

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 FEBRUARY 2014 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Ms L Wetton	-	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

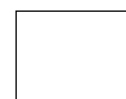
Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr A. Trosic	-	Acting Director, Planning & Development
Mrs L. Jakovich	-	P A to Directors of Planning & Development and Engineering & Works
Mr J. Snobar	-	Media Liaison Officer

1. DECLARATION OF MEETING

The Presiding Member declared the February 2014 Ordinary Meeting of Council open at 7.03 pm.

Local Government Reform

As we are aware public submissions on local government reform are now open. I am urging Cockburn residents and others who support Cockburn to lodge a submission to the Local Government Advisory Board by 4.00pm on Thursday 13 March 2014.



Written, email or telephone submissions can be forwarded to the Local Government Advisory Board by 4.00pm Thursday, 13 March 2014.

The City has a number of different events occurring this weekend organised through the Cockburn Community Steering Group and they include Saturday 15 February at Meller Park Bibra Lake 3.30 pm, Sunday 16 February at Coolbellup at 9.00 am and Hamilton Hill at 3.30 pm. These events have been organised and there will be a large number of different sporting organisations organising residents to sign the submissions to be submitted to the Local Government Advisory Board.

2014 Australia Day Premier's Active Citizenship Awards

These awards were presented on Australia Day.

The Premier's Active Citizenship Award for a person over 25 years went to Agostino Pereira, the Chairperson of the Hammond Park Community Association. Agostino was nominated for his years of tireless work to the Hammond Park community.

The Premier's Active Citizenship Award for a person under 25 years went to Piritia Clark. Piritia was nominated for her passion and willingness to be of service to the community and in particular her role in coordinating 'Project Hope'.

The Premier's Active Citizenship Award for a group went to the 'Backyard Mission Project Group'. The Backyard Mission, run by volunteers, is coordinated by Gateway Community Church and provides a valuable clean up service to residents who cannot look after their yards.

The Premier's Active Citizenship Award for the Event category went to the Randwick Stables Community Garden. Alison Bolas was instrumental in hosting the Randwick Stables Community Garden Open Day Event. The event was a commemorative day celebrating the 90th anniversary of the stables and the 180th anniversary of the first horse race ever held in WA near C Y O'Connor Beach.

Recent Bush Fires Impacting Banjup, Atwell and Aubin Grove Communities and Piarra Waters in the City of Armadale

I will acknowledge and thank the following people and organisations:

Staff from the Cities of Armadale and Cockburn, Department of Fire & Emergency Services, WA Police, Department of Child Protection and Family Support, the State Emergency Services, the South Coogee and Jandakot Volunteer Bush Fire Brigades and other Brigades from across the metropolitan area and as far away as York and Bunbury, the Rapid Relief Team – Salvation Army, Western Power, the St John Ambulance and members of the



community for their significant contributions during and after the incidents. It is a stark reminder of how quickly fire can spread given the right prevailing weather conditions. The communities and all those volunteers have received high praise, in particular from the Banjup residents where no homes were lost, but a few sheds and outbuildings and no lives lost or injuries.

Mr Daniel Arndt is on holidays and I welcome Mr Andrew Trosic, A/Director, Planning & Development, City of Cockburn to the meeting.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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

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

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

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 13/2/2014) - PUBLIC QUESTION TIME

Questions on the Agenda and submitted

Ms Meredith O'Brien, Yangebup

Item 14.5 – High Impact Telecommunications Facility, 233 Barrington St, Bibra Lake



Q1. Who monitors the EME levels and how often is this conducted plus are the results available to the general public.

A1 *The Australian Communications and Media Authority (the ACMA) is a statutory authority within the Federal Government portfolio of Communications. The ACMA is the regulator for telecommunications within Australia.*

The ACMA performs and undertakes random audits of base stations as part of its regulatory function. The Australian Radiation Protection & Nuclear Safety Agency (ARPANSA) also periodically conducts a National survey of base stations and publishes the results on its website.

Manufacturers and importers of mobile phones, as well as licensees of transmitter installations, are given 10 days from when they receive written advice from the ACMA to provide documentation that demonstrates compliance with the EMR Human Exposure Standard.

The applicant has advised the City; specifically in this case that if Telstra does receive approval, would be pleased to undertake a post-installation EME assessment of this site upon request, in order to confirm the proposed facility complies with the exposure limits set by the ACMA.

Q2. Could there be any interference with medical or household electronic devices?

A2. *There are National and International standards governing all forms of electronic equipment regarding the interference that such equipment produces and, in turn, its immunity to interference from the outside. The applicant advises, in this case, due primarily to the different frequencies that medical devices and telecommunications network function on, there is unlikely to be interference caused.*

However, if any interference problems are experienced, the ACMA would need to know about that so that appropriate investigations could be undertaken to rectify the problem.

Ms Ann Foster, Spearwood

Item 14.4 – Ten (10) Multiple Dwellings – 67 Edeline Street Spearwood

Q1. What is to stop most of Edeline Street, and in fact any street in Cockburn, from being turned into rows of multi storied flats?

A1 *The decisions of development and redevelopment of residential*



properties are undertaken by a landowner. The residential zonings along Edeline Street do provide for a broad range of development options, from single homes, to grouped and multiple dwellings. While the Phoenix Revitalisation Strategy does have objectives associated with trying to create a greater mix of residential dwellings, throughout Spearwood and Hamilton Hill, what we have seen is that this takes place slowly and spread across the entire precinct. It is likely that we will see a mix of dwelling types evolve over the longer term and along most streets in the Phoenix Precinct, as opposed to just the one type of redevelopment happening along one street by coincidence.

Q2. Will the Council make it their policy to tell land owners when multi story dwellings are to be built next to them? You may not have to do this as a matter of law or regulation but should do this as a matter of courtesy so residents are informed?

A2. *All local governments are required to implement the Residential Design Codes via their local planning scheme, which is a State Government Planning Policy. This provides for a 'deemed to comply' avenue for proponents of any new residential development (including apartments) to design according to. If a proponent or any land owner is able to satisfy the 'deemed to comply' aspects of the R Codes, then the local government is obliged to grant its planning approval. Nearby landowners would only be requested to comment on an application if that application sought to utilise a variation to deemed to comply avenue by utilising the design principle stream, and only where such variation had the potential to impact on nearby landowners. This was the case for the application at 67 Edeline Street.*

Questions not received and not on the Agenda

Mr Ray Woodcock, Spearwood

Q1. What action will Council take in establishing a sub committee to investigate the possibilities of a community garden in the form of a memorial recognising the early settlers, market gardeners in the areas of Spearwood, Munster, South Coogee and Wattleup?

A2. *The matter is a late item for consideration by Council.*

Q2. Will Council explain who authorised the removal of a pontoon from the south side of the Coogee Beach jetty more to the south of the opposite side of the Coogee Beach Surf Lifesaving Club? The pontoons were moved to the north side of Coogee Beach Jetty and were shifted to the shark net enclosure. Was the pontoons moved to encourage swimmers to swim within the



enclosure? Who was the person who authorised the move of both of the pontoons?

A2. *The Director of Engineering and Works responded that we will take this question on notice and we will respond to Mr Woodcock in writing.*

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 5244) (OCM 13/2/2014) - ORDINARY COUNCIL MEETING 12 DECEMBER 2013**

RECOMMENDATION

That Council accept the Minutes of the Ordinary Council Meeting held on Thursday 12 December 2013, as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 10/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 13/2/2014) - DEPUTATIONS AND PETITIONS

- Tony Romano, Serena Anderson, Geoff Sachs, Norm Dale and Shogo Williams-Matsuoka from the Cockburn Community Steering Group – Item 21.1 ‘Local Government Reform’.
- Bill Westhoff – Item 17.1 – ‘Dogs off Lead – Exercise Area on Reserve 47239 – Kinship Way, Atwell’.
- Ivan Bacich – Item 14.2 – ‘Retrospective Camera Pole – Location 18 Mell Road, Spearwood’.

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

Nil



12 (OCM 13/2/2014) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE COONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil.

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.56 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

14.1	15.1	16.1	17.1	21.1
14.3	15.2			21.2
14.4				

13. COUNCIL MATTERS

13.1 (MINUTE NO 5245) (OCM 13/2/2014) - PROPOSED CITY OF COCKBURN PARKING & PARKING FACILITES LOCAL LAW 2007 - AMENDMENT LOCAL LAW 2014 (025/001) (R AVARD) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to section 3.12 of the Local Government Act, 1995, proceed to amend the proposed City of Cockburn Parking and Parking Facilities Local Law 2007, as shown in the attachment to the agenda;
- (2) pursuant to Clause 9. (1) of the City of Cockburn Parking and Parking Facilities Local Law 2007 establish Lot 401 Wentworth Parade Success as a Parking Station, as shown in the attachment to the agenda; and
- (3) impose an annual fee of \$65 per month per bay for undercover secure parking at Lot 401 Wentworth Parade Success for the period 1 July 2014 to 30 June 2016, with the fee to be included in the adoption of the annual municipal budget.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that Council adopt the recommendation with the following amendment to sub-recommendation (3):

- (1) pursuant to section 3.12 of the Local Government Act, 1995, proceed to amend the proposed City of Cockburn Parking and Parking Facilities Local Law 2007, as shown in the attachment to the agenda;
- (2) pursuant to Clause 9. (1) of the City of Cockburn Parking and Parking Facilities Local Law 2007 establish Lot 401 Wentworth Parade Success as a Parking Station, as shown in the attachment to the agenda; and
- (3) impose an annual fee of \$65 per month per bay for undercover, secure parking for committed existing tenants with future bays to be leased at \$100 per bay per month at Lot 401 Wentworth Parade, Success, for the period 1 July 2104 to 30 June 2016, with the fee to be included in the adoption of the Annual Municipal Budget for 2014/15.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Reason for Decision

Council considers the undercover, reserved parking bay lease amount of \$65/month does not reflect an appropriate return. It is approximately \$2 per day. An amount closer to \$100/month per bay per month would be more appropriate. Murdoch hospital charges \$2/hour for parking out in the open. The City is contemplating a rate averaging around \$2 per day for undercover, reserved parking. Putting these bays out to tender would get substantial returns, perhaps even higher than \$100/month.

Background

The construction of the Cockburn Integrated Health and Community Facility on the corner of Wentworth Parade and Beeliar Drive in Success is well advanced. Included in the development is a number of parking bays which will be available for tenant and visitor car parking for the complex. Some parking is undercover and some in the open.



There are approximately 100 under cover parking bays available to the public with a further 100 secure car parking bays that will be leased to tenants and others willing to pay the fee to be in the secured area.

The City of Cockburn Parking & Parking Facilities Local Law 2007 empowers the City to control parking on land it manages or owns by designating an area as a parking station in the schedule.

The current Parking & Parking Facilities Local Law does not allow for the monitoring of the period a vehicle is in a parking bay by electronic means such as in ground vehicle sensors and photographic recording.

Submission

N/A

Report

There have been a significant number of issues with car parking in the vicinity of the Cockburn Central Railway Station and the Cockburn Gateway shopping area. The Cockburn Gateway Shopping City currently has 3 hour restricted car parking to control parking by railway patrons using the shopping centre car parking.

The City needs to ensure there is parking for its patrons and tenants by imposing time periods in the parking areas it controls in and around the Cockburn Youth Centre and Cockburn Integrated Health and Community Facility. It is proposed that the parking period be for up to 3 hours and all day parking for staff in the respective designated areas, as per the attached plan.

Public parking fees are not being proposed at this time but simply time restricted parking to ensure that vehicles do not park in car bays for extended periods, such that they restrict access to bays for patrons of the facilities.

Within the Cockburn Integrated Health and Community Facility there is a secure undercover parking area that can only be accessed by the use of an 'air key'. Within the lease agreements, there is an allocation of secure parking bays for tenants allocated on the basis of tenant needs and the amount of space being leased.

There will be a number of additional spaces that have not been allocated and are available for lease. Advice from the City's leasing agent is that the market rate for such sites is \$65 per month. It is proposed that this figure be the lease fee for the first two years of occupation of the building, until 30 June 2016, after which time the



Council review the car bay lease fee as part of its budget deliberations of fees and charges.

The City of Cockburn Parking and Parking Facilities Local Law requires additional clauses to allow for the City to utilise electronic means to monitor the time a vehicle is parking. The current Local Law only provides for tyre marking and parking tickets. There are a number of efficient new technologies that are available and used by other authorities to control parking which would be most suitable for use by the City of Cockburn.

In Schedule 2 of the Parking Local Law, there is currently no modified penalty for malicious damage to a parking machine or detection device. Other local governments have a prescribed penalty of \$500, which is more reflective of the cost of repairs should they be required due to malicious damage.

It is proposed that the following clauses be inserted in the City of Cockburn Parking and Parking Facilities Local Law.

1. A definition be inserted in Clause 4 (1) of a “electronic parking detection device”, as follows:
‘means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking station or other public place and includes instruments, display panels or transmitting apparatus associated with the device’.
2. An amendment to Clause 24 “Damage to Ticket Issuing Machines” to provide for penalties to be issued for inflicting wilful damage to ticket issuing machines or detection devices and prohibited acts on machines, detection devices and transmitting equipment.
3. Insert an Item 71 in Schedule 2, for a penalty to be applied for inflicting wilful damage to ticket issuing machines or electronic parking detection devices with a modified penalty of \$500 pursuant to the City of Cockburn Parking and Parking Facilities Local Law 2007.
4. In Schedule 1 delete the current Parking Station 1 and replace with “Cockburn Integrated Health and Community Facility and Cockburn Youth Centre” Lot 401 Wentworth Parade, Success.

