

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 DECEMBER 2013 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 DECEMBER 2013 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

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

#### IN ATTENDANCE

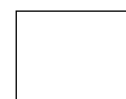
Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive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

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.05 pm and made the following announcements:

#### Local Government Reform

The State Government's announcement on Tuesday 12 November 2013 that sees the City of Cockburn being 'carved up' and its community 'sent off' in different directions to the Cities of Fremantle, Melville and Kwinana has generated widespread community debate together with an outpouring from people across our district.



The State Government's announcement saw over 80 community leaders from across our district come together for a forum within days. A representative body was formed now referred to as the Cockburn Community Steering Group.

This Group, with the assistance of the City's Elected Members and Administration has lead the focus into the community in terms of obtaining 12,000 signatures on a petition aimed at sending a clear message to the State Government and the Local Government Advisory Board of 'Hands off Cockburn.

The Co-chairs of the Group presented a comprehensive 'Community of Interest' submission to the LGAB on Friday 29 November 2013.

The day before hundreds of passionate Cockburn residents attended Parliament House where the Hon Francis Logan MLA moved a Grievance Motion in the State Parliament.

This was followed by a rally on the steps of Parliament House where the Minister for Local Government received a copy of the 'Community of Interest' proposal from the Group.

The Group is now preparing further actions to be rolled out over coming months. I take this opportunity to thank the Group, the City's Administration, Elected Members and the community of Cockburn for their support – support that will be necessary as the local government reform process enters the LGAB phase and public submission period in early 2014.

### **Awards**

Public Advocacy Institute of WA – Child Health Report Card Awards - The Best in Western Australia plus a record four category wins.

## **2. APPOINTMENT OF PRESIDING MEMBER (If required)**

Nil.

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

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



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

Nil.

**5 (OCM 12/12/2013) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Steve Portelli	-	Apology
Clr Lee-Anne Smith	-	Apology

**6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**7 (OCM 12/12/2013) - PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA

**Sarit Kanabar, Hammond Park**

*Item 14.4 – Proposed modification of Lot 412 Gaebler Road Hammond Park*

As Mr Kanabar was not present, a response will be provided in writing.

**Gavin Cornish, Yangebup**

*Item 14.11 – High Impact Telecommunications Facility*

Q1. The report mentions a native vegetation barrier as viewed from site ground level. As the residential properties on Plover Drive sit significantly higher than the site, why is this aspect not mentioned as from the higher aspect the effect of the native vegetation as a barrier is minimal?

A1. *The issue relates back to Councils Policy APD13 which talks about the location and appearance of facilities chosen to minimise visual impact. Relating to the landscaping barrier as such but more as reducing visual impact of the facility itself which is illustrated by the attachments where there is a photo montage showing telecommunications tower and the impact.*

Q2. In our prior submission one objection was the impact of the pole on property value. If independent valuations are performed pre and post



pole, how do we go about seeking compensation?

- A2. *The issue is related back to simple case in terms of Council when it takes into consideration. This doesn't include economic impact as they are very subjective in terms of assessment so therefore it is not a consideration to be taken into when Council makes its determination. There is no power to claim for compensation in relation to developments on alternative properties.*

**Wade Cornish, Yangebup**

*Item 14.11 – High Impact Telecommunications Facility*

- Q1. As a Plover Drive resident, it appears this application does not comply with at least 3 of the 4 local planning policy directives. It also does not comply with 2 of the 4 statement of planning policy directives. Why are these failings being ignored and if the planning goes ahead what avenues exist for further objections and reviews?
- A1. *It's not a case of whether it complies or not, the Policy doesn't actually say that Council has to comply with those directions, it just says that they should be taken into consideration.*

ITEMS NOT IN WRITING, ON THE AGENDA

**Tony Harris, Spearwood**

*Item 14.8 – Scheme Amendment No. 99 (Omnibus Amendment) Adoption for Final Approval*

