

CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 8 MAY 2008

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 MAY 2008 AT 7:00 PM

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CITY OF COCKBURN**AGENDA TO BE PRESENTED TO THE ORDINARY
COUNCIL MEETING TO BE HELD ON
THURSDAY, 8 MAY 2008 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 (OCM 08/5/2008) - APOLOGIES AND LEAVE OF ABSENCE**

| | | |
|--------------------------|---|---------|
| Deputy Mayor Kevin Allen | - | Apology |
| Clr Sue Limbert | - | Apology |
| Clr Tony Romano | - | Apology |

- 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 7. PUBLIC QUESTION TIME**

8. CONFIRMATION OF MINUTES

8.1 (OCM 08/5/2008) - ORDINARY COUNCIL MEETING - 10/04/2008

RECOMMENDATION

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

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

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

Nil

13. COUNCIL MATTERS

13.1 (OCM 08/5/2008) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING HELD ON 22 APRIL 2008 (5930) (R AVARD) (ATTACH) [Item 13 1.pdf](#)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 22 April 2008 and adopt the recommendations contained therein.

COUNCIL DECISION**Background**

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

Submission

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

Report

The Committee considered a number of applications for donations from external organisations and made recommendations as per the Minutes attached to the Agenda.

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

In accordance with Policy SC35 Council has allocated 2% of its rates income for distribution as grants and donations.

Legal Implications

N/A

Community Consultation

The availability of donations to organisations were widely advertised in the local media and Council publications.

Attachment(s)

Minutes of the Grants and Donations Committee Meeting - 22 April 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 14.1 (OCM 08/5/2008) - PROPOSED SCHEME AMENDMENT NO. 63 TO TOWN PLANNING SCHEME NO. 3 - REZONING OF LOT 503 PHOENIX ROAD, BIBRA LAKE FROM SPECIAL USE 12 (SU12) TO INDUSTRY, MIXED BUSINESS, LIGHT AND SERVICE INDUSTRY AND PARKS AND RECREATION - OWNER: PRIMEWEST - APPLICANT: GREG ROWE AND ASSOCIATES (93063) (M CARBONE) (ATTACH) [Item 14 1.pdf](#)**

RECOMMENDATION

That Council:

- (1) require the owners to enter into an agreement with the City to provide the area shown as parks and recreation on the scheme amendment map free of cost at the time of subdividing the land and for the existing vegetation on that area being retained;
- (2) subject to (1) above, resolve to amend Town Planning Scheme No. 3 as follows:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3.

AMENDMENT NO. 63

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Amending Schedule 4 by removing "Special Use 12 – Paper Mill" and deleting associated special provisions on Lot 503 Phoenix Road, Bibra Lake.
2. Rezoning Lot 503 Phoenix Road, Bibra Lake from "Special Use 12 – Paper Mill" to "Industry", "Mixed Business", "Light and Service Industry" and Parks and Recreation".

3. Amending the scheme map accordingly.
- (3) adopt Amendment No. 63 as outlined in (1) above;
 - (4) sign the amending documents, and advise the WAPC of Council's decision;
 - (5) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
 - (6) following the receipt of formal advice from the Environmental Protection Authority that the scheme amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
 - (7) notwithstanding (5) above, the Director of Planning and Development may refer a scheme or a scheme amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the scheme amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
 - (8) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the amendment;
 - (9) advise the applicant that it is prepared to allow stormwater drainage from the existing box plant site to drain into the proposed Council drainage sump provided that the quality of stormwater is maintained to an acceptable level. In this regard, a legal agreement will need to be prepared to cover the following:
 1. the owner of the box plant site will fund the cost of constructing the sump including silt and gross pollutant traps and nutrient stripping;
 2. the owner of the box plant site will be responsible for the clean up costs associated with any pollution event that occurs on the land and enters the drainage system;
 3. only roof and car park stormwater shall be disposed of in the sump. Under no circumstances is effluent or

- discharge from the plant to be discharged into the drainage system; and
4. only water from the box plant will be accepted into the sump. All other lots shall contain stormwater on their site.
- (10) prior to the City finally resolving to adopt the scheme amendment the applicant shall prepare design guidelines for the estate to the satisfaction of the City; and
- (11) advise the applicant accordingly.

COUNCIL DECISION

Background

The subject site currently occupies the Amcor box plant and recycling paper mill plant. The paper mill was established in circa 1966 and ceased operating recently. The box plant was established in 1993 and continues to operate from the site. The applicant wishes to rezone and subdivide the site whilst retaining the centrally located Box Plant facility.

The application was presented to Council on 14 February 2008 and Council resolved to defer the application to allow further discussion between the applicant and Council, with regard to the landscape buffer and the interface of the site with the adjoining residential land (opposite Phoenix Road).

The applicant has since met with Council staff to discuss these concerns and have amended the application to incorporate a 15m wide "Parks and Recreation Reserve" along the Phoenix Road frontage.

Submission

Greg Rowe and Associates on behalf of Primewest have requested the land be rezoned to industry, mixed business, light and service industry and parks and recreation reserve in keeping with the surrounding industrial land within Bibra Lake. This will ensure that commercial/industrial development can be constructed on the future subdivided lots.

Report

The subject site is currently zoned Special Use 12 (SU12) which allows the site to be used for paper manufacturing and associated uses only. The existing zoning of the land was specifically established to protect the paper mill operations and to provide a mechanism within which there is flexibility for the paper mill to operate. The site has been used for the very specific purpose of a paper mill for over 40 years.

The paper mill ceased operating recently and only one component of the paper mill operation (the box plant) will continue to operate. Accordingly, it is appropriate for the land to be rezoned so that it will allow the use of the land in a manner which is consistent with the "Industrial Zoning" under the provisions of the Metropolitan Region Scheme, and which recognises the predominate existing land use pattern within the locality.

The proposal is to rezone the land to 'industry, mixed business, light and service industry and parks and recreation' (refer attachment 2). A 15m parks and recreation reserve is proposed along the Phoenix Road frontage which allows existing vegetation to be retained and provides a buffer to the residential properties located on the opposite side of Phoenix Road. A mixed business zone is proposed to the south of the parks and recreation reserve which acts as a further transition to the industrial land to the south. The remainder of the site is proposed to be light and service industry and is located approximately 240m from the nearest residential land. This proposed separation between Industrial and residential is an improvement to the situation which currently exists along Phoenix Road and assists in addressing the setback distances contained within the EPA Policy on Separation Distances between Industrial and Sensitive Land Uses.

It is noted that a subdivision application has been lodged on the site and the City has requested that the application be deferred until the scheme amendment has been resolved.

