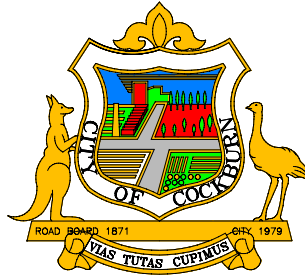


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 9 AUGUST 2007**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 9 AUGUST 2007 AT 7:00 PM

---

---

|   | Page |
|---|------|
| 1. DECLARATION OF MEETING .....   | 1    |
| 2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....   | 1    |
| 3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER) .....  | 1    |
| 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF<br>FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING<br>MEMBER).....  | 1    |
| 5. APOLOGIES AND LEAVE OF ABSENCE.....  | 1    |
| 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON<br>NOTICE .....   | 1    |
| 7. PUBLIC QUESTION TIME.....  | 1    |
| 8. CONFIRMATION OF MINUTES .....  | 1    |
| 8.1 (OCM 09/08/2007) - ORDINARY COUNCIL MEETING - 12/07/2007 .....  | 1    |
| 9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE .....  | 2    |
| 10. DEPUTATIONS AND PETITIONS.....  | 2    |
| 11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF<br>ADJOURNED) .....  | 2    |
| 12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE<br>CONSIDERATION TO MATTERS IN THE BUSINESS PAPER.....  | 2    |
| 13. COUNCIL MATTERS.....  | 2    |
| 14. PLANNING AND DEVELOPMENT DIVISION ISSUES.....   | 2    |
| 14.1 (OCM 09/08/2007) - FINAL ADOPTION OF PROPOSED<br>AMENDMENT NO. 53 TO TOWN PLANNING SCHEME NO. 3 -<br>RECLASSIFY LOT 201 (NO. 33) MIGUEL ROAD, BIBRA LAKE<br>FROM LOCAL RESERVE 'PUBLIC PURPOSE' TO 'INDUSTRY<br>ZONE' (4413025) (SDS) (ATTACH) ..... | 2    |
| 14.2 (OCM 09/08/2007) - OUTBUILDING (R-CODE VARIATION) - LOT<br>183 (NO. 7) ROSSELL PLACE, ATWELL - DEAN & PETA BARRATT<br>(5515929) (ES) (ATTACH) .....  | 5    |

|      |  |    |
|------|--|----|
| 14.3 | (OCM 09/08/2007) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW) ..... | 10 |
| 14.4 | (OCM 09/08/2007) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW).....                       | 12 |
| 15.  | FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....  | 14 |
| 15.1 | (OCM 09/08/2007) - LIST OF CREDITORS PAID - JUNE 2007 (5605) (KL) (ATTACH).....  | 14 |
| 15.2 | (OCM 09/08/2007) - STATEMENT OF FINANCIAL ACTIVITY - JUNE 2007 (5505) (NM) (ATTACH).....   | 15 |
| 16.  | ENGINEERING AND WORKS DIVISION ISSUES.....   | 17 |
| 16.1 | (OCM 09/08/2007) - TENDER NO. RFT17/2007 - HOT ASPHALT ROAD SURFACING - SUPPLY AND LAYING (RFT17/2007) (JR) (ATTACH) .....                           | 17 |
| 17.  | COMMUNITY SERVICES DIVISION ISSUES.....  | 21 |
| 17.1 | (OCM 09/08/2007) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) PARKING AND PARKING FACILITIES LOCAL LAW (1116) (RA) (ATTACH) .....              | 21 |
| 17.2 | (OCM 09/08/2007) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2007/08 (8812) (RA) .....   | 23 |
| 17.3 | (OCM 09/08/2007) - COCKBURN CIVIC CENTRE INTERIM USAGE (8188) (RA) (ATTACH) .....  | 26 |
| 18.  | EXECUTIVE DIVISION ISSUES.....   | 29 |
| 19.  | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....  | 29 |
| 20.  | NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING .....   | 29 |
| 21.  | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS .....   | 29 |
| 22.  | MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....   | 29 |
| 23.  | CONFIDENTIAL BUSINESS .....  | 29 |
| 24.  | (OCM 09/08/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995) .....   | 29 |
| 25.  | CLOSURE OF MEETING .....   | 30 |



**CITY OF COCKBURN**  
**AGENDA TO BE PRESENTED TO THE ORDINARY**  
**COUNCIL MEETING TO BE HELD ON**  
**THURSDAY, 9 AUGUST 2007 AT 7:00 PM**