- Q1. The section I am querying is Lot 282 Skeahan Street, Spearwood, which is the removal of the sump. Our concern is that given that we live in area that is extremely prone to flooding, residents have been flooded in the past. We understand that there is a new sump system being introduced and we are fully supportive of that, but it seems to us scandalous to remove an existing sump when the new system hasn't been proven and we haven't experienced violent weather. The question to Council and I put this on notice, if this sump is removed and any damage is sustained at any time in the future, will this Council and decision makers at this meeting give the residents assurance that they will accept total liability with all repairs and any damage costs? Furthermore, is it not prudent given that the sump is an existing sump and the new one is to improve, that the whole system be given a chance of several years to prove itself as a reliable source of water egress before the actual sump is removed?
- A1. *The system has been redesigned and redirected away from this area. On that basis we believe that the sump is surplus to our drainage*





*requirements and can be disposed of accordingly.*

- Q2. The fact that it is being developed we understand that, but until it is proven it is remarkably unreasonable to assume that the new one's going to work and remove the old one until it's proven. It is an extremely delicate area.
- A2. *What is being considered tonight is actually to change the zone. It is not to do with the sale of the site or disposal of the site. Council would invite you to speak to City Officers in more depth regarding the drainage design in more detail to give you more comfort.*

#### ITEMS NOT IN WRITING, ON THE AGENDA

##### **Colin Crook, Coogee**

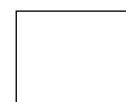
Mr Crook advised that he had submitted a series of various questions at 9.45am, prior to the 10am cut off for submissions, however they were not received by Director Governance and Community Services until just prior to the meeting and therefore had insufficient time to prepare a response.

#### ITEMS NOT IN WRITING, NOT ON THE AGENDA

##### **Arie Hol, South Lake**

###### *Reserve Funds and Rate Increases*

- Q1. Has anyone on that side of the boundary given any consideration to the matters I raised last month about the reserve funds?
- A1. *No*
- Q2. Can Mr Downing give me an accurate figure of what our current amount of reserve funds is?
- A2. *As at this morning they were around \$76M*
- Q3. And over how many years would we have accumulated that reserve fund of excess funds?
- A3. *To clarify, the first point is that they are not excess funds. Secondly, the City accumulates funds in various reserve accounts to be spent in the future such as what we are doing now, accumulating funds that will be spent on the new Cockburn Central West Recreation precinct and when that gets approved by Council we will spend those funds. We accumulate funds and look to spend them on specific projects as Council so desires and resolves to.*



Q4. Considering that we have reserve funds in excess of \$76M, why over the last few years have our rate increases been higher than the CPI?

A4. *As indicated, reserve funds are set aside every year for specific purposes for example Cockburn Central West where we have been saving for the last 2 years and will save for a further 2 years to spend the money in 2014/15 2015/16. What we do is save money every year, partly from rates and from other sources of funds so that when we actually spend the \$65M that Council will have set aside by 2015/16, we won't have to levy ratepayers any major increases. We try and budget every year to even it out so as not to have any major increases. A list of the reserve funds and further details are available in the Annual Report each year.*

Q5. Given that the City of Cockburn has guaranteed ratepayer based revenue, what is the justification for carrying so much in surplus funds?

A5. *There is a list of reserve fund accounts for specific purposes and each fund has a different amount in them. If you look at the annual report you will see each of the categories fully explained. You can appreciate we put aside money to deal with liabilities. The ratepayers and residents of Cockburn have some \$822M worth of assets you own, those assets need to be replaced. Reserve funds provide for asset replacement. You also have a requirement to build \$235M of community infrastructure in the next 10 years, \$267M of new roads infrastructure. Council needs to accrue money progressively to pay for that. The reserve fund also includes dealing with liabilities. There are \$2.5M worth of employee long service leave that we need to provision for so they get held in reserve funds. Each category of risk gets dealt with by a reserve and ultimately you are trying to provide a basis for smoothing future rate increases. This year for example where we bought in a significant amount of plant replacement, we don't have to have a large rate increase of 10% as they have down in Rockingham, because we can reach into the reserve fund and use part of that. It isn't a big magical mystery chest that is available to be dispersed. Our costs this year are basic cost of doing basic business is more than the CPI and it is each year.*

Q6. Does any of the staff or Elected Members know how many people there are in this City struggling to pay rates? What is the average rate income in the last few years? The rate revenue to the City.