Road network

A concept plan has been submitted which demonstrates how the site can be developed. The proposed plan shows two road intersections to Phoenix Road with one of these being the upgrading of the existing driveway access to the site and has been justified through a traffic report. The parks and recreation reserve along the Phoenix Road frontage will prohibit lots having direct vehicle access to Phoenix Road, improving traffic flow and safety. The City's engineering department are satisfied with the road network.

Drainage

A Drainage and Nutrient Management Report has been submitted which demonstrates that all stormwater runoff from the road network can be contained within the proposed drainage sump (Council drain). Stormwater runoff from the existing box plant facility is also proposed to drain into the proposed Council drainage sump. This is acceptable in this instance as the stormwater drainage from the Amcor site currently drains into the sump in the location of the proposed enlarged Council drain. A legal agreement will need to be prepared ensuring that the quality of the stormwater from the Box Plant is maintained to the satisfaction of Council and address any water quality issue. The legal agreement is required at the subdivision stage.

Design

New commercial/industrial estates within the City are typically accompanied by design guidelines to ensure that appropriate levels of development and amenity are achieved. The applicant at the request of the City has agreed to prepare design guidelines which will be approved prior to the final adoption of the scheme amendment by the City.

Retention of vegetation

The northern section of the site and Phoenix Road street verge are heavily vegetated and contribute to a unique streetscape. Following the deferral of this application, the applicant prepared a comprehensive arboriculture report which assessed 631 trees within the northern 25m of the lot and the Phoenix Road street verge. The significance of the trees was gauged based on the approximate height of the tree, the approximate age of the tree, the trunk diameter and any health or structural concerns. The report concluded that the street verge and first 5m contains the most significant trees, the next 10m contains less significant trees and the last 10m contains the least significant trees.

The proposed scheme amendment therefore proposes the northern 15m of the lot to be a parks and recreation reserve which allows the best quality trees to be retained. This area is considered sufficient to provide a suitable buffer to the residential development located across Phoenix Road and is the same width as the parks and recreation reserve located on the opposite site of Phoenix Road. Whilst there is generally no provision for Public Open Space (POS) within industrial/commercial subdivisions, Clause 3.6.2 of WAPC Policy DC 4.1 "Industrial Subdivision" may allow land to be given up as POS in order to provide for buffer strips and/or suitable planted areas between industrial uses and any adjacent non industrial areas. The proposed parks and recreation reserve (Public Open Space) has been provided to present a suitable interface to the residential development across Phoenix Road and allow existing vegetation to be retained.

Existing Box Plant facility

The existing box plant facility is proposed to be retained. A recent development approval allowed for an extension to the facility within the proposed lot boundaries and satisfies the provisions of the scheme. The box plant facility will comply with the industrial zoning proposed under this amendment.

Conclusion

The proposed scheme amendment is necessary as the paper mill has ceased operating and the restricted nature of the existing zoning does not allow other uses to operate from the site. The proposed scheme amendment is consistent with the "Industrial Zoning" under the provisions of the Metropolitan Region Scheme and is consistent with the existing local town planning scheme zoning within the Bibra Lake industrial area. The 15m wide Parks and Recreation Reserve (landscape buffer) together with the restricted nature of the mixed business zone provides a suitable transition and interface to the residential development located on the opposite side of Phoenix Road.

It is therefore recommended that Council proceed to initiate the scheme amendment.

Strategic Plan/Policy Implications

Employment and Economic Development

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

Natural Environmental Management

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

The planning policy which applies to this item is Policy APD2 Industrial Subdivision Policy.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 2
Town Planning Regulations 1967

Community Consultation

The proposed Scheme Amendment will be advertised for a period of 42 days with notices in the local paper and letters sent to relevant government agencies, affected landowners and surrounding community upon initiation of the amendment.

Attachment(s)

1. Location Plan.
2. Proposed Zoning Plan.
3. Concept 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 8 May 2008 Council Meeting.

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

Nil.

14.2 (OCM 08/5/2008) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 64 - INSERTION OF VALUATION CRITERIA FOR DEVELOPMENT CONTRIBUTION AREAS - APPLICANT: CITY OF COCKBURN (93064) (M CARBONE)

RECOMMENDATION

That Council Adopt the amendment without modifications and 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.

COUNCIL DECISION

Background

Council at its meeting held on 11 October 2007 resolved to initiate Amendment 64 to Town Planning Scheme No.3 for the purpose of

advertising. The amendment was to amend Clause 6.3.9 (a)(ii) of the Scheme to include an additional sub-paragraph (dd) to cover payment for injurious affection, severance, cost of acquisition and solatium as appropriate

Submission

N/A

Report

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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. No submissions were received.

The purpose of this amendment is to amend Clause 6.3.9 (a)(ii) of the scheme which relates to the valuation of land for Development Contribution Areas (DCA). The proposed amendment introduces a new sub-paragraph which covers payment for injurious affection, severance, cost of acquisition and solatium as appropriate. The provision will formalize the City's current practice on valuation methodology which is in line with the state government practice when dealing with reserved land under the provisions of the Land Administration Act.

Conclusion

It is recommended that Amendment 64 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

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.

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
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 64 concluded on 11 March 2008. No Submissions were received

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil

- 14.3 (OCM 08/5/2008) - DETAILED AREA PLAN FOR STAGE 11Z PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (129005) (T WATSON) (ATTACH) [Item 14 3.pdf](#)**

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plan presented for Stage 11Z Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3, subject to the location of vehicular access and on-site parking for Lots 977, 978 and 986 being reviewed to the satisfaction of the Manager Statutory Planning;

- (2) through the Chief Executive Officer consider and review the location of vehicular access and on-site parking for Lots 977, 978 and 986; and
- (3) advise the applicant accordingly.

COUNCIL DECISION

Background

The land covered by the subject Detailed Area Plan (DAP) is within the Port Coogee development area. Under the Structure Plan, the affected land is identified for medium to high density residential development (R50-80), within the southern part of the 'Dry Land Residential' precinct. The DAP provides development direction for 25 single residential lots within Stage 11Z and multiple dwelling development on Lot 752 (zoned R80).

Submission

The attached DAP addresses amongst matters:

1. Key elements to be considered in the design of dwellings.
2. Dwelling setback requirements, including the extent to which parapet walls can be erected on side boundaries.
3. Dwelling height.
4. Access and garage requirements.

Where the DAP does not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Planning Codes (R-Codes) and Town Planning Scheme No. 3 where the R-Codes do not apply.

Report

The Stage 11Z DAP provides a site-specific layer of planning information, to be considered in the design and development of the lots in question. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme.

Presentation of the DAP to the City was by the planning consultant for Port Coogee. Subsequent to an initial assessment, several changes

have been made to the documents in consultation with the consultant for the benefit of all stakeholders. These include future purchasers and the City (when application is made for assessment and determination).

