

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 AUGUST 2012 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 AUGUST 2012 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	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 D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Mrs L. Jakovich	-	PA to Directors Engineering & Works and Planning and Development.

1. DECLARATION OF MEETING

The Presiding Member declared the August 2012 Ordinary Meeting of Council opened at 7.01 p.m. and in so doing welcomed everyone.

'I acknowledge the Noongar people who are the Traditional Custodians of the Land on which we are meeting tonight.'

'I pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Indigenous Australians who may be present'.

Before moving to the Agenda proper I take this opportunity to make the following announcements:



WA Sustainable Cities Awards

On Tuesday 31 July 2012 the City of Cockburn was named *Western Australia's most Sustainable City* for 2012.

The City was honoured to have received the Keep Australia Beautiful award which recognises the City's active role in the community and its significant contributions towards sustainability.

The City also won two category awards and was highly commended in another two categories. I extend the City's congratulations to the community and business organisations who have partnered with the City to make Cockburn the most Sustainable City in Western Australia.

The City's staff and extensive volunteer base create the drive and enthusiasm to get things done in a practical and inclusive way.

The City also won awards for:

Young Legends Category: Sustainable Cockburn Youth Initiatives and Environmental Education.

Environmental Innovation and Protection Category: Flora and Fauna Protection Program

The City was highly commended on:

Heritage and Culture Category: Sustainable Cockburn Connecting to Country

Community Action and Partnership Category: Community Engagement Program.

Vale Mrs Annie Baker

Mrs Baker has passed away at the age of 107 years. The City extends its sincere condolences to the Baker family on the passing of an esteemed member of our community and until recent years a stalwart of the Pioneer's Luncheons.

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

Nil

5 (OCM 09/08/2012) - APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor Kevin Allen	-	Leave of Absence
Clr Steve Pratt	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 09/08/2012) - PUBLIC QUESTION TIME*Items on Council Agenda***Seamus Doherty – Hilton**

Agenda Item Item 19.2 – Notice of Motion – Tuart Tree on BP Australia Pty Ltd High Pressure Oil Pipeline Corridor

Q1. *Will the Great Tuart Tree in Healy Road be put on the City of Cockburn's Town Planning Heritage list tonight? If not, why not, and when will it be listed?*

A1. There is currently a notice of motion (Item 19.2) under consideration at tonight's meeting of Council, which proposes the City proceeds with the inclusion of the Tuart tree on the City's Local Government Inventory.

Q2. *We request that Item 19.2 be brought forward on tonight's agenda so that it can be dealt with tonight?*

A2 As previously indicated it is proposed that the issue be dealt with at tonight's meeting of Council.



Amanda Joy – Hamilton Hill

Agenda Item Item 19.2 – Notice of Motion – Tuart Tree on BP Australia Pty Ltd High Pressure Oil Pipeline Corridor

- Q1. *I would like to know what size tree protection zone the builder/designer of the grouped single bedroom dwellings abutting the pipeline and Tuart is being told they must adhere to.*
- A1. The landowner/developer is not currently restricted in what he can do on his site. He has; however, stated his desire to preserve the Tuart tree. He is currently looking to reconfigure his development to move the foundations away from the Tuart tree. The City of Cockburn will seek feedback from an independent arboriculturalist to provide advice on any revised development application in respect to the tree
- Q2. *Is it the 15m Australian standard being adhered to or are they expecting it to be the structural root zone of 4.11metres?*
- A2. The City has engaged an arboriculturalist to provide advice and it is the City's desire is to see the tree preserved. The City is currently working with the developer to achieve that outcome.
- Q3. *Have the previously approved plans been rescinded or is that also being left to the goodwill of all parties?*
- A3. The City does not have the statutory power to rescind a planning approval once it has been granted. The City is however currently working with the landowner/developer who is currently considering changes to the layout of the proposed residential development, in order to minimise the impact of the development on the Tuart tree.
- Q4. *Will the other shade tree (see Cockburn Town Planning Scheme (town planning definition of shade tree) on the lot at 178 Healy Road be required to be retained as per the Landscaping Policy for Single Bedroom Grouped Dwellings?*
- A4. Clause (7) 4 of the City's Policy APD56 – Single Bedroom Dwellings states *"the City expects every consideration to be given on the part of an applicant to the retention of existing mature trees on land to be developed for such purposes."* There are only three existing trees situated on 178 Healy Road of which only one was considered to be substantial. The location of the trees were taken into consideration by the applicant when designing the proposed development; however, given their respective locations their retention was not able to be accommodated in the final design approved by the City.



Dougal McColl – Hamilton Hill

Agenda Item Item 19.2 – Notice of Motion – Tuart Tree on BP Australia Pty Ltd High Pressure Oil Pipeline Corridor

Q1. *Given the flaws in the initial development application, which have been communicated to us by Council officers themselves, why was this development approved and will it be given greater scrutiny in the future.*

A1. The development was approved as the proposal fully complied with all statutory requirements, including all relevant City policies.

Q2. *Parts of the root structure of the Healey Rd Tuart are likely to be on land owned by the developer. The survival of the tree in a damaged form resulting from the actions of the developer is now dependent on this root structure remaining healthy. How is council planning to limit further damage by the developer through any actions that might affect the root structure under the developer's land?*

A2. Under the provisions of the Dividing Fences Act the owner of 178 Healy Road has the legal right to remove any branches or roots from adjoining trees which extend over or beneath their property. As the Tuart tree is not identified on the City's Local Government Inventory and there are no statutory provisions giving protection to the tree the City has no current legal recourse seeking the protection of the tree.

The City is currently working with the landowner/developer who is considering changes to the layout of the proposed residential development, in order to minimise the impact of his development on the Tuart tree.

There is also currently a notice of motion (Item 19.2) under consideration at tonight's meeting of Council, which proposes the City proceeds with the inclusion of the Tuart tree on the City's Local Government Inventory.

Q3. *The Healey Rd Tuart is on BP owned land. They have expressed a preference for its retention and rehabilitation via a number of methods proposed by the community. How is the Council planning to ensure that the owner, developer and builder implement these methods on the owners land, thereby not further damaging a neighbour's tree?*

A3. The subject Tuart tree is currently located on land owned by BP Refinery (Kwinana) Pty Ltd. BP has advised the City in writing that it is their intention to retain the Tuart tree if possible. BP has also advised that they are proposing to engage an arborculturalist to map the tree's root system to understand the roots proximity to their pipeline. This exercise should also assist in determining the likely impact of the



proposed development at 178 Healy Road and any proposed redesign of that development on the tree.

Q4. *Given the urgency of this matter, when will the council act to protect the tree?*

A4. As previously indicated the Council will be considering a notice of motion later at tonight's meeting of Council which proposes the City proceeds with the inclusion of the Tuart tree on the City's Local Government Inventory.

The City is also finalising a Scheme Amendment, whereby prior to any removal, destruction and/or interference with any tree included on the Significant Tree List within the Local Government Inventory the approval of Council is required. This Scheme Amendment is currently awaiting approval from the Western Australian Planning Commission and the Minister for Planning.

Items not on Council Agenda

Ray Woodcock – Spearwood

Q1. *Will the Council organise a public forum for policing within the City of Cockburn with the Minister for Police.*

A1. Council can organise that.

Michael Griffin – South Lake

Q1. *The Mayor and Council Members were elected by the people and Mr Cain you were interviewed and selected and that means you was employed by the ratepayers, so tell me why you don't do what the ratepayers ask. You seem to go ahead and do what you want and when you want to do it.*

All these jobs such as roads, which are the favourite topic of all within the shire, no matter where you go everyone is talking about them. Wherever you go, driving around the schools, the shops, the roads need repairing, everyone is getting frustrated, and you don't seem to care. Everything is getting behind. Northlake road is a nose to tail every day, you cannot get on and off it and, the sports stadium at Cockburn central, everything gets put off; it's all in the too hard basket.

A1. Under the Local Government Act, the Chief Executive Officer of local government is employed by the Council not by the Ratepayers. Council only employs one individual and that is the CEO and under the Act the CEO is responsible for employing all other staff.



Whilst Council are directly responsible back to the ratepayers and residents, and are tested by palisade plebiscite every four years, the employment contract is what's governed the employment of the CEO. The CEO is there to facilitate the delivering of Council's Strategic Policy, so this Council has through its plan for the district developed part of that, a key theme built around transport. One of those key outcomes was our road development plan. Now if you would like to go to the City's website, we are currently advertising the current Strategic Plan, you would have received some information about that in the mail. There are copies downstairs but I am happy to arrange a copy for you.

The City has spent over the past five years probably close to \$50M on major road works and if you go across the district you will see all of those are in accordance with the road network plan, the road strategy that has been adopted by this Council. To that end we have major improvements still under way and you will see them along Beeliar Drive, along Hammond Road, Fawcett Road; so you can see you rates at work development a road network.

Having said that, there is some strategic road in the district which needs to be built that is not the responsibility of Council. The most significant of that is additional crossing over the freeway at Northlake Road, which is a second bridge that will run parallel to Beeliar Drive and Armadale Road. So the City has been engaged for some time with the state government about the development of that and has recently received an indicative design for the provision of that road. I say indicative because it is not yet fully completed and not costed.

This is what the City does in terms of lobbying. The efforts of what our Councillors do in lobbying the State Government and what our staff does in delivering the City's Policy has led to a far more reliable and robust road network. It won't stop congestion that will never be possible, there will be more people coming to live here each day, but it is in response to it.

Anonymous

- Q1. *What is the length of time that Council would require for Public Consultation?*
- A2. There is no set statutory consultation period. In these sorts of matters the consultation period would be established depending on what the item that was being consulted on. In respect to putting out consultation with regard to inviting comments on potential inclusions for the Local Government Inventory, we would probably allow for a period up to one to two months just to ensure we have a wide spread of contact with



members of the community and giving them adequate opportunity to allow them to respond to the Council.

Ray Woodcock – Spearwood

Q1. *Is the Council aware that unearthed demolition material was bought in from outside the City and dumped at the old Watson site and then removed from there to outside the Council?*

A1. No we are not aware of this. Could you provide the information to one of the Directors after the meeting?

Q2. *Is there a Heritage list within the City of Cockburn and if there is such a list what is on that list, what is the outcome of the building before its put on that list.*

A2. Council actually maintains a list in the Local Government Inventory. Copies of the Local Government Inventory are available at the library and also available on Council's website. There is a set criteria for assessing buildings or places to be put on the Local Government Inventory which is provided by the Heritage Council of Western Australia. There is no issue in terms of time limit of how old the building needs to be to be included on the Local Government Inventory. It is based on a series of set criteria.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 4825) (OCM 09/08/2012) - ORDINARY COUNCIL MEETING - 12/7/2012

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Council Meeting of 12 July 2012, as a true and accurate record.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil



10 (OCM 09/08/2012) - DEPUTATIONS AND PETITIONS

Mayor Logan Howlett tabled a petition from the Concerned Citizens for Good Government Inc. of 3 Mell Road Spearwood in relation to the closure of Cockburn Police Station.

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 4826) (OCM 09/08/2012) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 19 JULY 2012 (FS/A/001) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on 19 July 2012, and adopt the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 8/0

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 19 July 2012.

Submission

N/A



Report

The Audit and Strategic Finance Committee received and considered the following items:

1. Interim External Audit:

The Interim External Audit Report for the period ending 30 June 2012 was presented to Committee, which covered a review of the Accounting and Internal Control Procedures in operation, as well as testing of transactions of various issues and Management's response to these issues.

2. Annual Performance Review of Monetary and Non-Monetary Investments:

In accordance with Council Policy SFCS1, a report on the performance of the City's monetary investments was presented to Committee for information.

3. Internal Audit Projects for 2012/13:

Internal Audit Projects for the financial year 2012/13 were endorsed by the Committee.

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 and Strategic Finance Committee – 19 July 2012.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.2 (MINUTE NO 4827) (OCM 09/08/2012) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 26 JULY 2012 (CC/P/001) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 26 July 2012, as attached to the Agenda and adopts the recommendations contained therein.

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 26 July 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 Orders.

The primary focus of this meeting was to review the Policies and Position Statements of the Community Services Division, in accordance with Council's decision.

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 – 26 July 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



13.3 (MINUTE NO 4828) (OCM 09/08/2012) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 16 JULY 2012 (CR/G/003) (RAVARD) (ATTACH)

RECOMMENDATION

That Council receive the minutes of the Grants and Donations Committee meeting held on 16 July 2012, and adopt the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 8/0

Background

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and the nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.

Submission

To receive the minutes of the Grants and Donations Committee and adopt the recommendations of the committee.

Report

Council approved a budget for grants and donations for 2012/13 of \$1,010,000. The Grants and Donations Committee is empowered to recommend to Council how these funds should be distributed.

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

Council approved a budget for grants and donations for 2012/13 of \$1,010,000.

Following is a summary of the proposed grants, donations and sponsorship allocations.

Proposed Expenditure

Committed and Contractual Grants	\$392,756
Grants	\$426,150
Donations.....	\$120,000
Sponsorship.....	\$82,000
Total.....	<u>\$1,020,906</u>

Income

2012/13 Allocated Budget.....	\$1,010,000
Plus Carry Forward	\$10,906
Total.....	\$1,020,906
Balance	\$0

Legal Implications

N/A

Community Consultation

The position of Council is for the availability of grants and donations to be advertised through the City’s website, local media, Cockburn Soundings, Council networks and related means.

It is recommended that advertising commence immediately following the Council decision to ensure a wider representation of applications.

Attachment(s)

1. Minutes of the Grants and Donations Committee Meeting on 16 July 2012, including amended Summary of Grants, Donations and Sponsorship Committee Recommended Allocations 2012/13 as per committee recommendations.

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 4829)** (OCM 09/08/2012) - CONSIDERATION OF SUBMISSION RECEIVED FROM ADVERTISING OF DRAFT LEASE AGREEMENT OF 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) notes the submission received from the advertising under Section 3.58 *Local Government Act 1995* of the Lease Agreement for Reserve 24308; and
- (2) endorses the Lease Agreement as provided in Attachment 1 without modification and proceed to implement these new leasing arrangements for Reserve 24308.

