

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 SEPTEMBER 2014 AT 7:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	4
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER).....	4
4 (OCM 11/9/2014) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)	4
5 (OCM 11/9/2014) - APOLOGIES AND LEAVE OF ABSENCE	5
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
7. PUBLIC QUESTION TIME	5
8. CONFIRMATION OF MINUTES.....	5
8.1 <u>(MINUTE NO 5357)</u> (OCM 11/9/2014) - ORDINARY COUNCIL MEETING - 18 AUGUST, 2014	5
8.2 <u>(MINUTE NO 5358)</u> (OCM 11/9/2014) - SPECIAL COUNCIL MEETING - 4 AUGUST, 2014	6
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	6
10 (OCM 11/9/2014) - DEPUTATIONS AND PETITIONS	7
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	7
12 (OCM 11/9/2014) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER.....	7
13. COUNCIL MATTERS.....	8
13.1 <u>(MINUTE NO 5359)</u> (OCM 11/9/2014) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 28 AUGUST 2014	8
14. PLANNING AND DEVELOPMENT DIVISION ISSUES	10
14.1 <u>(MINUTE NO 5360)</u> (OCM 11/9/2014) - COOLBELLUP REVITALISATION STRATEGY SCHEME AMENDMENT INITIATION - LOCATION: COOLBELLUP - OWNER: VARIOUS - APPLICANTS: CITY OF COCKBURN (109/041) (R PLEASANT) (ATTACH).....	10
14.2 <u>(MINUTE NO 5361)</u> (OCM 11/9/2014) - LIMESTONE WALL AND RUINS, MUNSTER - PROPOSED ENTRY ON THE LOCAL GOVERNMENT INVENTORY AND HERITAGE LIST (095/001) (D DI RENZO) (ATTACH).....	14

14.3	(<u>MINUTE NO 5362</u>) (OCM 11/9/2014) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 107 HOBSONS AVENUE, MUNSTER - OWNER: WAYNE RADONICH - APPLICANT: HARLEY DYKSTRA PLANNING AND SURVEY SOLUTIONS - (110/098) (M CAIN) (ATTACH)	20
14.4	(<u>MINUTE NO 5363</u>) (OCM 11/9/2014) - STORAGE YARD (CARAVANS, BOATS, TRAILERS & MOTOR HOMES) - LOCATION: NO. 520 (LOT 35) RUSSELL ROAD, WATTLEUP - OWNER: ALEXANDER & KYLIE VAN HOUWELINGEN - APPLICANT: ALEXANDER VAN HOUWELINGEN (4411423) (T CAPPELLUCCI) (ATTACH)	25
14.5	(<u>MINUTE NO 5364</u>) (OCM 11/9/2014) - DETAILED AREA PLAN FOR LOTS 115 TO 120 O'CONNOR CLOSE, NORTH COOGEE - OWNERS: MULTIPLE (052/014) (A LEFORT) (ATTACH).....	38
14.6	(<u>MINUTE NO 5365</u>) (OCM 11/9/2014) - RESPONSE TO MATTER NOTED FOR INVESTIGATION WITHOUT DEBATE - FREIGHT RAILWAY (163/007) (TROSIC) (ATTACH).....	49
14.7	(<u>MINUTE NO 5366</u>) (OCM 11/9/2014) - PROPOSED VARIATION TO STRUCTURE PLAN FOR LOT 39 GAEBLER ROAD, HAMMOND PARK (CURRENTLY LOT 9002 WEETMAN ROAD, HAMMOND PARK) OWNERS: MILUC PTY LTD. APPLICANT: GRAY & LEWIS LAND USE PLANNERS (110/061) (L SANTORIELLO) (ATTACH).....	57
14.8	(<u>MINUTE NO 5367</u>) (OCM 11/9/2014) - CONSIDERATION TO ADOPT MODIFICATIONS TO MURIEL COURT STRUCTURE PLAN - LOCATION: VARIOUS LANDHOLDINGS IN DEVELOPMENT AREA 19 - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (110/007) (C HOSSSEN) (ATTACH)	63
14.9	(<u>MINUTE NO 5368</u>) (OCM 11/9/2014) - PROPOSED ROAD NAMING APPLICATION FOR ROADS WITHIN ELIZA PONDS ESTATE - LOT 4 HAMILTON ROAD, COOGEE - APPLICANT: MCMULLEN NOLAN GROUP (3209746) (R CREEVEY / A TROSIC) (ATTACH)	74
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	77
15.1	(<u>MINUTE NO 5369</u>) (OCM 11/9/2014) - LIST OF CREDITORS PAID - JULY 2014 (076/001) (N MAURICIO) (ATTACH)	77
15.2	(<u>MINUTE NO 5370</u>) (OCM 11/9/2014) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2014 (071/001) (N MAURICIO) (ATTACH)	79
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	87
17.	COMMUNITY SERVICES DIVISION ISSUES.....	87
17.1	(<u>MINUTE NO 5371</u>) (OCM 11/9/2014) - COCKBURN CENTRAL PARKING (159/011) (R AVARD).....	87
18.	EXECUTIVE DIVISION ISSUES	89
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	89
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	89
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS	90

21.1	<u>(MINUTE NO 5372)</u> (OCM 11/9/2014) - SUBMISSION TO THE LOCAL GOVERNMENT ADVISORY BOARD ON INTENDED RECOMMENDATIONS FOR PROPOSALS E1 AND 10 (089/004) (S CAIN) (ATTACH).....	90
22	(OCM 11/9/2014) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE	96
23.	CONFIDENTIAL BUSINESS.....	98
23.1	<u>(MINUTE NO 5373)</u> (OCM 11/9/2014) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIORSTAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 27 AUGUST 2014 (027/002) (S CAIN) (ATTACH)	98
24	<u>(MINUTE NO 5374)</u> (OCM 11/9/2014) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	100
25	(OCM 11/9/2014) - CLOSURE OF MEETING	100

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 SEPTEMBER 2014 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

IN ATTENDANCE

Mr D. Arndt	-	Acting Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Ms L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02 pm and then made the following announcements:

Good Evening Ladies and Gentlemen.

I formally declare the September 2014 ordinary meeting of Council open and in so doing welcome you all here tonight.



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

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

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

Please note that Daniel Arndt is the Acting Chief Executive Officer of the City for the next 3 weeks and is sitting alongside me in that regard.

Artzplace Exhibition

I officially opened the 13th Artzplace Art Exhibition on 15 August with 100 plus art lovers in attendance.

Our congratulations go to the Artzplace Committee for their organisation of the Exhibition and the presentation of the works of 16 local artists.

The Exhibition goes from strength to strength with this particular exhibition showcasing some of the very best work since the first exhibition was held in 2006.

Again, our congratulations to the Artzplace Committee on an outstanding exhibition.

Perth Waldorf School

On 30 August, I officially opened the Perth Waldorf School Open Day and Fair amidst a fanfare of music, song & dance. It is always pleasing to attend such activities in our school communities to see the extraordinary work being done by the Principals, teaching staff, administrative and other staff, the P&C's, School Boards, parents and volunteers.

Atwell College Art Exhibition

On 9th September Councillor Portelli and I attended the Atwell College Art Exhibition that also included art on display from the primary schools within the College's catchment area.

The exhibition attracted what seemed like a record number of parents and friends of the school community. One would say they will need to have a much larger venue next year to display the very high standard of art produced by the students under the watchful eye of their teachers.



Independent Public School Status

It was pleasing to see the high number of primary and secondary schools in the Fremantle School District obtain 'Independent' Public School status in recent weeks. The City was pleased to support our schools in their endeavour to obtain this status knowing the outstanding standards being achieved in each school. Our congratulations go to those schools.

Historical Society of Cockburn

The 50th State History Conference was held last week with historical societies from across the State attending.

The Historical Society of Cockburn was announced as the State winner of the Royal Western Australian Historical Society's Annual Merit Award for its contribution towards preserving, displaying and promoting the history of the Cockburn District.

Local Government Reform

As we know the submission period in terms of Intended Recommendation E1 - 2 is open for public comment until 4.00pm, Monday 15 September 2014.

The LGABs latest recommendation (based on the Cockburn-Kwinana Community Committee Proposal) will amalgamate Cockburn and Kwinana with the Roe Highway Road Reserve and Jandakot Airport becoming the northern boundary.

That is, North Lake, Coolbellup, Leeming and Jandakot Airport (including Jandakot City) would be ceded to Melville and North Hamilton Hill (north of the Roe Hwy Road Reserve) and North Coogee would be ceded to Fremantle.

The proposed amalgamation of Cockburn-Kwinana with the suggested northern boundaries is likely to have the least impact on the community as possible.

The new boundaries allow the City to keep as many of the important cultural, historical, and environmental assets that mattered very much to Cockburn residents including Memorial Hall and Bibra Lake.

I urge all ratepayers and residents to make a further submissions o the LGAB by 4.00pm, Monday 15 September 2014.

It is expected that a decision on local government reform in our region will be made by the Minister for Local Government and Communities towards the end of September and for other parts of the Perth Metropolitan area it could be sooner.



Again, I take the opportunity to thank our elected members, our staff, the members of the Cockburn-Kwinana Community Committee, the leaders of our community, sporting, cultural and service organisations, our business leaders and our community for their support of Cockburn.

We continue to engage with our neighbouring councils to address transitional challenges and to position ourselves to achieve the best outcomes of the reform process. The Cockburn – Kwinana Local Implementation Committee has been established and at an administrative level information is being shared to ensure a smooth and seamless transition to the new local government entity by 1 July 2015.

Thank you.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil

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

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

4 (OCM 11/9/2014) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received advice from Clr S Pratt that he had a Proximity Interest in relation to Item 14.1, which will be read at the appropriate time.

He had also received advice from Clr S Portelli that he had a Conflict of Interest in relation to Item 14.1, which would also be read at the appropriate time.



5 (OCM 11/9/2014) - APOLOGIES AND LEAVE OF ABSENCE

Ms L. Wetton - Councillor	-	Apology
Mr S. Cain – Chief Executive Officer	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5357) (OCM 11/9/2014) - ORDINARY COUNCIL MEETING - 18 AUGUST, 2014

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 18 August 2014, as a true and accurate record, subject to the following amendment at Item 10. Deputations and Petitions:

Two deputations were given as follows:

- Ms Lisa Bartlett, Resident of Cockburn Central - regarding parking issues for residents at Cockburn Central.

The Presiding Member thanked Ms Bartlett for her deputation and advised the City's administration would look at addressing those particular enquiries she had made.

- Ms Denise Ellement and Ms Kym Hawkins - regarding Item 14.5 - Additional Outbuilding, Ancillary Dwelling and Two (2) Water Tanks - Location: No. 79 (Lot 113) Pearse Road, Wattleup.

The Presiding member thanked Ms Ellement and Ms Hawkins for their deputation and advised the matter would be resolved later in the meeting.



COUNCIL DECISION

MOVED Cllr P Eva SECONDED Deputy Mayor C Reeve-Fowkes that Council adopt the Minutes of the August 2014 Ordinary Council Meeting as recommended in the Agenda, noting that the date of the meeting should read 14 August 2014 (not 18 August).

CARRIED 9/0

Reason for Decision

This amendment will correct a typographical error.

8.2 (MINUTE NO 5358) (OCM 11/9/2014) - SPECIAL COUNCIL MEETING - 4 AUGUST, 2014

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Monday 4 August 2014, as a true and accurate record.

COUNCIL DECISION

MOVED Cllr L Smith SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil



10 (OCM 11/9/2014) - DEPUTATIONS AND PETITIONS

Two deputations were given as follows:

- Mr Alexander Van Houwelingen – regarding Item 14.4 – Storage Yard (Caravans, Boats, Trailers & Motor Homes) – Location: No. 520 Russell Road, Wattleup.

The Presiding Member thanked Mr Van Houwelingen for his deputation and advised the matter would be resolved later in the meeting.

- Mr Daryll Smith – regarding item 21.1 – Submission to the Local Government Advisory Board on Intended Recommendations for Proposals E1 and 10.

The Presiding member thanked Mr Smith and the Cockburn-Kwinana Community Steering Committee and commended them on their extraordinary efforts and voluntary time put in to trying to get the best possible outcome for the City of Cockburn and its residents and ratepayers.

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

Nil

12 (OCM 11/9/2014) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7:41PM, THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:

14.2	14.6	15.1	17.1		
14.3	14.7				
14.5	14.8				



13. COUNCIL MATTERS

13.1 (MINUTE NO 5359) (OCM 11/9/2014) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 28 AUGUST 2014

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 28 August 2014, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr Y Mubarakai that Council adopt the recommendation subject to:

- (1) amending proposed Delegated Authority ACS5 'Completion of Firebreaks' as shown in the attachments to the Minutes; and
- (2) update the Delegated Authority Register accordingly.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Reason for Decision

The Policy was reviewed by the DAPPS Committee on 28 August 2014 and recommended for adoption. The associated Delegated Authority was mistakenly omitted and is therefore presented to reflect the amendments made to the policy.

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 28 August 2014. The Minutes of the meeting are required to be presented.

Submission

N/A



Report

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

The primary focus of this meeting was to review Policies and Position Statements and associated Delegated Authorities relevant to Community Services, including those DAPPS which were required to be reviewed on an as needs basis.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Attachment(s)

Minutes of the Delegated Authorities, Policies & Position Statements Committee Meeting – 28 August 2014.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

AT THIS POINT, CLR S PRATT AND CLR S PORTELLI LEFT THE MEETING, THE TIME BEING 7.44 PM.

DECLARATION OF INTEREST – CLR S PRATT

Proximity Interest in Item 14.1 “Coolbellup Revitalisation Strategy” pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of the interest as a landowner within a Structure Plan Area specified in the Strategy.

DECLARATION OF INTEREST – CLR S PORTELLI

The Presiding Member read a declaration of Conflict of in Item 14.1 “Coolbellup Revitalisation Strategy” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that he has a client proposing to subdivide a block on Malvolio Road, Coolbellup. Currently, with Planning Commission getting a 5% relaxation on required land size, the proposed Scheme Amendment of R30 accomplishes this.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 5360) (OCM 11/9/2014) - COOLBELLUP REVITALISATION STRATEGY SCHEME AMENDMENT INITIATION - LOCATION: COOLBELLUP - OWNER: VARIOUS - APPLICANTS: CITY OF COCKBURN (109/041) (R PLEASANT) (ATTACH)

RECOMMENDATION

That Council in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of Cockburn Town Planning Scheme No. 3 by:

1. Rezoning various properties within parts of Coolbellup to ‘Residential R30’, ‘Residential R40’, ‘Residential R60’, and ‘Residential R80’ in accordance with the adopted Coolbellup Revitalisation Strategy as shown in the attachment – Residential Density and Zoning Plan.
2. Amending the Scheme Map accordingly.



COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 7/0

Background

At its 14 August 2014 Ordinary Meeting, Council resolved to adopt the Coolbellup Revitalisation Strategy. The purpose of this Report is to recommend Council initiate an amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme") to implement the various zoning change recommendations for Coolbellup outlined in the Coolbellup Revitalisation Strategy. Attachment 1 – Residential Density and Zoning Plan showing the various zoning modifications.

Submission

N/A

Report

The associated zoning changes for residential properties are consistent with the now adopted Coolbellup Revitalisation Strategy. The rationale underpinning the zoning changes reflects the prevailing Directions 2031 Strategic Plan, whereby opportunities for urban consolidation in appropriate areas is emphasised. The Coolbellup Revitalisation Strategy has produced an outcome which is considered to reflect Directions 2031 in all aspects, as well as reflect the in-depth community consultation and visioning which has underpinned the Strategy.

The purpose of this report is to recommend Council initiate an amendment to the Scheme to implement the various zoning change recommendations for Coolbellup outlined in the Coolbellup Revitalisation Strategy. Attachment 1 – Residential Density and Zoning Plan shows these various zoning modifications.

The proposed residential density changes are based on the Coolbellup Revitalisation Strategy and the following principles:

R30 base code - An R30 code is proposed so as to meet the two core aims of the Strategy – protect the existing character of Coolbellup and provide opportunities for increased housing. A base code of R30 is considered an appropriate base coding for the majority of the suburb in



order to retain the character of the area, while providing for infill development potential for most lots. R30 will also allow most people to at least subdivide their properties.

R40 code - Land adjacent to Public Open Space ("POS"), in proximity to Counsel and Waverley Roads and transition areas between high and low density zones is proposed to be rezoned to a density of R40. This is as a result of recognising it is appropriate R40 codes (and upwards) be located fronting a good provision of services such as POS, public transport and in close proximity to the Coolbellup Town Centre.

R60 code - Land fronting and in proximity to Coolbellup Avenue is proposed to be rezoned to a density of R60. The intent of this zone is to create a stronger, more enclosed streetscape along Coolbellup Avenue and to act as a transition between the proposed R80 zone surrounding parts of the Coolbellup town centre and the lower scale R30 and R40 zones.

The walkable catchment of the Coolbellup shops is appropriate for the provision of increased densities given proximity to services. Further, the main street and town centre core provides direct access to high frequency buses.

R80 code - Certain lots fronting the Coolbellup town centre and Len Packham Reserve are proposed to be rezoned to a density of R80. The R80 zone proposed over these lots is informed by the following considerations:

- Immediate proximity to the Coolbellup town centre;
- An R80 coding is consistent with densities proposed on the town centre and tavern site;
- Several of these lots are larger than the average residential lot and have the ability to deliver good design outcomes.

Overarching the approaches discussed above, a key outcome is to consider the streetscape and therefore a guiding principle is to ensure consistency and the amenity of streets. As a result decisions that relate to the boundary of a new zone/density are commonly made when:

- A street terminates;
- A change in direction of a road/street alignment.

As a result careful decisions have been made regarding where a change in coding should take place, and these decisions were made regarding the abovementioned principles.



Conclusion

In summary it is recommended that that Council initiate an amendment to the Scheme to implement the various zoning recommendations for Coolbellup outlined in the Coolbellup Revitalisation Strategy.

Growing City

- Diversity of housing to respond to changing needs and expectations.

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

N/A

Legal Implications

Recent advice received from Department of Local Government and Communities regarding Local Government Reform and preparing Scheme amendments suggests the City proceed as normal. Therefore it is understood there are no issues with initiating the subject Scheme amendment so long as the required EPA referral and the advertising period is carried out.

Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

Attachment(s)

Coolbellup Revitalisation Strategy Residential Density and Zoning Plan

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

AT THIS POINT, CLR S PRATT AND CLR S PORTELLI RETURNED TO THE MEETING, THE TIME BEING 7.46 PM.

THE PRESIDING MEMBER ADVISED THEM OF THE DECISION OF COUNCIL THAT WAS MADE IN THEIR ABSENCE.

14.2 (MINUTE NO 5361) (OCM 11/9/2014) - LIMESTONE WALL AND RUINS, MUNSTER - PROPOSED ENTRY ON THE LOCAL GOVERNMENT INVENTORY AND HERITAGE LIST (095/001) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) include 'Limestone Wall and Ruins, Munster' (Lot 103 West Churchill Avenue) on the Local Government Inventory as a 'Management Category B' place, as shown in attachment 1;
- (2) enter 'Limestone Wall and Ruins, Munster' (Lot 103 West Churchill Avenue) on the Heritage List pursuant to clause 7.1.3 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"); and
- (3) give notice of the entry on the Heritage List to the landowner and occupier of Lot 103 West Churchill Avenue, and the Western Australian Planning Commission and Heritage Council of Western Australia in accordance with clause 7.1.4 of the Scheme.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0



Background

In March 2014 the City was advised by a consultant acting on behalf of the landowner of Lot 103 West Churchill Avenue, Munster that there was a stone wall located on that land which had possible heritage significance. The landowner of the stone wall subsequently requested that the stone wall be included on the City's Heritage List so that it is afforded protection.

The City engaged Eddie Marcus of History Now to undertake a heritage assessment of the place and make a recommendation regarding its heritage significance, and whether it should be included on the City of Cockburn Local Government Inventory ("LGI") and/or Heritage List. The heritage consultant recommended that it be included on the Heritage List and LGI as a 'Management Category B' Place.

At the Ordinary Meeting of Council 10 July 2014 Council resolved to advertise the proposed entry of the Limestone Wall and Ruins on the Heritage List pursuant to clause 7.1.3 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), and the LGI.

The proposed heritage listing and inclusion on the LGI was advertised for a period of 21 days. The purpose of this report is for Council to consider the submissions received and decide whether to enter 'Limestone Wall and Ruins' on the Heritage List, and include it on the LGI.

Submission

N/A

Report

There is a substantial limestone wall and stone ruins located on Lot 103 West Churchill Avenue, Munster. The limestone wall comprises a section of dry stone wall located on the southern boundary of Lot 103 West Churchill Avenue, Munster, directly adjacent to the end of Velaluka Drive. It runs east west along part of the length of the southern boundary of the lot, and is up to 2m in height. The northern side of the wall is concealed by a row of shrubs.

The ruins are located approximately 12m to the north of the wall. They are approximately 0.5m high and form a rectangle. They are set amongst a small olive grove. One remnant storage shed is easy to read on site, although there appear to be the remains of various other walls and structures in the immediate area. A couple of remnant buildings, including a cement-fibre shed, appear to have been



associated with the market gardening business previously carried out on the site.

Both the stone wall and the stone ruins are constructed as double skin walls, with smaller rubble infill. This technique does not appear to be common in Western Australia, and may have been introduced from Croatia.

The City engaged Eddie Marcus from History Now to undertake a heritage assessment of the stone wall and ruins, and to make a recommendation regarding whether they have heritage significance and are worthy of inclusion on the LGI and/or Heritage List.

The LGI is a comprehensive register of places in the City of Cockburn that are considered to have heritage significance. Each place is assigned a 'Management Category', which indicates its level of significance.

In considering whether a place should be included on the LGI the assessment criteria set out in the 'Criteria for the Assessment of Local Heritage Places and Areas' published by the Heritage Council of Western Australia is used. The following assessment criteria are used in this process:

- * Aesthetic value;
- * Historic value;
- * Research value;
- * Social value;
- * Rarity;
- * Representativeness;
- * Condition, Integrity and Authenticity.

Each place on the LGI is also allocated an assigned management category, which provides an indication of the level of significance of the place, as follows:

- A – Exceptional significance
- B – Considerable significance
- C – Significant
- D – Some Significance

The heritage consultant has assessed the stone wall and ruins using these criteria, and considers that the place has heritage significance as follows:

- * Limestone Wall and Ruins, Munster, is significant for its association with the market garden industry, which was the



predominant source of employment in the area for most of the 20th century.

- * Limestone Wall and Ruins, Munster, has high archaeological potential to reveal aspects of the market gardening industry from the mid-20th century.
- * Limestone Wall and Ruins, Munster, has scientific value as representing a method of dry stone walling uncommon in Western Australia.
- * Limestone Wall and Ruins, Munster, is associated with Jakov and Jakubina Vidovich, Croatian (Slavic) market gardeners who arrived in Western Australia in 1939, and who settled in Munster in 1946.
- * Limestone Wall and Ruins, Munster, if appropriately interpreted, has the potential to be an educational/ recreational resource for the community, demonstrating the market gardening industry in the City of Cockburn.

The heritage consultant has recommended that the place be included on the LGI as a 'Management Category B' place, having considerable significance, being very important to the heritage of the locality, with conservation of the place being highly desirable; and any alterations of extensions being sympathetic to the heritage values of the place.

The heritage consultant has also recommended that this place be included on the Heritage List pursuant to the Scheme, where it will be afforded a greater level of statutory protection than it would be if not included. Inclusion on the Heritage List means that planning approval would be required prior to any works being undertaken to wall.

In accordance with clause 7.1.1 of the Scheme, Council is required to establish and maintain a Heritage List to identify those places which are of cultural heritage significance and worthy of conservation pursuant to the Scheme.

Pursuant to clause 7.1.2 of the Scheme Council is to include on the Heritage List such places on the LGI that it considers to be appropriate. Currently all Management Category A and B places on the LGI are also included on the Heritage List because these are the places with the most heritage significance. Therefore inclusion of this place on the Heritage List is consistent with the City's approach to heritage listing.

A Draft Place record has been prepared by the Heritage Consultant, and is included at Attachment 1.



Clause 7.1.3 of the Scheme sets out the process for including a place on the Heritage List, requiring the owner and occupier of the place to be notified in writing, with reasons for the proposed entry. The proposal is required to be advertised for a period of 21 days, with other consultation undertaken as deemed appropriate. Subsequently submissions are to be considered by Council in resolving whether to include the place on the Heritage List.

Community Consultation

The proposed heritage listing and inclusion on the LGI was advertised for public comment for a period of 21 days, which included a letter to the landowner explaining the reasons for the proposed inclusion. Letters were also sent to surrounding landowners inviting comment, and a notice was included in the newspaper, on the City's website, and at the City's administration building.

There were five submissions received, with four submissions supporting the proposed listing, with one of these being the landowner (See Attachment 2). No objections to the proposed heritage listing were received.

The other submission raised issues relating to the proposed Structure Plan to the south of the wall at Lot 107 Hobsons Avenue, Munster. This submission raises concerns regarding the extension of Velaluka Drive which would require partial removal of the wall. In recognition of the identified heritage values of the limestone wall this proposed Structure Plan has now been modified to remove the extension of Velaluka Drive, which is now proposed to end in a permanent cul-de-sac.

Conclusion

Based on the assessment undertaken by the heritage consultant and the advice provided, it is recommended that Council include the Limestone Wall and Ruins, Munster on the Heritage List and Local Government Inventory, as shown in Attachment 1.

Strategic Plan/Policy Implications

Community & Lifestyle

- Communities that take pride and aspire to a greater sense of community.
- Conservation of our heritage and areas of cultural significance.



Budget/Financial Implications

The heritage assessment and advertising was undertaken using Strategic Planning general funds.

Legal Implications

N/A

Community Consultation

Community consultation was undertaken in accordance with clause 7.1.3 of the Scheme. The proposal was advertised for a period of 21 days to the landowner, and surrounding landowners, and an article was included in the local newspaper inviting comments.

Attachment(s)

1. Draft Local Government Inventory Place Record
2. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The landowner and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 September 2014 Council Meeting.

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

Nil.



14.3 (MINUTE NO 5362) (OCM 11/9/2014) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 107 HOBSONS AVENUE, MUNSTER - OWNER: WAYNE RADONICH - APPLICANT: HARLEY DYKSTRA PLANNING AND SURVEY SOLUTIONS - (110/098) (M CAIN) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of the Structure Plan;
- (2) adopt the Structure Plan pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme") subject to the following modifications being undertaken first:
 1. A temporary cul-de-sac being shown on the Structure Plan and referenced appropriately in Part 1 of the Structure Plan text at the northern end of Templetonia Rise. This is to allow adequate space for waste vehicle access.
- (3) refer the Structure Plan to the Western Australian Planning Commission with a request for endorsement; and
- (4) advise the proponent of the Council's decision.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

This Structure Plan provides the framework for the zoning and subsequent land use and development controls of Lot 107 Hobsons Avenue, Munster. It seeks to provide for residential development on Lot 107, and the associated structural elements of roads, public open space including drainage management.



The Structure Plan also provides a further piece of the 'Munster – Phase 2' structure plan area to be created. Most of the precinct surrounding the land to the east and west is developed, enabling this portion of land to continue the development phase.

The purpose of this report is to consider the Structure Plan for adoption, in light of the advertising that has taken place. Key to this is how the Structure Plan has responded to the presence of the stone wall located on the northern adjoining land, which is in the process of being formally included on the City's Local Government Inventory and Heritage List.

Submission

N/A

Report

Planning Background

The subject land is located within the suburb of Munster and comprises a site area of 1.178 ha. The structure plan proposes residential development, initially advertised with a straight density of Residential R30.