The two matters however, that have not been resolved are, vehicular access and parking locations on several lots (Lots 977, 978 and 986). It was agreed that access to these lots take place from Orsino Boulevard given their minimal street address to the side streets extending west from the Boulevard. This is unlikely to occur though given a disparity in levels between Orsino Boulevard itself and the lots in question. These matters, therefore, require further consideration and resolution.

Conclusion

The amended DAP provides detailed controls for small lot development and a larger multiple dwelling site identified in the Structure Plan for the land in question. It is, therefore, recommended that the DAP be adopted by Council.

The approval of the DAP is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP and the process for adopting such. Where a DAP may affect landowners other than the owner of the land subject of the plan, the City may undertake consultation.

As Australand owns the majority of surrounding land, this has not occurred. Additionally, whilst adjacent lots (to the east) were sold as part of Stage One and are now in private ownership, the proposed DAP sits within the requirements of the Structure Plan (and future development should occur as anticipated, precluding the need for further consultation).

Clause 6.2.15.8 provides scope for a DAP to be amended.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Council Policy that applies is Policy APD 31 Detailed Area Plans.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops.

Attachment(s)

- (1) Location/Structure Plan
- (2) Detailed Area 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 8 May 2008 Council Meeting.

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

Nil.

- 14.4 (OCM 08/5/2008) - RETROSPECTIVE APPLICATION FOR PARKING OF A COMMERCIAL VEHICLE - LOCATION: LOT 368 (5) DANE PLACE, SPEARWOOD - OWNER / APPLICANT: A & G ORIFICI (2205563) (R COLALILLO) (ATTACH) [Item 14 4.pdf](#)**

RECOMMENDATION

That Council:

- (1) grant its approval for the parking of a commercial vehicle on Lot 368 (5) Dane Place, Spearwood, in accordance with the approved plan subject to the following conditions and advice

notes:-

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Compliance with the Commercial Vehicle Parking provisions of the City of Cockburn Town Planning Scheme No. 3 is required as part of this development approval.
4. Only one commercial vehicle is to be parked on the property.
5. No major repairs are to be carried out at any time on the site, the verge or the road. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily contained liquid waste may be carried out on-site.
6. The commercial vehicle is to be screened from view from the street to the satisfaction of the City. The details of which shall be provided to the satisfaction of the City prior to the recommencement of parking of the commercial vehicle on site.
7. All liquid waste (that includes washing from the vehicle) must be disposed of on-site, or disposed of properly, so as not to create a nuisance or pollution. All liquid waste must be disposed of in the following ways:
 - discharge to sewer
 - discharge to on-site effluent disposal
 - collection and disposal at an approved liquid waste disposal site.
8. Washdown wastes are not permitted to enter the public street or a stormwater system.
9. The commercial vehicle must not be started up on-site, on the verge or on the road between the hours of 10:00pm and 6:30 am the following day.
10. No parking of the Commercial Vehicle on the verge.
11. Where a noise complaint is substantiated in accordance with the relevant Regulations made pursuant to the

Environmental Protection Act 1986, the City may restrict the hours of operation of the Commercial Vehicle or revoke its approval to park a Commercial Vehicle on the property.

12. Any restrictions imposed on the hours of operation of a commercial vehicle shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986.
13. This approval is personal to the applicant only and is not transferable to another person.

FOOTNOTES

1. With regards to Condition No. 6, an application for a Building Licence may be required to be submitted to the City's Building Service depending on the type of screen fencing proposed. Further information can be obtained from the City's Building Service on 9411 3608.
2. With regards to Condition No. 4, Commercial Vehicle Parking is defined under the City of Cockburn Town Planning Scheme No. 3 as follows:-
 - *"Notwithstanding any other provision of this Scheme, no commercial vehicle is permitted to remain on privately owned land within a Residential Zone for a longer period than is necessary for loading and unloading unless the City has issued a Metropolitan Region Scheme Form 2 Notice of Approval permitting the parking of such a vehicle.*
 - *A commercial vehicle may be permitted to be parked within a Residential Zone, provided that:*
 - a) *the vehicle is parked on a lot containing only a single house;*
 - b) *the vehicle forms an essential part of the occupation of an occupant of the dwelling;*
 - c) *vehicles exceeding 8.0 metres in length are parked parallel to the side boundary in the case of Residential properties;*
 - d) *no major repairs are undertaken on the lot, and any minor repair is carried out in an area which is fully screened from the street;*
 - e) *in the opinion of the City, it is not likely to adversely affect the amenity of the surrounding land;*
 - f) *the City may apply any conditions to the*

approval it sees fit;

g) the Council has the ability to withdraw its approval at any time for any reason; and

h) not more than one commercial vehicle may be parked on the lot.

- *An approval granted under the Scheme:-*
 - a) is granted to the person to whom it was issued;*
 - b) is not capable of being transferred or assigned to any other person; and*
 - c) does not run with the land in respect of which it is granted.”*

In addition to the above, measures should be undertaken to minimise the duration of reversing warning signals occurring in the late evening or early morning, without compromising safety.

2. issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION

Background

| | | |
|------------|----------------------------|-------------------|
| Zoning: | MRS: | Urban |
| | TPS3 | Residential 'R20' |
| Land Use: | Commercial Vehicle Parking | |
| Lot Size: | 782m ² | |
| Use Class: | 'D' | |

In November 2007, the City received a complaint from a nearby landowner with regards to the parking of a truck on the subject site. The matter was investigated and the landowner was advised of the requirement to obtain planning approval from the City for the parking of the truck in accordance with the provisions of the City's Town Planning Scheme No. 3 ('Scheme').

Submission

This application seeks planning approval from the City for the parking of a commercial vehicle on the subject site. The City's Scheme defines a commercial vehicle as being:

“any vehicle used or intended to be used in a business or trade which has a tare weight in excess of 3.5 tonnes, and excludes vehicles directly associated with the conduct of a rural pursuit, business or trade on the lot for which the vehicle or vehicles are used”.

In accordance with the above, the landowner/applicant has submitted an application for retrospective approval for the parking of a truck which meets the criteria of a commercial vehicle as defined above. The application seeks to formalise approval for parking of the truck on the subject site's concrete driveway located on the west side of the dwelling as shown on Attachment 2 (Site Plan) to this report.

The applicant has advised that the truck has been parked within the site for some 35 years. A search of the City's records indicates that the only complaint to have been received was the one lodged in 2007. Despite the lack of any prior complaints, the landowners are required under the Scheme to obtain approval for the parking of the truck on their property.

Report

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.

The Scheme provides the following with regards to the parking of commercial vehicles within the Residential Zone.