---

---

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

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Nil
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
  - 8.1 **(OCM 09/08/2007) - ORDINARY COUNCIL MEETING - 12/07/2007**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 12 July 2007, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

Nil

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

**13. COUNCIL MATTERS**

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

- 14.1 (OCM 09/08/2007) - FINAL ADOPTION OF PROPOSED AMENDMENT NO. 53 TO TOWN PLANNING SCHEME NO. 3 - RECLASSIFY LOT 201 (NO. 33) MIGUEL ROAD, BIBRA LAKE FROM LOCAL RESERVE 'PUBLIC PURPOSE' TO 'INDUSTRY ZONE' (4413025) (SDS) (ATTACH) [Item 14.1](#)**

**RECOMMENDATION**

That Council:

- (1) adopt the amendment for final approval without modification;
- (2) 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; and
- (3) advise the applicant and submissioners of Council's decision accordingly.

|                         |
|-------------------------|
| <b>COUNCIL DECISION</b> |
|-------------------------|

### Background

|           |                |                                      |
|-----------|----------------|--------------------------------------|
| ZONING:   | MRS:           | Industry                             |
|           | TPS:           | Local Reserves 'Public Purpose - WP' |
| LAND USE: | Public Purpose |                                      |
| LOT SIZE: | 1.168 Hectares |                                      |

Council at its meeting held on 11 January 2007 resolved to initiate Amendment No. 53 to Town Planning Scheme No. 3 which proposed the following:-

- Amend the Scheme Maps by reclassifying Lot 201 Miguel Road, Bibra Lake from 'Public Purpose' to 'Industry Zone' in accordance with the amendment map.

A copy of the proposed amendment document, which includes the Scheme Amendment Map, is included in the Agenda Attachments.

### Submission

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that under Section 48A of the *Environmental Protection Act 1986*, the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under Part IV Division 3 of the *Environmental Protection Act 1986*, and that it was not necessary to provide any advice or recommendations.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

### Report

The 42 day public consultation period for Amendment 53 concluded on 14 July 2007. The advertising procedure included an advertisement being placed in the West Australian newspaper, a sign onsite, adjoining landowners being invited to comment on the proposal, and information being made available at Council's Administration Office.

At the close of the advertising period 2 submissions were received. Both submissions received were from Government Agencies (Water

Corporation & Public Transport Authority) who had no objections to the scheme amendment.

The site is surrounded by existing Industrial zoned land and Western Power does not require the lot for any public purpose. Development of the site for industrial purposes will result in a natural extension of the existing industrial area.

Given that the proposed re-zoning amendment will facilitate use of the land for industrial development consistent with the immediate surrounding area, it is recommended that Council proceed to adopt the scheme amendment.

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

#### ***Demographic Planning***

- *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.*

The Planning Policies which apply to this item are:-

APD2            Industrial Subdivision Policy  
APD5            Public Works and Development by Public Authorities

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Metropolitan Region Scheme  
Planning and Development Act 2005  
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 Scheme Amendment No. 53 concluded on 14 July 2007. At the close of advertising, 2 submissions were received.

Refer to Schedule of Submissions in Attachment 3.



**Attachment(s)**

- (1) Locality Map
- (2) Scheme Amendment Document
- (3) Schedule of Submissions

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

N/A

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

Nil.

**14.2 (OCM 09/08/2007) - OUTBUILDING (R-CODE VARIATION) - LOT 183  
(NO. 7) ROSSELL PLACE, ATWELL - DEAN & PETA BARRATT  
(5515929) (ES) (ATTACH) [Item 14.2](#)**

**RECOMMENDATION**

That Council:

- (1) refuse to grant its approval to the proposed outbuilding for the following reasons:
  - 1. The proposal is contrary to the protection of the residential amenity of the location by virtue of:
    - (a) the visual appearance of the proposed outbuilding in what is a typical single storey residential area;
  - 2. The proposal is contrary to the orderly and proper planning of the locality by virtue of:
    - (a) being different to the type of development typically anticipated in residential areas taking into account the need to protect residential amenity;
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant and submissioners of Council's decision accordingly.

