CLOSURE OF MEETING

MEETING CLOSED AT 7.44PM

CONFIRMATION OF MINUTES

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

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