“5.8.4 Parking of Commercial Vehicles

- (a) *Despite any other provision of this Scheme, no commercial vehicle is permitted to remain on privately owned land within the Residential Zone for a period longer than is necessary for loading or unloading unless the local government has issued a planning approval permitting the parking of such a vehicle.*
- (b) *A commercial vehicle may be permitted to be parked within a Residential Zone, provided that:*
 - (i) *the vehicle is parked on a lot containing only a single house;*
 - (ii) *the vehicle forms an essential part of the occupation of an occupant of the dwelling;*

- (iii) vehicles exceeding 8 metres in length are parked parallel to the side boundary of the lot and behind the building line;*
- (iv) no repairs are to be undertaken on the lot;*
- (v) in the opinion of the local government, it is not likely to adversely affect the amenity of the surrounding land;*
- (vi) the local government may apply any conditions to the approval it sees fit; and*
- (vii) the local government has the ability to withdraw its approval at any time for any reason..”*

It is considered that the commercial vehicle parking complies with the majority of the Scheme’s requirements, the exception being item (b)(v) given that the initial complaint and objecting submission were received from a nearby landowner.

Given the potential impacts associated with the truck parking, the application was referred to adjoining landowners for comment. Of the three (3) submissions received, two (2) raised no objections to the application and one (1) raised an objection (refer to Attachment 3 for submission particulars). The objecting submission raised concerns with regards to the noise and odours created by the accessing and egressing of the truck from the subject site as their property was located directly opposite.

While City Officers acknowledge the grounds of the objection, it is considered that the imposition of a condition relating to the suitable screening of the commercial vehicle will reduce the extent to which it is visible in the streetscape, in addition to addressing in part the noise and odour impacts emanating from the site.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

Three (3) surrounding owners were consulted regarding the proposal. Two (2) submissions were received in support of the proposal while one (1) submission was received objecting to the proposal.

Attachment(s)

1. Location Plan
2. Site Plan
3. Schedule of Submission

Advice to Proponent(s)/Submissioners

The Proponents and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 May 2008 Council Meeting.

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

Nil

14.5 (OCM 08/5/2008) - APPOINTMENT OF REAL ESTATE COMPANY TO SELL BY PRIVATE TREATY LOTS NOT SOLD BY PUBLIC AUCTION STAGE 1 RESIDENTIAL SUBDIVISION BARTRAM ROAD ATWELL (5516327) (K SIM) (ATTACH) [Item 14 5.pdf](#)

RECOMMENDATION

That Council:

- (1) appoint Raine & Horne, Success to undertake the marketing and sale residential lots contained on Deposited Plan 59312 not sold at public auction held on 26 April 2008, subject to selling prices being not less than the auction reserve prices set by the Chief Executive Officer pursuant to resolution Minute 3658 Ordinary Council Meeting 14 February 2008; and
- (2) make the appointment exclusive for a period of 6 months and to begin immediately after the auction.

COUNCIL DECISION

Background

Council at its meeting held on 14 February 2008 resolved to:

- (1) appoint Raine and Horne, Success to undertake the marketing and sale by Public Auction of 21 Residential Lots – Lot 5 Bartram Road, Atwell;
- (2) through the Chief Executive Officer set reserve prices for the 21 lots in consultation with the appointed real estate company and Licensed Valuers McGees; and
- (3) advise Raine and Horne and the unsuccessful agents of Council's decision accordingly.

Submission

N/A

Report

Following an extensive marketing campaign Raine and Horne conducted the auction of the 21 lots within Stage 1 of the subdivision. The auction was held on 26 April 2008. Approximately 60 people attended the auction. Every assistance was given by Raine and Horne representatives and the auctioneer to make people comfortable with the auction process. None the less there was a general reluctance on behalf of those in attendance to make bids on the lots being offered. One lot was sold on the day while negotiations are continuing with the highest bidders in respect of a further seven lots.

Raine and Horne have agreed to sell any unsold lots for the same fee as agreed in the confidential report considered by Council at its meeting held on 14 February 2008.

Raine and Horne advise that a 6 month selling period is ideal in order to capitalise on the interest generated by the marketing and auction itself.

The Local Government Act allows a local authority 6 months after land has been offered at a Public Auction the ability to sell land by private treaty with out the requirement of state wide advertising.

It is anticipated that there is a 2 weeks of construction period required to complete the installation of services for stage 2 of the subdivision.

This will commence once Western Australian Planning Commission approval has been granted for Stage 2. This is anticipated early to mid May 2008.

The timing of a second auction to sell lots in stage 2 of the subdivision 21 lots plus any unsold lots from stage 1 will be decided at a future Council meeting. It is important that sufficient time is given to adequately market the unsold lots prior to the announcement of the second auction date.

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

Marketing costs are allowed for under the overall budget, subject to Account No. CW1516.

Legal Implications

Section 55 of the land Administration Act 1997 refers.

Community Consultation

N/A

Attachment(s)

Copy of Survey Plan 59312

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 May 2008 Council Meeting.

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM 08/5/2008) - LIST OF CREDITORS PAID - MARCH 2008 (5605)
(K LAPHAM) (ATTACH) [Item 15 1.pdf](#)**

RECOMMENDATION

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

COUNCIL DECISION

Background

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

Submission

N/A

Report

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – March 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 08/5/2008) - STATEMENT OF FINANCIAL ACTIVITY - MARCH 2008 (5505) (N MAURICIO) (ATTACH) [Item 15 2.pdf](#)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for March 2008, 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 March 2008.

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

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

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

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

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

Material Variance Threshold

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – March 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 08/5/2008) - TEMPORARY CLOSURE OF SLEEPER AVENUE IN COCKBURN CENTRAL TO THE PASSAGE OF VEHICLES (6007095) (J RADAICH) (ATTACH) [Item 16 1.pdf](#)

RECOMMENDATION

That Council in accordance with section 3.50 of the Local Government Act 1995, institutes a temporary closure of Sleeper Avenue, Cockburn Central for a period of up to 15 months commencing 19 May 2008 during the construction of the development on Lot 12 Cockburn Central subject to:-

1. there being no substantial objection received as a result of advertising in a local newspaper;
2. there being no substantial objection from service authorities, emergency services or adjoining owners;
3. the developer to engage a traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure; and
4. all works on / or damaged to existing City infrastructure (roads, footpaths, drainage, parks or verges) are to be completed and / or reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum. The proponent is fully responsible for public liability and damages arising from the works.

COUNCIL DECISION

Background

Cockburn Central Town Square area is now completed and the other infrastructures like roads, car parking and street lightings are also fully operational. Building activities on the vacant lots can commence any time.

Submission

Australand Holdings Limited has requested that the City of Cockburn implements procedures to close Sleeper Avenue for a period of 15 months during the construction of the development on Lot 12 Cockburn Central.

