

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 FEBRUARY 2015 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 FEBRUARY 2015 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
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

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr A. Lees	-	Acting Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Mrs L. Jakovcevic	-	PA to Directors Planning & Development, and Engineering & Works

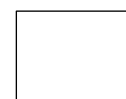
1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02 pm and welcomed everyone attending.

The Presiding Member made the following announcements.

I acknowledge the Nyungar People who are the traditional custodians of the land we are meeting on and I pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.

I would like to formally welcome Simone McGurk, MLA the member for Fremantle.



Before moving to the agenda proper I wish to make the following statements:

Australia Day Coogee Beach Breakfast

A record number of people attended the Australia Day Coogee Beach breakfast – an amazing experience with families enjoying the outdoors with plenty of free entertainment and fun activities. Parking was at a premium. The event also saw the 1st heat of Cockburn Idol.

Australia Day Citizenship Ceremony

The City received very positive feedback from the near 100 people who became Australian citizens in the company of family and friends.

Australia Day Active Citizenship Awards

The following Active Citizenship Awards were presented to the following:

- Alex Corinaldesi – Winner of the Active Citizenship Award for a person under 25 years;
- Emily Hamilton – Winner of the Active Citizenship Award for a person over 25 years; and
- Darryl Smith on behalf of the Cockburn-Kwinana Community Steering Group – Winner of the Active Citizenship Award for a Community Group or Event. I am pleased to see a number of members of that group here tonight.

Indian Ocean Fireworks

The City's partnership with Fremantle saw an amazing display of fireworks light the night sky in what many people attending described as the best they had ever seen since the Indian Ocean Fireworks were introduced.

Official Opening of Lakeside Recreational Centre Upgrade

On 7 February 2015 I had the honour of opening the Lakeside Recreational Centre upgrade at a cost of over \$2M. There were well over 1,000 people in attendance and the event showcased the many facilities and activities available to people of all ages and abilities. Congratulations to the Lakeside Baptist Church and all who contributed to the Centre's upgrade.

Emergency Services Activities

As we know our volunteer emergency services volunteers have been busy this summer with a number of fires being lit either by lightning or arsonists unfortunately and several incidents for our sea, search & rescue group. As



always our SES members have been active in various capacities assisting at community events and in the field in terms of emergencies.

Congratulations to all our emergency services volunteers for a job that continues to test their knowledge, skills and capacity to respond and jobs very well done. Our thoughts are with them all.

Local Government Reform

At the December 2014 Council meeting I stated that we had had a tumultuous year and that I was certain that 2015 will be much the same given the angst in our community. Well that angst was clearly shown at the Polls conducted in 5 local governments in the Perth metropolitan area on Saturday 7 February 2015. The polls were successful in the Cities of Kwinana and South Perth and the Town of East Fremantle. While the polls in the City of Cockburn and the Town of Victoria Park did not reach the magical 50% plus it can be said that there was an overwhelming 'No' vote in the five local governments.

We have heard the Premier Colin Barnett concede the local government reform process has been a shambles, to which I think we call all agree. It remains to be seen for the Premier to now move for the rescission of the Governor's Orders dated 24 December 2014.

That action would effectively stop the reform process and importantly in terms of the suburbs of Coolbellup, North Lake, our part of Leeming and Jandakot Airport see them remain with our City.

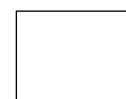
The poll outcome in East Fremantle sees the suburbs of Hamilton Hill and North Coogee (North of Port Coogee) remain in the City of Cockburn. Local governments in the Perth Metropolitan area are formally moving to withdraw from the local government reform process. There are late Agenda Items for consideration by Council tonight that go to the heart of this matter.

A meeting of Perth Metropolitan mayors is scheduled for tomorrow morning to discuss 'where to from here' and I have prepared a series of motions that I intend to put to that group.

Ladies and gentlemen, the roller coaster ride continues and it is heartening to hear from so many members of our community in terms of what has become a familiar catch cry – 'Hands off Cockburn'. We will be pushing it forward now in the future.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



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

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

4 (OCM 12/2/2015) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

- Clr Steve Portelli – Impartiality Conflict Item 14.2
- Clr Stephen Pratt – Proximity Conflict Item 14.5

5 (OCM 12/2/2015) - APOLOGIES AND LEAVE OF ABSENCE

- Deputy Mayor Carol Reeve-Fowkes – Apology
- Clr Philip Eva – Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 12/2/2015) - PUBLIC QUESTION TIME

Items on the Agenda

The following questions were all on Item 14.2 – Petrol Filling Station and Signage –No. 225 (Lot 55) Clontarf Road Hamilton Hill.

Carmelina Pruiti, Hamilton Hill

Q1. How is the Council able to make an informed objective decision using the applicants Traffic Report which is based on out-dated data; the data is from 2013?

A1. *The Applicant's Transport Statement by Donald Veal Consultants does not use out-dated statistical data from 2003.*

The traffic volumes used in the report are from Main Roads WA data collected in 2011 and 2013, and these are included in the Appendices of the Transport Statement. Data from those years is acceptable because they are the most recent traffic volumes recorded by Main Roads WA on Carrington Street and Clontarf Road between 2008/09 and 2013/14. It should be noted that the traffic volumes have actually reduced slightly over that time. (Source = MRWA [Statewide Traffic Digest](#) 2008/09 – 2013/14).



- Q2. How has Council made a recommendation to support this development without addressing significant points raised by residents in respect to the impact of 24 hour lighting, odour and emissions associated with petrol fumes, noise associated with tankers, service vehicles, use of air compressor and PA systems?
- A2. *The applicant has provided an Acoustic Report prepared by a suitably qualified Noise Consultant and a Traffic Statement Report prepared by a suitably qualified Traffic Consultant. Both these reports have been assessed by the City's officers with their recommendations provided in the Council report. The consultant's reports have been included as attachments to the officer's report and these reports discuss the impact of the proposal on the residential amenity within the locality.*
- Q3. In undertaking our own community consultation it was identified that numerous residents that live within 95 metres of the proposed development site did not receive Council correspondence about what was and therefore were denied the opportunity to provide comment. Why did the Council not erect signage on the proposed development site to allow for public consultation?
- A3. The City advertises by form of a letter to affective land owners and occupiers in accordance with provisions in *Clause 9.4.3 of the City's Town Planning Scheme No. 3. The advertising radius was between one hundred to two hundred metres of the subject site and a total of 62 letters were sent to surrounding landowners and occupiers. It is not mandatory to place an advertising sign on site for development applications. In fact Clause 9.4.3 of the City's Town Planning Scheme No. 3 states that "the local government is required to give notice in one or more of the following ways:*
- (a) a notice or correspondence sent out to nearby owners and occupiers;*
 - (b) a notice placed in the newspaper; or*
 - (c) a sign placed on site.*
- Q4. How will the Council ensure that the amenity of life for local residents will not be adversely affected by a 24 hour operation, especially given that resident's homes (including bedroom windows) are within one metre of the proposed site?
- A4. *It is recommended by the officers, that should Council resolve to approve the development, that strict conditions be imposed ensuring compliance with the Acoustic Report and the Traffic Statement report.*



Additionally, the officers recommended that a two metre high masonry wall be installed abutting the subject site and the residential lot to the west. This wall is not required as part of the Acoustic Report but is recommended in the officer's report to address potential issues of amenity between the interface of the abutting dwelling and the proposed petrol filling station.

Lesley Portelli – Hamilton Hill

Q1. How will tankers negotiate their way through the site given the limited space and the Council recommendation that a masonry fence and crash barrier be installed?

A1. *The turning path diagrams provided by the applicant and attached in the officer's report are diagrammatic and do not accurately represent the exact travel path of every fuel tanker servicing the site.*

The City's Engineering Services have assessed the available area and consider that there is adequate space to fit a masonry wall as well as a crash barrier with provision for barrier deflection for a fuel tanker to park on-site and for vehicles to pass. If necessary, the parking area adjacent to the nearest fuel bowser can be closed off whilst the tanker is delivering fuel to ensure vehicles can pass and avoid any congestion on site.

Simone McGurk MLA –State Member for Fremantle

Q1. Residents have raised very valid concerns over this proposal, including:

1. poor or no notification to residents of the development that is proposed;
2. inappropriate proximity to housing, including a refuelling station less than two metres from neighbouring windows;
3. lack of independent data in relation the proposal, and key traffic modelling being out-dated. Given this and other valid objections to this proposal, shouldn't Council give residents the benefit of any doubt and reject it outright?

A1. *At this stage, Council has not made a determination, but Council when assessing the proposal will consider all the issues raised by residents in their respective submissions received during the consultation period. Council will also take into consideration the consultant's reports lodged by the applicant and the officer's comments contained within the report and then make a deliberation on the application.*



Item 14.5 –Coobellup Revitalisation Strategy Scheme Amendment 105,
Adoption for final approval

Angela Jakob – Coolbellup

Q1. Has the council completed a drainage assessment/ local water management strategy which is a requirement of any scheme amendment, and what have been the outcomes of these?

A1. *The preparation/submission of a Drainage Assessment and/or a Local Water Management Strategy is not a formal requirement for a Scheme Amendment; however, the City recognises drainage is an important consideration when contemplating increased densities of which this Scheme Amendment proposes. As a result one of the key recommendations (Action 1.2) of the Coolbellup Revitalisation Strategy is that a drainage review be undertaken of the locality. The Revitalisation Strategy also sets a timeframe that the drainage review, which is a medium priority, be undertaken in the next three years.*

The City's Engineering Department was consulted on this point during the preparation of the Revitalisation Strategy and supported this recommendation. Furthermore, the Department of Water was also consulted on both the Revitalisation Strategy and the Scheme Amendment, with the Department responded by stating that it would provide input into any associated water planning resulting from the Revitalisation Strategy. The City has acknowledged that this will occur once the review is undertaken.

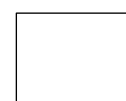
Item 21.1 –Letters to the Premier Seeking to Rescind Governor's Orders
Geoffrey Sach –Coogee (President of Coogee Beach Progress Association)

Q1. The Coogee Beach Progress Association supports and endorses the recommendations in Item 21.1 – To rescind Governor's orders and Item 21.2 – Consideration resulting from the Annual Cockburn Electors meeting held on Tuesday 3 February 2015.

Item 14.2 –Petrol Filling Station & Signage–Hamilton Hill

Doug Simpson – Hamilton Hill

Q1. I live less than 80 metres from the proposed service station and I received no notification whatsoever of the proposed development, can you answer that.



- A1. *I was advised by my officers that they did contact people within 100 – 200 metres. I will take this on notice and contact my officers and will respond back.*

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5439) (OCM 12/2/2015) - ORDINARY COUNCIL MEETING 11/12/2014

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 11 December 2015, as a true and accurate record.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr K Allen that Council adopt the recommendation noting that the date of the meeting should read Thursday 11 December 2014 (not 2015).

CARRIED 8/0

Reason for Decision

This amendment will correct a typographical error.

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 12/2/2015) - DEPUTATIONS AND PETITIONS

- Marisa Leccese, Carmelina Pruiti and Simone McGurk MLA Member for Fremantle – re Item 14.2.
- Clr Kevin Allen presented a petition in relation to rezoning the north side of Coogee Beach north of the shark net in front of the rocks as a dog beach.

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

Nil



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

Nil

13. COUNCIL MATTERS

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.45 PM THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COMMITTEE:

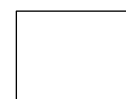
14.1	14.8	14.11	15.1
14.4	14.9		
14.7	14.10		

13.1 (MINUTE NO 5440) (OCM 12/2/2015) - ADVICE TO SOUTHERN METROPOLITAN REGIONAL COUNCIL AND MEMBERS (1054 (S CAIN) (ATTACH)

RECOMMENDATION

That Council

- (1) seek the voluntary windup of the Southern Metropolitan Regional Council (SMRC), in order to facilitate transition to a future waste management arrangement not contractually bound to the SMRC;
- (2) write to the SMRC and its members to advise them of this position;
- (3) direct the Chief Executive Officer (CEO) to initiate negotiations with the CEO of the SMRC and the CEOs of other member local governments to effect the above position and to collaboratively arrange a new waste processing structure;
- (4) advise the SMRC that as part of the transition to this structure, the City supports the sale of the Materials Recovery Facility to a private sector operator and is prepared to commit to a 10 year term for a contract to process its recyclables as part of this arrangement;
- (5) require the CEO to continue examination on the potential of a waste to energy solution for processing the City’s other waste streams, with a report to be brought back to Council within the next four months; and



- (6) develop a communication plan to inform residents and ratepayers of the elements of this proposal.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr L Wetton that Council:

- (1) defer any further discourse surrounding the voluntary windup of the Southern Metropolitan Regional Council (SMRC), until the very much alive and ongoing issue of Local Government Reform has been finalised and Elected Members have been briefed on the issue by relevant stakeholders;
- (2) write to the SMRC and its members to advise them of this position;
- (3) delete;
- (4) advise the SMRC that the City does support the sale of the Materials Recovery Facility to a private sector operator and is prepared to commit to a 10 year term for a contract to process its recyclables as part of this arrangement. Any new contractor should provide ongoing evidence they will meet all relevant occupational health and labour standards and comply with relevant international and state laws in respect to the transport of waste materials;
- (5) resource the CEO to continue examination on all solutions, including but not limited to, waste to energy, and a zero waste strategy, for processing the City's other waste streams, with a report to be brought back to Council within the next twelve months;
- (6) delete; and
- (7) organise a briefing for the SMRC to brief Councillors.

CARRIED 7/1

CLR SMITH REQUESTED HER VOTE AGAINST THE MOTION TO BE RECORDED



Reason for Decision

A lot of the report on this has been predicated around the issue of Local Government Reform. Admittedly at the time of writing this report it could perhaps have been understood that reform, boundary changes, suburb grabbing and amalgamations were going to happen. This is clearly now not the case and thus requires this report to be rewritten based on current and valid understandings.

The report states that we can send ratepayers waste to a new W2E facility operated by private businesses, but does not give us any understanding or commitment by the private operators of what they will charge our ratepayers to process their waste. I strongly feel that this report is asking us to place ourselves in a position where we are, in effect, committing to write a blank cheque on behalf of our ratepayers and hand it over to a private operator, whose sole reason for existence is to make maximum profit. Whilst it may be a little more costly to have government run facilities, at least we can all be reasonably assured that government facilities are run for the benefit of the ratepayers and not to maximise profits for business. Without a strong, legally binding idea of the costs involved we cannot commit our ratepayers to using W2E.

The report also touches upon the idea of the City of Melville operating the SMRC at a possibly cheaper rate than the current SMRC structure. This issue should be explored in detail before we can make a decision as to whether or not we should sell up and move on.

We also need far more details with respect to what the sale of the SMRC assets will bring us before we can make all of the commitments asked for in the original officer's recommendation.

It is not reasonable to rush into this; Council needs to be absolutely sure. One week is not sufficient to make such a huge decision without consequences.

I urge Councillors to support this alternative recommendation so that we may consider these issues with not only more valid and up to date information re Local Government Reform, the City of Melville's position and also with far stronger indications of future costs we are exposing our ratepayers to.

Background

The City of Cockburn is a founding member of the Southern Metropolitan Regional Council (SMRC) whose primary service and function is associated with the processing of municipal waste for the LGA's that wish to use its services.



As an outcome of Local Government reform, the City has to negotiate transitional arrangements for part of its share of the Southern Metropolitan Regional Council (SMRC) to be transferred to other members. As the City would lose approximately 20% of its population to the new Districts of Melville and Fremantle (assuming the East Fremantle poll does not stop the amalgamation), it is open to the City to simply transfer this proportion of its ownership and continue its membership of the SMRC. Legal advice, however, has been obtained (copy attached) that advised under the Local Government (Constitution) Regulations (1998) there is no automatic requirement for it to continue its membership. This provided the City with an opportunity to revisit its waste management objectives and examine where and how it wants to process its waste.

A review was initiated by the Chief Executive Officer (CEO) that led to a confidential presentation given to the City's Elected Members in November 2014. The CEO's advice was that the City could still achieve the objectives in its *Waste Management Strategy*, but without retaining membership of the SMRC. While the SMRC had helped the City achieve its waste diversion objectives, it had consistently failed to do so economically. The City's residents and ratepayers were paying a significant premium for this.

New technology, such as Waste to Energy (W2E) is now entering the local waste disposal market. A combination of the private sector taking over some of the SMRC's operations, eg recyclable and green waste processing, along with the City's municipal solid waste (MSW) being diverted to W2E, would achieve higher levels of waste diversion from landfill at an overall lower cost to residents.

If the City is to transition its waste processing to this future state, it is first necessary for it to withdraw from the contractual arrangements with the SMRC. Under the Project Participants Agreement, the City is obliged to deliver all of its waste to the SMRC until 2022. The City has the capacity to withdraw from the SMRC, but would have to give notice of this; this would not have an effect until 30 June 2016 at the earliest. A simpler and quicker option would be for the SMRC to commence voluntary windup. This was supported by the legal advice.

Following the confidential presentation to Elected Members, a similar presentation was made to the Chairman and CEO of the SMRC. This was jointly presented by the CEO along with the CEOs of the cities of Fremantle and Melville. The Chairman advised that the SMRC would consider this and formally respond after the SMRC's Board had conducted a workshop scheduled for November 2014.



Correspondence was subsequently received from the SMRC CEO, Mr Tim Youé, dated December 2014. In part this seeks advice from the City on its support for the SMRC to commence the process of selling the Materials Recovery Facility (MRF) and entering a long-term disposal contract with a new private sector owner / operator.

This outcome would assist with City's desire to transition from the SMRC; however, the value of a ten year waste contract requires that Council consider and determine this matter.

Submission

The SMRC has sought formal advice from the City on its proposed sale of the MRF and the city guaranteeing its recyclables to a new owner / operator for up to 10 years.

Report

Under the Local Government (Constitution) Regulations (1998), the process for asset redistribution is straightforward when a whole local government is absorbed by boundary adjustment or merged by amalgamation. This is not the case where parts of a local government are involved, as it introduces a requirement for negotiation.

Depending on the outcome of the referendums underway, the impact of reform is that all assets belonging to East Fremantle, including its share of the SMRC, would automatically transfer to new City of Fremantle. The City of Melville has boundary adjustments, but remains an existing entity; so its position is that it would remain a continuing member of the SMRC with adjustments to the proportion it owned based on population transfers from Fremantle and Cockburn.

The cities of Fremantle and Cockburn are proposed to be abolished with new local governments created. The new City of Fremantle would automatically continue in the SMRC, by way of the transfer of the East Fremantle membership. However, the population adjustments to the current cities of Cockburn and Fremantle introduce the need to negotiate. There is no obligation to continue with the SMRC, however, this matter needs resolution so that it can form part of the intended Governor's Orders for new Districts.

The Local Government reform process reached a significant milestone with the issuing of Governor's Orders on 23 December 2014 for the creation of a new District of Melville. This district includes current Cockburn residents from North Lake, Coolbellup and Leeming. The Orders formalise the new Cockburn – Melville boundary and allow the City to complete the negotiations for transfer of a proportion (population based) of its current SMRC debt to Melville.



While at the time of writing this report to results of the poll by East Fremantle residents is not known, negotiations to transfer a proportion of SMRC debt to Fremantle is continuing. This will be concluded in a timely manner if the poll result sees the creation of a new district of Fremantle proceed.

SMRC

Local Government reform therefore presents an opportunity to consider the future of the SMRC. Formed in 1994, the SMRC is the City's primary facility for processing of its municipal waste. The legal arrangements covering the SMRC operate as follows:

- **Membership Agreement.** There are five members, being the cities of Cockburn, East Fremantle, Fremantle, Kwinana and Melville. Each member has an Elected Member representative sitting on the Regional Council, with the City's representative being Cr Kevin Allen.
- **Project Participants Agreement.** The SMRC operates its Regional Resource Recovery Centre (RRRC), which processes MSW, recyclables and green waste in three separate facilities. Members aren't obliged to be formal project participants, despite their entitlement to sit on the Regional Council. The City of Kwinana is not a participant in any of the RRRC's operations; however, it has an agreement (ie the Kwinana Recyclables Agreement) to bring it's recyclables to the MRF. The debt obligation for the MSW facility is held proportionately by the participants, it currently stands at around \$42M. The debt for the MRF is secured separately against that facility. The balance on this is not reported here for commercial reasons, pending its sale.
- **Office Complex Agreement.** The office in Booragoon is used by the SMRC and has a small warehouse that is separately leased. All members own a proportional share of this asset. The debt (approximately \$2M) is held on an interest only basis and indicatively the asset value exceeds this liability.

The Regional Council has to operate in accordance with the requirements of the Local Government Act (1995). As the diagram below shows, even if this entity operated no services or facilities in its own right, the minimum overhead cost is in excess of \$0.6M.





This cost structure is one reason why the SMRC has proven uncompetitive when it has tendered for the provision of waste services to other local governments. For example, the cost to the SMRC members for processing recyclables is \$80 per tonne, whereas the commercial market rate is closer to \$40 per tonne.

For this reason this report recommends sale of the MRF. To maximise the value of this sale it will be desirable for the City to commit the municipal recyclables collected via kerbside yellow top bin in its (amended) district to this facility. The life of the asset, without significant further capital expenditure, is around 10 years. This report therefore supports a contract of this term.

Sale of the MRF would leave the SMRC with its remaining RRRC operations; MSW and green waste, as well as the office complex and land lease at Canningvale. Options for these waste streams are as outlined below. However, as the SMRC has recently advised that further major capital upgrades are required for the MSW facility, it is even more timely for the City to consider its position.

Waste to Energy

Until quite recently the concept of processing waste into energy (W2E), primarily from MSW, was not an option. When the SMRC's Bedminster system was constructed in 1999, this type of alternative waste treatment was one of the few options available.

W2E became an option in 2014. First, the State Government's *Waste Authority* set about reviewing the current technologies and the regulatory environment. In January 2014 the Authority released three papers on W2E:



- *Stage One – Review of Legislative and Regulatory Frameworks for Waste to Energy Plants;*
- *Stage Two – Review of State of the Art Technologies (Case Studies); and*
- *Stage Three – A Review of recent research on the health and environmental impacts of Waste to Energy Plants.*

These cleared the way for potential commercial operation. Two companies have since been active in Western Australia in promoting W2E; Phoenix Energy with its proposed plant in Kwinana and New Energy with its approved plant in Karratha and a proposed plant in East Rockingham.

Each company operates a different W2E technology; Phoenix with high temperature waste conversion and New Energy with low temperature gasification. This report does not go into the pros and cons of each solution, details of these technologies are outlined in the second of the above publications.