The subject land is located between Coogee Road to the west, Stock Road to the east, West Churchill Avenue to the north and Frobisher Avenue to the south. The lot is vacant, with residential development either progressing or complete on all surrounding land areas (apart from the north). The site is raised above the surrounding residential levels, is mostly flat and has minor vegetation. Along the adjoining boundary of the northern lot (Lot 103 West Churchill Avenue), runs a hand built limestone wall. No portion of the wall is located on Lot 107 Hobsons Ave; however, its close proximity to the boundary has required it be carefully considered during the planning phase. The wall is currently awaiting Council's determination for its suitability to be placed on the City of Cockburn Local Government Inventory and Heritage List.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and Development Area under the City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is located within Development Area 5 and is subject to both Development Contribution Areas 6 (DCA6) and 13 (DCA13) pursuant to Clause 6.2.6.3 of the Scheme.

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision



and development of land. In accordance with the above, the proposed Structure Plan was submitted by Harley Dykstra Planning & Survey Solutions.

Proposed Structure Plan

The original Structure Plan proposed a traditional Residential R30 density, with east west orientated lots. This had a number of sub-optimal elements, including providing a poor side boundary orientation to the southern public open space, the lack of addressing the future stone wall heritage place and the potential lost opportunity for a greater mix of lot and housing types.

The new Structure Plan is considered an improvement, now comprising a mix of Residential R30 and R40 lots, with an expected lot yield of 22 lots and a mix of lot sizes ranging between 180m² and 400m². These modifications have produced the following outcomes:

- The inclusion of a permanent cul-de-sac at the end of Velaluka Drive and a temporary cul-de-sac at the northern end of Templetonia Rise to allow waste service vehicles sufficient access to lots and manoeuvring space at the end of each road.
- The 1128m² POS allocation for the site been divided into two portions; one portion of open space (480m²) at the northern end and one portion of open space (647m²) at the southern end of the lot. This has allowed for the integration of the 'stone wall' on the adjoining property to be more seamless. A public access way will follow east-west through the POS so to provide a buffer between the 'wall' and future residential lots.
- The redesign of the southern portion of the lot has allowed for a better design outcome to be achieved, through the integration of higher density development adjoining the southern portion of open space. R40 two-storey residential lots have been proposed, which will be designed so to be fronting the POS, encouraging a greater level of visual surveillance.

The proposed Structure Plan indicates a residential density of R30 and R40, which is in keeping with existing subdivisions and proposed development in and around the Munster area. It is noted that the current map does not include the temporary cul-de-sac at the northern end of Templetonia Rise. This should be included as a condition before final approval can be given.

Community Consultation

The Proposed Structure Plan was referred to the Western Australian Planning Commission ("WAPC") for comment in accordance with



Clause 6.2.7.2 of the Scheme as it proposes the subdivision of land. The WAPC provided comments requiring changes to the Structure Plan as it was and noted it would not approve the proposed Structure Plan at this time.

The proposed Structure Plan was advertised for a period of 21 days from 10 June 2014 to 1 July 2014 in accordance with Section 6.2.8.2 (c) of the Scheme. During this time, 7 submissions were received being from landowners and servicing/government authorities. Four of the seven respondents had no objections.

Western Power's support for the proposed structure plan is noted. The recommendations expressed within their submission with relation to future subdivision and the upgrading or implementation of new distribution lines for the subject site is also noted. If future development is approved, the City will ensure the appropriate dialogue is undertaken with Western Power prior to the commencement of works.

The response from the State Heritage Office is noted; however, the submission neither supported nor rejected the LSP. Further contact with the State Heritage Office is anticipated due to the close proximity of the 'Wall' to Lot 107 Hobsons Ave. The wall is currently being assessed for inclusion on the Heritage List/Local Government Inventory.

One local resident responded during the advertising period. The landowner is located directly to the north of the subject site at Lot 103 West Churchill Avenue, as the 'Wall' is located on their property. The submission requested that the City require the northern ends of both Velaluka Road and Templetonia Rise be developed into cul-de-sacs. Further to this, it was also requested that the allocation of POS for the site be reallocated to the northern end of the lot to allow better integration of the 'Wall' into the new development. The issues raised in this submission have been addressed by the final Structure Plan design.

Conclusion

The proposed Structure Plan will facilitate the development of the vacant lot on Hobsons Ave, Munster. Although the site has provided challenges with regards to its integration into the existing urban environment and the inclusion of the limestone heritage wall, solutions have been designed so to achieve the best possible outcome. It is recommended that Council adopt the proposed Structure Plan.



Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

Lot 107 Hobsons Avenue, Munster is subject to Development Contribution Areas No 6 and No 13. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

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

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme the proposed Structure Plan was undertaken from 10 June 2014 to 1 July 2014. This included a notice in the Cockburn Gazette, advertising on social media sites and letters to nearby and affected landowners.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

Attachment(s)

1. Aerial Locality Plan
2. Proposed Local Structure Plan
3. Schedule of Submissions



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 September 2014 Council Meeting.

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

Nil.

14.4 (MINUTE NO 5363) (OCM 11/9/2014) - STORAGE YARD (CARAVANS, BOATS, TRAILERS & MOTOR HOMES) - LOCATION: NO. 520 (LOT 35) RUSSELL ROAD, WATTLEUP - OWNER: ALEXANDER & KYLIE VAN HOUWELINGEN - APPLICANT: ALEXANDER VAN HOUWELINGEN (4411423) (T CAPPELLUCCI) (ATTACH)

RECOMMENDATION

That Council

- (1) grant planning approval for a storage yard (caravans, boats, trailers and motor homes) at No. 520 (Lot 35) Russell Road, Wattleup, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

1. Caravan, boat, trailer and motor home drop offs and collections shall be arranged by appointment only and shall be restricted to between 9:00am and 2:30pm on any day and there shall be a minimum of 30 minutes between each appointment.
2. The storage area is restricted to the storage of caravan, boat, trailer and motor homes and shall not to be parked on the property anywhere outside the storage yard area.
3. This approval is for the storage of caravans, boats, trailers and motor homes only and does not permit any person to be accommodated in any of the items stored on-site at any time.
4. All stormwater being contained and disposed of on-site to the satisfaction of the City.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.



6. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The approved development has approval to be used for 'Storage Yard' purposes only. In the event it is proposed to change the use of the subject site, a further application needs to be made to the City for determination.
7. Besides those residing in the dwelling, no other employees are permitted in association with the 'Storage Yard' use.
8. Crossovers are to be located and constructed to the City's specifications. Copies of specifications are available from the City's Engineering Services.
9. The minimum standard of fencing shall be black PVC coated chain/link mesh with black support posts and a height of 1.8m.
10. A detailed Dust Management Plan must be submitted to the City's Health Service and approval obtained, prior to any work commencing on-site.
11. All trafficable and lay down areas to be sealed, graded and suitably drained to the satisfaction of the City's Engineering Services.
12. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
13. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
14. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
15. A Traffic Management Plan (TMP) shall be submitted to an approved by the City prior to the commencement of the use of the site. All aspects of the TMP shall be implemented at all times.



16. Landscaping is to be established and reticulated in accordance with the approved and required landscape plan prior to commencement of the use of the site. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
17. Prior to commencement of the use of the site, a revised detailed landscaping plan is to be submitted and approved to the satisfaction of the City and shall include the following:-
 - a) The location, number and type of proposed trees;
 - b) Any lawns to be established;
 - c) Those areas to be reticulated or irrigated;
 - d) Any verge treatments; and
 - e) A landscaping strip with a minimum width of 1.5m shall be provided along the eastern and western boundaries where the proposed storage yard abuts adjoining properties, as marked in red on the site plan.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regards to Condition 4, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event.
3. The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environment Protection (Noise) Regulations 1997.
4. In relation to Condition 6, it is noted that the primary use of the development hereby approved is 'Storage Yard'. Storage is defined in the City of Cockburn Town Planning Scheme No. 3 as "premises used for the storage of goods, equipment, plant or materials". In the event that



the owner/tenant of the premises intends to utilise the development hereby approved for purposes which do not constitute the above definition, an application for a change of use must be submitted to, and approved by the City.

5. In relation to Condition 10, an application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website.
 6. In relation to Condition 11, please refer to the City's document "Specifications for pavement and drainage of trafficable areas/parking areas in Industrial areas".
 7. The applicant is to acknowledge the 3m land requirement for Russell Road. Should the applicant require the exact dimensions of road widening affecting the subject site, they would need to apply for a Clause 42 Certificate. The form can be downloaded from <http://www.planning.wa.gov.au/5551.asp>.
 8. Any signage which is not exempt under Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 must be the subject of a separate development approval.
- (2) notify the applicant and the submitters of Council's decision.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr K Allen that Council:

- (1) refuse to grant planning approval for a storage yard (caravans, boats, trailers and motor homes) at No. 520 (Lot 35) Russell Road, Wattleup, for the following reasons:
 1. The use of the subject site for the purposes of a storage yard fails to meet the objectives of the Rural Zone as defined in Clause 4.2.1 (J) of Town Planning Scheme No.3, in that it is considered the proposed use will detract from the rural character and amenity of the locality.
 2. The use of the subject site for the purposes of a storage yard is likely to create a negative impact on the amenity of



the area and is therefore inconsistent with Clause 10.2.1 (n) of Town Planning Scheme No.3.

(2) advise the applicant and those who made a submission of Council's decision.

MOTION LOST 2/7

MOVED Clr S Pratt SECONDED Clr Y Mubarakai that Council:

(1) grant planning approval for a storage yard (caravans, boats, trailers and motor homes) at No. 520 (Lot 35) Russell Road, Wattleup, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

1. Caravan, boat, trailer and motor home drop offs and collections shall be arranged by appointment only and shall be restricted to between 9:00am and 2:30pm on any day and there shall be a minimum of 30 minutes between each appointment.
2. The storage area is restricted to the storage of caravan, boat, trailer and motor homes and shall not to be parked on the property anywhere outside the storage yard area.
3. This approval is for the storage of caravans, boats, trailers and motor homes only and does not permit any person to be accommodated in any of the items stored on-site at any time.
4. All stormwater being contained and disposed of on-site to the satisfaction of the City.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
6. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The approved development has approval to be used for 'Storage Yard' purposes only. In the event it is proposed to change the use of the subject site, a further application needs to be made to the City for determination.



7. Besides those residing in the dwelling, no other employees are permitted in association with the 'Storage Yard' use.
8. Crossovers are to be located and constructed to the City's specifications. Copies of specifications are available from the City's Engineering Services.
9. The minimum standard of fencing shall be black PVC coated chain/link mesh with black support posts and a height of 1.8m.
10. A detailed Dust Management Plan must be submitted to the City's Health Service and approval obtained, prior to any work commencing on-site.
11. All trafficable and lay down areas to be sealed, graded and suitably drained to the satisfaction of the City's Engineering Services.
12. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
13. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
14. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
15. A Traffic Management Plan (TMP) shall be submitted to an approved by the City prior to the commencement of the use of the site. All aspects of the TMP shall be implemented at all times.
16. Landscaping is to be established and reticulated in accordance with the approved and required landscape plan prior to commencement of the use of the site. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
17. Prior to commencement of the use of the site, a revised detailed landscaping plan is to be submitted and



approved to the satisfaction of the City and shall include the following:-

- f) The location, number and type of proposed trees;
- g) Any lawns to be established;
- h) Those areas to be reticulated or irrigated;
- i) Any verge treatments; and
- j) A landscaping strip with a minimum width of 1.5m shall be provided along the eastern and western boundaries where the proposed storage yard abuts adjoining properties, as marked in red on the site plan.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regards to Condition 4, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event.
3. The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environment Protection (Noise) Regulations 1997.
4. In relation to Condition 6, it is noted that the primary use of the development hereby approved is 'Storage Yard'. Storage is defined in the City of Cockburn Town Planning Scheme No. 3 as "premises used for the storage of goods, equipment, plant or materials". In the event that the owner/tenant of the premises intends to utilise the development hereby approved for purposes which do not constitute the above definition, an application for a change of use must be submitted to, and approved by the City.
5. In relation to Condition 10, an application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website.



6. In relation to Condition 11, please refer to the City's document "Specifications for pavement and drainage of trafficable areas/parking areas in Industrial areas".
 7. The applicant is to acknowledge the 3m land requirement for Russell Road. Should the applicant require the exact dimensions of road widening affecting the subject site, they would need to apply for a Clause 42 Certificate. The form can be downloaded from <http://www.planning.wa.gov.au/5551.asp>.
 8. Any signage which is not exempt under Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 must be the subject of a separate development approval.
- (2) notify the applicant and the submitters of Council's decision.

CARRIED 8/1

Background

The subject site is located at No. 520 Russell Road, Wattleup. The subject land is surrounded by rural land uses and residential dwellings either side of Russell Road. The subject and surrounding sites are zoned 'Rural' under the City's Town Planning Scheme No. 3 (TPS 3). The site contains an existing dwelling fronting Russell Road, outbuildings and is cleared of vegetation to the rear of the site as per attachment 2. The site was used for market gardening purposes until 2012/2013.

The proposed use of a portion of the site for 'Storage Yard' purposes is an 'A' use within TPS3 for rural zoned land and as such advertising to adjoining land owners took place. During the advertising period a valid objection was received and after the advertising period, further objections were received on the proposed development. Therefore, given the objections received which cannot be resolved via a condition or through negotiations with the applicant, the application is referred to Council for determination.

Submission

The proposal is for the construction of a storage yard area on site for the purposes of storing items, such as caravans, boats, trailers and motorhomes.



The proposed location of the storage yard area is behind the existing dwelling and outbuildings located on-site in an area clear of any vegetation. It will be accessed via an existing crossover off Russell Road which will be connected to the storage yard area via a sealed driveway. Recycled asphalt has already been purchased by the applicant and is already on-site awaiting approval of this application to be utilised for the driveway. Turning and manoeuvring space will be provided within the storage area.

The storage yard area will be enclosed by 1.8m high chainmesh fencing around the perimeter and provide 37 vehicle parking bays for the storage of items. The applicant's preference is for longer term storage items which will result in minimal vehicle and equipment movement in and out of the property. The owners of the site will be the only staff on-site and have anticipated as part of their proposal that the maximum number of movements a day will be two (2).

The applicants have proposed landscaping to screen the north facing security fence to the eastern side of the access gates to ensure the fence is not visible from Russell Road. The fencing facing north and to the west of the access gate will be hidden from view by the existing shed on-site. In addition, landscaping has been proposed to the east and west side neighbouring lot boundaries.

Report

Zoning and Use

The site is located within the Rural zone in TPS 3, the objective of which is to provide a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.

Under the Rural zone, Storage Yard is listed as an 'A' use in TPS 3 Zoning Table. Storage Yard is defined as:

"Premises used for the storage of goods, equipment, plant or materials".

The land surrounding the site is zoned 'Rural'. The predominant uses surrounding the subject site are large rural lots which contain residential dwellings and operate rural uses on-site such as market gardening. The subject site to the east is a market garden and to the west that site is currently a vacant area not used for any particular purpose.



The subject use proposed is not deemed to be a 'Transport Depot' which is an 'X' use in the rural zone. The applicant has clearly indicated that trucks and semi-trailers will not be entering or exiting the property for the purposes of transferring goods or persons between vehicles, let alone stored on-site.

Community Consultation

In accordance with TPS3, Clause 9.4, the application was advertised directly to nearby landowners for comment given the proposed use is an 'A' use in a rural zone. During the consultation period, two (2) submissions were received, with one objection and one in support of the proposed development. In addition, after the advertising period had closed, the City received three (3) further objections to the proposal. In summary, the objections raised the following comments which have been addressed in the above sections of this report as well as in the attachment 4:

Objections

1. Additional traffic created not ideal for the area and entry and exit to very busy Russell Road not ideal.
2. Storage Yard not consistent with rural character/lifestyle of the area. Clearing of more bush is a major problem with the delicate surrounds in the area.
3. This area is zoned rural and not industrial or commercial.
4. Owner has commenced development without the appropriate permissions. Property has been cleared, levelled and a hot mix surface has been laid.
5. Latitude 32 is in the near vicinity which is the location for such development, and this proposed development is not consistent with the rural zoning.
6. The noise of trucks coming and going from the property at all hours of the day and night is not ideal along with associated noise related to the operation of heavy machinery business at the premises.
7. Concerns about the entry and exit of trucks and semi-trailers to Russell Road given the heavy traffic already using Russell Road, the speed at which this traffic travels and the history of vehicle accidents in close proximity to the property.

Referrals

Department of Planning

The subject site abuts Russell Road which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS) and a Category 2 Road (access subject to approval) per plan Number SP694/3. The site is affected by the ORR reservation for Russell Road



per WAPC Land Requirement Plan number 1.2914/1, and as such comment from the Department of Planning (DoP) was required.

DoP made the comment that the proposed plans do not acknowledge that approximately 3m of land along the entire Russell Road frontage is required to be ceded for road reservation. While this is noted and acknowledged, it does not affect the proposed use on-site and as such, an advice note should be imposed to advise the applicant of this requirement. DoP provided no objection to the proposal on regional transport planning grounds.

Traffic

In regards to traffic movements, the proposal is targeting long term storage items (boats, caravans, trailers and motor homes only) minimising the traffic frequency in and out of the site. The applicant has confirmed that anybody storing items will need to deposit and retrieve those items during weekdays and between the hours of 9.00 am and 2.30 pm to minimise any potential traffic concerns. The additional expected infrequent traffic movement is likely to be 1 or 2 maximum movements a day associated with the storage yard proposal.

The City's traffic engineer has reviewed the proposal and is supportive provided that prior to commencement of the use, a traffic management plan is approved by the City which can be imposed as a condition should the proposal be approved.

Amenity Impacts

The proposed use for storage purposes is not seen as causing any undue amenity impacts on adjoining neighbours in regards to noise due to the proposed maximum number of traffic movements only expected to be 2 car movements per day. In addition, the large setback provided between the proposed storage area to the rear and front boundaries and nature of items to be stored on-site should prevent any adverse amenity impact for nearby properties.

However, to ensure the development causes no negative impacts on the adjoining eastern and western side neighbours, a condition has been recommended requesting a revised landscaping plan to provide a 1.5m wide landscaping strip where the proposed storage area abuts the adjoining side boundaries. This is recommended in order to eliminate any visual impact on the adjoining properties.

In addition, the adjoining property to the east operates as a flower growing business with tractors and machinery used as part of their operation. Therefore, the proposed use of the subject site for storage



purposes is seen to generate similar, if not lesser, noise level than that of the adjoining site.

While the objections from the adjoining landowners are noted in attachment 4 'Schedule of Submissions', the key issues for consideration from their comments are on amenity impacts relating to traffic issues raised and the use not considered to be consistent with the intent for a rural zoned area. In regards to traffic issues raised, the applicant has confirmed that trucks and semi-trailers will not be entering or exiting the site and will not be stored on-site. The applicant has confirmed that the use of the storage area proposed is for long term storage for items such as recreational type vehicles (such as camper trailers, boat and boat trailers, mobile homes) and as such the site will not have trucks coming and going at all hours of the night or have heavy machinery operating at the premises.

The applicant has confirmed in their submission that the maximum number of vehicle movements on-site will be two vehicles a day which is considered minimal and acceptable to the City's Traffic Engineer. In addition, given the DoP was referred the application for comment and has no objection to the proposed development on regional transport grounds, and the site is utilising an existing crossover, the traffic issues raised by the objections are not considered to be detrimental given the small scale nature of the proposed operation on-site.

In regards to the objections received on the proposed use not being consistent with the intent of the rural zoning, it is noted that the proposed use of 'Storage Yard', is classified as an industrial use under the City's Town Planning Scheme No.3 zoning table. While this is the case, the proposed use on-site for storage purposes is considered of a relatively low scale and is not a 'Transport Depot' use which is an 'X' use under the rural zone.

Conclusion

The proposed use of a storage yard is ancillary to the existing single house on-site and is of a relatively low scale in regards to the types of items that are intended to be stored on-site and the number of vehicle movements predicted. The proposed area will be well screened from adjoining properties, through the provision of a landscaping buffer to the adjoining eastern and western boundaries.

Given the storage yard does not result in the subject site needing to be cleared of vegetation as well as the types of items to be stored on-site being for long term storage items, the proposed use is not considered to negatively impact on the rural character and amenity of the area and is therefore supported subject to the conditions and advice notes contained in the recommendation.



Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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

Attachment(s)

1. Site plan
2. Aerial plan
3. Stormwater Layout
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those that submitted objections to the proposed development have been advised that this matter is to be considered at the 11 September 2014 Council Meeting.

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

Nil.



14.5 (MINUTE NO 5364) (OCM 11/9/2014) - DETAILED AREA PLAN FOR LOTS 115 TO 120 O'CONNOR CLOSE, NORTH COOGEE - OWNERS: MULTIPLE (052/014) (A LEFORT) (ATTACH)

RECOMMENDATION

That Council

- (1) approve the subject Detailed Area Plan for Lots 115-120 O'Connor Close North Coogee in accordance with Clause 6.2.15 of Town Planning Scheme No. 3;
- (2) delete the existing Detailed Area Plan for Lots 119-120 O'Connor Close North Coogee; and
- (3) advise those who own land within the area covered by the Detailed Area Plan and those who made submissions of Council's decision.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

Lots 115 - 120 O'Connor Close are located on the western side of O'Connor Close in North Coogee in the area known as 'South Beach Village' estate within the South Beach Village Structure Plan area. The lots are bounded by a freight railway to the west and are opposite existing residential development to the east. The subject lots are relatively level, are similar in size and range between 2202m² and 2252m² in area. Lots 115 and 116 contain existing industrial buildings; Lots 117 and 118 are vacant; and Lots 119 and 120 contain buildings under construction.

The lots were all previously used for industrial purposes and were outside the area developed by Stockland and Landcorp and are currently not subject to any approved Detailed Area Plan (DAP), except for Lots 119-120 which are subject to their own DAP. The lack of approved DAP for these large lots which are likely to be developed with a combination of grouped and multiple dwellings means that the only



planning tool able to be used to guide development is the Residential Design Codes (R-Codes). Relying on the R-codes to guide the development of these lots is considered inadequate to deliver the best planning outcomes for the site particularly with regards to building height and setbacks.

Submission

N/A

Report

The City engaged Planning Consultants MW Urban to undertake a background study and prepare a Detailed Area Plan for the subject land. It has become evident that more detailed planning provisions were required to ensure that the subject lots were developed at an appropriate scale in order to deliver the outcomes outlined in the structure plan for the area.

The proposed DAP looks to vary the following deemed to comply with provisions of the R-Codes and other additional requirements:

- Building Height
- Primary Street Setback
- Lot Boundary Setbacks
- Open Space
- Street Surveillance
- Building Appearance
- Vehicular Access
- Site Works (Finished Floor Levels)
- Visual Privacy
- Utilities and Facilities
- Acoustic Report requirements.

Planning Framework

City of Cockburn Town Planning Scheme No. 3 (TPS 3)

The land is zoned 'Development' under TPS 3 and sits within Development Area 16 'South Beach' (DA16) in the scheme. DA 16 requires that a structure plan be adopted to guide subdivision and development and that land uses classified in the structure plan apply. It also requires all residential development to be designed and constructed in accordance with the South Beach Village Noise Management Plan.



South Beach Village Structure Plan

The South Beach Village Structure Plan was first adopted in 2002 and most recently modified in 2010. The structure plan designates Lots 115-118 for Mixed Business/Residential R60/R80 and Lots 119-120 for Grouped/Multiple Dwellings R60-R100.

State Planning Policy No. 2.6 – State Coastal Planning Policy (SPP 2.6)

The Planning and Development Act 2005 requires local government to have due regard to the State's policy base when preparing and amending local planning schemes. As DAPs are adopted under the scheme, due regard should be given to SPP 2.6. Previously, SPP 2.6 limited building heights to 21m however the policy was amended in July 2013 to remove the maximum height. In relation to building heights, the policy now states:

- (ii) Maximum building height limits should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.*
- (iii) When determining building height controls in a local planning scheme and/or structure plan, building heights should have due regard to the following planning criteria:*
 - (a) Development is consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy.*
 - (b) Development takes into account the built form, topography and landscape character of the surrounding area.*
 - (c) The location is part of an identified coastal node.*
 - (d) The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore.*
 - (e) There is overall visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.'*

Including the building height controls into the DAP is in accordance with the requirements of SPP2.6 and the above points have particular relevance to the preparation of the DAP.



Consultation

The proposed DAP was advertised to those who own lots within the DAP area and also to landowners opposite the subject land on O'Connor Close and Enderby Close. Four submissions were received including two objections and two non-objections. The two objections raised the following issues:

- Object to the 21m height for the rear two-thirds of the site and believe that a four storey maximum should be imposed.
- Concerned about visual privacy from proposed building overlooking property (which is on the opposite side of O'Connor Close).
- Concerned about the wind tunnel affect that may be caused.
- Street parking is a major issue.
- Concerned that South Beach has become a high-rise haven.
- Agree in principle; however, object to the proposed 3m setback on the rear portion of the site above two storeys (as prepared design for No.23 O'Connor includes a 3 storey townhouse with a boundary wall towards the rear of the lot).

Provisions

The following provides an assessment of the R-Code provisions being varied or additional requirements being sought and includes justification for such.

Plot Ratio

R-Code Deemed to Comply Requirement – 6.1.1	DAP Provision	Justification
R60 – 0.7 R80 – 1.0 R100 – 1.25	No changes to the plot ratio proposed. New provision allowing plot ratio to be calculated using the POS to be ceded at the rear of each lot.	Plot ratio was calculated in this manner for the other existing (and those under construction) on O'Connor Close. This provision merely confirms this to avoid confusion and maintain consistency in decision making.

Building Height

R-Code Deemed to Comply Requirement – 6.1.2	DAP Provision	Justification
<p>R60 9m (top of wall) 10m (top of wall concealed roof) 12m (top of pitched roof)</p> <p>R80-R100 12m (top of wall) 13m (top of wall concealed roof) 15m (top of pitched roof)</p>	<p>Front third of the site 9m (top of wall) 12m (top of roof)</p> <p>Rear two-thirds of the site 21m (top of roof)</p>	<p>Previously maximum building heights in this area were guided by SPP 2.6 which was 21m. However, the SPP was amended and now defers to the local planning framework for maximum heights. The 21m maximum height is consistent with the existing buildings and those under construction in O'Connor Close.</p> <p>The 3 storey maximum within the front third of the site will complement the eastern side of O'Connor Close which has the same requirement and push the height away from the street towards the back of the site thereby reducing the impact of the height on the streetscape.</p>



Street Setback

R-Code Deemed to Comply Requirement – 6.1.3	DAP Provision	Justification
Primary – 2m	1-2m setback range	The proposed setbacks will contribute to an urban street environment. The road reserve is 20m wide which can easily accommodate the reduced setback without detracting from the amenity of the street.

Lot Boundary Setbacks

R-Code Deemed to Comply Requirement – 6.1.4	DAP Provision	Justification
R60 - Refers to Table 2a and 2b (depends on wall height and length)	3m minimum above 2 storeys.	These setbacks will provide relief between higher level built form when viewed from the street. Spacing between buildings will provide important view corridors. Nil side setbacks for the front portion of the site for two storeys is consistent with the DAP for lots on the eastern side of O'Connor Close.



Open Space

R-Code Deemed to Comply Requirement – 6.1.5	DAP Provision	Justification
R60 – 45% R80 – R160 – refer to local structure plan or local development plan which sets out development requirements.	40% minimum.	This is consistent with lots on the eastern side of O'Connor Close and is considered minor. It also provides some compensation for the rear 15m portion of the lots which are required to be ceded to the crown as public open space.

Street Surveillance

R-Code Deemed to Comply Requirement – 6.2.1	DAP Provision	Justification
The street elevation of the building to address the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed from the street.	Additional requirement to provide passive surveillance to the public open space at the rear of the site.	Additional surveillance to the public open space to the rear of the lots is considered vital to contribute towards safe, usable spaces.