Report

During the building activities of Lot 12 Cockburn Central which is abutting Sleeper Avenue; the lane closure will be required for the following reasons:

1. The perimeter scaffold to the gable walls will encroach onto Sleeper Avenue by approximately 2-2.5m (laneways only have 6m road reserve width). This will reduce the road to a single lane of traffic.
2. The safest solution would be to close the road which would reduce the risk of potential accidents due to cars turning into single lane traffic.
3. Sleeper Avenue is a minor road within the development without any car parking bays; therefore closure of the road will not reduce the number of available parking bays.
4. The lane is not used by any vehicle and closure will not have a detrimental affect on the flow of traffic within the development.
4. The temporary site fencing could be extended around the scaffolding to further reduce any potential risk and that requires full road closure.
6. Australand will appoint a certified traffic management contractor to monitor the impact of the road closure on Cockburn Central area, if it appears to the City's representative that the closure is creating undue congestion, the City will instruct the contractor to submit a traffic management plan for its approval and engage traffic management personnel to implement that.

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.

Transport Optimisation

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

Budget/Financial Implications

All costs to the closure will be covered by the Developer.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

Attachment(s)

Plan of closure.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 08/5/2008) - COCKBURN YOUTH CENTRE LEASE WITH TRE COLORI FAMILY TRUST (8648) (G BOWMAN) (ATTACH) [Item 17 1.pdf](#)

RECOMMENDATION

That Council:

- (1) pursuant to the provisions of section 3.58 of the Local Government Act 1995, give notice of Council's intention to enter into a lease agreement with 3 Star (WA) Pty Ltd acting for the Tre Colori Family Trust for the use of up to 165 square metres of the Cockburn Youth Centre property situated at Lot 855 Wentworth Parade, Success;
 1. At a rental of \$315 per square metre payable six months after practical completion of the building plus all outgoing costs from commencement of the lease.
 2. With rent subject to an annual CPI (Perth Groups) increase and market rent review on exercise of the options to extend the lease.
 3. For an initial lease term of three years, with the option to extend the lease for two terms of five years.
- (2) require all other terms and conditions of the lease be to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION**Background**

At the Ordinary Council Meeting held on 12 April 2007 Council adopted a Management Plan that identified the need to find compatible tenants for the 300 square metres of commercial lease space available within the Youth Centre.

McGees Property was appointed to provide professional services to source prospective commercial lease tenants.

Consequently, advertising of the available lease space has taken place. There was only one prospective tenant who met the criteria established in the Centre Management Plan for a café/food outlet.

Submission

The Tre Colori Family Trust has submitted an offer to lease 165 square metres of the commercial lease space in the Youth Centre. They propose to operate a family friendly Italian Pizzeria and Café six days per week. Extended trading hours would include 7 a.m. till 10 p.m. Tuesday to Thursday, and from 7 a.m. till 11 p.m. Friday to Sunday. The menu would consist of affordable to medium priced food choices for the community and will target local families. The proponent has offered rent of \$315 per square metre plus all outgoing costs and is aware that the rent will be subject to CPI increases and market rental reviews. The proponent has requested a three year lease with an option to renew for two additional five year periods. They have identified that they have the financial ability to fit out the Café inclusive of a class one kitchen and a Pizza oven. The proponent has requested six months rent free to compensate for the significant capital outlay, the time it will take to fit out the premises and time to establish the business.

Report

The community consultation and needs analysis for the Cockburn Youth Centre undertaken by Matrix Consulting identified that young people would prefer to have a Café establishment, and retail clothing or music shop within the facility. The proponents have identified that they would operate a family and youth friendly Italian Pizzeria and Café, with an affordable to medium priced menu. The identified purpose of a

Café is therefore compatible with the findings and will complement the activities and services within the Youth Centre. The proponent has been informed that due to the nature of the building no liquor licence will be approved by the City. They have identified their intention to have B.Y.O. alcohol served with meals, which requires no Licence in Western Australia. The proponents have identified that they would like to have TAFE hospitality students undertake placements on a regular basis in the Café and endeavour to employ young people within their family business to ensure that young people and their families feel welcome.

McGees has advised that the size of the proposed Café area of 165 square metres allows the City to continue to pursue other retail clothing or music shop tenancies within the balance of the commercial tenancy space.

McGees Property has recently valued the premises and has advised that the offered \$315 per square metre is a very reasonable rental figure. The Lessee would also be responsible for all outgoing costs and for a proportion of the costs associated with the common areas of the overall building. In addition to this the rent would be increased on an annual basis according to CPI. At the exercise of the options to extend the lease the rent would also be subject to a market review and increased on that basis.

The Lessee has agreed to be responsible for the full fit out of a class one kitchen, air conditioning, ceilings, floor coverings, lighting, furniture and equipment. McGees property has advised that due to the substantial capital outlay estimated at \$300,000 that the Lessor would normally be at least partially responsible for, a six month rent free term would be considered reasonable and necessary to attract a tenant. The proposed rental income from the tenancy was intended to offset some of the operational costs for the Youth Centre. In the first twelve months, due to the six month rent free period, the estimated income will be \$26,000 less than budgeted for.

The offer to lease requests an initial term of three years and then two options to renew for a five year period. This period is considered necessary for the proponent to regain the large capital outlay and develop the business to its potential.

The proponent has requested that the City be responsible for increasing the size of a kitchen exhaust duct, installing two glass panels in a door way, and also providing an inter-tenancy separation wall. These variations to the Building contract have been costed and would be able to be easily accommodated within the existing construction and contingency budget. It is also considered necessary to have the same builder undertake the changes to the exhaust duct to prevent any possible dispute regarding who is responsible for any potential roof leaks around the exhaust duct.

Strategic Plan/Policy Implications

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Governance Excellence

- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The budget revenue for the Youth Centre will be reduced by \$26,000 for the 08/09 financial year, however, balanced by this, the anticipated capital works fit out for this section of the tenancy will be reduced by greater than \$26,000.

Legal Implications

McLeods has provided a draft standard commercial lease document which is required to be submitted prior to an Offer to Lease under Commercial Tenancy legislation.

Community Consultation

Extensive community consultation has been undertaken by the City during the Youth Centre Needs Analysis. Section 3.58 of the Local Government Act 1995 has been complied with. An advertisement has been lodged in the Local Government Notices Section of the West Australian Newspaper outlining the Offer to Lease and requested submissions within two weeks of the notice.

Attachment(s)

Confidential attachment circulated under separate cover.

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 8 May 2008 Council Meeting.