**COUNCIL DECISION****Background**

|            |                        |                  |
|------------|------------------------|------------------|
| ZONING:    | MRS:                   | Urban            |
|            | TPS3                   | Residential R-20 |
| LAND USE:  | Residential            |                  |
| LOT SIZE:  | 728m <sup>2</sup>      |                  |
| USE CLASS: | Single (R-Codes) House |                  |

The subject land is situated on the northern side of Rossell Road in Atwell and is occupied by a single storey residence. The site is flanked to the north and east by single dwellings. Single dwellings are also present opposite the site. An access lane abuts the western side of the site.

This proposal was originally put forward to the July Council meeting, where it was deferred pending the proposal being advertised to the other three residential property owners directly abutting the subject lot, as well as the other surrounding property owners in Rossell Place, Atwell, be sought.

Comments were sought from an additional 9 (nine) adjacent neighbours on Rossell Place and Marich Cove, in which only 1 (one) comment of no objection was received.

Furthermore comparisons of the proposed shed and adjacent dwellings and other oversized sheds in the Atwell area have been made and are included as attachments to this report. It was concluded through these comparisons that the proposed floor area of the shed is significantly greater than other sheds in Atwell and the proposed wall height of the shed is significantly greater than that of adjoining dwellings.

**Submission**

The Applicant proposes to erect an 8 metre by 12 metre (96m<sup>2</sup>) steel frame shed with Classic Cream Monoclad walls and Zincalume roof on the subject site. The outbuilding will have a wall height of 3.6 metres and ridge height of 4.38 metres. It is proposed to be located in the rear eastern corner of the site, setback a distance of 1 metre from both the rear and eastern boundary.

The Applicant has confirmed that the purpose of the proposed outbuilding will be for storage of a large boat, large caravan, a trailer, off road motor bikes & lawn mowers.

A locality map, a copy of the site plan and elevations are included in the agenda attachments.

## Report

A shed is defined as an outbuilding under Town Planning Scheme No. 3. An outbuilding is an enclosed non-habitable structure that is detached from any dwelling. Policy APD18 specifies that the floor area of proposed outbuildings in residential areas is not to exceed 60m<sup>2</sup> or 10% of the lot area whichever is the greater. Additionally the policy specifies that the wall height of the proposed outbuilding is not to exceed 2.4 metres and the ridge height is not to exceed 4.2 metres.

The proposed outbuilding fails to comply with Council Policy *APD18 Outbuildings* in the following respects:

- The floor area proposed is 96m<sup>2</sup>, this exceeds 72m<sup>2</sup> (10% of lot size).
- Wall height proposed is 3.6 metres.
- Ridge height proposed is 4.38 metres.

Similarly the proposal does not comply with acceptable development standards or the performance criteria for outbuildings in the Residential Design Codes. The performance criterion states that outbuildings should not detract from the streetscape or visual amenity of residents or neighbouring properties. This is discussed below. Furthermore the height and area of the proposed outbuildings exceeds acceptable development requirements of the Residential Design Codes.

The subject land is zoned Residential R20 under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

It is evident that a similar sized outbuilding is located on a nearby site at 1 Rossell Place. A building licence for this was issued in October 1999. Planning Approval was not required to be obtained as the Residential Design Codes were not in place at this time. The Codes came into practice in 2002, hence the regulations have effectively changed since 1999 when the nearby outbuilding was constructed. For this reason the nearby outbuilding should not be used as precedence for the current proposal.

In assessing and determining applications for development within residentially zoned areas, one of Council's principle objectives is the protection of the amenity of residents living within the area. The proposed development is considered contrary to the protection of

residential amenity in the subject location, and is not considered to comply with the standards and provisions of the City's Town Planning Scheme No 3, particularly Clause 10.2 that addresses matters to be considered by council.

### **Effect to adjoining land & Amenity**

Clause 10.2.1 (o) states that the effect of height, bulk, scale and the appearance of the proposal is to be considered when assessing the effect of the proposal on adjoining land. An objection has been received from an adjoining neighbour, which included the following concerns:

- Height of outbuilding will detrimentally effect outlook from outdoor entertainment area, back garden, study and bedroom.
- That the outbuilding will be used in conjunction with the applicant's occupation as a tow driver and wrecker.

It is evident from this objection that the proposal will negatively effect adjoining land primarily due to the height of the development. Negotiation was undertaken with the applicant regarding the possibility of reducing the height of the outbuilding. However the applicant does not wish to amend the height as the proposed height is required to store the boat.

In regards to the second concern raised the applicant has stated that he will be using the outbuilding primarily for storage and will not be associated with his occupation.