In the Perth and Peel catchment area there is approximately 580,000 tonnes of MSW generated from municipal sources per annum. [Source: *Local Government Waste and Recycling Census 2012-13*, published April 2014]. The Phoenix plant is ideally seeking a base load of 300,000 tonnes per annum. It has recently signed up the local governments belonging to the Rivers Regional Council along with the City of Kwinana, which will see it attract 150,000 tonnes per annum. This is enough to construct the first two processing lines in the planned four processing line plant. Indicatively the Phoenix plant will be operational by 2018. The Environmental Protection Agency (EPA) has recently advised the Minister for the Environment of its support to approve this plant.

New Energy has not yet attracted waste for a base load metropolitan operation. Its technology only requires 150,000 tonne per annum and it has already secured an amount of commercial waste for processing. New Energy's north west plant has secured the necessary tonnage from the cities of Port Headland and Karratha along with commercial waste, which will see construction of that plant commence in 2015. It has EPA and Ministerial approval in place for both plants.

One of the key drivers for this technology is its cost. The State Government has recently increased the amount it charges for landfill levy to \$55 per tonne. The levy is scheduled to increase to \$70 per tonne over the next five years. When combined with the other costs of landfilling, the cost per tonne for processing MSW is going to be cheaper in a W2E plant than it will be to landfill it, based on an



indicative gate fee for receipt to a W2E plant of around \$115 per tonne.

If local governments respond to this financial incentive, as did the Rivers Regional Council, there is nothing stopping W2E from being a significant processor of MSW in the very near future.

Proposed Alternative Waste Arrangements

The new District of Melville will include the SMRC's Canningvale site. This report is recommending the following future arrangements for waste currently processed at the SMRC.

- **MSW.** The City of Melville (by agreement) takes over the SMRC operated facility and operates this until such time that a W2E option is selected and the plant(s) are set up to receive the waste. Following this the SMRC's MSW plant's operations would be discontinued. The City of Cockburn would guarantee that its MSW waste would continue to be directed to the current plant at a rate that made this economic for Melville and would ask the other SMRC participants to do the same. The City of Melville is in a position to operate the SMRC's plant without the high level of overhead associated with the Regional Council. The net cost to all participants should be the same or less than it is at present.
- **Green Waste.** The contract for processing runs for another two years. All participants would be asked to continue this until the end of the term, with a view that each member makes its own decision thereafter. The City of Cockburn is likely to bring this waste into its Henderson facilities, where it can be processed cheaper.

The windup of the SMRC would require the realisation of its assets. The sale of the MRF and office complex should be relatively straightforward. The more complex arrangements relate to the MSW and other assets.

The MSW processing plant would not be closed until after 2018 (at the earliest). The Canningvale site is leased from the current City of Canning until 2050, but in future (as a consequence of LG Reform boundary changes) this asset would be transferred to the City of Melville. The location has considerable asset value and part of it would have to be sub-leased to the new owner of the MRF. Both of these matters would have to be negotiated with the other Members. However, they are not intractable issues. It is therefore recommended that the CEO be directed to commence these negotiations.



Waste Charges

The principal purpose for making these changes to the SMRC is to provide for MSW, co-mingled recyclable and green waste disposal and diversion from landfill in a more cost efficient manner than utilising the SMRC. The average household generates around 1.4 tonne of waste per annum, with the largest component of this being MSW (0.8) tonnes. Currently the SMRC achieves landfill diversion rates for MSW of 57%, whereas W2E would be between 95-98%.

Table 1 has the current and future processing costs for each household waste sub-category processed by the SMRC.

Table 1: Waste Processing Charge*

Waste sub-category	Average House	Current Charge	Future Estimate	Comment
MSW processing	0.8 tonne pa	\$277 / tonne*	\$115 / tonne	The earliest a W2E plant would operate is 2018
Recyclables processing	0.25 tonne pa	\$80 / tonne	\$40 / tonne	If the sale is concluded quickly, a new rate would apply for FY15/16
Green processing	0.13 tonne pa	\$78 / tonne	\$60 / tonne	Contract arrangements run for another two years. The City could bring this into its facilities thereafter

MSW costs are based on current gate fee of \$225 per tonne and a loan repayment of \$52 per tonne, which is levied on the City separately.

All the above costs exclude collection and transport costs (which will vary depending on source and destination and forms of transport adopted).

The other element that makes up the City's waste processing costs; ie verge hard waste collection and disposal to Henderson won't vary under this proposal. The net savings above of around \$100 per annum per household come from moving away from the SMRC to the alternative waste processing arrangements for other than this verge side hard waste collection.

Conclusion

Local Government reform requires the City to negotiate changes to its share of the SMRC; however, it also creates the opportunity to revisit how the City's municipal waste should be processed in future. This report does not seek to criticise the SMRC, indeed it has fulfilled the waste diversion objectives to date, albeit at an economic premium.



However, the need to incur this premium has changed now that W2E is a realistic option for MSW disposal and further capital upgrades to the MSW facility is required.

In order to consider changing the way the City's MSW is processed it must move away from the SMRC; to do this the City needs to formalise withdrawal or initiate the windup of that entity. The strategy outlined in this report seeks to achieve this, without causing waste to be diverted to landfill. A cooperative approach to the windup of the SMRC, with transition to new waste disposal predominantly provided by the private sector, is preferred. This outcome would produce the most economic benefit for the City's resident and other SMRC members, without causing detriment to the environment. Should the other members not agree with the City's proposal, a report will be prepared for Council to outline its alternative options.

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

There will be some costs associated with seeking further legal advice on this matter as part of preparing for redistribution of the City's share of the SMRC resulting from local government reform. These can't be quantified at this time.

Depending on the timing of the windup of the SMRC and new waste processing arrangements, costs would be incurred as part of this process. The sale of the MRF would return capital to the members and allow a significant proportion of the City's SMRC related debt obligations to be retired. The cost of windup would be reported to Council in a future report.

As the City will continue to divert its MSW into the SMRC's facilities for the near term, the potential savings from W2E won't accrue to ratepayers for some time. The projected household waste charges for the FY15/16 budget are expected to be in line with those charged in FY14/15.

Legal Implications

Confidential advice from the City's lawyers, Jackson McDonald on the implications of local government reform on the SMRC Is attached.



There are a range of legal matters that would result from a formal decision to windup the SMRC, which will require additional advice.

Community Consultation

There is no requirement for public consultation on this matter at this time. However, pending the Council decision the City will communicate its plans for considering alternative waste processing arrangements to all ratepayer and residents.

Attachment(s)

1. Legal Advice from Jackson McDonald dated November 2014 (Confidential, provided under separate cover).
2. Letter from SMRC dated December 2014.

Advice to Proponent(s)/Submitters

The City has advised the SMRC and its members that is considering a response to the SMRCs recent correspondence at the 12 February Ordinary Council Meeting.

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 5441) (OCM 12/2/2015) - STORAGE YARD (CONVERSION OF EXISTING OUTBUILDING TO STORAGE) - LOCATION: NO. 300 (LOT 14) HENDERSON ROAD, MUNSTER - OWNER: BETTABAR PTY LTD - APPLICANT: GAETANE COLBORNE (4411144) (C DA COSTA) (ATTACH)

RECOMMENDATION

That Council

- (1) grant planning approval for a storage yard (conversion of existing outbuilding to storage) at No. 300 (Lot 14) Henderson Road, Munster, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

1. Drop offs and collections of goods in relation to the storage yard shall be arranged by appointment only and shall be restricted between 7:30am and 10am, for a maximum of a one (1) hour period per visit. No more than four (4) visits per



week are permitted between Mondays to Saturdays. No deliveries or collections are permitted on Sundays or Public Holidays.

2. The storage yard area is restricted to the confinements of the outbuilding only and shall not protrude on the property anywhere outside the outbuilding area.
3. This approval is for the storage of caravans, boats, trailers and motor homes only and does not permit any person to be accommodated in any of the items stored on-site at any time.
4. All stormwater being contained and disposed of on-site to the satisfaction of the City.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
6. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The approved development has approval to be used for 'Storage Yard' purposes only. In the event it is proposed to change the use of the subject site, a further application needs to be made to the City for determination.
7. Vehicle access is restricted to the southern crossover only.
8. No signage or display of goods is permitted on-site in association to the Storage use.
9. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
10. No sale or wholesale of alcohol is permitted on-site.
11. Vehicles entering and exiting the site in association to the storage business shall not exceed a tare weight of 3.5 tonnes.
12. No employees associated with the Storage Yard use shall be based or accommodated at the premises.
13. This approval runs with the tenant only, and does not run with the land. Should the use cease, and any future use is



proposed, a new planning application is required to be lodged with the City.

Footnotes

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. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environment Protection (Noise) Regulations 1997*.
3. All stormwater shall be contained on-site, in accordance with the Building Code of Australia requirements.
4. In relation to Condition 6, it is noted that the development hereby approved is 'Storage Yard'. Storage is defined in the City of Cockburn Town Planning Scheme No. 3 as "*premises used for the storage of goods, equipment, plant or materials*". In the event that the owner/tenant of the premises intends to utilise the development hereby approved for purposes which do not constitute the above definition, an application for a change of use must be submitted to, and approved by the City.
5. You are reminded of your obligation to comply with the relevant requirements for the Department of Racing, Gaming and Liquor in relation to permits for the storage of alcohol on-site.

(2) notify the applicant and the submitters of Council's Decision.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 8/0



Background

The subject site is located at No. 300 Henderson Road, Munster. The subject land is surrounded by rural land uses consisting of predominately single dwellings and associated outbuildings/structures. The subject and surrounding sites are zoned 'Rural' under the City's Town Planning Scheme No. 3 (TPS 3). The subject site contains an existing dwelling fronting Henderson Road and outbuildings which were constructed in the mid 1980's as per the attached site plan (Attachment 1).

The proposed use of the existing outbuilding to the rear of the lot (western portion of the lot) for 'Storage Yard' purposes is an 'A' use within TPS 3 for rural zoned land and as such advertising to adjoining landowners was undertaken in accordance with the City's Scheme requirements. During the consultation period a total of six submissions were received, of which four provided no objection, one provided comment and the other provided an objection. Therefore, given the proposed use of the land and the receipt of an objection during the public consultation period, the application is referred to Council for determination.

Previous Application

As way of background, Council has considered a similar application in 2011. At the Ordinary Meeting of Council on 29 April 2011 Council resolved to refuse the proposed use of Storage on the subject site for several reasons. Mainly, the use itself within a rural zone, land use compatibility, and the use being contrary to the objectives of TPS 3. This decision was subsequently appealed by the applicant. The matter was considered by the State Administrative Tribunal, with the recommendation made to Council to re-consider its decision. Subsequent to this, Council at its Ordinary Meeting on the 27 October 2011, resolved to approve the proposed use subject to stringent conditions.

The applicant has since advised that this approval was never acted upon. A new proposal has been lodged with the City, which is the subject of this report.

Submission

The proposal is for the conversion of an existing outbuilding on-site for the purposes of storage of goods. The outbuilding is located approximately 6m to the southern boundary and 56m to the rear (western) boundary. The proposed tenant who intends to store goods within the outbuilding operates an 'import' business consisting of storing beer cartons, wine cartons, wine barrels, tables, shelves, files, documents, tool boxes and card board boxes. The delivery and



collection of goods will be via a small van (no more than 3.5 tonne in weight).

The proposed location of the storage area within the existing outbuilding is behind the existing dwelling, to the rear of the dwelling as viewed from the street. It will be accessed via an existing southern crossover off Henderson Road which is accessible to the rear outbuilding via a sealed driveway. There is sufficient turning and manoeuvring space for a small van to enter and exit the site.

The storage yard area is intended to be accessed between 7.30am to 10am, three to four times a week, for a maximum of one hour per visit by virtue of a small van. Should Council resolve to approve the proposal, it is recommended that a condition restricting the size of the vehicle to no more than 3.5 tonne in weight be imposed.

Community Consultation

In accordance with TPS3, Clause 9.4, the application was advertised directly to nearby landowners for comment given the proposed use is an ‘A’ use in a rural zone. During the consultation period, six (6) submissions were received, consisting of four (4) no objections, one comment and one objection. In relation to the objection and comment received during the consultation period, the comments are summarised below (full comments are enclosed in Attachment 3):

Submission comment	City response
That the proposal does not result in the storage of goods outside the shed, no signage or visual impact.	Should Council resolve to approve the application, conditions have been recommended restricting the storage area to the outbuilding only and conditioning no signage or display of goods.
The vehicles remain at 3 to 4 movements per week between 7.30am to 10am.	Should Council resolve to approve the application, a condition has been recommended restricting the vehicle movement times and frequency.
That the type of vehicle is a small van, be more tightly defined by its Tare weight i.e. up to 2 tonnes.	Under the definitions of the City’s TPS 3, a commercial vehicle is defined as a vehicle with a tare weight in excess of 3.5 tonnes. Therefore anything less than 3.5 tonnes is permissible. Should Council resolve to approve the application, a condition has been recommended restricting the van to no more than 3.5 tonnes in tare weight.



<p>The access is via the southern crossover and southern driveway/ firebreak/ gates.</p>	<p>Should Council resolve to approve the application, a condition has been recommended restricting the vehicle access and egress to the southern crossover only.</p>
<p>Any approval does not set a precedent for the subject property or other properties in the area to have increased storage or public access, large trucks and the like.</p>	<p>All applications are assessed on their individual merits.</p> <p>Should Council approve the application, the operation would be restricted to its conditions of approval which limits hours of operation, storage area and vehicle types. Any future proposals in variance to the above would be subject to a separate application.</p>
<p>The approval lapses when this tenant moves out and a new application made should a different tenant be found with difference storage and access requirements.</p>	<p>Should Council resolve to approve the application, a condition has been recommended restricting the approval to the lessee/ tenant of the outbuilding only. If that lessee/ tenant ceases the use, and the applicant proposes a new lessee/ tenant a further application is required to be made to the City for consideration.</p>
<p>Due to the gates of 300 Henderson Road being on the crest of a hill (joined double white lines nearly a km north and south on Henderson Road) the joining of Henderson Road with Spearwood Avenue caused chaos for traffic.</p>	<p>Given the vehicle used for deliveries and collections is no greater than 3.5 tonnes in tare weight, it does not constitute a commercial vehicle. Therefore the vehicle proposed is not out of the ordinary for what is typically expected within a Rural area.</p> <p>No Traffic Report has been requested by the City, as the vehicle size indicated that traffic concerns would be considered negligible.</p>
<p>These vehicles blocked out early morning traffic, with car horns tooting and drivers passing trucks by going over double white lines on crest of the hill</p>	<p>Disobeying traffic rules and hooning behaviour is considered a policing matter. There is no evidence to support that the applicant's van proposed is affiliated to the behaviour.</p>
<p>Granting this proposal, Council will set precedence that an 'A' use under the provisions of the City's Town Planning Scheme No. 3 is now acceptable.</p>	<p>An 'A' use under TPS 3 means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in</p>



	<p>accordance with clause 9.4 of TPS 3.</p> <p>The proposal is considered to meet the objectives of the Rural zone, and given the use is an 'A' use, Council determination is required.</p>
<p>Being Rural use blocks and knowing how many native birds and ground dwellers out bush blocks support, we should be looking at preserving this use.</p>	<p>Given the proposed use is of storage within an approved outbuilding located on-site from the mid 1980's, there is no indication that there will be implications on fauna or flora loss. Access to the rear outbuilding is via an existing driveway and therefore no removal of vegetation is required.</p>

Report

Zoning and Use

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

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

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

The land surrounding the site is zoned 'Rural'. The predominant uses surrounding the subject site consist of rural lots ranging in size between 2ha to 4ha which contain single dwellings and associated structures.

The subject use proposed is not deemed to be a 'Warehouse which is an 'X' use in the rural zone. The applicant has clearly indicated that the use does not fit the Warehouse definition as no sale or wholesale of goods is occurring on-site, nor the display of goods.

Development

The proposal entails the occupation of an existing outbuilding, to the rear of the lot for items to be stored. Given the outbuilding is existing, no conditions are recommended to be imposed in relation to landscaping or colour schedules for the outbuilding.



The operation within the outbuilding is considered to minimise impacts on neighbouring lots as it is not intended to construct new structures or extend the existing outbuilding. As viewed from the street, the operation of storage within the outbuilding will not be visible, and thus will appear as an incidental outbuilding to the single dwelling.

Traffic

In regards to traffic movements, the applicant intends to minimise the traffic frequency in and out of the site to no more than four visits per week. The applicant has confirmed that lessee storing items within the outbuilding will need to deposit and retrieve those items between the hours of 7.30am and 10am to minimise any potential traffic concerns, for no longer than one hour per visit. This is additional to any access and egress on-site affiliated to the single dwelling. It is recommended that a condition be imposed restricting the vehicle movements between Mondays to Saturdays to address concerns raised by a neighbouring lot during the public consultation period.

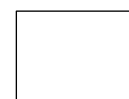
The City's traffic engineer has reviewed the proposal and given the intended items to be stored on-site, and the infrequency of the vehicle movements, a Traffic Report was not deemed necessary.

Amenity Impacts

The proposed use for storage purposes is not seen as causing any undue amenity impacts on adjoining neighbours in regards to noise due to the proposed maximum number of traffic movements only expected to be no more than four movements per week. Additionally, the storage is restricted to an existing outbuilding and therefore does not provide an eyesore to neighbouring lots.

While one objection from a neighbouring lot has been noted in attachment 3 'Schedule of Submissions', the key issues for consideration from their comments are on amenity impacts relating to traffic issues raised and the use not considered to be consistent with the intent for a rural zoned area. In regards to traffic issues raised, the applicant has confirmed access to the site is via the southern crossover and that the vehicle is no greater than 3.5 tonnes. The applicant has confirmed that the use of the storage area proposed is for long term storage as an 'import' business, consisting of storing beer cartons, wine cartons, wine barrels, tables, shelves, files, documents, tool boxes and card board boxes. and as such the site will not have trucks coming and going at all hours of the night or have heavy machinery operating at the premises.

In regards to the objections received on the proposed use not being consistent with the intent of the rural zoning, it is noted that the



proposed use of 'Storage Yard', is classified as an industrial use under the TPS 3 zoning table. While this is the case, the proposed use on-site for storage purposes is considered of a relatively low scale and is not a 'Warehouse' use which is an 'X' use under the rural zone.

Conclusion

The proposed use of a storage yard is ancillary to the existing single dwelling on-site and is of a relatively low scale in regards to the types of items that are intended to be stored on-site and the number of vehicle movements predicted. The proposed area will be well screened from adjoining properties, as the use will be restricted to the confinements of an existing outbuilding on the rear of the lot.

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

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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

Attachment(s)

1. Site plan
2. Ariel plan
3. Schedule of Submissions



Advice to Proponent(s)/Applicant/Submitters

The Proponent(s) and those that submitted objections to the proposed development have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.

AT THIS POINT, CLR S PORTELLI LEFT THE MEETING, THE TIME BEING 8.10 PM.

DECLARATION OF INTEREST – CLR S PORTELLI

Impartiality Conflict Item 14.2 “Petrol Filling Station & Signage 224 Clontarf Road, Hamilton Hill” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that his uncle and aunt own and occupy a property adjacent to the subject site.

14.2 (MINUTE NO 5442) (OCM 12/2/2015) - PETROL FILLING STATION & SIGNAGE - LOCATION: NO. 224 (LOT 55) CLONTARF ROAD, HAMILTON HILL - OWNER: PRECIOUS HOLDINGS PTY LTD - APPLICANT: HINDLEY AND ASSOCIATES PTY LTD (2206189) (C DA COSTA) (ATTACH)

RECOMMENDATION

That Council

- (1) grant planning approval for a petrol filling station and signage at No. 224 (Lot 55) Clontarf Road, Hamilton Hill, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

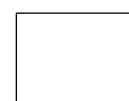
1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or a tenancy. The approved development has approval to be used as a ‘Petrol Filling Station’ only. In the event it is proposed to change the use of the subject site, a further application needs to be made to the City for determination.



2. A detailed landscaping plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application and shall include the following:-
 - (a) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (b) any lawns to be established;
 - (c) any existing landscape areas to be retained;
 - (d) those areas to be reticulated or irrigated; and
 - (e) verge treatments.
3. Landscaping (including verge planting) shall be installed, reticulated and/or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the City of Cockburn. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
4. All stormwater must be contained and disposed of on-site to the satisfaction of the City.
5. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
6. All plant and equipment (such as air conditioning condenser units and communications hardware etc.) is to be purposely located on site, or screened so as not to be visible from the street.
7. The vehicle crossovers must be designed and constructed in accordance with the City's requirements.
8. Prior to use of the development hereby approved vehicle parking bays, vehicle maneuvering areas, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use to the satisfaction of the City.
9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.



10. The premises must clearly display the street number at all times.
11. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use
12. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
13. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
14. No washdown of plant, vehicles or equipment is permitted on the premises. Industrial or washdown wastes must not enter stormwater disposal systems or otherwise be discharged to the environment.
15. No vacuum services are to be provided for customer vehicles on-site.
16. Prior to the approval of the Building Permit Application, the applicant is to obtain written confirmation from the City's Health Services as to the suitability of a further acoustic report from a recognised acoustic consultant. This report is to confirm that all recommendations made in the Environmental Acoustic Assessment submitted by Herring Storer Acoustics dated 10 October 2014 (Ref 18380-1-14211) have been incorporated into the proposed development and the design and location of all mechanical plant within the development will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
17. The Building Occupancy Permit Application form (BA7) shall be accompanied by a report from the builder/developer confirming compliance with the requirements of the acoustic report and that any structural recommendations of the report are incorporated into the development, to the satisfaction of the City.
18. All fuel tankers shall enter the site via Clontarf Road only. To this regard, fuel tankers entering the site via Clontarf



Road can circulate through the site in a clockwise direction to exit northbound via the Carrington Street crossover.

19. No construction activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays, during the construction phase.
20. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
21. A minimum of ten (10) bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building.
22. Blank facades shall be appropriately painted, textured and articulated to provide strong visual interest and be treated with anti-graffiti coatings and thereafter maintained to the satisfaction of the City of Cockburn. Details shall be submitted to the City for approval prior to the lodgement of a Building Permit.
23. Prior to the commencement of use, the existing colorbond fence along the western boundary of the subject site (abutting No.222 (Lot 3) Clontarf Road) shall be replaced with a two metre high masonry wall and associated crash barriers, to the specifications and satisfaction of the City.

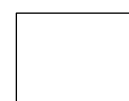
Footnotes

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. A sign licence is required to be submitted to the City's Building Services Department in accordance with the City of Cockburn Local Laws, Section 8.5 of Part viii; Signs, Hoardings and Bill Posting Local Laws.
3. The primary use of the development hereby approved is 'Petrol Filling Station' defined in the City of Cockburn Town Planning Scheme No. 3 as "land and buildings used for the retailing of fuel and petroleum products and may include a



convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery”.