Building Appearance

R-Code Deemed to Comply Requirement – 6.2.4	DAP Provision	Justification
Buildings that comply with the provisions of a special control area, with the provisions or a local planning policy made under the scheme or with the provisions of the scheme, in respect of the design of carports and garages, the colour, scale, materials and roof pitch of buildings including outbuildings, the form of materials or retaining walls and the extent to which the upper levels of buildings as viewed from the street should be limited.	Reference to the South Beach Design Guidelines.	This will ensure that all buildings proposed on these lots are designed in accordance with the South Beach Design Guidelines.

Outdoor Living Areas

R-Code Deemed to Comply Requirement – 6.3.1	DAP Provision	Justification
Each unit is to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10m ² and a minimum dimension of 2.4m.	The requirement that outdoor living areas of 10m ² in area with a minimum dimension of 2.4m can be used towards the calculation of open space across the site.	This will provide some concession for the rear 15m of each lot being ceded to the crown for open space. It will also encourage open, transparent balconies which will result in more open elevations.



Vehicular Access

R-Code Deemed to Comply Requirement – 6.3.5	DAP Provision	Justification
Vehicle access limited to one opening per 20m of street frontage.	One access point encouraged with a maximum of two access points per lot.	This has been proposed to reduce the number of crossovers and maximise opportunities for street parking and a better streetscape.

Site Works

R-Code Deemed to Comply Requirement – 6.3.6	DAP Provision	Justification
Excavation or filling between the street and building, or within 3m of the street alignment, whichever is lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.	Part basement parking can be a maximum of 1.2m above natural ground level.	This will facilitate basement or semi-basement car parking which is desirable for multiple dwelling developments.



Visual Privacy

R-Code Deemed to Comply Requirement – 6.4.1	DAP Provision	Justification
In accordance with the cone of vision requirements.	Where it can be demonstrated that windows, balconies and terraces do not create an overlooking concern the City may relax the cone of vision requirements.	This clause is consistent with all other DAPs in the South Beach Village. Given the urban nature of apartment living, a slight relaxation of requirements may be necessary, particularly where buildings are designed to maximise ocean views.

Utilities and Facilities

R-Code Deemed to Comply Requirement – 6.4.6	DAP Provision	Justification
A 4m ² store room per dwelling.	Stores may be less than 4m ² subject to justification being provided with the application. Additional requirement for a waste management plan to be provided with the application in accordance with APD 70.	This may be applicable for smaller one or two bedroom apartments where large storage areas may not be necessary for residents. It is based on the notion that smaller dwellings require less storage.

Conclusion

The proposed DAP has been prepared to guide appropriate built form for the subject lots which will provide certainty to both landowners and neighbours. The proposed DAP will result in buildings that will provide a good relationship to the street, the public open space and existing apartment buildings and houses in O'Connor Close and the greater South Beach Village. The minimum and maximum building heights proposed in the DAP will ensure that new buildings are visually consistent with existing buildings (and those under construction) on



O'Connor Close and provides enough height to facilitate a reasonable level of density into the area. For these reasons, the proposed DAP should be approved.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Community consultation was undertaken; please refer to the Consultation section of the report above.

Attachment(s)

Proposed Detailed Area Plan (Draft)

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 11 September 2014 Council Meeting.

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

Nil.



14.6 (MINUTE NO 5365) (OCM 11/9/2014) - RESPONSE TO MATTER NOTED FOR INVESTIGATION WITHOUT DEBATE - FREIGHT RAILWAY (163/007) (TROSIC) (ATTACH)

RECOMMENDATION

That Council note the responses provided by officers.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

At the Ordinary Council meeting of 10 July 2014 a matter was noted for investigation by officers pertaining to Freight Railway operation within the City of Cockburn. This report deals directly with the 17 questions that were asked.

Submission

N/A

Report

There were 17 questions are, and accordingly due to the length of the response these questions are listed and answered in sequential order as follows:

1. Who are the stakeholders in Rail Freight?

From an ownership and operational viewpoint, it is useful to consider the history. The State Government agency of Westrail managed freight rail services and infrastructure in WA until December 2000. At this time, Westrail's freight business was sold to Australian Railroad Group Pty Ltd ("ARG"), comprising both the rail infrastructure (i.e. the physical rail lines & reserves) and rail network (i.e. the rolling stock & transport management) business.



In 2006 ARG was sold to a consortium comprising Babcock and Brown and Queensland Rail. The rail infrastructure business, trading as WestNet Rail, subsequently went to Babcock and Brown, and the rail transport business to Queensland Rail.

Queensland Rail itself then underwent subsequent change, with the selling off (by way of IPO) of its freight business. Known as QR National, this comprised the former Queensland rail's freight operations covering the coal business in Queensland and New South Wales, Australian Railroad Group's bulk operations in Western Australia and Queensland, the interstate intermodal business and the remaining regional freight operations in Queensland. QR National was recently rebranded as Aurizon.

In terms of the rail infrastructure business, in late 2009 Babcock and Brown Infrastructure became known as Prime Infrastructure and in mid-2011 Prime Infrastructure was delisted as a public company. Prime Infrastructure is currently owned by Brookfield Infrastructure Partners. To reflect these ownership changes, WestNet Rail was renamed Brookfield Rail in August 2011.

Accordingly Brookfield Rail is now the lessee of the rail infrastructure under the 2000 lease agreement with the Western Australian Government. For the purposes of section 3 of the Railways (Access) Act 1998 which defines a "railway owner" to mean the person having the management and control of the use of the railway infrastructure, Brookfield Rail is considered to be the railway owner for the freight railway network with management and control of the non-passenger rail network.

From a safety regulation viewpoint, the Department of Transport is responsible. This is specifically through the Office of Rail Safety, which is the business unit within the WA Department of Transport responsible for administering rail safety in Western Australia. They oversee processes such as accreditation of rail transport operations. The purpose of accreditation is to attest that a rail transport operator has demonstrated to the Rail Safety Regulator the competence and capacity to manage risks to safety associated with those railway operations. The current list of accredited railways organisations in WA is provided at Attachment 1.

2. Railway line owner? Rail stock and locomotives?

For the purposes of section 3 of the Railways (Access) Act 1998 which defines a "railway owner" to mean the person having the management and control of the use of the railway infrastructure, Brookfield Rail is considered to be the railway owner for the freight railway network with management and control of the non-passenger rail network.



Rail stock and locomotives are operated by Aurizon as it relates to freight handling on the freight lines of City of Cockburn.

3. Who is responsible for security and maintenance of the Railway land corridor that runs through Cockburn?

This is Brookfield Rail, the owner of the railway and the accredited rail infrastructure manager. According to the Department of Transport, the Office of Rail Safety does not have powers to control illegal access like trail bike riding on railway access roads, vandalism, graffiti or trespassing. These are the responsibility of the rail infrastructure manager, being Brookfield Rail.

According to Brookfield Rail, as the rail corridor is generally not fenced, there is a perception that it can be accessed at any time by any individual. However the rail corridor is private property and, for the safety of employees, customers, contractors and the wider community, it is illegal for anyone to enter the corridor without appropriate permissions.

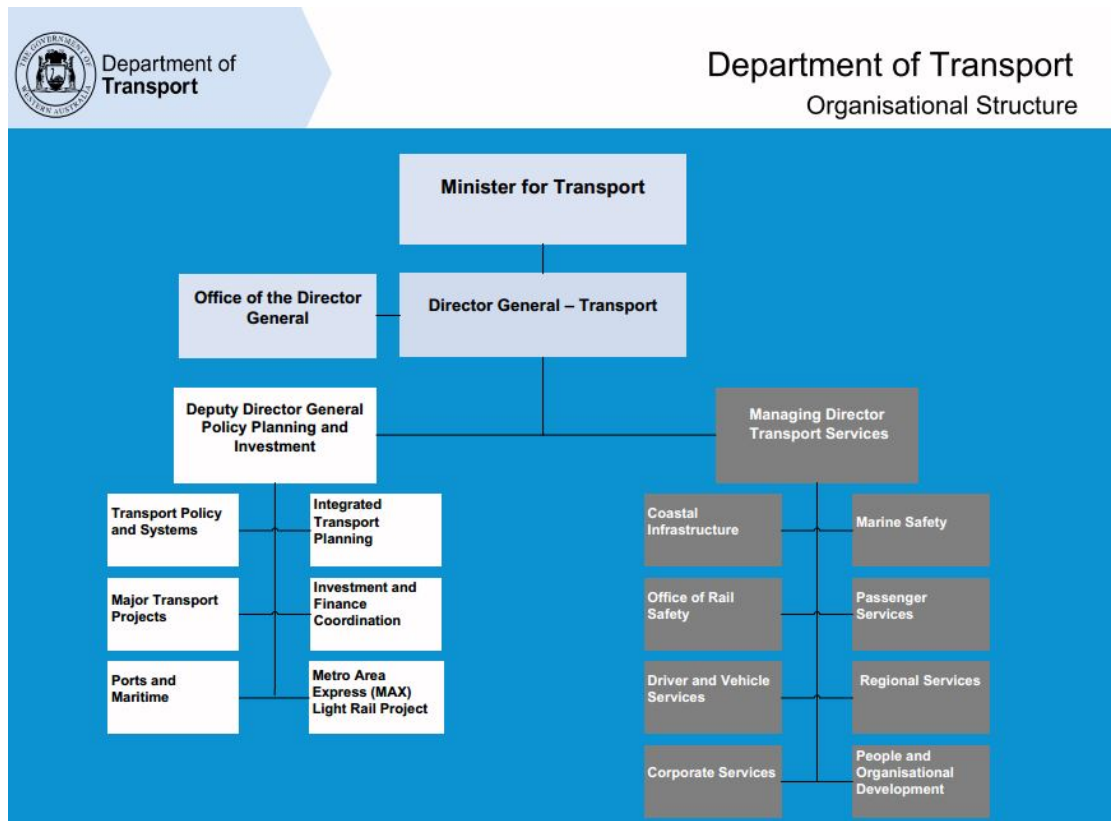
4. To whom are the users accountable to? What Laws cover them?

The Office of Rail Safety is the business unit within the Department of Transport responsible for administering rail safety in Western Australia. They perform the functions of the Rail Safety Act 2010. According to the Department of Transport, the Act gives the Regulator (Office of Rail Safety) powers to enforce rail safety through a variety of measures that may be applied according to the severity of the threat to safety, a breach of the Act or the safety management system. These range from the regulator providing advice, written directions, issuing improvement notices or prohibition notices through to suspension of accreditation and prosecution.

5. What is the reporting hierarchy?

The Rail Safety Act 2010 gives the Regulator (Office of Rail Safety) powers to enforce rail safety through a variety of measures that may be applied according to the severity of the threat to safety. That business unit exists within the Department of Transport. That Department falls within the Ministerial responsibilities of the Minister for Transport. This is shown following:





6. What is the State Governments responsibility?'

From a safety perspective, the Rail Safety Act 2010 gives the Regulator powers to enforce rail safety through a variety of measures that may be applied according to the severity of the threat to safety, a breach of the Act or the safety management system. These range from the regulator providing advice, written directions, issuing improvement notices or prohibition notices through to suspension of accreditation and prosecution. In terms of enforcement, Rail Safety Officers are given powers to enter places and be given access to assistance, records and equipment by the rail operator in the course of compliance inspections and investigations. A rail safety officer is also empowered to seize, order the return of equipment or control its use.

The State Government is also responsible for ensuring effective, fair and transparent competition on Western Australia's railway network. This is known as the WA Rail Access Regime, which is overseen by the Economic Regulation Authority. This is through the Railways (Access) Act 1998 and Railways (Access) Code 2000.

In terms of the transport of dangerous goods by rail, this regulated by the Department of Mines and Petroleum, the Office of Rail Safety and the Department of Environment Regulation.



The Resources Safety Division of the Department of Mines and Petroleum regulates all aspects of the storage, processing, handling and transport of dangerous goods (including explosives) through seven sets of dangerous goods regulations under the Dangerous Goods Safety Act 2004

7. What is the Federal Governments Responsibility?

In terms of safety, guidance on the options available for enforcement and what is appropriate under the circumstances is contained within the National Compliance and Enforcement Policy for Rail Safety, which is the responsibility of the National Transport Commission.

The NTC is an inter-governmental agency charged with improving the productivity, safety and environmental performance of Australia's road, rail and intermodal transport systems. State and territory governments contribute 65 per cent of the NTC's funding, and the Commonwealth Government provides 35 per cent.

As an independent statutory body, the NTC develops and submits reform recommendations for approval to the Transport and Infrastructure Council, which comprises federal, state and territory transport, infrastructure and planning ministers. The NTC also plays an important role in implementation planning to ensure reform outcomes are realised on the ground, as well as coordinating, monitoring, evaluating and maintaining the implementation of approved reforms.

8. What powers does the Local Government have over these entities? Including the railway users?

There are no local government powers which extend directly over these entities from an operational or safety viewpoint. However the City does regulate land use and development through its Local Planning Scheme. This ensures that issues associated with rail noise for example, are appropriately considered and inform the planning framework. State Planning Policy 5.4 (Road and Rail Transport Noise and Freight Considerations in Land Use Planning) guides a state wide approach to how this is done. It should be noted that this only applies to proposed land development and proposed road & rail infrastructure.

9. Who is accountable for securing and maintaining the fencing to the borders?

Brookfield Rail is the owner of the railway and the accredited rail infrastructure manager. They are responsible for the network. According to Brookfield Rail their rail corridor is generally not fenced.



10. Who is responsible for securing the area from unauthorized use?

This is Brookfield Rail's responsibility.

11. Who is responsible for monitoring rail safety?

Ultimate responsibility is the Office of Rail Safety, within the Department of Transport. As indicated above, they oversee processes such as accreditation of rail transport operations. The purpose of accreditation is to attest that a rail transport operator has demonstrated to the Rail Safety Regulator the competence and capacity to manage risks to safety associated with those railway operations. They also have powers to enforce rail safety through a variety of measures that may be applied according to the severity of the threat to safety, a breach of the Act or the safety management system. These range from the regulator providing advice, written directions, issuing improvement notices or prohibition notices through to suspension of accreditation and prosecution

12. How does the community report issues?

This should be reported to Brookfield Rail, direct line 9212 2800. According to Brookfield Rail, emergency situations must be reported to 000.

13. What issues have arisen the past 24 months; raised by the community?

As the City does not have responsibilities of the railway network or regulatory responsibilities of rail safety, this needs to be answered by the owner, being Brookfield Rail.

14. What issues have been discovered by City of Cockburn officers?

From a land use planning perspective, key interactions with the railway have been through structure planning and development applications. This has been to ensure that railway noise issues appropriately inform the structural arrangements of land use and development into the future.

15. What are the top 10 most dangerous goods transported via railway thru the City of Cockburn?

The dangerous goods that are transported by rail through the City of Cockburn from Kwinana to Forrestfield and on to Kalgoorlie for use in the mining industry include: 30% sodium cyanide solution, anhydrous



ammonia, ammonium nitrate, sulphuric acid, hydrogen peroxide, xanthates and lead nitrate. The transport of lead carbonate concentrate from Kalgoorlie to Forrestfield and on to the Port of Fremantle has also occurred.

16. What would be needed to cause a catastrophic event?

Rather than answer this question direct, it is more useful to understand what has caused past derailments and what issues resulted. In this respect, rail transport of sodium cyanide solution from Kwinana to Kalgoorlie has been occurring six days per week since 1987, when the Australian Gold Reagents cyanide plant was first commissioned. This transport has had an excellent safety record. There have been only two derailments (one in 1990 and one in 1997), but there was no loss of containment because of the extremely robust carbon steel approved Isotainers used for this product.

These Isotainers are specially designed steel tanks of 18,000L capacity that are protected from impact on all sides by a robust steel frame and are locked into place (two tanks per railway carriage) by secure twist locks. The tanks cannot leak, there are no bottom outlets, and the top valves are closed and protected by a steel coaming. The tank wall is of thick steel (9 mm for much of the construction). Australian Gold Reagents is capable of providing quick and competent emergency response and has stocks of neutralizing agents to de-activate the cyanide.

It should be noted that any loss of containment would not lead to significant emission of toxic hydrogen cyanide gas unless the cyanide solution is mixed with acid. This is not a credible scenario. The cyanide, being buffered with caustic soda, will in the main stay safely in solution until neutralized. The real danger of a cyanide spill is not to the community, but to the emergency responders in the immediate vicinity of the spill, who have to protect themselves against the localised inhalation risk and potential skin contact.

17. Do we have any risk assessments, if so what are they?

Regulation pertaining to dangerous goods includes the nationally consistent Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007, which require consignors and transport companies of dangerous goods to adhere to strict safety requirements as prescribed by the Australian Code for the Transport of Dangerous Goods by Road and Rail.

The regulations require the use of appropriately designed and maintained containers and tanks that will protect the public from loss of containment of the dangerous goods under all but the most extreme



conditions. There are also rules for the proper segregation, stowage, restraint and placarding of dangerous goods containers to minimise the chances of mixing incompatible dangerous goods in the event of a loss of containment.

Risk assessment is therefore considered to be very robust and subject to ongoing improvement at a national scale.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Accredited Railway Organisations in Western Australia

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.7 (MINUTE NO 5366) (OCM 11/9/2014) - PROPOSED VARIATION TO STRUCTURE PLAN FOR LOT 39 GAEBLER ROAD, HAMMOND PARK (CURRENTLY LOT 9002 WEETMAN ROAD, HAMMOND PARK) OWNERS: MILUC PTY LTD. APPLICANT: GRAY & LEWIS LAND USE PLANNERS (110/061) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.14.1(a) of the City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the modified Structure Plan for Lot 39 Gaebler Road, Hammond Park dated July 2014 subject to the following modifications:
 1. Section 1.3.2 and 1.1.3.2 reference the Scheme as 'City of Cockburn Town Planning Scheme No. 3'.
 2. Section 1.1.4 heading to be modified to read as 'Operation' only.
 3. Section 1.2 heading to be modified to read as 'Land Use' only.
 4. Delete 'As per Clause 4.3.2 of the City of Cockburn Town Planning Scheme No. 3' from Section 1.2.
 5. Insert a new subsection 1.2.1 titled 'Residential Density' and insert the following text: 'Residential densities applicable to the Structure Plan area shall be those residential densities shown on the Structure Plan Map.'
 6. The text within Section 1.3.1 point 2 to be aligned with text within point 1 of that section.
 7. Section 1.3.3 the words 'Bushfire Management Plan (BMP)' be replaced with 'Fire Management Plan (FMP)' to be consistent with the terminology in section 1.3.1 and Appendix 5 (Fire Management Plan).
 8. Part 2 Section 5.1.7.2 'Approval from adjoining land owners (Lot 9008)' point 3 paragraph 2, remove the words 'at the City's request'.
- (2) endorse the Schedule of Submissions prepared in respect of the proposed variation to Local Structure Plan for Lot 39 Gaebler Road, Hammond Park (Attachment 5);
- (3) in pursuance of Clause 6.2.14.3 of the Scheme forward the Local Structure Plan to the Western Australian Planning Commission within 10 days of making the resolution for its endorsement; and
- (4) advise the proponent and those persons who made a submission of Council's decision.



COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

This proposed variation to the Structure Plan (“LSP”) was formally lodged with the City of Cockburn on 18 March 2014.

In accordance Clause 6.2.7.2 of City of Cockburn Town Planning Scheme No. 3 (“Scheme”), the Structure Plan was referred to the Western Australian Planning Commission (“WAPC”) for comment. The Structure Plan was then advertised for public comment.

The purpose of this report is to consider for adoption the proposed Structure Plan variation for Lot 39 Gaebler Road, Hammond Park. A copy of this is provided within Attachment 2 of this report. The subject land is, as of recently, formally referred to as Lot 9002 Weetman Road, Hammond Park.

Submission

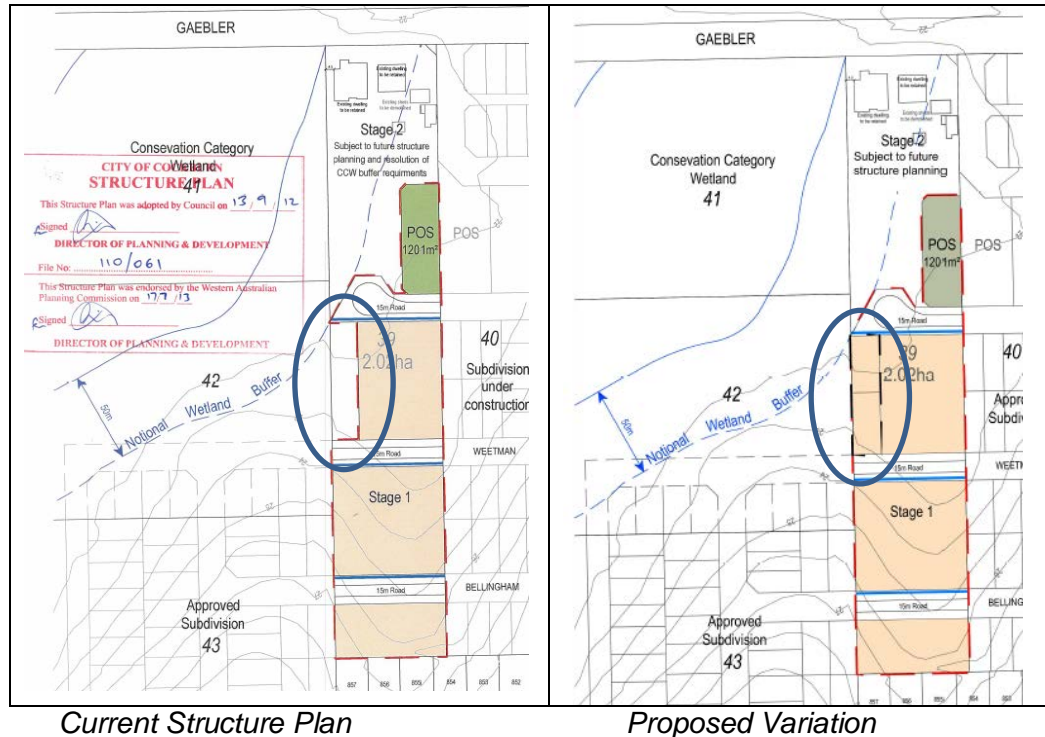
The proposed Structure Plan variation was prepared by *Gray and Lewis Land-use Planners* on behalf of the landowners.

Report

The Structure Plan for Lot 39 Gaebler Road, Hammond Park was initially adopted by City of Cockburn on 13 September 2012 and later formally endorsed by the WAPC on 17 July 2013.

The WAPC resolved to endorse the Structure Plan subject to a number of modifications. The most significant of this was the removal of two residential lots from being permitted to be created. This removal was due to fire management issues not having been appropriately secured. The new Structure Plan now seeks to permit the creation of these two residential lots, on the basis that in the applicant’s opinion fire management issues are now appropriately addressed. The following side by side comparison of the Structure Plans shows this:





Presence of the Conservation Category Wetland

Lot 9008 (previously lot 42) Frankland Road, Hammond Park (the land to the west of the subject site) contains a Conservation Category Wetland (“CCW”). CCW’s are allocated by the State Government as having the highest degree of conservation value of all wetlands on the Swan Coastal Plain.

Protecting the CCW is enforced under State Government planning and environmental policy. The exact location of the CCW and its 50 metre buffer is identified in Attachment 2 of this report, as well as the previous graphic.

WAPC referral Clause 6.2.7.2 of the Scheme

In accordance with Clause 6.2.7.2 of the Scheme, the City referred the proposed Structure Plan to the WAPC for comment. Clause 6.2.7.3 of the Scheme specifies the WAPC is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

The WAPC’s response dated 8 April 2014, in line with Clause 6.2.7.3 of the Scheme, is outlined as follows;

“A preliminary assessment of the proposed SP has been undertaken. In this regard, please be advised that the WAPC is not prepared to endorse the proposed SP with or without

modifications (at this time). This is because the proposed SP fails to demonstrate the suitability of the land previously excluded by the WAPC from the SP for urban residential development due to the presence of bushland on the adjoining Lot 42 considered to be a fire risk to future residential dwellings. The WAPC is not satisfied that a “clearing permit” adequately removes or mitigates the risk to enable the proposed modification (variation) to the structure plan (to identify the excluded area as residential zoned land for future residential development) to be considered to accord with orderly and proper planning.”

Accordingly, the issue of bush fire risk, and whether an acceptable solution is able to be secured to manage the bushland on the adjoining Lot 42 is critical to the success of this new Structure Plan. This forms a key basis to considering the Structure Plan.

Fire Management Plan

A Fire Management Plan (“FMP”) dated 25 February 2013 was adopted by the City of Cockburn which relates to this Structure Plan. This FMP is included as Appendix 5 of the proposed variation of the Structure Plan.

Appendix F: ‘*Building Protection Zone and Indicative BALs*’ of the FMP identifies the need for a Building Protection Zone (“BPZ”) to be established and maintained on Lot 9008 (previously referred to as Lot 42) to the following standards:

- Width: 20 metre minimum and located over the earthworks area on Lot 42 as indicated in Appendix F and G;
- Fuel load: Reduced to and maintained at 2 tonnes per hectares;
- All tree crowns are a minimum of 10 metres apart;
- All trees to have lower branches pruned to a height of 2 metres;
- All tall shrubs or trees are not to be located within 2 metres of a building (including windows);
- No tree crowns or foliage is to be within 2 metres of any building. This includes existing trees and shrubs and new plantings;
- All fences and sheds are constructed of non-combustible materials (i.e. Colorbond, brick or limestone);
- All shrubs to contain no dead material within the plant;
- No tall shrubs are to be in clumps within 3 metres of the building; and
- No trees are to contain dead material in the crown or on the bole.

As this is privately owned land, there is no ability for the Structure Plan or the FMP to compel the creation and management of the 20m hazard separation zone. This is clearly the basis to why the original Structure Plan had the two lots removed – on the basis that the adjoining



landowner had not indicated a willingness to implement and maintain such an area.

To be able to be satisfied that an adjoining landowner was willing to implement the hazard separation zone, the following would be needed:

- Written consent from the neighbouring Landowner/(s) (Lot 9008).
- Development Approval under the City of Cockburn Town Planning Scheme No. 3 for both the subject site and lot 9008.
- A clearing Permit granted under section 51E of the Environmental Protection Act 1986 over lot 9008.
- A restrictive covenant, to the benefit of the City of Cockburn, pursuant to Section 129B of the Transfer of Land Act 1893 to be placed on the certificate of title of Lot 9008.

Clearing Permit

Amended Clearing Permit CPS 5582/4 was approved by the Department of Environment Regulation – Native Vegetation Conservation Branch on 11 March 2014. This was approved in advance of the City receiving a development application, indicating the Department of Environment Regulation's acceptance of the clearing of bushland adjoining the buffer of the CCW. Attachment 6 of this report provides a visual representation of the approval area.

Associated Development Application (DA14/0512)

The City of Cockburn issued a Development Application ("DA") approval on 14 August 2014 for *'Temporary Turning Area, Vegetation Clearing & Treatment of Bush Fire Protection Zone - Lot 9008 (Previously Lot 42) Frankland Avenue Hammond Park'*. The landowner/(s) of Lot 9008 provided written consent to do so as part of this DA.

The (now) permitted clearing, in accordance with the conditions of the DA approval, provide the landowner/(s) with approval under the City of Cockburn Town Planning Scheme No. 3 to clear native vegetation on lot 9008.

Conclusion

The approval of the Structure Plan variation will allow the requirements of the FMP, as discussed earlier in this report, to be implemented to the benefit of all western blocks. This allows for the formulation and maintenance of a 20 metre Building Protection Zone ("BPZ") consistent with the State Governments' *Planning for Bushfire Protection Guidelines*.



The proposed variation allows for land previously excluded on the Structure Plan, by the WAPC, to be included and approved under the 'Residential' zone at an R25 density.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period. The advertising period formally concluded on the 8th of August 2014.

Community Consultation

In pursuance of Clause 6.2.8 of the City's Scheme, public consultation was undertaken for a minimum period of 21 days. The advertising period commenced on the 18th of July 2014 and concluded on the 8th of August 2014.