Purpose

To amend the *City of Cockburn Parking and Parking Facilities Local Law 2007* to establish a new parking station and to allow for the



monitoring of the period a vehicle is in a parking bay by electronic means.

Effect

To establish Cockburn Integrated Health and Community Facility and Cockburn Youth Centre Lot 401 Wentworth Parade Success as a parking station and allow use of electronic parking detection devices, such as in ground vehicle sensors and photographic recording for monitoring.

Strategic Plan/Policy Implications

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

A Prosperous City

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

Budget/Financial Implications

It is anticipated that there will be a minor increase in revenue from parking infringements imposed due to overstay in designated parking bays. There are various new technology options available which can be leased or purchased by the City. These will be considered for inclusion in a future municipal budget. The intent of this agenda item is to initiate the necessary steps to create a new parking station and to provide the ability for the City to use detection devices to monitor parking times.

Legal Implications

Amendments to the City of Cockburn Local Law are to be in accordance with section 3.12 of the Local Government Act 1995.

Community Consultation

Section 3.12 stipulates the procedure for advertising public comment for a minimum period of six (6) weeks and subsequent Council consideration for the amendments to a Local Law to become effective.

Attachment(s)

1. Draft Amendment to City of Cockburn Parking and Parking Facilities Local Law 2007.
2. Map identifying extent of new Parking Station.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 14.1 (MINUTE NO 5246) (OCM 13/2/2014) - PROPOSED MODIFICATION TO CONSOLIDATED STRUCTURE PLAN CELL 9, YANGEBUP & CELL 10 BEELIAR - LOCATION: LOTS 102, 142, 103 & 104 TINDAL AVENUE AND LOT 105 CARCIONE RISE, YANGEBUP - OWNERS: MARIA CARCIONE (PRIMARY LANDOWNER) - JOSE MANUEL ABREU & ANA MARIA ABREU - APPLICANT: MW URBAN PLANNING AND DEVELOPMENT (110/034) (L SANTORIELLO) (ATTACH)**

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of the proposed modified Consolidated Cell 9, Yangebup, & Cell 10, Beeliar, Local Structure Plan ('modified Structure Plan');
- (2) pursuant to Clause 6.2.9.1 (a) of the City of Cockburn Town Planning Scheme No. 3 ('Scheme'), adopt the modified Structure Plan;
- (3) in pursuance of Clause 6.2.14.2 forward a copy of the variation to the Commission within 10 days of making the resolution;
- (4) advise the proponent and those persons who made a submission of Council's decision; and
- (5) advise the proponent that the site is subject to Development Contribution Area No. 13.

COUNCIL DECISION

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

CARRIED 10/0



Background

The original Cell 9 Local Structure Plan (“Structure Plan”) was adopted by Council on the 21 November 2000. Cell 10 was originally adopted by Council on the 16 January 2001. On the 30 October 2001 the WAPC endorsed the Cells 9 and 10 Structure Plans which now form a ‘Consolidated Structure Plan’. Since this time the consolidated Structure Plan has been subject to a number of minor modification/s in accordance with Town Planning Scheme No 3 (“Scheme”) requirements.

The proposed modification involves changing the designation of Lots 102, 142, 103 and 104 (Nos. 48 – 56) Tindal Avenue and Lot 105 (No. 25) Carcione Rise, Yangebup, from ‘Residential R20’ to ‘Residential R40’.

The modified Structure Plan was advertised from 10 December 2013 to 17 January 2014 totalling 38 days. As the advertising period fell within the Christmas Holiday period it was considered appropriate to extend the advertising period beyond the 21 day minimum advertising period as specified by the Scheme. This proposal was therefore advertised for an additional 17 days.

Submission

The modified Structure Plan (as shown in Attachment 4) was lodged by MW Urban Planning and Development on behalf of Maria Carcione.

Report

Planning Background

The subject land is bounded by Tindal Avenue to the east, Carcione Rise to the West and Yardie Crescent to the south, in the suburb of Yangebup. The land comprises five (5) allotments with a total area of 6,451m². Please refer to Attachment 1 (location plan).

The subject land is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”) and ‘Development’ under City of Cockburn Town Planning Scheme No. 3 (“Scheme”). The subject land is also located within Development Area 4 (“DA4”), Development Contribution Area No. 5 (“DCA 5”) and Development Contribution Area No. 13 (“DCA 13”).

The subject land is located within Cell 9 Beelihar of the Consolidated Structure Plan which was most recently amended by Council on the 13 December 2013.



Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a structure plan is required to be prepared and adopted to guide future subdivision and development.

Proposed Structure Plan modification

The proposed modifications to the existing Consolidated Cell 9, Yangebup, and Cell 10, Beeliar, Local Structure Plan are considered to be fairly minor and consistent with the surrounding area. The implications of the modifications are discussed below.

Residential Density

The modification involves changing the residential density code of the five subject lots from 'Residential R20' to 'Residential R40'. It is intended the existing lots will be retained in the current layout with no amalgamation and/or subdivision proposed.

The subject sites total 6451m² in area which equates to a potential dwelling yield of 13 grouped dwellings. Under the proposed R40 density the subject site have a 27 grouped dwelling potential. This is a potential net increase of 14 grouped dwellings.

Directions 2031 and Beyond ("Directions 2031") and Liveable Neighbourhoods ("LN") promote 15 dwellings per gross hectare as the 'standard' density for new greenfield development in urban areas and an overall target of 47% for all new dwellings as infill development. Higher densities are promoted for land adjacent to Public Open Space and within proximity to Local Centres.

Proximity to Public Open Space ("POS")

Local parks are situated nearby on the east side of Tindal Avenue (Macrozamia Park), directly opposite the subject land, and on the western side of Spinnaker Heights (Spinnaker Reserve). A future local park is identified in the Structure Plan on the southern side of Yardie Crescent. Visko Park is an area of active public open space located approximately 470 metres west of the subject land, bounded by Beeliar Drive, Birchley Road, Bayview Terrace and the railway.

It is noted the structure plan currently designates an R40 density adjacent to areas of POS. The subject site is one of two sites, notated on the Structure Plan, with a R20 density coding adjacent to POS.

Liveable Neighbourhoods promotes higher residential densities adjacent to areas of POS to allow for increased levels of visual



surveillance. Furthermore Liveable Neighbourhoods aims to ensure most dwellings are within 400 metres (walking distance) of a park.

Proximity to Local Centre

The subject sites are located approximately 120 metres east of a future local centre situated on the southern side of Yardie Crescent and either side of Spinnaker Heights.

Liveable Neighbourhoods promotes a higher density for land within a 400 metre radius of a Local Centre. The subject site is approximately 120 metres from the local centre and 300 metres of a bus stop. The subject site therefore meets the Liveable Neighbourhoods criterion for an increase in residential density.

Traffic

The proposal seeks to increase the density and subsequently allow for a potential increase in dwellings. This proposal will therefore result in increased traffic on the local road network. The proponent has included a report prepared by Traffic and Transportation Consultants to provide assurance that an increase in traffic can be managed safely and efficiently by the existing road network.

The key findings of the report specify the up-coding may result in an increase in local traffic flows by no more than 112 vehicle movements per day, that is, from 104 vehicle movements per day with 13 dwellings to potentially 216 vehicle movements per day with 27 dwellings. Based on the maximum anticipated traffic increase, all local roads will continue to operate in an acceptable manner and in accordance with the recommendations set out in Liveable Neighbourhoods.

During peak periods (8:00am to 9:00am) of road network activity the up-coding may result in an additional 12 vehicle movements using Tindal Avenue. The increase during peak periods equates to one vehicle every 5 minutes and is expected to have no demonstrable impact to the operation of any local road or intersection. The traffic report has been reviewed and is supported by the City's Traffic Engineers.

Conclusion

It is recommended that Council adopt the modified Structure Plan. Approval is recommended on the basis that the amendment will facilitate a greater mix and diversity of dwelling types for the locality. The increased density will reflect a more consistent higher coding for land opposite POS and within proximity to local centres. The modified



Structure Plan is considered to reflect the objectives of Directions 2031 and Liveable Neighbourhoods.

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.

Budget/Financial Implications

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

Subdivision and development of the subject land is also subject to the requirements of the City's Development Contribution Area 13. The requirements of Development Contribution Area 5 have been met by previous subdivision approvals.

Legal Implications

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

Community Consultation

Community consultation was carried out for an extended advertising period of 38 days. The proposal was advertised in the newspaper, on the City's website and letters were sent to affected landowners in accordance with Scheme requirements.

Five submissions were received during the advertising period. Of the five submissions, three were in support of the proposal and the remaining two objected to the proposal. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions which addresses each issue identified by the community.

Two of the residents commented on the perceived poor condition of Macrozamia Park. It is alleged that the park is used as a dumping ground and in need of improvement. The City's parks and maintenance



team have been informed of the alleged condition of the park and will aim to respond to the matter separately.

Attachment(s)

1. Location Plan
2. Subject Land
3. Modified Cell 9 Structure Plan (Existing / Proposed)
4. Proposed modified Consolidated Structure Plan
5. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 February 2014 Council Meeting.

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

Nil.

14.2 (MINUTE NO 5247) (OCM 13/2/2014) - RETROSPECTIVE CAMERA POLE - LOCATION 18 (LOT 402) MELL ROAD SPEARWOOD - OWNER: IVAN BACICH - APPLICANT: IVAN BACICH (3209031) (D ARDESHIRIAN) (ATTACH)

RECOMMENDATION

That Council

- (1) refuses to grant retrospective planning approval for a camera pole at 18 (lot 402) Mell Road Spearwood for the following reasons:
 1. The proposal does not comply with part 5.4.4 of the Residential Design Codes of Western Australia in relation to External Fixtures.
 2. The proposal is incompatible within its residential setting which is inconsistent with Clause 10.2.1(i) of the City of Cockburn's Town Planning Scheme No. 3.
 3. The proposal causes a detrimental impact on the amenity of nearby residents and the streetscape which is inconsistent with Clause 10.2.1(n) and (o) of the City of Cockburn's Town Planning Scheme No. 3.
- (2) direct staff to issue a Directions Notice for the removal of the existing camera pole at 18 (Lot 402) Mell Road Spearwood; and



- (3) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr K Allen that Council defer this matter until the March OCM, in order for a meeting to take place between the resident, Mayor, West Ward Councillors, any other Elected Members, and Council officers.

CARRIED 7/3

Reason for Decision

The proponent clearly feels that there is more information that he would like to present to Councillors and Officers. A deferral and a meeting would provide that opportunity.

Background

The subject site, No. 18 (Lot 402) Mell Road Spearwood, is located on the northern side of Mell Road and has an area of approximately 1155m². The site is currently zoned 'Development' under City of Cockburn Town Planning Scheme No. 3 (TPS 3) and is identified as R25 under the Ocean Crest Estate Local Structure Plan. The southern side of Mell Road, opposite the subject site, is currently zoned 'Residential R30' under TPS3.

The subject site currently contains a single house, outbuildings and an eight metre high camera pole with fixtures including two security cameras and two lights. A retrospective development application was lodged with the City on 29 October 2013 for the existing pole, security cameras and lights, based on direction from the City's Compliance Officer.

The Ocean Crest Estate Local Structure Plan, which the subject site is located within, encompasses the area north of Mell Road and east of Hamilton Road. This area of land was previously used for market garden purposes. Since the Ocean Crest Estate Local Structure Plan was endorsed by the WAPC, on 24 April 2012, the area has seen a transition towards medium density residential development with various subdivision approvals currently in place.



The application has been referred to Council for determination as the submissions received possess planning merit and therefore staff do not have the delegated authority to determine the application.

Submission

The application seeks retrospective approval for an eight metre high pole which accommodates two security cameras and two security lights. The camera pole is located in front of the existing single house, setback approximately 7.5m from the primary street, 15m from the western boundary and 12m from the eastern boundary.

The applicant has advised that the purpose of structure is to provide security to the occupants of the dwelling who have previously been exposed to threats and crime at the residence.

Consultation

The City's statutory planning policies do not provide specific guidance or development requirements for camera pole proposals. As a result, the first course of action for the subject application was to advertise the application to thirty-one landowners along Mell Road for comment. The City received seven submissions in total, three of which objected to the proposal, three had no objection and one conditionally supported the application. A summary of the issues raised in the objections is as follows:

1. concerns about the cameras being an invasion of privacy of nearby residents;
2. concerns about light pollution intruding into nearby dwellings;
3. concerns about the detrimental impact of the structure on the streetscape;
4. concerns that support of the application will set an undesirable precedent in residential areas;
5. no objection if the cameras and lights were not intrusive and located on the existing dwelling; and
6. no objection to the lights being directed at the subject site and the vision from the cameras not encroaching into adjoining properties.

Report

Statutory Framework

Zoning

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS), 'Development' under TPS 3 and 'R25 Residential'



under the Ocean Crest Estate Local Structure Plan. The objectives of the Residential Zone are defined in part 4.2.1 (a) of TPS 3 as follows:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes'.

Clause 10.2 of TPS 3 includes matters to be considered by Council in relation to considering an application for planning approval. Specifically, Council shall have due regard to the requirements of the following in relation to this proposal:

- (c) any proposed Statement of Planning Policy of the Commission.
- (i) the compatibility of a use or development within its setting.
- (n) the preservation of the amenity of the locality.
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect on height, bulk, scale, orientation and appearance of the proposal.
- (y) any relevant submission received on the application.

State Planning Policy 3.1 – Residential Design Codes 2013 (R-codes)

As discussed above, the R-codes are intended to guide the development of residential zoned land. Although the R-codes do not have specific provisions for camera poles, based on the definition of 'external fixtures' below, part 5.4.4 of the R-codes is considered applicable for the purposes of assessing the application.