Whilst no further objections were received when additional advertising was undertaken, the attachments to this report indicate that it is the rear neighbour, who has submitted the objection, that will be most severely affected by the impact of the scale of this proposed shed. The composite elevations indicate that the wall height of the shed is greater than the dwelling and the ridge height the same as the dwelling on the subject site.

### **Amenity**

The Residential Design Codes state that outbuildings should not detract from visual amenity of residents or neighbouring properties, the preservation of amenity of the locality is also a matter to be considered by Council as per Clause 10.2.1(n). The proposed bulk of the outbuilding combined with the proposed materials of the outbuilding is not common in areas zoned residential and will detract from the visual amenity of the area.

The additional comparisons made at Council's request confirm that this proposal is out of keeping with the existing development in the locality.

Such large outbuildings are more appropriate in areas zoned for Rural Living.

### **Orderly & Proper Planning**

Council in determining development applications is responsible for considering the orderly and proper planning of a locality, as per Clause 10.2.1(b). It is a concern that the proposed outbuilding has a greater height than most adjoining residential single storey dwellings. In this case the outbuilding will be very dominant on the site and from surrounding residence, consequently detracting from the visual amenity of the residential area. The proposal is not consistent with the appearance of the surrounding neighbourhood, which primarily consists of single residential dwellings.

### **Recommendation**

It is recommended that Council refuse the application on the basis that the proposal is contrary to both:

- The protection of the amenity of the residential area within which the subject land is located;
- The orderly and proper planning of the locality as required to be considered by Council.

Resolving to refuse the application also takes into account the relevant submissions received by Council in respect of the application.

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

#### ***Demographic Planning***

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

The Planning Policies which apply to this item are:-

APD33      Town Planning Scheme No. 3 Provisions

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005

### **Community Consultation**

Initially 3 (three) surrounding owners were consulted regarding the proposal. One (1) submission was received objecting to the proposal.

Additionally, as Council requested at the July meeting, comments were sought from an additional 9 (nine) adjacent neighbours on Rossell Place and Marich Cove, in which only 1 (one) comment of no objection was received.

### **Attachment(s)**

- (1) Locality Plan
- (2) Site Plan
- (3) Elevations
- (4) Comparison to other oversized sheds in Atwell
- (5) Comparison to adjoining dwellings

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

N/A

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

Nil.

## **14.3 (OCM 09/08/2007) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW)**

### **RECOMMENDATION**

That Council endorse Paul William Sportel employed as a Building Surveyor by the City of Cockburn as an authorised person pursuant to Part VIII, Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

### **COUNCIL DECISION**

## Background

The Local Government (Miscellaneous Provisions) Act 1960, Section 245A requires that private swimming pools be inspected every 4 years. A person who is required to oversee or carry out this inspection function must be authorised by the local government for the purpose of Section 245A and have appropriate experience and/or qualifications.

## Submission

N/A

## Report

Due to staff changes within the Building Service it is required that Mr Sportel be endorsed as an authorised person in regard to private swimming pools.

In order to implement publicly accountable practices and methods that permit flexibility in terms of provision of customer service by the Building Service, the person nominated in the recommendation should be endorsed as an authorised person for the purposes of Section 245A of the Act.

## Strategic Plan/Policy Implications

### ***Governance Excellence***

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

## Budget/Financial Implications

N/A

## Legal Implications

Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

## Community Consultation

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**14.4 (OCM 09/08/2007) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW)**

**RECOMMENDATION**

That Council:

- (1) delegate its authority to approve or to refuse to approve plans and specifications under Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, to Council's Building Surveyor, Paul William Sportel; and
- (2) issue to Paul William Sportel a Certificate of Authorisation in relation to recommendation (1) above as required by Section 9.10(2) of the Local Government Act 1995.

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

**COUNCIL DECISION**

**Background**

Paul Sportel is due to commence employment with the City of Cockburn on 20 August 2007. Part of Mr Sportel's duties is to approve or refuse building plans and specifications under delegated authority of Council.

**Submission**

N/A



## **Report**

Mr Sportel has the necessary Local Government qualifications to accept this delegation.

## **Strategic Plan/Policy Implications**

### ***Governance Excellence***

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

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960.

## **Community Consultation**

N/A

## **Attachment(s)**

N/A

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

N/A

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

Nil

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

**15.1 (OCM 09/08/2007) - LIST OF CREDITORS PAID - JUNE 2007 (5605) (KL) (ATTACH) [Item 15.1](#)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for June 2007, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

N/A

**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 2007.

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

N/A

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

Nil.