Advertising included letters to adjoining and affected landowners, within and surrounding the LSP area as well as various Government Agencies and service providers.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 5). In total the City received 3 formal submissions all 3 from Government agencies. No submissions from the community were received.



Attachment(s)

1. Location Plan
2. Proposed LSP Map
3. Current (approved) LSP
4. Aerial Photography
5. CoC DA Approval DA13/0577
6. Amended Clearing Permit – DER
7. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 September 2014 Council Meeting.

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

Nil.

14.8 (MINUTE NO 5367) (OCM 11/9/2014) - CONSIDERATION TO ADOPT MODIFICATIONS TO MURIEL COURT STRUCTURE PLAN - LOCATION: VARIOUS LANDHOLDINGS IN DEVELOPMENT AREA 19 - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (110/007) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Modified Muriel Court Structure Plan (as shown in Attachment 2);
- (2) consent to advertise the reviewed Local Planning Policy APD60 'Muriel Court Structure Plan - Design Guidelines' (as shown in Attachment 3) in accordance with Clause 2.5.1 of the Scheme;
- (3) endorse the schedule of submissions prepared in respect of the Structure Plan; and
- (4) advise those persons who made a submission of Council's decision.



COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

At the September 2013 OCM it was requested that staff undertake a review of the Muriel Court Structure Plan, noting concerns that has been raised by some landowners in respect of development in the precinct. This report and the updated local structure plan address this request.

At the May 2014 OCM Council determined to advertise a series of modifications to the Muriel Court Structure Plan. Officers have undertaken these recommendations of Council, advertised the Structure Plan, and undertaken a review of the Muriel Court Design Guidelines.

The purpose of this report is to present to Council an updated version of the Muriel Court Structure Plan for adoption. The Structure Plan has been further modified since the May 2014 OCM as a result of the formal advertising period. Council is also requested to consent to advertise Local Planning Policy APD60 Muriel Court Structure Plan - Design Guidelines, which are proposed to be modified to ensure they are maintained as an effective and response design instrument for the area.

Submission

N/A

Report

The Muriel Court Structure Plan area ('subject area'), also known as Development Area 19 ('DA19') has been earmarked for urban residential development since 1994. The subject area is located in the locality of Cockburn Central; bound by North Lake Road, Semple Court, Verna Court, the Kwinana Freeway and Kentucky Court. Being 79 ha in size and directly adjacent to the Cockburn Central Activity Centre, it comprises a unique and strategic location to accommodate future growth.



Detailed planning of the subject area was instigated by the City's Strategic Planning Department in late 2006 and culminated in the endorsement of the Structure Plan by the Western Australian Planning Commission ('WAPC') in February 2010. However to date, due to a number of factors, development is only now starting to respond in respect of the opportunities presented by the Structure Plan.

Initially, given the multiplicity of land ownership and the relatively small lot sizes, it was considered that the only practical way of progressing planning of the subject area and facilitating its development potential was for the City to take a lead role. The Structure Plan, in conjunction with other statutory planning instruments, to this day provides a robust framework for the implementation of a dense, walkable, mixed use community. It does however appear that some barriers to development remain, some of which are possible for addressing through a Structure Plan modification. Other barriers, particularly financial costs of servicing, are not issues which the Structure Plan or City are able or should be expected to address.

Previous Council Decisions

The Muriel Court Structure Plan has been presented to Council multiple times over the past 8 years. The most relevant decisions are noted below.

13 November 2008 – Council adopted a Structure Plan and requested the WAPC lift the urban deferment over the subject area.

08 July 2010 – Council adopted a Local Planning Policy for the purposes of applying design guidelines to the Muriel Court Structure Plan and a modified Structure Plan.

08 September 2010 – WAPC endorsed the modification to the Structure Plan.

14 October 2011 and 30 December 2013 – Minor modification are undertaken to the Structure Plan. A copy of the current plan can be found at Attachment 1.

Previous approvals

A number of subdivision and development approvals have been issued in the Muriel Court Development Area.

A number of the subdivision approvals are concentrated in a 16ha area in the south eastern corner. These include Lots 52-55 Tea Tree Close, Lot 75 North Lake Rd, Lots 64 and 100 Muriel Court and Lot 42 Semple Court. The majority of the approvals are to create



development lot parcels. A total of 36 development parcels are conditionally approved, along with 3 public open space lots and several road reserves.

Development approvals for at least four sites have been granted. Once again, the majority of these are concentrated in the south eastern corner of the development area. Lot 53 Tea Tree Close has approval for 151 multiple dwellings. Lots 16 & 17 Kentucky Court has approval for 77 residential units and 5 commercial units.

Statutory Framework

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS'), with the majority of surrounding land zoned 'Urban'. The adjacent land to the south is zoned 'Industrial' and the Kwinana Freeway Reserve is reserved as a 'Regional Road Reserve'. The Initial District Structure Plan formed the basis for the initial lifting of the 'urban deferral' of the subject area.

The majority of the subject area is zoned 'Development' under the City's Town Planning Scheme No. 3 ('Scheme'), within DA19. The land fronting North Lake Road is zoned 'Mixed Business' while being included within DA19. The majority of the subject area is also included within Development Contribution Area 11 ('DCA11') and the entirety of the subject area lies within Development Contribution Area 13 ('DCA 13').

The following sections provide a succinct discussion of the prevailing statutory and planning policy framework:

Muriel Court Structure Plan

The Muriel Court Structure Plan was initially prepared by officers of the City in conjunction with Koltasz Smith Planning Consultants. The City's leadership initially was seen as vital given the multiplicity of land ownership and the relatively small lot sizes. The involvement of the City was considered the only practical way of progressing planning of the subject area and facilitating its development potential.

The initial Structure Plan was prepared to be consistent with the WAPC's Liveable Neighbourhoods and Network City Strategic Planning Document (now superseded by Directions 2031). Providing a diverse and compact urban outcome that in turn supports alternative transport choices, and further supports the Cockburn Central Activity Centre and train station, were at the heart of the planning for the area. In total the Structure Plan is expected to yield between 2,170 and 2,894 dwellings. The key planning principles that unpinning the Structure Plan preparation were Community Design; Movement



Network; Lot Layout and Public Parkland; Activity Centres, Employment and Schools and; Urban Water Management/Utilities;

Development Area 19

DA19 within Schedule 11 of the Scheme provides for a statutory framework that has led to a Structure Plan that guides subdivision and development within the subject area. Created as part of Scheme Amendment 6 and further advanced by Scheme Amendment 62, it requires that any structure plan proposed on the subject area provide for residential and mixed business development where appropriate, establish the need for a set of design guidelines and ensure that proposals directly accessing North Lake Road have due regard to the North Lake Road Vehicle Access Policy.

Development Contribution Area 11

Development Contribution Area 11 ('DCA 11') is situated over the majority of the subject area; it is bound by the northern edge of the Mixed Business zone fronting North Lake Road, Kentucky Court, the Kwinana Freeway, Berrigan Drive and Semple Court.

Scheme Amendment No. 67, which was gazetted on 7 May 2010, formally introduced DCA 11 into the City's Scheme. DCA 11 requires contributions to the following items.

- Pro rata contribution to the second carriageway of North Lake Road between Kentucky Curt and Semple Court based on traffic generation.
- Widening/upgrading of Semple Court, including traffic management devices, traffic lights and the over and above costs of a realigned Semple Court including the cost of land acquisition.
- Upgrading and widening of the existing internal roads where this exceeds the normal subdivision requirements such as Muriel Court and Kentucky Court.
- Provision and enhancement/upgrade of Public Open Space.
- Internal and external drainage areas and works including gross pollutant traps and nutrient stripping.
- Preliminary professional studies including drainage, geotechnical, engineering, traffic and planning.
- The City's costs of administering the Development Contribution Scheme.
- Cost of acquiring and development of the areas of Public Open Space.

This forms the statutory mechanism by which cost sharing of common infrastructure takes place within the Muriel Court Structure Plan area.



Local Planning Policy

Policy APD60 'Muriel Court Design Guidelines'

In order to achieve high quality development based on good urban design principles, a set of design guidelines have been created; both the Structure Plan and the Scheme require design guidelines to be adopted for the precinct.

The design guidelines apply to all land use, subdivision and development within DA19 as per the adopted Structure Plan. The design guidelines are important to create an attractive and well-designed urban environment, which readily allows the principles and intent of the adopted Structure Plan to be achieved. DA19 is a transit orientated development which aims to provide a range of dwelling types and maximise the number of people living and working near the Cockburn Central activity centre and train station.

The key design guideline standards by zones are outlined in the table below:

	Low Density	Medium Density		High Density		
	R20 + R25	R40	R60	R80 Low Rise	R160 Low Rise	Tower
Build to line	3-4.5m	2-4m	2-4m	4m	4m	Podium: 4m Tower: 8m
Side setback	R-Codes	R-Codes	0m	Nil **	Nil	Podium: 5m Tower: 8m
Rear setback	R-Codes	R-Codes	R-Codes	4m	4m	Podium: 5m Tower: 9m
Minimum lot width	12m	6m	6m	24m	24m**	30m
Maximum lot width	20m	10m	8m	30m	30m	60m
Minimum height	-	No minimum	Two storeys* 5.4m wall	3 storeys and 9m	3 storeys and 10m	18m
Maximum height	Two storeys 6m wall 9m roof	9m wall 12m roof	12m wall 15m roof	5 storeys and 15m	18m	29m

* In R60 coded areas only

** Except where adjacent to a secondary street, where 2m applies

** For R160 coded areas only

Policy APD62 'Vehicle Access Policy (formerly: North Lake Road Access)'

The North Lake Road Vehicle Access Policy Plan provides the framework for the lots zoned Mixed Business in the Structure Plan to



ensure a coordinated approach. The Vehicle Access Policy Plan provides guidance for the north side of North Lake Road between Semple Court and Kentucky Court; indicating crossover locations and arrangements and also mandating a reciprocal access easement along the entirety of the Policy Plan Area.

The North Lake Road Vehicle Access Policy Plan ('VAPP') is currently under review, in conjunction with Main Roads, as part of a wider analysis of the road network around Cockburn Central with a view to supporting implementation of the North Lake Road overpass. The redrafted VAPP is anticipated to be settled with Main Roads before the end of the year to allow advertising and adoption by Council in early 2015.

The Muriel Court Structure Plan does not include an advisory annotation to acknowledge access arrangements should be as per the VAPP. Such an annotation is applicable to the other affected structure plan (east of the Kwinana Freeway). To be consistent, it is proposed an annotation is added to the Muriel Court Structure Plan.

These abovementioned plans and documents provide the current statutory and planning policy framework relevant to the Muriel Court Structure Plan. The following section now deals with the proposed modifications, and recommendations which officers are seeking to make to Council.

Modifications to Structure Plan

As Advertised

A number of changes to the Structure Plan Map and use permissibility within the Mixed Business zone along North Lake Road were proposed as follows:

1. Extension of the Mixed Business R160 Restricted Use Office/Residential Zone to the west;
2. Recoding of the majority of R20 and R25 coded land to medium and high density codes where they are not adjoining existing residential land to the west of the Structure Plan area;
3. Increased use permissibility within the Mixed Business R160 Restricted Use Office/Residential Zone to allow a wider suite of uses that will facilitate commercial viability and add to both the street environment and provide daily needs for residents of the area (see table below); and
4. Inclusion of two additional development blocks in the R160 coded area; increased from R80.



Current Restricted Use	New Restricted Use
<p>Restricted Use – office/Residential R160 Uses in this area are restricted to:</p> <ul style="list-style-type: none"> • Office • Residential in accordance with those shown for Mixed Business Zone as set out in Table 1 of the Scheme • Restaurant • Consulting Room • Lunch Bar • Civic Use • Bank <p>Note: The Residential component will be assessable for the provision of public open space. This shall be a cash-in-lieu contribution calculated in accordance with the principle of the structure plan.</p> <p>Restricted Use – Non Residential Mixed Business uses as set out in Table 1 of the Scheme, excluding:</p> <ul style="list-style-type: none"> • Grouped and Multiple Dwellings • Lodging and single house • Residential Building 	<p>Restricted Use – Office/Residential R160 Uses in this area are restricted to:</p> <ul style="list-style-type: none"> • Office • Residential in accordance with those shown for Mixed Business Zone as set out in Table 1 of the Scheme • Restaurant • Consulting Room • Civic Use • Bank • Betting Agency • Hotel/Tavern • Small Bar • Medical Centre • Lunch Bar • Shop with ‘P’ Use Class Permissibility (where the gross leasable area does not exceed 100m²) • Fast Food Outlet (where the gross leasable area does not exceed 100m² and it does not include a drive-thru facility) <p>Note: The Residential component will be assessable for the provision of public open space. This shall be a cash-in-lieu contribution calculated in accordance with the principle of the structure plan.</p> <p>Restricted Use – Non Residential Mixed Business uses as set out in Table 1 of the Scheme, excluding:</p> <ul style="list-style-type: none"> • Grouped ad Multiple Dwellings • Lodging and single house • Residential Building

These formed the basis of submitters focus, recognising the statutory control which the structure plan has over land use and development.

Post Advertising (subject of adoption)

A number of submissions raised further points as part considering the Structure Plan during advertising. These have been carefully considered, with several proposals found to have merit. These are as follows:

1. Extend the ‘R160-Mixed Business’ zone over lots 18, 53 and 73 North Lake Road where they are currently zoned ‘Mixed Business-Non Residential’.
2. Modify the proposed R40 zoned land on lots 52, 52, 53, 54, 55, 56, 7, 1, 31 and 9 Muriel Court to R80.
3. Add the following additional notation to the LSP map stating – ‘Access to North Lake Road shall be in accordance with the adopted Vehicle Access Policy Plan’



Modification to the Muriel Court Design Guidelines

A comprehensive review has been undertaken of the Design Guidelines in light of Council's previous resolution. These changes seek to ensure the design guidelines remain an effective document for development control, especially in light of the recent advances that have been made in respect of the Residential Design Codes and their control of multiple dwelling developments.

It was noted by a number of submitters during the advertising of the Structure Plan that a number of requirements within the current Design Guidelines are onerous and not in keeping with the creation of a dense urban environment. Particularly the large front, rear and side setbacks as well as the height restrictions in R160 areas.

The proposed modifications to the Design Guidelines attempt to bridge the void between the current Guidelines and the urban form that is found in Cockburn Central. Cockburn Central is typified by active street level uses, nil to negligible setbacks and limited use of podiums. The changes to the Guidelines attempts to put in place a framework that will lead to a similar environment in the higher density areas of Muriel Court while still recognising that it is likely to have a different form with more limited ground floor commercial uses and different housing typologies.

Changes to the low and medium densities precincts within the Design Guidelines are mostly limited to changes to bring many of the built form controls in line with the updated Residential Design Codes. The Design Guidelines were in many instances more restrictive than the standard and this was deemed to be undesirable. There have been no changes to the height permissibility of the R25, R40 or R60 areas.

The majority of the significant changes have occurred within areas codes R80 and R160; this is significant as the proposed modified Structure Plan proposed to increase areas zoned these codes.

Rear, side and front setbacks have been reduced overall with the intended purpose to increase the amount of site available for development while still ensuring that appropriate levels of light and air can circulate through the area. Issues such as overlooking and distances between buildings have also been fundamental to the final wording of the Design Guidelines.

Currently proposals on R160 coded land limited to a maximum height of 29m, or approximately 8 stories. It is proposed that this restriction be lifted to be consistent with the surrounding Structure Plan areas. The height restriction is proposed to be removed and replaced with that imposed by the Jandakot Airport Obstacle Limitation Surfaces (OLS)



requirements, in affect limiting buildings in the area to approximately 14 stories in height. R80 height requirements will also be lifted with a maximum building height of eight stories proposed; this is two stories above the current standard.

Overall the modifications are deemed to be moderate, but all are consistent with the clear direction of Council to assist in the de-constraining of Muriel Court while still achieving sound urban planning outcomes.

If adopted by Council, the revised Design Guidelines will need to be advertised for community consultation given their status as a local planning policy.

Community Consultation

The Muriel Court Structure Plan has been subject to considerable community consultation over its history.

The proposed modifications have been advertised to government authorities, affected landowners for 60 days; they were also advertised in the Cockburn Gazette. 12 submissions were received in total, with no objections to the proposed modified structure plan. A number of submissions recommended changes to the advertised structure plan; the majority of these have been accepted by the City and are discussed above. As no other submission raised a matter of significant concern these have not been directly addressed in this Council Report. All submissions have however been addressed in the attached schedule of submissions.

The proposed modification to the Local Planning Policy (Design Guidelines) will need to be advertised for 21 days in accordance with the requirements of the Scheme.

Conclusion

It is recommended that the Council adopt the modified Muriel Court Structure Plan and undertake to advertise the reviewed Muriel Court Design Guidelines.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.



Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.

A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

Budget/Financial Implications

There are not any direct financial implications associated with the proposed modifications to the Structure Plan.

Legal Implications

N/A

Community Consultation

The Muriel Court Structure Plan has been subject to considerable community consultation over its history.

The proposed modifications have been advertised to government authorities, affected landowners for 60 days; they were also advertised in the Cockburn Gazette.

The proposed modification to the Local Planning Policy (Design Guidelines) will need to be advertised for 21 days in accordance with the requirements of the Scheme.

Attachment(s)

1. Endorsed Muriel Structure Plan
2. Modified Muriel Court Structure Plan – For Adoption
3. Local Planning Policy APD60 Muriel Court Structure Plan - Design Guidelines
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

Those who lodged a submission have been advised that the matter will be considered at the Council Meeting to be held on 11 September, 2014.



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

Nil.

14.9 (MINUTE NO 5368) (OCM 11/9/2014) - PROPOSED ROAD NAMING APPLICATION FOR ROADS WITHIN ELIZA PONDS ESTATE - LOT 4 HAMILTON ROAD, COOGEE - APPLICANT: MCMULLEN NOLAN GROUP (3209746) (R CREEVEY / A TROSIC) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the names 'Haifa Lane, Malta Lane, Piran Lane, Tarifa Lane, Patara Lane, Lericci Lane, Cetara Lane, Murica Lane, Corsica Way, Santorini Boulevard, Portofino Loop, Manarola Loop, Kalamata Circuit, Livorno Approach and Mykonos Road' for the remaining roads with Eliza Ponds Estate (Lot 4) Hamilton Road, Coogee and refer these to the Geographic Names Committee with a request for their approval; and
- (2) advise the developer of the Eliza Ponds Estate of Council's decision.

COUNCIL DECISION

MOVED C/r L Smith SECONDED C/r Y Mubarakai that Council:

- (1) endorse the names 'Haifa Lane, Malta Lane, Piran Lane, Tarifa Lane, Patara Lane, Lericci Lane, Cetara Lane, Budelli Lane, Corsica Way, Santorini Boulevard, Portofino Loop, Manarola Loop, Kalamata Circuit, Livorno Approach and Mykonos Road' for the remaining roads with Eliza Ponds Estate (Lot 4) Hamilton Road, Coogee and refer these to the Geographic Names Committee with a request for their approval;
- (2) advise the developer of the Eliza Ponds Estate of Council's decision.

CARRIED 9/0



Reason for Decision

The proposed Murica Lane is too similar sounding to an existing approved road name within the City of Cockburn. Accordingly a substitute name (Budelli) is reflected in the updated recommendation. This name has been chosen in accordance with the Mediterranean coastal town theme used.

Background

The City received a request for the naming of streets for the remaining roads to be created within the Eliza Ponds Estate (former GWF site - Lot 4 Hamilton Road, Coogee). The request was for the names 'Haifa Lane, Malta Lane, Piran Lane, Tarifa Lane, Patara Lane, Lerici Lane, Cetara Lane, Murica Lane, Corsica Way, Santorini Boulevard, Portofino Loop, Manarola Loop, Kalamata Circuit, Livorno Approach and Mykonos Road.'

The proposed theme reflects a Mediterranean coastal town theme, linking the estate's coastal proximity with the rich heritage of both the Spearwood region (which has played host to extensive European migration), and the heritage of the Watsonia factory. The names are in accordance with the road name theming used in stages 1, 2 & 3 of the Eliza Ponds Estate, and therefore it would be very appropriate to continue this theme.

The road names layout plan is shown in the location plan attached.

In accordance with Council policy and delegation, the request was considered according to Council Policy APD75 (*Naming of Streets and Public Open Space*) and the Geographic Names Committee ("GNC") Principles, Guidelines and Procedures document. As an unsupportive comment was received back during referral to Elected Members, it is now required to be formally considered by full Council.

It is recommended that Council support the road names, on the basis of it being consistent with the naming conventions contained under APD75 and the GNC guidelines. The application also reflects the previously approved names.

Submission

The City received a request for the naming of streets from McMullan Nolan Group, on behalf of the developers of the Eliza Ponds Estate.

Report

The City received a request for the naming of streets for the remaining roads to be created within the Eliza Ponds Estate (former GWF site -



Lot 4 Hamilton Road, Coogee). The request was for the names 'Haifa Lane, Malta Lane, Piran Lane, Tarifa Lane, Patara Lane, Leric Lane, Cetara Lane, Murica Lane, Corsica Way, Santorini Boulevard, Portofino Loop, Manarola Loop, Kalamata Circuit, Livorno Approach and Mykonos Road.'

Historically, the Spearwood region has played host to a rich European migrant community. This migrant community provided the labour force needed to sustain both the market garden industry and Watsonia's meat processing plant across its 100 year history. As these two industries helped shape and define the region, the developers felt it appropriate to acknowledge not only the estates personal history, but the extensive positive input this community has played on the suburb of Spearwood when choosing the names.

The proposed names come from a range of Mediterranean counties, a decision that reflects the diversity of the community in the region. The developer's idea and naming proposals are often prompted by suggestions and stories from a number of local residents through their own consultation, with local residents expressing their own personal history with the suburb and the land the estate sits on. These stories are consistently reflective of this national diversity and serve as confirmation that the proposed street names need to be reflective of a wider cultural pool if they are to embody the history of the suburb.

The names chosen link between the former heritage, community, theming and the Eliza Ponds Estate as detailed above and on this basis it is recommended that this be adopted by Council.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The application has been referred to Elected Members as per Council policy and the GNC guidelines.



Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

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

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 5369) (OCM 11/9/2014) - LIST OF CREDITORS PAID - JULY 2014 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for July 2014, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

N/A



Report

The List of Accounts for July 2014 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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – July 2014.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.2 (MINUTE NO 5370) (OCM 11/9/2014) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2014 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the interim Statement of Financial Activity and associated reports for July 2014, as attached to the Agenda; and
- (2) amend the 2014/15 Municipal Budget by:
 1. Increase Financial Assistance Grants (F.A.G.S.) general united grant revenue (GL 105-5190) from \$2,084,743 to \$2,134,870 (+inc. \$50,127).
 2. Increase the Financial Assistance Grants (F.A.G.S.) roads united grant revenue (GL 105-5191) from \$1,431,565 to \$1,468,183 (+inc.\$36,618).
 3. Increase Engineering conference expenses (GL 830-6110) from \$4,000 to \$6,000 (+exp \$2,000).
 4. Reduce SLLC fitness salary/super expenses (GL 594-6000/6100) from \$433,945 to \$415,576 (-exp\$18,369).

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

9/0

Background

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.



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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

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

Local Government (Financial Management) Regulations - Regulation 34 (5) states:

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

This Regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold of \$100,000 five years ago. After due consideration, it is thought appropriate to review the threshold level given the growth of the Council over the last five years. The new adopted level is \$200,000.

Submission

N/A

Report

Opening Funds

Due to ongoing end of financial year (EOFY) processing, the current opening funds reported in the July financial statement is not final. The current figure of \$13.1M includes the forecast used in the adopted



budget of \$3M, an estimated \$8.6M in municipal funding attached to carried forward works & projects and a residual balance of uncommitted funds.

The final budget position for 2013/14 will be reported to the October Council meeting, along with the associated list of carried forward projects and a final June statement of financial activity. Any residual surplus balance will be dealt with then.

Closing Funds

The City's closing funds of \$97.4M are \$8.2M higher than the YTD budget target. This comprises net favourable cash flow variances across the operating and capital programs as detailed later in this report and the impact of the opening funds variance described earlier.

The revised budget shows end of year closing funds of \$0.1M. This change has predominantly resulted from a small increase from the notional Financial Assistance Grants (FAGS) advised to the City for 2014/15.

The budgeted closing funds fluctuate throughout the year, due to the impact of Council decisions and budget recognition of additional revenue. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial summaries attached to this report

Operating Revenue

Consolidated operating revenue of \$87.6M was ahead of the YTD budget forecast by \$0.6M. Significant variances included in this result were:

- Revenues from regulatory planning fees & charges were \$0.4M ahead of the allocated YTD budget. The monthly budget phasing will be reviewed to better reflect actual revenue patterns.
- Grants and subsidies received for the Human Services business unit are \$0.5M ahead of the YTD budget primarily due to the first quarterly payment for the HACC program being received ahead of budget.

Further details of material variances are disclosed in the Agenda attachment.



Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$7.5M was under the YTD budget by \$3.6M and comprised the following significant items:

- Material and Contracts were \$1.7M under YTD budget and continues a trend of less activity in July following concerted efforts to complete works and issue invoices for the prior financial year.
- Salaries & direct on-costs incurred were \$1.6M under the YTD budget. The monthly phasing of the budget will be reviewed next month to better align to payroll expense patterns.

A more detailed explanation of the variances within each business unit is included in the attached financial report.

The following table shows the operating expenditure budget performance at the consolidated nature and type level:

Nature or Type Classification	Actual Expenses	YTD Revised Budget	Variance to YTD Budget	FY Revised Budget
	\$M	\$M	\$	\$M
Employee Costs - Direct	3.10	4.71	1.61	42.69
Employee Costs - Indirect	0.03	0.05	0.02	0.90
Materials and Contracts	1.60	3.34	1.74	35.95
Utilities	0.52	0.38	(0.14)	4.51
Interest Expenses	0.00	0.00	0.00	0.12
Insurances	0.00	0.20	0.20	2.34
Other Expenses	0.46	0.64	0.18	7.58
Depreciation (non-cash)	1.99	1.98	(0.01)	23.76

Capital Expenditure

The City's actual capital spend for the month of July was \$1.65M, representing an under spend of \$2.1M against the YTD budget of \$3.75M.

The following table shows the budget variance analysis by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	Annual Budget \$M	Commit Orders \$M
Roads Infrastructure	0.38	1.11	0.73	16.34	1.10
Drainage	0.02	0.03	0.01	1.60	0.03
Footpaths	0.04	0.07	0.03	1.21	0.21
Parks Hard Infrastructure	0.14	0.29	0.15	8.16	1.14



Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	Annual Budget \$M	Commit Orders \$M
Parks Soft Infrastructure	0.12	0.02	(0.10)	0.86	0.06
Landfill Infrastructure	0.04	0.04	0.00	1.49	0.02
Freehold Land	0.00	0.11	0.11	1.38	0.01
Buildings	0.34	1.52	1.18	31.59	2.46
Furniture & Equipment	0.01	0.02	0.01	0.18	0.00
Computers	0.16	0.28	0.11	1.21	0.27
Plant & Machinery	0.40	0.26	(0.14)	5.59	1.19
Total	1.65	3.75	2.10	69.61	6.49

Further details on significant spending variances by project are disclosed in the attached CW Variance analysis report.

Capital Funding

Capital funding sources are generally highly correlated to capital spending, the sale of assets and the rate of development within the City (developer contributions received).

Significant variances for July include:

- Transfers from financial reserves were \$0.79M behind budget, consistent with the capital under spend.
- Balance of GP Super Clinic grant funding for \$0.33M received in July ahead of YTD budget.
- Developer contributions received under the Community Infrastructure plan are \$0.35M ahead of the YTD budget.
- POS cash in lieu contributions of \$0.29M received in July. These are restricted funds and not budgeted ahead of receipt due to inability to estimate.
- Proceeds from the sale of land and plant assets were collectively \$0.38M behind YTD budget settings.