COUNCIL DECISION

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

CARRIED 8/0

Background

At the Ordinary Council Meeting held on 10 May 2012 Council resolved to endorse the new Lease Agreement for Reserve 24308. This was subject to minor amendments, and also the statutory advertising required under Section 3.58 of the *Local Government Act 1995*. The Lease Agreement concerns the 178 sites (known as shacks) at Reserve 24308 (known as the Naval Base Holiday Park).

The specific terms of Council's decision were as follows:

That Council:

- (1) *endorse a lease term of five years with an option for a further five year term at the absolute discretion of the City of Cockburn at the agreed lease fee of \$2,000 per annum with CPI increases*



annually. The lease fee includes rubbish collection charges, the emergency services levy and security services charges;

- (2) endorse a reduced demolition levy of \$300.00 per annum fixed for two years and, following the fixed term, the levy to be increased annually by CPI. Amend the Schedule to show the 'Heading' 8b;*
- (3) endorse the amended Lease Agreement and Schedule in the Attachments reflecting points (1) and (2) above;*
- (4) advertise the draft leases in accordance with Section 3.58 of the Local Government Act and if no objections are received proceed to endorse each of the leases. If an objection(s) are received then a report is to be prepared for the consideration of Council with the stated objections. The lease agreements to be signed by the Mayor and the Chief Executive Officer;*
- (5) endorse the preparation of a Management Plan for Reserve 24308 which will include the following components for the future management of the Reserve:*
 - 1. The lease assignment process*
 - 2. Internal office procedures*
 - 3. Emergency management procedures*
 - 4. Site maps*
 - 5. Facilities management information*
 - 6. Detailed planning for infrastructure upgrades, including financial planning to ensure infrastructure upgrade costs are met through the lease fee and associated reserve funds.*
- (6) advertise the draft lease in accordance with section 3.58 of the Local Government Act.*

In accordance with Council's decision the intention to lease was advertised in the West Australian Newspaper on 19 June 2012, providing a period of 15 days for any comments. The closing date for any comments was 3 July 2012 and one submission was received. This report considers this submission

Submission

N/A



Report

The future management of Reserve 24308 has been under consideration by the City over the last two years. Part of the future management of the reserve involves the preparation of a more robust lease agreement which will provide the City with the right framework to manage the site from an administrative perspective.

The City's solicitors have been involved in the preparation of the lease agreement taking into consideration the appropriate legislation for the management of the site. A copy of the lease agreement (as endorsed by Council) is available at Attachment 1.

The lease agreement was endorsed at the Council meeting on 10 May 2012 subject to inter alia, the advertising under Section 3.58 *Local Government Act 1995*. The advertisement was placed in the West Australian Newspaper on 19 June 2012 providing a period of 15 days for any comments. The closing date for any comments was 3 July 2012. A copy of the advertisement is available at Attachment 2.

One submission was received which is available at Attachment 3.

It should be noted that the comments detailed in the submission have been the subject of two previous submissions. A detailed response has previously been prepared, by the City's Solicitors, on these comments, a copy of which is provided as Confidential Attachment 4.

The submission and relevant extracts from the City's previous responses are detailed below:

Comment - I support the intent that a lease it to be offered to the Park; however I again object to the intent of the Lease being of a Commercial nature. To explain, previously the City managed the Park as a Caravan Park for many years; this was confirmed in the briefing note provided to council previously. It is not enough to say the chalets do not conform to these regulations. The State Government has legislation for the various Park homes, after many years of problems they enacted these legislations to ensure the rights of the parties and allow better management.

CoC Response - The draft lease does not conform or reflect what might ordinarily constitute a 'commercial lease' or a 'residential tenancy lease', as the tenancy arrangements being established in this case are not consistent with either of those typical leasing arrangements.

The *Residential Tenancies Act 1987* does not apply to these tenancies as they relate to holiday accommodation rather than an actual residency. Likewise, the provisions of the *Residential Parks (Long-Stay*



Tenants) Act 2006 do not apply to these tenancies as they relate to holiday accommodation rather than an actual residency.

Furthermore, the nature of the existing structures on the Reserve are not consistent with the types of occupancy contemplated in the *Caravan Parks and Camping Grounds Act 1995* or the *Caravan Parks and Camping Grounds Regulations 1987*, as the existing shacks do not comprise 'park homes' or 'caravans' within the respective definitions of those Acts. The lease is intended to cater to the specific requirements of the Reserve having regard to the existing structures.

Therefore, there is no standard or prescribed form for the types of leases that are sought to be established by the City for the reserve. The document that has been prepared is neither a standard commercial document nor a standard residential tenancy document, as neither of those circumstances is applicable.

Comment - The Acts come under the Department of Commerce or Consumer protection and are administered by Local Government. They allow for dispute resolution, management committees, rights of the parties and more. By forcing a Commercial type lease we the lessees lose the protection of the consumer protection and the various Acts.

CoC Response - The Department of Commerce regulates the leasing of residential property in Western Australia. As discussed earlier, the lease does not relate to residential property so the lease does not fit within the ambit of the Department of Commerce's responsibilities or expertise. As a consequence, it is not practical or necessary to involve the Department of Commerce."

Comment - Local Government is charged with administering the Caravan and Camping Act, Park homes in general, retirement homes, residential parks and so forth. The City is avoiding its responsibilities by going outside current legislation and setting a bad example for others to follow. The Consumer protection has said to me, even if they wanted to go outside the Act they should at least use the standard agreements provided or face a challenge later that their lease is unreasonable or unjust. I think this Park should be managed under one of the existing sets of legislation.

It is correct that the Reserve could, in the future, be managed as a 'caravan park' under the CPCG Act. It is also accepted that the CPCG Act establishes various powers in relation to 'caravans' that are brought onto a 'caravan park'. However, the existing shacks do not constitute 'caravans' (for the purposes of the CPCG Act) and, in effect, cannot be brought into compliance with the CPCG Act without being removed altogether.



I suggest the lease needs to be changed; this would only make it easier to administer the Park. It would not take much mainly the dispute clauses, bonds and required Management Committees.

CoC Response - The draft lease endeavours to address all relevant issues and concerns applicable to the occupancy arrangement at the Reserve. The City has already reviewed submissions in relation to the lease and has carried out various amendments on the basis of those comments.

Conclusion

The establishment of this more robust lease agreement will provide the City with a clear and concise document that has been established through working collaboratively with representatives of the Naval Base shacks Community Reference Group and consultation with lessees through the group over the past two years. The issues raised in this submission have been previously dealt with through the formulation process of the lease and through Council's formal consideration of the lease at the May 2012 Ordinary Council Meeting.

It is recommended that the submission be noted, but that no changes to the lease agreement be undertaken as a result.

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 new lease fee is constructed in a way to reflect the value of shack leases based on two external valuations. The income from the lease fee and the special demolition levy are to be quarantined into two specific reserves respectively. The lease fee is to fund the operating costs as well as the capital expenditure program. The special demolition fee is to fund future removal of a shack should a lessee fail to do so. If a lessee removes a shack in accordance with their lease the full amount of the levy will be refunded to them, on completion of the removal, including interest accumulated on the levy.



178 Shacks @ Lease Fee \$2,000 = \$356,000.00.

178 Shacks @ Demolition Levy \$300.00 = \$53,400.00

Legal Implications

Land Administration Act 1997
Property Law Act 1969
Building Act 2011
Health Act 1911
Planning and Development Act 2005

Community Consultation

Advertisement West Australian Newspaper 19 June 2012.

Attachment(s)

1. Draft Lease
2. Copy of advertisement
3. Copy of submission
4. Lease Agreement, "confidential, provided under separate cover".

Advice to Proponent(s)/Submissioners

The submissioner has been advised that the report will be presented to Council at its Ordinary Council meeting 9 August 2012.

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

Nil.

- 14.2 **(MINUTE NO 4830) (OCM 09/08/2012) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 9001 GAEBLER ROAD AND LOT 35 BARFIELD ROAD, HAMMOND PARK - OWNER: MAINLAKE HOLDINGS PTY LTD AND - APPLICANT: GREG ROWE AND ASSOCIATES (SM/M/059) (R COLALILLO) (ATTACH)**

RECOMMENDATION

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of the Structure Plan;
- (2) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopt the Structure Plan for Lot 9001 Gaebler Road and Lot 35 Barfield Road, Hammond Park as (as shown within Attachment 3) subject to:



1. the provision of footpaths for the Structure Plan being updated to reflect Attachment 5.
- (3) subject to compliance with (2) above, in pursuance of Clause 6.2.10.1 of the Scheme, the proposed Structure Plan be sent to the Western Australian Planning Commission for endorsement;
- (4) advise the proponent and those persons who made a submission of Council's decision;
- (5) advise the proponent that Developer Contribution Area 13 - Community Infrastructure is now operational under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the developer contribution plan requirements; and
- (6) advise the proponent that Council is currently in the final processes of an amendment to the Scheme, which seeks to introduce new developer contribution arrangements for proposed Development Contribution Area 9 - Hammond Park. Landowners subdividing to create residential allotments will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme amendment becomes operational.

COUNCIL DECISION

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

CARRIED 8/0

Background

The subject land comprises two lots with a total combined area of approximately 4 hectares. It is bound by Gaebler Road to the north, Barfield Road to the east, an undeveloped land parcel to the south and Irvine Parade to the west.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development (DA9)' under City of Cockburn



Town Planning Scheme No. 3 (“Scheme”). Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision and development of land within a Development Area.

In accordance with the above, a Structure Plan has been submitted to the City by Greg Rowe and Associates on behalf of the landowner, to guide future residential subdivision for Lots 9001 Gaebler and Lot 35 Barfield Road, Hammond Park.

The purpose of this report is to consider the Structure Plan for adoption in light of the advertising process which has taken place.

Submission

N/A

Report

Southern Suburbs District Structure Plan - Stage 3

The subject land is located within the Southern Suburbs District Structure Plan - Stage 3 (“SSDSP3”) which is currently in the process of being updated. A copy of SSDSP3 is shown in Attachment 2. The updated version of SSDSP3 identifies that the subject land will be required to demonstrate the achievement of a minimum 15 dwellings per gross urban zoned hectare of land and a minimum of 22 dwellings per site hectare of residential land. The Proposed Structure Plan has a density of approximately 19 dwellings per gross hectare and 27 dwellings per site hectare and therefore achieves the targets set by the updated SSDSP3.

It should be noted that the 15 dwellings per hectare is now a revised minimum target set by the Western Australian Planning Commission’s (“WAPC’s”) ‘Directions 2031 and Beyond’ Strategic Plan (“Directions 2031”). This is the key strategic plan contemplating how future growth of the Perth and Peel area will be managed. Achieving at least 15 dwellings per hectare as part of new residential subdivision and development is an important aspect of the growth targets set within Directions 2031.

Proposed Structure Plan

The Proposed Structure Plan design provides for a diversity of lot sizes and housing types, with a potential total of 64 residential lots being proposed. The Proposed Structure Plan comprises a mix of ‘R20’, ‘R25’ and ‘R30’ coded lots, local roads and an area of public open



space (“POS”). A copy of the Proposed Structure Plan is shown in Attachment 3.

The Proposed Structure Plan is considered to respond well to surrounding development and provides for suitable future integration with the undeveloped land to the south. The proposed densities and street layouts will ensure a consistent streetscape is maintained where development has already occurred.

A Dual Use Path will be required to be provided on the western side of Barfield Road which is consistent with residential development to the north and south of the subject land. During the assessment process it was noted that some modification to the footpath locations could be undertaken, the better ensure appropriate connectivity with existing residential development to the south. These recommended updates are shown in Attachment 4 and effectively form the only modification recommended by officers.

Public Open Space

The Draft SSDSP3 requires all landowners to provide their 10 per cent POS requirement within their own landholding. A POS area of 4023m² is proposed as part of the Proposed Structure Plan. This is proposed to abut the southern boundary of the site, to enable future consolidation with POS provided on the adjoining Lot 100 when it is developed in the future.

Local Water Management Strategy

In accordance with the requirements of the Department of Water (“DoW”) and WAPC, a Local Water Management Strategy (“LWMS”) has been prepared by CID consultants, on behalf of the landowner. The LWMS has been assessed and approved by both the DoW and City.

Consultation

The Proposed Structure Plan was referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it proposes the subdivision of land. No comments were received from the WAPC and as such the City proceeded to advertise the proposal for public comment.

The Proposed Structure Plan was advertised for public comment for 21 days in accordance with the Scheme requirements. Three submissions were received from government authorities and servicing agencies with all submissions expressing no objection subject to certain conditions



and/or advice. The submissions that were received are set out and addressed in detail within the Schedule of Submissions (Attachment 5).

No modifications to the Proposed Structure Plan are recommended as a result of the formal advertising process.

Conclusion

The Proposed Structure Plan is consistent with the updated SSDSP3 and surrounding residential development. The design of the Proposed Structure Plan conforms to Liveable Neighbourhoods principles and integrates with the adjacent road network and lot layout in a logical manner. It is therefore recommended that Council adopt the Proposed Structure Plan.

Strategic Plan/Policy Implications

The Planning Policies which apply to this item are:

SPD4 'Liveable Neighbourhoods'

APD4 'Public Open Space'

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 Structure Plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

The Structure Plan falls within Draft Development Contribution Area 9 – Hammond Park which is the subject of Amendment No. 28 to the Scheme and is yet to be formally approved by the WAPC. However, recent advice from the DoP has indicated that the Amendment is likely to proceed to the approval stage subject to modifications and readvertising being undertaken by the City. The modified Amendment has now been advertised and will be considered at a future Council meeting for adoption.



Although still draft at this stage, Amendment No. 28 is a seriously entertained proposal and as such its requirements have been implemented through the use of legal agreements with subdividers.