**15.2 (OCM 09/08/2007) - STATEMENT OF FINANCIAL ACTIVITY - JUNE 2007 (5505) (NM) (ATTACH) [Item 15.2](#)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for the period ended 30 June 2007, as attached to the Agenda.

**COUNCIL DECISION****Background**

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

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

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

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

## **Submission**

N/A

## **Report**

Attached to the Agenda is the Statement of Financial Activity for June 2007. The figures shown are only interim at this stage and will be subject to further end-of-year adjustments and Cash Backed Reserve transfers. The final end-of-year position including adjustments to the budgeted carried forwards will be presented to the October meeting of Council.

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

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

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

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

### Material Variance Threshold

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

The materiality threshold set for the 2006/07 financial year is 10% or \$10,000 (whichever is the greater). Council at its last meeting set the threshold to \$50,000 or 10% (whichever is the greater) for the 2007/08 financial year. This will better focus reporting and management's

attention to variances considered more material in view of Council's budget size.

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

#### ***Governance Excellence***

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

### **Budget/Financial Implications**

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

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports – June 2007.

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

N/A

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

Nil.

## **16. ENGINEERING AND WORKS DIVISION ISSUES**

### **16.1 (OCM 09/08/2007) - TENDER NO. RFT17/2007 - HOT ASPHALT ROAD SURFACING - SUPPLY AND LAYING (RFT17/2007) (JR) (ATTACH)**

#### **RECOMMENDATION**

That Council accept Tender No.17/2007 - Hot Asphalt Road Surfacing - Supply and Laying, from Asphalt Surfaces Pty Ltd at their submitted schedule of rates for a two year period to 30 June 2009.

## COUNCIL DECISION

### Background

Council requires the supply and laying of hot asphalt road surfacing for the completion of capital works road construction and resurfacing projects for a two year period. The current Contract No. RFT16/2005, held by Asphalt Surfaces, has expired 30 June 2007, so accordingly the necessary documentation and specifications were prepared and tenders called.

### Submission

Tenders closed at 2:30 pm (AWST) on Tuesday, 19 June 2007 and five(5) tender submissions were received from:

1. Hotmix
2. Boral Asphalt
3. Asphalt Surfaces Pty Ltd
4. Asphalttech Pty Ltd
5. Works Infrastructure

### Report

#### Compliant Tenderers

The five(5) tenders submitted were deemed compliant with the conditions of tendering and compliance criteria.

#### Evaluation Criteria

| Evaluation Criteria                | Weighting Percentage |
|------------------------------------|----------------------|
| Relevant Experience                | 10%                  |
| Demonstrated Safety Management     | 15%                  |
| Delivery Response Time             | 20%                  |
| Quality Assurance                  | 5%                   |
| References                         | 10%                  |
| Insurance                          | 5%                   |
| Tendered Price – Schedule of Rates | 35%                  |
| <b>TOTAL</b>                       | <b>100%</b>          |

Tender Intent/Requirements

The supply and laying of hot asphalt road surfacing used for road resurfacing and construction.

The tender submissions were evaluated by the Acting Works Manager and the Acting Asset Inspection Officer.

**Scoring Table**

| <b>Tenderer's Name</b>   | <b>Non-Cost Evaluation Score</b> | <b>Cost Criteria Evaluation Score</b> | <b>Total Score 100%</b> |
|--------------------------|----------------------------------|---------------------------------------|-------------------------|
| Asphalt Surfaces Pty Ltd | 64.25%                           | 35%                                   | 99.25%                  |
| Boral Asphalt            | 64.5%                            | 32.63%                                | 97.13%                  |
| Hotmix                   | 65%                              | 30.15%                                | 95.15%                  |
| Works Infrastructure     | 61%                              | 33.15%                                | 94.15%                  |
| Asphaltech Pty Ltd       | 64.5%                            | 29.03%                                | 93.53%                  |

Evaluation Criteria Assessment

The five tenders considered all showed they have the capacity to meet the City's requirements as detailed in the Specification, as well as comply with the General and Special Conditions of Contract, as stated in the tender document.

Asphalt Surfaces Pty Ltd provided the best assessment against the selection criteria. Referees were consulted and Asphalt Surfaces Pty Ltd has been engaged on previous tenders for the City in the past with successful results. Consequently, it is recommended that the tender be accepted from Asphalt Surfaces Pty Ltd.