The R-codes define 'external fixtures' as:

'Utilities, equipment, plant or other structures which are necessary for a dwelling to achieve efficient, comfortable and environmentally sustainable operating outcomes and may include; solar collectors, rainwater storage tanks, clothes drying structures, communications and power and water infrastructure, letter boxes, or other fixtures as necessary for the residential use of the buildings on-site.'

Provision C4.3 of part 5.4.4 of the R-codes includes deemed-to-comply requirements for 'other external fixtures' which can be applied to fixtures that are not solar collectors, television antennas or water pipes. The camera pole, the subject of the application, meets the definition of 'other external fixtures', the deemed-to-comply provisions of which are detailed below:

- *not visible from the primary street;*



- *are designed to integrate with building; or*
- *are located so as not to be visually obtrusive.*

The application is not considered compliant with the deemed-to-comply requirements above. As a result, the application is required to be considered under the relevant design principles for part 5.4.4 (External Fixtures) of the R-codes below:

Solar collectors, aerials, antennas, satellite dishes, pipes and other external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.

Issues

Community consultation revealed the general opinions of the surrounding landowners in relation to the application. Although a number of submitters were not affected by the structure and did not object to the application, the objections that were received raised relevant planning concerns. The interests of existing and future nearby landowners should be taken into consideration when determining the application. Taking into consideration the assessment of the application against the R-codes (above) and the points raised in the submission received; the key issues identified are visually amenity, privacy and light spill.

Visually Amenity

The existing single storey dwelling has a wall height of approximately three (3) metres and a maximum roof pitch height of approximately five (5) metres. In light of this, the eight (8) metre high camera pole structure is not considered to be integrated into the design of the building and is considered to be visually obtrusive as viewed from the public realm (as shown in attachment 1 and 2) and adjoining dwellings. Approval of the pole would not be in the interests of preserving the character of the streetscape and protecting the visual amenity of surrounding properties, as intended by the design principles of part 5.4.4 of the R-codes.

Invasion of Privacy, Outdoor Lighting and Light Spill

All of the objections received refer to the invasion of privacy and light spill as key concerns. Although there is no guidance from statutory planning policies on these specific matters, part 5.5 of the Local Government Act has the ability to regulate outdoor lighting to be in accordance with the relevant Australian Standard (AS4282 – 1997).



Both issues are a direct result of the height of the structure. If the cameras and lights were fixed to the existing residence at the height of the dwelling, as encouraged in part 5.4.4 of the R-codes, the concerns relating to visual amenity, invasion of privacy and light spill would be eliminated. In the event that the abovementioned modification was approved, the external fixtures would subsequently be integrated into the design of the building, the potential for the invasion of privacy would be eliminated due to the reduced height and resultant viewing potential from the security cameras and light spill would be limited to within the subject site in accordance with the relevant Australian Standard (AS4282 -1997).

Conclusion

The proposal is not supported for the following reasons:

1. The application is not compliant with the provisions of the Residential Design Codes, in particular the deemed-to-comply and/or design principles of part 5.4.4 – External Fixtures.
2. A number of objections were received from affected adjoining landowners who have merit and are considered relevant planning considerations.
3. The application is considered to cause detrimental impacts on the amenity of the adjoining residents and the streetscape.
4. The application will set an undesirable precedent for camera poles within the residential areas of the City of Cockburn.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.

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

See Community Consultation section of the report above.

Attachment(s)

1. Site Plan, floor plan and elevations.
2. Photo of Camera Pole.

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 13 February 2014 Council Meeting.

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

Nil.

14.3 **(MINUTE NO 5248) (OCM 13/2/2014) - PROPOSED LOCAL STRUCTURE PLAN MODIFICATION - LOCATION: LOT 23 RUSSELL ROAD AND LOTS 328-333 JEWEL GARDENS HAMMOND PARK- OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (110/091) (A VAN BUTZELAAR) (ATTACH)**

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopts the modification to the Lot 458 Baler Court Hammond Park Structure Plan to include Lot 23 Russell Road and Lots 328, 329, 330, 331, 332 and 333 Jewel Gardens, Hammond Park in the R40 density code. subject to the following modifications:
 1. Correct minor discrepancies within sections 1.1, 1.3.2, 2.6.5, 3.6 and 4 of the advertised structure plan modification report in response to a public submission.
- (2) in pursuance of Clause 6.2.14.2 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for information;
- (3) endorse the Schedule of Submissions prepared in respect to the Structure Plan;
- (4) advise the landowners within the Structure Plan area and



those who made a submission of Council's decision accordingly; and

- (5) advise the proponent that the site is subject to Developer Contribution Area 13 and 3.

COUNCIL DECISION

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

CARRIED 10/0

Background

The purpose of this report is to consider for final adoption the proposed modification to a previously approved Structure Plan for Lot 458 Baler Court Hammond Park. Council previously advertised the Local Structure Plan over the subject site for public comment on 18 January 2005 and resolved to adopt the Local Structure Plan subject to conditions.

The Proposed Structure Plan Modification (LSP) seeks to alter the existing approved zoning and reservation for lot 23 Russell Road and lots 328-333 Jewel Gardens, Hammond Park from 'Residential R20' to 'Residential R40', to facilitate a medium density urban outcome.

The LSP area is situated approximately 25 kilometres south west of the Perth CBD in the locality of Hammond Park in the City of Cockburn. Attachment 1 provides a location plan of the LSP area. Attachment 2 provides an aerial view of the LSP area.

The current Structure Plan (Attachment 3) is well established and the subject site is located within a predominantly developed area provided with public open space, pedestrian cycle links, public transport and a local centre. The majority of the subject lots are undeveloped land parcels well situated to contribute to the delivery of *Directions 2031 and Beyond Targets* by accommodating a density increase. Lots designated with a R20-R25 density coding in the previously approved structure plan for the subject site were intended to be developed with an average site area between 350m² to 500m². The average site area per dwelling that has eventuated under these densities is approximately 600m² resulting in the underdevelopment of Hammond Park. This proposal assists with ensuring that original density targets



are achieved. Additionally, the recent announcement of a new train station within the area provides added requirements to review the structure plan densities on undeveloped lands.

The Proposed Structure Plan Modification has been advertised for public comment. This report now seeks to specifically consider the Proposed Structure Plan Modification for adoption in light of the advertising process.

Submission

N/A

Report

Planning Background

The subject land area is 0.6398 hectares in size and bound by Russell Road, Jewel Gardens and Dorsal Bend. Attachment 1 contains a location plan.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("TPS 3"). The subject land is also located within Development Contribution Area No. 3 ("DCA 3") and No. 13 ("DCA 13").

Proposed Structure Plan Modification

The Proposed Structure Plan Modification as shown on Attachment 4 provides for R40 residential development.

The Proposed Structure Plan Modification satisfies density objectives, POS requirements and utilises an existing suitable road network.

A residential development at a density coding of R40 is appropriate for the subject site as it reflects surrounding development east of Baler Reserve and north of Russell Road. The subject site contains some of the only remaining undeveloped land parcels well situated to contribute to the delivery of *Directions 2031 and Beyond* targets by accommodating a density increase. When developed, the proposed rail station on the Perth-Mandurah line will convey considerable benefit on the subject site in terms of its suitability for higher density development.

The structure plan modification will lead to increased housing diversity, adaptability, affordability and choice. Increasing densities within developed suburbs allows the City to increase housing supply in



response to changing population needs and produce well connected sustainable urban communities.

Residential Density

As noted above, this Structure Plan Modification seeks to increase the residential density of the subject site from low density Residential R20 to medium density Residential R40.

Under the existing residential zoning a dwelling yield of approximately 15 lots is possible for the subject site. Under the proposed R40 density an estimated yield of 32 single houses or grouped dwellings could be possible. Dwelling yield calculations for multiple dwellings are more complex, however, approximately 40- 45 multiple dwellings could eventuate based on a hypothetical development scenario that utilises an average multiple dwelling size of 85m².

Traffic

The R40 density scenario is estimated to produce approximately 390 vehicle trips per day. This projected traffic volume does not exceed the capacity of the current road network which is 3000 vehicles per day and will not impede vehicular flow. As traffic projections do not exceed the capacity of the adjoining street network it is not necessary to modify or increase direct access to the subject site. It is anticipated that the future Aubin Grove train station will attract patronage from adjoining suburbs such as Hammond Park reducing the number of vehicles on local road networks.

Current and Future Development

Development is currently underway within the LSP area. A Building Permit was issued for a new single residence on Lot 333 and Lot 329 Jewel Gardens, Hammond Park on 13 May 2013 and 25 November 2013 respectively. A modification to the density coding of the subject site from R20 to R40 will not obstruct the construction of development currently approved. If the density coding over the subject site is increased from R20 to R40 (through a Structure Plan modification) current and future land owners will simply have the ability to develop their land with a comparatively larger plot ratio and smaller minimum site area per dwelling.

Community Consultation

Prior to the preparation of the Structure Plan Modification and associated report landowners within the subject site were invited to comment on the potential R40 density coding of their land. Initial feedback was received from 3 landowners with 1 in support of the



density increase and 2 expressing concern over traffic, future building form and the implications of a density increase on current development plans. Where these concerns relate to planning matters they have been discussed earlier in this report.

The Proposed Structure Plan Modification was advertised for public comment for a period of 39 days from 10 December 2013 to 17 January 2014. A variety of advertising mediums were utilised including social media sites Facebook and Twitter and a local newspaper. An advertising notice was published in the Cockburn Gazette on 10 December 2013.

A full copy of the structure plan report was available for public inspection at the City's Administration Centre and online via the City's website for the full advertising period. Notice of advertising was given in writing to 91 nearby and affected landowners.

In total 7 written submissions were received from nearby landowners. These submissions are set out and addressed in the Schedule of Submissions (Attachment 5). A petition objecting to this structure plan modification was received by the City on 17 January 2014. The petition came from 51 Hammond Park residents and objected to increased traffic flow created through a density increase. Petitioners were not opposed to an increase in population or housing and requested modified or increased direct access to the subject site to accommodate increased traffic volumes.

Submissions both offered objections and comments on the proposed modification. Concerns were predominantly related to traffic and safety, population demographics, decreasing property values and privacy. All concerns are addressed in the schedule of submissions (Attachment 5). Where these concerns relate to planning matters they have been discussed earlier in this report.

Conclusion

It is recommended that Council adopt the Structure Plan Modification for Lot 23 Russell Road and Lots 328-333 Jewel Gardens, Hammond Park and pursuant to clause 6.2.14.2 of the Scheme, and following acceptable completion of the modifications refer it to the Western Australian Planning Commission for information.

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.



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

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

Lot 23 Russell Road, Hammond Park is subject to Development Contribution Areas No. 3 and No. 13. Lots 328-333 Jewel Gardens Hammond Park is only subject to Development Contribution Area No. 13 as the requirements of Developer Contribution Area No. 3 were met by previous subdivisions. There aren't any other direct financial implications associated with the Proposed Structure Plan Modification.

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 local structure plan Public consultation was undertaken from 10 December 2012 to 17 January 2012. 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 5).



Attachment(s)

1. Location and Context Plan
2. Aerial Locality Plan
3. Current Local Structure Plan
4. Proposed Modification to Local Structure Plan
5. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2014 Council Meeting.

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

Nil.

14.4 (MINUTE NO 5249) (OCM 13/2/2014) - TEN (10) MULTIPLE DWELLINGS - LOCATION: 67 (LOT 5) EDELINE STREET, SPEARWOOD - OWNER: STARLINE BUILDING CO PTY LTD - APPLICANT: STARLINE BUILDING CO PTY LTD (2204860) (R SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) grant Planning Approval for ten (10) multiple dwellings at Lot 5, number 67 Edeline Street Spearwood in accordance with the attached plans dated 24 January 2014 subject to the following conditions and advice notes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. The development site must be connected to the reticulated sewerage system of the Water Corporation prior to occupation.
3. The surface finish of the boundary walls abutting adjoining lots is to be either face brick or rendered the same colour as the external appearance of the approved development.
4. Plans submitted with the building permit are to demonstrate the provision of a solid 1.6m high screening

to the front northeast corner (for Unit 10) and northwest corner (for Unit 2) upper floor alfresco areas, to the satisfaction of the City.

5. Prior to the submission of a building permit, a revised landscaping plan is to be submitted to and approved by the City. The plan must indicate the location and species of all trees to be removed and/or retained, the location and type of reticulation to be installed and the location and type of paving to be installed. The plan must include a plant schedule nominating each species, the spacing of each species, the number of plants required and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The plan must identify and include the adjoining road verge to the satisfaction of the City.
6. The revised landscaping plan including the provision of advanced trees and/or tall shrub species being provided along the eastern side lot boundary directly at the front of the lot, in order to provide further screening of the adjoining property (1A Ross Court), to the satisfaction of the City. The landscape plan is to indicate how the selection of advanced species provides for an effective screening element at the completion of the overall development.
7. The revised landscaping plan is to include the provision of an internal landscaped area in front of units 4 and 6, with this extending into the areas marked as 'courtyard or car bay' on the site plan, to the satisfaction of the City.
8. 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.
9. All plant and equipment such as air conditioning condenser units, communications hardware and the like are to be purposely located internal to the development (i.e. not adjoining side boundaries) and also screened so they are not visible from the public domain, to the satisfaction of the City.
10. 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 0.75m, to the satisfaction of the City.