Once adopted, all the subject landowners will be required to make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Southern Suburbs Stage 3 Development Contribution Areas.

Subdivision and development of the subject land is also subject to the requirements of the City's Development Contribution Plan 13 – Community Infrastructure.

Legal Implications

N/A

Community Consultation

Community consultation was carried out for a period of 21 days. The proposed structure plan was advertised in the newspaper, on the City's website and letters were sent to affected landowners and government/servicing authorities in accordance with the scheme requirements. A total of three submissions were received.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.

Attachment(s)

1. Location Plan
2. Draft South Suburbs District Structure Plan - Stage 3
3. Proposed Structure Plan
4. Proposed Structure Plan with footpath modifications
5. Schedule of Submissions

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 9 August 2012 Ordinary Council Meeting.

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

Nil.



14.3 (MINUTE NO 4831) (OCM 09/08/2012) - TELECOMMUNICATIONS MONOPOLE TOWER AND EQUIPMENT CABIN - LOCATION: 90 (LOT 12) TRAINING PLACE, JANDAKOT - OWNER: WESTERN AUSTRALIAN PLANNING COMMISSION - APPLICANT: PLANNING SOLUTIONS PTY LTD (1514420) (T CAPPELLUCCI) (ATTACH)

RECOMMENDATION

That Council recommends that the application be approved by the Western Australian Planning Commission (WAPC), for a Telecommunications Monopole Tower and Equipment Cabin at No. 90 (Lot 12) Training Place, Jandakot, in accordance with the Telecommunications Act 1997, attached plans and subject to the inclusion of the following conditions and advice notes:

CONDITIONS

1. The proposed equipment shall be of a colour compatible with the existing equipment on site.
2. All equipment being replaced should the facility be removed from the above site.
3. The City of Cockburn shall not be liable to any claim for compensation as a result of the above Telecommunications Facility.

ADVICE NOTE

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. advises the objectors of the Council's recommendation that the Council has limited powers concerning the control of telecommunications facilities.

COUNCIL DECISION

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

CARRIED 8/0



Background

This proposal requires referral to the Council for recommendation to the WAPC, as per the City's Telecommunications Policy APD13 'High Impact Facilities' where any facility not determined to be low-impact under the Telecommunications (Low-Impact Facilities) Determination 1997 (as amended) requires Council Approval and cannot be considered under Delegated Authority.

As the proposed development will take place on land reserved under the Metropolitan Region Scheme (MRS) for 'Public Purposes', the approval of the Western Australian Planning Commission (WAPC) is required in accordance with the Public Works Act and Planning and Development Act 2005. Therefore, the City of Cockburn forwarded the application to the WAPC within seven (7) days of receiving the application, for determination by the WAPC in accordance with Part IV – Development Division 1, Clause 29 (1) of the MRS.

The WAPC confirms that it has received agreement to extend the period for consideration of the application and advises that a decision will be deferred, until no later than 24 August 2012 to provide time for a referral response from the City of Cockburn to be provided via this Council Meeting.

Submission

The applicant seeks approval, on behalf of Vodafone, to install a new telecommunications monopole, an equipment cabin at ground level, and ancillary access and safety equipment. Specifically, it is proposed to accommodate three (3) Vodafone panel antennas and one (1) radio communications dish on the proposed monopole. The overall height including the antennas will be 29.2 metres above ground level.

The proposed monopole will be of a 'galvanised' finish, with panel antennas close mounted on the pole, minimising the visual bulk of the infrastructure on the surrounding locality. The proposed equipment cabin is to be a colorbond structure in 'Pale Eucalypt'. The infrastructure shall therefore blend with the existing structures and infrastructure existing on the subject site and the immediate surrounds.

While telecommunications infrastructure including a monopole tower already exists on the subject site, detailed investigations of the locality by the applicant revealed no opportunities to co-locate the proposed telecommunications infrastructure, or utilise any existing structures which would satisfy the coverage objectives for the facility.



As per the City of Cockburn's Telecommunications Policy APD13 'High Impact Facilities', notice of the proposed development to all landowners within a 500 metre radius of the proposed location with an invitation to make comment on the proposal within 21 days was conducted. Nine (9) submissions were received with two (2) supporting the application and seven (7) objections received.

The table in the report below details lists the issues raised and provides a response on those matters. Generally the objections related to negative visual impact, exposure to electromagnetic energy concerns and devaluation of property. The supporting comments were in relation to the improved phone coverage the facility would provide.

Report

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

Telecommunications Policy APD13 'High Impact Facilities'

The Telecommunications Policy APD13 'High Impact Facilities' was prepared to deal with non low-impact (high impact) facilities where Planning Consent is required. The policy states that in considering any application for new telecommunications infrastructure, Council will have regard for the following matters:-

1. The siting of mobile telephone towers is to be located where possible within industrial, commercial or other non-residential zoned land within the district and as far as possible from any residence.
2. Mobile telephone facilities are to be co-located with existing infrastructure where the opportunity exists.
3. The location and appearance of facilities should be chosen to minimise the visual impact on the locality. In particular, the amenity of residential inhabitants should not be affected.
4. No new telecommunications towers are to be located within 500 metres of any existing/proposed residence or other sensitive land use activity.

In relation to the above, the proposed site is within an area reserved under the MRS for 'Public Purposes', under the management of Western Power for use as electricity supply, storage, maintenance and training centre for State electricity provision and services.



The proposal does not comply with ADP13 with respect to the 500m setback from residential development. Existing residential development is located approximately 185 metres to the south and 290 metres to the west of the proposed facility. Between the subject site and the residential dwellings, railway reserved land and the Kwinana Freeway provide significant setback and development buffers.

While the application does not comply with the 500m setback requirement of the policy there have been specific decisions made by the State Administrative Tribunal and other courts in Australia that such policy provisions have no statutory weight and cannot be used to determine the location of telecommunications facilities. Decisions made on the basis of such policy provisions have been determined to be invalid and have no planning merit.

Further to the above the proposed facility is separated from residential development by the Kewdale to Kwinana industrial rail link and the Kwinana Freeway. In addition, it is noted that the immediate area contains a number of existing tall structures, including high voltage transmission towers, Freeway lights servicing the Kwinana Freeway, railway infrastructure including electricity poles, plus the existing telecommunications monopole on the site.

While telecommunications infrastructure already exists on the subject site, detailed investigations of the locality by the applicant revealed no opportunities to co-locate telecommunications infrastructure, or utilise existing structures, which would satisfy the coverage objectives for the facility. From undertaking a site visit, there is no room to co-locate any additional antennas on the existing pole without significant upgrade of or replacement of the existing structure. Increasing the existing structure's height would also impact on the Jandakot Airport OLS and not be permitted.

Where co-location is not a viable option the State Planning Policy 5.2 states that co-siting of structures is preferred rather than being scattered in a broader area. This proposal is consistent with that objective and APD13.

The proposed telecommunications infrastructure will facilitate expansion of the high-speed next generation mobile network, which will see customers enjoying improved high quality content, wireless broadband access and further mobilisation of business applications. While the proposal results in a new monopole on-site, the site is not considered a community sensitive location which is dominated by large infrastructure and tall visual elements that the proposed structure will integrate with.



Jandakot Airport

The subject site is located within the Jandakot Airport 'Inner Horizontal Surface' area and accordingly any development is subject to 'Inner Obstacle Limitation Surfaces' restrictions.

The subject site is located within the Airport's aircraft approach and take-off flight path alignments and within the 'R.L. 73.5 metre Australian Height Datum (AHD) Inner Horizontal Surface' area. The proposed monopole and antennas will have an overall height of 29.2 metres AGL, which then added to the AHD level of the subject site of 44 metres, gives an overall level of 73.2 metres AHD. The proposal therefore is below the 'Inner Horizontal Surface' area and will not impact on Jandakot Airport operations.

The proposal was advertised to the Department of Aviation during the Community Consultation period and no response was received, however it is the WAPC's responsibility to consult with the airport directly as the determining agency.

Conclusion

The location of the facility on the site is considered to minimise impacts on the amenity of the surrounding residential area. Colour matching of the facility with the existing background will further reduce its visual impact. In relation to public health concerns, the report on the estimated Radiofrequency Electromagnetic Emissions would demonstrate operation of the facility at a level well within the requirements set by the federal Australian Communications Authority (ARPANSA Standard) which are themselves well below the World Health Organisation standards.

As part of the carrier's obligations under the *Telecommunications Code of Practice* to co-locate facilities, the applicant has demonstrated that the potential for co-location, on the existing pole at the subject site, was considered in this instance. The applicant has noted that the existing pole does not have any room remaining on which to co-locate additional antennas which are required in order to upgrade the existing Vodafone network.

In light of the above, it is considered that the proposed new telecommunications monopole and equipment cabin on land zoned 'Public Purposes' is able to be supported as it is generally consistent with the provisions of the Scheme, APD13 and State Planning Policy 5.2.



It is therefore recommended that Council recommends the application be Approved by the WAPC, subject to conditions set out in the proposed 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

Although the property is owned by the State, as it will be subject of a commercial lease, it will be a rateable property.

Legal Implications

Town Planning Scheme No. 3
 Planning and Development Act 2005
 State Administrative Tribunal Regulations
 Telecommunications Act 1997

Community Consultation

In accordance with the City of Cockburn's Telecommunications Policy APD13 'High Impact Facilities', notice of the proposed development to all landowners within a 500 metre radius of the proposed location with an invitation to make comment on the proposal within 21 days was conducted. A copy of the schedule of submissions is detailed in Attachment 5.

Attachment(s)

1. Location Plan
2. Elevations
3. Photomontage
4. EME Report
5. Schedule of Submissions

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 9 August 2012 Council Meeting.



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

Nil.

- 14.4 **(MINUTE NO 4832) (OCM 09/08/2012) - CLOSURE OF WESTERN POWER PADMOUNT SITE LOCATION: RUTHERFORD ENTRANCE, SUCCESS OWNER: GOLD ESTATES AUSTRALIA (1903) LTD APPLICANT: ROBERTS DAY PTY LTD (451765) (L GATT) (ATTACH)**

RECOMMENDATION

That Council:

- (1) requests the Minister for Lands to close portion of Rutherford Entrance, Success which encompasses the Western Power padmount site in accordance with Section 58 of the *Land Administration Act 1997*;
- (3) supports the land resulting from the road closure being purchased by the adjoining landowner (Gold Estates Australia 1903 Ltd) as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of this decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

A request has been received on behalf of the adjoining landowner to close portion of Rutherford Entrance which encompasses a Western Power padmount site adjoining Lot 443 Rutherford Entrance. The purpose of this report is to consider this request.

Submission

By way of letter, Robertsday Planning Consultants requested that the City initiate the closure of the portion of Rutherford Entrance, Success



(refer to Attachment 1). The subject area is a Western Power padmount site adjoining Lot 443 Rutherford Entrance (refer to Attachment 2). The proponent has agreed in writing to meet all costs associated with the proposed road closure, a copy of which is provided within Attachment 1.

Report

At the time of creating Lot 443 Rutherford Entrance, a small road widening of 15.4m² was created to accommodate a Western Power transformer. This now conflicts with the proposed development for Lot 443, and accordingly removal of the transformer is proposed as part of the development of the land. As the transformer sits within a portion of the adjoining Rutherford Entrance road reserve, formal road closure processes must occur to allow the land to be transferred into the title of the adjoining Lot 443.

Telstra have responded that there are assets in the vicinity of the padmount site and Robertsdays have accepted the terms detailed in the correspondence from Telstra (see Attachment 3 and 4). Other than the transformer, there is no other utility infrastructure in the Western Power padmount site, and all other service providers have responded advising that they have no objections to the proposal.

Western Power has indicated that there will be costs associated with the relocation of the transformer, and these costs will be factored into the eventual sale price of the closed road reserve. These costs will be the responsibility of Western Power and the proponent to agree on. This has now taken place.

It is recommended that Council support the request, and write to the Minister for Lands requesting formal closure of the portion of Rutherford Entrance in accordance with Section 58 of the *Land Administration Act 1997*.

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 proponent will be required to meet all associated costs. Council is in receipt of the evidence of written agreement between the applicant and Western Power and the receipt of payment of the costs to relocate the transformer

Legal Implications

To be undertaken in accordance with Section 58 of the *Land Administration Act 1997*.

Community Consultation

Advertised on 10 January 2012, in accordance with Section 58 of the *Land Administration Act 1997*. No objections have been received.

Attachment(s)

1. Letter of request from Roberts Day Pty Ltd
2. Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 August 2012 Ordinary Council Meeting.

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

Nil.