A6. *Yes, we are aware. For the 2013/14 financial year, rates will total \$56.5M.*



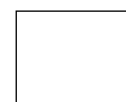
- Q7. So you have a reserve fund of 1 ½ times last year's rates income. What's it going to be next year, double the rates income? I have a concession from you which I enjoy and appreciate having but I believe through your creative accounting that is being eroded.
- A7. *A copy of the Annual Report is available and City staff are available to answer any further questions following this meeting.*

ITEMS NOT IN WRITING, NOT ON THE AGENDA

**Ray Woodcock, Spearwood**

*CCTV at Coogee Beach*

- Q1. At the Council Meeting 14 November, I asked a question about a CCTV camera at the eastern end of the Coogee Beach Jetty. Mr Green was good enough to respond with an answer telling me that it was going to cost \$200/month to service this camera if one was located on that pole. My question is, does it cost the Council \$200 to service a light for each CCTV camera in the Coogee Beach Reserve? If not, why will it just cost \$200 for one CCTV camera on the lighting pole on the eastern end of the jetty? What is the actual cost of servicing the CCTV cameras over the 12 months on the Coogee Beach Reserve?
- A1. *A written response will be provided.*
- Q2. If a camera was mounted on the pole at the eastern end of the jetty, it would be subject to the elements. The CCTV camera located on pole 21 just in front of the reserve where you walk through to the jetty, is just as high and exposed to the elements. Isn't it subject to the same elements? So what is the difference with the camera 50m away?
- A2. *A written response will be provided.*
- Q3. Did the CCTV camera located at the café opposite Power Road record a break in of 3 motor cars on Wednesday 4 December between 5-6am? Has it been recorded and checked?
- A3. *Council has not been notified of the break ins and therefore has not checked the recordings. It is a recording system, not live monitored. There is staff in the operations centre during daylight hours, however it is not possible for each and every one of the monitors to be monitored live at all times. If we have not been made aware of the incident, we will not have had the opportunity to check the recording. There is the ability to play back the recordings for all cameras, however it needs to be reported and a date/time of the incident to be advised. There are a number of cameras and sites and it is not*



*possible to look at each of them live all of the time. Most of the incidents will occur outside of daylight hours and when the monitors are not being watched. That's why they are all recorded and the recordings stored for playback at a later date once an incident is reported.*

Q4. I checked on the City website this evening and couldn't see as to where there is the Code of Conduct and ethics. Is there such a thing that is on the website? If so, I would like to read these and have questions at the next Council meeting regarding what may be put out to the electorate for candidates that are standing for election.

A4. *Yes, the Code of Conduct is available on the City of Cockburn website and link to document can be found within the 'Publications' section. Here you will find both the Elected Member and staff Codes of Conduct.*

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 5215) (OCM 12/12/2013) - ORDINARY COUNCIL MEETING - 14 NOVEMBER 2013**

#### **RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 14 November 2013 as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED 8/0**



**8.2 (MINUTE NO 5216) (OCM 12/12/2013) - SPECIAL COUNCIL MEETING - 31 OCTOBER 2013**

**RECOMMENDATION**

That Council adopt the Minutes of the Special Council Meeting held on Thursday, 31 October 2013 as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 8/0**

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

Nil.

**10 (OCM 12/12/2013) - DEPUTATIONS AND PETITIONS**

**1 x Deputation** was given:

Daryll Smith, Co-Chairperson of Cockburn Community Steering Group on Local Government Reform. Progress update on the "Hands Off Cockburn" campaign and request for further support by way of grant funding.

**1 x Petition** was received:

Submitted by Mr Ray Woodcock, of Spearwood containing an additional 71 signatures to add to the Petition in Relation to the Community Proposal to create, change the boundaries of, or abolish a district, as submitted to the Local Government Advisory Board on 29 December 2013, where over 12,000 signatures were originally submitted.