11. Fencing up to a height of 2.1m (as measured from the highest point of finished or natural ground level either side of the fence) to be installed behind the primary street setback at the cost of the applicant to the side and rear lot boundaries to the satisfaction of the City. Details are to be provided with the Building Permit application.
12. The plans shall be modified so as to drop the finished floor levels of all dwelling by 0.4m, to the satisfaction of the City. Revised plans showing the reduced finished floor levels shall be provided with the Building Permit application.
13. Prior to occupation of the building hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans to the satisfaction of the City.
14. All visitor bays are to be clearly marked and made available for use by visitors to the site at all times, to the satisfaction of the City.
15. Crossovers are to be located and constructed to the City's specifications.
16. Prior to occupation of the development hereby approved, 4 covered bicycle stands are to be provided in close proximity to the entrance of the building and thereafter maintained to the satisfaction of the City.
17. Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata subdivider contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure prior to the lodgement of a Building Permit application.
18. Waste generated on-site being managed in accordance with the Waste Management Plan dated 24 January 2014 lodged with the application to the satisfaction of the City and subject to any subsequent changes agreed with by the City.
19. The applicant is to submit to the City a report from a



recognised acoustic consultant demonstrating that the design of the development and the location of plant within the development including air conditioners and similar equipment will not result in noise emissions exceeding those set out in the *Environmental Protection (Noise) Regulations 1997* (as amended) and the design of the development will result in acceptable indoor noise levels that meet the recommended design sound levels in table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors", particularly with regard to noise transmission between units and floors.

20. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the noise report have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the City must be provided prior to occupation of the development.
21. Prior to the lodgement of a Building Permit application, a construction management plan shall be submitted to and approved by the City for the development detailing how the following is proposed to be managed:
 - access to and from the site;
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for contractors and subcontractors; and
 - other matters likely to impact on surrounding properties.

Advice Notes

1. This is a Planning Approval 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. With regard to condition 1, The City requires the onsite storage capacity be designed to contain a 1 in 20 year storm of 5 minute duration. This is based on the requirements to contain surface water by the Building Code of Australia.



3. With regard to conditions 5 to 7, please jointly liaise with the City's planning and parks teams.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

The subject land is located at No. 67 (Lot 5) Edeline Street Spearwood. The site is zoned 'Residential R30' under Town Planning scheme No. 3 (TPS 3) and is surrounded by existing residential development consisting of predominantly detached and semi-detached single storey dwellings. The lot is 1113m² in area.

The application is being referred to Council for determination as objections were received during the neighbour consultation period with regard to upper floor setbacks to the side lot and rear lot boundaries, retaining and associated fill.

A meeting was held on Thursday 5 February 2014 at the subject site between City staff, several elected members, the applicant and adjoining landowners who were concerned with the development. This is discussed in further detail in the neighbour consultation section.

Submission

The applicant seeks approval to construct 10 multiple dwellings (residential apartments) on the subject land set over two stories served by a central driveway. The ground floor consists of 4 units, landscaping, 10 storage areas for the multiple dwellings and associated tenant and visitor parking with the upper floor consisting of 6 units, 2 alfresco areas and associated stairwells.

The proposal is consistent with the deemed-to-comply standards of the R codes and Council Policy with the exception of setbacks to the side and rear lot boundaries; and retaining and associated fill. In accordance with R-code and Council Policy, the application was



advertised to affected adjoining landowners for a period of 21 days. A total of 5 submissions objecting to the proposed development were received by the City during the advertising period. Given the nature of submissions received which cannot be resolved through conditions or negotiation with the applicant, staff has no delegation to determine the application so it has been referred to Council for determination.

Statutory Framework

Metropolitan Region Scheme (MRS)

The subject land is zoned 'Urban' under the MRS.

Town Planning Scheme No. 3 (TPS 3)

The subject land is zoned 'Residential R30' under the City's TPS 3. In accordance with part 4 of the Scheme, multiple dwellings are listed as a 'D' discretionary use in the zoning table. The proposal is consistent with the TPS 3 zoning.

State Planning Policy 3.1 (Residential Design Codes 2013)

The proposal has been assessed under part 6 of the Residential Design Codes (R-codes), which were modified in November 2010 to incorporate provisions for multiple dwellings in areas coded R30 or greater. Part 6 of the R-codes provides development assessment criteria for multiple dwellings under the 'deemed-to-comply' standards and design principles. Where development does not meet the deemed-to-comply standards, it is assessed under the design principles.

The development generally meets the deemed-to-comply standards of the R-codes with the exception of the following issues;

- An upper floor setback to the western side lot boundary of 1.5m in lieu of 1.6m and 2m in lieu of 2.5m.
- An upper floor setback to the eastern side lot boundary of 1.5m in lieu of 1.6m and 2m in lieu of 2.5m.
- An upper floor setback to the rear lot boundary of 2m in lieu of 2.1m.
- Retaining and associated fill of 0.6m in lieu of 0.5m.

As the setbacks and retaining do not meet the deemed-to-comply provisions of the R-codes, it has been assessed under the relevant design principles of the R-codes.



Neighbour Consultation

As design elements of the development did not meet the deemed-to-comply standards of the R-codes, comment was sought from seven (7) adjoining landowners. A total of five (5) submissions objecting to the development were received during the advertising period. It is noted that the submissions received did not specifically address the non-compliant design elements, but rather the concept of multiple dwellings. A summary of the objections is listed below:

1. The use class 'multiple dwellings' in residential areas was not discussed with stakeholders when the Phoenix Revitalisation Strategy went to public consultation in 2009.
2. Multiple dwellings are not consistent with the existing streetscape on Edeline Street, which is predominantly single storey detached and semi-detached dwellings – approving such a development would set an undesirable precedent.
3. Multiple dwellings will overshadow adjoining dwellings.
4. Multiple dwellings will overlook into adjoining properties.
5. Noise levels emanating from the multiple dwellings and associated traffic.
6. Loss of the 'community' feel of suburban Spearwood.
7. 10 multiple dwellings is excessive and overdevelopment.
8. Decrease of property values.
9. Multiple dwellings would result in parking issues, especially with visitors.

It is noted that there exists a wide variety of housing forms on Edeline Street ranging from single houses and grouped dwellings to single bedroom dwellings at 21 Edeline Street and multiple dwellings at 16 Edeline Street. The proposed development can be seen as adding to the existing variety of housing types within the Spearwood area in order to cater for differing household types and lifestyles. There is no established character nor is there any character based or similar policy that applies to establish residential areas in Spearwood.

It is acknowledged that the development has the potential to result in increased levels of noise as a result of the increased density of a multiple dwelling and building setbacks being closer to the respective side and rear lot boundaries than that of the existing single house. As a condition of approval, an acoustic report prepared by a suitably qualified consultant demonstrating that noise levels generated from the development will be within the relevant noise regulations should be imposed if Council approved the proposal. With regard to concerns raised from submitters relating to onsite parking issues and visitor parking, the parking provided for each unit meets the deemed to comply standards of the R-codes. Furthermore, 4 visitor's bays have been provided which is 1 more than the requirements under the R-



codes. Temporary visitor parking on adjoining Council verges is an issue that is not restricted solely to multiple dwellings and is common place throughout all residential areas within the City of Cockburn.

Several submissions have raised concerns that the proposed multiple dwelling development would have a detrimental impact on their property values. Property values however are speculative in nature and are not a valid planning consideration.

Further to the above, an onsite meeting was held at the subject site between City staff, several elected members, the applicant and adjoining landowners on Thursday 5 February 2014 in order to listen to the concerns of the adjoining landowners with regard to the proposed development and to discuss possible actions to help alleviate any concerns adjoining landowners may have.

During the meeting the adjoining landowners expressed concerns that they were never informed about the Spearwood residential area being potentially suitable for multiple dwellings when they participated in the Phoenix revitalisation community consultation forums which were held in 2009. In response to this concern, the City advised the adjoining landowners that the Revised edition of the R-codes was a State Planning Policy gazetted on 22 November 2010 that allowed for multiple dwellings as a form of housing to be considered in areas coded Residential R30 and higher and the City was bound to consider such applications for development in areas coded R30 against the provisions of the R-codes. Other concerns raised including loss of privacy, overshadowing and loss of property values which reflected the original submissions to Council and are discussed elsewhere in the report. After the meeting it was agreed that several measures could be undertaken in order to address the adjoining landowners' concerns regarding the development. These have now been specifically integrated into the officer recommendation:

- Reducing the finished floor level by 0.4m in order to address bulk and scale issues.
- Providing advanced landscaping adjoining 1A Ross Court.
- Increasing the height of the dividing fence between adjoining landowners from 1.8m to 2.1 to reduce the visual impact of the development as seen from the adjoining properties (at the cost of the developer).
- Additional screening in the form of a screen to the front upper level alfresco areas.
- The addition of internal landscaping to increase the internal amenity of the development.



Report

Lot Boundary Setbacks

With regard to the side and rear lot boundary setbacks, the design principles of the R-codes state the following:

'Buildings set back from boundaries or adjacent buildings so as to:

- *Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them.*
- *Moderate the visual impact of building bulk on a neighbouring property.*
- *Ensure access to daylight and direct sun for adjoining properties.*
- *Assist with the protection of privacy between adjoining properties'.*

The wall height and pitched roof of the multiple dwellings is consistent with that of a typical two storey single house. The setbacks proposed to the side and rear lot boundaries allow for direct solar access and ventilation to habitable spaces for all adjoining properties, with overshadowing confined to the existing outbuildings at 4a Cobine Street and 3a Ross Court given the north to south orientation of the 67 Edeline Street. Building bulk associated the side and rear elevations are ameliorated by the use of windows, differing façade treatments and light roof colours. The design of the multiple dwellings and in particular the upper floor component confines overlooking to the internal driveway and the primary street setback, ensuring privacy between adjoining properties is maintained. Windows and habitable spaces that face the side and rear lot boundaries are either from non-habitable rooms or have been screened up to a height of 1.6m in accordance with the provisions of the R-codes.

Site Works

With regard to the retaining and associated fill for the proposed development, the design principles of the R-codes state the following:

'Development that considers and responds to the natural features of the site and requires minimal excavation/fill.'

The development seeks to work with the natural topography of the subject land, with the finish floor levels of the multiple dwellings located at the rear of the lot set slightly higher than the multiple dwellings located at the front of the lot in response to the south to north slope of the lot. The area of retaining is confined to a portion of the eastern side lot boundary and is marginally above the acceptable development standard of 0.5m. As a condition of approval, suitable screening as defined in the R-codes is to be installed on top the retaining wall where



it exceeds 0.5m. In light of the above, the proposed fill and retaining is considered to meet the design principles of the R-codes.

Conclusion

The proposal consisting of 10 multiple dwellings is supported for the following reasons:

1. The proposal is considered to meet the relevant design principles of the R-codes.
2. The proposal is it promotes a diversity of housing stock and additional dwellings which was a key objective of increased density codings in the area.
3. The proposed development is not anticipated to detract from the amenity of adjoining landowners or the streetscape.

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.
- Development that is soundly balanced between new and existing areas.

Environment & Sustainability

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Consultation of affected adjoining landowners was undertaken for a period of 21 days. A total of seven (7) dwellings were advertised to. Five (5) submissions were received by the City objecting to the development.

Attachment(s)

1. Ground and upper floor plans
2. Elevation plans



3. 3d Colour perspective
4. Landscape plan
5. Owner and designer's statement
6. 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 13 Febraury 2014 Council Meeting.

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

Nil.

14.5 (MINUTE NO 5250) (OCM 13/2/2014) - HIGH IMPACT TELECOMMUNICATIONS FACILITY (MONOPOLE AND EQUIPMENT CABIN) - LOCATION: NO. 233 (LOT 56) BARRINGTON STREET BIBRA LAKE - OWNER: JOANNE AND MARK WILLCOCKS - APPLICANT: PLANNING SOLUTIONS PTY LTD (4412611) (R SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) grant approval to commence development for a High Impact Telecommunications Facility (Monopole and Equipment Cabin) at 233 (Lot 56) Barrington Street Bibra Lake, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. The proposed equipment shall be of a colour compatible with the existing buildings onsite to the satisfaction of the City. Colour details shall be provided to the City with the Building Permit application.
2. The number of antenna panels on the telecommunications facility is limited to 6 antenna panels and 6 remote radio units.

Advice Note

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn



Town Planning Scheme No. 3, or the requirements of any other external agency.

2. With regard to condition 2, should the landowner/applicant seek to increase the number of antenna panels on the telecommunications infrastructure, further planning approvals will be required.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr K Allen that Council refuse to grant planning approval for the high impact telecommunications facility on Lot 56 (233) Barrington Street, Bibra Lake for the following reasons:

- (1) the proposal represents an unacceptable impact on the residential amenity of the nearby Yangebup locality, by being located too close to residential dwellings and public open space;
- (2) the proposal detracts from the character of the residential area, through representing a highly visible structure as viewed from the nearby residential area;
- (3) the proposal does not reflect the policy objectives contained within local planning policy APD 13, which guides the selection of sites for telecommunication facilities to be at least 200m from residential dwellings; and
- (4) for reasons 1 to 3, the proposal does not reflect orderly and proper planning.

MOTION LOST 3/7

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

CARRIED 7/3



Background

The subject site is located at 233 (Lot 56) Barrington Street Bibra Lake, has a total lot area of 3,600m² and is zoned 'Light and Service Industry' under the City of Cockburn Town Planning Scheme No. 3 (TPS 3). The site contains an existing office and warehouse on the front portion of the site and existing vegetation on the rear portion. The proposal is being referred to Council for determination as objections were received during public consultation which removed staff delegation.

The application was previously considered at the Ordinary Council Meeting on 12 December 2013 where Council resolved to defer the item pending a briefing from the proponent regarding the suitability of the site. Specifically, Council sought to learn what other sites have been considered, which are in keeping with the City of Cockburn's Local Planning Policy APD 13 'Telecommunications – High Impact Facilities'.