- 14.5 (MINUTE NO 4833) (OCM 09/08/2012) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 90 - LOCATION: LOTS 1, 803 AND PORTION OF LOT 802 YANGEBUP ROAD; LOTS 7, 99, 146 AND 147 HAMMOND ROAD; PORTION OF LOCAL ROAD RESERVE AND; LOT 4308 BEELIAR DRIVE, COCKBURN CENTRAL - OWNER: ALESSANDRINE/CITY OF COCKBURN - APPLICANT: BURGESS DESIGN GROUP (93090) (T GREENHILL) (ATTACH)**

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 90 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");



(2) adopt for final approval Amendment No. 90 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) by:

1. Rezoning Lots 1 and 803 Yangebup Road; Portion of Lot 802 Yangebup Road; Lots 7, 99, 146 and 147 Hammond Road; Portion of Local Road Reserve and; Lot 4308 Beeliar Drive, Cockburn Central from ‘Light and Service Industry’ and ‘Local Centre’ to ‘Development’ zone with a ‘Development Area 35’ designation as shown on the Scheme Amendment Map.
2. Amending the scheme map accordingly;
3. Amending Schedule 11 – Development Areas, contained within the Scheme Text by inserting a new DA 35 – Hammond Road North as follows:

Schedule 11 Development Areas

Ref. No.	Area	Provisions
DA 35	Hammond Road North (Development Zone)	<ol style="list-style-type: none"> 1. An approved Structure Plan adopted in accordance with Clause 6.2 of the Scheme shall apply to the land to guide subdivision, land use and development. 2. The Structure Plan is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy No. 4.2. 3. Land uses classified in the Structure Plan apply in accordance with Clause 6.2.6.3. 4. All development shall be in accordance with Detailed Area Plans and/or Design Guidelines prepared and approved by Council under Clause 6.2.15 of the Scheme. 5. The adopted Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy, addressing the function of the ‘Main Street’ and

			<p>industrial through traffic, as well as protecting the regional functionality of Beeliar Drive, to the satisfaction of Council.</p> <p>6. The adopted Structure Plan must address and resolve the implementation and land swap arrangements as contained in the legal agreement and contract of sale between the proponent and City of Cockburn, signed 22 January 2001.</p> <p>7. All future development that fronts the north-south road through the site must be based on 'Main Street' principles and addressed in Detailed Area Plans and/or Design Guidelines.</p>
<p>(3) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission without modifications; and</p> <p>(4) advise the applicant and submitters to Amendment No. 90 of Council's decision accordingly.</p>			

COUNCIL DECISION

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

CARRIED 8/0

Background

At its ordinary meeting held on 8 March 2012 Council resolved to initiate Amendment No. 90 to City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The purpose of the amendment is to rezone properties known as Lots 1, 803 and portion of Lot 802 Yangebup Road, Lots 7, 99, 146 and 147 Hammond Road, portion of Local Road Reserve and Lot 4308 Beeliar Drive Cockburn Central from 'Light and Service Industry' and 'Local Centre' to 'Development' zone, as well as amend Schedule 11 – Development Areas by inserting a new Development Area 35.



The Scheme amendment was referred to the Environmental Protection Authority who granted consent to advertise. The amendment was subsequently advertised for public comment between 5 June 2012 and 17 July 2012, for a period of 42 days in accordance with the *Town Planning Regulations Act 1967*.

A total of 14 submissions were received. The purpose of this report is to consider the amendment for final adoption in light of the advertising process having taken place.

Submission

Burgess Design Group on behalf of the Alessandrini family, the owners of the subject site, has lodged a scheme amendment proposal to rezone the site to 'Development' and 'Development Area 35'.

Report

Background

The subject land is bounded by Yangebup Road to the north, Hammond Road to the east, Beeliar Drive to the south and the Beeliar Regional Recreation Reserve to the west (refer Agenda Attachment 1 for a copy of the location plan).

The site has been operating as the Tony Ale Markets for a number of years and more recently a Waldecks Nursery and the West 'n' Fresh Fishmongers have established in new buildings on the site. There are three existing houses located on the site. These uses operate on the eastern portion of the site with the majority of the site being vacant (refer Agenda Attachment 2 for an aerial photograph of the site).

The Hammond Road/Beeliar Drive intersection is currently configured as a staggered T intersection. This current intersection configuration does not function adequately from a traffic safety and management point of view, and the City of Cockburn is currently undertaking a project that will realign Hammond Road (north of Beeliar Drive) so that it aligns with Hammond Road to the south of Beeliar Drive to form traffic light controlled four-way intersection. The proposed Scheme amendment takes into account these proposed changes.

Subject Site and Zoning

Agenda Attachment 1 shows the location of the subject site and the following table provides further details.



Address	Land area (ha)	Owners
Lot 1 Yangebup Road	1.0197	Alessandrini
Lot 802 Yangebup Road	1.5595	Alessandrini
Lot 803 Yangebup Road	0.9036	Alessandrini
Lot 7 Hammond Road	2.2283	Alessandrini
Lot 99 Hammond Road	1.2903	Alessandrini
Lot 4308 Beeliar Drive	0.3597	Alessandrini
Lot 147 Hammond Road	0.0666	City of Cockburn
Lot 146 Hammond Road	0.0987	City of Cockburn
Portion of Hammond Road reserve	0.1715	State of Western Australia

The proposal incorporates a number of lots that make up the Tony Ale site. A small portion of land owned by the City and a portion of road reserve have been added to the proposed Development zone to reflect proposed changes to the alignment of Hammond Road which the City is undertaking.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, except for a portion of the existing Hammond Road which is reserved as 'Other Regional Roads'. While logically part of the area, this is excluded from the proposed rezoning due to the operation of regional reservations under Section 126 of the *Planning and Development Act 2005*. Under the City's Scheme, the majority of the site is zoned 'Light and Service Industry' with a portion of the site zoned 'Local Centre'. There is also a small portion which exists as a Local Road Reserve.

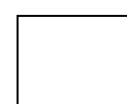
Scheme Amendment Proposal

The Scheme amendment proposes to rezone the subject site to 'Development' and 'Development Area 35'. Refer to agenda Attachment 3 which illustrates the existing and proposed changes to the City's Scheme.

The purpose of the 'Development' zone in this instance is to provide for structure planning to guide a primarily commercially focused development in a comprehensive manner. The 'Development Area 35' provisions allow Council to apply requirements to the future structure plan. A set of requirements have been developed and are provided below:



Ref. No.	Area	Provisions
DA 35	Hammond Road North (Development Zone)	<ol style="list-style-type: none"> 1. An approved Structure Plan adopted in accordance with Clause 6.2 of the Scheme shall apply to the land to guide subdivision, land use and development. 2. The Structure Plan is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy No. 4.2. 3. Land uses classified in the Structure Plan apply in accordance with Clause 6.2.6.3. 4. All development shall be in accordance with Detailed Area Plans and/or Design Guidelines prepared and approved by Council under Clause 6.2.15 of the Scheme. 5. The adopted Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy, addressing the function of the 'Main Street' and industrial through traffic, as well as protecting the regional functionality of Beeliar Drive, to the satisfaction of Council. 6. The adopted Structure Plan must address and resolve the implementation and land swap arrangements as contained in the legal agreement and contract of sale between the proponent and City of Cockburn, signed 22 January 2001. 7. All future development that fronts the north-south road through the site must be based on 'Main Street' principles and addressed in Detailed Area Plans and/or Design Guidelines.



Dealing with land use and design through the structure planning process is appropriate in areas requiring comprehensive planning such as the subject site. Rezoning the site 'Development' and 'Development Area 35' establishes the necessary statutory framework to require a comprehensive structure plan to occur. The structure plan will need to address a wide variety of issues, with the most significant of these captured through the proposed Development Area provisions.

The current uses on the site have developed and evolved over time and are concentrated on the eastern portion of the site along Hammond Road. The location of the current Tony Ale Market does not match the specific location of the 'Local Centre' zone depicted on the Scheme Map and rezoning the land provides the opportunity to resolve this anomaly, and look to also evolve the land precinct in a comprehensive way.

Concept and Principles Plan

The Scheme amendment incorporates a principles plan which provides general principles about how the site may develop (refer Agenda Attachment 4). The general principles include the following:

- The creation of a 'main street' linking Beeliar Drive (near Kemp Road) and Hammond Road with the alignment and extent to be determined through the structure planning process.
- Limiting access to Beeliar Drive to key intersection locations with the location and type of intersections to be determined through the comprehensive structure planning process.
- Concentrate retail uses such as the Tony Ale fruit and vegetable market along the 'main street' with Mixed Business and showrooms generally throughout the remainder of the site.
- Recognises the City's plans to realign Hammond Road and rationalise the redundant road reserve into the Development zone, excluding however the 'Other Regional Roads' reservation of the MRS.

The principles plan provides broad (non statutory) concepts about how the site may develop which is sufficient at this early planning stage. The subsequent structure planning process will need to address significant planning issues focussing upon a range of traffic, planning and environmental investigations as well as suitable discussions and negotiation with key stakeholders. An economic/ retail impact assessment will also need to be prepared in accordance with State Planning Policy No. 4.2. The principles plan is expected to evolve during the structure planning process as results of planning and design investigations are resolved.



It needs to be emphasised that structure planning may depart from the principles plan depending on the outcomes of investigations.

It is noted that an assessment on the possible road linkages and traffic intersections shown on the principles plan have not been comprehensively justified through a traffic assessment. The proposed Development Area 35 provision specifically requires a comprehensive traffic assessment, including a vehicle access and parking strategy, which addresses the function of the 'Main Street' and industrial through traffic, as well as protecting the regional functionality of Beeliar Drive, to be undertaken to the satisfaction of Council. This is important to note.

Design Guidelines/Detailed Area Plans

The Scheme amendment and future structure plan will accommodate a variety of uses such as showroom and warehousing with more intense uses along the 'main street' such as shop and retail uses. Careful consideration will need to be given to the design of the 'main street' and how the buildings interact with the public realm to ensure the 'main street' functions as a vibrant and active street. Likewise the future extent of these uses needs to be underpinned by an economic/retail impact assessment prepared in accordance with State Planning Policy No. 4.2.

Suitable controls will also need to be in place for the proposed mixed business portion of the site which is likely to accommodate a range of uses such as showrooms and warehousing, similar to the Cockburn Commercial Park and the adjoining Yangebup Business Park.

The proposed DA 35 provisions require Design Guidelines/Detailed Area Plans to guide future development.

Local Commercial and Activity Centre Strategy

The current Cockburn Local Commercial Strategy does not identify commercial activity on the subject land, even though a portion of the site (at the corner of Hammond Road and Beeliar Drive) is zoned 'Local Centre' and the existing Tony Ale markets have been operating from the site for a number of years.

The City of Cockburn is currently midway through a comprehensive review of its Local Commercial Strategy, which is now known as the Local Commercial and Activity Centre Strategy ("LCACS"). This is consistent with the new approach under State Planning Policy 4.2 (SPP 4.2) *Activity Centres for Perth and Peel*. Council at its meeting held on the 8 December 2011 resolved to prepare the LCACS. The City is now currently advertising the document.



The draft version of the LCACS being advertised includes the site as an activity centre. This Scheme amendment will seek to provide an appropriate planning framework to enable an activity centre plan (in the form of a structure plan) to be prepared. This is therefore consistent with implementing the Draft LCACS.

The future structure plan will need to be in accordance with the principles and objectives of the LCACS and SPP 4.2. It is noted that the proposed DA35 provisions indicate the extent of retail uses will require the preparation and approval of an economic/retail impact assessment prepared in accordance with State Planning Policy 4.2.

Legal Agreement and Land Swap

There is currently a legal agreement and contract of sale in place between the City of Cockburn and the proponent (Alessandrini family). The legal agreement required the City of Cockburn to transfer in fee simple its land adjoining Lot 677 (old road reserve) (now Lot 802) to the Alessandrini's in exchange for Lot 147 and a 2,706m² portion of Lot 677. This is demonstrated in Agenda Attachment 5.

The transfer of land was not subject to any transfer of funds, with both land parcels being valued at the same amount.

The old road reserve was transferred to the Alessandrini's and Lot 147 to the City of Cockburn in 2001. Lot 677 (now Lot 802) still remains under the ownership of the Alessandrini's and the rezoning, structure plan and subdivision process provides an opportunity to complete the land swap.

The transfer of Pt lot 677 could therefore logically occur during the subdivision phase of the current rezoning and structure planning development proposal, or sooner as directed by Council. The proposed DA 35 provisions recognise the legal agreement requirements.

Hammond Road realignment

The current configuration of the Hammond Road/Beeliar Drive intersection does not function adequately from a traffic safety and management point of view. The City of Cockburn is in the process of now undertaking a project to realign Hammond Road (north of Beeliar Drive) so that it aligns with Hammond Road to the south of Beeliar Drive to form a four-way intersection controlled with traffic lights (as indicated on Attachment 6). The proposed Scheme amendment acknowledges the proposed changes.



Public Consultation

Following receipt of approval to advertise from the Environmental Protection Authority on the 21 May, 2012 the Scheme Amendment was advertised for public comment from 5 June 2012 to 18 July 2012 for a period of 42 days. The Scheme Amendment was mailed to nearby and affected land owners, published in the Cockburn Gazette and referred to relevant government authorities.

In total, 14 submissions were received for the proposed Scheme amendment including:

- 8 from adjoining landowners;
- 6 from government agencies.

All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 7).

The 8 submissions from surrounding landowners included; 5 submissions of support for the proposal, 1 support with modification and 2 submissions providing comment. The support with modification was to include an additional parcel within the development area.

Submissions received from Government agencies and authorities generally provided support and comment and outlined requirements for the subject site as it advances through the development process.

All the submissions have been addressed in the attached Schedule of Submissions, which forms Attachment 7 to this report. As there were no objections or significant concerns raised as part of the Scheme amendment advertising process, it is recommended that the amendment be adopted by Council to enable it to proceed to the WAPC and Hon Minister for consideration of final approval.

The comment received from the landowner requesting inclusion in the Scheme amendment were noted, however this land was located what could be considered a logical precinct for the Development Area. This landowner's land has already been approved for development as a tavern, and accordingly is not considered necessary for future planning given the development approval has secured arrangements for development.

Conclusion

The rezoning of the subject site to 'Development' and 'Development Area 35' sets up the planning framework to enable the preparation of a comprehensive structure plan for the site. Appropriate requirements



have been added to the proposed Development Area 35 provisions to guide future development and recognise previous agreements.

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.

Employment and Economic Development

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

Budget/Financial Implications

The Scheme Amendment fee for this proposal has been calculated and paid in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

Legal Implications

Planning and Development Act 2005
City of Cockburn Town Planning Scheme No. 3
Town Planning Regulations 1967

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 90 concluded on 18 July, 2012. The Scheme Amendment attracted 14 submissions of which none objected, 11 supported, 1 supported subject to modifications and 3 stated no objection.

Attachment(s)

1. Location plan
2. Aerial photograph
3. Proposed Scheme amendment plan
4. Principles plan
5. Transfer of land plan
6. Concept plan for Hammond Road realignment
7. Schedule of Submissions



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 9 August 2012 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4834) (OCM 09/08/2012) - LIST OF CREDITORS PAID - JUNE 2012 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes 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 June 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 – June 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 4835) (OCM 09/08/2012) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JUNE 2012 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the interim Statement of Financial Activity and associated reports for June 2012, as attached to the Agenda; and
- (2) continue to apply a materiality threshold of \$100,000 variance from the appropriate base amount for the 2012/13 financial year in accordance with Financial Management Regulation 34(5).