Cash & Investments

Council's cash and financial investments holding at July month end totalled \$105.5M, down from \$109.2M the previous month.

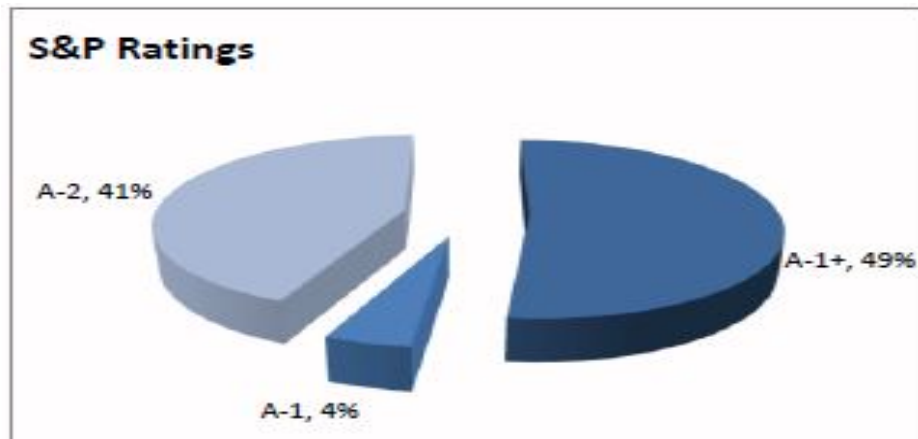
\$83.1M represents the balance held in the City's cash backed financial reserves. Another \$3.8M represents funds held for other restricted purposes such as deposit and bond liabilities. The remaining \$18.6M represents the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, liabilities and other financial commitments.



The City's investment portfolio made a weighted annualised return of 3.92% in July, down from 3.97% from the previous month. Whilst this compares favourably against the BBSW 6 month annualised rate of 2.70%, the return is trending downwards due to the low official cash rate of 2.50% impacting upon negotiated terms on investment.

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging between three and twelve months in order to lock in the most beneficial rate and meet the City's cash flow requirements. Factors considered when investing include maximising the value offered within the current interest rate yield curve and mitigating cash flow liquidity risks. All TD investments comply with the Council's Investment Policy and fall within the following risk rating categories:

Figure 1: Council Investment Ratings Mix

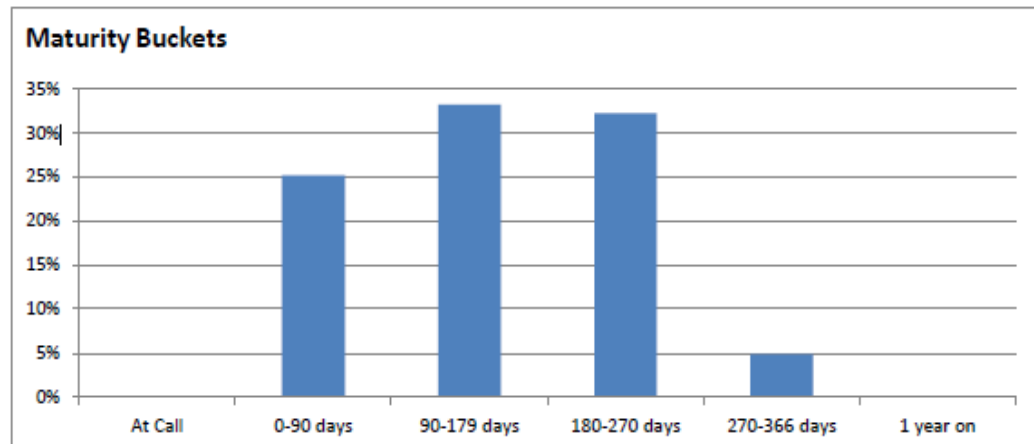


The RBA has reduced rates over the current round of quantitative easing by a total of 2.25%. However, the City's past investment strategy of investing in terms nearer to the extent of statutory limits (12 months) has served to temper the negative impact on the City's total interest earnings.

Given we are now at the bottom of the current interest rate cutting cycle (consensus view of the market) the strategy is now to shorten the average duration for the investment portfolio. TD investments offering value over short to medium terms (3 to 6 months) are now preferred, subject to cash flow planning requirements. This will reduce risks associated with a potential increase in interest rates over the medium term. The City's investment portfolio currently has an average duration of 137 days, graphically depicted below:



Figure 2: Council Investment Maturity Profile



Budget Revisions

The City has received advice of an increase in funding of \$86,745 over the notional Financial Assistance Grants (FAGS) previously advised to the City for 2014/15. Savings of \$18,369 have been in the South Lake Leisure Centre Fitness salaries budget following individual program allocation. A small increase in the conferences budget for Engineering is required to carry over deferred spending from last year.

The above changes increase the City's budgeted closing funds from a balanced budget of \$0 to \$103,114.

Description of Graphs and Charts

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

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

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

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



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

GST Audit – Sale of land under the margin scheme

The ATO have conducted an audit into the City's treatment of GST on land sales made under what is known as Item 4 of the GST Margin Scheme. The City, on advice from Price Waterhouse Coopers (PwC), retrospectively and prospectively applied a favourable GST treatment to its major residential land sales at Bartram Rd, Atwell and Grandpre Crescent, Hamilton Hill. This was made possible due to a legal determination that local governments could be treated as the 'State' for the purpose of GST on land transactions. The State receives preferential treatment under the law where land sold under the margin scheme was held before 1 July 2000, and there were no improvements on the land as at that date. This treatment has yielded the City a gross saving of \$0.78M since its application, with these funds having been quarantined within the City's Land Development & Investment Fund reserve.

The ATO is challenging the unimproved status of the land as at 1 July 2000 and have advised the City that they intend to retrospectively adjust its Business Activity Statements by the \$0.78M and seek repayment of the refund without interest or penalties. PwC continues to advise the City that it has strong grounds to argue that the land was in fact unimproved as at 1 July 2000 based on the available evidence. The action by the ATO is being replicated nationwide against local governments with similar GST treatment of land transactions. PwC (who represent several of these) claim the ATO's case against the City is weak, compared to some of the other transactions being audited. Accordingly, the City is pursuing a strategy of challenging the ATO's findings with guidance and advice from PwC.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines



Budget/Financial Implications

Budget amendment included in the recommendation. Increase the City's Municipal Budget position by \$103,114.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – July 2014.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5371) (OCM 11/9/2014) - COCKBURN CENTRAL PARKING (159/011) (R AVARD)

RECOMMENDATION

That Council defer the preparation of a report on the parking around Cockburn Central for a future meeting of Council.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0



Background

Council at its meeting of the August 2014 resolved as a matter for investigation, without debate:

“Mayor Logan Howlett - requested that a report be prepared and presented to the September 2014 Ordinary Council Meeting detailing car parking options for businesses, residents and visitors within the Cockburn Central Town Centre”.

Submission

A delegation to the Council meeting of the 14 August 2014 raised concern about the parking restrictions in place which affect those living in Cockburn Central.

Report

Due to other demands on officer’s time a report could not be prepared in time for the September 2014 meeting of Council. It is proposed that a report be prepared for a future meeting when resources are available to provide the necessary information for Council to consider.

Strategic Plan/Policy Implications

Moving Around

- An integrated transport system which balances environmental impacts and community needs.
- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

This will be a subject in the report.



Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the September 2014 meeting of Council.

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

Nil

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

Nil



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

21.1 (MINUTE NO 5372) (OCM 11/9/2014) - SUBMISSION TO THE LOCAL GOVERNMENT ADVISORY BOARD ON INTENDED RECOMMENDATIONS FOR PROPOSALS E1 AND 10 (089/004) (S CAIN) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Submission on the Local Government Advisory Board's (the Board) Intended Recommendation (2) Proposal E1 (Cockburn Community Group);
- (2) adopt the Submission on the Local Government Advisory Board's Intended Recommendation (2) Proposal 10 (Melville);
- (3) advise the Cockburn-Kwinana Community Steering Group of its support for proposed changes to their Proposal and thank them for their advocacy throughout the metropolitan reform review;
- (4) continue cooperation with the cities of Fremantle, Melville and Kwinana for transition arrangements, pending finalisation of new boundaries for all districts; and
- (5) initiate further community communication after the announcement by the Minister for Local Government and Communities of his acceptance or rejection of the Board's recommendations for the Metropolitan Reform program.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr S Pratt that Council adopt the recommendation subject to the addition of sub-recommendation (6), as follows:

- (6) make it known to the Local Government Advisory Board that the deadline of two weeks was not sufficient and that we require six more weeks to engage with the community to give the community ownership of the new name.

MOTION LOST 4/5



MOVED Cllr Y Mubarakai SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (1) adopt the Submission on the Local Government Advisory Board's (the Board) Intended Recommendation (2) Proposal E1 (Cockburn Community Group);
- (2) adopt the Submission on the Local Government Advisory Board's Intended Recommendation (2) Proposal 10 (Melville);
- (3) advise the Cockburn-Kwinana Community Steering Group of its support for proposed changes to their Proposal and thank them for their advocacy throughout the metropolitan reform review;
- (4) continue cooperation with the cities of Fremantle, Melville and Kwinana for transition arrangements, pending finalisation of new boundaries for all districts; and
- (5) initiate further community communication after the announcement by the Minister for Local Government and Communities of his acceptance or rejection of the Board's recommendations for the Metropolitan Reform program.

CARRIED 7/2

NOTE: Cllr S Pratt and Cllr S Portelli requested that their objection to the motion be recorded.

Background

At a Special Council Meeting held on 4 August 2014 Council adopted a new proposal for the amalgamation of the districts of Cockburn and Kwinana. This proposal was submitted to the Local Government Advisory Board (the Board) on 5 August, but as per Council's decision, it was also used as the basis for the City's submission on the Board's advertised Intended Recommendations for Proposals E1 (Cockburn Community Steering Group) and 10 (City of Melville).

Following consideration of all submissions received by the end of the advertising period, the Board, resolved to advertise a new Intended Recommendation (2) for proposals E1 and 10. The new Intended Recommendations were in line with the boundaries contained in the City's new proposal and its Submissions on the previous Intended Recommendations. While the Board has not provided advice to the



City on the status of its new proposal, the outcome of the new Intended Recommendations makes consideration somewhat moot, as they are in line with the position Council was advocating.

The Board's new Intended Recommendations needed to be re-advertised as they were 'significantly different' to the previous recommendations. The advertising period for the new Intended Recommendations closes on 15 September. The City needs to lodge a final submission to the Board on both of its Intended Recommendations so that this matter can be concluded and the Minister for Local Government and Communities provided with the Board's final recommendations for the affected districts.

Submission

Submissions for Proposals E1 and 10 as prepared by the Administration.

Report

The Local Government Reform process was initiated by the Government in February 2009. It has had a number of iterations in that time and ten reports have now been presented to Council on this topic since then. Hopefully this will be the last report that Council needs to consider on this matter.

The current status of the reform process is that the Board has now assessed and reached a position on all of the 38 proposals that were lodged. A final report has been prepared with recent advice from the Board indicating it would be presented to the Minister shortly. However, following consideration of the submissions received on the Intended Recommendations for Proposals E1 and 10, the Board has resolved to adopt new recommendations for these two proposals.

The City's strong advocacy of an alternative option for the northern boundary of the current district of Cockburn, a position endorsed by the proponents of the Cockburn-Kwinana Community Steering Group, has been accepted by the Board. The significantly different boundary meant that the outcome would need to be re-advertised, but only for a two week period to get any final comment.

Submission. The City's final submission on the two Intended Recommendations has been prepared after undertaking consultation with neighbouring local governments and the Cockburn-Kwinana Community Steering Group. The position presented in the attached Submissions is not likely to be fully supported by the neighbouring local governments, but it is being supported by the Steering Group.



While acknowledging that not all Cockburn residents are happy with the boundaries in the Intended Recommendations, nor has this been Council's preferred position, the boundaries are consistent with the position adopted by Council at its 4 August Special Meeting.

After detailed consideration of the initial Intended Recommendations, the City has identified a number of minor boundary anomalies that should be corrected. These relate to splitting of some properties along the new boundaries with Fremantle and Melville, as well as the need to ensure the City can fulfil its legal obligations for sand by-passing around Port Coogee. Details of the recommended changes are contained in the attached Submissions.

The Board has also asked that the Cities of Cockburn and Kwinana finalise their positions on several outstanding matters, being the new local government name, the preferred Ward and Elected Member representation model as well as how the Mayor should be elected.

Local Government Name. The City's original Proposal (20) advocated for the new entity to be called the *City of Cockburn Sound*. Following finalisation of its Submission at the Special Council meeting on 4 August 2014 it was resolved to support the name *City of Cockburn-Kwinana*.

The advice subsequently provided by the Board's Chairman, Cr Mel Congerton, was that the Board preferred a name that did not reference the names of the existing local governments. The City has noted this and has undertaken an independent community perception survey, conducted by Catalyse, to test the public's preference from the following:

- *City of Beelias* – an indigenous name meaning water that is also the tribal name of the Aboriginal people that inhabited the area from Melville down to Kwinana;
- *City of Beelias Lakes* – recognising the connectivity of the Beelias Regional Park across the Cockburn-Kwinana area;
- *City of Jervoise Bay* – a geographic feature that abuts the boundary of the current Cockburn and Kwinana districts; and
- *City of Success* – the name of one of the vessels used by Captain Stirling when he explored the area around the future Swan River Colony in 1827.

Using standard sampling techniques from a random sample of 400 persons living in Cockburn (that would also remain in the new district) and Kwinana, the following were the results on the priority using first and second preferences:



- City of Beeliar Lakes – 33%
- City of Beeliar – 38%
- City of Jervoise Bay - 48%
- City of Success – 57%

Based on this feedback it is recommended that the name of *City of Success* be endorsed by Council as its preferred name. The Catalyse report is attached to the Submission.

The City of Kwinana is undertaking a “Facebook” survey of its residents on two of these names, being City of Jervoise Bay and City of Beeliar Lakes. The survey closes on 14 September 2014 and will presumably be used as the basis for its submission to the Board.

Elected Member Representation. A position on the three elements required for a representative model is detailed below:

- *Wards.* The Submission retains the previously endorsed three ward model. From discussion with the City of Kwinana it is believed they support a three ward model, but with radically different boundaries. The City’s proposed model is grouped around three distinct population and activity clusters.
- *Mayor.* The Submission retains a popularly elected Mayor.
- *Councillors.* The three ward model is based on proportionate representation. This leads to the West and East wards having four Councillors and the South ward with three Councillors. During consultation with Kwinana representatives at the Local Implementation Committee (LIC) meeting held on 5 September 2014, the City reiterated its offer of equal representation (ie four Councillors) across all wards, if there could be agreement to a popularly elected Mayor. This outcome was not achieved, so it is not included in the Submission as a transitional provision.

Managing Transition. The LIC has commenced detailed discussions on the transition program. The City has agreed to align its leadership structure, Transition Management Teams (TMTs), to that being used by the neighbouring local governments. A joint meeting of TMTs was held at the City of Cockburn on 8 September 2014 and work is progressing to develop a joint transition plan. The City has also had bi-lateral discussions with the cities of Fremantle and Melville, in order to make any boundary adjustments as uncomplicated and smooth as possible.

The LIC will meet fortnightly at alternating venues, so that it can oversight the reform program pending a final announcement by the Minister, due in late September 2014. As the proposed merger is an



amalgamation, Governor Orders to achieve this cannot be issued until the opportunity for any polls is concluded.

Further Community Engagement. The City has been approached by many residents seeking advice on the status of reform. It is noted that not all Cockburn communities are happy with the current Intended Recommendations, however, once a final position is determined it is essential the City communicates widely and especially to areas that may no longer be in the district.

Conclusion. The attached Submissions seek to endorse the outcomes proposed by the Board. The new Intended Recommendations accord with Council's adopted position on the boundaries and only minor changes to this are required.

A new Cockburn-Kwinana local government is due to come into being on 1 July 2015. There is considerable work involved if this is to be achieved.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.

Budget/Financial Implications

The Government is expected to announce what financial assistance it will provide to assist with the costs of transition, after the Minister has announced his decision on the Board's proposed recommendations.

The City has estimated the cost of an amalgamation at around \$7.5M, but this cost may be higher due to the greater complexity associated with a northern boundary change. In addition, an initial rates harmonisation strategy will require approximately \$4.5M to harmonise Cockburn/Kwinana residential rates. Further advice will be given to the LIC as the project plan develops.

Legal Implications

The provisions of Schedule 2.1 of the Local Government Act (the Act) apply.



Community Consultation

The Board is advertising its Intended Recommendations until 15 September 2014 and the City has promoted this via a link on its website.

Attachment(s)

1. Submission on Intended Recommendation (2) for Proposal E1.
2. Submission on Intended Recommendation (2) for Proposal 10.

Advice to Proponent(s)/Submissioners

The City of Kwinana and the Cockburn-Kwinana Community Steering Group have been advised that Council is considering its Submission on their Proposal (E1) at the September 2014 Ordinary Council Meeting.

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

N/A

22 (OCM 11/9/2014) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22.1 Cllr Stephen Pratt requested that a report be prepared for the November 2014 Ordinary Council Meeting outlining the current bus service and frequency through Coolbellup and any recent changes to the bus service.

22.2 Cllr Steven Portelli requested that a report be prepared investigate to see if it's feasible to have residents share rubbish bins in specific areas and under varying conditions. (For example to be provided at discounted rates. How much could be proposed? The normal cost is \$435 for both bins. What sort of discounts could be provided if they are sharing bins? This is to recognise that some residents have minimum rubbish requirements and be allowed to share bins and therefore reduce their respective costs. What discounts would be feasible and what savings are possible? Can it be done in zones or controlled so that rubbish collection cannot be uneconomical in some areas? What issues can be seen?)

22.3 Cllr Steven Portelli – Given that Cockburn has many truckers stopping in locations to get drinks and food at activity hubs dotted around Cockburn for example, The Hive at Russell Road, Hammond Park; Fitzzy's at Berrigan Drive, South Lake; First Choice Liquor at North Lake Road, Cockburn Central, can the City please investigate a report on the following:



- Note and photograph locations trucks frequently park on roadside, verge side, kerbside within in Cockburn.
- Survey trucking operations on best locations for roadside parking.
- Investigate the cost of rolling out special parking for truckers to use for lunch and tea breaks.
- Propose optimum times for parking.
- Look at trucking companies to assist in siting bays looking to provide facilities at major locations.

The aim is to make Cockburn more trucker friendly. We are a major destination and thoroughfare for trucks with an estimated 650,000 container movements growing to 3,000,000 to 2031 for the whole metropolitan area and Cockburn being between two ports, one of them proposed, we are going to be hugely impacted.

22.4 Cllr Steven Portelli stated: It is apparent that many residents are not reporting crime. This affects the Police response to the police resourcing hence directly affecting the costs of resourcing such as Co-safe making good of vandalism and graffiti. I therefore ask the officers to investigate the following:

- How many glass repair businesses are there in Cockburn?
- Are there any glass repair Companies not based in Cockburn that are used within the boundaries because it is prominent?
- A list of companies and addresses for potential approaches by neighbourhood watch, volunteers or the police.
- Phone survey the companies that ascertain with the lack of reporting of crime to the police as evidenced.
- Present such findings to Council with the view of forwarding to the police.
- Question the police as to how they can assist in addressing potential issues.
- Are all crimes committed against the City of Cockburn reported to the police?
- Is it mandated by administration that all crime must be reported?
- Is it policy?
- Who is responsible for reporting?
- Is there a database for such crime?



23. CONFIDENTIAL BUSINESS

23.1 (MINUTE NO 5373) (OCM 11/9/2014) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIORSTAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 27 AUGUST 2014 (027/002) (S CAIN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee Meeting held 27 August 2014, as attached to the Agenda, and adopt the recommendations therein.

COUNCIL DECISION

MOVED Clr L Smith SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 9/0

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 27 August 2014. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

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

Report

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



Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- A skilled and engaged workforce.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee held on 27 August 2014 are provided to the Elected Members as confidential attachments.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the September 2014 OCM.

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

Committee Minutes refer.



24 (MINUTE NO 5374) (OCM 11/9/2014) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED C/r B Houwen the recommendation be adopted.

CARRIED 9/0

25 (OCM 11/9/2014) - CLOSURE OF MEETING

Meeting closed at 8:18 PM

CONFIRMATION OF MINUTES

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

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



DA	COMPLETION OF FIREBREAKS	ACS5
----	--------------------------	------

DELEGATED AUTHORITY CODE:	ACS5
DIRECTORATE:	Administration & Community Services
BUSINESS UNIT:	Community Services
SERVICE UNIT:	Ranger & Community Safety Services
RESPONSIBLE OFFICER:	Deputy Bushfire Control Officer
FILE NO.:	086/003
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	14 June 2012
ATTACHMENTS:	N/A
VERSION NO.	12

Dates of Amendments / Reviews:	
DAPPS Meeting:	24 May 2012
OCM:	9 April 2009

FUNCTION DELEGATED:

The authority to issue Infringement Notices against land holders who contravene Fire Break requirements.

CONDITIONS/GUIDELINES:

- (1) If, ~~following the initial inspection~~, fire breaks are not completed ~~within fourteen (14) days of the reminder / warning notice being forwarded to landowners by the date specified in the Fire Order~~, an infringement notice be issued and ~~City council will~~ arrange for the construction of a fire break, with all associated costs to be borne by the land owner.
- (2) Council advise contractors that extensions in time will not be allowed in accordance with (1) above.
- ~~(3) Those land owners who have in previous years been issued with a fire break warning / reminder letter be immediately issued with an infringement notice should the properties be again detected during subsequent fire break inspections.~~
- ~~(4) The infringement referred to in (3) above will be issued with an accompanying order to construct the necessary firebreaks within fourteen (14) days or Council will enter upon the land to construct the firebreaks, with all associated costs to be borne by the land owner.~~
- (53) All requirements of the Bush Fires Act, 1954, are to be complied with where necessary.

AUTONOMY OF DISCRETION:

As provided in Conditions above

SUBMISSION ON INTENDED RECOMMENDATION 2 -
COCKBURN ELECTOR PROPOSAL E1
(MODIFIED CITY OF COCKBURN-KWINANA)



CONTENTS

SUBMISSION	1
ISSUES AVOIDED BY NEW RECOMMENDATION	2
MINIMISING TRANSITIONAL DIFFICULTIES.....	2
A BALANCED REGIONAL OUTCOME	2
DISTRICT BOUNDARIES	4
LOCAL GOVERNMENT NAME	11
REPRESENTATIVE PROPOSAL	12
ATTACHMENTS	13

SUBMISSION

The City of Cockburn **fully supports** the proposed Intended Recommendation 2 – Cockburn Elector Proposal E1.

The City wishes to thank the Local Government Advisory Board for taking into consideration the matters that it and the Cockburn-Kwinana Community Steering Group advocated in support of this alternative Recommendation.

The retention of areas of cultural, historical, social and ecological parts of the District of Cockburn within the new Cockburn-Kwinana local government has achieved the essence of what our community has asked for.

While supporting the Intended Recommendation, this submission includes a number of recommendations as follows:

- *District Boundaries* – a number of minor anomalies should be corrected along the boundaries with Fremantle and Melville.
- *Local Government Name* – following the results of survey of residents across Cockburn and Kwinana, the recommended name is the **City of Success**.
- *Wards and Councillors* – a three ward model be adopted with ward boundaries as described in the document. The West and East Wards would have four Councillors and the South Ward three.
- *Mayor* – the Mayor be popularly elected.
- *Commissioners* – five commissioners be appointed to administer the new local government, comprising the existing Mayors and Deputy Mayors and one independent Commissioner to be the Chairperson.

ISSUES AVOIDED BY NEW RECOMMENDATION

Without seeking to restate all of the elements in the City's previous submission on this proposal, the Board's Intended Recommendation will overcome a significant number of issues that would otherwise make transition problematic. Specifically:

- **Strategic Planning.** The Recommendation no longer causes the Cockburn Coast Structure Plan to be split between two local governments, Fremantle and Cockburn. The minor boundary change recommended later will also improve coordination of this development.
- **Administrative Infrastructure.** All critical administrative infrastructures are now directly contained within the boundaries of each local government within the south-west metropolitan region. This has mitigated an increase in future operating costs for the new Cockburn-Kwinana local government.
- **Future Community Facilities.** The boundaries minimise the disruption to Cockburn's Developer Contribution Scheme (called DCA13). This will allow future community infrastructure to be developed with the maximum amount of externally sourced capital funding.
- **Road Network.** The boundary retains the capacity to develop an integrated road network, where the direct beneficiaries of these investments (particularly industry) will reside directly within each local government's boundaries.
- **Legal Matters.** Issues associated with contaminated site management are now minimised. The retention of the minor boundary variation at the Cockburn/Fremantle boundary at Port Coogee will provide the right of access to allow Cockburn to fulfil its legal obligations for sand bypassing around the marina.
- **Financial Sustainability.** Each of the local governments in the south-west metropolitan area will have a sustainable financial base. In particular, the challenges associated with rate harmonisation between Cockburn and Kwinana are manageable over five years, an outcome that would not have been possible under the original Intended Recommendation.

The majority of these outcomes are most clearly evident when viewed on the graphic overleaf.

MINIMISING TRANSITIONAL DIFFICULTIES

The City has previously articulated that if the Board would consider moving the boundary to the new Intended Recommendation (2) alignment, it would significantly reduce the impact on continuity of service delivery.

Since the announcement of the new boundary the City has worked with our counterparts at Fremantle to secure retention of the Jean Willis - Aged Care Service (Location 3 overleaf); as Cockburn-Kwinana will still have 78% of the clients in our local government district. This outcome appears to be on track. It will reduce the burden on Fremantle of asset, staff and service transfer and eliminates concerns with assignment of Commonwealth funded contracts.

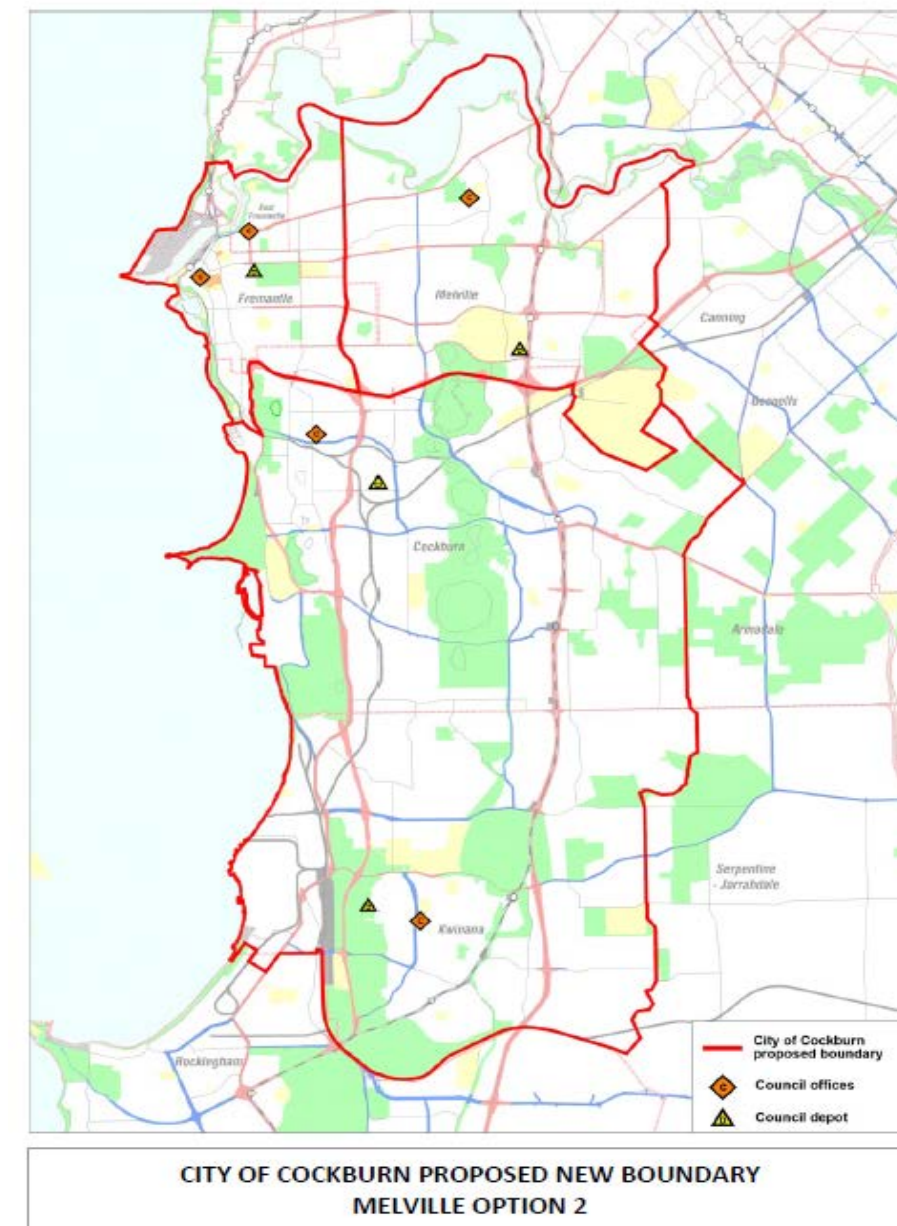
Similarly the City has held negotiation with Melville to retain the presence of its Family and Children's Service Unit at Coolbellup (Location 2 overleaf). This too appears to be achievable

and will also mitigate the impact on staff and the service delivery contracts we have with the Commonwealth and State Governments.