4. With reference to Condition No. 4, all stormwater drainage shall be designed in accordance with the document entitled “Australian Rainfall and Runoff” 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. This is to be provided at the time of applying for a building permit.
5. All food businesses must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 200, the applicant must obtain prior approval for the construction or amendment of the food business premises.
6. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
7. The plans are to include details of:
 - (i) the structural finishes of all floors, walls and ceilings;
 - (ii) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc); and
 - (iii) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.
8. The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.
9. The waste storage areas must be of an adequate size to contain all waste bins. Each waste area must be provided



with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.

10. You are advised that Department of Mines and Petroleum (Resources Safety) approval is required for the storage of some of the materials included in this approval. Please provide documents confirming the plans have been assessed by the Department of Mines and Petroleum prior to the lodgement of a Building Permit Application for this development. Guidance on the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment should be obtained from the Resources Safety Section of the Department of Mines and Petroleum.

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

COUNCIL DECISION

MOVED Cllr L Wetton SECONDED Cllr K Allen that Council:

(1) refuse to grant planning approval for a petrol filling station and signage at No.224 (Lot 55) Clontarf Road, Hamilton Hill based on the following reasons:

1. The separation distance between the proposed petrol filling station and existing residential dwellings is considered insufficient and is likely to negatively impact on the amenity of nearby residents with regards to noise, odour and other emissions which is inconsistent with the aims of Town Planning Scheme No.3 as outlined in Clause 1.6.1.

2. The proposal is in close proximity to an existing petrol filling station (within 200m) and therefore this proposal is considered unnecessary.

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

CARRIED 7/0



Reason for Decision

Normal buffers are between 15 M and 80 m, as per the EPA guidelines. It is proposed as a 24/7 operations which again is not conducive to amenity of life to the adjacent residents in vehicular noise, visual implications with lights of both premises and visiting vehicles, carcinogens from petrol fumes. Health and safety issues with flammable goods being dispensed with tankers immediately adjacent resident's fences and dwellings causing more disruption through noise. Previous use was not 24/7.

Background

The subject site is located at No. 224 Clontarf Road, Hamilton Hill. It is bound by Clontarf Road to the south and Carrington Street to the east. The lot is surrounded by predominantly residential lots consisting of single dwellings and grouped dwellings/multiple dwellings to the west and south of the site. Directly north of the lot is a Local Centre site consisting of commercial type uses.

The subject site is zoned 'Local Centre' under the City's Town Planning Scheme No. 3 (TPS 3). The subject site contains a building which was previously occupied by Kentucky Fried Chicken (KFC) as cited on the aerial plan (Attachment 1).

The site was zoned as 'Fast Food Commercial' in 1974 under Town Planning Scheme No. 1, which then was subsequently rezoned to 'Commercial' under Town Planning Scheme No. 2 with uses permitted in accordance with the zoning table. The current zoning is consistent with previous zonings under past Schemes.

The proposed development intends to occupy the existing footprint of the KFC building in the north-east section of the lot.

The proposal for a Petrol Filling Station is an 'A' use within TPS 3 for Local Centre zoned land and as such advertising to adjoining landowners was undertaken in accordance with Scheme requirements. During the consultation period a total of five submissions were received, of which one was in support and four were objections. Given the proposed use of the land and the receipt of four objections during the public consultation period, the application is referred to Council for determination.

Submission

The proposal is for the conversion/refurbishment of the existing building on-site to a Petrol Filling Station and associated signage. The total building area proposed is 200m² which includes a convenience



store incidental to the fuelling pumps. The forecourt will consist of a four pump configuration with eight refuelling bays. Three fuel tanks are proposed underground, with an approximate volume of 55,000 litres per tank.

The applicant has provided a comprehensive Transport Statement Report and an Acoustic Report which is further discussed in the report.

The proponent proposes to operate 24 hours per day, seven days per week. It should be noted that no mechanical repairs are to be undertaken on site.

Community Consultation

In accordance with TPS3, Clause 9.4, the application was advertised directly to nearby landowners for comment given the proposed use is an 'A' use in the Local Centre zone. During the consultation period, five (5) submissions were received, four (4) objecting to the proposal. In relation to the objections received during the consultation period, the comments are summarised below (full comments are enclosed in Attachment 6):

Submission comment	City response
<ul style="list-style-type: none"> Lack of need 	The City's TPS 3 does not restrict the amount of Petrol Filling Stations in any given vicinity. Thus all applications can be considered on their individual merits.
<ul style="list-style-type: none"> Traffic related issues 	Refer to the Traffic section of the Council Report which discusses the Transport Statement Report lodged as part of the proposal.
<ul style="list-style-type: none"> Lighting associated with a 24 hour business 	Should Council approve the proposed development, a condition should be imposed requiring the installation of outdoor lighting to be in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
<ul style="list-style-type: none"> Pollution / odour associated with a petrol station 	The odours omitted from a Petrol Filling Station are discussed in the Odour section of the Council Report.
<ul style="list-style-type: none"> Emergency safety issues 	All service stations are required to hold a Dangerous Goods License issued by the Department of Mines and Petroleum in order to operate. The issue of the license and continued renewal is subject to compliance with installation, maintenance and safe operation of equipment. Mandatory requirements include setbacks and clearance distance requirements for



	<p>fuel systems, emergency stop, spill containment, emergency procedures and record keeping. The Department carries out random inspections of sites without notice and issues breach/rectification notices and fines if any items are found to be non-compliant.</p> <p>The applicant has advised that features of modern fuel systems make them much safer for the public and the environment than in the past. They have also advised that tanks are now double skinned with leak detection and alarm systems along with constant electronic monitoring to ensure product does not go to ground. Pumps are located in the tanks rather than at the dispenser making them much quieter and forecourts are contained so that oily water cannot runoff into the environment.</p>
<ul style="list-style-type: none"> • Devaluation of property prices 	<p>Devaluation of property prices is not a valid planning consideration.</p>

Report

Zoning and Use

The site is located within the Local Centre zone in TPS 3, the objective of which is to provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.

Under the Local Centre zone, a Petrol Filling Station is listed as an 'A' use in TPS 3 Zoning Table. Petrol Filling Station is defined as:

“land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery.”

The proposal is consistent with the Petrol Filling Station definition as the floor area does not exceed 300m² and accommodates a convenience store incidental to the main purpose of providing fuel for patrons attending the site.



Local Planning Policy APD36 'Service Stations and Petrol Filling Stations'

The City's Local Planning Policy APD36 'Service Stations and Petrol Filling Stations' provides context for the feasibility of these land uses in context to adjoining land. The policy states that petrol filling stations should be located adjoining or part of a shopping centre/ commercial and/or industrial use. Both the subject site and the existing commercial buildings located on land to the north are zoned Local Centre. The policy further elaborates that these uses should be serviced by primary regional roads.

The subject lot is bound by two local distributor roads. The applicant has prepared a comprehensive Transport Statement Report which is further discussed in the report. The statement elaborates on access and egress to the site, and safety of vehicles and sightlines.

The policy requires applicants to demonstrate compliance with noise regulations and State Planning Policy 4.1 – State Industrial Buffer. A comprehensive Acoustic Report has been provided, which is further elaborated in the report below.

It is considered that the proposed development complies with the objectives of APD36.

Development

The proposal entails the occupation/renovation of the existing building on-site. The existing building shall retain its existing setbacks to the respective roads. The forecourt canopy accommodating the refuelling bays is proposed to be setback 7.4m to Carrington Street and 18.8m to Clontarf Road. The canopy roof is proposed to be setback 3.5m to Carrington Street and 14m to Clontarf Road. The setbacks are compliant with Part 5.9.1 of TPS 3 which relate to setbacks for commercial and industrial development. The proposal is setback appropriately to the neighbouring residential lot to the west as it utilises an existing footprint in the north-east location of the lot, which is furthest away from the residential lot to the west. This therefore minimises the scale and bulk of the development, which makes it compatible with the streetscape.

Signage

Advertising signage is proposed as part of the application. A pylon sign is proposed at 6m in height and additional wall and roof mounted signage is proposed above the refuelling canopies and the building itself. The total height of the building is at 4.15m, the roof mounted sign displaying the 'Puma' corporate logo increases the total building height



to 5.660m which is in keeping with the requirements of the City's Local Planning Policy on Signs and Advertising APD72. The height of the canopy inclusive of the advertising is 5.840m.

Parking

A total of 12 dedicated parking bays have been provided on-site, with an additional eight bays as part of the refuelling bays. Therefore totalling 20 car parking bays.

In addition to the above, 10 bicycle racks have been provided on-site to cater for patrons. Therefore, sufficient parking and bike racks have been accommodated on-site.

An assessment of parking against the TPS 3 is outlines below.

	TPS 3 requirements	Assessment
Car parking Required	Petrol Filling Station 1 car parking bay per 15sqm NLA 1 car parking bay per employee	204.20sqm GLA/ 15 = 14 1 employee at any one given time = 15 bays 12 bays + 8 refuelling bays = 20 bays in total provided
Bike racks required	1 bike rack per 20sqm NLA	204.20sqm GLA / 20 = 10 10 bike racks
Total	15 bays required 10 bike racks required	20 bays provided 10 bike racks provided

Access & Traffic

The site is bound by Clontarf Road and Carrington Street. There is an existing easement to the north of the subject site on the northern site being Lot 41 Carrington Street which enables a right of carriageway over the portion of Lot 41 to the users of Lot 55. The carriageway is reflected on the site plan (Attachment 2). The easement is shown on both certificates of Title for Lots 41 and 55.

The applicant proposes to utilise this carriageway for secondary site access. The access to the site for patrons via this access would be one way in, one way out. Primary vehicle access/egress to the site would be via the southern crossover on Clontarf Road, and the Carrington Street access would serve a secondary function through the right of carriageway.



In regards to traffic movements, the applicant has provided a comprehensive Transport Statement report. The City's Transport Engineer has assessed the report and has found it to be generally sound and its conclusion that the proposed development will have no significant impact on traffic is supported.

The Transport Statement included a turning path diagram showing fuel tankers accessing the site via a crossover on Carrington Street and exiting via Clontarf Road, whilst the submitted architectural drawings showed a reverse travel path. Access into the site for the fuel tanker via the Carrington Street crossover is not supported as it would result in the requirement for widening of the crossover which will undesirably increase the crossing distance for pedestrians or cyclists using the path on Carrington Street. Therefore, it is recommended that the fuel tankers enter the site via Clontarf Road and circulate through the site in a clockwise direction to exit northbound via the Carrington Street crossover. This arrangement, which only needs to apply to the fuel tankers and not to general traffic, would not require the Carrington Street crossover to be modified.

The applicant's building designers have submitted to the City turning path diagrams that demonstrate that this arrangement is viable. Therefore, should Council resolve to approve the proposal, it is recommended that a condition be imposed limiting inbound access for fuel tankers to be via Clontarf Road.

Noise

The applicant has provided an acoustic report prepared by Herring Stoner which demonstrates to the City's satisfaction that noise emissions from the site will comply with the *Environmental Protection (Noise) Regulations 1997*, and has submitted the undertaking to further manage noise impacts by:

- Fuel Deliveries being restricted to daylight hours (7am to 7pm). A maximum of 2-3 deliveries a week is expected.
- Goods deliveries to the site will be restricted to daylight hours (7am to 7pm).
- Between hours of 11pm and 5am only those filling positions located closest to Carrington Street will operate.

This forms part of the Acoustic report. In addition, the City considers the existing colorbond metal dividing fence to be insufficient. The replacement of this fence with a masonry fence with a minimum height of 2m is considered reasonable and may assist in amelioration of any noise and light from the subject site.



Should Council resolve to approve the proposal, it is recommended that a condition be imposed requiring full compliance with the Acoustic report and construction of a masonry wall on the western boundary between the subject site and adjoining Lot 3 (No.222 Clontarf Road)

Odour

The proposal is not expected to produce odour which would impact on the amenity of nearby residents. In relation to concerns raised in relation to odour, the applicant has provided additional information on the vapour recovery system proposed for this site, which seek to ensure that no odour occurs during refuelling and is a legislated requirement under the Dangerous Good legislation. The applicant has specifically advised that:

“since the introduction of vapour recovery the amount of vapour being released into the atmosphere during tank filling has been greatly reduced if not totally eliminated. Additionally the vents stack/breather pipe should be installed in the verge along Carrington Street. This tank breather location, along with the vapour recovery system would result in no impact from gaseous odours.”

It should be noted that The Department of Mines and Petroleum require all service stations to hold a Dangerous Goods License to operate. The issue of the license and its continued renewal is subject to compliance with installation, maintenance and safe operation of equipment. Mandatory requirements include set back and clearance distance requirements for fuel systems, emergency stop, spill containment, emergency procedures and record keeping. The Department carries out random inspections of sites without notice and issues breach/rectification notices and fines if any items are found to be non-compliant.

Visual Amenity

Given the development proposes to utilise the existing building footprint, it is considered that the development will not detract from the visual amenity of neighbouring lots. The proposed landscaping will provide for a positive addition and upgrade the appearance of the site. The 325m² of on-site landscaping provided complies with the requirement of TPS 3. The species type and numbers are still under consideration by the City. Therefore, should Council resolve to approve the proposal, it is recommended a condition be imposed requiring a comprehensive Landscape Plan be lodged and implemented, to the satisfaction of the City. This would ensure that the plant types and species are to a high standard and provide a visual buffer to the development.



Conclusion

The proposed Petrol Filling Station and associated signage is supported for the following reasons:

- The proposed use is considered an appropriate land use for the locality and is consistent with the objectives of the Local Centre zone and development requirements of TPS 3.
- Objections raised by neighbours in relation to traffic, odour and noise from the proposal have been adequately addressed by the applicant and can be managed.
- The proposal incorporates landscaping which shall contribute to a more attractive and desirable streetscape.
- The proposed use is not considered to negatively impact on the character and amenity of the area.

The proposal is recommended for approval subject to conditions contained in the recommendation.

Strategic Plan/Policy Implications

Growing City

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

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005
State Administrative Tribunal Regulations
Environmental Protection (Noise) Regulations 1997

Attachment(s)

1. Ariel plan
2. Site Plan, Floor Plan & Elevations
3. Certificate of Titles/ Rights of Carriageway for Lots 41 & 55



4. Acoustic Report
5. Traffic Statement Report
6. Schedule of Submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those that submitted objections to the proposed development have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.

AT THIS POINT, CLR S PORTELLI RETURNED TO THE MEETING, THE TIME BEING 8.18 PM.

THE PRESIDING MEMBER ADVISED CLR PORTELLI OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.

14.3 (MINUTE NO 5443) (OCM 12/2/2015) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (052/002) (L JAKOVICH / D ARNDT) (ATTACH)

<p>RECOMMENDATION That Council</p> <ol style="list-style-type: none">(1) nominate _____ and _____ as its two members to the South West Metropolitan Area Joint Development Assessment Panel (“SWMAJDAP”);(2) nominate _____ and _____ as its two alternate members to the South West Metropolitan Area Joint Development Assessment Panel (“SWMAJDAP”); and(3) advise the Minister for Planning of the above nominations for appointments to the SWMAJDAP.



COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr L Smith that Council:

- (1) nominate Cllr S Portelli as one of its two members to the South West Metropolitan Area Joint Development Assessment Panel (“SWMAJDAP”); and
- (2) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

CARRIED 8/0

Background

The City has recently been notified by the Director General of the Department of Planning that the appointments of the current local government DAP members expire on the 26 April 2015. As such the Council is required to nominate four members (two representatives and two alternates). The minister will appoint the members for a two year term. At this stage there won't be any opportunity to put forward alternative nominations following the local government elections in October, unless all four nominated members are not re-elected.

The previous resolution for nomination of members and alternative member is contained in Minute No. 4947 from the OCM on 14 February 2011.

The current two local government DAP members are Deputy Mayor Carol Reeve-Fowkes and Cllr Bart Houwen. The current two alternate members are Cllr Kevin Allen and Cllr Steve Portelli.

Submission

N/A

Report

The 2010 Amendment Act resulted in a number of amendments to the *Planning and Development Act 2005* (PD Act). Part 3 in particular, introduced Part 11A – Development Assessment Panels, into the PD Act. To give new effect to these provisions, the *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP Regulations') were introduced. The DAP Regulations provide



the heads of power enabling the operation, constitution and administration of DAPs.

As described in the Western Australian Planning Commission (WAPC) Planning Bulletin 106/2011, *DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision making authority. The introduction of DAPs is one of the fundamental principles of the national Development Assessment Forum's leading practice model for development assessment.*

A total of 15 DAPs have been established by the Minister for Planning. All DAPs comprise the following membership:

- Two (2) local government representatives.
- Three (3) specialist members, one of whom will be the presiding member, one who will be the deputy presiding member, and one who will otherwise possess relevant qualifications and/or expertise.

Local authorities are responsible for nominating their two (2) DAP representatives from their pool of elected members (Councillors). When determined, a Local Authority provides the names of its nominated panel members to the Minister for appointment, following which the names of members appointed to each DAP will be published on the DAP website maintained by the Department of Planning.

A local authority is also required to nominate two (2) alternate members. The alternate members replace permanent local government DAP members when required (due to illness, leave or other cause). Alternate members can only sit in replacement of a permanent local member where they generally share the same knowledge and/or experience as the permanent member.

In the event a local authority fails to nominate two elected representatives within the specified time frame, the Minister has the power to appoint two alternative community representatives. The DAP Regulations require these persons to be local residents, with sufficient local knowledge and/or appropriate experience whereby in the opinion of the Minister, they can suitably represent the interests of their local community.

In all instances, nominated DAP and alternate members are required to undergo mandatory training before they can sit on a DAP. Training addresses the Western Australian planning and development framework, planning law, the operation of a DAP, the DAP Code of Conduct and the expected behaviour of DAP members.



DAP members will be paid by the Department of Planning where they successfully complete the required training. DAP members attending a DAP meeting will also be paid a sitting fee per meeting. Similarly, reimbursement of all travel expenses incurred when attending a DAP meeting is provided for by the DAP Regulations. Current fees and reimbursements are available on the Department of Planning's website.

All DAP members are appointed for a term of two (2) years.

DAPs meet on an irregular basis as applications that fall within the criteria are received. The City of Cockburn forms part of a Joint Development Assessment Panel (JDAP) for the South West Metropolitan Area. Other local authorities comprising this JDAP include the Cities of Fremantle, Kwinana and Rockingham, and the Town of East Fremantle.

The two appointed local government members are required to attend a JDAP meeting when an application for development within their local authority is to be determined. If they are unable to attend notice is to be given to the DAP secretariat and an alternate member is contacted. Meetings may be held at any of the member Councils offices or Department of Planning in Perth at the direction of the DAPS secretariat. These meetings are between 15 minutes – 60 minutes. Members only need to attend for the City of Cockburn items, not for other local government authority items.

In 2013 there were 7 meetings which the City of Cockburn submitted items. In 2014 there were 16 meetings which the City of Cockburn submitted items. Most of these meetings were held at the City of Cockburn.

In accordance with the DAP Regulations, local authorities are required to submit the names of their nominated DAP members and alternate members to the minister. Local government authorities need to submit their member names and details by 15 February 2013.

Strategic Plan/Policy Implications

Leading & Listening

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

A Prosperous City

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



Budget/Financial Implications

There are no budgetary or financial implications arising from the nomination and appointment of Councillors to the JDAP. Sitting fees are as follows:

Form 1 application \$400

Form 2 application \$50

Form 1 and a Form 2 for the 1 meeting, the members will be paid \$400 only. Members must attend the meeting to be paid.

This information is available on the Department of planning, Development Assessment Panel website for members to view.

Legal Implications

Planning and Development Act 2005 (as amended).

Approvals and Related Reforms (No. 4) (Planning) Act 2010.

Planning and Development (Development Assessment Panels) Regulations 2011.

Community Consultation

N/A

Attachment(s)

1. Letter from JDAP outlining nomination details.
2. JDAP Nomination Form

Advice to Proponent(s)/Submitters

N/A

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

Nil.



(MINUTE NO 5444) (OCM 12/2/2015) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (052/002) (L JAKOVICH / D ARNDT) (ATTACH)

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr L Wetton that Council:

- (1) nominate Cllr K Allen as one of its two members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (2) advise the Minister for Planning of the above nomination for appointment to the SWMA JDAP

CARRIED 6/2

(MINUTE NO 5445) (OCM 12/2/2015) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (052/002) (L JAKOVICH / D ARNDT) (ATTACH)

COUNCIL DECISION

MOVED Cllr S Pratt SECONDED Cllr K Allen that Council:

- (1) nominate Cllr B Houwen and Cllr Yaz Mubarakai as its two alternate members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (2) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

CARRIED 8/0



14.4 (MINUTE NO 5446) (OCM 12/2/2015) - PROPOSED PORT COOGEE STRUCTURE PLAN VARIATIONS ADOPTION FOR FINAL APPROVAL (110/023) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the variations to the Port Coogee Structure Plan for proposed Lot 346 Lullworth Terrace and a portion of State 3C as shown in Attachment 1;
- (2) in pursuance of Clause 6.2.14.3 of the Scheme, forward a copy of the variations to the Structure Plan to the Western Australian Planning Commission; and
- (3) advise the proponent and submitters of Council's decision.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 8/0

Background

The Port Coogee Structure Plan was originally adopted by Council in March 2004, and has undergone a number of variations since its adoption.

The Port Coogee Structure Plan area is zoned 'Development', and is located within 'Development Area 22' pursuant to City of Cockburn Town Planning Scheme No. 3 ("the Scheme"). The area is therefore subject to the requirements listed under Schedule 7 of the Scheme.

Proposed Lot 346 is currently zoned 'Residential R20' under the Structure Plan. The Structure Plan also makes provision for proposed Lot 346 to be developed for a local centre to provide transit supportive land uses should a railway station be developed at a future stage. The Structure Plan stipulates that in the interim the site can be developed for viable non-retail uses or for robust residential uses in the event that a railway station is not developed.



The 'Stage 3C' lots between Advocate Way and POS on Medina Parade are currently coded 'Residential R50'.

Submission

The proposed Structure Plan variations have been submitted by planning consultants Taylor Burrell Barnett ("TBB") on behalf of Australand, the owners of the subject land.

Report

The purpose of this report is for Council to consider a proposed variation to the Port Coogee Structure Plan that has been advertised for public comment.

The proposed modifications relate to two sites as follows:

- * Proposed Lot 346 Lullworth Terrace (lot not yet created) which is located on the eastern boundary of the Port Coogee Structure Plan area, adjacent to the existing railway reserve.
- * 'Stage 3C' lots between proposed Advocate Way and the Public Open Space ("POS") on Medina Parade).

Both sites are zoned 'Development', within 'Development Area 22' ("DA 22") pursuant to the Scheme.

Proposed modifications to Lot 346 Lullworth Terrace

The following modifications are proposed to proposed Lot 346 Lullworth Terrace:

- * Removal of annotations stating 'Possible future local centre site (subject to viability)'; and 'Possible future railway station';
- * Recoding from 'Residential R20' to 'Residential R80'.