COUNCIL DECISION

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

CARRIED 8/0

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 from the corresponding base amount for the 2011/12 financial year and it is proposed that this continue for the 2012/13 financial year.

Submission

N/A



Report

Due to ongoing end of financial year (EOFY) processing, the June financial statement being presented to Council is interim only and subject to final audit, which is standard practice. Whilst the current closing budget position is showing a surplus of \$6.4M, this is unable to be confirmed until all EOFY processing is complete and the carried forward projects reviewed and reconciled.

The final budget position for 2011/12 will be reported to the October Council meeting, together with the list of carried forward uncompleted projects and a final version of the June statement.

Closing Funds

The City's closing municipal position of \$6.4M was \$5.7M higher than the revised full year budget target of \$714k. This mainly comprises budget underspending in the City's capital program and additional operating revenues. A significant portion of this variance is absorbed by the proposed carried forward projects.

The budgeted closing funds position has fluctuated throughout the year due to the impact of various Council decisions and some minor budget adjustments. Details of these are found in Note 3 to the financial report.

Operating Revenue

Operating revenue at \$111.3M came in \$3.6M ahead of the full year budget.

Governance

Interest earnings on investments were \$0.2M ahead of the YTD budget due to the continuing strong cash flow position. Rates related revenue was \$0.7M ahead of budget, boosted mainly by additional part year rating of properties. GST refunded by the ATO relating to adjustments made to prior year land sales under the margin scheme contributed an additional \$0.5M to revenue and has been transferred to the Land Development Reserve.

Community Services

Service charges raised for CoSafe came in \$0.1M over the full year budget.



Human Services*Family Day Care and In-Home Care*

Subsidies were \$0.7M greater than the budget level. These are however offset by increased caregiver payments and consequently do not impact the municipal closing budget position.

Building Control Services

Income from building licences/permits came in \$0.2M lower than the target budget. This has been impacted by a general slowdown in building activity across the district and the introduction of the new Building Act requirements has resulted in number of applications being submitted since March.

Waste Services

Revenue from the Henderson Waste Recovery Park was \$0.8M more than full year budget, little changed from last month.

Operating Expenditure

Operating expenditure (including depreciation) was \$99.4M for the year, \$1.1M below budget. However, this result has been somewhat impacted by a \$0.32M budget deficit in depreciation expense (non-cash). The cash underspend in the operating budget was \$1.5M.

Key contributors to this result included:

- Human Resource spending was \$0.22M below budget;
- Spending on Council functions and receptions were \$0.17M below budget;
- An under-spend of the Council grants program by \$0.13M and South Lake Leisure Centre overheads down \$0.13M;
- Family Day Care and In-Home Caregiver payments were \$0.32M and \$0.36M over budget respectively (offset by additional revenue from funders of these programs);
- Operational spending in the regulatory health service was \$0.28M under budget for the year and the healthy communities grant spending was \$0.11M under;
- Waste collection costs were \$0.38M over budget for the year, severely impacted by the fire to the recyclables facility of the City's contractor. This was offset somewhat by underspending in waste disposal operating costs of \$0.34M;
- Operational expenditure for street lighting is down \$0.4M due to a review and audit of light poles in conjunction with Synergy.



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

Nature or Type Classification	Actual	Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$36.8M	\$36.4M	-1.1%
Materials and Contracts	\$30.6M	\$31.8M	3.8%
Utilities	\$3.4M	\$4.1M	16.3%
Insurances	\$1.73M	\$1.71M	-0.9%
Other Expenses	\$7.8M	\$8.0M	2.5%
Depreciation (non cash)	\$22.0M	\$21.6M	-1.5%

Depreciation exceeded budget due to additional heavy plant items purchased for the landfill during the year and gifted parks assets added at the beginning of the year.

Capital Program

The City's capital budget came in \$19.5M under budget mainly due to a number of significant projects lagging their cash flow projections. These will be carried forward when brought to Council in October. \$41.3M was expended against the full year budget of \$60.8M.

Capital related funding sources and reserve transfers are conversely down a net \$17.8M against the budget, largely as a result of the capital expenditure underspend and yet to be received proceeds from sale of land at Ivankovich Avenue due to be received when WAPC approval conditions have been satisfied.

The 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 \$83.9M (from \$92.7 last month) although this is still \$18.6M higher than the end of year budget target. The main contributors are the capital budget underspend and the favourable operating results.

\$61.8M of the total cash and investment holding represents the City's cash reserves.

Another \$8.4M of the cash position represents funds held for other restricted purposes such as bonds, restricted grants and capital infrastructure contributions. The remaining balance of \$13.7M 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 5.8% for the month, versus the benchmark BBSW performance of 3.5%.

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

Whilst the Reserve Bank has reduced interest rates over the past several months by 75 basis points the City's investment strategy of rolling over TD's for six monthly terms has buffered the City's investment performance somewhat from a sudden and significant fall. The 2012/13 budget has been premised on reduced investment earnings as interest rates are likely to continue facing downward pressures.

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 spends 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

Other 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)

Statement of Financial Activity and Associated Statements – June 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 **(MINUTE NO 4836)** (OCM 09/08/2012) - RE-ADOPTION OF 2011/12 MUNICIPAL BUDGET - OUTCOME OF STATE ADMINISTRATIVE TRIBUNAL CONSENT ORDER (M/B/006; IM/B/007) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council:

- (1) notes that the State Administrative Tribunal has quashed the general rate imposed on 19 June 2012 in accordance with section 6.82 of the Local Government Act 1995 as the City had not obtained Ministerial approval for:

1. The Special Industrial Cement Works general rate under



- section 6.33 of the Act which was more than twice the lowest general rate.
2. The Special Industrial general rate under section 6.33 of the Act which was more than twice the lowest general rate.
 3. The Work in Progress Minimum payment did not comply with section 6.35(4) of the Act as it was applied to more than 50% of the properties on that general rate.
 4. The Vacant Commercial and Vacant Industrial Minimum payment did not comply with Section 6.35 (3) (b) of the Act.
 5. The specified area rate minimum payment – Port Coogee Maintenance and Underground Power was incorrectly imposed in conjunction with this rate, when section 6.35(1) of the Act
- (2) adopts a budget for 2011/12 in accordance with section 6.3 of the Act, in the same form and manner as the annual budget adopted at the Council meeting held on 14 June 2011 (Minute No.4549).
1. Reduces the amount to be yielded by the Work in Progress Minimum Payment rate by \$25,435 from \$148,200 to \$122,765, which is within the statutory limit on the amount to be yielded by the rate provided for by section 6.34 of the Act.
 2. Reduces the amount to be yielded by the Specified Area Rate Minimum Payment rate by \$59 from \$150 to \$91, which is within the statutory limit on the amount to be yielded by the rate provided for by section 6.34 of the Act.
 3. Reduces the amount to be yielded by the Vacant Commercial and Vacant Industrial Minimum Payment rate by \$4,939.27 from \$7,200 to \$2,260.72, which is within the statutory limit on the amount to be yielded by the rate provided for by section 6.34 of the Act.
 4. Increases the Interim Rates budget by \$30,433.27 from \$123,297 to \$153,730.27.
 5. Reduces Specified Area Rates from \$749,998 to Nil and increases the Fees and Charges Income – Provision of Underground Power Service from \$0 to 749,998.



- (3) notes that Ministerial approval required for Special Industrial Cement Works general rate and Special Industrial general rate has now been obtained and in accordance with section 6.32 (3) (b) of the Act imposes the following general rates and minimum payments:

General Rates

Commercial Caravan Park	8.46¢ in the \$
Improved Commercial & Industrial	6.97¢ in the \$
Improved Commercial & Industrial (Large)	7.96¢ in the \$
Improved Residential	4.65¢ in the \$
Resource - General	0.18¢ in the \$
Resource Commercial & Industrial	0.22¢ in the \$
Resource & Rural Vacant Land	0.34¢ in the \$
Resource - Development	0.53¢ in the \$
Rural General Commercial & Industrial	0.22¢ in the \$
Rural General & Rural General UFL	0.22¢ in the \$
Specified Area Port Coogee	1.5¢ in the \$
Special Industrial – Cement Works	11.12¢ in the \$
Special Industrial	11.06¢ in the \$
Vacant Residential Building Work in Progress	5.97¢ in the \$
Vacant Commercial & Industrial	9.29¢ in the \$
Vacant Residential	9.29¢ in the \$

Minimum Rates

Commercial Caravan Park	\$900
Improved Commercial & Industrial	\$900
Improved Commercial & Industrial (Large)	\$900
Improved Residential	\$600
Resource - General	\$900
Resource Commercial & Industrial	\$900
Resource & Rural Vacant Land	\$900
Rural General Commercial & Industrial	\$900
Resource - Development	\$900
Rural General & Rural General UFL	\$900
Special Industrial – Cement Works	\$900
Special Industrial	\$900
Vacant Residential	\$600
Vacant Building WIP	\$465

- (4) notes the modifications referred to in resolution (2) change the following schedules and notes:
- Statement of Comprehensive income by program
 - Statement of Comprehensive income by Nature and Type
 - Statement of Cashflows
 - Rate Setting Statement
 - Note 8 - Note to the Statement of Cashflows
 - Note 11 - Rating Information
 - Note 12 – Statement of Rating



So that these schedules and notes, as modified, are in the form and manner set out in attachment 2

- (5) notes that the resolutions (2), (3) and (4) are required to validate the general rate and minimum payment levied and that the credit will allocated to those ratepayers affected by the amended Work in Progress Minimum Payment and Specified Area Rate Minimum Payment whose minimum payments reduce as a consequence of this resolution.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that adopt the recommendation with amendment to sub-recommendation (1), point 5, as follows:

5. The specified area rate minimum payment – Port Coogee Maintenance and Underground Power was incorrectly imposed in accordance with section 6.35(1) of the Act.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Reason for Decision

Point 5 is required to be amended to clearly define its intent.

Background

The Council adopted the 2011/12 Municipal Budget on 9 June 2012. The Department of Local Government undertook a review of municipal budgets and noted a number of rating issues that were not consistent with the Department's interpretation of the Local Government Act.

The Department wrote to Council on 18 August 2011 to advise of their findings post the review. At the same time suggested that the anomalies be corrected via section 9.64 of the Local Government Act that is a Governors Order which would correct the anomalies. A report was submitted to Council at Ordinary Council Meeting held on 11 August 2011 requesting the Department prepare a request under section 9.64.



Subsequent to the Council requesting a section 9.64 the Department advised Council on 23 November 2011 that they had changed their initial advice and the affected Councils would have to appear before the State Administrative Tribunal to seek an order from the SAT for Council to request the Minister to approve the rating anomalies under delegation as per new advice received by the Department from the State Solicitors Office. This action was undertaken based on the advice of the Department of Local Government and the State Solicitors Office. The Council was represented by Denis McLeod.

Submission

N/A

Report

As a result of the Consent Order issued by the SAT on 19 June 2012, the Minister for Local Government has approved the rates for 2011/12 in relation to:

- Special Industrial – Cement Works
- Commercial Special Industrial

Although Council had approval for these rates in 2010/11, the Department advised all Councils that annual approval was required rather than initial approval in relation to rates that exceeded twice the lowest adopted rate. Council has sought and received approval for the 2012/13 Municipal Budget. (Please note that for 2012/13, the Commercial Special Industrial rate was combined with the standard commercial/industrial improved rate). There is no financial impact from the Minister's approval for 2011/12.

Specified Area Rate – Port Coogee Maintenance

The Council adopted a Minimum Payment rate of \$150. The Department advised that the Act does not specifically allow a minimum payment rate for specified area rates. As such the one property impacted will have to have a standard rate in the dollar. The impact will be a credit to the ratepayer of \$59.26. This will be credited to the 2012/13 assessment.

Vacant Land Building Work In Progress

The rate was introduced four years ago to mitigate the impact of property owners who acquired land or demolished an existing house only to find that construction time for a new dwelling took two years or more. A similar initiative was undertaken by the State Government in relation to Land Tax. The impact of this initiative lowered the cost of



rates for property owners who were caught in the lengthy construction period with rates charged at the vacant land level rather than the residential improved level. For 2011/12 Council levied too many minimums. The maximum the Council can have for one category is 50% of the rate classification. The Council will have to reduce the number to comply with the Act. This will impact on 172 properties totalling \$25,435. This is higher than originally thought but was impacted on residential vacant land rates falling from 5% of the capital value to 3%. A letter will be sent to the affected property owners and a credit placed on their 2012/13 rates assessment.

Vacant Commercial and Vacant Industrial – Minimum Payment

The Council adopted a minimum payment contrary to section 6.35 (3)(b) in that the City cannot have two Minimum Payment rates within the same rating class, that is Vacant Land – Residential and Vacant Land Commercial Industrial. The adjustment will impact on eight properties for \$4,939.30. A letter will be sent to the affected property owners and a credit placed on their 2012/13 rates assessment.

The budget for Interim Rates will be increased to offset the reductions noted above.

Underground Power – Coolbellup East

Although the minimum payments were considered outside of the relevant section of the Local Government Act, the Council amended the mechanism for charging underground power from a rate in the dollar and minimum payment to a fee under section 6.16 of the Act. For 2012/13, the Council is using the Service Charge Provision under Section 6.16 of the Act and regulation 54(c) of the Local Government (Financial Management) Regulations 1996. This is being used because the State Government amended the Act so as to enable pensioners and seniors to access rebates.

The 2012/13 Rates were submitted to the Department for Review as part of the application for Ministerial consent for the Special Industrial – Cement Works differential rate.

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 develop and maintain a financially sustainable City.