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

Nil.



**12 (OCM 12/12/2013) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil.

**NOTE:** AT THIS POINT IN THE MEETING, THE TIME BEING 7.50 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

13.1	14.1	14.10	15.1	15.6
	14.3	14.12	15.2	15.7
	14.4		15.3	
	14.7		15.4	
	14.9		15.5	

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 5217) (OCM 12/12/2013) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 21/11/2013 (026/007) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 21 November 2013, and adopts the recommendations contained therein.

**COUNCIL DECISION**

MOVED Cllr S Pratt SECONDED Cllr K Allen that the recommendation be adopted.

**CARRIED 8/0**



## **Background**

A meeting of the Audit and Strategic Finance Committee was conducted on 21 November 2013.

## **Submission**

N/A

## **Report**

The Audit and Strategic Finance Committee received and considered the following items:

1. Legal Proceedings between Council and other parties.
2. Draft Organisational Risk Registers.
3. 2012/13 Annual Financial Statements and External Audit Report.
4. Annual Performance Review of Monetary and Non-monetary Investments.
5. Internal Audit Projects for 2013/14.

## **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**

As contained in the Minutes.

### **Legal Implications**

As contained in the Minutes.

### **Community Consultation**

N/A



**Attachment(s)**

Minutes of the Audit and Strategic Finance Committee Meeting – 21 November 2013.

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

N/A

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

Nil.

**13.2 (MINUTE NO 5218) (OCM 12/12/2013) - MINUTES OF THE DELEGATED AUTHORITIES, POLICES AND POSITION STATEMENTS COMMITTEE MEETING - 28/11/2013 (026/005) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 28 November 2013 and adopts the recommendations contained therein.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 28 November 2013. The Minutes of the meeting are required to be presented.

**Submission**

N/A





## **Report**

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

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

## **Strategic Plan/Policy Implications**

### **Leading & Listening**

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

## **Budget/Financial Implications**

As contained in the Minutes.

## **Legal Implications**

N/A

## **Community Consultation**

As contained in the Minutes.

## **Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 28 November 2013.

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

N/A



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

Nil.

**13.3 (MINUTE NO 5219) (OCM 12/12/2013) - FINAL ADOPTION - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) AMENDMENT NO. 2 LOCAL LAW 2013 (CC/P/009) (J NGOROYEMOTO)**

**RECOMMENDATION**

That Council

1. Pursuant to section 3.12(4) of the Local Government Act 1995 proceed to make the *City of Cockburn (Local Government Act) Amendment No. 2 Local Law 2013*.
2. Authorise the affixing and witnessing of the Common Seal to the adopted local law.

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

**COUNCIL DECISION**

MOVED Clr L Wetton SECONDED Clr K Allen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

Council at its meeting of the 14<sup>th</sup> of February 2013 resolved to amend the consolidated local laws section on Hawkers, Stallholders and Street Traders, in order to include Street Entertainers into the local laws.

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 14 February 2013 (Minute number 4974) Statewide notice was given in the 'West Australian newspaper on 22 February 2013 stating that:



1. City of Cockburn has resolved to amend Part VI (Hawkers, Stallholders and Street Traders) of its Consolidated (Local Government Act 1995) Local Law
2. The purpose of the amendment is to create more vibrant community spaces within the City of Cockburn.
3. The effect of the amendment will be to make provision for street entertaining in the City of Cockburn.
4. A copy of the proposed local law amendments may be inspected and obtained at the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Libraries during office hours.
5. Submissions about the proposed local law amendments may be made to the undersigned at the City of Cockburn by 8<sup>th</sup> of April 2013.

### **Submission**

N/A

### **Report**

The purpose of the amendments is to create more vibrant community spaces within the City of Cockburn. The effect of the amendments will be to make provision for street entertaining in the City of Cockburn. There have been no changes to the penalties provisions.