From a staff perspective, these outcomes will *significantly reduce* the number of people that would otherwise have to be *compulsorily transferred*.

A BALANCED REGIONAL OUTCOME

The City's previous submission on Proposal E1 had identified that an alternative was available that would lead to a more balanced regional outcome. As can be seen in the graphic below, the new Intended Recommendations for Proposals E1 and 10 lead to far more optimal placement of critical servicing infrastructure (ie Administration and Depots) than was the case with the previous Intended Recommendations.



DISTRICT BOUNDARIES

In supporting Intended Recommendation 2 the City wishes to draw to the Board's attention a number of factors that impact the final boundary of the new district. Several of these matters are not at first evident when looking at the maps with 'macro' boundaries, but upon close inspection on a micro scale the issues stand out clearly. These maps are attached as Maps 1 - 5.

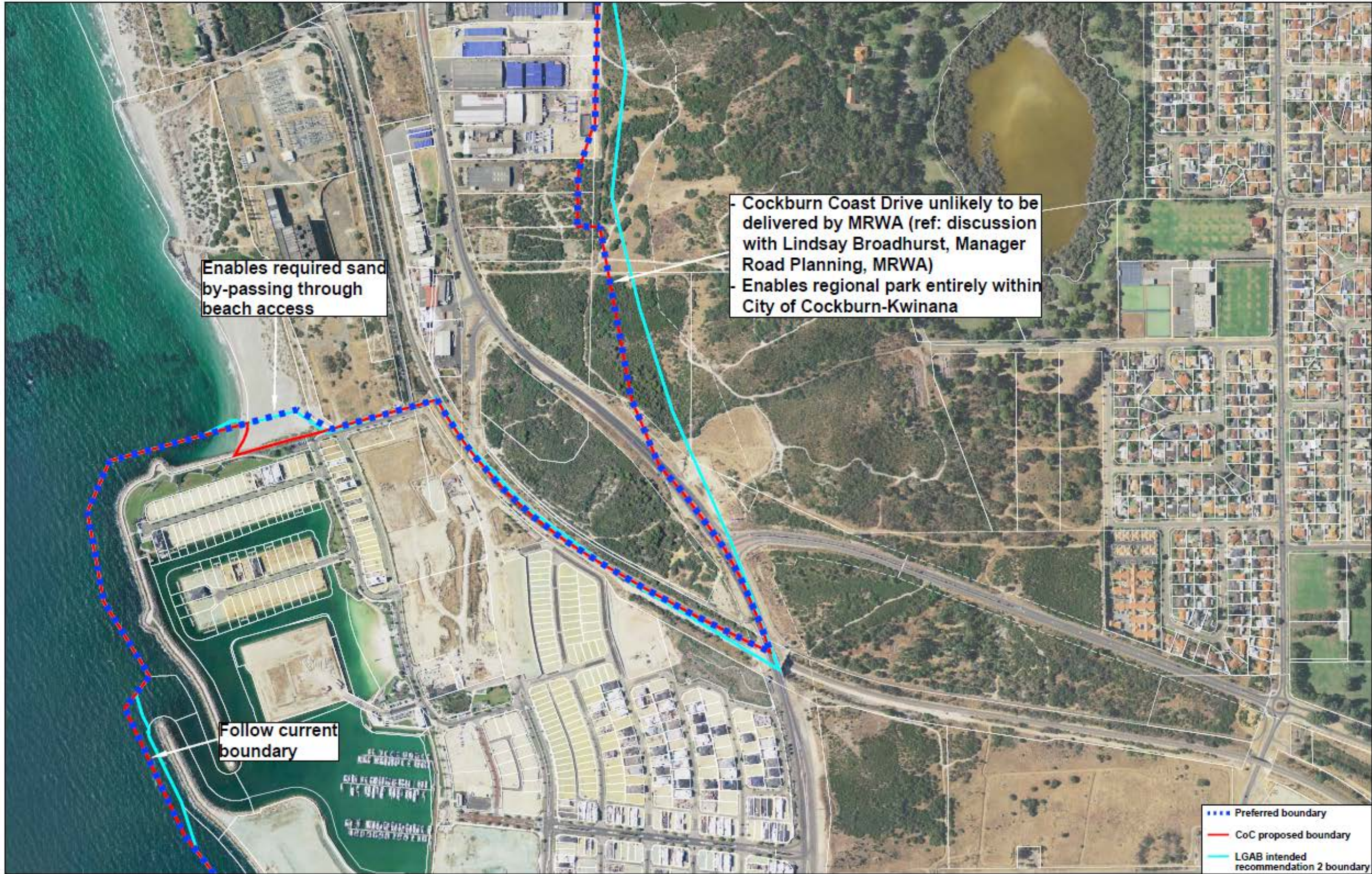
Port Coogee Located within the marina is fixed infrastructure for piping of sand around the marina boundary. Sand naturally accretes on the northern marina groyne on CY O'Connor beach and needs to be pumped around the marina to be dispersed along the southern coastline at Coogee Beach.

The City has a legal responsibility to undertake these works every five or so years, depending on the rate of sand accretion. At present the northern and southern beaches abutting Port Coogee are all in the district of Cockburn. The City needs a legal right of access to the northern beach if it is to undertake the sand by-passing. Such access is easier to secure if the district boundary provides for this.

While the City did not include this in its boundary proposal, inadvertently this has been achieved by the proposed boundary line. Map 1 shows the boundary initially proposed by the City and what has been advertised by the Board. The City fully supports the Board's 'kink' at CY O'Connor beach and seeks that this be retained in the final drawn boundary.

Photos showing sand extraction and bypassing around Port Coogee





PREFERRED BOUNDARY

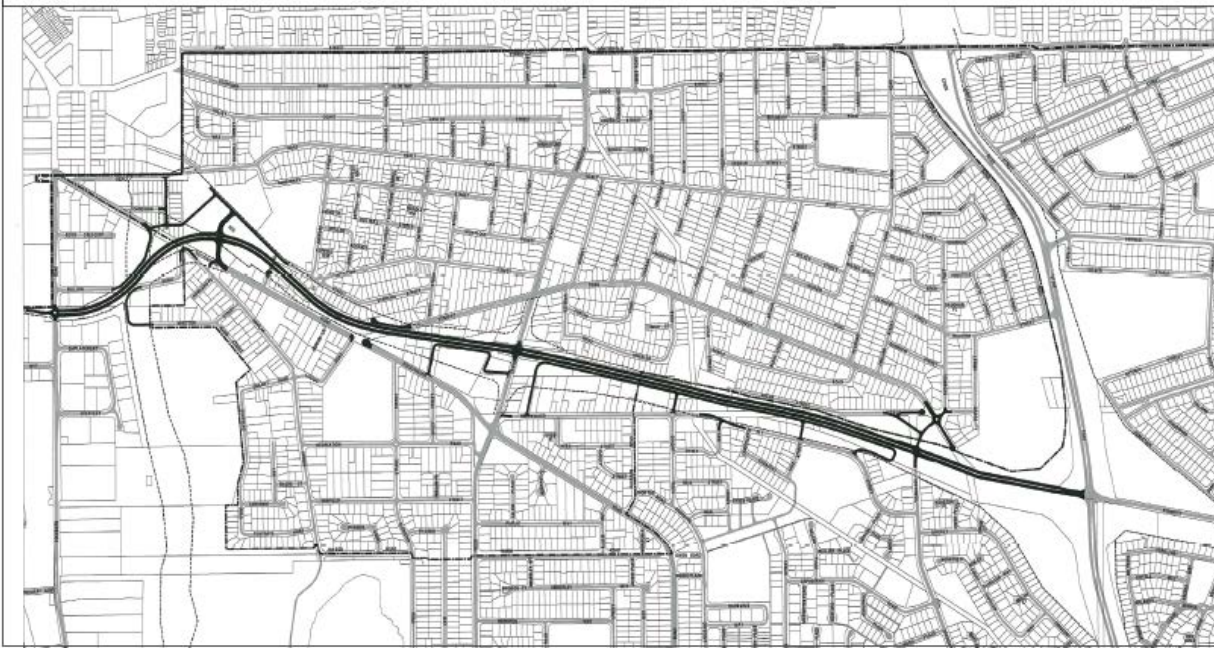
Map 1

Similarly moving the boundary to the western side of the proposed Cockburn Coast drive will leave the vegetated road reserve within the rest of the Beeliar Regional Park. Should the road not be developed, as is the recent advice from Main Roads, there will be fewer concerns in managing the fire management plan for this precinct.

South Fremantle Using the road alignment of Cockburn Coast drive and the Roe Highway extension (stage 9) creates a minor boundary anomaly at the junction of Cockburn and Rockingham roads (see Map 2.) This can be corrected by traversing the boundary along Bellion Drive then across Rockingham Road to join the Roe alignment. The outcome transfers around 24 properties to Fremantle that are being serviced from Fremantle's side of the boundary anyway.

The changes will also work well until the new district road is constructed. The diagram below shows how the network will look after construction. Map 2 depicts the recommended changes.

Proposed District Distributor Road through Hamilton Hill – Roe 9



Hamilton Hill The City's proposed boundary centreline through the Roe Highway road reservation had deviated around properties in the road reservation. These properties mostly belong to Main Roads Western Australia and are being leased pending future construction of the road. Map 2 also depicts these properties and the suggested boundary line that would avoid running through the middle of them.

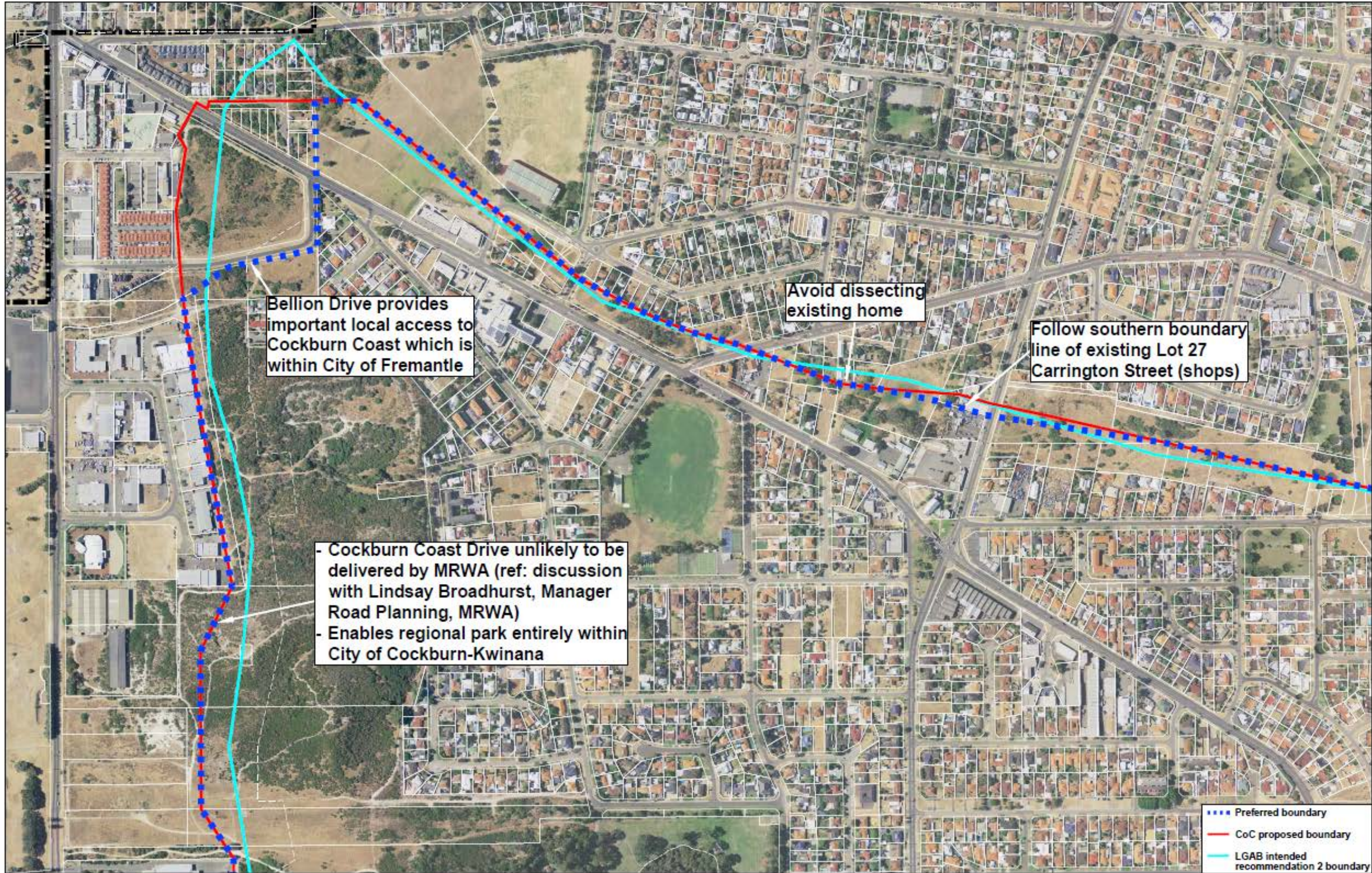
The construction of a district road along the Roe Highway reservation (stage 9) is still intended. A minor boundary adjustment is recommended as an interim measure using Forrest Road, as shown on Map 3.

The proposed boundary will lead to well defined responsibilities for the enlarged City of Fremantle. The Cockburn Coast precinct will sit entirely within its boundaries and the population growth within this precinct will occur at a manageable pace for Fremantle.

Bibra Lake With the construction of Roe Highway (stage 8), Hope Road in Bibra Lake would be realigned. This local road connects and provides the only access to the Wetlands Education Centre and Native Arc. Traversing the boundary around Hope Road until such time these road changes occur will resolve any concerns about which local government is responsible for road maintenance. See Map 4.

Jandakot Airport The City's proposed boundary had run along the road centreline of Karel Avenue into the Airport precinct. The Intended Recommendation has put the boundary to the west of Karel Avenue to join into Berrigan Drive south of Hope Road. As this juncture point would not be well defined the City recommends retaining the boundary west of Karel Avenue, but joining into Berrigan Drive at the end of Hope Road. See Map 5.

The City has raised these all of these adjustments with the Cities of Fremantle and Melville and believes it has in principle agreement to these changes, should they be supported by the Board.



PREFERRED BOUNDARY

Map 2



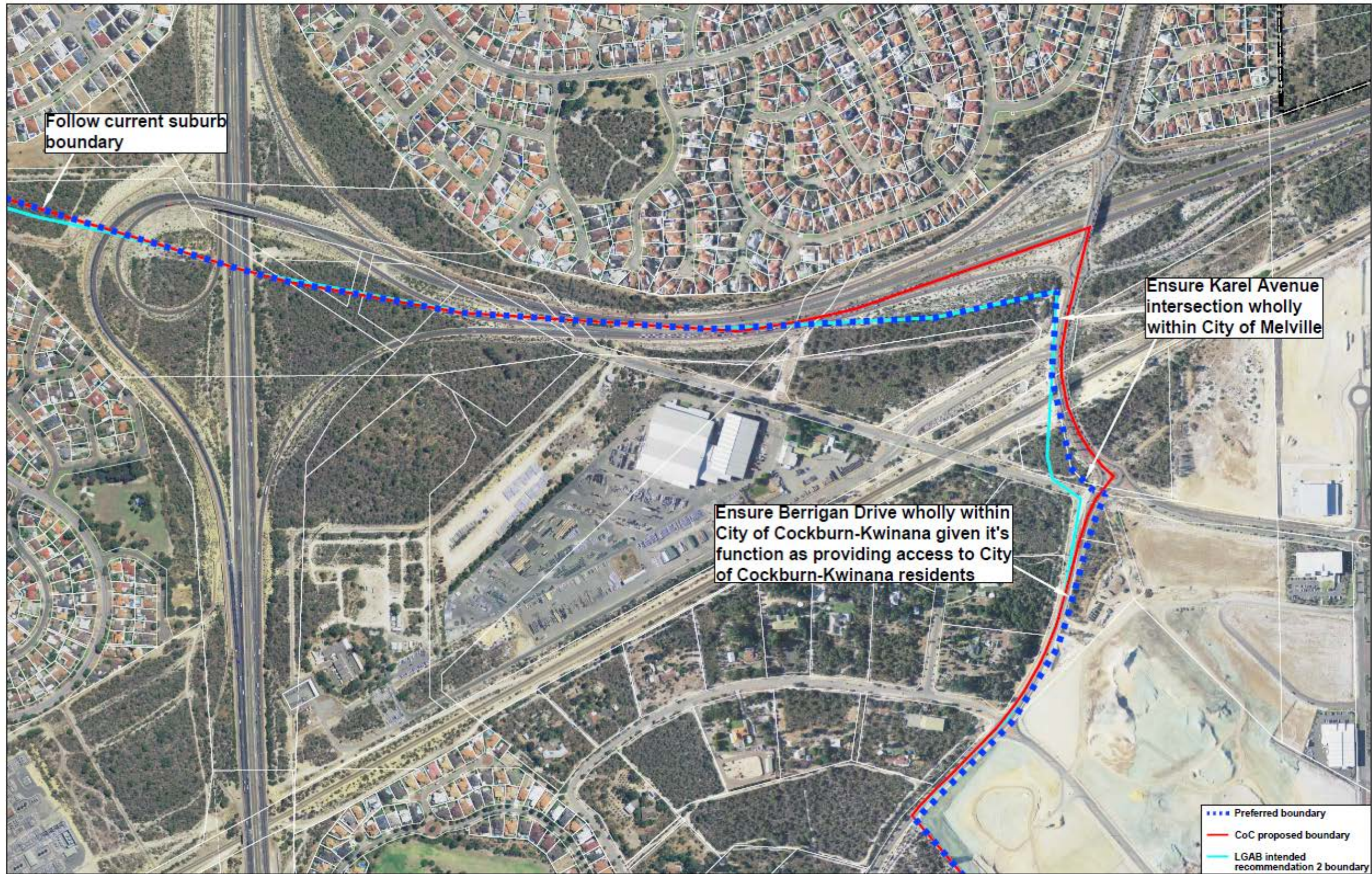
PREFERRED BOUNDARY

Map 3



PREFERRED BOUNDARY

Map 4



PREFERRED BOUNDARY

Map 5

LOCAL GOVERNMENT NAME

The Chairman of the Board provided advice that a new name would be preferred for the local government, which allowed the City to revert to options away from its previous recommendation of the City of Cockburn-Kwinana.

As a consensus position could not be reached with the City of Kwinana, an independent polling company (Catalyse) was engaged to test four names:

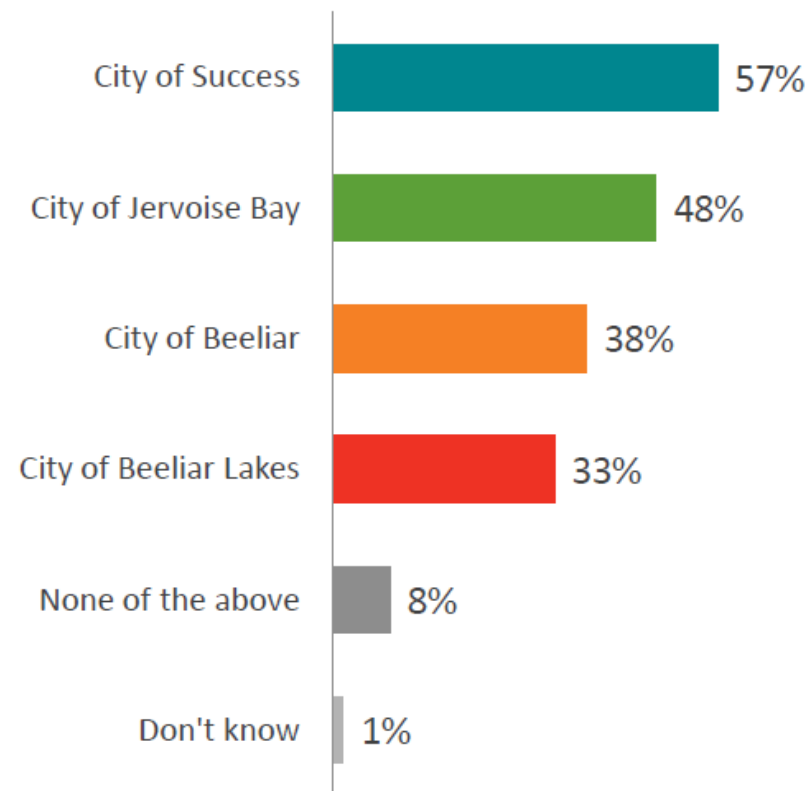
- A. **Beeliar** is the Nyungar place name for the geographic area which spans Cockburn and Kwinana and was home to the Beeliar people.

Beeliar Lakes is the Nyungar place name for the significant wetlands that run through Cockburn and Kwinana.

- B. **Jervoise Bay** is a geographic feature of the area within Cockburn Sound. It is an ocean bay south of Woodman Point.

- C. **Success** has historical connections for the area as it was the ship commanded by Captain James Stirling when he explored the new colony in 1827, prior to its founding.

Using standard statistical sampling (400 households) from across Cockburn and Kwinana, the name that was the most popular was the **City of Success**. This name was also the most popular choice based on a first and second preference combination.



It is noted that the choice of names was not uniformly supported over Kwinana and Cockburn, with the residents from the former preferring the name City of Jervoise Bay. The major problem with this name is that as it is pronounced 'Jervis Bay' it can be immediately confused with Jervis Bay on the New South Wales Coast (as shown below). This precinct actually forms part of the Australian Capital Territory

The advice from the Geographic Names Committee is that they prefer important names, such as that of a local government, to be unique. Spelling and pronunciation are important criteria when considering 'uniqueness'.



The name 'Success' is a suburb name, which is the major reason why Kwinana hasn't wanted to consider it. However, as suburb names are used as local government names in a large number of metropolitan local governments; eg Perth, Stirling, Wanneroo and Armadale and they would also be the names of the local governments in the south-west metropolitan region, eg City of Melville, City of Fremantle and City of Rockingham. Using Success as the name for the new Cockburn-Kwinana local government would be consistent with other large local governments.

A copy of this survey and results are shown in Attachment 1.

REPRESENTATIVE PROPOSAL

The City has sought to reach a consensus position with the City of Kwinana. However, this has not been achieved so each local government is presenting their preferred option.

Wards The City's correspondence to the Board dated August 2014 identified options based on various population scenarios. It was advised that the option that had the most stability in electors / Councillors ratio was a three ward model. These would be given geographic names of west, east and south wards. In preparing a ward structure the City has adopted an approach to ensure the following:

- **Stability** – the ward model would have stable Elector/Councillor ratios over two or more electoral cycles.
- **Equality** – the ratio of electors is consistent with the Board's requirement for no more than +/- 10% variation.
- **Communities of Interest** – these were clearly defined around established commercial (shopping) centres, each with a cluster of local government facilities (libraries, youth and senior centres, recreation centres and City Administration hubs.)
- **Natural boundaries** – the wetland chain and other parts of the Beeliar Regional Park that naturally separate population centres fall along the ward boundaries.
- **Artificiality** – boundaries have not been artificially drawn in order to create population clusters to boost Councillor numbers in any one ward.

The graphic shown in attachment 2 demonstrates how this proposal would align with all of the above requirements. The image shown overleaf is how the wards align with current suburb boundaries.

Mayor The City has sought the retention of a popularly elected Mayor for the new district. Cockburn's mayor has been popularly elected since 2000 and the Cockburn residents make up the bulk of the population in the new local government (71%).

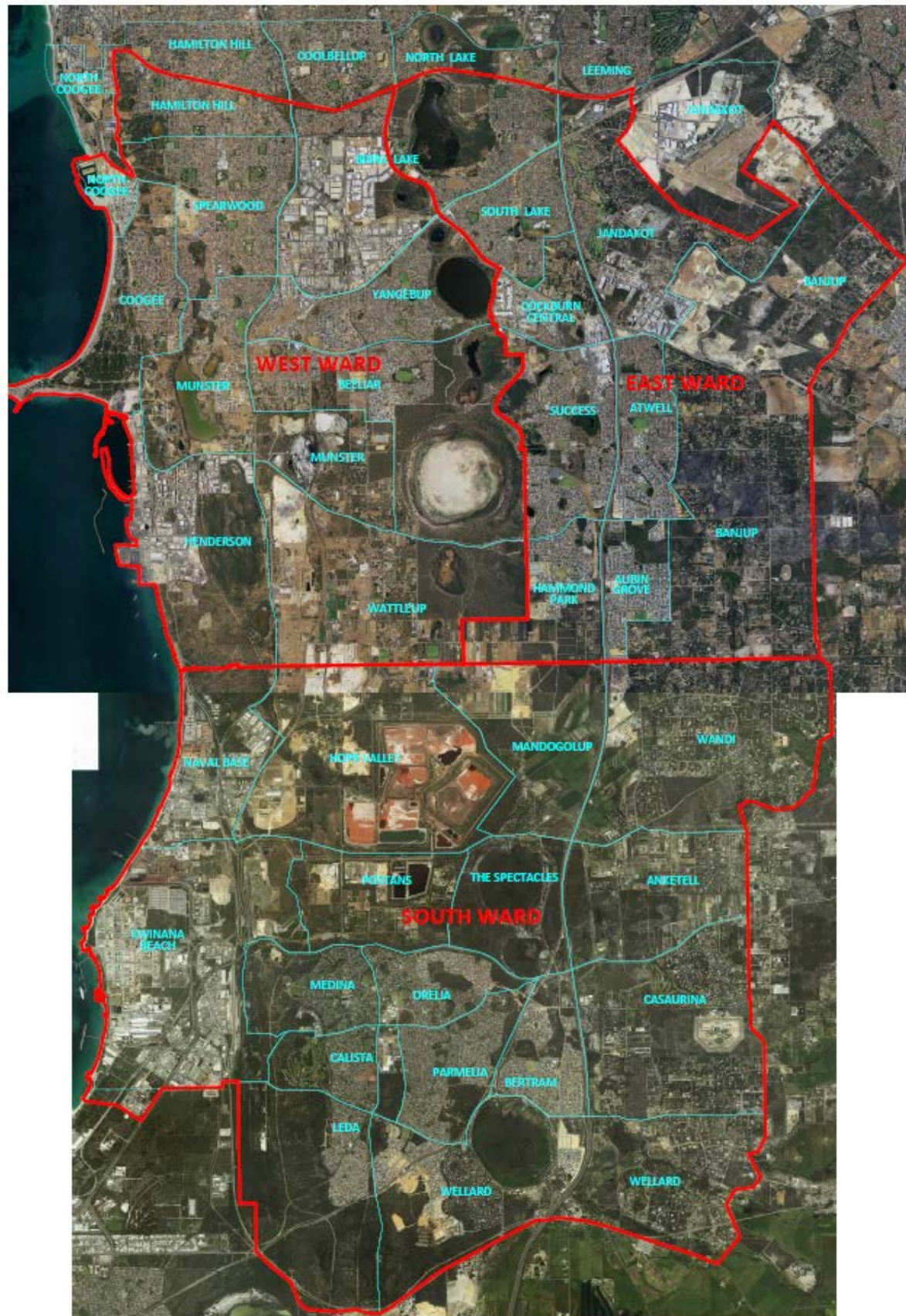
Elected Members Applying the Board's guidelines to Councillor / Elector ratios within a +/- 10% figure, the table below delivers the only outcome that balances this over two full electoral cycles. It would result in four Councillors for the west and east wards and three for the south ward.