Budget/Financial Implications

There is no impact on the 2011/12 budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Copy of the SAT Consent Order
2. Copy of the 2011/12 Budget pertaining to:
 - a. Statement of Comprehensive income by program
 - b. Statement of Comprehensive income by Nature and Type
 - c. Statement of Cashflows
 - d. Rate Setting Statement
 - e. Note 8 – Note to the Statement of Cashflows
 - f. Note 11 – Rating Information
 - g. Note 12 – Statement of Rating

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 4837) (OCM 09/08/2012) - CITY OF COCKBURN TRAILS MASTER PLAN (8153) (C BEATON) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the City of Cockburn Trails Master Plan for the purpose of public comment; and
- (2) adopt the marketing slogan: *Lakes, Lookouts and Legends – The Trails of Cockburn* to promote and position the City of Cockburn’s trails network.



COUNCIL DECISION

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

CARRIED 8/0

Background

The 2012 City of Cockburn Trails Master Plan (the Plan), prepared for the City by Transplan Pty Ltd, is a result of a review of the 1999 Trails Master Plan. The revised plan recommends a range of new trails and trail improvements throughout the City. The Plan details the progress of implementation of the 1999 Plan and sets out a schedule for further improvements and extensions to the existing trails network.

The intent of the Plan is to guide the establishment, promotion and maintenance of a comprehensive network of high quality recreation trails which will be available to all residents and visitors to the City. The trails within the Plan are managed by both the Department of Conservation (DEC) and the City. The Plan takes into consideration the unique character of the City of Cockburn including its cultural, social, economic and environmental qualities.

An interesting and varied suite of quality trails can perform a number of beneficial roles within the broader Cockburn community.

Trails can:

- provide outstanding opportunities for local residents and visitors to engage in passive recreation;
- increase the fitness and general well-being of trail users;
- attract tourism to the City when marketed well;
- help instil a conservation ethic amongst users; and
- help inform users about the attributes of the area using good interpretative material.

The Plan outlines numerous opportunities to strategically improve the existing Cockburn trails network.

Comments from key internal and external stakeholders have been sought and incorporated into the Plan where appropriate. Once adopted, the Plan will be released for public comment for a period of six weeks. Submissions will be addressed and relevant changes made prior to final adoption by Council.



Submission

N/A

Report

For the purposes of the City of Cockburn Trails Master Plan the following definition is used:

“A recreation trail is any corridor, route or pathway for recreational purposes such as walking and cycling, which passes through or has a strong connection with the natural environment, open spaces and cultural heritage”.

Key Outcomes

The key outcomes achieved by the Plan include:

- review and report on the progress of the implementation of the 1999 Trails Master Plan;
- audit and inventory of existing recreational trails;
- identification of future trail opportunities; and
- provision of a detailed costing and development plan of viable trail projects including a suggested staged implementation program for both DEC and the City, as well as a separate map/plan of each trail.

The Existing Trail Supply

The inventory of the existing trails in the City of Cockburn showed that:

- There are a number of existing short walk trails and pathways.
- Trails are currently not well packaged and promoted to residents or visitors.
- Interpretation along the trails is good on some trails and poor on others.

The Plan primarily addresses gaps in the current trail network to deliver a more comprehensive and user friendly network.

Principles for Selection of Trail Projects included in the Plan

The need for new trails and enhancement projects for existing trails were determined through on-site field assessment, discussions with DEC as well as assessing each projects against a number of criteria including:

- trail demand – type, number and length of trails sought;
- value for money and return on investment made by both DEC and Council;



- the quality of the user experience; and
- land tenure and access, environmental issues, cultural issues, funding possibilities, possible community support/ opposition, and user safety.

Recommended Future Trail Projects

A total of 26 trail improvements have been identified with a suggested implementation period of 5 years. A recommended schedule, along with indicative cost estimates is included for each project. Project timeframes can be extended or shortened in response to budgetary and other considerations.

Recommended Trail Network Marketing and Promotion

To accompany the capital works, a marketing and promotion program is also outlined in the Plan. Marketing and promotion would highlight the benefits available to residents, visitors and the City by promoting use of the trail network. Cost estimates for marketing and promotion are included in the Plan.

The slogan “*Lakes, Lookouts and Legends – The Trails of Cockburn*” is proposed as a marketing tool to differentiate and ‘position’ Cockburn’s trails in the marketplace. The slogan captures the essence of the City’s existing and future trails network. Many trails are, or will be, located near the wetlands and lakes of the Beeliar Regional Park and also have views of coastline, lakes or other natural features. The rich cultural history of the City will be conveyed to users of the trails network by including stories and local legends in interpretive material.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

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

Nil.



Benefit

Financial benefit is likely to be gained by businesses operating within the City of Cockburn as tourism to the area increases. Opportunity will increase for new and existing tourism ventures to take advantage of the high quality trails network. Local supporting businesses (transport, food etc) will also benefit.

Cost

Estimates of the financial cost for each project were made at the time of writing the Plan. They assume that all works outlined are undertaken and are an indicative cost only. Table 1 outlines an estimate of cost, without grant assistance, for each year of implementation over a five year period.

Table 1 – Estimated cost to Cockburn to implement Trails Master Plan over 5 years without grant funding.

Year	Estimated Cost (\$)
1	307,070
2	220,055
3	217,415
4	412,610
5	1,101,650
TOTAL	\$2,258,800

Grant Funding

The costs shown above do not include access to grant funding. The actual costs to implement the program will likely be considerably less given that there are numerous funding opportunities available for trail creation and enhancement projects. A number of these funding opportunities are outlined in the Plan.

Legal Implications

N/A

Community Consultation

Once the Plan has been endorsed by Council the Plan will be advertised for public comment for a period of six weeks. Public comments will be considered and incorporated, where appropriate, into a final Trails Master Plan.



Attachment(s)

1. City of Cockburn Trails Master Plan
2. Associated Maps

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE NO 4838) (OCM 09/08/2012) - MANNING PARK BRAVERY GARDEN DETAILED DESIGN (CR/L/001 / 2207525) (A LEES) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the concept design for a Bravery Garden at Manning Park;
- (2) endorse the cost estimates for the construction of the Bravery Garden; and,
- (3) nominate the Bravery Association (WA) as the organisation to seek funding for the project.

COUNCIL DECISION

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

CARRIED 8/0

Background

At the OCM (12/5/2011) Council was presented with a report outlining the proposal for the construction of a Bravery Garden at Manning Park and establishing a joint venture with the Australian Bravery Association (WA) to further pursue the proposal. The report outlined the rationale



for the establishment of a Bravery Garden, determination of Manning Park as the preferred site, identified a design proposal sketch and considered funding opportunities. Council adopted the report and included amendments requiring officers to continue working with the Bravery Association (WA) to develop the proposal further and prepare a detailed design and cost estimate for consideration by Council.

Submission

N/A

Report

The City's Parks service unit in close consultation with National Vice President (WA) Australian Bravery Association Mr Vic Boreham and the City of Cockburn Mayor Mr Logan Howlett have worked cohesively in the past few months to consolidate all aspects identified for a Bravery Garden. The final design is relatively consistent with the original sketch present to Council; however there have been minor modifications to achieve the desired outcomes and recommendations from the State Heritage Office.

Design

The final design of the Bravery Garden has been tailored to the Canberra Bravery Garden on a reduced scale. The design provides for a cruciform path constructed of creative stone paving with four (4) stone monuments located at the ends of the paths and one (1) stone monument offset to the right of the cruciform. A pavilion is positioned at the head of the cruciform which will be capable of seating 40 people for ceremonies and functions. A memorial retaining wall will be constructed at the rear of the pavilion to provide for small plaques containing the name of Western Australian bravery award recipients. A formal pathway will link the pavilion with the carpark and be landscaped to compliment the ambience and aesthetic nature required for a bravery garden. Two (2) flag poles will be located at the entrance to the footpath for ceremonies of significance. The three attachments provide a comprehensive outline of the design components.

Location

The location of the Bravery Garden will be equidistant between Azelia Ley homestead and Caretakers cottage nestled between two large trees. This location was mutually agreed by all parties and meets the recommendations identified by the State Heritage Office. The final position will not impinge on the functionality and visual amenity of Manning Park.



State Heritage Office

The State Heritage Office was requested to comment on the proposal to develop a Bravery Garden adjacent to the Azelia Ley Homestead between the homestead and the caretaker's cottage in February 2012. The proposal outlined the development of the project since inception and identified a series of concepts which were to be further evaluated by the working group. The City received no objection from the State Heritage Office to the landscaping being proposed within the identified part of Manning Park, however provided the following preliminary comments:

1. The State Heritage Office does not have preference between concepts 3 and 4 as indicated in your correspondence.
2. The State Heritage Office recommends retaining a buffer area between a future Bravery Garden and the adjacent Azelia Ley homestead to allow for potential interpretive treatments of the homestead and its surrounds as outlined in the CP (Conservation Plan). A minimum separation distance of 30 metres as indicated in the City's correspondence would be suitable.

The final design has incorporated all the above comments and subject to approval from Council will be referred back to the State Heritage Office for endorsement.

Project Cost

The project cost based on the design presented is \$150,000 with the pavilion and monuments as the major cost components. Additional maintenance funds of \$5,000 p/a would be required to ensure the presentation of the Bravery Garden is retained to a high level.

Depending on the delivery of the project and funding opportunities the total project cost could be reduced significantly.

Funding

The City has not identified any funding for this project, however both the Bravery Association (WA) and City of Cockburn's Mayor have informed of preliminary discussions with various companies and State Govt agencies have been positive and would be willing contributors. Details on funding sources and receipt of funds will require consolidation prior to implementation of the project.



Strategic Plan/Policy Implications

Infrastructure Development

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

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

Budget/Financial Implications

Currently no funding has been allocated in the Parks 2012/13 Capital Works program.

Legal Implications

N/A

Community Consultation

Bravery Association (WA)
Historical Society of Cockburn

Attachment(s)

1. Bravery Garden Perspective
2. Bravery Garden Plan
3. Bravery Garden Context
4. Opinion of Probable costs

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 9th August 2012 Council Meeting.

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

Nil.



16.3 (MINUTE NO 4839) (OCM 09/08/2012) - FUNCTIONAL ROAD HIERARCHY REVIEW (ES/R/001 / 4316) (J MCDONALD & J KIURSKI) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the proposed 2012 Functional Road Hierarchy; and
- (2) review the City's Functional Road Hierarchy on a five yearly basis in future.

COUNCIL DECISION

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

CARRIED 8/0

Background

The City's current Functional Road Hierarchy (FRH) was formally adopted by the Council in May 1997. A map of the 1997 FRH is included as Attachment No.1.

The FRH is a road classification system that enables Local Governments and Main Roads Western Australia (MRWA) to identify the desired role of each road as part of the broader public road network. The classifications range from a local access road for low traffic volume residential streets through to a primary distributor road for the major arterial roads carrying the greatest traffic volumes, such as the Kwinana Freeway.

It is a statutory requirement to designate all roads in Town Planning schemes, which are also shown in the Metropolitan Region Scheme, with an appropriate classification. This is specified in the Western Australian Planning Commission's Policy DC 1.4 – Functional Road Classification for Planning (June 1998).

Since 1997 there have been many changes to the road network as the City and State Government upgrade and extend roads, and new roads are created as part of ongoing urban development. The City's FRH has



been reviewed and this report details a number of additions and amendments to update the City's FRH.

Submission

N/A

Report

The FRH is a classification scheme that has an application in asset management, land use and transport planning, and traffic management. In Western Australia, the classification scheme is managed by MRWA, and the state road authority, and includes the following road types, in descending order of priority within the road network:

- Primary Distributor;
- District Distributor(A);
- District Distributor (B);
- Regional Distributor (in rural areas);
- Local Distributor; and
- Access Road

A copy of the MRWA's criteria for the above road types is included as Attachment No. 2.

Engineering officers have reviewed the City's existing FRH by:

- Assessing the general consistency of the classification of existing roads with MRWA's road hierarchy criteria and Road Information Mapping system.
- Considering amendments required to be made to roads in the FRH due to factors such as road realignment, road extension, change of function, or new construction.
- Performing considerable comparison of road classifications in the 1997 FRH, current classifications in the City's Geographic Information System (GIS) and MRWA's database accessed through their new on-line Reporting Centre.

This review involved internal consultation with Strategic and Statutory Planning officers, and officers from adjacent Local Government Authorities.

As it has been 15 years since the City's FRH has been formally reviewed it is understandable that there are many changes and additions proposed. The changes to the FRH are generally required to reflect the impact of physical and administrative changes in the City's road network such as:



- The extension of Beeliar Drive to Stock Road.
- The extension of Spearwood Avenue westwards from Hamilton Road to Cockburn Road.
- The extension of Spearwood Avenue southwards to Barrington Street.
- The realignment of sections of Cockburn Road at Port Coogee and Henderson by MRWA.
- The extension of Roe Highway to the Kwinana Freeway in 2006;
- The addition of new Local Distributor roads as new residential areas are developed;. Regional Distributor road classification for roads in non built-up areas of the metropolitan area, such as Jandakot Road and Russell Road.
- The part realignment of the municipal boundary between the City of Cockburn and City of Melville.

A key principle of road classification is that the chosen classification should reflect the ultimate role that the road is intended to perform. This approach should ensure that:

- The appropriate road reserve width is provided to accommodate the ultimate road cross section and complementary infrastructure;
- Adequate road capacity for a safe and efficient road system will be available for future needs.
- Access to properties is appropriately planned and managed to reflect the road's ultimate function in the road network.
- The community have a clear understanding of the ultimate role the road is expected to ultimately perform, which in some cases could 10-20 years away depending on the location and rate of future development in the subject area.