Section 3.12 of the *Local Government Act 1995* contains the procedure for the making and amendment of local laws. S.3.12(4) states that:

*“after the last day for submissions, the local government is to consider any submissions made and may make the local law (by an absolute majority) as proposed or make a local law that is not significantly different from what was proposed”.*

As there were no submissions received, it is now proposed that Council resolve to adopt the proposed *City of Cockburn (Local Government Act) Amendment No. 2 Local Law 2013* and authorise two officers of the City, nominally the Mayor and the Chief Executive Officer, to affix the Common Seal of the City, thus progressing the processing of the local law and having it gazetted in the Government Gazette ultimately bringing the local law into force.

Subject to the proposed amendment being supported by the majority of directly affected respondents, there was a requirement of the inclusion of Procedures and Guidelines in the local law to be presented to Council for consideration of final adoption.



A letter detailing the proposed change to the local law was dropped to businesses around the square and residents where it was possible to access buildings. A policy was created to address the procedures and guidelines, and presented to the Delegated Authorities, Policies and Position Statement Committee of 21 November 2013, and subsequently recommended for Council adoption at its December 2013 meeting.

It is recommended that Council make the local law as per the Attachment, as it does not significantly differ from what was originally proposed.

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

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.
- Communities that take pride and aspire to a greater sense of community.
- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.

#### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines.

#### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.
- Creation and promotion of opportunities for destination based leisure and tourism facilities.

### **Budget/Financial Implications**

\$10,000 has been budgeted for the current year to pay for:

- \$1000 - Public Liability Insurance for up to 30 performers
- \$2000 – Advertising and promotion to encourage busters and to promote busking
- \$1500 – signage on site to highlight busking spot and contact numbers.
- \$5,500 – provision to contract acts in the first season if deemed



### Legal Implications

Section 3.12 and 9.10 of the Local Government Act 1995 refer.

### Community Consultation

State wide advertising of the proposed amendments followed by 6 weeks submission period, and a letter detailing the proposed change to the local law was dropped to businesses around the square and residents where it was possible to access buildings.

### Attachment(s)

Copy of the proposed *City of Cockburn (Local Government Act) Amendment No. 2 Local Law 2013*.

### 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 December 2013 Council Meeting.

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

Nil.

## 13.4 **(MINUTE NO 5220) (OCM 12/12/2013) - CITY OF COCKBURN ANNUAL REPORT 2012/13**

### RECOMMENDATION

That Council accept the 2012-13 Annual Report in accordance with Section 5.54 (1) of the Local Government Act, 1995, as attached to the Agenda.

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

### COUNCIL DECISION

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## **Background**

Council is required to accept the 2012-13 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 4 February 2014. The Local Government Act 1995 ('the Act') requires Council to accept the Report no later than 31 December each year. Elected Members were provided with the Financial Report and Auditor's Report at the Audit and Strategic Finance Committee meeting 21 November 2013. The consolidated report is now presented for acceptance.

## **Submission**

N/A

## **Report**

The 2012-13 Annual Report is in conformity with the following requirements of the Act and contains:

1. Mayoral Report
2. Chief Executive Officer's Report
3. Measuring our performance data
4. Overview of the Plan for the Future of the District
5. Report in relation to the Complaints Register subject to Section 5.121 of the Act
6. Report required under Section 29(2) of the Disabilities Services Act 1993
7. Divisional Reports
8. Financial Statements
9. Auditor's Report
10. Remuneration of Senior Employees

## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- 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 cost of producing 100 copies of the Report is provided for in the Council's Governance budget.

**Legal Implications**

As provided in the report.

**Community Consultation**

The report will be available for public access by 4 February 2013, in time for the Annual Electors Meeting.

**Attachment(s)**

Draft 2012-13 Annual Report.