In an attempt to reach a consensus position with the City of Kwinana on the overall representative model the City had offered an additional Councillor for the south ward in exchange for agreement to a popularly elected mayor. The additional Councillor would have been outside the deviation tolerance, but we had supported this for the purposes of equality of representation across all wards. As no consensus could be agreed with Kwinana the City of Cockburn is not seeking any imbalance to Councillor representation.

Attachment 3 provides a more substantive justification of all the matters described above.

	Electors July 2014	Electors July 2015	Electors July 2019	Elected Members 2015	Elected Members 2019	Councillor Elector Ratio 2015	Councillor Elector Ratio 2019	% Ratio Deviation 2015	% Ratio Deviation 2019
West	25 905	26 703	29 898	4	4	1 : 6 676	1 : 7 475	-1.8%	-0.2%
East	25 905	26 703	29 898	4	4	1 : 6 676	1 : 7 475	-1.8%	-0.2%
South	17 823	18 775	22 584	3	3	1 : 6 258	1 : 7 528	+4.6%	+0.5%
Sub Total	69 633	72 161	82 380	11	11	1 : 6 560	1 : 7 489	0.0%	0.0%
Mayor				1	1				
New LGA				12	12				

Commissioners As the proposed creation of the new local government would be by amalgamation, the existing local governments will be disestablished from 1 July 2015. There is a consensus position with Kwinana that during the period from July until the election of a new Council in October 2015, five commissioners administer the new local government. The preference is for these to be the two existing Mayors and Deputy Mayors, with an independent commissioner as the Chairperson.



ATTACHMENTS

1. Catalyse survey results for proposed local government name.
2. Graphic showing wards with communities of interest and infrastructure.
3. Ward and Elected Member proposal – detailed justification.

Selecting a new council name for the cities of Cockburn and Kwinana

A survey of community opinion



September 2014

CATALYSE® empowering decision makers © 2014



Executive Summary

A survey among a random and representative sample of 404 residents across the cities of Cockburn and Kwinana found the **City of Success*** to be the preferred name for a new council.



* Overall, 34% of residents within the proposed council boundaries prefer the City of Success voting it as their number one preference

Support for the City of Success was greater in the City of Cockburn | *Cockburn 38% vs Kwinana 22%*

City of Kwinana residents prefer the City of Jervoise Bay | *Cockburn 25% vs Kwinana 36%*

Background information provided to respondents

.....

There is a proposal for the cities of Cockburn and Kwinana to merge.

Four new names are being considered for the new council. Before I read them out, I'm going to provide some background information.

RANDOMISE ORDER OF READING OUT A, B and C TO REDUCE ORDER EFFECTS.

- A. **Beeliar** is the Nyungar place name for the geographic area which spans Cockburn and Kwinana and was home to the Beeliar people.

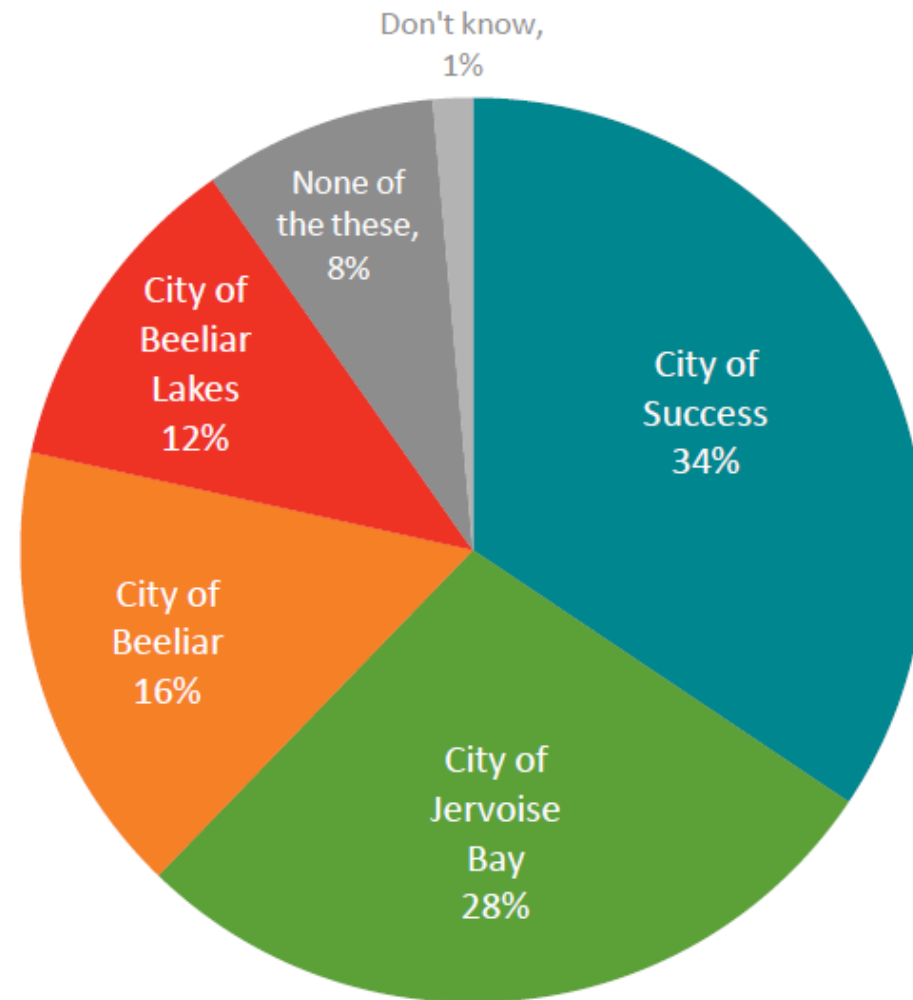
Beeliar Lakes is the significant wetlands that run through Cockburn and Kwinana.

- B. **Jervoise Bay** is a geographic feature of the area. It is an ocean bay south of Woodman Point.
- C. **Success** has historical connections for the area as it was the ship commanded by Captain James Stirling when he explored the new colony in 1827.



A new council name | first preferences

% of respondents



Overall, 34% of residents in the newly proposed council boundaries, prefer the name **City of Success**.

The City of Success is the #1 preference among most groups in the community (shown below, highlighted in blue), with strongest support in the City of Cockburn, among males and those aged 18-34.

The City of Jervoise Bay comes in a close second. It is the #1 pick among residents in the City of Kwinana, and a close second among home owners and those aged 35+.

The #1 pick among renters is the City of Beeliar.

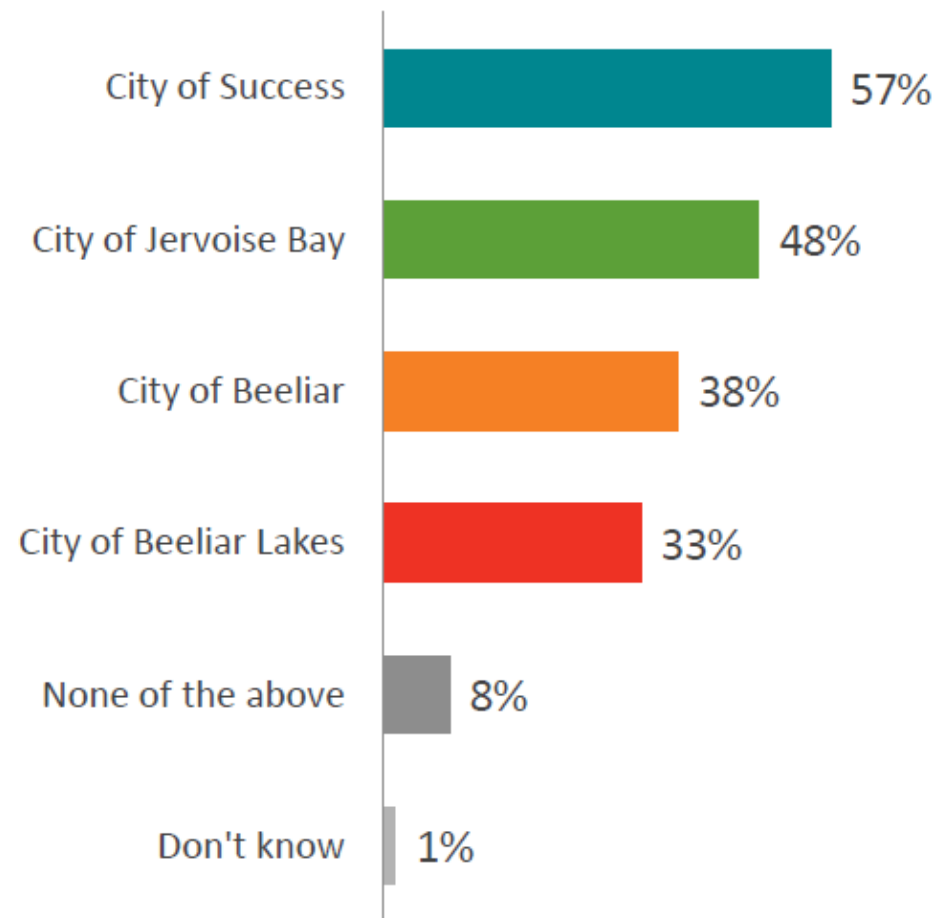
% of respondents	City of Success	City of Jervoise Bay	City of Beeliar	City of Beeliar Lakes
City of Cockburn	38%	25%	15%	12%
City of Kwinana	22%	36%	20%	11%
Male	37%	27%	19%	8%
Female	32%	29%	14%	16%
18-34	41%	24%	16%	13%
35-54	32%	31%	16%	12%
55+	30%	27%	16%	10%
Home owners	33%	29%	16%	12%
Renters	31%	19%	34%	10%

Which of the following names would you MOSTLY prefer for the new Council? Would you prefer:
 READ OUT, RANDOMISE ORDER TO REDUCE ORDER EFFECTS, SINGLE RESPONSE
 Base: All respondents (n=404)



A new council name | sum of first and second preferences

% of respondents



Taking first and second preferences into consideration, 57% of residents in the newly proposed council boundaries, prefer the name **City of Success**.

The City of Success is either the first or second preference among most groups in the community (shown below, highlighted in blue), with strongest support in the City of Cockburn, among males and those aged 18-34.

The City of Jervoise Bay comes in second. It is the #1 pick among residents in the City of Kwinana, and a close second among females and seniors.

% of respondents	City of Success	City of Jervoise Bay	City of Beelias	City of Beelias Lakes
City of Cockburn	61%	46%	39%	32%
City of Kwinana	45%	56%	35%	36%
Male	63%	45%	44%	23%
Female	52%	51%	32%	43%
18-34	63%	47%	41%	36%
35-54	57%	50%	38%	33%
55+	51%	48%	34%	29%
Home owners	57%	50%	36%	32%
Renters	38%	39%	55%	53%

Which of the following names would you MOSTLY prefer for the new Council? Would you prefer: READ OUT, RANDOMISE
 Which name is your second choice? READ OUT REMAINING OPTIONS, SINGLE RESPONSE
 Base: All respondents (n=404)



Recommendation

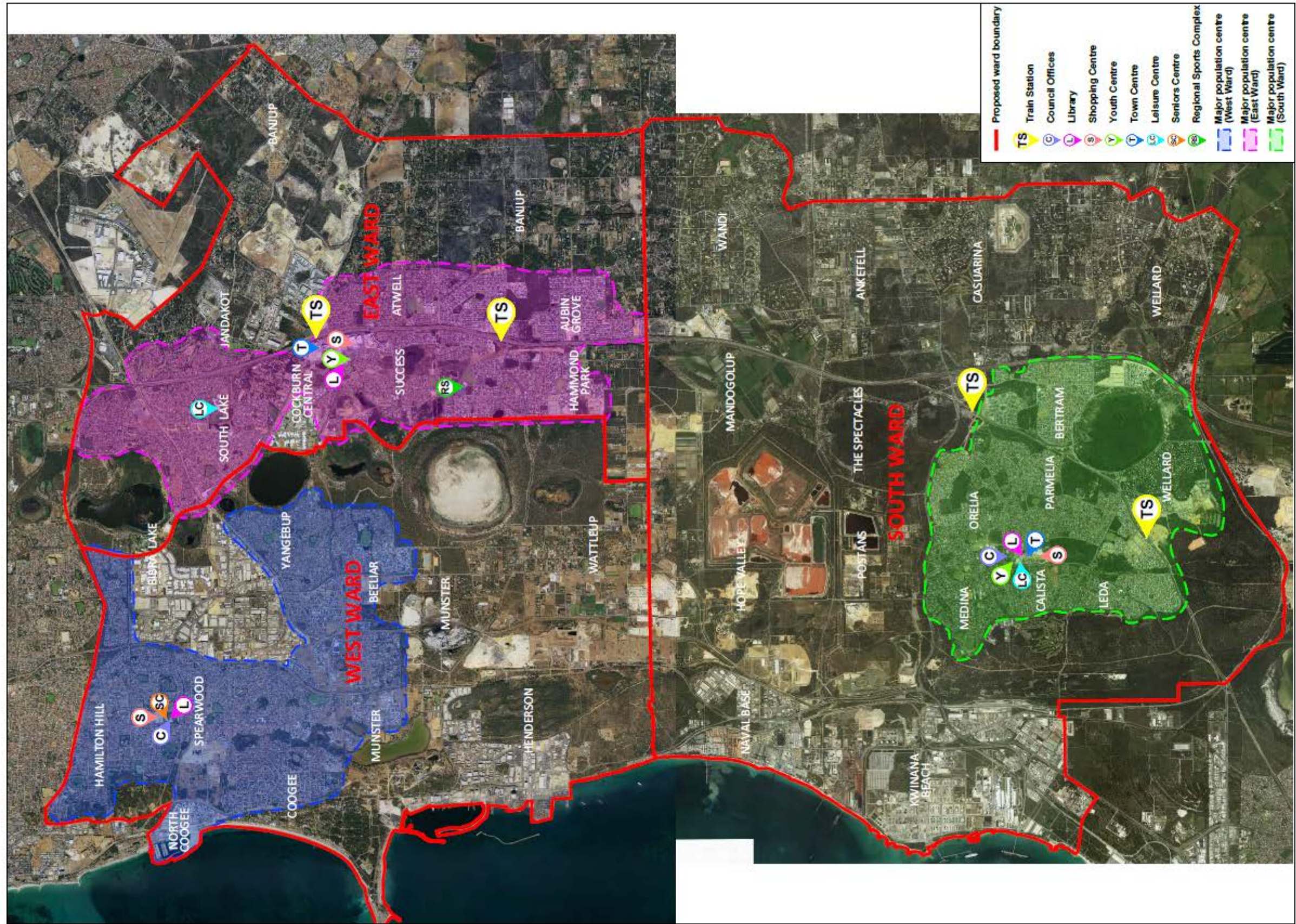
.....

Based on the four names tested....

*proceed with the **City of Success***

- 1. It is the #1 preference among residents within the newly proposed council boundaries.*
- 2. It is the preferred name among current City of Cockburn residents.*
- 3. It is a close second place among City of Kwinana residents, with 1 in 2 choosing the City of Success as their 1st or 2nd preference.*

ATTACHMENT 2



COMMUNITIES OF INTEREST

WARD MODEL – DETAILED ANALYSIS

The Local Government Advisory Board (LGAB) is required to recommend a representative model for the structure of a new Council. The City of Cockburn's Submission is based on Proposal E1 new Intended Recommendation (2).

As the current population, elector numbers and wards will form the basis for any decision; these details are shown in Table 1.

Table 1: Population and Electors

	Population 2013	Electors July 2013	Electors July 2014	Electors Annual Growth	Wards	Electors per Person Ratio
Cockburn	103 351	59 545	61 500	1 955 (3.28%)	3	1 : 1.68
East Fremantle	7 736	5 139	5 170	31 (0.60%)	4	1 : 1.50
Fremantle	30 321	19 215	19 791	576 (3.00%)	6	1 : 1.53
Kwinana	34 413	16 876	17 823	947 (5.61%)	No wards (1)	1 : 1.93
Melville	106 335	67 615	68 365	750 (1.11%)	6	1 : 1.56
Total	282 156	168 390	172 649	4 259 (2.53%)	20	1 : 1.63

Note that there is a higher ratio of electors to population in Cockburn than in Kwinana. Using population as a proxy for electors distorts councillor to elector ratios and will not achieve equality of representation. The annual growth in electors is 1,955 for Cockburn and 947 for Kwinana supporting the stability of two wards in Cockburn and one ward in Kwinana.

POPULATION AND WARDS

The population models are detailed in Table 2, for 2013 and 2031 intervals. As the City of Kwinana operates without wards, it is effectively one ward, but the City of Cockburn has a three ward structure. There was a general consensus that wards would be maintained.

The guidelines for Ward Reviews require that there is only a plus or minus 10% variation in councillor/elector ratios. It is assumed the new Ward Structure will operate from July 1, 2015. There is some scope for the councillor elected member ratios to be out of scope for the first few years in a Ward Review resulting from local government reform.

Table 2: Population under Proposal E1 Intended Recommendation (2)

	2013 Persons	2031 Persons	Growth 2013-2031 Persons	Growth 2013 - 2018 Persons	Electors 2014	Est. Electors 2019
Kwinana	34 413	67 493	33 080	9 189	17 823	22 584
Cockburn	103 351	165 465				
Less Rottneest	-131	-160				
Less Part Hamilton Hill	-5 986	-8 450				
Less Part North Coogee	-979	-10 385				
Less Part Leeming	-2 332	-2 400				
Less Part Coolbellup SA2 and North Lake West	-6 611	-8 239				
Less Jandakot Airport SA2	-243	-300				
Less North Lake East	-441	-441				
Total Cockburn	87 069	135 360	48 291	13 414	51 811	59 795

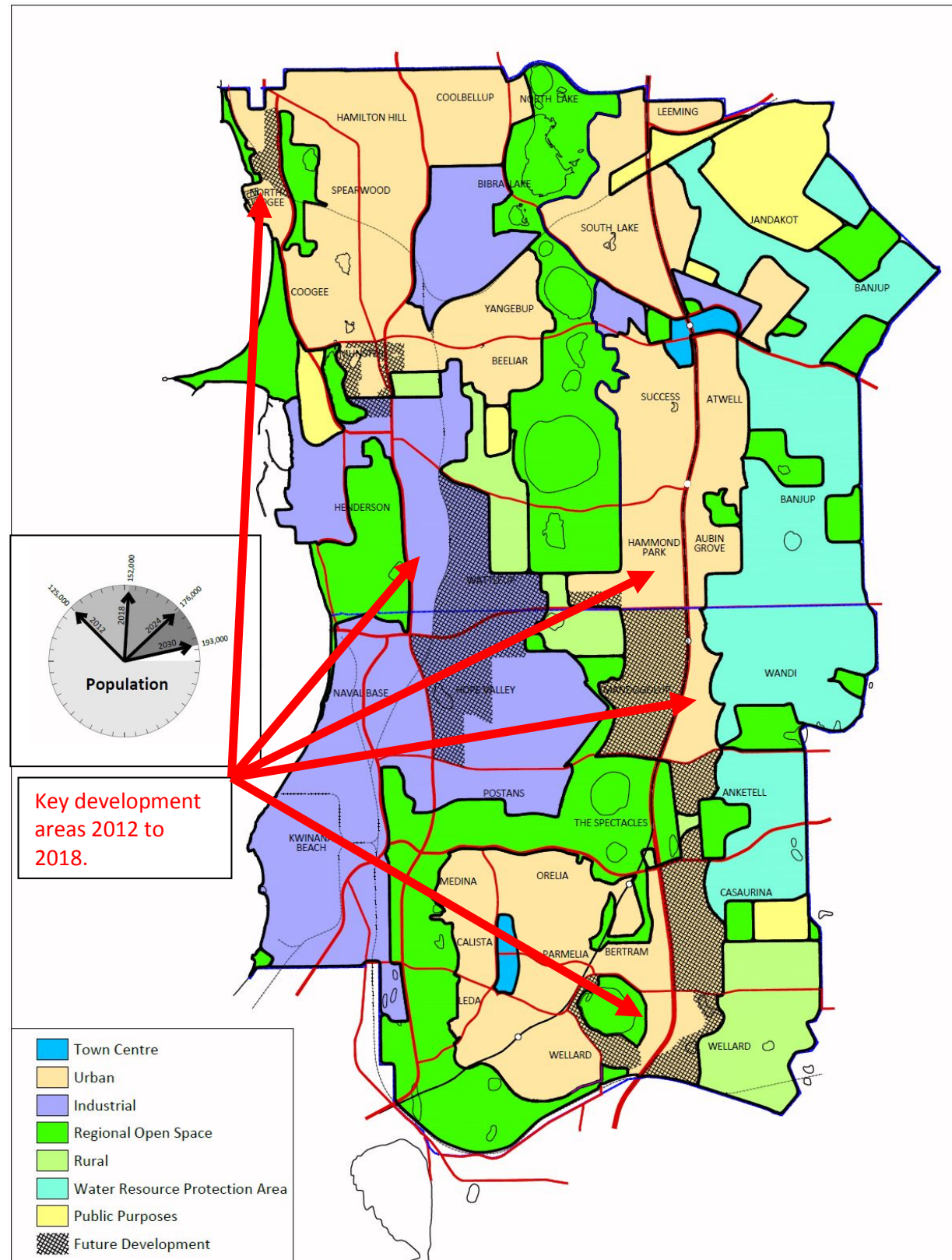
COMMUNITIES OF INTEREST

It is important to understand how the new district's population will grow and where this will occur. The maps shown on page 23 depict the current districts of Cockburn and Kwinana and the areas where population growth will occur by 2018 and 2024. These intervals cover the first two year electoral cycles for the new local government.

The following stands out in the areas that would remain in Cockburn-Kwinana:

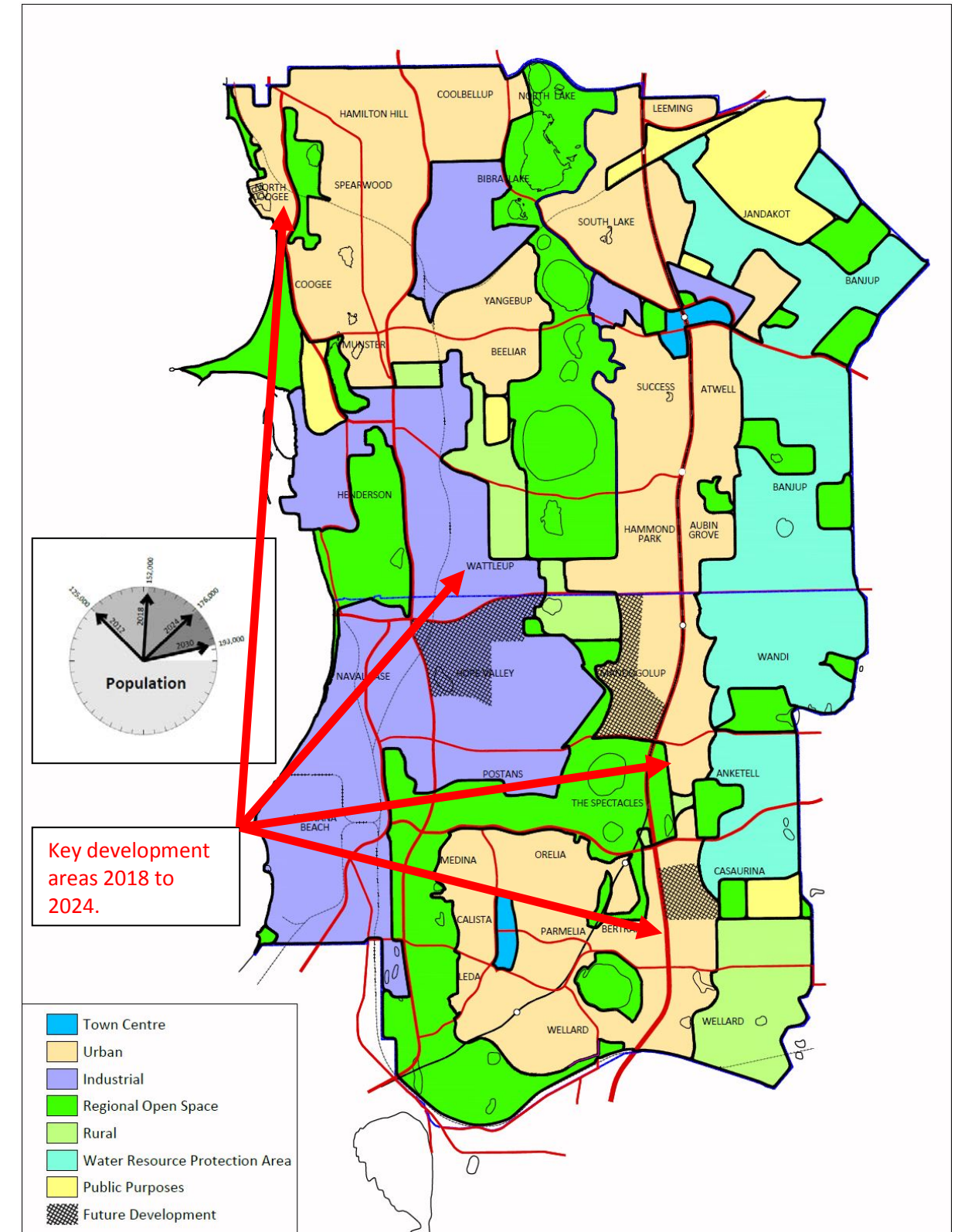
- Kwinana's northern growth belt extends south from Cockburn's southern boundary. It is not contiguous with growth in other parts of Kwinana so the community of interest is more common to Cockburn. The major social infrastructure shared by both groups is at Cockburn Central.
- Kwinana's southern growth is around its town centre and to the south. This is common to the town centre. The community of interest is more clearly defined around the existing infrastructure in Kwinana.
- The primary industrial growth will be in the Latitude 32 area, which forms part of the Western Trade Coast. This will gradually move up from the south, with the Flinders' precinct being the base for development.
- However, there will be a number of other industrial precincts that stand alone, such as Bibra Lake, Yangebup and Jandakot (south – not the Airport). It is not possible to group these to create a single 'Industrial Ward'.

COCKBURN AND KWINANA GROWTH PROFILES – 2018 AND 2024



Our Next 20
The Vision For A Cockburn-Kwinana Region
2018

City of Cockburn | City of Kwinana



Our Next 20
The Vision For A Cockburn-Kwinana Region
2024

City of Cockburn | City of Kwinana

SUBMISSION ON INTENDED RECOMMENDATION 2 -
CITY OF MELVILLE PROPOSAL 10



CONTENTS

SUBMISSION	1
A BALANCED REGIONAL OUTCOME	2
MINIMISING TRANSITION ISSUES.....	3
UNDERSTANDING MELVILLE’S NEEDS.....	4
DISTRICT BOUNDARIES	6

The City of Cockburn **fully supports** the proposed Intended Recommendation 2 for City of Melville Proposal 10.