Relevant Experience

All tenderers were considered to have a high level of relevant experience.

Delivery Response Times

All the tender delivery response times were of a satisfactory level.

**Strategic Plan/Policy Implications*****Infrastructure Development***

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

### **Transport Optimisation**

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

### **Budget/Financial Implications**

The cost of the hot asphalt road resurfacing and construction is covered in the annual Budget allocations for road construction and maintenance. The estimated expenditure for 2007-2009 is \$3.5M (GST excl.).

The per tonne rates for the supply and laying of hot asphalt has increased by approximately 25% when compared with previous rates in Contract No. RFT 16/2005. The per tonne rates for supply only have increased by approximately 5%. These price increases are not unexpected given the current market and the contract period.

The overall estimated contract value has risen from \$3.0M (GST excl.) in 2005-2007 to \$3.5M (GST excl.), an increase of \$0.5M (GST excl.) or 17%.

### **Legal Implications**

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

### **Community Consultation**

Tender No. RFT 17/2007 Hot Asphalt Road Surfacing – Supply and Laying was advertised in The West Australian on Saturday, 2 June 2007 under the Local Government Tenders Section. It was also displayed on the City's website between 1–19 June 2007.

### **Attachment(s)**

The following attachments have been provided to Elected Members under separate cover:

1. Tendered Prices – “Confidential.”
2. Tender Evaluation Sheet – “Confidential.”
3. Compliance Criteria Checklist - "Confidential."

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

Tenderers were advised that the matter of the tender for the Hot Asphalt Road Surfacing – Supply & Laying will be considered at the Ordinary Council meeting to be held Thursday 9 August 2007.



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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (OCM 09/08/2007) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) PARKING AND PARKING FACILITIES LOCAL LAW (1116) (RA) (ATTACH) [Item 17.1](#)****RECOMMENDATION**

That Council pursuant to the requirements of sec. 3.12 of the Local Government Act 1995, make a local law to:

- (1) repeal Part X and associated Schedules- Traffic and Parking of its Consolidated City of Cockburn (Local Government Act) Local Laws 2000; and
- (2) establish the City of Cockburn Parking and Parking Facilities Local Law (2007).

**COUNCIL DECISION****Background**

Within the City of Cockburn (Local Government Act) Local Laws there are limited powers over vehicle parking within the City. The laws were adequate to meet the needs of a local authority that was essentially a mix of residential and industrial areas.

With the rapid development of the City of Cockburn and the creation of high-density residential and commercial nodes such as Cockburn Central and Port Coogee there is a requirement for Council to update its Local Law in relation to parking to meet new demands.

**Submission**

N/A

## **Report**

Council's solicitors McLeods have drafted the City of Cockburn (Local Government Act) Parking and Parking Facilities Local Law a copy of which is attached to the Agenda. It is proposed that Council adopt the Local Laws for parking as proposed with the accompanying modified penalties in accordance with the requirements of the Local Government Act 1995.

The proposed Parking and Parking Facilities Local Law has the effect of superseding those limited number of clauses in the Consolidated City of Cockburn (Local Government Act) Local Laws 2000 and hence Council will be required to repeal Part X - Traffic and Parking of its Local Laws.

## **Strategic Plan/Policy Implications**

### ***Governance Excellence***

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

## **Budget/Financial Implications**

Costs associated with the establishment of the Parking and Parking Facilities Local Law (2007) will be met within current budget allocations.

The Council has placed on its Plan for the District 2006 - 2016 provision for a parking inspector for 2012/13. The requirement for the position of parking inspector will be monitored as the development of high-density development occurs.

## **Legal Implications**

Sec. 3.12 of the Local Government Act refers.

## **Community Consultation**

Public comment is invited through the advertising requirement established by the relevant section of the Act.

**Attachment(s)**

Copy of the proposed City of Cockburn Parking and Parking Facilities Local Law 2007 - Traffic and Parking.

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

N/A

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

Nil.

**17.2 (OCM 09/08/2007) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2007/08 (8812) (RA)**

**RECOMMENDATION**

That Council adopt the Calendar for The Summer of Fun Events for 2007/08 as detailed in the report.

**COUNCIL DECISION**

**Background**

Council at its meeting of the 11 August 2005 resolved to adopt a policy which provided for 1% of the rates revenue to be allocated for summer events. It was further resolved that a report would be prepared for consideration by Council that identified the events proposed for the forth coming year.