'DA 22' includes a provision relating to proposed Lot 346 which requires it to be developed for car parking until the Council agrees it is not required and can be used for another use (see provision 16 below).

The proposed future local centre adjacent to the railway line, which is approximately 4000m² in area, is to be developed for off-street public car parking with the location, design and landscaping being to the Council's satisfaction and the car parking area is to be maintained by the developer or landowner for this purpose, until the Council agrees that all or part of the



area is no longer required and may be considered for a railway station or other alternative use.

Consideration for another use other than car parking has already occurred, and Council has designated the land via the Structure Plan as 'Residential', and a possible future local centre subject to viability.

The current 'possible local centre (subject to viability)' designation was included on the structure plan at a time when it was considered there may be a passenger rail station on the eastern boundary of the structure plan area within the existing rail reserve, which currently accommodates a freight line. However, there are no current or future plans to accommodate passenger rail within the existing reserve. Rather the freight rail operation has expanded with the recent duplication of a portion of the track, further indicating that passenger rail is not intended.

Therefore, as there is no future passenger rail intended and no possibility of a local centre being viable in this location, it is recommended that the removal of these annotations relating to the possible local centre and possible future railway station be supported.

It is also proposed to increase the residential density coding of proposed Lot 346 from 'Residential R20' to 'Residential R80'.

The current R20 density coding was adopted at a time when this was a commonly imposed residential density. This is now considered to be a low density for undeveloped land in an established locality with such good levels of amenity, particularly given that there is currently no residential development immediately surrounding the subject land (with the surrounding land still in the ownership of Australand). It therefore presents an opportunity to achieve higher densities and increase housing diversity in the area, in line with Directions 2031.

It is envisioned that an R80 coding will facilitate a small-lot grouped dwelling development, or multiple dwellings.

The current R20 density coding of Lot 346 would allow for the development of a potential maximum yield of 10 single/grouped dwelling units. The proposed R80 density would allow for a potential maximum of 26 grouped dwelling units. However, due to site constraints it is considered unlikely that this yield would be achieved in a grouped dwelling scenario.

Development of multiple dwellings would be subject to the Part 6 provisions of the R-Codes. The R-Codes do not provide minimum or average lot size requirements for multiple dwellings at R80; detailed design would determine the multiple dwelling yield. However, given



site constraints, including the maximum height, it is envisioned a multiple dwelling outcome would not be significantly higher in yield to a grouped dwelling scenario.

Stage 3C

It is proposed to increase the residential density coding of a portion of 'Stage 3C' from 'Residential R50' to 'Residential R80'.

Stage 3C is located immediately to the east of an R80 multiple dwelling site and immediately north of POS. The remainder of the surrounding land is not yet developed.

It is envisioned that Stage 3C will also be developed for a small lot grouped dwelling development. The increase in density is seeking to allow for the inclusion of 125m² lots within the intended development.

Building Heights

The Port Coogee Structure Plan includes a Building Heights plan which limits building heights in the area.

For proposed Lot 346 the maximum building height is 10m, and for 'Stage 3C' it is 13.6m.

There are no proposed changes to the existing Structure Plan building height requirements - proposed Lot 346 will remain at a maximum of 10m and 'Stage 3C' at 13.6m.

It is therefore not considered that the increase in density is likely to have an unacceptable impact on existing or future residents. Lot 346 is on the eastern boundary of the Structure Plan area; there is no residential development to the east, and the surrounding land is not yet developed.

Consultation Outcomes

The proposed Structure Plan variation was advertised for a period of 30 days from 17 December 2014 until 16 January 2015. The advertising period was extended beyond the 21 days required by the Scheme to allow for the Christmas and New Year Holiday period.

No comments were received from adjacent landowners, and two submissions were received from Government Agencies.

Fremantle Ports provided comments advising that they do not support increased residential densities within close proximity to freight rail lines, however they have not provided any reasons for this. The submission



then states that should the City of Cockburn support the proposed density increase for Lot 346 the noise and vibration attenuation measures outlined in the applicant's acoustic report (November 2014) should be implemented. The City is satisfied with the measures set out in the Acoustic Report and it is therefore recommended that the proposed Structure Plan variation be supported.

Public Transport Authority ("PTA") made a submission requesting that the Vibration Report (expected as part of the Building Licence application) be referred to them for comment prior to determination. The City's Environmental Health Department will assess the Noise Management Plan and subsequent Vibration Report for the subject land, and referral of the Building Licence to the PTA for comment is not considered necessary.

Conclusion

The proposed Structure Plan variation will facilitate higher densities without having a negative impact on current or future residents, particularly given that building heights are not proposed to change. In addition, the Acoustic Report demonstrates that noise and vibration can be managed appropriately on Lot 346.

It is therefore recommended that Council adopts the Structure Plan variation for final approval.

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.

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Moving Around

- A defined freight transport network.

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

The proposed Structure Plan variation was advertised for a period of 30 days from 17 December 2014 until 16 January 2015. The advertising period was extended beyond the 21 days required by the Scheme to allow for the Christmas and New Year Holiday period.

There were no comments received from adjacent landowners/members of the community, and two submissions were received from Government Agencies.

Attachment(s)

1. Existing and proposed Structure Plan
2. Schedule of Submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.

AT THIS POINT, CLR S PRATT LEFT THE MEETING, THE TIME BEING 8.28 PM.

DECLARATION OF INTEREST – CLR S PRATT

Proximity Interest in Item 14.5 “Coolbellup Revitalisation Strategy” pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of the interest is that he is a landowner within a Structure Plan Area specified in the Strategy.



14.5 (MINUTE NO 5447) (OCM 12/2/2015) - COOLBELLUP REVITALISATION STRATEGY SCHEME AMENDMENT 105 ADOPTION FOR FINAL APPROVAL LOCATION: COOLBELLUP - OWNER: VARIOUS - APPLICANTS: CITY OF COCKBURN (109/041) (R PLEASANT) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the schedule of submissions prepared in respect of Amendment 105 to City of Cockburn Town Planning Scheme No. 3 (Scheme);
- (2) adopt Scheme Amendment No. 105 subject to modifications for final approval for the purposes of:
 1. Rezoning various properties within parts of Coolbellup to 'Residential R30', 'Residential R40', 'Residential R60', and 'Residential R80' in accordance with the adopted Coolbellup Revitalisation Strategy as shown on Attachment 1.
 2. Modification - Lots fronting Romeo Road between Cordelia Avenue and Paris Place and Lots 121, 123, 125, 127, 129 Cordelia Avenue being changed from the proposed 'Residential R30' zone to 'Residential R40' zone.
- (3) ensure the amendment documentation be signed and sealed and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions with a request for the endorsement of final approval by the Hon. Minister for Planning, and;
- (4) advise those parties that made a submission of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 7/0



Background

At its 14 August 2014 Ordinary Meeting, Council resolved to adopt the Coolbellup Revitalisation Strategy (Revitalisation Strategy) which included a proposed zoning plan.

At the Ordinary Council Meeting of 11 September 2014, Council initiated Scheme Amendment No. 105 to City of Cockburn Town Planning Scheme 3 (TPS3) to implement the various zoning changes identified in the Strategy. This enabled community consultation of the amendment to occur.

Community consultation has now been undertaken and the purpose of this report is for Council to consider adopting Scheme Amendment No. 105 for final approval, in light of the submissions that have been received.

Submission

N/A

Report

Scheme Amendment No. 105 proposes to rezone various properties in Coolbellup in accordance with the Revitalisation Strategy.

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

As detailed within the Coolbellup Revitalisation Strategy, the proposed residential density changes are based on the following principles:

R30 base code - An R30 code is proposed so as to meet the two core aims of the Strategy – protect the existing character of Coolbellup and provide opportunities for increased housing. A base code of R30 is considered an appropriate base coding for the majority of the suburb in order to retain the character of the area, while providing for infill development potential for most lots. R30 will also allow most people to have the choice regarding subdivision or further development of their land.



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

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

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

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

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

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

- A street terminates;
- A change in direction of a road/street alignment;
- As much as possible, at the rear boundary interface of properties to enable streetscape consistency.

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



Community consultation

Amendment No. 105 was advertised for public comment from 28 October 2014 – 12 December 2014. Letters were sent to all affected landowners and residents explaining Amendment No. 105. This included maps showing the proposed zoning changes.

A total of 139 submissions were received regarding Amendment No. 105, with 102 of support, 24 objections (1 of these inclusive of a petition with 21 signatures), 10 submissions of conditional support, and 3 submissions making other comments.

All of the submissions are outlined and addressed in Attachment 2.

One of the key concerns raised in the objections relates to the perception that higher densities will attract poor development outcomes, which may attract a lower socio economic segment of the community. Such may also impact negatively on the character of Coolbellup through the loss of trees, and not be supported by sufficient infrastructure to support the proposed growth. These concerns were addressed within the Revitalisation Strategy and the response to submissions within the 14 August OCM report. These submissions are not supported. The provision of a mix of housing types is one of the key objectives of the Strategy and it is not supported that medium density development will reduce the quality of the housing in Coolbellup. There are many examples of high quality medium and high density housing throughout Cockburn and wider Perth.

Furthermore, the concentration of low socio economic households in Coolbellup is changing towards a more diverse range of households and therefore the issues experienced in the past are unlikely to occur again. The resident population and the housing market in Coolbellup are now very different. Suggesting higher densities attracting lower socio economic segments of the community is not correct, and seems to be a stigma associated with a past era that resulted in very poor approaches to housing provision (particularly social housing) taking place. This will not occur within Coolbellup.

A petition of 21 signatures was received requesting a reduction of the proposed 'Residential R60' code to 'Residential R30' along Dion Place and the western end of Archidamus Road. The submission is not supported for the following reasons:

- The submission does not provide any planning justification as to why the proposal should not be supported.
- The R60 coding is proposed to act as a transition between the proposed R80 zone surrounding parts of the Coolbellup Town Centre and the lower scale R30 and R40 zones.



- The R60 coding is considered the walkable catchment of the Coolbellup shops, and is appropriate for the provision of increased densities given proximity to services.
- Finally, the main street and town centre core provide direct access to high frequency buses.

It is also highlighted that planning policy including the R-Codes and the City's Local Planning Policy APD58 are in place to guide development and promote quality design outcomes. The Revitalisation Strategy identifies the need to prepare a "medium density good development guide" which is hoped will assist in promoting high quality designs in Coolbellup.

Modification to amendment as a result of advertising

This report proposes 1 additional zoning change which has evolved from the community consultation as part of the amendment. This modification represents a logical rationalisation of the existing zonings in Coolbellup. The modification is illustrated in attachment 1 and relates to Lots fronting Romeo Road between Cordelia Avenue and Paris Place and Lots 121, 123, 125, 127, 129 Cordelia Avenue being changed from the proposed 'Residential R30' zone to 'Residential R40' zone.

Following the adoption of the Coolbellup Revitalisation Strategy, a new bus route (512) was introduced, providing frequent services extending to Fremantle and Murdoch Station. This has resulted in an opportunity to provide additional R40 coded lots fronting this frequent route, for lots that are not already proposed for R40 or above. Specifically, those fronting Romeo Road and 5 lots fronting Cordelia Avenue.

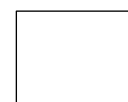
Providing higher densities along streets provided with frequent public transport, and in close proximity to the town centre, is consistent with the approach undertaken within the Revitalisation Strategy, of which informed the scheme amendment.

Conclusion

In summary it is recommended that that Council adopt the amendment subject to the modification that has arisen from the advertising process. Adoption of the amendment signifies a significant milestone as part of the ongoing implementation of the Coolbellup Revitalisation Strategy.

Growing City

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



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

Infrastructure

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

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Moving Around

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

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

Advertising included letters to all affected and adjacent landowners explaining the proposals, advertisements in the local paper and a display in the administration building.

Attachment(s)

1. Advertised zone map with one proposed modification.
2. Schedule of Submissions.

Advice to Proponent(s)/Submitters

N/A

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

Nil.



AT THIS POINT, CLR S PRATT RETURNED TO THE MEETING, THE TIME BEING 8.29 PM.

THE PRESIDING MEMBER ADVISED CLR PRATT OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.

14.6 (MINUTE NO 5448) (OCM 12/2/2015) - COCKBURN CENTRAL ACTIVITY CENTRE PLAN FINAL ADOPTION - LOCATION / OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (110/088) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Cockburn Central Activity Centre Plan as a City level strategic document designed to provide broad direction for the development of Cockburn Central Activity Centre through to 2031, subject to the following modifications:
 1. Modify the local context map to include reference to the Western Power infrastructure that dissects the Activity Centre Plan Area.
 2. Modify the Demographic Analysis Map to include a table for demographic cell 11.
- (2) advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

The purpose of this report is to present the Cockburn Central Activity Centre Plan to Council for consideration for final adoption, following the completion of public advertising.

The Cockburn Central Activity Centre Plan was identified in the City's Annual Business Plan 2013-14 as a key initiative. The City's Strategic Plan supports this idea through identifying the desire for Cockburn



Central to grow in a sustainable manner into a Strategic Regional Centre.

The Activity Centre Plan has been prepared to inform the delivery of the Cockburn Central Activity Centre to reach its aspirational target of a Strategic Metropolitan Centre by 2031. The Study Area accounts for approximately 1428 ha, equivalent to 27% of the total area of the City.

The Study Area is broadly bound by Berrigan Drive and Jandakot Road in the north, the future Banjup Urban Precincts and Lyon Road in the east, Bartram Road to the South and the boundary of Lake Yangebup and Thompsons Lake to the West.

The size and form of the Study Area was selected to allow the appropriate framing of the Central Core Precinct of the Activity Centre, which includes the immediate surrounds of the Cockburn Central Station.

Currently Cockburn Central is identified as a Secondary Centre by Directions 2031 and State Planning Policy 4.2 ("SPP 4.2"). Secondary Centres, being the third level of centre offer a wide range of services, facilities and employment opportunities.

Cockburn Central, unlike many of the 18 other Secondary Centres, is not a wholly retail dominated centre. The centre currently features a broad mix of uses including: retail, high density residential, mixed use developments, offices and multiple community facilities. This coupled with the high quality public transport links, sets Cockburn Central apart from the other Secondary Centres across the metropolitan region. This trend of diversification is expected to continue with projects such as Cockburn Central West and Muriel Court.

It is recommended that Council adopt the Cockburn Central Activity Centre Plan, subject to modification.

Submission

N/A

Report

The City of Cockburn has prepared the Activity Centre Plan, with key input delivered through a process of public engagement which included the release of a discussion paper to invoke thoughts and aspirations of the community for the future of the activity centre.



The Cockburn Central Activity Centre Plan is a City level strategic document designed to provide broad direction for the development of Cockburn Central Activity Centre through to 2031.

The Plan will assist in the creation of a connected, vibrant and responsive Activity Centre as desired in the State Government's Directions 2031 and Beyond and State Planning Policy 4.2. The Activity Centre Plan does not form the basis of an Activity Centre Structure Plan as outlined in State Planning Policy 4.2. However, the Plan Implementation Framework recommends the need for the City to undertake a comprehensive Activity Centre Structure Plan over the Core Area of the Plan. The endorsement of such a document is seen as important in achieving the overarching goals of the Plan going forward.

Cockburn Central has evolved quickly from being a small district level activity centre focused on a small internalised shopping centre in the early 2000's to a vibrant mixed use activity centre today. The continued evolution of the Cockburn Gateways Shopping City, Success Central and the Cockburn Central Town Centre has led to a Centre like no other in Perth. This coupled with the current planning over Muriel Court Structure Plan area and the Cockburn Central West Structure Plan precinct, sees a strong and prosperous future for the Centre.

With the recent and planned investments in civic, educational and commercial infrastructure, Cockburn Central is in a unique setting to be an Activity Centre, well positioned, to help achieve the State Government's Directions 2031 goals and objectives. This is something the City and other stakeholders should be proud of, but to ensure that this success continues, broad strategic direction is required.

The Plan builds on the work of the City's Local Commercial and Activity Centre Strategy ("LCACS") and is designed to operate in conjunction with the City's Housing Affordability and Diversity Strategy, Economic Development Directions Strategy and Integrated Transport Strategy. The integration of these documents and fulfilment of the aims of LCACS is vital in achieving the identified goals of the Activity Centre and the Vision of the Plan.

The Plan has three parts:

1. Discussion Paper;
2. Background and Issues Paper; and
3. The Plan (Implementation Framework).

The Discussion Paper formed the initial part of The Plan and was used to create interest and attempt to draw out visionary ideas from the community, business leaders and interested parties. The Plan provided



for four broad topics of discussion based around the 'Themes' of the Plan. The Discussion Paper unlike the other two parts of the Plan is a standalone document.

The Discussion Paper goals were as follows:

- Identify opportunities for the Cockburn Central Activity Centre to grow.
- To stimulate discussion and encourage ideas;
- Identify new issues that are important to the future of the area.

Significant community feedback was received during the formal advertising of the Discussion Paper; this is discussed later in this report. This information was utilised to further refine the Plan and also in the formulation of the Implementation Framework. See Attachment 3 for the Schedule of Submissions to see how each specific submission has been responded to.

The Background and Issues Paper (the second section of the document) forms the investigative segment of the Plan, and looks into the following:

- Documents findings of background studies;
- Site analysis;
- Contextual analysis;
- Assessment of existing structure planning;
- Discussion of issues affecting the Activity Centre.

Finally, the Implementation Plan utilises the information gathered in the previous two stages to formulate an implementation framework going forward. The Plan will provide the basis and direction for statutory decisions and advocacy.

The Vision of the Plan

Cockburn Central positioned as a Strategic Metropolitan Centre and the most influential Activity Centre in the South West Metropolitan Sub-Region by 2031.

Originally the Vision of the Plan identified a desire for Cockburn Central to be a Primary Centre under State Planning Policy 4.2 and Directions 2031. It was noted during advertising that the WAPC has determined to remove the 'Primary Centre' designation from the planning framework. Therefore the Vision of the Plan, being aspirational, has been modified as per above.



Drivers and Opportunities

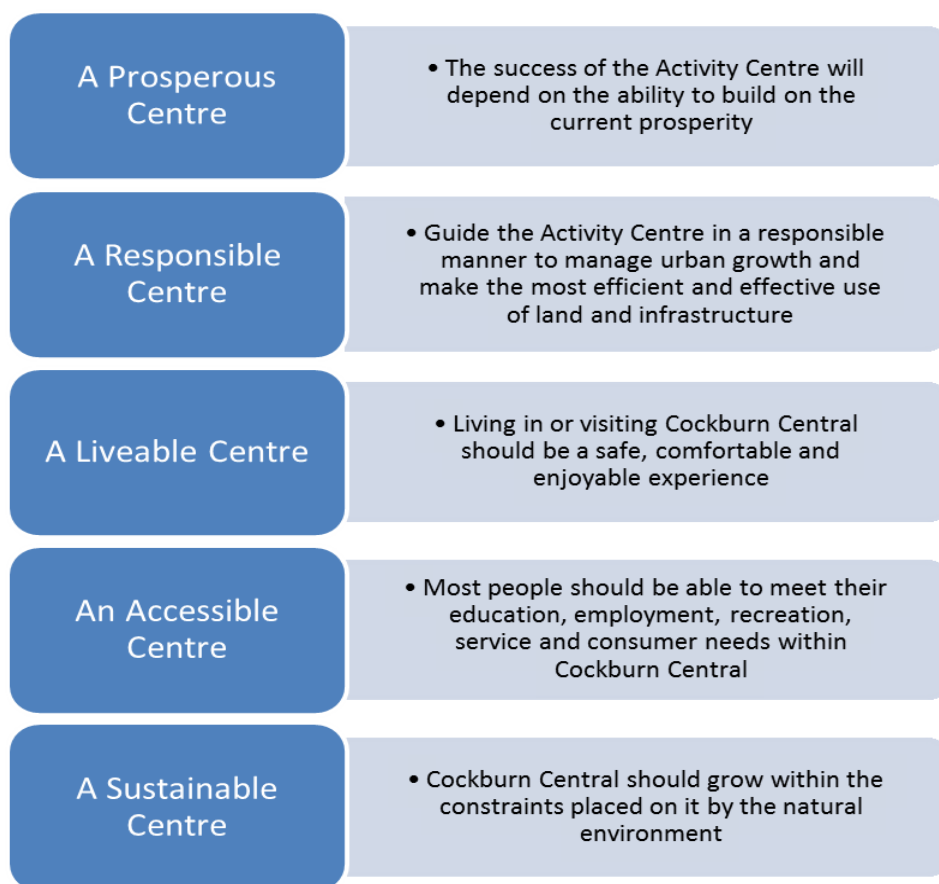
Cockburn Central has all the key requirements to become the most influential Activity Centre in the South West Metropolitan Region. The identified drivers and opportunities for the Centre are:

- A diverse mixed use centre.
- Good transport infrastructure and public transport links.
- A growing population catchment.
- Compact Centre with extensive future development sites.
- Strong links to the surrounding natural environment.
- High quality Civic Infrastructure.

Themes of the Plan

The Plan is based around five key strategic themes; through which the shape, form and function of the future Cockburn Central Strategic Metropolitan Centre will be drawn.





The five key themes are drawn from Directions 2031 and all future statutory planning instruments and initiatives of the City would be expected to justify how they consistent with the five key themes.

Each theme is supported by an overarching objective drawn from the City's Strategic Plan, Commercial and Activity Centre Strategy and Directions 2031 and will be used, in conjunction with the overarching themes, to guide the formulation of the Activity Centre Plan and future decisions of the City within the Plan's area.

Discussion

Cockburn Central is identified as the highest level Activity Centre within the City's boundary. However it has constantly been identified as having the ability to perform more effectively against the standard indicators of intensity, diversity, employment, accessibility, economic activation and urban form. This was examined particularly in the City's Local Commercial and Activity Centres Strategy.

It is clear that there is significant scope for improvement in the performance metrics of Cockburn Central. Increased performance is expected as the Centre grows; however there is currently a lack of consistent planning to manage and maximise this growth.



The intent of the Activity Centre Plan is to analyse the area to date, identify major issues and constraints and provide a comprehensive set of implementable strategic actions and processes to move the Centre towards its vision.

To date the Centre has been developed mainly around existing land uses and infrastructure. What is clear is that there is now the need to create a strategic document that can tie together the different precincts of the Activity Centre.

As Cockburn Central is a relatively new Activity Centre, this has not lead to critical issues arising at this stage, nor has it lead to inappropriate development. However as the Core and Frame area continue to develop; planning each precinct in an unorganised manner has the potential to lead to a Centre that does not function effectively.

The Activity Centre Plan through its Implementation framework attempts to establish a holistic vision for the Centre to ensure that its maximum potential can be reached.

Implementation Items

The Implementation Framework will provide broad guidance towards this vision; through the identification of a range of initiatives and actions. These items are linked to the key theme of the Plan and also allocated an expected timeframe to indicate importance.