The Council has previously formally resolved to support the following changes to the current district of Cockburn:

- *Leeming* – the part suburb to be transferred to Melville.
- *Coolbellup* and *North Lake* – these suburbs to be transferred to Melville.
- *Jandakot Airport / City* – this industry precinct to be transferred to Melville.
- *Roe Highway Road Reservation* – to form the main boundary between the district of Melville and new Cockburn-Kwinana local government.

While supporting the Intended Recommendation (2), this submission includes recommendations for a correction of minor boundary anomalies, as outlined in this document.

The City has also resolved to make changes to its boundary with the City of Fremantle, details of which are included in our separate Submission on Intended Recommendation (2) Cockburn Elector Proposal E1.

The City also wishes to thank the Local Government Advisory Board (the Board) for its recommendation to adopt the boundary between Melville and Cockburn-Kwinana on the alignment advocated by the City and Cockburn-Kwinana Community Steering Group.

SUBMISSION

A BALANCED REGIONAL OUTCOME

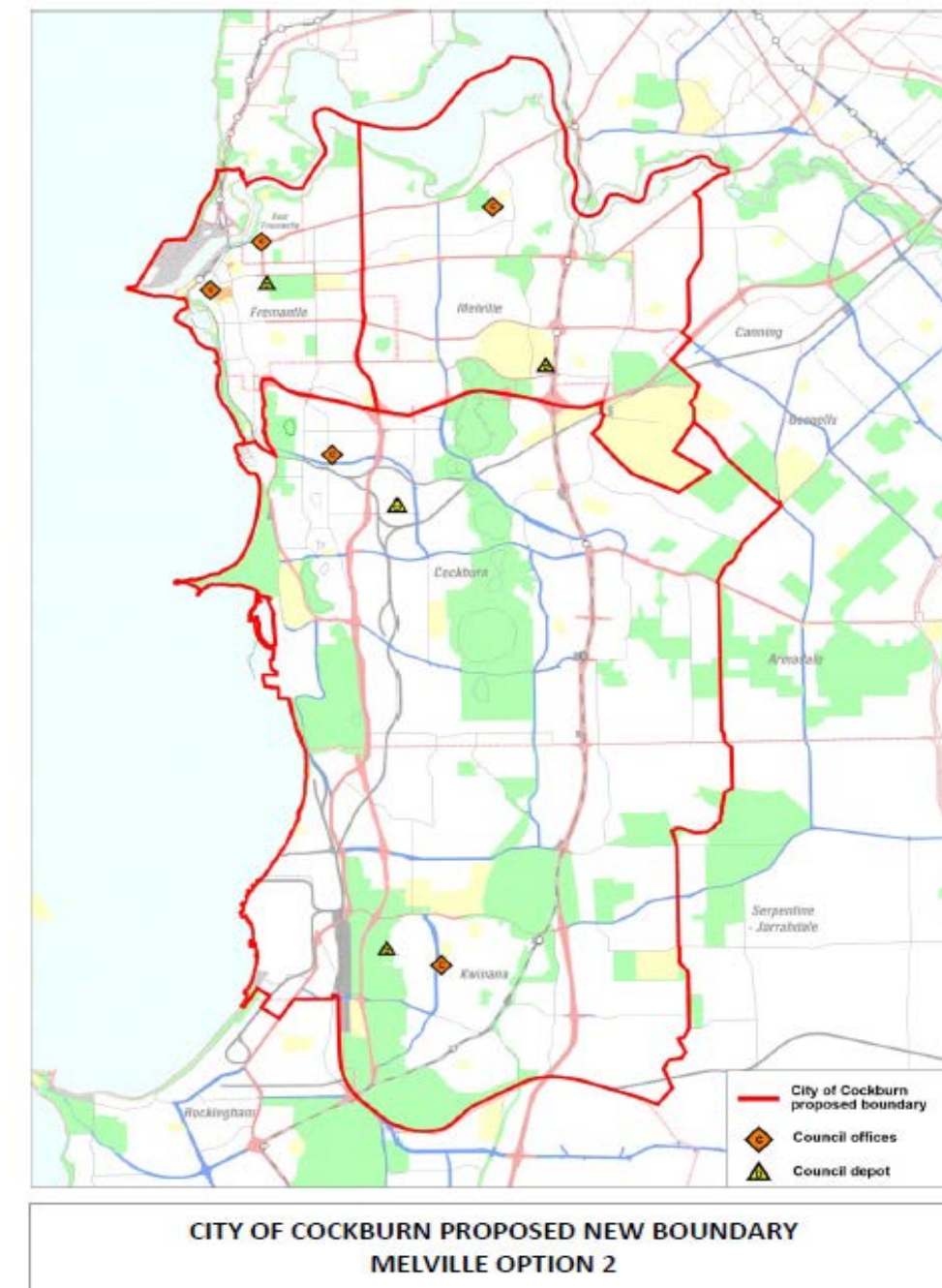
The City's previous submission on Proposal 10 had identified an alternative boundary proposal for the City of Melville, which has subsequently been largely adopted by the Board as Intended Recommendation (2).

The City had proposed this alternative boundary as we recognised that the scale, focus and income base of the City of Melville needed to be sustainable. The population table below details the relevant transfer of residents between local governments impacted by the Intended Recommendation.

Adjustment	Melville – Original Intended Recommendation 1		Melville – New Intended Recommendation 2	
	2013	2031	2013	2031
LGA Population	106 335	114 170	106 335	114 170
Rottneest				
Hamilton Hill				
Part North Coogee				
Samson	+1 905	+1 905	+1 905	+1 905
Part O'Connor	+5	+10	+5	+10
Bicton	-7 128	-7 200	-7 128	-7 200
Palmyra	-7 544	-7 600	-7 544	-7 600
Leeming	+2 332	+ 2 400	+2 332	+ 2 400
Leeming from Canning	+546	+546	+546	+546
Coolbellup and North Lake West	+6 611	+8 239	+6 611	+8 239
North Lake East	+441	+441	+441	+441
Jandakot Airport SA2	+243	+300	+243	+300
Part Shelley, Rossmoyne and Part Riverton			+11 234	+14 337
Part Willetton			+10 599	+11 319
Total	103 746	113 211	125 579	138 867

The new recommendation makes for a more substantive population for Melville from 1 July 2015 and will lead to solid growth over the ensuing 18 years. It is entirely possible that the population data may be underestimated with urban infill projects in the older parts of Melville and around key nodes, such as Canning Bridge, potentially adding thousands more residents.

As can be seen in the graphic below, the new Intended Recommendations for Proposals E1 and 10 leads to far more optimal placement of critical servicing infrastructure (ie Administration and Depots) than was the case with the previous Intended Recommendations.

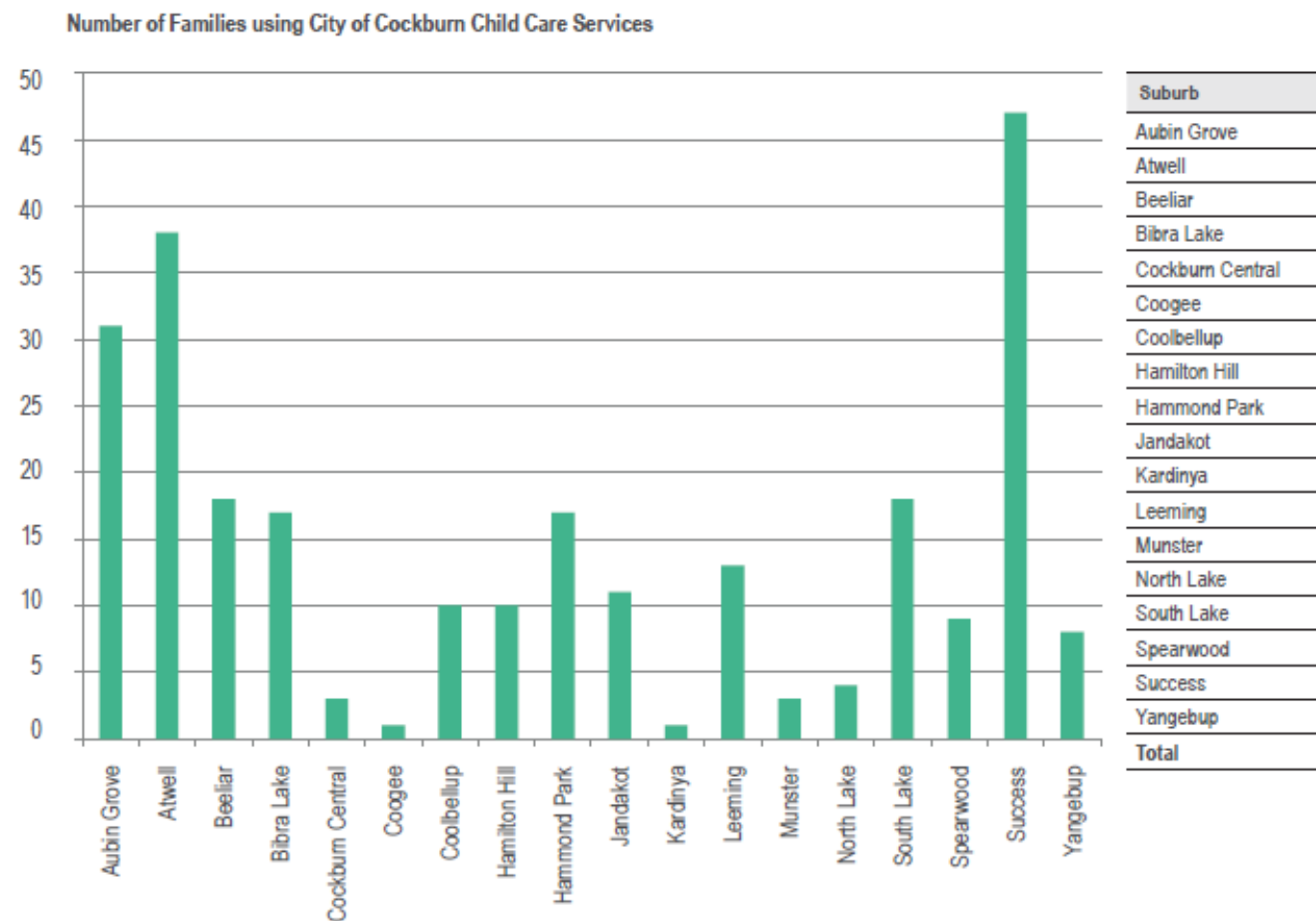


MINIMISING TRANSITION ISSUES

The City has previously articulated that if the Board would consider moving the boundary to the new Recommended Intention (2) alignment, it would significantly reduce the impact on continuity of service delivery. Since the announcement of the new boundary the City has worked with our counterparts at Fremantle and Melville to agree to transfer arrangements for community service centres that are to be transferred from Cockburn.

There is only one such centre in Melville, the Coolbellup Hub. The in principle negotiation is for the asset to transfer to Melville and the local library to be handed over. Cockburn will be given approval to retain the presence of its Family and Children’s Service Unit at the Hub. This will mitigate the impact on staff and the service delivery contracts we have with the Commonwealth and State Governments.

From a staff perspective, these outcomes will *significantly reduce* the number of people that would otherwise have to be *compulsorily transferred*.



88% of services will remain in the district of Cockburn-Kwinana.



Family Day Care clients using library

The City is hopeful that the current integration of library service and family daycare service can be retained. It is the eventual intention to relocate Cockburn’s Family Services management unit into a collocated / integrated location with Kwinana. This will take some time to establish, so the interim arrangements agreed with the City of Melville will allow for an orderly transition in future.

Intended Recommendation (2) requires fewer assets, staff and externally funded services to be transferred between Cockburn and Melville. This will lead to less disruption to services for our residents as a result of the boundary changes.

UNDERSTANDING MELVILLE'S NEEDS

In supporting Intended Recommendation 2 the City acknowledges the desire of the City of Melville and its residents to preserve key infrastructure.

Regional Recreation The City supports the retention of the *Point Walter* golf course and its associated recreation reserves in the district of Melville. The City had sought similar outcomes for its own residents with important social locations as well. The Board's recognition that for Cockburn residents:

- **Manning Park, Memorial Hall** (Hamilton Hill) were important cultural and social locations for Cockburn residents (Proposal E1 consideration), has a *parallel* with Point Walter for Melville residents. Without large spaces for community gatherings it is not possible to have a venue that could host a regional concert for all residents.
- **Bibra Lake** is an important recreation venue for Cockburn, with this location the site of one of Cockburn's major sporting events, the Bibra Lake Fun Run. Point Walter and the adjacent foreshore reserve provide a similar function as a regional sports space for Melville events.

The City supports Melville residents retaining similar benefits with the retention of Point Walter.

Waste Processing The City also supports the inclusion of the Southern Metropolitan Regional Council's (SMRC) Regional Resource Recovery Centre (RRRC) within Melville. This position was formally endorsed by the South West Group, of which the City is a member and current Chair of this association of local governments.

As can be seen on the adjacent aerial photo, while the location of the SMRC would be on the boundary, it is near the major transport arteries (Roe Highway and Kwinana Freeway), which provides the primary access points for all of the member local governments.

With the consolidation of local governments proposed by the Reform process, the number of participants in the SMRC will reduce to three:

1. City of Fremantle – acquiring part of Cockburn's and Melville's share, as well as all East Fremantle's share of this asset.
2. City of Melville - acquiring part of Cockburn's share and retaining the majority of their own share of this asset.
3. Cockburn-Kwinana – retaining the majority of Cockburn's share and retaining Kwinana's membership (there is no asset ownership) of this asset.

The above transactions will be difficult enough as it is. However, placing the SMRC *within* the boundaries of one of the three remaining participants will significantly simplify asset transfer negotiations, as well as avoid the problems experienced previously when the City of Canning withdrew from the SMRC and sought to restrict access to this site.

Potential Depot Location The SMRC site will also provide an alternative depot location for Melville. In the interim the City understands that Melville would like to base all of its waste fleet at this location. This would reduce operational costs and would realise a benefit to Melville residents from the Reform process.

The site has potential for further upgrades in future and would be an option for Melville to operate its engineering services to the suburbs of the current City of Canning that it will acquire.



Recommended boundary adjustment for the parcel of land containing the SMRC's RRRC for inclusion into the City of Melville

Income Mix The City of Melville will acquire the Jandakot Airport / City precinct from the City of Cockburn. A primary concern of Melville has been to secure a better mix of its rates base. This precinct generates a net surplus operating revenue of \$2.3Mpa and it will grow to around \$7M pa within the decade.

In the City's previous submission on Intended Recommendation (1) the following table had been included:

	Melville	Proposal Impacts	Melville Option 1		Proposal Impacts	Melville Option 2
Rates	\$76.98	-\$0.34	\$76.63		\$8.39	\$85.36
Total Revenue	\$108.35	\$1.39	\$109.74		\$21.28	\$129.62
Total Expenditure	\$97.99	\$3.02	\$101.00		\$19.44	\$117.43
Operating Surplus	\$10.36	-\$1.62	\$8.74		\$1.84	\$12.20
% Operating Surplus to Total Revenue	9.6%	-116.2%	8.0%		8.6%	9.4%

The table demonstrates the strong financial position that Melville will be in with the new Intended Recommendation (2).

As a result of concerns expressed to the City about the accuracy of the financial data, the Directors of Finance and Corporate Services from Cockburn and Melville met on 10 September 2014. The City has provided full transparency of its financial data to Melville and is confident that the transfer of suburbs and assets from Cockburn would deliver a **positive financial outcome** for Melville. The table opposite is a summary of these financial transactions.

Summary As shown on the proposed boundary map, Intended Recommendation (2) achieves the following:

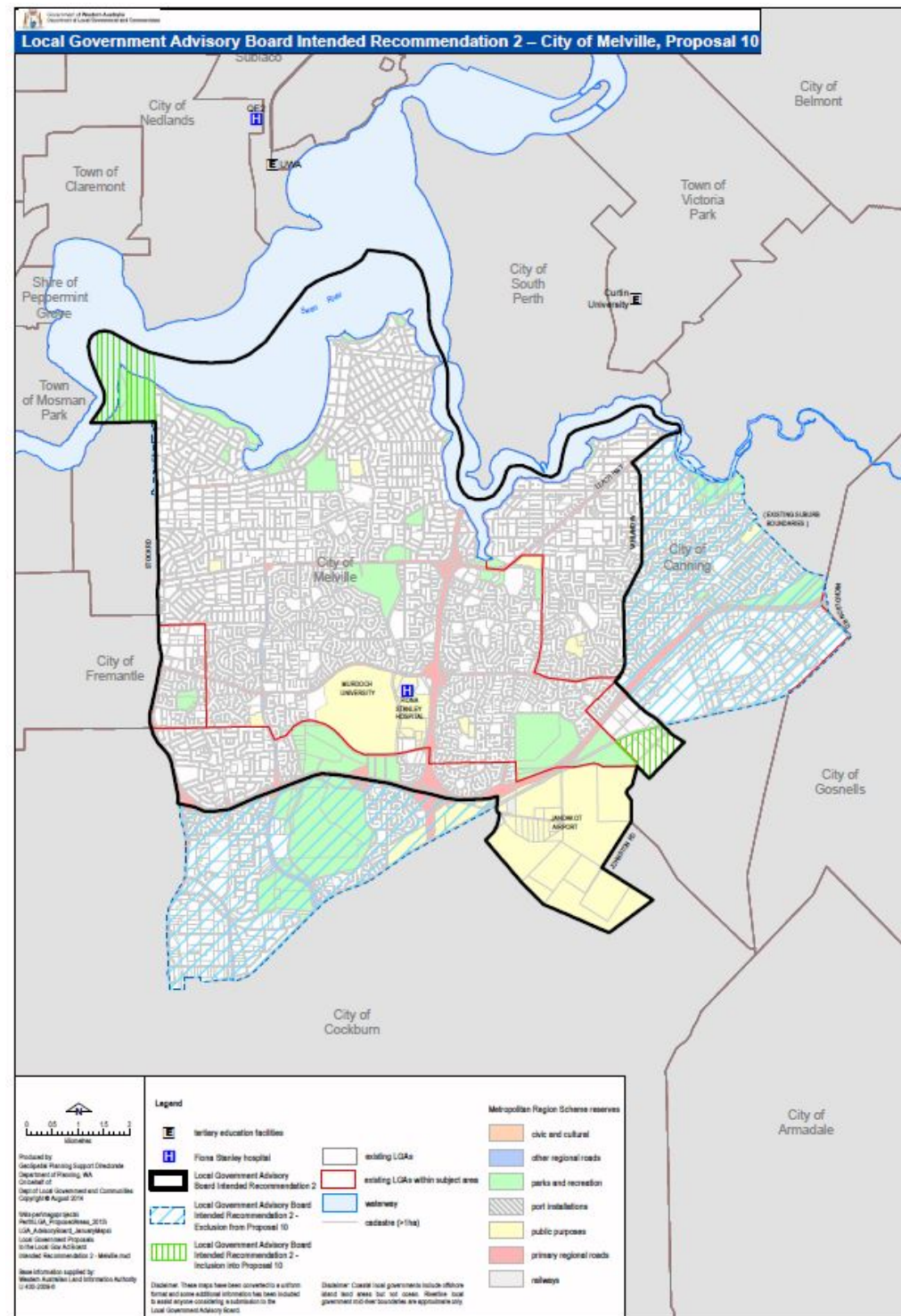
- The Point Walter recreation precinct remains within Melville
- The Bibra Lake recreation precinct remains within Cockburn-Kwinana
- The SMRC (Canning Vale) would come within the boundaries of one of the remaining Council members.
- The SMRC site will provide depot capacity for Melville
- Cockburn's Wellard Street Depot (Bibra Lake) would remain within the Cockburn-Kwinana district too.
- The addition of Jandakot Airport / City within Melville will increase its relative mix of commercial / industrial rates. The income will grow over the next decade, improving the rate mix without adding additional servicing costs to Melville.
- The retention of the Bibra Lake industrial area within Cockburn will retain a solid mix of industrial rate income for Cockburn-Kwinana, while:
 - Keeping the integration of the road network intact; and
 - Minimising additional engineering operating cost increases for Cockburn-Kwinana residents.

For these reasons proposed boundary adjustments from Intended Recommendation (1) to the new Intended Recommendation (2) are very sensible.

All \$M	Coolbellup	Jandakot Airport	Leeming	North Lake	Total
Rates	\$1.77	\$2.29	\$0.79	\$0.49	\$5.34
Waste	\$1.02	\$0.00	\$0.32	\$0.21	\$1.55
General Grants (FAGS)	\$0.18	\$0.00	\$0.08	\$0.05	\$0.31
Security Levy	\$0.15	\$0.00	\$0.05	\$0.03	\$0.24
Interest	\$0.00	\$0.08	\$0.02	\$0.00	\$0.11
Total Income	\$3.13	\$2.38	\$1.26	\$0.78	\$7.56
Parks (including O/H)	\$0.55	\$0.00	\$0.07	\$0.10	\$0.72
Facilities	\$0.43	\$0.00	\$0.00	\$0.00	\$0.43
waste Management	\$0.87	\$0.00	\$0.27	\$0.18	\$1.32
Street Lighting	\$0.09	\$0.00	\$0.04	\$0.03	\$0.16
Depreciation	\$1.06	\$0.00	\$0.23	\$0.31	\$1.61
Library (including staff)	\$0.33	\$0.00	\$0.00	\$0.00	\$0.33
Security Service ex Staff)	\$0.11	\$0.00	\$0.04	\$0.02	\$0.18
Total	\$3.44	\$0.00	\$0.65	\$0.64	\$4.73
Surplus	-\$0.31	\$2.38	\$0.61	\$0.14	\$2.82

DISTRICT BOUNDARIES

While supporting the overall district boundaries (as shown below), there are a number of minor boundary modifications that are recommended. These will more clearly define the responsibilities of Melville and Cockburn-Kwinana. Several of these aren't first apparent when looking at the 'macro' boundaries, but upon close inspection on a micro scale the issues stand out clearly.



Bibra Lake Upon construction of Roe Highway (stage 8), Hope Road in Bibra Lake would be realigned. However, the timing and certainty of this project has not yet been resolved. There are issues surrounding environmental approval and a final project funding model that are yet to be concluded.

In supporting the use of the road reservation as the boundary, responsibilities for road maintenance, etc, need to be clearly defined until such time as the above matters are concluded. See Maps 3 and 4.

The minor boundary adjustments as proposed will resolve the following:

- Access to Cockburn's Wetlands Education Centre and Native Arc is via Hope Road. Traversing the boundary around the intersection of Hope Road and Progress Drive, until such time these road changes occur, will resolve any concerns about which local government is responsible for road maintenance. See Map 4.

Jandakot Airport The City's proposed boundary was to run along the road centreline of Karel Avenue into the Airport precinct. The Intended Recommendation has put the boundary to the west of Karel Avenue to join into Berrigan Drive south of Hope Road. As this juncture point would not be well defined the City recommends retaining the boundary west of Karel Avenue, but joining into Berrigan Drive at the end of Hope Road.

The boundary adjustment shown on Map 5 will resolve the following:

- Access to Jandakot Airport through Karel Avenue will be entirely controlled by Melville. The majority of traffic into this precinct is via this road and negotiations for future expansion of Karel Avenue would be the sole responsibility of Melville.
- Placing Berrigan Drive, south of Lakes Road, into Cockburn will keep this local distributor solely within Cockburn-Kwinana. It is the primary access road for residents to the west of the road, who will all remain within Cockburn-Kwinana. Only a small stretch of this road was planned to be shared with Melville, so making it a sole Cockburn-Kwinana responsibility is of little financial impact.

Maps 3 – 5 depict the boundaries of Cockburn-Kwinana and Melville (overleaf). The City has included these along with Maps 1- 2, showing the proposed boundary adjustments with Fremantle in our Submission on Intended Recommendation (2) Cockburn Elector Proposal.



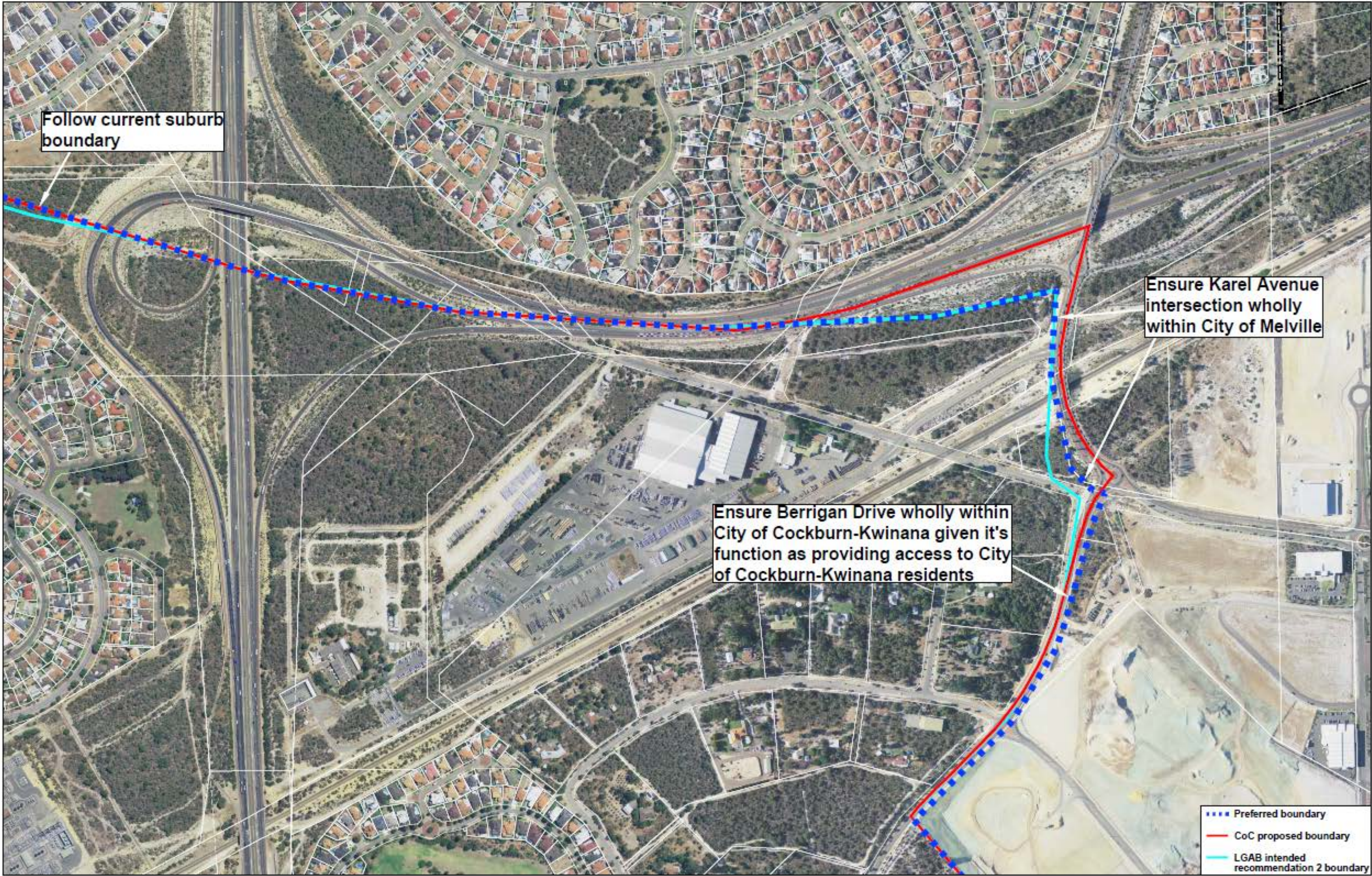
PREFERRED BOUNDARY

Map 3



PREFERRED BOUNDARY

Map 4



PREFERRED BOUNDARY

Map 5