**Submission**

N/A

**Report**

To ensure that venues and acts can be booked Council is required to determine the nature of the events for the forthcoming Summer of Fun activities early in the financial year immediately following the establishment of the municipal budget. Entertainment has been tentatively booked with the respective management agencies with

confirmation of bookings made with Council's approval. Proposed venues have been provided in the table below.

#### Proposed Summer Concert Series 2007/08

| Event               | Date     | Park               | Suburb        | Act  |
|---------------------|----------|--------------------|---------------|--|
| Concert One         | 19/01/08 | Beeliar Reserve    | Beeliar       | Libby Hammer & 13 piece band (swing, brass, big band – very popular)                       |
| Concert Two         | 2/02/08  | Lake Lands Reserve | South Lake    | LA Gold Cover band (7 piece Corporate band, 2 female singers – popular hits all ages)      |
| Concert Three       | 16/2/08  | Davilak Oval       | Hamilton Hill | 'Hells Bells' main act & 'Vamp' support act (ACDC Tribute band and All female cover band). |
| Major Event Concert | 2/03/08  | Manning Park       | Hamilton Hill | To Be Confirmed  |

Regional Concert – It is proposed that the City of Cockburn join forces with the City of Wanneroo to share resources for the Regional Concert. In doing so the City has the increased opportunity to secure a higher calibre act and entice sponsors to come on board with the event. The City will have better negotiating power with advertisers and promotions for the concert and will be seeking sponsorship with one of the major radio stations. The City of Wanneroo will hold their concert on Saturday 1<sup>st</sup> March 2008 and it is proposed that the City of Cockburn will hold its concert on Sunday 2<sup>nd</sup> March 2008. The main act for this concert is still to be confirmed. Negotiations are being held with Premier Artists to secure an act along the lines of Vanessa Amarosi, Thirsty Merc, Jimmy Barnes or similar.

#### Stand Alone Events

| Event  | Location                        | Date                 |
|--|---------------------------------|----------------------|
| Teddy Bears Picnic<br>(coincides with children's week) | MacFaul Park, Spearwood         | 31/10/07             |
| Seniors Ball   | Spearwood Dalmatinac Club       | 10/11/07             |
| Seniors Afternoon Tea and Dance                        | To be arranged by Seniors Group | TBA                  |
| Coogee Beach Festival                                  | Coogee Beach Reserve, Coogee    | 16/03/08             |
| Multi-Cultural Festival<br>Spring Fair                 | Manning Park                    | 28/10/07             |
| Christmas Lights                                       | Council Building                | TBA                  |
| Movie Nights   | Manning Park                    | January – March 2008 |
| Heritage festival open day                             | Azelia Ley Museum               | Early June 2008      |

## Strategic Plan/Policy Implications

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

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

## Budget/Financial Implications

### Indicative Budget Allocations

| Item or Event   | 2006/07   | 2007/08   |
|---|-----------|-----------|
| Promotion   | \$17,000  | \$25,000  |
| Spring Fair (Multicultural Festival)                    | \$32,000  | \$40,000  |
| Summer Concert Series (1 in each ward)                  | \$60,000  | \$70,000  |
| Christmas Lights (not held due to 06/07 building works) |           | \$15,000  |
| Regional Concert (Classic Special Event)                | \$60,000  | \$65,000  |
| Cockburn Festival (revamped Coogee Beach Party)         | \$35,000  | \$35,000  |
| Seniors Ball  | \$6,000   | \$6,000   |
| Teddy Bears Picnic                                      | \$6,000   | \$6,000   |
| Movie Nights  | \$15,000  | \$15,000  |
| Total Budget  | \$235,000 | \$277,000 |

## Legal Implications

N/A

## Community Consultation

A referendum from previous years among the City's residents found that the large majority (87%) wanted the City to retain free community festivals and events.

Continued consultation with involved stakeholders and the community through surveys during each event will ensure a community-oriented calendar of events is presented in subsequent years.

## Attachment(s)

N/A

## Advice to Proponent(s)/Submissioners

N/A

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

Nil.