Due to the strategic nature of the Plan, a number of implementation actions are identified as advocacy items. The City would have limited ability to facilitate the outcome, but see the outcome as vital for the fulfilment of the vision of the Plan.

A breakdown of the Implementation items, their associated actions and timeframes can be seen at the end of Attachment 1.

Each Implementation Item is supported by a list of observations and issues that are a summary of the relevant matters raised in the background and issues portion of the report. These summarised points are included in the table to provide easily identifiable rationale for each item.

Consultation

The precursor to the Activity Centre Plan, the Discussion paper, was extensively advertised to the community, major landholders and interested parties in the Activity Centre Plan boundary, state authorities



and the wider community through an advert in the Cockburn Gazette. This paper formed the basis of the Activity Centre Plan.

The Activity Centre Plan itself was advertised for a period of 42 days, from 26 August to 7 October 2014, to: major landowners, community organisations, and an advert was placed in the Cockburn Gazette. Further to this a presentation was given to the regular meeting of community organisations organised by the City.

A total of nine (9) submissions were received by the close of advertising, including: two from major landowners and seven from state authorities.

No objections to the overall document were raised by any submitter, though matters of concern and suggested modifications were brought to the City's attention. These are addressed in the Schedule of Submissions (attachment 2) and also discussed in broader terms below.

Concerns relating to transport infrastructure

A number of submitters, namely the Department of Transport, Department of Planning, Main Roads WA and The Perron Group noted the congestion issues that exist within the Cockburn Central Activity Centre. There was general agreement that the Cockburn Central Activity Centre Plan is a good attempt to address the regional issues through appropriate strategic planning.

Main Roads provided negative comment on a number of action points within the Implementation Framework, particularly the aspiration of advocating for a stop on any high speed rail train line to Bunbury being located at Cockburn Central. The City believes that advocating over the long term for aspirational infrastructure that has the opportunity to being about stronger regional connections to Cockburn Central remains warranted. Long term advocacy for such proposals is vital going forward in securing the support of decision makers and having influence. It is incumbent on Local Governments to be strategically planning for the benefit of its community, as accordingly the concerns raised by Main Roads in this respect are not considered relevant.

Secondly Main Roads WA noted the difficulty of implementing and planning for the future provision of bus rapid transit/light rail infrastructure along the Armadale Road/Beeliar Drive Corridor. It should be noted on this matter both the Department of Planning and Department of Transport were generally supportive of the move by the City to look to plan such infrastructure in over the long term. The City believes that there is high merit in continuing to pursue this action and has added an additional action to the Implementation Framework that



looks to review the Beeliar Drive Other Regional Road reservation in light of concerns around the width not be sufficient.

The Department of Transport noted that the Implementation Framework includes an item that indicates support that the future extension of the Thornlie Train Line includes a station adjacent to the PTA owned land at Jandakot Airport. The Department of Transport noted that this is not within the current scope of the project. The City believes that such an item is worthy of advocacy with the State Government and is vital for the long term functionality of the movement network around Jandakot Airport. Considering the amount of employment and activity taking place in Jandakot airport, it would be a significant failure to not plan for a station to service this centre.

Concerns relating to Development Contributions

Submitters raised points in relation to the future expectations on developers to fund infrastructure upgrades through development contributions. Noting that there should be an expectation that future upgrades be equitable and appropriately consider that many of the issues within the Cockburn Central Activity Centre related to congestion are linked to regional transport movements.

The City has and will continue to work with all relevant stakeholders, developers and landowners to ensure the equitable approach to development contributions continues within the Cockburn Central Activity Centre.

The City to date believes that there has been reasonable and equitable distribution of development contributions through the Centre. The City has utilised various mechanisms to bring about the widening and upgrade of Beeliar Drive, the widening and realignment of Midgegooroo Avenue, the future widening and upgrade of Hammond Road, the future road upgrades associated with the Muriel Court Structure Plan area and the future widening of Poletti Road. Moreover the City has further contributed to the coordinated upgrades of infrastructure in the area through current projects like the widening of North Lake Road.

Future expansions of Town Centre over existing industrial estates

The Implementation Framework recommends that the City "*Investigate and work with relevant stakeholders on the potential rezoning of industrial zoned land at the periphery of the Activity Centre Plan Core Area.*" This is a reference to the Solomon Road and Jandakot industrial areas. The Department of Planning raised objection with this proposal, they previously raised a similar objection during the advertising of the Discussion Paper.



The Department of Planning noted, *'the proposition that these industrial areas be rezoned to "Urban" to "facilitate the expansion of the Cockburn Central Town Centre" is inconsistent with the strategic planning framework to retaining and promoting these industrial areas for land uses that support the local Cockburn Central economy and provide local employment opportunities.'*

The DoP reaffirmed these view in their submission to the Activity centre Plan stating that, *'that these areas be retained and planned (as may be required) for supportive employment general and service industrial land uses.'*

The continued position of the WAPC and Department of Planning regarding the opposition to the investigation into rezoning the industrial land in proximity to Cockburn Central is noted but not supported.

The City continues to believe that the land in question, the Jandakot and Solomon Road industrial areas hold significant strategic importance to the future prosperity of the Activity Centre. This is particularly the case with the Solomon Road Industrial Area which contains significant largely vacant industrial land within walking distance of the Cockburn Central Train Station.

The City of Cockburn continues to exhibit extremely high economic self-sufficiency with a total of 44,653 jobs within the industry sectors of Cockburn. With the resident labour force comprising 46,281 people, Cockburn's employment self-sufficiency is close to 100%. This is a remarkable statistic and shows the strong economic fundamentals of the district. Couple with this, the vacant nature of the land and also general support for rezoning by landowners, the City is in favour of continuing the advocacy of this item.

The City is aware of the *Economic and Employment Lands Strategy: non-heavy industrial* and its general assumption that existing industrial zoned land will remain as that. Therefore the City will work to identify suitable landholdings within the City that are suitable to replace any lost industrial zoned land should Solomon Road be rezoned.

Modifications

Following the completion of advertising a number of modifications have been undertaken to the final version of the Activity Centre Plan as shown in attachment 1. The below list provides a summary of the major changes:



1. The Local Context Map has been updated to reflect the comments of Western Power that higher recognition of their important infrastructure be displayed better in the Activity Centre Plan.
2. Modifications to Implementation Item three, action 1 – 4 to include Main Roads as a relevant stakeholder.
3. The Demographic Context Map has been updated to reflect comments from Main Roads WA.
4. Modifications to the Implementation Framework to include a specific action to look at future Other Regional Road Reservations requirements along Beeliar Drive in light of the City's desire for long term planning of Bus Rapid Transit along that corridor.
5. Various minor grammatical errors have been corrected through the document.

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 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.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.

Budget/Financial Implications

There are no specific financial implications associated with adopting this Plan for community consultation. Future planning and infrastructure delivery at and around Cockburn Central will realise a financial cost, however these will be considered as part of those future actions and decisions of Council in respect of the Activity Centre. This Plan seeks to provide a strategic framework to help guide future decisions for the area.

Legal Implications

N/A



Community Consultation

The Activity Centre Plan Discussion paper was extensively advertised to the community, major landholders and interested parties in the Activity Centre Plan boundary, state authorities and the wider community through an advert in the Cockburn Gazette.

The Activity Centre Plan was advertised for a period of 42 days, from 26 August to 7 October 2014, to: major landowners, community organisations, and an advert was placed in the Cockburn Gazette. Further to this a presentation was given to the regular meeting of community organisations organised by the City.

Attachment(s)

1. Activity Centre Plan
2. Implementation Framework
3. Schedule of Submissions

Advice to Proponent(s)/Submitters

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.

14.7 (MINUTE NO 5449) (OCM 12/2/2015) - PROPOSED LOT 9002 PRIZMIC STREET BEELIAR STRUCTURE PLAN VARIATION ADOPTION FOR FINAL APPROVAL (110/119) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the variation to the Structure Plan for Lot 9002 Prizmic Street, Beeliar;
- (2) in pursuance of Clause 6.2.14.3 of the Scheme, send the variation to the Structure Plan to the Western Australian Planning Commission for their endorsement; and
- (3) advise the proponent and submitters of Council's decision.



COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 8/0

Background

A Structure Plan was endorsed by the Western Australian Planning Commission ("WAPC") on 21 March 2012 for the area bounded by Beeliar Drive and Watson Road and former Lots 82 and 83 View Street (now Lot 9002 Prizmic Street Beeliar and various lots on Firbank Road, Beeliar).

This area has subsequently been subdivided in accordance with the Structure Plan, with the exception of Lot 9002 Prizmic Street to the south west of the Structure Plan area, which is different ownership.

Lot 9002 Prizmic Street Beeliar is constrained by a substantial Water Corporation wastewater sewer main running east-west through the site. The wastewater main is a key asset transferring waste water from a large catchment and is approximately 2m in diameter.

To address this issue the endorsed Structure Plan incorporates the wastewater sewer main on Lot 9002 Prizmic Street Beeliar within a widened road verge area (see Attachment 1). It was proposed that this verge area would be attractively landscaped, and the Structure Plan included a concept plan demonstrating how this could be achieved.

The endorsed Structure Plan includes a residential coding of R40 (with lots approximately 250m²), subject to a Detailed Area Plan adjacent to the widened road verge (containing the wastewater sewer main).

A subdivision application was lodged for Lot 9002 Prizmic Street that was not consistent with the Structure Plan. This was refused by the WAPC 11 June 2014 on the grounds that it was not consistent with orderly and proper planning because it was not consistent with the Structure Plan; and did not make adequate allowance to protect the Water Corporation sewerline.

The subdivision refusal was subsequently subject to mediation in the State Administrative Tribunal ("SAT") which included detailed discussion with the Water Corporation regarding the requirements for protection of the wastewater infrastructure.



A Structure Plan variation has now been lodged for Lot 9002 Prizmic Street that has the support of the Water Corporation for the inclusion of a portion of the easement on future residential lots, protected by an easement.

The proposed Structure Plan was adopted for community consultation under delegated authority, and was subsequently advertised for a period of 21 days in accordance with the Scheme, ending on 6 January 2014.

Submission

The proposed Structure Plan variation has been submitted by planning consultants MGA Planners on behalf of the owner of the subject land, Lot 9002 Prizmic Street.

Report

The purpose of this report is for Council to consider a proposed variation to the Structure Plan for Lot 9002 Prizmic Street, Beeliar that has been advertised for public comment.

The Structure Plan variation includes the following modifications:

- * Extension of the 'Residential' coding over a portion of the Water Corporation wastewater sewerline (to be protected by an easement).
- * Relocation of the proposed future east-west road further north onto the subject land.

Lot 9002 Prizmic Street is zoned 'Development' and is within 'Development Area 4' (DA 4) and 'Developer Contribution Area 4' (DCA 4) pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme").

The current endorsed Structure Plan shows the extension of Andy Zuvella Road and Desert Pea Road through the subject land to connect with a future east-west link road located on the lot to the south (in different ownership). A widened verge to this road is shown on the southern edge of the subject land to contain the Water Corporation wastewater sewerline.

The northern portion of the subject land is shown as 'Residential R40'. The south-east corner of the lot is shown as Public Open Space ("POS") to connect to the existing portion of POS to the north-east.



This means that future lots/dwellings would have been oriented to front the landscaped widened road verge, but taken vehicle access from the extensions to Andy Zuvela Road and/or Desert Pea Road.

The Structure Plan variation proposes to shift the future east-west road north onto the subject land (partially over the future wastewater sewer easement) to enable the creation of lots with direct frontage and vehicle access to this future road.

The future wastewater pipe easement is proposed to be located within the road reserve and a 6m front setback of the residential lots, protected by an easement restricting development over the easement.

The wastewater pipe is major infrastructure that is 2m in diameter, and is estimated to be approximately 8m deep. It is much deeper than the majority of sewer pipes that may be seen located on private property within an easement.

Therefore the Water Corporation's initial concern was that accessing the pipe (if required in the future) would require major trenching and that depending on the actual depth of the pipe future dwellings (built outside of the easement) would possibly need to be built with substantial piling.

If this was the case it would result in either higher building costs for future purchasers, or alternatively development would need to be setback from the easement.

Given that the northern portion of the easement is intended to function as a front setback for future dwellings it would be undesirable for there to be any further setbacks to the easement. This would result in excessive front setbacks (from a streetscape perspective), the potential for an inconsistent streetscape, and a lack of useable space for building dwellings.

It was therefore necessary to determine whether higher building standards/larger setbacks would be required to ascertain whether or not the lots are reasonably capable of development without excessive building costs being incurred by future landowners, and with an acceptable streetscape being achieved.

To determine this, the proponent provided finished floor levels ("FFL") to the Water Corporation and from this they determined the depth of the pipe, and subsequently whether there would be an area outside of the easement that would be subject to further restrictions. It was determined that based on the proposed finished levels the easement as shown would suffice to ensure that no building occurs within this



area. No additional engineering of footings constructed beyond the easement area would be required.

Consultation Outcomes

The Structure Plan variation was advertised for public comment for a period of 28 days, extended beyond the 21 day period required by the Scheme to allow for the Christmas and New Year Holiday period.

This included letters to adjacent landowners and government agencies, and a total of two submissions were received. A submission was received (no comments) from Western Power.

The Water Corporation made a submission and stated that they had no objection to the variation, but outlined that the following should be noted:

- * The Water Corporation's Bibra Lake Main Sewer of 2170mm diameter is located within the Structure Plan area (depth over 20m), and an easement of sufficient width to the line of the previous structure plan in favour of the Corporation is to be obtained.

Conclusion

The proposed variation to the Structure Plan will result in the creation of residential lots with direct frontage and vehicle access to a road, ensuing a consistent streetscape, and convenient access for future resident. The Water Corporation sewerline will be protected by its location in the road reserve and by an easement in the 6m front setback to future dwellings. This is supported by the Water Corporation. It is therefore recommended that the proposed variation to the Structure Plan be adopted by Council for final approval.

Strategic Plan/Policy Implications

Growing City

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

Community & Lifestyle

- Safe communities and to improve the community's sense of safety.
- Promotion of active and healthy communities.



Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.
- Identification and minimisation of impacts to human health risk.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Community consultation has been undertaken in accordance with the Scheme, and the proposed Structure Plan variation has been advertised for public comment to surrounding landowners and relevant government agencies for a period of 28 days. This was extended from the required 21 days stipulated under the Scheme because advertising occurred over the Christmas and New Year holiday period 9 December 2014 to 6 January 2015, for a period of 28 days

Attachment(s)

1. Locality Plan
2. Existing and proposed Structure Plan variation
3. Schedule of Submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.



14.8 (MINUTE NO 5450) (OCM 12/2/2015) - PROPOSED STRUCTURE PLAN - LOT 6 (NO. 90) WEST CHURCHILL AVENUE, MUNSTER (110/120 & SP 14/30) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the proposed structure plan for Lot 6 (No. 90) West Churchill Avenue, Munster subject to the following modifications:
 1. Number the pages within the Structure Plan report and include a table of contents which appropriately references page numbers, sections and appendices.
 2. Part 1 Section 6.1(1) to be replaced with *'Land or lots deemed to be affected by noise from Stock Road as identified in the Transportation Noise Assessment contained in Appendix 6'*.
 3. Include an additional section within Part 1, Section '6.2 Subdivision requirements' with the following text; *'A Noise Management Plan (NMP) shall accompany the subdivision application which demonstrates compliance with State Planning Policy 5.4'*.
 4. Section 8.4.4.2 dot point 3, Solta Park should be referred to as a 'Local Park' not a 'Neighbourhood Park'.
 5. Section 8.6.1 'side' should read as 'site'.
 6. Section 8.7.1 'Appendix 1' should read as 'Part 1'.
 7. Update Appendix 2 and 5 with final complete copies.
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lot 6 (No. 90) West Churchill Avenue, Munster; and
- (3) advise the proponent and those persons who made a submission of Council's decision.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 8/0



Background

The Proposed Structure Plan was received by the City on 13 November 2014. It proposes a residential development outcome for Lot 6 (No. 90) West Churchill Avenue, Munster (“subject land”).

Following assessment, the Proposed Structure Plan was released for advertising in accordance with the requirements of City of Cockburn Town Planning Scheme No. 3 (“Scheme”). The purpose of this report is to consider for adoption the Proposed Structure Plan in light of the advertising process that has taken place.

Submission

The Proposed Structure Plan was prepared by Vanguard Planning Services on behalf of Yaran Property Group, the prospective purchaser.

Report

Planning Background

The subject land is 2484m² in area and bounded by Stock Road to the east and a vacant lot to the west. Diagonally opposite the subject site includes two separate local centre sites of which one is 1292m² in area and the other is 3551m² in area. Attachment 1 provides a location plan.

The subject land is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”) and ‘Development’ under the City’s Scheme. The subject land is also located within Development Area No. 5 (“DA 5”), Development Contribution Area(s) No. 6 and 13 (“DCA 6”) and (“DCA 13”).

Pursuant to Clause 6.2.4 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision or development within a Development Area. Pursuant to Clause 6.2.3.1 of the Scheme, the development of land within a Development Area is to comply with Schedule 11. The specific provisions applicable to DA 5 in Schedule 11 of the Scheme are outlined as follows;

1. *“An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.*
2. *To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement.*



3. *The local government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone.”*

In accordance with the requirements of the Scheme, the Proposed Structure Plan was submitted for consideration. The Proposed Structure Plan provides for a ‘Residential’ zoning with a density code of ‘R60’. The Proposed Structure Plan does not propose any area for Public Open Space. The below sections within this report provides further detail regarding the proposed density, Scheme requirements and POS assessment.

Residential Density

The proposed residential density code of ‘R60’ will assist in the provision of additional dwelling diversity in the locality. Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods promote a minimum of 15 dwellings per hectare, as the ‘standard’ density for new urban areas, and an overall target of 47% of all new dwellings as infill development. This percentage equates to 154 000 of the required 328 000 dwellings as infill development, forecast as Perth’s new dwelling growth target for 2031.

The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy (“Draft Strategy”) identifies the subject land as being part of the “MUN 1” area where a future dwelling target of 800+ has been set. This proposal will assist in contributing to the residential targets whilst providing additional housing diversity in the locality.

The proposed R60 density is generally conducive to the densities within the surrounding residential area which ranges from R20 to R60. The higher densities within the locality are those sites which are adjacent to areas of ‘Parks and Recreation’ and within a walking distance of ‘Local Centres’. The subject site is within close proximity to two local centre sites which are diagonally North West of the subject site (refer to Attachment 1 for details).

The proposed ‘R60’ density is further supported by the site’s proximity to the 920 high frequency bus route which runs along Stock and Rockingham Roads. The subject site is within close proximity to the respective bus stops which will provide an increased level of connectivity for future residents at the subject site.



Woodman Point WWTP and Cockburn Cement buffers

The Environmental Protection Authority (EPA) initiated the development of the *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999* and associated *Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1999* (the 'Kwinana Regulations') in order to provide the basis for managing and protecting air quality in the Kwinana industrial area and areas which partly extend into the City of Rockingham and the City of Cockburn municipalities.

The Kwinana Environmental Policy defines three areas (A, B and C) that together make up the policy area, and sets ambient standards and limits for each area. These areas are also reflective in the *Review of the Kwinana Air Quality Buffer – Position Paper (October 2008)* which was released by the Department of Planning. This document provides further details on the Woodman Point Waste Water Treatment Plant, the Munster Pump Station and Cockburn Cement.

Lot 6 (No. 90) West Churchill Avenue Munster does not fall within these respective buffers. Accordingly the Proposed Structure Plan is consistent with the provisions of Development Area 5 as outlined within Schedule 11 of the Scheme. Specifically the Structure Plan does not propose residential development within *the buffers of the Woodman Point WWTP, Munster Pump Station or Cockburn Cement*.

Public Open Space

In accordance with Liveable Neighbourhoods, the Proposed Structure Plan requires a total of 10% of the gross subdividable area to be ceded as Public Open Space ('POS') and reserved for recreation.

The Structure Plan does not provide any land for POS. The POS requirement is proposed to be provided for by way of a future cash-in-lieu subdivisional arrangement, pursuant to Clause 153 of the *Planning and Development Act 2005*.

Having regard to Clause 153, of the *Planning and Development Act 2005*, Liveable Neighbourhoods specifies in A2 of Appendix 4 that the WAPC may impose a condition seeking the provision of a cash-in-lieu equivalent of the public open space, where:

- *'The local government has an adopted strategy to provide open space by land acquisition in the locality of the subdivision; or*
- *The otherwise required 10 per cent area of open space would yield an area of unsuitable size/s and dimension/s to be of practicable use; or*
- *The local government has requested the condition and identifies an existing or potential surplus of public open space.'*



The Proposed Structure Plan meets point one above as the subject site falls within 400 metres of the future 'Munster Sports Facility' which is expected to be located on the land at the corner of Rockingham and Frobisher Road's Munster (refer to Attachment 1). The future sports facility has been identified in the City's '*Sport and Recreation Strategic Plan 2009*' and the City's '*A Plan for the District 2010 – 2020*'.

The Proposed Structure Plan also meets point two above as the required 10% POS equates to an area of approximately 248m². Considering the size, location, dimension and function of such a space and the direction given by Element 4 and A2 of Appendix 4 of Liveable Neighbourhoods, and discussions in consultation with the City's Parks and Environment Department, it is deemed appropriate to recommend a cash-in-lieu contribution at subdivision stage. Clause 154 of the *Planning and Development Act 2005* sets out how the money received in lieu of open space is to be dealt with.

Further to the above the subject site is located within a 5 minute walking distance to a number of areas of POS with varying sizes and functionality. These include Solta Park, Albion Park, Riverina Reserve and Mihaljevich Park.

It should be noted that the provision of 10% of the subdivisional area for POS remains the preferred and optimal position of the City within new residential developments. The acceptability of a cash-in-lieu contribution in this instance does not set a precedent. All future proposals will be assessed on their individual planning merits.

Conclusion

The Proposed Structure Plan proposes a residential 'R60' density over Lot 6 (No. 90) West Churchill Avenue Munster. This coding is within keeping of the existing densities in the locality. The subject site is serviced by a high frequency bus, located within proximity to two local centre sites and within a 5 minute walk of 3 local parks and the future 'Munster Sports Facility'.

The 'R60' density will assist in the provision of a range of dwelling diversity in the locality of Munster. The additional housing stock will assist in meeting the states increased density targets as set out in *Directions 2031* and the *Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy*. Accordingly adoption of the Proposed Structure Plan, subject to minor modifications, is recommended.

The modifications recommended for the Proposed Structure Plan relate mainly to drafting improvements, such that it reads correctly. On this



basis, it is recommended that Council adopt the Proposed Structure Plan.

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.

Moving Around

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

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

In pursuance of Clause 6.2.8 of the City's Scheme, public consultation was undertaken for a minimum period of 21 days. The advertising period commenced on the 2 December and concluded on the 23 December 2014.