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

Nil

17.2 (OCM 08/5/2008) - COCKBURN YOUTH CENTRE MEMORANDUM OF UNDERSTANDING WITH CHALLENGER TAFE (8648) (G BOWMAN) (ATTACH) [Item 17 2.pdf](#)

RECOMMENDATION

That Council:

- (1) agree to enter into a Memorandum of Understanding (MOU) with Challenger TAFE for the use of areas within Cockburn Youth Centre for the purposes of training related activities, for five years with the option for both parties to mutually agree to extend the period for a further term of five years;
- (2) establish terms and conditions of the Memorandum of Understanding to the satisfaction of the Director Community Services and Administration;
- (3) include within the Memorandum of Understanding a fee structure based on cost recovery for up to two years; and
- (4) refer the issue of fee for use and/or other commercial arrangements available back to Council for further consideration following the initial period of two years.

COUNCIL DECISION

Background

Council at its ordinary meeting held on 12 April 2007 adopted a Management Plan that identified the need to engage recognised training organisations for the provision of training opportunities from the Youth Centre.

Staff have met with Challenger TAFE, a key recognised training organisation, on a number of occasions to explore the possible community training benefits and a partnership with Challenger TAFE regarding the Cockburn Youth Centre.

Submission

Challenger TAFE submitted a proposal to enter into a Memorandum of Understanding with the City specifically for the use of the Cockburn

Youth Centre for a range of training programmes predominantly targeting young people.

In summary Challenger TAFE proposes the following:

Short Term

During Semester Two 2008, a Certificate I in Gaining Access to Training & Employment (GATE) course incorporating project themes such as music, community arts activities, and information technology.

TAFE would also like to investigate extending the Young Pregnant and Very Excited (YPAVE) program into the Cockburn Youth Facility, if deemed appropriate.

In addition, Challenger TAFE's Centre for Adult Education would like to offer a sample of short courses during Terms 3 and 4, following local research during the first half of the year to identify potential community interest areas.

Medium Term Proposals

It is anticipated that following an initial developmental phase focussing on bridging level programs, Challenger TAFE will also offer selected vocational training at Certificate II or higher levels. This could be in fields such as Music, Broadcasting, Multimedia, Information Technology and/or Hospitality, which build upon the interests and opportunities that emerge during the developmental phase.

Longer Term Vision

The longer term vision is that within five years of opening, the Cockburn Youth Facility will house a range of bridging level and vocational accredited training programs, as well as informal learning programs. These programs would be directly linked to an onsite youth-driven enterprise or enterprises (not-for-profit or commercial) that provide meaningful opportunities for young people to gain work-based training, work experience and/or employment. Examples are:

- An enterprise providing services such as website development services, advice on multimedia applications.
- An enterprise built around the music and performance industry.

To assist with establishment of training and related programs during the developmental phase, Challenger TAFE seeks to enter into an arrangement with the City of Cockburn whereby access to training rooms will be made available at nominal costs for an initial two year period. During this time, Challenger will work with the City of Cockburn

to establish ongoing fee and/or leasing arrangements that would be viable for both organisations in the medium to long term.

Report

The submission is in line with the vision for the Youth Centre and would provide a valuable range of training opportunities for young people within the district. The proposed short to long term goals for training provision have been tailored to make excellent use of the available spaces within the Centre.

The times of use that have been proposed with Challenger TAFE would be predominantly during school hours which would be the off peak times for the Youth Centre, and this would complement the activities and events to be run by City's Youth Centre staff and ensure full utilisation of the facility.

An affordable fee structure would be negotiated for clients by TAFE to ensure a high level of accessibility by young people from a broad variety of socio-economic backgrounds.

The Memorandum of Understanding would ensure that the City and Challenger TAFE have a mutual understanding from which to work that provides staff with a five year strategic direction.

The request to provide training room facilities at a nominal cost for up to two years would have minor financial implications as it was not envisaged that off peak periods would be fully booked. The City proposes to charge fees to Challenger TAFE for off peak periods on a cost recovery basis.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Employment and Economic Development

- To encourage development of educational institutions that provides a range of learning opportunities for the community.

Budget/Financial Implications

The MOU would outline the room hire fees charged to Challenger TAFE during off peak times on a cost recovery basis for up to two

years. This will have a minimal effect on anticipated revenue as it was not calculated into the original centre budget.

Legal Implications

N/A

Community Consultation

Extensive community consultation was undertaken as part of the Cockburn Youth Centre needs analysis.

Attachment(s)

Submission from Challenger TAFE.

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 8 May 2008 Council Meeting.

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

Nil

17.3 (OCM 08/5/2008) - HAMMOND ROAD RECREATION AND COMMUNITY FACILITIES (4621) (S HARRIS) (ATTACH) [Item 17 3.pdf](#)

RECOMMENDATION

That:

- (1) Council proceed to tender for the Civic Works for the development of the Success Recreational and Community Facilities in accordance with option 1 as detailed in the report;
- (2) Council consider the financing program for the development of the Success Recreational and Community Facilities in conjunction with the Plan for the Future of the District, 2008-2018;
- (3) a decision to proceed with the works be dependant on a budget allocation for 2008/09; and
- (4) Council direct the Administration to pursue any opportunities for external funds to be contributed to the development in the future.

COUNCIL DECISION

Background

The project comprises the development of the undeveloped Reserve 7756 Hammond Road Success into a regional multi-purpose sport and recreation facility for the residents of the City of Cockburn.

The proposed scope of the project is:

- Multi-Purpose Clubroom Comprising:
 - Function Room
 - Program Room
 - Club Rooms
 - Kitchen and Servery
 - Meeting Room
 - Administration Office
 - Toilets
 - Change Rooms
 - Storage Facilities
- Drainage swale realignment
- Wetlands conservation area protection and development
- Roads and car parking areas including lighting
- Dual use footpaths and cycle ways
- Two Multi-purpose playing fields including reticulation and lighting
- Netball courts (20 No.) including lighting. Four courts are multi-marked for tennis.
- Tree planting and landscaping

Council at its Ordinary meeting of June 2007 resolved as follows:

- (1) *Adopt the Hammond Road Sports Facility layout plan as attached to the agenda;*
- (2) *Proceed with Option 3 for the development of the site as described in the report; and*
- (3) *Commit to proceeding with the development in accordance with the timeframe for Option 3 provided that:*
 1. *The Community Sporting Recreation Facilities Fund application is successful;*

2. *Ministerial approval is provided permitting Council to take out a loan for the development which can be repaid from cash-in-lieu funds; and*
 3. *Developer contributions to community infrastructure arrangements have been approved by the Minister for Planning and Infrastructure and are in place for this project; and*
- (4) *Require a report on the scope of the project should any condition in (3) above not be met.*

Three external funding sources totalling \$5.2 million were identified in the Council report. These were:-

- Community Sporting and Recreation Facilities Fund (\$1.8 million)
- A loan against cash in lieu (\$1.6 million)
- Developer Contributions (\$1.8 million)

Submission

N/A

Report

The application for funds from the Community Sporting and Recreation Facilities Fund (C.S.R.F.F.) was unsuccessful. Following discussions with the Facilities Consultant CSRFF at the Department of Sport and Recreation, an outstanding issue was a lack of Council commitment to proceeding with the project. In the response from the Department of Sport and Recreation, the City was encouraged to re-apply after further work on the application, which is intended to be undertaken should Council agree to commit to the recommended course of action.