**17.3 (OCM 09/08/2007) - COCKBURN CIVIC CENTRE INTERIM USAGE (8188) (RA) (ATTACH) [Item 17.3](#)**

**RECOMMENDATION**

That Council:

- (1) establish within the Civic Centre Hall office space for the Cockburn Volunteer Resource Centre, a storage area within the Lesser Hall as shown on the attachment and return the Main Hall to its original condition to allow it to be available for hire;
- (2) reallocate \$82,756 from Account No.CW 4211 for the cost of works as detailed in (1) above and amend the budget accordingly; and
- (3) require a report to be presented by Council's Planning Department to a future meeting of Council which provides an overview on the process required to develop a Concept and Structure Plan to guide the future development of the Civic Precinct site.

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

**COUNCIL DECISION**

**Background**

Council has recently used the Cockburn Civic Centre Hall as its chambers and by the City's administration as office space for the past year with temporary modifications made to meet these requirements. The completion of the new office accommodation will allow for staff to vacate the Civic Centre Hall, however, Council has made no decision for the short to medium term future of the hall as a comprehensive redevelopment will take at least 2 years before any works begin.

The City's Human Resources Service and Cockburn Volunteer Resource Centre (CVRC) have been located in transportable buildings in the civic quadrant. When these buildings are removed accommodation needs to be found for the CVRC.

There has been an allocation of funds on the 2007/08 Municipal Budget for the cost of design work to refurbish the Civic Centre Hall to create a specific purpose Seniors Centre. Concurrently, there has

been an allocation of funds to develop a concept plan for the possible redevelopment of the total Civic Centre Precinct.

### **Submission**

N/A

### **Report**

Human Resources has allocated office space in the new offices however, there is insufficient suitable space to accommodate the CVRC in the new administration offices as they require ready public access. On the assumption that it is Council's intent to move both transportable buildings from the civic quadrant there is a pressing need to find suitable accommodation for the CVRC. This service needs to be readily accessible to the public and close to public transport and a location within the Civic Precinct meets these requirements. The transportable building the CVRC currently occupy is rather small; does not have disabled access; has Occupational Health and Safety concerns as there is only one exit door and will look particularly unsightly if it remains in its present location or moved back to where the Human Resources transportable is currently located in the quadrant.

An option is to make provision within the Civic Centre foyer for an office area of approximately 25 sq.m. (see attached plan) to accommodate the CVRC.

The City's records section currently utilises an area within the Civic Centre Hall that was previously used for chair and table storage as a record store. This requirement will remain for some time. The ramification of this is that there is no allocated space for table and chair storage should Council seek to make the Civic Hall available for community use. Furthermore, there has been an ongoing problem for the City's administration for storage of larger items that are used on a seasonal basis or which are awaiting disposal, such as furniture and IT equipment.

It is proposed that a temporary wall be created separating the Lesser Hall from the Main Hall that will allow the Lesser Hall to be used as storage space for tables and chairs and to meet administration's storage requirements.

It would be of little value to the residents of the City to leave the current Civic Hall vacant for an extended period. It is proposed that Council allocate funds to remove the temporary partitioning and other infrastructure in the hall and revert it back to its original condition. The main hall, which has a capacity of 400 people, could then be made available for hire to the community.

There has been some consideration given by Elected Members to the future development of the Cockburn Civic Precinct. The original intent to convert the existing Civic Centre Hall into a Seniors Centre has been overtaken with the proposal for the current hall site to be completely redeveloped and include a Seniors Centre as part of the overall development. Should Council seek to redevelop the Civic Hall site under a joint venture arrangement it is probable that the current building will be vacant for at least 2 years.

Council has allocated funds on its 2007/08 Municipal Budget for the redesign of the Civic Centre Hall to form a Seniors Centre and funds for design for the redevelopment of the whole Civic Precinct.

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

#### ***Demographic Planning***

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

#### ***Infrastructure Development***

- *To construct and maintain 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.*

### **Budget/Financial Implications**

Council has carried forward \$82, 656 towards the cost of redesigning the Civic Centre to convert to a Seniors Centre. There is a further \$200,000 for design and documentation for the Civic Centre Redevelopment.

It is proposed that Council reallocate the sum of \$82,656 (Account CW 4211 Civic Centre) for the cost of creating office accommodation for the CVRC, creation of storage space in the Lesser Hall, removal of partitioning, associated other temporary fittings in the Civic Centre and returning the main hall floor to its original condition.

### **Legal Implications**

N/A



**Community Consultation**

N/A

**Attachment(s)**

Floor plan of Civic Hall showing the proposed location of the CVRC office.

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

N/A

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

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

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

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

**23. CONFIDENTIAL BUSINESS**

**24. (OCM 09/08/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**

Nil