On 23 January 2014, the proponent met several elected members from the City of Cockburn in order to provide a briefing as to what other sites had been considered for the telecommunications facility in accordance with the Council resolution from the 12 December 2013 meeting. At this meeting the proponent explained in detail as to why other sites in the suburbs of Bibra Lake and Yangebup had not been chosen as well as the need to locate the telecommunications facility in close proximity to residential areas in order to ensure adequate coverage for the new Telstra 'Next G' network. The main points discussed in the briefing are outlined in Attachment 5.

Submission

The applicant seeks approval, on behalf of Telstra Corporation Ltd, to install a new telecommunications monopole, an equipment cabin and ancillary access and safety equipment on the subject site. Specifically, it is proposed to accommodate six (6) antenna panels and six (6) remote radio units mounted on a circular headframe on the proposed monopole. The pole is proposed to be located at the rear of the property set back 1.25m from the rear lot boundary and 1.8m from the south western side lot boundary.

The proposed monopole will measure a maximum height of 30m above the natural ground level of the site, with the equipment shelter measuring 3.28m in height. The monopole will be of a galvanised finish, with panel antennas closely mounted on the pole. The proposed equipment cabin is to be a colorbond structure painted in the colour 'Pale Eucalypt'.



Report

The applicant has indicated as part of their application that the proposed telecommunications infrastructure is required to facilitate Telstra's 'Next G' mobile telephone network, which will assist in improved wireless broadband access for the surrounding community.

In its submission, the applicant has advised that detailed investigations of the locality revealed there are no other opportunities to co-locate telecommunications infrastructure or utilise existing buildings which would satisfy the coverage objectives for the facility.

Zoning and Use

The subject site is zoned 'Light and Service Industry' under TPS 3 and the objective of this zone is *'to provide for light and service industries and associated uses which are compatible with and acceptable in close proximity to residential uses'*.

Telecommunication facilities are not listed in TPS 3 and are therefore dealt with under Clause 4.4.2 which states that:

'If a person proposes to carry out any use that is not specifically mentioned in the:-

- (a) *Zoning Table – Table 1 and cannot be reasonably be determined as falling within the type, class or genus of activity of any other use category in the table the local government may –*
 - (ii) *determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval..'*

Consultation

In accordance with the provisions of clause 9.4 of TPS 3 and APD 13, notice of the proposed development was sent to all landowners within a 200 metre radius of the site. Thirteen (13) submissions were received, with one (1) indicating no objection and twelve (12) objections. The table in Attachment 5 lists the issues raised and provides a response on those matters.

APD13 'Telecommunications – High Impact Facilities'

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



- The siting of mobile telephone towers is to be located where possible within industrial, commercial and other non-residential zoned land within the district and as far as possible from any residence;
- Mobile telephone facilities are to be co-located with existing infrastructure where the opportunity exists;
- The location and appearance of facilities should be chosen to minimise the visual impact on the locality. In particular, the amenity of residential inhabitants should not be affected; and
- No new telecommunications towers are to be located within 200 metres of any existing/proposed residence or other sensitive land use activity.

The proposal does not comply with respect to the 200m setback from residential development. Existing residential development is located approximately 60m to the south west of the subject site. A railway reserve and native vegetation strip consisting of established shade trees and supporting low to medium height shrub cover separates the subject site from the nearest residential properties.

While the proposal does not comply with the 200m setback requirement of the policy, there have been specific decisions made by the State Administrative Tribunal and other courts in Australia that such policy provisions have no statutory weight and cannot be used to determine the location of telecommunication facilities. The policy should therefore be used as a guide only.

Furthermore, the aforementioned native vegetation acts to ameliorate any visual bulk issues when viewed from the nearest residential properties. The immediate area surrounding the subject site contains a number of tall structures including existing industrial buildings, overhead power lines and railway infrastructure. The monopole facility will not unduly impact on the amenity of the streetscape of Barrington Street which is predominantly industrial in character.

Statement of Planning Policy 5.2 'Telecommunications Infrastructure'

Statement of Planning Policy 5.2 'Telecommunications Infrastructure' (SPP5.2) is a state wide planning policy which aims to facilitate the provision and development of effective state-wide telecommunications in a consistent manner which is considerate of the economic, environmental and social objectives of planning in Western Australia. SPP 5.2 is supported by the *Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure*. Of key concern to



this application are the following guidelines regarding the location and siting of Telecommunications infrastructure:

- telecommunication facilities should be located and designed to meet the communication needs of the community;
- telecommunication facilities should be designed and sited to minimise potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views;
- telecommunication facilities should be designed and sited to minimise adverse impacts on areas of natural conversation value and places of heritage significance or where declared rare flora are located; and
- telecommunication facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The guidelines go on to state that when determining an application for telecommunications infrastructure the local government shall consider and have regard to the following:

- extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the state;
- need to continuity of supply of telecommunications services to people and businesses in the local area or region;
- effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements;
- effect of the proposal on any place of cultural heritage significance on or near the land;
- extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts; and
- degree to which the proposal is co-ordinated with other services.

With regard to the proposed location of the telecommunications infrastructure, the applicant has advised that where possible, existing mobile network sites are utilized or other forms of existing infrastructure



are shared. Detailed investigations of the locality have revealed that no other opportunities to co-locate telecommunications infrastructure exist which would satisfy the coverage objectives of the facility.

A site visit carried out on 25 November 2013 which incorporated observations of the subject site as viewed from across the railway reserve indicated that existing native vegetation consisting of several large shade trees and low to medium height shrubs will act to partially screen the telecommunications facility from nearby residences. The telecommunications facility does not impact on areas of natural vegetation or places of significant cultural heritage. It is also important to note that State Planning Policy 5.2 does not specify minimum setback distances from telecommunication facilities to sensitive land uses such as residential development, but rather appropriate siting and location of such facilities.

The applicant has advised that the proposed telecommunications infrastructure will facilitate the expansion of a high-speed mobile network, which will see customers enjoying improved high quality content, wireless broadband access and further mobilisation of business applications. This will make a positive contribution with regard to the communication needs of the community, with convenient access to modern telecommunications for people and businesses in the Bibra Lake area and surrounding suburbs.

The application was referred to the Public Transport Authority on 30 October 2013 for comment as the site abuts a Metropolitan Region Scheme (MRS) railway reserve. On the 25 November 2013, the PTA provided comment stating had no objection with regard to the telecommunications facility.

Conclusion

The proposed siting of the telecommunications facility meets the intent of APD13 and SPP5.2. The existing vegetation onsite and the adjacent strip of land abutting the railway reserve acts to ameliorate bulk and scale of the telecommunications facility to a suitable level and the colour matching of the facility with the existing background will further reduce its visual impact.

In relation to public health concerns, the report on the estimated Radiofrequency Electromagnetic Emissions demonstrates operation of the facility at a level well within the requirements set by the Federal Australian Communications Authority (ARPANSA) which are themselves below the World Health Organisation Standards.

As part of the carrier's obligations under the *Telecommunications Code of Practise* to co-locate facilities, the applicant has demonstrated that



the potential for co-location at other telecommunications facilities within the Bibra Lake area was considered in this instance. The applicant has advised that there were no co-location opportunities in the vicinity of the subject site which would satisfy the coverage objectives for the facility.

In light of the above, it is considered that the proposed new telecommunications monopole and equipment at 233 Barrington Street, Bibra Lake is able to be supported.

Strategic Plan/Policy Implications

A Prosperous City

- Investment in the local economy to achieve a broad base of services and activities.
- Promotion and support for the growth and sustainability of local businesses and local business centres.

Budget/Financial Implications

Nil.

Legal Implications

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

Community Consultation

In Accordance with The City of Cockburn's Telecommunications Policy APD 13 'High Impact Facilities', notice of the proposed development to all landowners within a 200m radius of the proposed location with an invitation to make comment on the proposal within 21 days was conducted. A copy of the schedule of submissions is detailed in Attachment 6.

Attachment(s)

1. Location Plan
2. Elevations
3. Photomontage
4. EME Report
5. Candidate Selection Report
6. 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 14 February 2014 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**15.1 (MINUTE NO 5251) (OCM 13/2/2014) - LIST OF CREDITORS PAID - NOVEMBER AND DECEMBER 2013 (076/001) (N MAURICIO) (ATTACH)****RECOMMENDATION**

That Council adopt the List of Creditors Paid for November and December 2013 respectively as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 10/0

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 November and December 2013 respectively, 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 – November and December 2013.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 5252) (OCM 13/2/2014) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - NOVEMBER AND DECEMBER 2013 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the Statement of Financial Activities and associated reports for November and December 2013 respectively, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 10/0



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.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold variance of \$100,000 from the corresponding base amount for the 2013/14 financial year at the August meeting.

Submission

N/A

Report

Although the November statement is included in the attachments (given there was no Council meeting in January), this report only addresses the December financial results due to their greater timeliness.

Closing & Opening Funds

The City's opening funds from 2012/13 FY were revised upwards to \$11.25M (from \$10.06M) after the completion of external audit. The



increase of \$1.2M related mainly to a downwards adjustment in the amount of accrued expense for disputed land fill levy charges subsequently settled post June. There was also a minor adjustment between the current and non-current portions of long service leave provisions. Whilst the \$10.06M (comprising \$6.57M for carried forward projects and \$3.5M free surplus) was previously dealt with by Council, the additional \$1.2M will be sent to the Waste & Recycling and Community Infrastructure reserves in accordance with budget management policy. This has been included in the mid-year budget review.

The City's closing funds of \$69.81M are currently \$5.40M higher than the YTD budget forecast. This includes the \$1.2M variance in the opening funds previously discussed and overall favourable variances across the operating and capital programs.

The revised budget currently shows end of year closing funds of \$0.34M (increased from a balanced budget position of nil). This has predominantly resulted from several upwards adjustments to revenue. The budgeted closing funds will fluctuate throughout the year, due to the impact of Council decisions and recognition of additional revenue. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial report.

Operating Revenue

Operating revenue of \$101.30M is below the YTD budget forecast of \$101.97M. Several significant and compensating variances exist as detailed below:

1. Revenue from property rates is \$0.55M higher than the YTD budget target and collection related revenue is up \$0.10M.
2. Interest on Municipal investments exceed YTD budget by \$1.08M and has been revised upwards in the mid-year budget review.
3. \$0.15M unbudgeted reimbursement of diesel fuel tax resulting from a tax review project completed by Deloitte.
4. Human Services operating grants are \$0.52M ahead of budget due to \$0.25M of surpluses carried forward from the previous year and operating grants \$0.27M ahead of YTD budget.
5. Statutory Planning revenue is \$0.51M ahead of budget mainly due to development application fees up \$0.35M & fines up \$0.13M.
6. Fees & charges from building regulation are down \$0.21M.
7. Land administration commercial lease revenue is \$0.37M ahead of budget primarily due to the Naval Base annual fees being invoiced ahead of cash flow budget.



8. The waste collection levy is \$0.48M more than the YTD budget.
9. Commercial income from the HWRP is \$1.75M behind the YTD budget target.

Further details of material variances are disclosed in the Agenda attachment

Operating Expenditure

Operating expenditure (including asset depreciation) of \$54.96M was just under the YTD budget target of \$55.06M.

A favourable variance of \$1.32M is attributed to Material and Contracts with general underspending across most service areas. The exception is the Development Contribution Plans, where unbudgeted payments for vested crown land and consultancies contribute an unfavourable variance of \$0.73M.

Insurance expenses are \$0.18M over the YTD budget principally due to higher insurance costs for plant. Lower landfill levy charges contribute \$0.34M towards the \$0.45M variance under Other Expenses.

Salaries & direct on costs are \$1.18M over the YTD budget due to \$0.53M of unbudgeted long service and annual leave accruals and \$0.66M in additional salaries & on costs. A budgetary treatment for leave accruals (LSL in particular) will be required in future budgets to accommodate monthly accruals. A review of the salary budget is being conducted to determine causal factors for the current overspend.

Other expenses are down \$0.37M mainly due to reduced landfill levy of \$0.29M resulting from lower tonnage through the HWRP.

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

Nature or Type Classification	Actual	Amended Budget	Variance to Budget
	\$M	\$M	\$M
Employee Costs	21.00	19.76	(1.24)
Materials and Contracts	15.94	17.26	1.32
Utilities	2.00	2.18	0.18
Insurances	2.20	2.00	(0.20)
Other Expenses	3.96	4.33	0.37
Depreciation (non-cash)	11.07	10.98	(0.09)

Capital Expenditure

The City's budgeted capital spend to the end of December was \$10.81M, with actuals incurred of \$10.07M. This is a much improved

position from a cash flow perspective and reflects the careful planning undertaken during the recent capital works cash flow review. The GP Super Clinic/Library project in particular has had a more realistic cash flow budget assigned to it. The following table shows the under spend by asset class:

Asset Class	YTD Budget	YTD Actuals	YTD Variance	Annual Budget
	\$M	\$M	\$M	\$M
Buildings Infrastructure	3.27	3.55	(0.28)	39.41
Roads Infrastructure	3.45	3.69	(0.24)	15.96
Parks Landscaping & Infrastructure	1.01	0.98	0.03	6.32
Land Acquisition & Development	1.01	0.49	0.52	2.09
Landfill Infrastructure	0.07	0.18	(0.11)	1.69
Plant & Equipment	1.29	0.83	0.46	4.53
Information Technology	0.70	0.35	0.35	1.41
	10.81	10.07	0.74	71.41

The significant spending variances by project are disclosed in the attached CW Variance Analysis Report.