Following the adoption of Option 3 at the June 2007 Meeting of Council, a revised works schedule was prepared in anticipation of receiving approval to proceed after CSRFF announcements. Under the initial funding scheme the facility would be ready for use by the winter 2010 season given the time taken for the grass area to become established. The schedule was as follows:

| | Item | Date |
|----|--------------------------------------|-------------|
| 1. | Detail Civil designs completed | Apr 2008 |
| 2. | Tenders for works close | May 2008 |
| 3. | Obtain DOE Permits | Apr 2008 |
| 4. | Commence Earthworks | Jun 2008 |
| 5. | Grass and Reticulation Completed | Dec 2008 |
| 6. | Commence Hard Courts and Club Rooms | Dec 2008 |
| 7. | Hard Courts and Club Rooms Completed | Nov 2008 |

Based on this timeline, the required cash flows were as follows:

| Year | Cashflow |
|--------------|---------------------|
| 2007/08 | \$267,000 |
| 2008/09 | \$5,589,950 |
| 2009/10 | \$4,406,944 |
| Total | \$10,263,894 |

As external funding made up a significant portion of Council's funding allocation for this project, it is now necessary to reconsider the plans for proceeding. Two options to progress the project have been identified.

Option 1

The planning and design work undertaken to date allows for an immediate move into the tendering phase of the project. Council has the option to proceed with works as per the above schedule. Despite the delay in approvals of one month, it is anticipated that this delay could be made up and that clearing, bulk earthworks and site stabilisation could be completed within the restricted clearing time-frame.

This program would require a budget allocation of \$5,600,000 in the first year (2008/09) and the balance as in the table above.

There is an option for Council to borrow the balance of funds required to proceed. Should Council commit \$2,000,000 in the first year it could borrow the balance of \$8,300,000. As the City has the ability to borrow at the same rate as the State Government's AAA Credit Rating, calculations for repayments and interest expense have been prepared using a 7.5% interest rate. A repayment period of four years has been used in order to match cash flows with Option 2. Based on quarterly repayments of \$532,337, the total interest cost of borrowing the \$8,300,000 would be \$1,217,389.

By adding this interest figure to the project cost estimates, the total project cost for Option 1 is estimated to be \$11,481,000.

The current construction program sees the clubrooms and courts being constructed from the end of December 2008 to the end of October 2009, with the facility ready for use. Given the timing, it is unlikely that any construction will take place until mid to late January 2009. By delaying construction of these facilities by two months, the City can re-apply for CSRFF funding for the clubrooms and courts. Given that the City will be proceeding with the works, the commitment to the project from Council will be demonstrated to the CSRFF Advisory Committee will be obvious. While the previous application was for \$1.8 million based on the entire development, an application limited to the clubrooms and courts is expected to be less than \$1 million, with no

assurance that any funds will be received. The additional cost for this delay would be approximately \$60,000.

Option 2

Given the financial constraints due to the lack of external funding, the project can be staged over five years, disbursing the costs over this period. A logical construction sequence for the project to progress has been identified. This sequence takes into account the significant civil works required for the site and the limitations imposed by having to stabilise the site.

| Year | Cashflow |
|---------|--|
| 2008/09 | Partial site clearing and commencement of construction of oval, road and car parks |
| 2009/10 | Complete ovals, road and car parks |
| 2010/11 | Commence construction of clubrooms |
| 2011/12 | Complete clubrooms |
| 2012/13 | Residual site clearing, earthworks and construction of netball courts. |

Cash flow requirements for this option are estimated as follows:

| Year | Cashflow |
|--------------|---------------------|
| 2007/08 | \$267,000 |
| 2008/09 | \$1,857,000 |
| 2009/10 | \$2,765,000 |
| 2010/11 | \$2,116,000 |
| 2011/12 | \$2,057,000 |
| 2012/13 | \$4,928,000 |
| Total | \$13,990,000 |

As can be seen from the cash flow figures, the costs for Option 2 are \$3,755,000 higher than the original work estimates. There are two sources of increased costs for Option 2, escalation costs and additional costs due to staging.

Escalation costs have been predicted based on indices published by the Department of Housing and Works (December 2007). Costs are predicted to rise 11.3% in 2008, 9.1% in 2009, 6.1% in 2010 and 5.1% in 2011. Escalation costs have been estimated to be an additional \$2,290,000.

Additional costs due to the staging of works are due to the inefficiencies of only partially completing works, the need for rework and additional consultant costs because contract supervision times are significantly increased. Additional costs due to staging the program over five years have been estimated to be \$1,626,000.

Staging the project over five years gives the City the opportunity to re-apply for CSRFF funds for the Hard Courts and Club rooms. While the previous application was for \$1.8 million based on the entire development, an application limited to the clubrooms and courts is expected to be less than \$1 million due, with no assurance that any funds will be received. Additionally, cash in lieu may be available towards the end of the five year program.

In the event that CSRFF funds do not become available, the development of the netball courts could be deleted from the program or deferred until funds become available.

While Option 2 provides the advantage of not having to borrow funds to complete the project, the project cost is significantly more than if Council proceeded with Option 1. By direct comparison, Option 2 is \$2,538,000 more expensive than Option 1. In the event CSRFF funds are received, Option 2 will still cost the City \$1,538,000 more than Option 1. With a loan period of four years, the cash flows are over the same time frame.

In addition to the financial benefit of progressing Option 1, the community will be able to access the facilities from 2010, as opposed to having to wait a further three years. With few active reserves on the east side of the City of Cockburn, the high population growth and increasing community needs support the shorter development time frame.

In line with the City of Cockburn Sustainability Policy, Option 1 makes the best use of Council resources and offers the lowest level of waste and need for rework. In contrast, Option 2 and the need to artificially stage the project and the rework required directly contravene the policy.

Recommendation

Based on the above considerations, it is recommended that Council proceed with Option 1 and examine funding options including borrowing the \$8,300,000 required to undertake the project.

The 10 year forward plan which is currently out for public comment identifies this project being progressed over five years. It is proposed that Council amend the proposed development schedule and adopt a schedule which sees the project being completed for the winter 2010 sport season.