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

N/A

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

- 14.1 (MINUTE NO 5221) (OCM 12/12/2013) - 55 MULTIPLE DWELLINGS - LOCATION: 8 (LOT 52) BOYD CRESCENT HAMILTON HILL - OWNER: F IKLADYOUS & G CHIARELLI - APPLICANT: MACCORMAC ARCHITECTS (2207499) (A LEFORT) (ATTACH)**

<p><b>RECOMMENDATION</b> That Council</p> <p>(1) grant planning approval for 55 Multiple Dwellings at 8 (Lot 52) Boyd Crescent Hamilton Hill subject to the following conditions and footnotes:</p> <p><b><u>Conditions</u></b></p> <p>1. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, shall be suitably located away from public view and/or screened, the details of which shall be provided to the City's satisfaction with the Building Permit application.</p>
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2. Prior to the initial occupation of the development hereby approved, the parking bays (on-site and on-street/in-verge), driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked at the expense of the developer in accordance with the approved plans to the satisfaction of the City.
3. The designated on-site residential visitor car parking bays shall be clearly delineated (marked/signed), available for use in perpetuity and reflected as such on the strata plan for the development.
4. The allocation of on-site car parking bays to specific dwellings shall be reflected on any strata plan for the subject property to the City's satisfaction.
5. Walls, fences and landscaped areas shall 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. The submission of a detailed material, colour and finish schedule for the development shall be provided to the City's satisfaction prior to the lodgement of a Building Permit application.
7. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
8. The development site shall be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
9. Crossovers shall be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover.
10. Earthworks over the site including batters shall be stabilised to prevent sand or dust blowing off the site, 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.
11. The development shall clearly display the street number.
12. 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 proposed trees and shrubs, including calculations for the landscaping area;
  - b) any lawns to be established;
  - c) those areas to be reticulated or irrigated; and
  - d) verge treatments.
13. Landscaping shall be established and reticulated in accordance with an approved detailed landscaping plan prior to the occupation of the dwellings. Landscaped areas shall be maintained thereafter in good order to the satisfaction of the City.
  14. Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
  15. A detailed Dust Management Plan shall be submitted to and approved by the City prior to the commencement of any works on site and all measures identified in the plan shall be implemented to the satisfaction of the City.
  16. Waste management measures identified in the Waste Management Plan submitted to and approved by the City as part of the planning application shall be implemented and maintained thereafter to the satisfaction of the City and incorporated into any strata management statement prepared for the site.
  17. A Construction Management Plan shall be submitted to and approved by the City prior to the lodgement of a Building Permit application and all measures identified in the plan shall be implemented during the construction phase to the satisfaction of the City.
  18. A Traffic Impact Assessment shall be submitted to and approved by the City prior to the lodgement of a Building Permit application and any recommendations contained in the report shall be implemented to the satisfaction of the City.
  19. No building or construction related activities shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

20. An acoustic report undertaken by a suitably qualified acoustic consultant detailing construction measures that will ensure acceptable noise levels within the development shall be submitted to an approved by the City's Health Services prior to the lodgement of a Building Permit application. All noise attenuation measures, identified by the acoustic report or as additionally required by the City, shall be implemented prior to occupancy of the development or as otherwise required by the City, and the requirements of the plan shall be observed at all times.
21. A report undertaken by a suitably qualified acoustic consultant shall be submitted with the Building Permit application, confirming that all recommendations made in the Acoustic Report (the subject of Condition 20) have been incorporated into the proposed development.
22. A final acoustic report and assessment undertaken by a suitable qualified acoustic consultant shall be submitted to the City's Environmental Health Service post completion of the development (prior to occupation) certifying that recommendations made in the Acoustic Report (the subject of Condition 20) have been incorporated into the proposed development.
23. Plans being modified in the following manner to the satisfaction of the City prior to the lodgement of a Building Permit application:
  - a) One of the resident car parking bays being converted to an additional visitor car parking bay to the satisfaction of the City; and
  - b) A designated outdoor communal clothes drying area being provided or alternately, each balcony containing a solid portion of balcony to screen a clothes drying rack to the 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 Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building permit is required.
2. The development is to comply with the requirements of the



Building Code of Australia. In this regard, it is recommended the City's Building Services should be consulted prior to the commencement of working drawings.