Advertising included a notice in the Cockburn Gazette, notice on the City's webpage, letters to selected landowners surrounding the Structure Plan area and letters to selected State Government agencies.



In total Council received only three (3) submissions of which all three were from State Government agencies. No submissions were received from members of the local community.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 4)

Attachment(s)

1. Location Plan
2. Aerial Photograph
3. Local Structure Plan Map
4. Schedule of submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.

14.9 (MINUTE NO 5451) (OCM 12/2/2015) - PROPOSED STRUCTURE PLAN - LOT 116 (622) ROCKINGHAM ROAD, MUNSTER - OWNER: NELLIE MARIA MAKJANICH - APPLICANT: BURGESS DESIGN GROUP - (110/114) (M CAIN) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No.3 ("Scheme"), adopt the Proposed Structure Plan for Lot 116 Rockingham Road, Munster as shown in Attachment 2, subject to the following modifications:
 1. Modify Part 1 of the Structure Plan by removing conditions 1 and 4 from Detailed Area Plan requirements.
 2. Modify Part 1, Section 6 of the Structure Plan by removing reference to 'Drainage' and Part 1, Section 7 by removing reference to 'Development Contribution Items and Arrangements'.
 3. Update reference to noise attenuation throughout Part 1 and Part 2 of the Structure Plan in line with the results of the undertaken noise assessment report.



- (2) endorse the schedule of submissions prepared in respect of the Structure Plan;
- (3) advise the proponent and those persons who made a submission of Council's decision; and
- (4) refer the Structure Plan to the Western Australian Planning Commission for their information.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 8/0

Background

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lot 116 Rockingham Road, Munster ("subject site"). The Proposed Structure Plan seeks to provide the development framework for this site, which involves zoning the subject land to 'Residential R40' for future development.

Submission

N/A

Report

Planning Background

The subject site is 0.2572ha in size and is bound by Rockingham Road to the west, West Churchill Avenue north and residential development to both the south and east (see Attachment 1). The site is vacant of any dwellings or outbuildings and has only minor remnant vegetation.

This proposal relates to Lot 116 Rockingham Road, Munster whereby the applicant is seeking to establish a Local Structure Plan to commence the rezoning of this site to 'Residential R40'. This lot is located within Development Area 5, which necessitates the need for a structure plan to be created for all, or part of, a development area under Clause 6.2.5.2 of City of Cockburn Town Planning Scheme No. 3 ("Scheme").



The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS"). The subject area is zoned 'Development' under the City's Scheme. The subject land is within Development Contribution Area 6 ("DCA6") and Development Contribution Area 13 ("DCA13").

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. The purpose of this report is to consider the Structure Plan for adoption.

Proposed Structure Plan

The Proposed Structure Plan (as shown in Attachment 2) seeks to zone Lot 116 Rockingham Road, Munster for the purpose of 'Residential R40' medium density development.

With this proposed residential zoning, an average lot sizing of 220m² may be achieved. The LSP anticipates that this site may accommodate approximately eight dwellings with internal common access for all residents. The subject site may possibly achieve a higher number of dwellings for this land at the development approval stage, however, with an average of 2.8 persons per dwelling, the current proposal would still allow for 22 persons on the subject site.

The proposed density is in keeping with the existing subdivisions and proposed development in and around the Munster area. At this point, there has been no decision as to what form of residential development will be developed on this site. Concept plans show that the site may be developed for strata units, however, the Structure Plan notes that no firm decision has yet been made as to how this land will be developed should Council grant approval for the Structure Plan and subsequent development approval.

The City has proposed three minor modifications to the current Structure Plan. Part 1, Section 6 of the Structure Plan report makes significant reference to Detailed Area Plans ("DAPs") and the requirement for a DAP to be prepared should any of the listed site attributes arise. The City does not believe this level of detail is necessary and has recommended the removal of points 1 and 4 from this section of the report. Section 6 of the report also makes reference to drainage; however, this is not a necessary component of the Part 1 statutory section.

The City is also seeking modification to reference to Noise Attenuation throughout Part 1 and 2 of the Structure Plan. As a Noise Assessment report has now been undertaken for this site, the City requests that



reference to this assessment and the results of the assessment be updated throughout the report.

Noise

As per the requirements of State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning, due to this sites close proximity to a major road link (Stock Road), it was necessary for the applicant to undertake a noise assessment.

In December 2014, Lloyd George Acoustics undertook a Transportation Noise Assessment for the subject site in order to understand the impacts of traffic noise from Stock Road and what mitigation measures may be required to be implemented.

The objective of the assessment was to ensure that future residents would not be adversely affected by traffic noise. The results of the modelling indicated that noise levels would not exceed the daily targets at ground floor levels. The development of the adjoining lot at 90 West Churchill Ave, Munster provides a significant buffer to road noise. Further noise assessment may be required at the development approval stage should two-storey development be proposed.

Public Open Space

As per Liveable Neighbourhoods, a Proposed Structure Plan is required to provide a total of 10% of the gross subdividable area to be ceded as Public Open Space ('POS') across the site.

Considering the small size, form and function of such a space and the direction given by Element 4 of Liveable Neighbourhoods, and in consultation with the City's Parks and Environment Department, a cash-in-lieu payment to the City by the applicant is proposed as per section 153 of the Planning and Development Act 2005. As per the regulations, upon receipt of these funds, they will be deposited into a City of Cockburn managed trust until such time as they are required to be used for the purchase of lands or the upgrading of open space areas or facilities.

Community Consultation

The Proposed Structure Plan was not referred to the Western Australian Planning Commission ("WAPC") for comment, as it does not propose subdivision of land.

The Structure Plan was advertised for a period of four weeks from 9th December 2014 to 6th January 2015. Extended advertising was undertaken due to the Christmas and New Year holiday period. The



proposed structure plan was advertised to nearby and affected landowners and also referred to relevant government authorities.

During the submission period a total of five submissions were received by the City from servicing/government authorities. All submissions received during this period were supportive of the Proposed Structure Plan. No submissions were received from landowners that were consulted.

All of the submissions received are set out and addressed in the Schedule of Submissions (attachment three).

Conclusion

The Proposed Structure Plan seeks to facilitate the zoning of Lot 116 Rockingham Road, Munster for residential 'R40' development. This will allow for future residential development to sit adjacent to two local centres and along a high frequency transport route. Further to this, the proposed plan is in keeping with the principles of orderly and proper planning and supports current State Planning objectives, by increasing residential densities in the metropolitan region.

It is recommended that Council adopt the Proposed Structure Plan.

Strategic Plan/Policy Implications

Growing City

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised from 9th December 2014 to 6th January 2015. Due to the Christmas holiday period, advertising to land owners government agencies and servicing authorities was extended by one week.



Attachment(s)

1. Location Map
2. Proposed Structure Plan Map
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.

14.10 (MINUTE NO 5452) (OCM 12/2/2015) - PROPOSED STRUCTURE PLAN FOR PORTION OF PACKHAM NORTH DISTRICT STRUCTURE PLAN AREA - LOTS 1, 9 AND 10 HAMILTON ROAD, SPEARWOOD (SP14/25 AND 110/117) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the Proposed Structure Plan for Lots 1, 9 and 10 Hamilton Road, Spearwood, subject to the following modifications:
 1. Part 1 remove reference to '5.1 Public Open Space', the associated text and 6.2(iii) Lots affected by a Bushfire Hazard. Section 6.1(1) to be replaced with; *'This land may be affected by midge from nearby lakes and/ or wetlands. Enquiries can be made with the City of Cockburn Environmental Services'*.
 2. Plan 1 Legend should separately distinguish *'Parks and Recreation'* as a reserve and *'Residential (R40)'* as a zone.
 3. Part 2 delete section *'3.4 Cockburn Coast District Structure Plan'* from the report.
 4. Sections 5.1 *'LSP Community Design Rationale'* and 5.3 *'LSP Proposed Zones'* references to 'providing two zones'. POS (Parks and Recreation) is a reservation under the Scheme, therefore all references to 'zones' (inclusive of table 3) need to be corrected.
 5. Under heading *'5.1 LSP Community Design Rationale'*



6. the bolded text '*Appendix 1*' is to be replaced with '*Part 1*'. Section 5.3 '*LSP Proposed Zones*' reference to '(LPS 5)' is to be changed to '(TPS 3)'.
 7. Section 8.1 incorrectly references section 13.0.
 8. Section 3.6 incorrectly references '*Section 5.3 Road Network*', '*Section 5.6 Bicycle & Pedestrian Movement*' and '*Section 5.5 Public Open Space*'. These errors are to be corrected.
 9. The pre-lodgement consultation details and outcomes are to be referenced in the document as an appendix.
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 1, 9 and 10 Hamilton Road, Spearwood; and
- (3) advise the proponent and those persons who made a submission of Council's decision.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 8/0

Background

The Proposed Structure Plan was received by Council on 16 October 2014. It was prepared by Whelans Town Planning on behalf of the respective land owners. It relates to land within the Packham North District Structure Plan area, namely Lots 1, 9 and 10 Hamilton Road, Spearwood ("subject site").

The Proposed Structure Plan seeks to affect a residential development outcome across the subject land. The purpose of this report is to consider the Proposed Structure Plan for adoption in light of the advertising process that has taken place.

Submission

N/A.



Report

Planning Background

The subject site is bounded by Hamilton Road to the west and Dalmatia Park to the east. The land to the north and south is currently being developed for residential development in accordance with the '*Ocean Road Estate Local Structure Plan*' subdivision approvals.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject site is also located within Development Area No. 31 ("DA 31"), Development Contribution Areas No. 12 and 13 ("DCA 12") and ("DCA 13").

Pursuant to Clause 6.2.4 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision or development within a Development Area.

State Government Direction

Directions 2031 and Beyond ("Directions 2031") and Liveable Neighbourhoods promote a minimum of 15 dwellings per hectare, as the 'standard' density for new greenfield development in urban areas, and an overall target of 47% of all new dwellings as infill development. This percentage equates to 154 000 of the required 328 000 dwellings for Perth's future growth need to 2031.

The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy ("Draft Strategy") identifies the subject land as being part of the "WAT 1" area with a future dwelling target of 900+.

The Proposed Structure Plan incorporates 3 separate lots covering an area of approximately 2.3411 hectares. The proposed density code is 'R40' which will provide for a range of lot sizes from 245m² to 610m². In total the Structure Plan is expected to yield a total of 44 lots with a total of 56 dwellings. These additional residential lots will provide for further dwelling diversity in the locality whilst contributing to the State Government's density targets.

Packham North District Structure Plan

The subject land forms part of the Packham North District Structure Plan area. The purpose of the District Structure Plan is to facilitate the development of the former 'Watsons food plant' and surrounding land that was previously within an odour buffer of the plant for residential and associated uses.



Following the gazettal of Scheme Amendment 70 on 15 October 2010, the 'Watsons' site and the surrounding land was rezoned for residential development purposes subject to the endorsement of Structure Plan/(s).

The adopted District Structure Plan outlines the broad land use framework including the major road network, neighbourhood structure, commercial land and public open space areas.

Structure Plans are required to demonstrate the achievement of a minimum 15 dwellings per gross urban zoned hectare of land and a minimum of 22 dwellings per site hectare of residential land. This Proposed Structure Plan yields a density of approximately 23.92 dwelling units per gross urban hectare and 26.711 dwellings per net site hectare. The District Structure Plan sets 'Medium Density' locational criteria of 'R30 to R60' for land which is generally surrounding areas of high amenity, such as open space.

The submitted Structure Plan is considered to be generally in accordance with the provisions of the District Structure Plan. This has been determined on the basis of the Structure Plan's proposed street network, associated densities and areas of Public Open Space conforming to the locations prescribed on the District Structure Plan.

Public Open Space

The Structure Plan proposes 0.2446 hectares of public open space which equates to 10.4% of the site area. The POS will form a drainage function in accordance with water sensitive urban design principles.

The POS is proposed to be accessed via a Public Access Way which will allow pedestrians from the surrounding area to gain access.

The adopted District Structure Plan included the Packham North District Water Management Strategy ('DWMS') and a Local Water Management Strategy ('LWMS'). Accordingly the applicant did not provide a separate Local Water Management Strategy as part of the Proposed Structure Plan. Both the Department of Water and the City's engineering services are satisfied with this approach. It is noted however that the future subdivision application/(s) for the subject site will require the provision of an Urban Water Management Plan which complies with the Packham North Local Water Management Strategy.

Typically, the parkway may contain a shared path, seated resting furniture, appropriate species of tree plantings and mulched dry landscaping. These details will be addressed in detail at subdivision stage. The parkland will serve the regular small scale needs of the immediate residential population within a five to ten minute walking



distance. The predominant use, as outlined within the District Structure Plan, is for informal recreation for individuals and households, especially low level children's play, dog walking and relaxation.

The advertising process for the Proposed Structure Plan did not raise any objections from submitters.

Conclusion

The Proposed Structure Plan yields a density of approximately 23.92 dwelling units per gross urban hectare and 26.711 dwellings per net site hectare. The density targets are above the minimum expectation of Directions 2031, Liveable Neighbourhoods and the District Structure Plan. In addition the Proposed Structure Plan indicates an area of approximately 10% for public open space which is designed in a north/south orientation in accordance with the District Structure Plan. As such it is recommended that Council adopts the Proposed Structure Plan subject to the mentioned modifications which deal with technical issues in the written content of the structure plan report.

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.

Moving Around

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

Budget/Financial Implications

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



Legal Implications

N/A

Community Consultation

Under the provisions of Clause 6.2.8 of the City's Scheme, public consultation is to be no less than 21 days. Advertising of this Structure Plan commenced on the 9 December 2014.

A 21 day advertising period would have concluded on the 30 December 2014 which included the Christmas and Boxing Day public holiday period. It was considered appropriate, in this instance, to advertise the proposed Structure Plan for an additional 2 weeks.

The additional advertising period was intended to offset the holiday period down-time by allow the community members and government agencies an extended period to provide comment. The extended advertising period formally concluded on the 13th January 2015 which totalled 35 days.

Advertising included a notice in the Cockburn Gazette, notice on the City's webpage, letters to selected landowners within and surrounding the Structure Plan area and letters to selected State Government agencies.

Council received a total of 5 submissions of which 1 was from a local resident and the remaining 4 were provided by government agencies. All 5 submissions were in support of the proposal.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions which provides detailed comments on the issues raised (Attachment 4).

Attachment(s)

1. Location Plan
2. Aerial Photograph
3. Structure Plan Map
4. Schedule of submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.



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

Nil.

14.11 (MINUTE NO 5453) (OCM 12/2/2015) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 107 - REZONING PORTIONS OF LOT 14 FREDERICK ROAD AND PORTION LOT 34 CLARA ROAD, HAMILTON HILL AND LOT 110 MARCH ROAD, SPEARWOOD - APPLICANT/OWNER: CITY OF COCKBURN (109/043) (M CAIN) (ATTACH)

RECOMMENDATION

That Council

- (1) endorses the Schedule of Submissions prepared in respect of Amendment No. 107 to City of Cockburn Town Planning Scheme No.3 ("Scheme");
- (2) in pursuance of Section 75 of the Planning and Development Act 2005, adopt for final adoption Amendment 107 to the Scheme for the purposes of:
 1. Rezoning portion of Lot 14 (75) Frederick Road, Hamilton Hill from 'Lakes and Drainage' to 'Residential R40'.
 2. Rezoning portion of Lot 34 (27) Clara Road, Hamilton Hill from 'Lakes and Drainage' to 'Residential R30'.
 3. Rezoning Lot 110 (29) March Street, Spearwood from Special Purpose 'Pre-School' to 'Residential R40'.
 4. Amending the Scheme Map accordingly.
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 8/0



Background

This amendment comprises three sites that are being proposed for rezoning. These sites are:

- The northern portion of Lot 14 (75) Frederick Road, Hamilton Hill from 'Local Reserves – Lakes & Drainage' to 'Residential R40'.
- The front portion of Lot 34 (27) Clara Road, Hamilton Hill from 'Local Reserves – Lakes & Drainage' to 'Residential R30', and; Lot 110 (29) March Street, Spearwood from 'Special Purpose Pre-School' to 'Residential R40'.

Attachment 1 contains a locality plan for the subject sites.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Lakes and Drainage' under the City's Town Planning Scheme No. 3 ("Scheme").

The subject sites at Lot 14 Frederick Road and Lot 34 Clara Road, Hamilton Hill are subject to existing subdivision applications currently being assessed by the Commission.

The amendment was referred to the Environmental Protection Authority who granted consent to advertise. The amendment was subsequently advertised for public comment for a period of 42 days between the 16 December 2014 to 27 January 2015; in accordance with the requirements of the *Town Planning Regulations 1967*.

No submissions were received during this period. The purpose of this report is to consider the amendment for final adoption in light of the advertising process having taken place.

Submission

N/A

Report

The proposal seeks to rezone three portions of land; two parcels located in Hamilton Hill and one in Spearwood.

Proposed Amendment

The City has undertaken detailed review of the three subject sites in conjunction with the City's Land Management Strategy and has established that both 'Lakes and Drainage' sites are no longer required to be utilised solely for the purpose of drainage.

Following investigation by the City, it is proposed that both sites be partially rezoned for the purpose of residential development.



Lot 14 Frederick Road, is surrounded by residential development, mixed business and local centres, and will see increased residential densities from the Hamilton Hill Revitalisation Strategy over the coming years. The current size of the drainage sump is in excess of what is required and therefore it is proposed to rezone the top portion of the lot to 'Residential R40' in accordance with lots in the surrounding area (refer to attachment 2).

Lot 34 Clara Road is also a drainage sump and is located off Forrest Road. The front portion of this lot is currently vacant and is not affected by the location of the sump. Following detailed investigation, the location of the sump was reviewed and is proposed to be relocated to the rear of the lot, allowing for residential development to be positioned on the front lot (refer to attachment 3). This site has no other constraints and is highly suited to residential development. The land has been made available to all surrounding landowners for purchase.

Lot 110 March Street is currently a child health care centre operated by the City. The site is staffed by two nurses who are being relocated to the City's Starling Street Centre, leaving the premises vacant. Due to the buildings condition, it is not proposed to continue to use the site as a health care facility. As such, due to the site's ideal location in a developing residential area with close proximity to services, the City has identified that this site holds a greater development potential than what is currently being achieved. It is therefore proposed to rezone and sell this site as per the City's Land Management Strategy (refer to attachment 4).

Community Consultation

In accordance with the *Town Planning Regulations 1967*, community consultation was undertaken subsequent to the Local Government adopting the Scheme Amendment and the Environmental Protection Authority advising that the proposal was environmentally acceptable.

Community consultation was undertaken from 16 December 2014 to 27 January 2015. During this period, the City received no submissions from government/servicing authorities or landowners.

Conclusion

In summary it is recommended that Council adopt for final adoption the proposed Scheme Amendment No. 107.



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.

Budget/Financial Implications

The result of this Scheme Amendment will be the ability to develop or sell the northern portion of Lot 14 Frederick Road, Hamilton Hill, the front portion of Lot 34 Clara Road, Hamilton Hill and Lot 110 March Street, Spearwood.

Legal Implications

N/A

Community Consultation

This was undertaken in accordance with the *Town Planning Regulations 1967*.

Attachment(s)

1. Location Plan for Proposed Rezoning
2. Proposed Rezoning Lot 14 Frederick Street, Hamilton Hill
3. Proposed Rezoning for Lot 34 Clara Road, Hamilton Hill
4. Proposed Rezoning for Lot 110 March Street, Spearwood

Advice to Proponent(s)/Applicant

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2015 Council Meeting.

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

Nil.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 5454) (OCM 12/2/2015) - LIST OF CREDITORS PAID - NOVEMBER & DECEMBER 2014 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for November and December 2014 respectively, as attached to the Agenda.

COUNCIL DECISION

MOVED Cllr Y Mubarakai SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

The List of Accounts for November and December 2014 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.

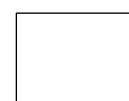
Strategic Plan/Policy Implications

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)

1. List of Creditors Paid – November 2014.
2. List of Creditors Paid – December 2014.

Advice to Proponent(s)/Submitters

N/A

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

Nil.

15.2 (MINUTE NO 5455) (OCM 12/2/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - NOVEMBER & DECEMBER 2014 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Statement of Financial Activities and associated reports for November and December 2014 respectively, as attached to the Agenda; and
- (2) amend the 2014/15 Municipal Budget by:
 1. Including \$1,085,738 of POS cash-in-lieu contributions against OP 8260-5758 and transferring this amount into the Beeliar POS Cash-in-Lieu Trust Reserve.
 2. Including rent revenue of \$10,000 from DFES against OP 7696-5324, offset by expenses of \$6,000 against OP 7696-6200 for the temporary move of Success Fire Station to the CVES building in Cockburn Central.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

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

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

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

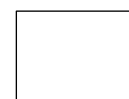
Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

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

Given there was no Council meeting in January, the November statement is required to be adopted by Council together with the December statement. However, this report only addresses the December financial results.

Opening Funds

The opening funds actuals of \$13.17M represents the audited closing municipal position for 2013/14. The revised budget currently shows an opening funds position of \$13.28M taken up before audit with the adoption of the carried forwards in October 2014. The variance of \$0.1M has been addressed in the mid-year budget review.

The opening funds cover the \$3M surplus forecast in the adopted budget, \$8.9M of municipal funding attached to carried forward works & projects and a residual balance of \$1.3M in uncommitted funds that was applied to the CCW Development Fund Reserve in accordance with Council's budget policy.

Closing Funds

The City's closing funds of \$70.3M are \$8.5M higher than the YTD budget target. This comprises net favourable cash flow variances across the operating and capital programs as detailed later in this report.

The revised budget shows end of year closing funds of \$10,443 up slightly from October's total of \$6,443 due to net additional rent revenue from DFES for temporary use of the Emergency Services building in Cockburn Central.

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

Operating Revenue

Consolidated operating revenue of \$105.1M was ahead of the YTD budget forecast by \$1.0M. The significant variances in this result were:

- Rates revenue is \$0.27M ahead of YTD budget due to higher part year rating adjustments.
- Fees & charges were collectively \$0.35M ahead of YTD budget with no material variances attributable to any specific area.



- Operating grants & subsidies were also over YTD budget by \$0.42M comprising \$0.28M in additional child day care subsidies received and \$0.17M of various Human Services grant funding received ahead of budget.

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

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$56.8M was under the YTD budget by \$0.9M and comprised the following significant items:

- Material and Contracts were \$0.8M under YTD budget with Waste Services comprising \$0.6M of this variance.
- Depreciation expense was \$0.26M under YTD budget, comprising buildings being under by \$0.28M and parks equipment under by \$0.29M, offset by roads being over by \$0.39M. This has been addressed in the mid-year budget review.
- The cost of utilities was down \$0.24M against YTD budget.
- Direct employee costs were \$0.36M over the YTD budget, with no significant variance against any one particular business area.