Capital Funding

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

Significant variances include:

- Transfers from financial reserves were \$3.43M behind budget.
- Road grants received were \$2.55M ahead of the cash flow budget.
- Developer contributions received under the Community Infrastructure plan (up \$2.0M) and the road infrastructure DCA's (down \$0.46M) were collectively \$1.53M higher than the YTD budget.
- Proceeds from the sale of plant were \$0.20M behind YTD budget targets.

Cash & Investments

Council's cash and current/non-current investment holding at December month end was \$138.46M, down from \$146.31M in November.

\$73.72M represents the balance held in the cash backed reserves and another \$5.97M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$58.77M represents the cash/financial investment component of the City's working capital, available to fund existing operations and commitments.



The City's investment portfolio made a weighted annualised return of 4.06% in December, down from 4.08% the previous month. Whilst this compares favourably against the benchmark UBS Bank Bill Index rate of 2.31% for the same period, it does reflect an ongoing downward trend due to the lower official cash rate (currently at 2.50%).

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.

The RBA has reduced rates over the current period of quantitative easing by 225 basis points (2.25%). However, the City's investment strategy of investing in terms nearing the extent of statutory limits has served to moderate any negative impact on the City's overall interest earnings performance. Given we are now close to the bottom of the current interest rate cutting cycle (if not already), this strategy will be modified to target a shorter average duration for the investment portfolio. This will reduce risks associated with a potential increase in interest rates in the short to medium term.

Description of Graphs and Charts

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

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

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

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



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

Strategic Plan/Policy Implications

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

Material variances identified as impacting on Council's closing budget position are addressed in the mid-year budget review presented to the February Council meeting.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activities and associated reports – November and December 2013.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.3 (MINUTE NO 5253) (OCM 13/2/2014) - REVIEW OF ANNUAL BUSINESS PLAN 2013/14, MID-YEAR BUDGET REVIEW 2013/14 AND PARAMETERS FOR 2014/15 DRAFT BUDGET (075/011; 021/002) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Business Plan Review for 2013/14;
- (2) amend the Municipal Budget for 2013/14 as set out in the Schedule of Budget amendments attached to the Agenda, increasing the closing Municipal position by a net \$165,114 to \$503,556; and
- (3) establish a new financial reserve account titled 'Restricted Grants & Contributions Reserve' for the purpose of quarantining monies received for restricted purposes across financial years.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr L Wetton that the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Section 33A (1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Council adopted its annual Business Plan at the Ordinary Council Meeting in June 2013. In accordance with Policy SC34 *Budget Management*, a formal report on the progress of the Plan is to be presented to the February 2014 Ordinary Council Meeting.

Submission

N/A



Report

Annual Business Plan Review 2013/14

The attached Annual Business Plan - Midyear Review 2013/14 outlines the progress made in achieving Council's business activity plan and program budgets for the FY 2013/14. The review identifies that the operational income and expenditure forecasts are running close to expectations. There has also been considerable progress in achieving the program objectives of each of the City's Business Units.

The capital works program is progressing, but with year-to-date expenditure being behind projections on a cash basis but in line on a cash and commitment basis. The majority of capital works, around 85%, will still be delivered as per the Budget. Further details on the Business Plan are available in the attachment.

Mid-Year Budget Review

A detailed schedule on the review of the Municipal Budget for the period 1 July 2013 to 31 December 2013 is attached to the Agenda. The report sets out details of all proposed changes recommended by City Officers and a brief explanation as to why the changes are required. All forecasts are post allocation of ABC cost charges or income recoveries. A list of significant revenue and expenditure items are noted below with a detailed budget reference linking to the attached schedules.

Rating Income

The City has not yet achieved the interim rates budget of \$1.36m within the first six months and to date has only achieved \$0.50m as against a budget of \$0.68m. However residual rates growth in the last part of 2013/13 for commercial/industrial rates causes overall rates to be \$0.5m ahead of budget to December 2013. The City is still benefiting from growth in commercial and industrial land and associated developments. There has been new subdivision work in the commercial and industrial parts of the Cockburn Commercial Park as well as Phoenix Business Park and more completed developments at Jandakot City. It is expected that residential rates will meet the budget as will interim rates, with continued growth in apartments across the municipality still occurring.

Interest Income

Interest rates on deposit funds with major financial institutions have been significantly reduced over the last six months as the RBA has lowered the cash rate to 2.5%. Rather than an average 4% to 4.5% for



City funds on deposit, the City is now receiving 3.5% to 4.0%. What has offset the interest income falling has been the slower capital works spending especially for the Cockburn Integrated and Community Facility at Cockburn Central. This has had a positive effect of the municipal interest income budget of \$1.15m for the remaining financial year. The impact might for the balance of the financial year is unknown as the RBA considers lowering or increasing interest rates as the outcome of inflation, the state of the economy and the value of the Australian dollar is monitored.

Fees and Charges - Waste Disposal and Collection

Overall Landfill income will decrease by an estimated \$4.8m. This will be from Gate Fees arising from a number of key customers moving to other facilities including the recently completed MSW Facility at Bibra Lake which then transports uncompacted MSW waste to North Bannister (two hours from Perth on the Albany Highway). The adjustment is \$1.76m from the first half of the year and \$3.4m from lower expectation in the second half of the financial year. As a result, the budget has also lowered the expected payment of the Landfill Levy by \$1.58m and reduced operating costs by \$0.53m. Income from sales of gas, recycled metals, the shop and internal disposals are all in line with the current budget. There is no impact on the municipal budget from the reduction in income as the strategy to isolate the income stream from municipal income was made a number of years ago in the kind of event. Overall the landfill is budgeted to produce a small surplus for 2013/14 after all expenditure (including landfill levy) and transfers to reserves.

Waste Collection Levy income will be higher by \$0.43m resulting from higher interim rates. This will be offset with an increase of \$0.43m to the Gate Fees imposed by the SMRC for recycling, the higher take up of trailer passes and or more diversions from the SMRC for commercial waste and MSW waste not accepted by the SMRC due to the continuing interim licence conditions imposed by the SMRC and the self-imposed closed down of the WCF facility at the SMRC over the Christmas period. It is noted that the higher tonnages of MSW waste collected as compared with budget will not lead to a small deficit on the Waste Collection budget rather a breakeven position. This budget has a zero impact on the municipal budget as all funds are quarantined within the Waste Reserves.

Fees and Charges – Statutory Planning and Building Fees

Statutory planning fees are running ahead of budget reporting \$0.85m versus the budget of \$0.5m, primarily due to higher activity in the planning phase of the construction process with over 500 planning DA's approved. On the other hand Building Licence fee income has



fallen as the impact of the Government's Building reforms continue to filter through. To date, building licence income is \$0.59m versus the budget of \$0.84m. Although activity remains high, as the number of certified licences increase the fees received by Council falls. More importantly, the percentage of the fee for both certified and uncertified paid to the Building Commission has risen from less than \$100,000 to more than \$400,000 as part of the Building Act changes, on top of the funds collected for the BCTIF.

Major Expenditure Items

Comments are provided on major items of \$50,000 or over.

Property Rates and Revenue

An increase in legal fees (debt collection) for outstanding rates (and other revenue debts) from \$30k to \$100k. It is noted that the majority of this is recovered from defaulting payers. The impact of the budget overall is minimal. Cases of hardship when it comes to rates are actively considered.

Information Technology

Implementation of a range of new servers in the first six months has been leased rather than purchased outright, a saving on the capital account. As such, there is a need to increase the lease operating budget by \$55,000 to cover the lease costs. Leases are for four years with zero residual.

South Lake Leisure Centre

There is an additional cost of \$57,000 on power consumption costs due to the implementation of a sub-meter, which was expected some six months ago. The CCW project factored in a commercial cost of power as against the subsidised rate incurred to date. The higher power cost has been partially offset by a range of additional income at the facility.

Law and Order - Cats

The cost of implementing this State Government initiative will exceed the income derived by fees.

Building Services

The need to provide a specialist consulting services to meet the different work patterns has forced a reduction in the salaries budget by \$0.2m but an increase in the consulting budget by \$0.15m.



Land Administration

The City sold a block of land, approved by Council but un-budgeted for in the 2013/14 Adopted Budget. The land at Lot 701 Oldridge Street, Hamilton Hill was sold to a third party for \$0.51m. The second budget adjustment is for the land in acquired at the Maeve Shopping Centre for \$0.43m as against the budget of \$0.48m. All funds are transferred to the Land Development Reserve as required by Policy.

Park Construction and Maintenance

A series of minor budget changes to the Parks capital budget are being sought. The two major ones are for changes to the Greening Plan to allow for additional data to be collected (\$50k) and irrigation for Smart Park of \$40k as part of the recent refurbishment program at the Park.

Roads Construction and Maintenance

There was a series of small budget adjustments in this Capital Works budget all but one major item is the \$109k matching funds required for the resurfacing of Russell Road (Pearce to Hammond). The funds came from MRRG. Several other projects also received MRRG funding but do not require funds in the 2013/14 Budget. These projects are construction of a second carriage way on Berrigan Drive (Kwinana Freeway to Jandakot Road) \$1.06m, resurfacing of Spearwood Avenue (Doolette Street to Gerald Street) \$0.19m and resurfacing of Wellard Street (around Quarimor Drive). It is noted that any funds required for 2014/15 to complete these projects will be the first priority in the Road Projects for 2014/15.

Asset Management

Additional funds of \$60k are required to complete the next two phases of this five year project.

Facilities

Local Government reform has delayed the continuation of the Wellard Street Depot upgrade. The \$1.9m is to be placed back into reserves.

Summary of Capital Expenditure to 31 December 2013

	Full Year Budget	YTD Spend	%	Full estimate	%
Fleet	\$4.39	\$2.91	66%	\$4.39	100%
Facilities	\$4.91	\$0.71	15%	\$2.20	45%
Crossovers	\$0.10	\$0.04	44%	\$0.10	100%
Drainage	\$0.94	\$0.27	28%	\$0.75	79%
Sumps	\$0.30	\$0.01	4%	\$0.30	100%

	Full Year Budget	YTD Spend	%	Full estimate	%
Roads Building	\$11.84	\$3.81	32%	\$8.59	73%
Roads Resurfacing	\$0.78	\$0.14	18%	\$0.78	100%
Traffic management	\$0.28	\$0.07	25%	\$0.28	100%
Bus Shelters	\$0.14	\$0.01	10%	\$0.14	100%
Bike ways	\$0.45	\$0.19	43%	\$0.45	100%
Footpath Rehab	\$0.50	\$0.21	42%	\$0.50	100%
Footpath New	\$0.84	\$0.22	26%	\$0.84	100%
Environmental	\$0.88	\$0.58	65%	\$0.68	77%
Parks	\$5.19	\$0.94	18%	\$4.00	77%
Waste Disposal	\$1.69	\$0.26	16%	\$0.85	50%
Land Administration	\$2.09	\$0.51	24%	\$1.65	79%
Human Services	\$0.14	\$0.07	53%	\$0.14	100%
Law and Order	\$0.49	\$0.09	19%	\$0.49	100%
SLLC	\$0.00	\$0.00	0%	\$0.00	100%
Culture	\$0.09	\$0.00	0%	\$0.09	100%
Recreation	\$0.14	\$0.12	84%	\$0.14	100%
Libraries	\$0.11	\$0.08	75%	\$0.11	100%
IS	\$0.90	\$0.33	37%	\$0.90	100%
Major Projects	\$34.40	\$35.85	104%	\$33.00	96%
Total Capital Expenditure as at 31 December 2013	\$71.59	\$47.44	66%	\$61.36	86%

Comments on the Progress of the 2013/14 Capital Expenditure Program

Major Projects

The Coogee Beach Surf Club at Poore Grove has been completed and commissioned after a number of last minute hitches. The Cockburn Integrated Health Facility (Success Library, Cockburn GP Super Clinic and commercial lease areas) should be open by June 2014. The builder, Jaxon, reports they are ahead of schedule. The re-build of the Council Depot has been put on hold until the outcome of the LG Reform process has been clarified. Funds allocated to this project will be placed into Reserves.

Other Projects

1. The next phase of CCTV to be installed at the surf club site is currently being ordered and should be implemented by end of March 2014.
2. Lighting upgrades at Watsons and Davilak Ovals were completed in January.
3. Land developments – The City has sold land at Quarimor Drive Bibra Lake (one of two lots) as well as lots in Bourbon Street Hamilton Hill, Cervantes Loop, Yangebup and Oldridge St Hamilton Hill. Sale of lots in Erpingham St Hamilton Hill and



Russell Road Hammond Park are being held back whilst other opportunities are being examined to maximise the return to Council. The City has received an offer to purchase the land opposite (north side of Beeliar Drive) to Coles Beeliar Village. This offer is being assessed in light of the first right of refusal Coles have over this specific piece of land.

4. Waste disposal – progress in being made in the plans for capping cells 4, 5 and 6 to maximise gas extraction.
5. Road projects continue across the City with major projects at intersection of Beeliar Drive & Hammond Road (including traffic lights), North Lake Road (Hammond Road to Kentucky) dual carriageway, Frankland Ave construction of a single carriageway and Hammond Road (Russell Road to Bartram Ave) construction of second carriageway underway.
6. Footpath works as budgeted will be completed in the second half of the financial year with the cycleway on North Lake Road to be completed by end of March 2014.