Taking all the above into consideration, the following revised Functional Road Hierarchy is recommended for adoption for the City:

Primary Distributor			
Road No.	Road Name	Start Location	End Location
H023	Armada Road	Warton Road	Beeliar Drive
H025	Cockburn Road	Hampton Road / Rockingham Road	Stock Road
H015	Kwinana Freeway	Northern municipal boundary	Southern municipal boundary
H002	Stock Road	Winterfold Road	Southern municipal boundary
H018	Roe Highway	Kwinana Freeway	Eastern municipal boundary



District Distributor A			
Road No.	Road Name	Start Location	End Location
1030953	Beeliar Drive	Armadale Road	Rockingham Road
1030503	Berrigan Drive	North Lake Road	Karel Avenue
1030001	Carrington Street	Winterfold Road / Northern municipal boundary	Rockingham Road / Hamilton Road East
1031744	Cockburn Road	Cockburn Road	Southern municipal boundary
1030501	Farrington Road	North Lake Road	Kwinana Freeway
1030834	Karel Avenue	Orion Road	Dimond Court / Northern municipal boundary
1030010	North Lake Road	Winterfold Road / Northern municipal boundary	Beeliar Drive
1032107	Orion Road	Karel Avenue	Marriott Road
1030005	Phoenix Road	Rockingham Road	North Lake Road
1030498	Rockingham Road	Cockburn Rd / Hampton Road	Beeliar Drive / Mayor Road
1030011	Russell Road	Hammond Road	Kwinana Freeway
1030007	Spearwood Avenue	Stock Road	Henderson Road / Fancote Avenue
1031707	Verde Drive	Armadale Road	Luber Street
1030373	Warton Road	Armadale Road	Nicholson Road

District Distributor B			
Road No.	Road Name	Start Location	End Location
1030613	Acourt Road	Nicholson Road	End of road
1030029	Barrington Street	Stock Road	Spearwood Avenue
1030563	Bibra Drive	Farrington Road	North Lake Road
1031846	Discovery Drive	North Lake Road	Spearwood Avenue
1030497	Forrest Rd	Carrington Street	North Lake Road
1030054	Gibbs Road	Kwinana Freeway	Tapper Road
1030022	Hamilton Road	Start	Rockingham Road
1030938	Hamilton Road East	Rockingham Road / Carrington Street	Hamilton Road
1030012	Hammond Road	North Lake Road	Russell Road
1030834	Karel Ave	Marriott Road	Orion Road
1030016	Lyon Road	Gibbs Road	Rowley Road
1030015	Mayor Road	Hamilton Road	Rockingham Road
1030050	Semple Court	North Lake Road	Berrigan Drive
1030058	Solomon Road	Armadale Road	Jandakot Road
1030007	Spearwood Avenue	Cockburn Road	Stock Road
1030028	Sudlow Road	Spearwood Avenue	Phoenix Road
1030053	Tapper Road	Armadale Rd	Gibbs Rd
1030004	Winterfold Road	Carrington Street	North Lake Road
1031020	Poletti Road	Beeliar Drive	North Lake Road



Regional Distributor			
Road No.	Road Name	Start Location	End Location
1030014	Frankland Avenue	Wattleup Road	Rowley Road
1030054	Gibbs Road	Tapper Road	Liddelow Road
1030041	Henderson Road	Spearwood Ave / Fancote Ave	Russell Road
1030025	Jandakot Road	Berrigan Drive / Dean Road	Warton Road
1030020	Liddelow Road	Armadale Road	Rowley Road
1030019	Rowley Road	Frankland Avenue	Eastern municipal boundary
1030011	Russell Road	Rockingham Road	Hammond Rd
1030013	Wattleup Road	Rockingham Road	Frankland Ave

Local Distributor			
Road No.	Road Name	Start Location	End Location
1031008	Alabaster Drive	Wentworth Parade	Baningan Avenue
1030727	Amity Boulevard	Cockburn Road	Hamilton Road
1031583	Aurora Drive	Bartram Road	Gibbs Road
1030950	Baningan Avenue	Alabaster Drive	Bartram Road
1030017	Barfield Road	Gaebler Road	Rowley Road
1030029	Barrington Street	Rockingham Rd	Stock Road
1031326	Bartram Road	Hammond Rd	Tapper Road
1030018	Beenyup Road	Tapper Road	Brenchley Drive / Bartram Road
1030098	Birchley Road	Yangebup Road	Beeliar Drive
1030023	Blackwood Avenue	Forrest Road	Carrington Street
1031963	Botany Parade	Gaebler Road	Macquarie Blvd
1031306	Brenchley Drive	Bartram Road	Bartram Road
1031684	Brushfoot Blvd	Russell Rd	Wentworth Pde
1031969	Camden Boulevard	Gaebler Road	Lyon Road
1030782	Cassery Drive	Shemels Court	Barcombe Way
1030003	Clontarf Road	Mather Road	Carrington Street
1031187	Congdon Avenue	East Churchill Avenue	Watson Road
1030034	Coolbellup Avenue	Winterfold Road	Forrest Road
1030033	Counsel Road	Stock Road	Coolbellup Avenue
1031103	Dean Road	Berrigan Drive Jandakot Road	Glen Iris Drive / Twin Waters Pass
1030036	Doolette Street	Phoenix Road	Spearwood Avenue
1030995	Dunraven Drive	Osprey Drive / Yangebup Road	Beeliar Drive
1031701	Durnin Avenue	Yangebup Road	Ivankovich Avenue
1030712	Elderberry Drive	North Lake Road	Berrigan Drive
1030416	Fairbairn Road	Cockburn Road	Hamilton Road
1030497	Forrest Road	Rockingham Road	Carrington St
1031130	Freshwater Drive	Armadale Road	Lydon Boulevard
1030055	Gaebler Road	Lyon Road	Camben Boulevard
1030055	Gaebler Road	Frankland Avenue	Barfield Road
1030054	Gibbs Road	Tapper Road	Liddelow Road
1031120	Glen Iris Drive	Dean Road	Hartwell Parade
1030358	Gwilliam Drive	Progress Drive	North Lake Road
1030024	Healy Road	Rockingham Rd	Redmond Road
1030642	Hird Road	Hammond Road	Baningan Avenue



1032184	Irvine Parade	Gaebler Road	Bellingham Road
1031153	Ivankovich Avenue	Watson Road	Durnin Avenue
1031893	Lauderdale Drive	Wentworth Parade	Ricci Way
1031030	Lydon Boulevard	Tapper Road	Tapper Road
1030016	Lyon Road	Zodiac Loop	Gibbs Road
1031625	Macquarie Blvd	Russell Road	Botany Parade
1030512	Marvell Avenue	Newton Street	Rockingham Road
1030015	Mayor Road	Cockburn Road	Hamilton Road
1030582	Moorhen Drive	Osprey Drive	Yangebup Road
1030048	Newton Street	Rockingham Road	Ionesco Street
1030583	Osprey Drive	Yangebup Road	North Lake Road
1032013	Orsino Boulevard	Cockburn Road	End
1032064	Pantheon Avenue	Cockburn Road	Orsino Boulevard
1030536	Parkway Road	Bibra Drive	Bibra Drive
1030005	Phoenix Road	Hamilton Road	Rockingham Rd
1031020	Poletti Road	North Lake Road	Beeliar Drive
1030006	Prinsep Road	Berrigan Drive	End
1030691	Progress Drive	Farrington Road	Gwilliam Drive
1030032	Redmond Road	Winterfold Road	Forrest Road
1030467	South Lake Drive	Berrigan Drive	Elderberry Drive
1030401	Southwell Crescent	Blackwood Avenue	Phoenix Road
1030028	Sudlow Road	Phoenix Road	Forrest Road
1031112	The Grange	Beeliar Drive	Spearwood Ave
1030113	Troode Street	Rockingham Road	Hamilton Road
1031053	Turnbury Park Drive	Berrigan Drive	Hartwell Parade
1030101	Watson Road	East Churchill Ave	Beeliar Drive
1030013	Waverley Road	North Lake Road	Coolbellup Ave
1031082	Waters Avenue	Lydon Boulevard	Brenchley Drive
1031007	Wentworth Parade	Beeliar Drive	Hammond Road
1030008	Yangebup Road	Birchley Road	Dunraven Drive
1030211	York Street	Clontarf Road	Jean Street

Access Roads (Industrial)
All roads in industrial/commercial areas not classified as a distributor road

Access Roads
All others, including laneways

The proposed changes to the 1997 FRH are listed in Attachment 3 and a map of the proposed updated FRH is included as Attachment No. 4.

Note that the legend in the map for the proposed FRH is slightly different to the 1997 map, to maintain consistency with MRWA's updated FRH classifications and Road Information Mapping system.

The changes are:

- roads with the new Regional Distributor class are shown in red; the colour formerly used to identify Primary Distributor roads;



- Primary Distributor roads are now shown in light blue; which was the colour formerly used to identify District Distributor B roads; and
- District Distributor B roads are now shown in a darker blue.

To reduce the amount of time a future FRH review takes and to ensure that it will always have a reasonably current status, it is recommended that in future the FRH is reviewed at least every 5 years and then resubmitted to the Council for adoption. This should ensure that there are far fewer changes and additions to the approved hierarchy at any one time.

In the case of ongoing urban development, it is important that the ultimate function of roads for developing areas is clearly identified at the Structure Planning stage. A traffic study should be done for every Structure Plan, to model the forecast traffic generation for the subject area in a fully developed state, so that the road needs of the subject and surrounding areas can be assessed and properly planned for. This process should include determining the road function, road reserve width, connectivity, access requirements/restrictions etc based on an understanding of the traffic modelling. The distributor roads created and changes identified as part of this process can then be incorporated into the City's FRH.

The current review process identified numerous discrepancies between the road classification information held by the City and Main Roads WA, and even within the internal systems used by either organisation. This emphasises the need to develop new, and/or follow existing, formal processes for the classification of roads and the sharing of that information. As this process can involve officers from a few different departments at the City a procedure will be developed to define roles and responsibilities in the process, to maximise the integrity of the City's FRH data in our systems.

Once the updated FRH has been adopted by the Council it will be submitted to MRWA for formal approval and internal systems updated to incorporate any changes and additions.

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.

Infrastructure Development

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



Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. City of Cockburn 1997 Functional Road Hierarchy Plan (Dwg No 3083B12).
2. MRWA Road Hierarchy for Western Australia (MRWA Ref D10#10992).
3. Summary of proposed changes to 1997 Functional Road Hierarchy.
4. City of Cockburn 2012 Functional Road Hierarchy Plan (Dwg No. 3083B12 Rev.A).

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 4840) (OCM 09/08/2012) - COCKBURN INTEGRATED HEALTH AND COMMUNITY FACILITY (CR/M/111) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) subject to no objections being received following the advertising of the lease under Section 3.58 of the Local Government Act 1995, enter into a lease agreement for the floor space within the



proposed Cockburn Integrated Health and Community Facility with Oceanic Medical Imaging Pty Ltd:

1. at a lease fee of \$375 per m² (ex-GST) for an area of 500m² plus outgoings;
2. increase in the lease fee of 4% each year;
3. for a period of 5 years with 2 options of 5 years and market review at the start of each option period;

with all other terms and conditions being subject to the satisfaction of the Chief Executive Officer; and

- (2) request the consent to the lease from the Minister for Lands.

COUNCIL DECISION

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

CARRIED 8/0

Background

The City has a management order over lot 855 Wentworth Parade in Success and has the approval of Land Services to lease portions of the proposed Cockburn Integrated Health and Community Facility for medical and other purposes. Council at its meeting of the 8th September 2011 resolved to proceed with the development of the Cockburn Integrated Health and Community Centre and hence proceed with the leasing of tenancies within the complex in accordance with the Business Plan approved by Council at its meeting of the 9 December 2011.

DTZ have been appointed by the City of Cockburn as property agents for the Cockburn Integrated Health and Community Facility. There has been extensive advertising of tenancies within the Cockburn Integrated Health and Community facility in newspapers, professional medical journals and signage on the site.



Submission

An offer to lease has been submitted by Oceanic Medical Imaging Party Limited to establish a radiology clinic in the building.

Report

Oceanic Medical Imaging Pty Ltd (Oceanic) has a number of radiological Practises across the metropolitan area and is an experienced and well recognised radiological operator. Oceanic have committed to the installation of an MRI, CT Scanner, ultra sound and x ray equipment which is the full suite of services that can reasonably be expected to be provided on the site and greatly complement the other medical and health services located in the facility.

DTZ advise that the lease fee and terms and conditions of the lease are in accordance with market rates and conditions.

The City's leasing agent for the Cockburn Integrated Health and Community facility, DTZ advises that the market lease for medical related tenancies on the ground floor that begin in early 2013 is within the range submitted by the proponents.

Under the Management Order the City has the power to lease for periods not greater than 21 years. The leases are subject to the consent of the Minister for Lands under the *Land Administration Act 1997*.

Strategic Plan/Policy Implications

Infrastructure Development

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

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The lease of space within the Cockburn Integrated Health and Community Facility will generate income for the City. All outgoings related to the tenancies will be paid for by the tenants. The net income for the tenancies in the first year for the Radiation Clinic is stipulated on the submitted offer



Legal Implications

Section 3.58 of the Local Government Act 1995 applies.

Community Consultation

Subject to advertising under Section 3.58 of the *Local Government Act 1995*.

Attachment(s)

1. Copy of Draft Offer and Acceptance document (provided under confidential cover).

Advice to Proponent(s)/Submissioners

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

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

The City of Cockburn has resolved to provide an Integrated Health and Community facility including a federally funded GP Superclinic on the site. All commercial tenancies will be at market values.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 19.1 **(MINUTE NO 4841) (OCM 09/08/2012) - NOTICE OF MOTION - PETITION - CLOSURE OF COCKBURN POLICE STATION (3309515) (R AVARD)**

RECOMMENDATION

That Council note the information.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that That Council:

- (1) write to the Minister for Police and the Commissioner of Police requesting the retention of the Cockburn Police Station as a part



of their overall policing strategy when the proposed Police Hub at Cockburn Central opens; and

- (2) advise the petitioners calling for the retention of the Cockburn Police Station of Council's decision.