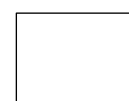
A more detailed explanation of the variances within each business unit is included in the attached financial report.

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

Nature or Type Classification	Actual Expenses	YTD Revised Budget	Variance to YTD Budget	FY Revised Budget
	\$M	\$M	\$	\$M
Employee Costs - Direct	21.53	21.17	(0.36)	43.44
Employee Costs - Indirect	0.39	0.46	0.08	1.27
Materials and Contracts	16.85	17.65	0.80	35.12
Utilities	2.05	2.30	0.25	4.58
Interest Expenses	0.07	0.07	0.00	0.12
Insurances	1.98	2.03	0.05	2.34
Other Expenses	3.18	3.13	(0.05)	7.58
Depreciation (non-cash)	12.19	12.45	0.26	24.91

Capital Expenditure

The City's total capital spend at month end was \$14.8M, representing an under spend of \$8.5M on the YTD budget of \$23.3M.



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

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	Annual Budget \$M	Commit Orders \$M
Roads Infrastructure	3.53	5.11	1.58	16.42	2.84
Drainage	0.28	0.71	0.43	1.60	0.12
Footpaths	0.64	0.84	0.20	1.29	0.05
Parks Hard Infrastructure	1.39	1.42	0.03	8.22	1.19
Parks Soft Infrastructure	0.31	0.32	0.01	0.92	0.10
Landfill Infrastructure	0.10	0.11	0.01	1.49	0.00
Freehold Land	0.92	1.41	0.49	2.18	0.06
Buildings	5.42	9.18	3.76	31.70	3.35
Furniture & Equipment	0.01	0.01	0.00	0.01	0.00
Computers	0.51	0.98	0.48	1.19	0.08
Plant & Machinery	1.71	3.21	1.50	5.58	2.37
Total	14.82	23.32	8.49	70.61	10.15

The major variances are within the buildings, roads infrastructure and plant & machinery asset classes. Further details on 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 (developer contributions received).

Significant variances for December include:

- Transfers from financial reserves were \$7.0M behind budget, consistent with the capital under spend.
- Developer contributions received under the Community Infrastructure plan are \$1.9M ahead of the YTD budget and this has been reviewed in the mid-year budget review.
- Developer contributions totalling \$0.7M received for Success North, Munster Yangebup East and Packham North DCP areas ahead of the YTD budget.
- Unbudgeted POS Cash in Lieu contribution of \$1.1M received for a Beeliar land development.
- Fremantle Football Club contributions to the CCW Cockburn Regional Physical Activity and Education Centre exceeded the budget setting by \$0.5M



- Road project grant funding is \$1.3M ahead of YTD budget. This includes \$1.1M received of an additional grant of \$1.6M from Mains Road for the North Lake Road (Hammond to Kentucky) project. This has been taken up in the mid-year budget review.
- The Lotteries Commission grant of \$0.5M towards the Cockburn Health & Community building project is yet to come in. This is now expected in February 2015.
- Proceeds from the sale of land from various sub-divisions (\$2.4M) and plant assets (\$0.2M) were collectively \$2.6M behind YTD budget settings.

Cash & Investments

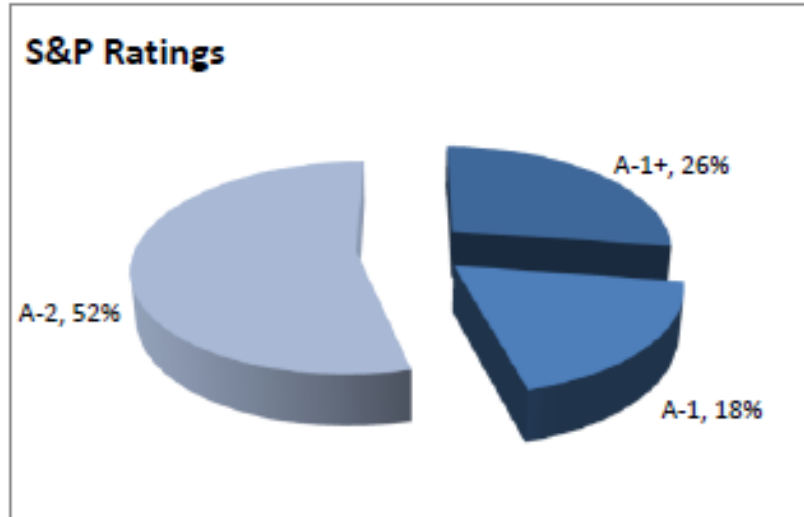
Council's cash and financial investment holding at month's end totalled \$146.8M, down from \$152.4M the previous month. Of this balance, \$82.6M represented the amount held in the City's cash backed financial reserves. Another \$3.9M represented funds held for other restricted purposes such as deposit and bond liabilities. The remaining \$60.3M represented the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments.

The City's investment portfolio made a weighted annualised return of 3.62% for December, which was down from 3.63% in November and 3.65% in October. Whilst the result compares favourably against the BBSW 6 month annualised rate of 2.82%, the return continues to trend downwards due to the low official Australian cash rate of 2.50% and the increasing market expectation of rate cuts in 2015.

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

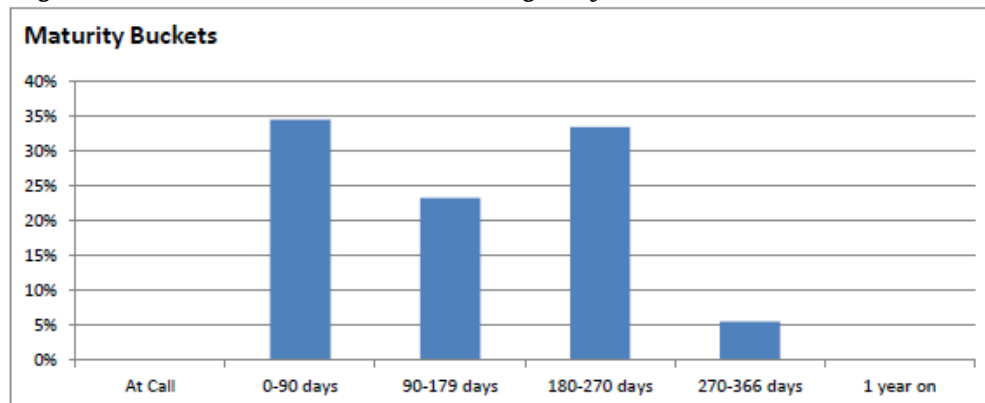


Figure 1: Council Investment Ratings Mix



Given the uncertainty around the timing and extent of possible interest rate cuts this year, the current investment strategy aims to secure the best rate on offer, subject to cash flow planning requirements. The City's investment portfolio currently has an average duration of 145 days, graphically depicted below:

Figure 2: Council Investment Maturity Profile



Budget Revisions

The budget needs to be amended to include a POS Cash in Lieu contribution of \$1,085,738 for a land development in Beeliam. These funds are to be held in the POS Cash in Lieu Trust Reserve.

Amendment is also required for rent revenue of \$10,000 from DFES for the temporary move of Success Fire Station to the CVES building in Cockburn Central, offset by associated expenses of \$6,000. These will impact the 2014/15 Municipal Budget by increasing the City's forecast closing funds from \$6,443 to \$10,443. This amount has been used to balance off the mid-year budget review and return the budget to a balanced position.



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

Budget amendments included in the recommendation increase the City's closing Municipal Budget position for 30 June 2015 by \$4,000 to \$10,443.

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

1. Statement of Financial Activities & associated reports – November 2014.
2. Statement of Financial Activities & associated reports – December 2014.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (MINUTE NO 5456) (OCM 12/2/2015) - REVIEW OF ANNUAL BUSINESS PLAN 2014/15 AND MID-YEAR BUDGET REVIEW 2014/15 (075/011; 021/002) (S DOWNING) (ATTACH)

RECOMMENDATION
That Council

1. notes the information in relation to the 2014/15 Annual Business Plan: and
2. amend the Municipal Budget for 2014/15 as set out in the Schedule of Budget amendments, as attached to Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0



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 each year.

Council adopted its annual Municipal Budget at the Ordinary Council Meeting in June 2014. In accordance with the Local Government Act and associated Regulations a formal report on the progress of the Budget is presented to the February 2015 Ordinary Council Meeting.

Submission

N/A

Report

Annual Business Plan Review 2014/15

Each year a review would be presented on the adopted Annual Business Plan. As all key staff, who would normally prepare the mid-year review of the Annual Business Plan have been heavily involved in Local Government Reform – amalgamation with the City of Kwinana and the Divestment of the northern suburbs to the new Cities of Fremantle and Melville, the update has been deferred to June 2015 where a comprehensive report will be presented to Council. Should the amalgamation with the City of Kwinana fail to materialise, a report will be presented earlier.

Mid-Year Budget Review

A detailed schedule on the review of the Municipal Budget for the period 1 July 2014 to 31 December 2014 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. The recommended adjustments are in addition to the normal monthly adjustments to the adopted budget that are presented for Council's consideration and determination as part of the ordinary course of Council business.

Rating Income

The City has not yet achieved the annual interim rates budget of \$1.36m within the first six months and to date has achieved \$0.92m as



against a budget of \$0.68m. At the time of writing this report, the City has achieved \$1.26m of the interim rates budget. 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 developments completed 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% for City funds on deposit, the City is now receiving 3.0% to 3.5%. This has caused a re-budgeting of the overall interest income account requiring a negative adjustment of \$0.5m. The impact might for the balance of the financial year is unknown as the RBA considers lowering 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 be on budget for the first six months, although reduced from prior years due to stronger competition in the market place. The State Government's Landfill levy has increased as at 1 January from \$28 to \$55 per tonne. This will impact on margins at the HWRP as the market will not accept such a large one-off increase. 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 2014/15 after all expenditure (including landfill levy) and transfers to reserves.

Waste Collection Levy income will be higher by \$0.24m resulting from higher interim rates. 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 \$0.68m versus the budget of \$0.62m, primarily due to higher activity in the planning phase of the construction process with over 500 planning DA's approved. Building Licence fee income is ahead of budget at \$0.65m versus the budget of \$0. 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. Adjustments have been recommended to account for this increase in transactional activity.

All other operating revenue items are running in line with the budget.

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) running at \$72k of the overall \$100k budget. 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. Last year the City ended up with less than \$0.5m in outstanding rates.

Information Technology

Additional licencing costs were incurred via Microsoft and Technology One due to growth. Additional lease costs were incurred as new servers and IT equipment associated with the now commissioned DR centre. A budget adjustment has been recommended for this item.

South Lake Leisure Centre

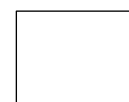
There is an underspend as at 31 December of \$99k for SLLC, but this will be offset with a write down in the revenue due to increased competition for health and fitness facilities and the ageing nature (& small) of the SLLC offering. This will be remedied by the new CCW facility.

Child Care

This is approximately \$300k over spent but this is a direct consequence of the additional grant income received.

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.



Roads Construction and Maintenance

This is ahead of budget due to adjusted depreciation for road assets. A budget adjustment has been recommended.

Summary of Capital Expenditure to 31 December 2014

	Full Year Budget	YTD Spend	%	Full estimate	%
Light Vehicle Purchase	\$1.38	\$0.65	47%	\$1.38	100%
Major Plant Purchases	\$4.01	\$2.96	74%	\$3.50	87%
Building Improvements - Minor	\$2.97	\$1.03	35%	\$1.25	42%
Building Improvements - Major	\$3.00	\$0.44	15%	\$1.50	50%
Asset Management Services	\$0.07	\$0.05	70%	\$0.07	100%
Crossovers	\$0.10	\$0.07	72%	\$0.10	100%
MRRG Road Rehabilitation	\$1.07	\$0.58	54%	\$0.70	65%
Drainage	\$1.06	\$0.17	16%	\$0.25	23%
Sumps	\$0.53	\$0.20	37%	\$0.35	66%
Traffic Management	\$0.72	\$0.02	3%	\$0.38	52%
Roads Construction	\$6.86	\$0.78	11%	\$3.20	47%
Resurfacing	\$1.04	\$0.49	47%	\$1.04	100%
Fed Black Spot Program	\$0.00	\$0.01	0%	\$0.01	0%
State Blackspot Program	\$2.42	\$0.87	36%	\$1.40	58%
MRRG Road Construction	\$4.51	\$2.41	53%	\$3.00	67%
Bus Shelter Construction	\$0.19	\$0.08	45%	\$0.19	101%
Bike Plan	\$0.07	\$0.02	29%	\$0.07	102%
Footpaths Rehabilitation	\$0.34	\$0.15	44%	\$0.30	87%
Footpaths New	\$0.69	\$0.39	56%	\$0.69	100%
Subdivisional Works	\$0.04	\$0.01	20%	\$0.04	100%
Environmental Works	\$0.85	\$0.24	29%	\$0.65	76%
Construction of Parks	\$7.88	\$2.15	27%	\$3.90	49%
Waste Disposal	\$1.49	\$0.10	7%	\$0.20	13%
Land Development	\$2.18	\$0.98	45%	\$1.70	78%
Cultural Services	\$0.15	\$0.00	0%	\$0.15	100%
Aged & Disabled - HACC	\$0.20	\$0.03	13%	\$0.20	100%
Human Services	\$0.02	\$0.16	872%	\$0.02	108%
Law, Order & Public Safety	\$0.27	\$0.25	92%	\$0.27	102%
SLLC	\$0.03	\$0.02	77%	\$0.03	96%
Recreation	\$0.17	\$0.03	18%	\$0.17	100%
Spearwood Library	\$0.01	\$0.01	79%	\$0.01	100%
Management Library Services	\$0.02	\$0.02	91%	\$0.02	100%
Software Developments	\$0.65	\$0.16	24%	\$0.40	62%
IT Infrastructure					
Computer Equipment	\$0.23	\$0.16	72%	\$0.20	89%
Corporate Governance	\$25.74	\$7.45	29%	\$15.00	58%



	Full Year Budget	YTD Spend	%	Full estimate	%
Total Capital Expenditure	\$70.96	\$23.14	33%	\$42.33	60%

Comments on the Progress of the 2014/15 Capital Expenditure Program

Major Projects

The Cockburn Integrated Health Facility has been opened and is fully tenanted apart from 400 square metres of space, for which the City is now in final negotiations to lease. The bank guarantees from the former builder are subject to legal advice and final cost of the facility as per the quantity surveyor's report. CCW is progressing with the tender and final design in conjunction with the preferred tenderer, Brookfield Multiplex. The land works at CCW are now in progress by Landcorp with a cost of \$5.66m to be paid in this financial year.

Other Projects

Municipal Budget position as at 31 December 2014

Based on the attached budget amendments, the City's municipal budget position for 2014/15 is projected to 30 June 2015 as follows:

Projected Budget Position of 2014/15 and adoption of these recommendations:

Adopted Closing Municipal Position for 2014/15	Nil	Surplus
ADD net budget adjustments before statutory budget review	10,443	Reported in monthly Agenda
Closing Municipal Position before mid-year review	10,443	Surplus
Mid-year budget review items:		
Opening funds adjustment	-106,442	
Net revenue (external funding)	4,656,285	
T/F from Reserves	-2,273,321	
Net adjustment - capital expense	967,907	
Net adjustment - operating expense	-692,822	
T/F to Reserves	-2,562,050	
Net mid-year budget review adjustment	-10,443	Increased Surplus
Closing Municipal Position after mid-year review	Nil	Balanced Budget



All additional funds arising from the Mid-Year Budget Review have been allocated to the Local Government Reform OP Budget.

Parameters for Draft 2015/16 Municipal Budget

The Draft 2015/16 Municipal Budget has commenced in line with prior advice due to Local Government Reform.

First Budget Forum – Thursday, 19 February 2015 – Capital Works, new projects/initiatives, new staff requests, differential rates and operating budgets.

Second Budget Forum – Thursday, 16 March 2015 – Review of items from First Budget Forum.

Adoption of Budget – Thursday, 11 June 2015 – Ordinary Council Meeting. This is subject to Local Government Reform.

Below are the parameters set for the 2015/16 Draft Operational Municipal Budget. These parameters are primarily from the Long Term Financial Plan:

Income

- Rates & Waste Management Charge - As per the LTFP, rates forecast to increase by 3.5% to 4% with a growth factor of 2% per annum.
- Fees and Charges – Forecast to increase by CPI apart from statutory restricted charges, which will rise as the state government directs. SLLC will increase by 5%.
- Interest Income – Remain consistent with 2014/15 as interest rates are not forecast to move. (Subject to action by the RBA)
- 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 1% to fund new staff.
- Materials and Contracts – Increase the overall budget by 2.0% in line with CPI.
- Insurance – Increase the overall budget by 3% 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 2.0% in line with CPI apart from the landfill levy which will fall in line with lower revenue forecasts from the HWRP. Note the Landfill Levy rose on 1 January 2015 from \$28 to \$55 per tonne of waste.



Impact of Local Government Reform

The City of Cockburn after divestment of the northern suburbs of Hamilton Hill, part of North Coogee, Coolbellup, Leeming, North Lake and Jandakot airport will be 80% of its former size. As such, budgets have been trimmed to reflect this new Cockburn for both income and expenditure. Costs which have not or cannot be divested will be captured to truly reflect the cost of Local Government Reform.

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)

Mid-Year Municipal Budget Review 2014/15.

Advice to Proponent(s)/Submitters

N/A

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

Nil.

15.4 (MINUTE NO 5457) (OCM 12/2/2015) - EXECUTION OF THE LOCAL GOVERNMENT MASTER LENDING AGREEMENT - WA TREASURY CORPORATION (WATC) & CITY OF COCKBURN (074/002) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council:

- (1) enters into a Master Lending Agreement with Western Australian Treasury Corporation as per the Agreement attached to this report;
- (2) endorse the affixation of the Common Seal of the City of Cockburn to the said Master Lending Agreement in the presence of the Mayor and the Chief Executive Officer, each of whom shall sign the document to attest the affixation of the Common Seal thereto; and
- (3) from time to time authorise the Chief Executive Officer to sign schedule documents under the Master Lending Agreement and to give instructions thereunder on behalf of Council.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Loan funds are provided by the Western Australian Treasury Corporation (WATC) to Council on an ad-hoc basis as and when Council require such funds. In the past three years, Council has borrowed loan funds to complete the underground power projects in Hamilton Hill and Coolbellup together with the construction of the Emergency Services Facility in Cockburn Central. Each time a Council requires to borrow funds it must make a separate application to WATC as it did for the above loans in conjunction with gaining Council approval through the annual budget process.

Submission

N/A

Report

The WA Treasury Corporation (WATC) has commenced a new process in relation to the attached Master Lending Agreement. Rather than making formal application for each loan, Councils can sign a Master Lending Agreement to assist with the documentary process associated with each loan. Council is still required to approve any loan application through the annual budget process, but the Master Lending Agreement will speed up the process undertaken by WATC.

The Master Lending Agreement has been provided to all Metropolitan Councils to sign with Melville, Fremantle and Kwinana having already executed their Agreements under Common Seal.

A review of the Agreement poses no restrictions upon Council, other than to notify the WATC if Council should enter into loan agreements with any other lending institutions other than WATC. The City has not entered into any such lending agreements. The only agreements the City has entered into are noted in the Background Section to this report.



Normally the Common Seal would be affixed under delegation; however, at the insistence of the WATC, a formal Council resolution has been requested for the purposes of affixing the Common Seal.

All funds advanced by the WATC to Council are secured by a charge of the general or municipal funds of Council.

This document is required to be executed for the City to obtain loan funds for the Regional Physical and Educational Centre at Cockburn Central West.

Strategic Plan/Policy Implications

Growing City

- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Infrastructure

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

A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.
- Investment in the local economy to achieve a broad base of services and activities.

Budget/Financial Implications

There is no cost associated with the preparation of this agreement.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Master Lending Agreement – WATC and the City of Cockburn

Advice to Proponent(s)/Submitters

N/A



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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES**17.1 (MINUTE NO 5458) (OCM 12/2/2015) - THE REPORTING OF CRIME STATISTICS IN THE CITY OF COCKBURN (016/007; 027/014) (R AVARD)****RECOMMENDATION**

That Council receive the report on the reporting of crime statistics in the City of Cockburn.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that Council adopt the recommendation with the inclusion of sub-recommendation (2) as follows:

- (2) the Neighbourhood Watch Reference Group endorse and implement a strategy which facilitates the reporting of property crime in Cockburn attended to by glass repair businesses.

CARRIED 8/0

Reason for Decision

One of the motivating factors behind this Matter for Investigation was to encourage the reporting by business operators, of crime resulting from glass breakage where it has not been done by the property owner. There is anecdotal evidence that in many cases people simply do not report these crimes because they are quickly addressed and accepted by Insurers, which overcomes the need for the matter to be reported to Police. Neighbourhood Watch would like to investigate the possibility of initiating a program whereby these crimes are reported and thereby more accurately reflected in the crime statistics.



Background

At its meeting of 11 September 2014 Councillor Portelli requested to have as a Matter for Investigation Without Debate on the following:

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

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

Submission

N/A

Report

Matters raised for investigation without debate have been noted in order and responses provided:

1. How many glass repair businesses are there in Cockburn?

There are 36 glass repairers in the Yellow Pages (Atwell 1, Beeliar 2, Bibra Lake 12, Cockburn Central 5, Coolbellup 1, Hamilton Hill 1, Hammond Park 1, Jandakot 7, South Lake 1, Spearwood 2, Success 1, Yangebup 2).



2. Are there any glass repair companies not based in Cockburn that are used within the boundaries because it is prominent?

There are a total of 268 companies actually shown in Yellow Pages when 'City of Cockburn' is entered as the location address. These are firms that see themselves as operating in the City area. There may well be many other glass repair firms that operate in the City of Cockburn but it would be extremely difficult to determine the number.

3. A list of companies and addresses for potential approaches by NHW, volunteers or the police.

There is a list of glass repair and installation companies with contact details available in the Yellow pages.

4. Phone survey the companies that ascertain with the lack of reporting of crime to the police as evidenced.

A sample of 20% of companies based in Cockburn were randomly picked and contacted. In every instance (7 companies) the responsibility for notifying the police lies with the owner, and the only involvement between glazier and police is when forensics are involved and the police give clearance for the glass to be replaced/repared. Usually though the owner seeks clearance from police for work to proceed.

5. Present such findings to Council with a view of forwarding to the police.

Notification to the Police of an attempted break and enter or actual break and enter, must be made by the owner/occupier. Of course police will attend to calls when a third party believes a break and enter is actually taking place or has taken place, but it is not expected to be the responsibility of the repairer to report such activity. The owner is most likely to know whether there has been a break and enter rather than some other reason for glass being broken.

6. Question the police as to how they can assist in addressing potential issues.

The police website is very clear on reporting such incidents <http://www.police.wa.gov.au/Yoursafety/Reportacrime/tabid/1016/Default.aspx#burglary> and must follow the guidelines/procedures.