Municipal Budget position as at 31 December 2013

Based on the attached budget amendments, the City's municipal budget position for 2013/14 is projected to 30 June 2014 as follows:

Projected Budget Position of 2013/14 and adoption of these recommendations:

Adopted Closing Municipal Position for 2013/14	Nil	Surplus
ADD net budget adjustments before statutory budget review	338,442	Reported in monthly Agenda
Closing Municipal Position before mid-year review	338,442	Surplus
Mid-year budget review items:		
Opening funds adjustment	1,180,636	Audit adjustment – landfill levy & LSL accrual
Net revenue (external funding)	(221,905)	Reduced revenue
T/F from Reserves	(2,858,395)	Reduced t/f from Reserves
Net adjustment - capital expense	2,493,507	Reduced expenditure
Net adjustment - operating expense	408,559	Reduced expenditure
T/F to Reserves	(837,289)	Increased t/f to Reserves
Net mid-year budget review adjustment	165,114	Increased Surplus
Closing Municipal Position after mid-year review	503,556	Increased Surplus

Establishment of New Financial Reserve

A new financial reserve account is required to better account for those monies received from tied grants or contributions that remain unspent at financial year's end. Whilst these are required to be recognised as revenue within the year they are received (in accordance with Australian accounting standards), the use of these funds is restricted to the purposes specified in the agreement.

The City has previously managed this requirement through note disclosures within the financial statements and a complex internal accounting system. The use of a Reserve account will simplify the accounting treatment and improve financial understanding and transparency for both internal and external users of the City's financial information. The City's auditor has endorsed this new accounting method for managing restricted funds.

It is proposed the new reserve be titled 'Restricted Grants & Contributions Reserve' and be established for the purpose of quarantining monies received for restricted purposes across financial years. There is no need to give public notice as this is not required for the establishment of a new Reserve account.

Parameters for Draft 2014/ 15 Municipal Budget

The Draft 2014/15 Municipal Budget will commence preparation shortly with Elected Member Budget Forums being scheduled for:

First Budget Forum – Wednesday 16 April 2014 – Capital Works, new projects/initiatives, new staff requests and differential rates.

Second Budget Forum – Thursday 15 May 2015 – Operational Budget and Review of items from First Budget Forum.

Adoption of Budget – Thursday 13 June 2014 – Ordinary Council Meeting.

Below are the parameters set for the 2014/15 Draft Operational Municipal Budget. These parameters are primarily from the Long Term Financial Plan:

Income

- Rates - As per the LTFP, rates forecast to increase by 4% with a growth factor of 2% to 3% per annum.
- Fees and Charges – Forecast to increase by CPI apart from statutory restricted charges, which will rise as the state government directs.



- Interest Income – Remain consistent with 2013/14 as interest rates are not forecast to move.
- Operational Grants – Forecast to rise by CPI.

Expenditure

- Payroll – As per the City's Enterprise Agreement (year 2) 4%, additional 0.25% for superannuation and 2% to fund new staff.
- Materials and Contracts – Increase the overall budget by 2.5% in line with CPI.
- Insurance – Increase the overall budget by 5% reflecting an increase in CPI but also additional assets constructed by the City or donated to the City.
- Utilities – Increase by 5% in lines with CPI and growth of the City especially street lighting (the largest part of the City's electricity cost).
- Other Costs – An increase of 2.5% in line with CPI apart from the landfill levy which will fall in line with lower revenue forecasts from the HWRP.

Key Capital Projects (as identified in the LTFP)

- Commencement of Regional Recreation Centre and Cockburn Central West
- Upgrade to various community facilities
- Bibra Lake Adventure Playground
- Major Road Projects – Berrigan Drive (Freeway to Jandakot Road, North Lake Road Duplication and roundabout at Bibra Drive and North Lake Road, completion of Hammond Road Duplication. All road projects subject to MRRG/DCA and Developer fund contributions.
- New Footpath and Rehabilitation Footpath program

Loans

As per the LTFP, the intention is to seek approval from Council and the WATC to raise loans for:

- Cockburn Regional Recreation and Community Facility at Cockburn Central West.
- Funds prepaid from the municipal fund for Coogee Beach Surf Club and Integrated Community Facility, Bibra Lake Management Plan, North Foreshore Management Plan and various Cycleways where developer contributions have been funded in the short term from the municipal funds. Total loans as per the LTFP is \$25m.

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

The Municipal Budget will be amended in accordance with the recommended changes.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Reviewed Business Plan 2013/14.
2. Mid-Year Municipal Budget Review - 2013/14.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 5254) (OCM 13/2/2014) - WOODMAN POINT AMMUNITION JETTY (082/013) (D VICKERY) (ATTACH)

RECOMMENDATION

That Council note the current status and proposed actions concerning the Woodman Point Ammunition Jetty.



COUNCIL DECISION

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

CARRIED 10/0

Background

At the 10th October 2013 Ordinary Council Meeting under 'Matters to be noted for investigation without debate', Cllr Reeve-Fowkes requested that a report be prepared to a future Council meeting that deals with the status of the Ammunition Jetty at Woodman Point and its future use.

Submission

N/A

Report

The Woodman Point Ammunition Jetty is located toward the southern end of Coogee Beach and Owen Anchorage and is accessed through the Department of Parks and Wildlife's Woodman Point Reserve. The jetty serves as a valuable adjunct to the park's public open space recreation area and is especially popular with fisherpersons. The reasons for its popularity is that, as compared to any other jetty within Cockburn Sound and Owen Anchorage, it extends out into comparatively deep water and thus enables fishing for species normally just caught from a boat. The jetty also provides a popular recreational snorkelling and scuba diving experience and a marine habitat in its own right.

Currently the jetty is not licensed with the Department of Transport. Parties recognised as having an interest in the jetty are DPAW, DoT, Fremantle Port Authority and the City of Cockburn. Fremantle Port Authority is undertaking maintenance of the jetty currently. The City's interest extends to the jetty being listed in our historical sites register.

The condition of the jetty has deteriorated over time and reached a state of dilapidation overall and particularly the tee section at the outer end of the jetty such as to lead to an attempted closure of the jetty from public access due to the safety concerns. Over successive occasions however the barriers excluding access were pulled down by persons wishing to continue to use the jetty. In order to deal with the most



seriously deteriorated section of the jetty the Fremantle Port Authority, on instruction from the Department of Transport, arranged removal of the tee section 'wings' of the jetty in January 2013. The jetty has remained open to the public thereafter; however, its continued serviceability is tenuous and damage from winter storms could lead to major failure of portions of the jetty left remaining.

In order to determine the most desirable future for the jetty from a multi-agency perspective a working group was established comprising representatives from the Department of Transport (Transport Services), Department of Transport (Coastal Infrastructure & Coastal Facilities Management), Department of Parks and Wildlife, the City of Cockburn and also RecFish West. The Chairperson of the working Group is Nina Lyhne, Managing Director Transport Services, Department of Transport.

A number of meetings of the working group have been held and actions undertaken to update the dilapidation survey report of the jetty commissioned by Fremantle Ports, affirm the popularity of the jetty through RecFish West and commission indicative cost estimates for full or partial demolition of the jetty and a cost estimate for a new jetty should the proposal to be to replace the removed jetty with a new structure.

In regard to the historical interest for the jetty, the proposition is that should it be determined to demolish the jetty an interpretive report would be prepared to capture that history. Additionally, what is likely to be favoured is retention of some or all of the piles, of the current jetty, to provide a lasting feature for interpretation and also for the benefit of the retained marine habitat and diving experience.

DEPAW have indicated that were the Woodman Point jetty to be demolished and a new one constructed and funding made available for ongoing maintenance thereafter they would be prepared to take on management responsibility for the new jetty.

A proposal is to be prepared co-jointly by the representatives from the Department of Transport and DEPAW for submission to Government, outlining possible treatments for the jetty. One of the options is likely to incorporate the partial demolition and construction of a new jetty should funding be available for this. The submission is likely to stress the importance addressing the safety concerns associated with the current structure, the community's valuing of the jetty and the need to establish long term management arrangements for this jetty whether it is retained or replaced. It is expected that this submission will be made around the end of May this year.



In the interim until a decision is made on the future of the jetty Fremantle Ports and the Department of Transport will continue to monitor its condition to ensure public safety is not compromised by a rapid deterioration.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.
- Partnerships that help provide community infrastructure.

Community & Lifestyle

- Conservation of our heritage and areas of cultural significance.

Environment & Sustainability

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Intramap image of the Woodman Point jetty.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16.2 (MINUTE NO 5255) (OCM 13/2/2014) - THE TERMS OF THE PROPOSED COCKBURN WETLANDS EDUCATION CENTRE LEASE AGREEMENT (064/027) (C BEATON) (ATTACH)

RECOMMENDATION

That Council approve the terms of the proposed lease agreement for Cockburn Wetlands Education Centre, as shown in the attachment.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that Council approve the terms of the proposed lease agreement for the Cockburn Wetlands Education Centre, as shown in the attachment subject to the following amendments to the lease instrument:

1. Front page: delete the words 'Progress Drive' and substitute the words 'Hope Road'.
2. Delete the second (b) in Clause 2.1 on page 3 and substitute (c).
3. Delete the word 'Workers' in Clause 7.3 on page 6 and include the word 'Worker's'.
4. Delete '11.2' on page 10 and substitute '11.4'.
5. Insert full stops where relevant at the end of sentences throughout the document.

CARRIED 10/0

Reason for Decision

To make sure the lease document defines the correct location of the site subject to the lease and tidy up some of the errors within the document given that this is a legal document.

Background

In July 2013 the Wetlands Precinct (this being Cockburn Wetlands Education Centre (CWEC) and Native Arc) submitted an application to the Grants and Donations committee for funding towards the annual administration costs of the CWEC and Native Arc to the value of \$83,918.50 for each organisation. The funding was approved by the Grants and Donations subject to a number of conditions. These being:



1. The Cockburn Wetlands Precinct providing an annual report which includes a demonstration of their ongoing financial viability and joint programs and activities undertaken.
2. The Cockburn Wetlands Precinct Committee extending an invitation to a City Of Cockburn Elected Member to join the Cockburn Wetlands Precinct Committee.
3. That the City of Cockburn Officers work with the Cockburn Wetlands Precinct to develop a set of KPI's on which the Precinct's performance will be measured and reported on to the committee before the allocation of the 2014/15 budget.

The Minutes of the Grants and Donations Committee were presented to Council at the OCM of 8 August 2013. At the meeting, Council determined to impose a further condition on the funding for the Cockburn Wetlands Education Centre. This being, the Cockburn Wetlands Education Centre (Inc) Board entering into a lease agreement with the City, the terms of which shall be considered at a future meeting of Council.

Submission

N/A

Report

The focus of CWEC is environmental management, protection, education and training. The not for profit organisation relies heavily on the financial contributions from the City. The remainder of the organisations income comes from the generosity of the public, fundraising, corporate sponsorship and other small grants.

CWEC provides important education, social and financial benefits as well as providing community education programs to the public and schools including the popular Wild about Wetlands Program.

Previously the CWEC have maintained the Wetlands Centre under the terms of a management agreement which is renewed every three years. At the OCM of 8 August 2013 Council determined that CWEC should enter in to a lease agreement rather than a management agreement and that the terms of the lease should be considered by Council at a future meeting. Funding, as approved by the Grants and Donations committee in July 2013, was dependent on CWEC entering into the lease agreement.



The attached lease has been prepared in conjunction with the CWEC and officers from the City. The terms of the lease are relatively standard in nature and have been assessed by Councils lawyers.

Once the terms of the lease have been endorsed by Council the lease will be presented to CWEC for signing. CWEC have already indicated that they are accepting of the terms of the lease agreement.

The lease agreement will replace the previous management agreement under which the CWEC was operating. The lease will commence on 14 February 2014 and end on 14 June 2018 and will align with the Native Arc lease.

The other conditions that were imposed on the funding for both CWEC and Native Arc by the Grants and Donations Committee will be finalised as per the required time lines. The Cockburn Wetlands Precinct Committee has extended an invite to the elected members to join the committee but to date the offer has not been taken up by any elected members.

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.

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

A Prosperous City

- A range of leading educational facilities and opportunities.

Environment & Sustainability

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

Budget/Financial Implications

Once the lease has been signed by both parties \$83,918.50 will be provided to the CWEC to assist with administration costs for the



2013/14 financial year as per the recommendation of the Grants and Donations Committee in July 2013.

Legal Implications

The lease will give both parties legal standing and surety going forward.

Community Consultation

N/A

Attachment(s)

The Cockburn Wetlands Education Centre Lease Agreement.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5256) (OCM 13/2/2014) - DOGS OFF LEAD - EXERCISE AREA ON RESERVE 47239 - KINSHIP WAY, ATWELL (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council:

- (1) not designate Reserve 47239 Kinship Way, Atwell as a dogs off lead exercise area; and
- (2) consult with the local Harvest Lakes community to identify an area that may be more suitable as a dogs off lead exercise area for consideration by Council at a future meeting.

COUNCIL DECISION

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

CARRIED 10/0



Background

A group of residents in Harvest Lakes, Atwell approached the City requesting that a dog off lead exercise area be established in the locality as there were no such areas available in close proximity. Dog owners were using areas as dog off lead exercise areas that were not designated for this purpose and there had been complaints received to this effect. It was agreed by the Ward Councillors via email that the City would place a sign up on Reserve 47239 on Kinship Way, Atwell seeking public comment on a proposal to establish the Reserve as a dog off lead exercise area. The chief proponent of this approach, Mr Eric Westhoff, is seeking to present a delegation to Council on the issue at the February 2014, Ordinary Council Meeting.

Submission

A sign was erected on 27 November 2013 and removed on 13 January 2014 seeking public comment on the proposal for the area to be a dog off lead exercise area.

The following objections to the proposal were received via email:

Reason	City residents	Out of City	Unknown Residents
No reason	0	0	9
Safety	52	0	
Carnaby Cockatoos	14	29	
Total objections			104

The following objections were received via a petition only.