3. With regards to Condition 2, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
4. With regards to Condition 7, 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 designed on the basis of a 1:10 year storm event.
5. With regards to Condition 15, the applicant is advised that an application for approval of a Dust Management Plan may be obtained from the City of Cockburn's website and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment and Conservation publication "Land development sites and impacts on air quality" (November 1996).
6. With regards to Condition 20, The report should demonstrate that noise will be kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 (as amended) and that the design and construction of the development will result in acceptable indoor noise levels that meet the recommended design sound levels in table 1 of AS/ANS 2107:2000 entitled "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors", particularly with regard to noise transmission between units, through floors and between residential and non-residential land uses. The plan is to be prepared by a recognised acoustic consultant and is to include:
  - a) Sound proofing measures used in the design and construction of the development; and
  - b) Predictions of noise levels.
7. Outdoor lighting, particularly illuminating ground floor



entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.

8. With regards to the provision of laundry facilities, each dwelling must be provided with a wash trough having capacity of not less than 36litres, connected to an adequate supply of hot and cold water; adequate space for a washing machine provided with a power point; and space for a drying cabinet provided with an electricity supply; and laundry areas must be graded to drain to sewer and be suitably ventilated. Further information regarding this matter can be obtained from the City's Health Services Team.
9. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.

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

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The subject site is located on Boyd Crescent in Hamilton Hill, is 3033m<sup>2</sup> in area and is vacant. The site previously contained an industrial building which was constructed in the 1970s and demolished in 2001 and has remained vacant since. The site has a considerable fall (approximately 5m) diagonally across the site from the street to the rear north western corner. The site is retained on the northern boundary by a 3m high retaining wall and contains an electrical



transformer and switchboard in the south-eastern corner abutting Boyd Crescent. The site abuts an industrial building to the east, light industrial/commercial building to the north and a 3-storey grouped dwelling development to the west. Two industrial unit buildings on the southern side of Boyd Crescent are directly opposite the subject site.

The site is located within the Cockburn Coast District Structure Plan area and more specifically within the Newmarket Precinct which is bound by Rockingham Road to the North, Cockburn Road to the West and the 'Primary Regional Roads' reservation to the south and east. The proposal was advertised for neighbour comment due to several policy variations and objections were received. The proposal is being referred to Council for determination in accordance with Delegation APD54.

### **Submission**

The proposal is for the construction of 55 Multiple Dwelling (Residential Apartments) consisting of:

- 23 x One Bedroom Apartments;
- 8 x One Bedroom + Study Apartments;
- 20 x Two Bedroom Apartments;
- 1 x Three Bedroom Apartment;
- Secured Undercroft/Semi-basement Car Park for 64 vehicles (plus 3 tandem bays);
- Unsecured on-site visitor car parking for 9 vehicles;
- On-street/in-verge visitor parking for 4 vehicles.

The proposal includes a semi-basement and 5 levels of apartments above and has been designed to accommodate the fall on site.

### **Consultation**

The proposal was advertised to nine adjoining landowners as it seeks assessment under several design criteria which could impact adjoining landowners. The City received six neighbour objections and a petition containing 28 signatures. A summary of the issues raised in the objections is as follows:

#### Traffic

- Concerns that traffic is already an issue in Boyd Crescent and it is particularly difficult turning right into Cockburn Road and existing vehicle movements associated with the industrial uses in the street.
- Concerns about vehicles from the proposed development using private driveway at No. 11 which is diagonally opposite the subject site and runs between Boyd Crescent and Bellion Drive.



- Concerns that the existing road network is insufficient to accommodate the proposed development.

#### Built Form

- Concerns about the height of the proposed building;
- Concerns that the proposed building is out of character and proportion compared to the existing residential buildings;
- Concerns that the proposed building will tower over existing homes to the west, block morning sun;
- Concerns about privacy and overlooking issues to adjoining dwellings;
- Concerns that the proposal will block views for any future development on the adjoining site to the east (6 Boyd Crescent)
- Concerns about overshadowing to dwellings on the western side;
- Concerns about the overall size of the project;

#### Parking

- Concerns that visitor car parking on-street will exacerbate existing traffic problems;
- Concerns about parking associated with existing businesses in the street already causing issues;

#### Waste

- Concerns about waste management;
- Concerns about number of bins to be placed on-street;

#### Other

- Concerns about potential rental tenants not contributing to the area;
- Concerns that the proposal will attract the “wrong” demographic; and
- No objection to the site being redeveloped but object to this proposal.