CARRIED 8/0

Reason for Decision

The City received a petition calling for the retention of the Cockburn Police Station on Thursday evening, 14 June 2012. The petition was signed by 821 people who were in the main either an owner or employee of a small business in Cockburn. There is overwhelming support from the Cockburn community for the Cockburn Police Station to be retained. The City provided funding to support additional accommodation at the Cockburn Police Station around 2004 to ensure an increased police presence in our growing City. The City's population is currently 95,000 and the continuing development of the City will see our population increase upward of 130,000.

Increases in residential, commercial and retail centres and Industry will put pressure on our emergency services and their ability to respond even if the concept of 'an office being in every police vehicle' is realised. The rapid increase in the City's population has already seen ongoing congestion on our roads and response times even under 'lights and sirens' can only increase over time.

Background

The Western Australian Government is proposing to construct a major Police Station at Cockburn Central to serve the City of Cockburn and adjoining areas. Subsequently, the Government purportedly intends to close the Cockburn Police Station on Rockingham Road, Spearwood and transfer the resources to the new Station.

A petition has been received by the City signed by 841 people, of whom 709 live within the City of Cockburn.

The petition reads as follows:

"We the undersigned residents of Western Australia are opposed to the closure of Cockburn Police Station, Rockingham Road, Spearwood. With the increase in population and subsequent increase in crime in the district, the community requires the ongoing service of the local



station for the safety of residents. The station has served the community well in the past and its removal would be a backward step for the community.

Your petitioners therefore respectfully request the City of Cockburn Council to oppose the closure of Cockburn Police Station Rockingham Road, Spearwood Western Australia

And your petitioners as in duty bound, will ever pray.”

Submission

The Mayor has submitted a notice of motion related to the petition that called for the retention of the Cockburn Police Station, as follows:

That Council:

1. Write to the Minister for Police and the Commissioner of Police requesting the retention of the Cockburn Police Station as a part of their overall policing strategy when the proposed Police Hub at Cockburn Central opens.
2. Advise the petitioners calling for the retention of the Cockburn Police Station of Council's decision.

Explanation

The City received a petition calling for the retention of the Cockburn Police Station on Thursday evening, 14 June 2012. The petition was signed by 841 people who were in the main either an owner or employee of a small business in Cockburn. There is overwhelming support from the Cockburn community for the Cockburn Police Station to be retained. The City provided funding to support additional accommodation at the Cockburn Police Station around 2004 to ensure an increased police presence in our growing City. The City's population is currently 95,000 and the continuing development of the City will see our population increase upward of 130,000.

Increases in residential, commercial and retail centres and Industry will put pressure on our emergency services and their ability to respond even if the concept of 'an office being in every police vehicle' is realised. The rapid increase in the City's population has already seen ongoing congestion on our roads and response times even under 'lights and sirens' can only increase over time



Report

The WA Police Service is provided as a function of the state government and all decisions relating to the Service are made by the government of the day.

At a recent briefing to the elected members, senior staff representing the Cockburn Police Station provided details of the proposed arrangements for policing in the District once the Cockburn Central “hub” is opened. It was put forward that there would be an improved service and resource allocation available to provide for the needs of the entire Cockburn community from the new facility, compared to what is now possible from the current Station. The Police service would be enhanced in the district through a hub at Cockburn Central that would be opened 24/7 with mobile patrols operating across the District utilizing communication technology that would allow for highly effective Policing.

Although the City has not received official confirmation when (or if) the Cockburn Station is to be closed, it is unlikely that the government would decide to keep it open beyond the date when a new facility is opened at Cockburn Central.

Given these circumstances, it is not considered appropriate for the City of Cockburn to formally oppose the proposals being implemented by the state government, as to do so could jeopardize the overall improvements that would be realized by the establishment of the Cockburn Central precinct.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

Nil. Police resources are provided by the State Government.

Legal Implications

N/A



Community Consultation

Not required as the matter is in response to a petition from ratepayers and residents of the City.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the August 2012 Council Meeting.

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

Nil.

19.2 (MINUTE NO 4842) (OCM 09/08/2012) - NOTICE OF MOTION - TUART TREE ON BP AUSTRALIA PTY LTD HIGH PRESSURE OIL PIPELINE CORRIDOR (2210878) (D ARNDT) (ATTACH)

RECOMMENDATION

That Council:

- ((1) advertises its intention to undertake an update to its Local Government Inventory, as required by Section 45(2)(b) of the Heritage of WA Act 1990 and requests nominations from the community for new buildings and places (including significant trees) to be included on the Local Government Inventory, as well as any other proposed changes to buildings, places or significant tree currently included on the Local Government Inventory;
- (2) advises BP Refinery (Kwinana) Pty Ltd, as the landowner of the Tuart Tree adjoining Lot 208 (No. 178) Healy Road, Hamilton Hill, that it intends to include the Tuart Tree on the Local Government Inventory and invites their comment on the proposed listing; and
- (3) develops an appropriate selection criteria for the assessment of any trees nominated for inclusion on the Local Government Inventory.



COUNCIL DECISION

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

CARRIED 8/0

Background

A Notice of Motion was received from Mayor Howlett on 1 August 2012 for this item as follows:

That Council:

1. *Include the Tuart Tree located on the BP Australia Pty Ltd High Pressure Oil Pipeline Corridor adjacent to 178 Healy Road, Hamilton Hill on the City's 'Significant Tree Register' subject to the support in writing being obtained from BP Australia Pty Ltd.*
2. *Write to BP Australia Pty Ltd seeking their support and any conditions that they may wish to impose in terms of protecting their high pressure oil pipeline.*
3. *Develop a methodology for engaging with the community and landowners to identify other trees in the district for consideration for inclusion on the City's 'Significant Tree Register'.*

Explanation

The inclusion of the Tuart Tree on the City's 'Significant Tree Register' will recognise the importance that this remnant Tuart Tree has to our environment and to our community. It will also provide evidence that the City places a high value on retaining as many as possible of the diminishing number of individual and stands of Tuart Trees within our district. The registering of this Tuart Tree will send a clear message to the community that the needless removal of such high value parts of our natural landscape will not be tolerated except in circumstances where a tree is in imminent danger of falling or causing damage to infrastructure.

Tuart trees are important in terms of providing a habitat for the endangered Carnaby's Black Cockatoo and the Red Tailed Black Cockatoo and other birds as evidenced at this location in Hamilton Hill.

The opportunity to develop a methodology to engage with the community and landowners to identify significant trees in the district for



inclusion on the City 's 'Significant Tree Register' could include advertising in the local community newspapers, the Cockburn Soundings, the City 's website, developing a program in our schools etc.

In July 2012, BP Refinery (Kwinana) Pty Ltd as the landowner of the site adjoining Lot 208 (No. 178) Healy Road, Hamilton Hill, commenced the removal of a Tuart tree within their landholding (refer to Attachment (1). The actions by BP Refinery (Kwinana) Pty Ltd led to members of the local community undertaking an active protest and the suspension by BP's contractors of the tree's removal.

Submission

The tree has not been identified as a significant tree on the City of Cockburn's Local Government Inventory which was formally adopted in July 2011. The purpose of this report is to therefore consider an appropriate process/strategy for securing better recognition of the importance of the tree by way of the City's Local Government Inventory.

Report

The City recently incorporated a significant (heritage) trees category within its 2011 Local Government Inventory. This was developed as a response to both City and community desires to have significant trees (as viewed from a heritage perspective) recognised more formally. This recognition is through the Local Government Inventory, and what is defined as a significant tree category:

"Significant tree(s)

Heritage trees may be pruned as part of routine tree maintenance in accordance with International Society of Arboriculture standards, provided the pruning would not reduce the tree's height or crown diameter, alter the tree's general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.

Heritage trees should be removed only in order to protect public safety or private or public property from imminent danger."

The Tuart tree under consideration in this report is not currently identified as a significant tree. In identifying this or any other tree as a significant tree, there is a process needing to take place in respect of the City's Local Government Inventory. This process is discussed following.



Process for updating the City's Local Government Inventory

Section 45 of the *Heritage of Western Australia Act 1990* identified the process for compiling and maintaining a Local Government Inventory.

The key features of this are:

- An annual update to Local Government Inventories;
- A more comprehensive four year review of Local Government Inventories;
- The requirement that the Local Government ensure proper public consultation as part of the annual update and comprehensive four year review.

As discussed above the City has just undertaken its four year comprehensive review of its Local Government Inventory. This was completed in 2011. This now creates the requirement for the first annual update to take place. The process of this annual update is seen as the most appropriate avenue in which to consider not only this tree, but any other update to the Local Government Inventory. This may include modifications to categories of existing places, the addition of new places, the removal of places or any other combination of possibilities which the update may result in.

This would importantly provide a public process in which to consider the issue of the Tuart tree, as well as any other changes that may be requested of the Local Government Inventory.

What happens if the tree is listed on the Local Government Inventory

It is important to then consider the statutory implications of the listing of the tree in the Local Government Inventory. As it stands, listing on the Local Government Inventory would not secure an absolute level of protection for the Tuart tree. This is a common misconception held that Local Government Inventories afford the statutory protection of listed places. This is not the case.

This is where a statutory relationship back to the operative Town Planning Scheme is important. As it stands, the City's Town Planning Scheme is yet to have appropriate provisions inserted within it to formalise a process of how the matter of significant trees is to be dealt with.

The City as part of its consideration of the Local Government Inventory also resolved to finalise an amendment to its town planning scheme, which will effectively provide for a formal process of planning approval needing to be obtained for any proposed alteration to a significant tree. The following provision forms part of this Scheme amendment and will



be operative once the Western Australian Planning Commission and Minister endorses the Scheme amendment:

New Clause 7.6:

'Planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Local Government Inventory Significant Tree List.'

Effectively if a landowner/applicant seeks to remove, destruct or interfere with any tree included on the Local Government Inventory, they must apply to Council for planning approval in which to do so. It then becomes a discretionary decision for Council to either approve or refuse such planning approval. To help in guiding what is quite a broad planning provision which affords a broad level of discretion, Local Planning Policy No. APD64 has been developed to support the Scheme provision once it is introduced. The pertinent sections of this policy, as they relate to significant trees identified in the Local Government Inventory are as following:

"4) *Significant Trees*

Under the Scheme planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Significant Tree List, and as such the following policy provisions apply:

1. *Significant Trees may be pruned as part of routine maintenance in accordance with the International Society of Arboriculture standards, provided the pruning would not reduce the tree's height or crown or diameter, alter the trees general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.*
2. *The removal of a Significant Tree will only be supported where it is necessary to protect public safety or private or public property from imminent danger and the onus is on the applicant to demonstrate that this is the case. This may require the submission of a report prepared by a suitably qualified arborist.*
3. *Proposals for substantial pruning to a Significant Tree may require the submission of an arborist report prepared by a suitably qualified consultant demonstrating that the proposal is acceptable and will not endanger the tree's survival or fore-shorten its life expectancy."*



The Policy APD64 also defines what constitutes a significant tree by way of policy definition. This is as following:

"Significant Trees means trees that are included on the Significant Tree List (contained within the LGI) for their significance, which includes characteristics such as outstanding aesthetic significance, horticultural value, historic value, and/or unique location or context."

The *Heritage of Western Australia Act 1990* and Policy APD64 however do not provide any clear guidance as to how the City should assess whether a nominated tree is considered to be significant or not. It is therefore recommended that an appropriate selection criteria for the assessment of any trees nominated for inclusion on the Local Government Inventory be developed. Notwithstanding the lack of clearly defined criteria, the City can still consider the inclusion of the Tuart tree located on the BP high pressure oil pipeline corridor, provided it is able to justify why the tree is considered significant. In this regard the City has engaged a qualified arboriculturalist, who has prepared a detailed assessment of the tree (refer Attachment 2), which provides details on the tree's health, condition and structural stability.

Conclusion

The Tuart tree located on the BP high pressure oil pipeline corridor can be included on the Local Government Inventory's significant tree list. Should Council decide to take this action it does need to take into consideration the provisions of the *Heritage of Western Australia Act 1990*, which requires the need for proper public consultation to occur, prior to any inclusions or exclusions to the Local Government Inventory. This would clearly include seeking the views of the landowner and the broader community. This will also facilitate consideration of any other place that the community, landowner(s) or the City may want to have updated as part of this annual update process.

If the Tuart tree does become included on the Local Government Inventory, then there would be the requirement for planning approval to be obtained from Council for any proposed removal, destruction or interference once the Scheme amendment is finalised. Being a discretionary decision on the Scheme, there would also be the right for an applicant aggrieved by a decision of Council to seek a review of that decision by the State Administrative Tribunal.

This however does not waiver from the fact that listing on the Local Government Inventory is the most appropriate way in which to ensure the Tuart tree has a greater level of protection.



Strategic Plan/Policy Implications

Demographic Planning

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

Natural Environmental Management

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

Budget/Financial Implications

N/A

Legal Implications

As mentioned, this process cannot be regarded as an absolute protection of the tree. However it does elevate its importance and if ultimately included on the Local Government Inventory following its annual update will provide a mechanism to apply for planning approval for any proposed alteration, destruction or removal to the tree.

Community Consultation

The *Heritage of Western Australia Act 1990* mandates the requirement for proper public consultation to occur in undertaking the annual update.

Attachment(s)

1. Location Plan
2. Arboricultural Report

Advice to Proponent(s)/Submissioners

N/A.

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

Nil

22 (OCM 09/08/2012) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Councillor Reeve-Fowkes asked for Council to investigate the opportunities to locate an ocean pool within the coastal precinct between Poore Grove and South Beach groyne with a report to be presented to a future meeting of Council.

23. CONFIDENTIAL BUSINESS

Nil

24 (MINUTE NO 4843) (OCM 09/08/2012) - RESOLUTION OF COMPLIANCE

RECOMMENDATION

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

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

COUNCIL DECISION

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

CARRIED 8/0



25 (OCM 09/08/2012) - CLOSURE OF MEETING

The meeting closed at 7.39 p.m.

CONFIRMATION OF MINUTES

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

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