Reason	City resident	Out of City	Unknown residence
No reason	35		
Safety	29		
Carnaby Cockatoos	8		
Total	72		

Note: There were 71 names of people who had sent in an email and also filled in the petition. There were a total of 72 people who only filled in the petition. This figure has been used.

The following support emails were provided:

Reason	City resident	Out of City	Unknown Residence
Socialisation	12	0	
No Reason	40	0	
Total			52



Report

Dog off lead exercise areas are generally areas that are not fenced but away from conservation areas and major roads. The City is in the process of seeking the necessary approvals for the first fenced dogs off lead exercise area at Yarra Vista Park in Jandakot (Glen Iris Estate area). The Kinship Way proposal was for a non-fenced dog exercise area.

As can be seen from the submissions there has been quite a deal of public interest in this matter. The objections were related to safety issues for dogs using the park as it is quite narrow; for the safety of children and other users due to the concerns about the actions of dogs off leads; and for the welfare of the Carnaby Cockatoos that feed on the ground under the pine trees. The proposal was for the children's playground to be fenced to prevent dogs entering the area.

No reason for support, for the proposal was generally provided (40 individuals) with 12 supporting the proposal for socialisation of dogs and people.

The total number of individual objections to the proposal was 176 and the total number of individuals supporting the proposal was 52.

Given the number of objections to this proposal it is recommended that an alternative dogs off lead area in the locality be sought. It is proposed that the City Community Development team liaise with local residents on a suitable generally agreed location.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

- Promotion of active and healthy communities.

Environment & Sustainability

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

Budget/Financial Implications

N/A



Legal Implications

The Local Government Act has been amended to allow the Local Government to determine areas designated as dogs off lead exercise area provided that public advertising is carried out in accordance with the requirements of section 1.7 of the Local Government Act and the decision is carried by an absolute majority of Council.

Community Consultation

A sign was placed on the Reserve seeking public comment.

Attachment(s)

Map of Kinship Way Reserve.

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 13 February 2014 Council Meeting.

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

Nil.

17.2 (MINUTE NO 5257) (OCM 13/2/2014) - COMMUNITY ENGAGEMENT - POLICY & FRAMEWORK (012/005) (E STINTON) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the attached Community Engagement Framework; and
- (2) refer the attached amended Policy SC2 'Community Engagement' to the Delegated Authorities, Policies and Position Statements Committee Meeting, for consideration.

COUNCIL DECISION

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

- (1) adopt the attached Community Engagement Framework subject to the following amendments:



1. On page 3 include the words 'Mayor and' prior to the word "Councillors" in paragraph one and in the adjacent block highlighted in blue.
 2. On page 10 delete the word 'Straight' in the middle blue-block and substitute the word 'Strait'.
- (2) refer the attached amended Policy SC2 'Community Engagement' to the Delegated Authorities, Policies and Position Statements Committee Meeting, for consideration.

CARRIED 9/1

Reason for Decision

The above amendments are to correct some minor omissions and errors in the document.

Background

The City of Cockburn currently has a *Strategic Consultation with the Community Stakeholder Policy*. This Policy needs to be revised in line with the City of Cockburn *Strategic Community Plan 2012-2021*.

The City of Cockburn's *Strategic Community Plan 2012-2021* Objective 7 strives to lead the community "whilst listening and engaging with our residents and ratepayers".

Specifically in Objective 7.1 the Plan expresses that the City wants "an engagement process that promotes effective and constructive dialogue and informs the stakeholders of the outcomes" and in 7.1.1 the Plan expresses that the City needs to "establish and maintain effective communication channels and processes".

The City's *Communication Strategy and Action Plan 2012-17* and the City's *Community Development Strategic Plan 2011-14* identifies the development of a Community Engagement Policy and Framework as a required action in 2014 to further this objective.

In June 2013, Council approved a budget of \$35,000 to review the current *Strategic Consultation with the Community Stakeholder Policy* (SC2) and develop a Community Engagement Policy and Framework.



Submission

N/A

Report

Currently community engagement conducted by the City of Cockburn is done in an unstructured manner.

The City's most recent *Catalyse Community Perception Survey 2013*, highlighted that "Despite performance being above average for keeping the community informed, this is an area to continue improving. 24% are dissatisfied with consultation and 20% are dissatisfied with how they are informed about local issues."

A project brief was sent to consultants in August and seven proposals were received. Catalyse Pty Ltd was selected as the successful consultant.

The methodology used was unique in that prior to revising the *Strategic Consultation with the Community Stakeholder Policy* and developing a Community Engagement Framework the Consultant spent time talking to the community about how they want to be engaged and when. Thus the Policy and Framework has been developed with input from Executive Managers, Staff, residents, and representatives from advisory groups, committees, residents' associations, businesses and local community groups.

The newly developed Community Engagement Policy and Framework will provide the City's Business Units with a consultation tool that empowers officers to implement the appropriate level of consultation or information sharing in a consistent manner across the organisation.

This will allow for more effective consultation with the community whilst managing public expectation. The framework will also ensure that the City does not 'over consult' when there is no need, or 'under consult' when the need exists.

The Strategic Consultation with the Stakeholders Policy sections related to community needs and City service performance surveys have been incorporated into the Policy.

Thus it is recommended that the Community Engagement Framework is adopted and the Community Engagement Policy is referred to the DAPPS Committee Meeting for formal approval.



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

Funds for the contracting of a community engagement consultant were included in the 2013/14 financial budget.

Legal Implications

N/A

Community Consultation

Extensive consultation process was followed by Catalyse including:

- 2 x Community Workshops
- 2 x Staff Workshops
- 12 x In-depth Interviews
- Public Comment

Attachment(s)

1. Community Engagement Framework.
2. Proposed amended Policy SC2 'Community Engagement'.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 5258) (OCM 13/2/2014) - MOTION - 2014 ANNUAL ELECTORS MEETING - LOCAL GOVERNMENT REFORM (089/004) (D GREEN) (ATTACH)

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr S Pratt that that Council:

- (1) seeks to reopen discussions with the City of Kwinana at the earliest opportunity on the possibility of both Councils agreeing to an amalgamation of the Cities of Cockburn and Kwinana;
- (2) should this not be possible, support the Cockburn Community Steering Committee proposal during the Local Government Advisory Board submission process; and
- (3) formally accepts the AEC Report presented by the Community Steering Committee and make the Report publicly available and placed on the Community Portal of the City`s website.

CARRIED 8/2

Background

At the City of Cockburn Annual Elector`s Meeting held on 4 February 2014 the following motion was carried:

“That:

- 1. the City of Cockburn seeks to reopen discussion with the City of Kwinana at the earliest opportunity on the possibility of both Councils agreeing to an amalgamation of the Cities of Cockburn and Kwinana; and*
- 2. should that not be possible, the City of Cockburn support the boundary adjustment process outlined in the Cockburn Community proposal.*

CARRIED 25/2



In accordance with the provisions of the Local Government Act 1995, motions carried by the Meeting are to be formally considered by the Council.

Submission

N/A

Report

At a Special Council Meeting held on 19 September 2013, the following resolution was carried:

“That Council :

- (1) *recommend that the City of Cockburn advise the Premier, the Minister for Local Government and the Department of Local Government that Council has given careful consideration to the proposed amalgamation between the City of Cockburn and the City of Kwinana and after said consideration has decided that it no longer wishes to proceed with the proposed amalgamation between the City of Cockburn, the City of Kwinana and/or any other cities adjoining our boundaries, unless a poll is taken of our ratepayers and the majority of our ratepayers indicate that they wish us to proceed with the proposed amalgamation;*
- (2) *Council’s Chief Executive Officer immediately compiles and issues a press release to all media outlets, i.e, The West Australian, the local papers, all radio stations and local TV stations advising them of Council’s position and the reasons for its decision; and*
- (3) *a copy of the media release and the letter to the Premier, the Minister for Local Government and the Department of Local Government, be provided to all Elected Members by no later than close of business on Friday 20 September 2013.*

CARRIED 5/4”

The resultant decision of Council was notified to the Premier and Minister, as required. Following this decision, the City of Kwinana carried a similar resolution in terms of advising the Minister that it was not submitting a formal proposal to the Advisory Board by the due date (as stipulated by the Minister) of 4 October 2013. However, the City of Kwinana resolution also stipulated that it would “review” this position before the end of October 2013. It is now history that the City of



Kwinana formally carried a resolution on 18 October 2013 to lodge a proposal which changed the boundaries of the City of Kwinana by extending its northern boundary to follow the Beeliar Road / Armadale Road alignment and subsequently referred to as the "City of Jervoise Bay" proposal. The City of Cockburn then carried its own resolution on 24 October 2013 to lodge a proposal to change its boundaries to include the whole of the City of Kwinana in a new District, referred to as the "City of Cockburn Sound" proposal. Copies of extracts from the relevant meetings of each Council identifying these decisions are attached.

The subsequent maps for Metropolitan Perth local government reform identified that the State Government proposal was to disaggregate the City of Cockburn and transfer segments of the District to the Cities of Fremantle, Melville and Kwinana, similar to the "City of Jervoise Bay" proposal, submitted by the City of Kwinana, but including elements of both the City of Fremantle and City of Melville proposals.

Upon this position becoming apparent, the Mayor initiated a community meeting in early November 2013 with a view to forming a Community Steering Committee (CSC) to lodge a community proposal, pursuant to the provisions of the Local Government Act 1995, which required a minimum of 250 electors of the District to support any such proposal. Over the following two weeks, some 12,000 signatures were collected in support of a community proposal, the focus of which was to favour an amalgamation of the Cities of Cockburn and Kwinana.

The CSC has since been active, in conjunction with the City of Cockburn, in promoting its proposal, together with counterpart organisations in the Kwinana district in an endeavour to seek broader community level support and an outcome in keeping with its aspirations.

In addition, the CSC obtained a funding Grant from the City of Cockburn to commission a consultant for the purpose of analysing the costings and financial data included in the Community proposal, in order to substantiate the financial implications of the various proposals which affect the current City of Cockburn district. The AEC Group was appointed to undertake this brief, based on the Company's experience and involvement in the recent local government reform program in Queensland. The Report identifies the extent to which a disaggregation of the City of Cockburn, as promoted in a number of proposals, would be very costly and inefficient to implement, compared to the Community proposal and its recommended "Community of Interest" model for the South West Metropolitan Region.

It is noted the intent of the officer report and recommendation presented to the Council Meeting of 19 September 2013 was for



Council to adopt a position which is consistent to the motion carried at the 4 February 2014 Elector's Meeting. The primary difference is that the small area of Leeming currently contained within the City of Cockburn is recommended by the community proposal to be transferred to the City of Melville.

Given the clear similarities between the current objectives of both the City of Cockburn and the community, led by the CSC, it is considered appropriate for Council to now endorse a position which could enable a best case scenario to evolve for a combined district of Cockburn / Kwinana.

If carried, it is proposed for a Special Meeting of Council to be convened in early March 2014 to consider the status of the resolution and finalise Council's position in relation to lodging submissions during the Inquiry process, which closes on 13 March 2014.

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

The City of Cockburn has estimated the cost of an amalgamation of the Cities of Cockburn and Kwinana to be \$7.5m.

It is not known what proportion (if any) of these costs will be borne by the State Government, if an amalgamation was to proceed.

Legal Implications

Local Government Act 1995 (Sec 5.33) refers.

Community Consultation

The Local Government Advisory Board has commenced a formal period of public consultation from 29 January to 13 March 2014 (inclusive).

In addition, the City of Cockburn and the CSC have combined to prepare an extensive public relations campaign aimed at maximising public submissions to the Board during this period.



Attachment(s)

1. Special Council Meeting (SCM) Minute No 5134 19 September 2013
2. Extract from City of Kwinana Minutes – SCM 2 October 2013
3. Extract from City of Kwinana Minutes – SCM 18 October 2013
4. SCM Minute No 5164 24 October 2013

Advice to Proponent(s) / Submissioners

The proponents of the motion have been advised that this matter is to be considered by Council at the Ordinary Council Meeting to be held on 13 February 2014.

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

Nil.

21.2 (MINUTE NO 5259) (OCM 13/2/2014) - MOTION - 2014 ELECTORS MEETING - COMMUNITY GARDEN TO RECOGNISE PIONEERS (009/001) (D GREEN)

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that Council defer this matter to the March 2014 Council meeting to enable further consideration of the proposal.

CARRIED 6/4

Background

At the Annual Elector`s Meeting held on 4 February 2014, the following resolution was carried:

“That Council establishes a sub – Committee to establish a “living memorial” recognising the early settlers and market gardeners of this City”

CARRIED 17/1

Motions carried at Elector`s Meetings are required to be formally considered by Council as soon as practicable.



Submission

N/A

Report

This matter will require further investigation by officers to consider any implications for the City of Cockburn in terms of resourcing and prioritisation. As this will take some time, it is recommended that the matter be deferred to enable a more comprehensive officer report to be prepared and presented for Council consideration at the March 2014 Council Meeting.

Strategic Plan/Policy Implications**Community & Lifestyle**

- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.
- Conservation of our heritage and areas of cultural significance.

Leading & Listening

- A responsive, accountable and sustainable organisation.

Environment & Sustainability

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

Budget/Financial Implications

To be advised

Legal Implications

Sec 5.33 (1) of the Local Government Act 1995 refers.

Community Consultation

To be advised

Attachment(s)

Nil

Advice to Proponent(s) / Submissioners

The Proponent has been advised that this matter is to be considered at the February 2014 Council Meeting.



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

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 5260) (OCM 13/2/2014) - 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 Clr S Pratt SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0

25. (OCM 13/2/2014) - CLOSURE OF MEEETING

Meeting closed at 8.50 p.m.



CONFIRMATION OF MINUTES

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

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