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.*

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

Council will need to commit \$2,000,000 from Council reserves and borrow a further \$8,300,000.

The loan will be repaid over 4 years at a cost of \$2,130,000 per year. Interest costs will be \$1,217,000.

Both options provide the opportunity to apply for CSRFF funds exists for the netball courts and clubrooms. Based on the expenditure in these areas any application is expected to be less than \$1 million, with no assurance that any funds will be approved. Option 1 will see an increase in expenditure of \$60,000 due to escalation should an application be submitted.

Cash in lieu funds may be available towards the end of the five year program.

It is proposed that the administration prepare a submission for inclusion in the Plan for the Future of the District for the Development of the Recreation and Community Facilities to be funded in part through loan funds as described in option 1 above.

Legal Implications

N/A

Community Consultation

Extensive community consultation was undertaken through the needs assessment conducted by the YMCA and CARE.

The 10 year forward plan will need to be amended to reflect the updated development timeframe.

Attachment(s)

Project Report April 2008

Advice to Proponent(s)/Submissioners

N/A

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

Nil

18. EXECUTIVE DIVISION ISSUES

18.1 (OCM 08/5/2008) - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (1054) (SC) (ATTACH) [Item 18 1.pdf](#)

RECOMMENDATION

That Council:

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

COUNCIL DECISION

Background

At the Ordinary Council Meeting on 10 April 2008 Council resolved on item 21.1 South West Group Memorandum of Understanding to:

- *defer the item for consideration at the May 2008 Ordinary Meeting of Council to enable consideration of the major project initiatives planned and an overview of past projects and key outcomes achieved.*

Submission

This report seeks to provide Council with the additional information required to enable it to make a decision on this matter.

Report

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

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

Current priorities for the South West Group are:

1. Regional Governance: To promote the South West Group as a key stakeholder in the decision-making processes that affect the growth and sustainable development of the South Metropolitan Region of Perth.
2. Transport: To effectively influence the development of a regional transport network that provides safe, efficient, convenient and environmentally friendly transport options
3. Economic Development: To create strong, vibrant local economies and a diverse economic base that encourages opportunities for both businesses and for employment
4. Socio-economic development: To create cohesive and culturally rich communities with healthy social interaction and a strong sense of community
5. Management of the natural and built environment: To provide leadership in the recognition of the values of both the natural and the built environment whilst supporting sustainable management for the benefit of current and future generations

6. Coordinated Municipal Services: To facilitate delivery of effective and efficient municipal services to the community with an emphasis on initiatives that reduces waste and duplication
7. South West Group Management: To maintain an efficient, proactive organisation that supports and progresses the aspirations of its member councils

Achievements in 2006/07

The SWG's 2006/07 Annual report was previously circulated to Elected Members following its adoption and a copy of that report can be found at SWG's website www.southwestgroup.com.au. Some of the significant achievements in that year were:

- Development of the SWG 2007-10 Strategic Plan.
- Finalisation of an economic and environmental assessment for the Cape Peron Project (Rockingham).
- Development of a partnership structure for a Trade Office between the South Coast Economic Gateway (WA) and State of Sabah (Malaysia).
- Successful lobbying efforts for expansion of the Australian Marine Complex (Henderson), with \$175M committed by the State Government.
- Revamping the *Industry Direct* website, which promotes small businesses within the Region.
- Submissions made on funding for *Auslink* initiatives, including presentation to the Federal Government's Standing Committee on Transport and Regional Services.

Achievements to date for 2007/08

In addition to these initiatives, the SWG conducted a Mayoral delegation to Canberra in March 2007. The aim of this visit was to lobby on a range of projects across the Region in the lead up to the November Federal election.

As a result of that visit and further follow up action prior to the election, the following were also achieved.

- *Auslink* funding was allocated to widen the Kwinana Freeway between Roe and Leach Highways.
- A grant of \$3.3M was earmarked and then approved by the incoming Labour Government as a contribution toward development of a major community facility in Kwinana.
- \$6.7M was promised for the Mundijong Road Link as a specific *Auslink* project.

The SWG has also made budget submissions for the forthcoming Federal and State Government budgets for FY08/09. The initiatives put forward for a contribution from the Federal Government are:

- Development of a Strategic Regional Workforce Plan
- National Broadband Network rollout down the coastal strip
- Kwinana Industry Education Centre development
- Additional funding for Trade Training within the Region
- Development of a Regional Transport Plan (co-fund with State and Local Govts)

The following were put forward for State Government financial assistance:

- Regional Transport Plan (co-funded with the Federal Govt)
- Reintroduction of Mainstreet Projects for the Metro Area
- Weed and vermin control in Beeliar Regional Park
- A regional plan for the provision of Police facilities
- Increased funding for Community Infrastructure
- Expansion of the Underground Power project
- Lark Hill Sporting Complex (co-funding)
- Cockburn Sound Drainage and Groundwater interception

SWG – Organisational Funding Proposal

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

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

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

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

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

Regional bodies throughout the world are funded in a wide variety of methods and sources with the most common being based on population (generally with some state government support). The Mayors and CEOs considered a range of models to provide future funding for the SWG, that considered the respective income bases of each of the member Councils (principally rate revenue) and their respective populations. The models also considered hybrid combinations (see Table1). For the forthcoming FY an increase in funding is being sought for a number of projects as well as potential staff expansion to include a Grants Officer.

Preferred Funding Models. The Hybrid P model was based on a \$20,000 base fee and the balance of the budget sourced based on population. The Hybrid RB model was based on a \$20,000 base fee and the balance of the budget sourced based on rate revenue. The respective financial outcomes and source data used to calculate these are showing in the tables below.

Table 1
SOUTH WEST GROUP
FUNDING OPTIONS FOR 2008/09

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

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

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

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

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

Table 3
SOUTH WEST GROUP
RECOMMENDED 2008/09 CONTRIBUTION

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

Conclusion

The SWG is an essential part of the regional framework used by the City of Cockburn to lobby the Federal and State Governments. The

proposal to establish an MOU for a three year funding commitment will provide the SWG with certainty that it can continue to employ staff over that timeframe, secure premises and initiate other activities that may transition over several years.

While the group has proposed its preferred funding model, the contributions have only been determined for FY 08/09. In part this is due to the need to transition to the new arrangement, but also because elements of the budget, such as the development of Regional plans, are project based. The specific costs of each of these is only fully quantified in the year prior to initiation, meaning budget allocations can only be quantified at that time.

Strategic Plan/Policy Implications

Governance Excellence

- *To develop and maintain a financially sustainable City..*

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

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

Attachment(s)

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

Advice to Proponent(s)/Submissioners

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

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

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 08/5/2008) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

RECOMMENDATION

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

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

COUNCIL DECISION

25. **CLOSURE OF MEETING**