7. Are all crimes committed against the City of Cockburn reported to the police?



Damage to City property is reported immediately, when sighted, by Co Safe (a police report number obtained and information forwarded to Building Maintenance Manager for actioning). All criminal activity is reported to police via 131 444, Crime stoppers, Co - Safe Operational Report, telephone call to Local Policing Team (Murdoch or Cockburn Police) and /or email.

8. Is it mandated by administration that all crime must be reported?

The definition of crime is very broad ranging from minor vandalism (breaking of a tree branch on a reserve) through to a homicide. Very minor incidents of vandalism for example are not reported to the Police as it would be a waste of officers and Police time to report every single act of vandalism. When the offence is relatively significant damage to City property it will be reported as insurance claims require police to be advised. All graffiti of any note is reported to the Police through the Police procedure.

9. Is it policy?

There is no policy that requires every incident of crime to be reported but the practise is that crime against City property is reported and is always reported if there is an insurance claim to be made.

10. Who is responsible for reporting?

The party responsible for the reporting of a crime is the victim in the case of a member of the community. Whenever Co Safe is aware that a crime has taken place it is always reported to the local police, but without the victim seeking to have charges pressed no action by the police will be taken.

11. Is there a database for such crime?

The police website has a database for crimes committed but this will only reflect what has been reported. <http://www.police.wa.gov.au/Aboutus/Statistics/Searchcrimestatistics/tabid/998/Default.aspx>

The City's Community Safety & Security Service seek to educate the City's residents to be more involved in reporting criminal/suspicious activity, and through strong links with the police is moving towards this goal.



Strategic Plan/Policy Implications

Community & Lifestyle

- Communities that take pride and aspire to a greater sense of community.
- Safe communities and to improve the community's sense of safety.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submitters

N/A

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

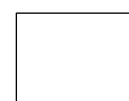
Nil.

- 17.2 **(MINUTE NO 5459) (OCM 12/2/2015) - BUSINESS PLAN FOR THE REGIONAL PHYSICAL ACTIVITY & EDUCATION CENTRE (RPAEC) AT COCKBURN CENTRAL WEST AND BUSINESS OPERATIONS & MANAGEMENT PLAN FOR THE COCKBURN REGIONAL AQUATIC & RECREATION CENTRE (CRARC) (154/006) (A LACQUIERE) (ATTACH)**

RECOMMENDATION

That Council

- (1) endorses the Business Operations and Management Plan (BOMP) prepared by Warren Green Consulting for the Cockburn Regional Aquatic & Recreation Centre (CRARC), as attached to the Agenda;



- (2) adopts the updated Business Plan for the RPAEC, as attached to the Agenda, to incorporate the BOMP information identified in sub-recommendation (1) above;
- (3) consider an allocation of funds in the 2015/16 Budget to undertake pre-opening tasks as part of the establishment and commissioning of the CRARC; and
- (4) request for a detailed report to be provided to Council on the performance of the facility after 12 months of operation.

TO BE CARRIED BY AN ABSOLUTE MAJORITY COUNCIL

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

At the July 2013 Ordinary Council Meeting, Council received a Business Plan developed by the City's Administration to develop a regional aquatic and recreation facility. The receiving of the Business Plan was the catalyst to further develop the concept of a regional recreational community facility that would also include a unique integration with an elite sporting club (Fremantle Football Club) and a tertiary education institution (Curtin University). The Business Plan was developed in accordance with the provisions of the Local Government Act 1995 Section 3.59 – "Commercial Enterprise by Local Government". A review of the Business plan was undertaken by AEOM Davis Langdon and KMPG with the key findings presented and addressed to the Council at the July 2013 meeting.

At the meeting held on the 12 June 2014, Council endorsed the final concept design of the RPAEC but also recommended the City to; "*provide an updated Operations and Management Plan and Business Plan to reflect the approved Design to be reconsidered by Council by November 2014.*"

The City engaged Warren Green Consulting (WGC) in September 2014 to prepare the Business Operational and Management Plan (BOMP). WGC were the preferred consultant to undertake this work as



they had detailed knowledge of the project through previous work done for the City, and the WGC personnel included an expert facility manager with experience in successfully managing a similar sized facility in Victoria. The BOMP will provide the future management of the facility with a strong base to further develop the operational requirements and financial targets.

The City presented a summary of the report including an analysis of the operating financials to the Cockburn Central West Reference Group at the meeting held on the 27 November 2014. The City also advised that due to the timing constraints the report could not be presented for consideration before the February 2015 meeting.

The original Business Plan received at the Council meeting in July 2013 is now required to be updated and adopted by Council as recommended at the June 2014 Council meeting. The original Business Plan has now been updated in accordance with the information provided within the BOMP. This now reflects the final design of the facility and the performance being forecasted by WGC.

The original cost estimate for the City's contribution to the Regional and Aquatic and Recreation component was \$82M. An updated cost was presented to Council at the June 2014 meeting of \$79.39M which was based on the final concept design. Council resolved to endorse an amended budget of \$79.89M which included an expanded Health Club area at an additional cost of \$500K. The tendered build cost is proposed to be presented to Council in March 2015 with construction to commence in April 2015.

Submission

N/A

Report

WGC have prepared a detailed Business Operations and Management Plan for the Cockburn Regional Aquatic and Recreation Centre (CRARC). The objective of the plan is to provide the City with a detailed account of management considerations and financial forecasts that will provide the future management of the facility with a detailed road map to ensure the facility is managed in an efficient and effective manner. The plan has been developed to forecast over a 4 year period which, if successfully implemented, is forecast to achieve an operating surplus by 2017/18 and attract in excess of 800,000 visits per year. Below is a summary of the key outcomes of the BOMP and some comparisons with the original business plan and current performance of South Lake Leisure Centre (SLLC).



Attendances

There has been some considerable research on the projected attendances for the facility during the feasibility phase. The projections in the original Business Plan of 638,000 visits per year were based on the 'figures outlined in the original *'aquatic and high ball feasibility study'* completed by Coffey Sport and Leisure in September 2012. Davis Langdon and KPMG felt the facility has the capacity to attract around what the larger facilities such as Craigie Leisure Centre and Joondalup Arena are currently achieving. This is between 700K-1M visits.

The BOMP forecasts attendances of 738,143 in the first year of operation with an increase to 875,000 in the 4th year. WGC believe that the facility is likely to attract up to 1M visitations once fully matured. A comparison between the original business plan figures and the BOMP is outlined below

Year	Original CoC Business Plan projections	Operations & Management Plan
2016/17	638,500	738,143
2017/18	649,500	799,296
2018/19	661,500	840,165
2019/20	671,500	875,275

Financials

One of the key concerns for Council has been the impact on the municipal budget in operating a regional facility given the high cost of running pools in particular. Traditionally aquatic and recreation facilities operate at a loss with the local government authority providing a subsidy to keep these facilities running and available to the public. The challenge for facility managers is to ensure the subsidy level is not a financial burden on the Council's budgets. The City is fortunate to have a baseline understanding of the financial performance of a local recreation facility with the existing South Lake Leisure Centre. The original business plan for the new facility was based on industry benchmarking at the time and the overall concept design that was developed. The BOMP plan has a more refined approach with the forecasts based on the final design of the facility and the planning of the next level of detail on usage and expected targets. These latest projections are considered reasonable and achievable and will be a good indicator to measure the performance after 12 months of operation.

Below is a table outlining a comparison of the financials between the original business plan, the BOMP and the latest financials from South



Lake Leisure Centre. The table is based on the CRARC's first full year of operation.

Year 1	CoC Business Plan projections (realistic)	Operations & Business Management Plan	SLLC 13/14
Attendances	638,000	738,143	425,000
Income	\$4,830,568	\$7,032,126	\$2,852,658
Expenditure	\$5,009,582	\$7,643,304	\$3,528,745
Operating surplus/deficit	-\$179,014	-\$611,178	-\$676,087
Subsidy/profit per visit	-\$0.28	-\$0.83	-\$1.59
Depreciation	\$2,000,000	\$2,000,000	\$369,563
Surplus/deficit with Depreciation	-\$2,179,014	-\$2,611,178	-\$1,045,650

The table above highlights that operationally the facility will be a much stronger performer than SLLC, however with a higher amount of depreciation being carried the facility's overall deficit in the first year is projected to be \$2.6M as opposed to the current \$1M for SLLC and the projected \$2.1M in the original business plan. The subsidy level however is lower than what is being allowed for at SLLC and therefore the impact on the municipal budget is estimated to be less than what is currently being carried. The depreciation has only been applied to the City funded building areas, with the depreciation of those areas funded by other parties carried by them.

Year 4	CoC Business Plan projections (realistic)	Operations & Business Management Plan	Forecasted SLLC
Attendances	671,500	875,000	425,605
Income	\$5,388,101	\$9,567,472	\$3,609,522
Expenditure	\$5,145,361	\$8,842,136	\$4,464,988
Operating surplus/deficit	\$242,740	\$725,336	-\$855,466
Subsidy/profit per visit	\$0.36	\$0.83	-\$2.01
Depreciation	\$2,000,000	\$2,000,000	\$369,563
Surplus/deficit with Depreciation	-\$1,757,260	-\$1,274,664	-\$1,225,029

As outlined in the above table, by the fourth year of operation the CRARC would have matured and attracted over 875,000 visits compared to the SLLC maintaining its capacity of around 425,000. The impact is significant and shows the new facility performing at an operational surplus compared to an operational deficit still being maintained at SLLC. This is not unreasonable when compared to Craigie Leisure Centre within the City of Stirling which is operated by that City and runs at an operational surplus of approximately \$1.23 per visit.



Based on the forecasting in the BOMP and the comparisons of the financials between the original business plan and current performance of SLLC, the City should be comfortable with the projections for the new facility which is not going to have a significant impact on the municipal funds when compared to the current and future status of the SLLC financials.

A further operating surplus can be achieved with the investment of a large scale solar photovoltaic (PV) system that is not included in the report however is being investigated separately by the City. There is a potential for this initiative to have a significant impact on reducing the facility expenditure which could result in the operational surplus per visit increasing from \$0.83 to \$1.01 in year 4.

Staffing

The staffing levels of the facility are much higher than forecasted in the original Business Plan. The staffing has been modelled on the Glen Eira Sports and Aquatic Centre in Victoria, which is the closest comparable facility in Australia to the CRARC. The original Business Plan allowed for 42 full time equivalent (FTE), however, the recommended projection in the BOMP is now 68 FTE to match the level of usage projected. This represents an additional \$2.2M in expenditure from the original business plan and overall is roughly 56% of the total facility expenditure. Section 4.3 of the report outlines the organisational structure and staffing costs for each year based on the current enterprise bargaining agreement. It should be noted that any increase in FTE would result in increased revenue being generated.

Pricing

The pricing has been carefully considered by the consultants and as a result the proposed pricing structure has been developed to ensure entry price is affordable and competitive. A summary of the pricing is outlined below and a further review will be completed 12 months from opening.

Year 1 2016/17	SLLC prices forecasted (2% annual increase on current prices)	Operations & Business Management Plan
Adult Swim (\$5.80 current SLLC)	\$6.40	\$7.00
Child Swim	\$5.30	\$6.00
Base Membership	\$18.80	\$20.95
Swim School	\$15.70	\$17.00
Casual Gym	\$24.95	\$24.95
Team sport fees – Adult	\$69.50	\$70.00
Family Swim	\$19.60	\$21.00
Waterslide – adult/child	N/A	\$9.00/\$7.00



ESD – Solar

Included in the overall development budget the City had set aside a budget towards specific Environmental Sustainable Design (ESD) features that would assist in reducing the operational costs, carbon foot print and meeting the City's sustainability policy objectives. During the design phase the City explored a number of major ESD initiatives such as solar photovoltaic power, geothermal heating, rain water harvesting and Cogeneration. After a number of studies, deep geothermal heating was clearly providing the City with the best investment and value when compared to the others. The project team have now made an allowance for Geothermal heating in the building works however this has absorbed the entire ESD budget of \$2.3M for the project. The payback period is approximately 6 years.

The project team continued to explore other initiatives and in particular a large scale solar photovoltaic system. A large scale system (up to 1millionWatt) would have a significant impact on the energy costs of the facility which is currently expected to cost around \$0.6M annually. A system of this size could reduce the electricity cost by 70% and would be the largest system installed in WA. Further exploration was pursued on the basis of a favourable tendered result of the main building works package allowing this cost to be absorbed into the existing budget. Should this not be the case then additional funding would be by required from Council to permit the installation of a large photovoltaic scale system. This option will be presented for consideration by Council in March when the final tendered price and recommended builder is considered.

Pre-Opening and Establishment Planning

It is imperative that the City commences the planning and transitioning from SLLC to the new CRARC as of July 2015. There must be a detailed planning process in place to ensure the City is fully ready to operate the venue when commissioned for opening at the end of 2016. WGL have outlined an overview of the tasks required to complete an establishment plan in section 4 of the report.

One of the critical components required is the development of the facility name which ideally should be confirmed at the commencement of works. The City has started to develop the concept of official names to consider that will be presented to the CCW reference group and then Council for formal endorsement within the next 6 months.

The City has also commenced the development of a detailed sales and marketing plan that will be a key instrument in the performance of the facility in its first years. The collection of research and data via surveys to existing users of the SLLC and potential new users of the facility has



been completed and will inform the targets of the sales and marketing plan.

The City will need to consider a provision of funds in the next budget to allow for pre-opening tasks to commence.

Strategic Plan/Policy Implications

Growing City

- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

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.

Community & Lifestyle

- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Promotion of active and healthy communities.

A Prosperous City

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

Moving Around

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

Budget/Financial Implications

Budget and financial implications are included in the BOMP. A detailed operational budget will be required to be included in the 2015/16 Municipal budget.

Legal Implications

Sec.3.59 of the Local Government Act, 1995 refers.

Community Consultation

N/A



Attachment(s)

1. Cockburn Regional Aquatic & Recreation Centre – Business Operations and Management Plan.
2. Regional Physical & Education Centre – Updated Business Plan.

Advice to Proponent(s)/Submitters

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 5460) (OCM 12/2/2015) - LETTER TO THE PREMIER SEEKING TO RESCIND GOVERNOR'S ORDERS (089/004) (S CAIN)

RECOMMENDATION

That Council

- (1) immediately write to the Premier seeking the Government to rescind the Governor's Orders for the boundary changes over part of the District of Cockburn;
- (2) copy this correspondence to all Local Members of Parliament, the West Australian Local Government Association, the local media, the Cockburn Community Steering Group and all community and other groups within the City;



- (3) advocate to WALGA that this becomes the sector's position on all of the Governor's Orders issued for boundary adjustments;
- (4) seek a meeting with the Minister for Local Government and Communities to formally request reimbursement of the costs incurred by the City during the Local Government Reform process;
- (5) develop a communication plan to inform the community of the final outcomes of the Local Government Reform program when these are known;
- (6) acknowledge the outstanding contribution to the Local Government Reform process by Mr Stephen Cain, Chief Executive Officer, the Executive team, managers and all other staff members of the City of Cockburn for their endeavours over the period from February 2009 to now; and
- (7) acknowledge the outstanding contribution of Members of the Cockburn Community Steering Group, other community, cultural, service and sporting organisations and the extensive small business and volunteer base across the community who worked collaboratively to preserve the future sustainability of this great City.

COUNCIL DECISION

MOVED Cllr S Pratt SECONDED Mayor L Howlett that the recommendation be adopted.

CARRIED 8/0

Background

The referendum polls conducted on 7 February 2015 emphatically rejected the amalgamations of the cities of Cockburn and Kwinana along with City of Fremantle and Town of East Fremantle. The Minister for Local Government and Community is now required to reject Proposals E1 and 12 that were the subject of the polls.

While the rejection of the polls will leave 91% of the district of Cockburn intact, boundary adjustments are still in effect for the suburbs of Coolbellup, North Lake, part of Leeming and the Jandakot Airport to cede these to the new City of Melville.



The residents in these areas have consistently spoken out against these changes. With the rejection of the polls there remains the opportunity for the Government to stop the boundary adjustments too.

Submission

N/A

Report

The Local Government Reform process was initiated by the Government in February 2009. Twelve previous items have been taken to Council on this matter since then. It is estimated that the City has spent around \$2.96M on reform since this time.

Following the outcome of the referendum polls, Premier Barnett announced on Tuesday 10 February 2015 that he would respect the communities' wishes and was 'throwing up the white flag' on this matter. While the communities that had polls have stopped the changes that were due to come into effect on 1 July 2015, unless the Government rescinds Governor's Orders for the other boundary adjustments, these will still come into effect.

Under Part 9 Division 6 s9.65 (2) (a) of the Local Government Act (1995) the Government has the power to make changes to Governor's Orders as follows:

- (2) *Power given by this Act to the Governor or the Minister to make an order includes power from time to time –*
 - (a) *to revoke or cancel the order wholly or in part, with or without substituting another order.*

It is therefore relatively simple for the Government to undo the Governor's Orders issued on 24 December 2014, as the changes have not yet come into effect.

Such action needs to be undertaken immediately in order to give certainty to the community and save further expenditure on the reform changes. As this may require political advocacy the matter needs to be taken to the Government, local parliamentary members and the media. However, as the issue also has implications for the whole of the local sector, it is recommended that WALGA be lobbied for this to become its official position on reform.



Strategic Plan/Policy Implications

Leading and Listening

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

Budget/Financial Implications

The City is proceeding with the changes that are due to come into effect on 1 July 2015 and is continuing to expend a significant amount of staff resources on this matter. Expenditure to date on reform is estimated to have been around \$2.96M, which includes capital expenditure that is now redundant due to the Cockburn/Kwinana merger not proceeding. The boundary changes would see a loss of rate income to the City of around 8.5%, approximately \$5.26M.

Legal Implications

The provisions of Schedule 2.1 of the Local Government Act, 1995 apply. Section

Community Consultation

This matter continues to attract community advocacy for the retention of all suburbs within the current district of Cockburn. At the 2015 Annual Electors meeting the Presidents of the Hamilton Hill Residents Association and Coogee Beach Progress Association moved a motion seeking that their communities remain within the district of Cockburn if the poll stopped the merger. This request will be dealt with as a separate motion.

There has been much confusion around the outcomes of the Local Government Reform program. In order to counter this, a communication plan should be developed to inform the community of the final status of reform once this is known. This may include a public meeting(s), if required.

Attachment(s)

N/A

Advice to Proponents(s)/Submitters

N/A



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

Nil.

21.2 (MINUTE NO 5461) (OCM 12/2/2015) - BOUNDARY CONSIDERATIONS RESPONSE TO COCKBURN ELECTORS MEETING AND ADVICE TO OTHER LOCAL GOVERNMENTS (089/004) (S CAIN)**RECOMMENDATION**

That Council

- (7) confirm that it does not support the transfer of the suburbs of Hamilton Hill or part of North Coogee to the City of Fremantle, either at this time or in the future;
- (8) advise this position to the City of Fremantle, the Hamilton Hill Residents Association and the Coogee Beach Progress Association ; and
- (9) strongly recommend that the City of Fremantle and other local governments impacted by boundary changes resolve to seek rescission of Governor's Orders where their districts have been impacted by these intended boundary adjustments.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr L Wetton that the recommendation be adopted.

CARRIED 8/0**Background**

At the Annual Cockburn Electors meeting held on Tuesday, 3 February 2015 the following motion was moved:

That in the event the Town of East Fremantle poll votes against the amalgamation, the Hamilton Hill Community Group and the Coogee Beach Progress Association request that the City of Cockburn take the necessary steps for the suburbs of Hamilton Hill and part of North Coogee to remain under the City of Cockburn.



While it is normal protocol for a response to be prepared for the March Ordinary Council Meeting, recent pronouncements by the Mayor of Fremantle on his Council's boundary objectives, along with statements by the Premier on the cessation of the local government reform program warrant a quicker response on this matter.

The residents in Hamilton Hill and North Coogee have consistently spoken out against the proposed changes that would have come into effect if the new City of Fremantle (Proposal 12) had proceeded. The City needs to take a formal position on this matter, thereby providing the Administration with direction as to how it should respond in the face of any future unwarranted boundary moves.

Submission

N/A

Report

The previous item of Urgent Business identified the current status of the Government's Local Government Reform program. The recommended actions will see the City formally withdraw from wanting the reform process to continue.

At the Annual Electors Meeting it was the overwhelming view (ie a unanimous vote) that the City not cede any of its northern suburbs to Fremantle. Now that the referendum poll on Proposal 12 (new City of Fremantle) has been resolved, this position needs to be clearly enunciated to the City of Fremantle so they are aware of our residents' and Council's position.

However, in recognising that the City of Fremantle has also been impacted by unwanted boundary changes with the loss of its suburbs of Samson and part of O'Connor to the district of Melville, it is recommended that their Council also seek the rescission of Governor's Orders to prevent this loss.

In the event that future claims on the City's suburbs are proposed by neighbouring local governments by way of new proposals to the Local Government Advisory Board (LGAB), the City needs to be prepared to respond to these. It is recommended that unless a neighbouring local government seeks the complete amalgamation of its own district, then the City be prepared to respond with its own proposal to the LGAB. This position makes it clear that the City is not prepared to reduce its own financial sustainability in order to prop up the position of a neighbour. Given the previous positions taken on reform, it is highly unlikely that any neighbouring Local Government would propose an unwanted union.



Strategic Plan/Policy Implications

Leading and Listening

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

Budget/Financial Implications

Provision has been made in the mid-year budget review for funds to be available for any future local government reform initiative that may be required this financial year. This could include work on any new proposal.

Legal Implications

The provisions of Schedule 2.1 and Sec. 9.56(2)(a) of the Local Government Act, 1995 apply.

Community Consultation

This report deals with the motion moved at the 2015 Annual Electors meeting. Advice on this will be provided to the Presidents of the Hamilton Hill Residents Association and Coogee Beach Progress Association when Council has made its decision.

Attachment(s)

N/A

Advice to Proponent(s)/Submitters

The Hamilton Hill Residents Association and Coogee Beach Progress Association have been advised that this item will be considered at the 12 February 2015 Ordinary Council Meeting.

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

Nil.

22 (OCM 12/2/2015) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr K Allen requests that a report be prepared addressing the feasibility of adopting an area of Coogee Beach north of the shark barrier extending as far as the southern groyne of Port Coogee. The report to review to consider both



permanent access or restricted to operating between the hours of 5.00 a.m. – 9.00 a.m. as an example as a dog beach.

Clr L Smith requests that a report be prepared for Council on the following:

1. How many matters over the last three years have been referred to SAT as a result of Elected Members going against Council recommendations:
and
2. How much and at what cost has this come to the ratepayers.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 5462) (OCM 12/2/2015) - 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 K Allen SECONDED Clr L Smith the recommendation be adopted.

CARRIED 8/0



25 (OCM 12/2/2015) - CLOSURE OF MEETING

Meeting closed at 8:48 PM.

CONFIRMATION OF MINUTES

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

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