### **Report**

#### Planning Framework

##### *Zoning*

The site is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and Special Use 24 (SU 24) under the City of Cockburn’s Town Planning Scheme No.3 (TPS 3).

SU 24 – Mixed Use (Cockburn Coast District Structure Plan) contains Multiple Dwellings (R60) as a discretionary (D) use which means that the use can be considered in this area. The use of the land for residential purposes however contains a condition that:



*“Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as ‘D’ uses in accordance with clause 4.3.3”.*

Approval of the proposal seeks Council to vary this SU 24 condition in accordance with Clause 5.6 of TPS 3, in relation to the requirement for ground floor commercial land uses. Boyd Crescent does not necessarily lend itself to a ground floor commercial built form due to the extremely steep incline of the road and the cul-de-sac nature of the development, neither of which would encourage pedestrians to use the road. In addition, existing strata developments developed from the 1980s-2000s on the northern and southern side of Boyd Crescent are unlikely to be redeveloped due to multiple land (strata) ownership and these lots have not be developed with a ground floor commercial built form in mind. It is however recognised that roads such as Rockingham Road, Cockburn Road and Bellion Drive within the Newmarket Precinct do lend themselves to this type of development.

*State Planning Policy 2.1 Residential Design Codes of WA*

The proposal has been assessed against Part 6 of the Residential Design Codes (R-Codes) for multiple dwellings at the R60 density. The proposal complies with the deemed to comply aspects of the R-Codes except for the following:

Clause	<b>6.1.1 – Building Size</b>
Deemed-to-comply	C1 – 0.7
Design Principle	P1 - Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Proposed	1.10
Assessment	The development is of a bulk and scale provided for in the Newmarket Precinct as referenced in Council’s LPP APD 61 which allows for development of up to 17m high. An increased plot ratio is appropriate to complement the increased height which will deliver the built form sought by the policy. It should be noted that APD 61 was written prior to the multiple dwelling requirements of the Residential Design Codes being released.

Clause	<b>6.1.2 – Building Height</b>
Deemed-to-comply	C2 – Top of External wall (concealed roof) – 10m C2 – Top of pitched roof – 12m
Design Principle	P2 – Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains: <ul style="list-style-type: none"> <li>· Adequate access to direct sun into buildings and appurtenant open spaces;</li> <li>· Adequate daylight to major openings into habitable rooms;</li> <li>· Access to views of significance;</li> <li>· Buildings present a human scale for pedestrians;</li> <li>· Building facades designed to reduce the perception of height through design measures; and</li> <li>· Podium style development is provided where appropriate.</li> </ul>
Proposed	Top of external wall (concealed roof) – 17m
Assessment	The building complies with the maximum building height requirements provided for in LPP APD 61 – Newmarket Precinct Design Guidelines. In addition, due to the setback to the western boundary and the orientation of the dwellings on the adjoining site to the west, the proposed height of the building is not anticipated to block access to direct sun into the dwellings, will not prevent adequate daylight to major openings (there are no major openings on the eastern boundary of the adjoining site), the height maintains an appropriate scale for pedestrians.

Clause	<b>6.1.4 – Lot Boundary setbacks</b>
Deemed-to-comply	C4.1 – Various
Design Principle	P4.1 – Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> <li>· Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>· Moderate the visual impact of building bulk on a neighbouring property;</li> <li>· Ensure access to daylight and direct sun for adjoining properties; and</li> <li>· Assist with the protection of privacy between adjoining properties.</li> </ul>





Proposed	Various
Assessment	All side and rear setbacks have been designed to ensure minimal impact on the amenity of the adjoining residents. Given the design and orientation of the dwellings on the adjoining land to the west, the proposed western ground floor setback to the semi-basement will not block direct sun or restrict ventilation or cause any privacy or overlooking issues. Setbacks to other boundaries abut commercial buildings and will not impact on the amenity of the area.

Clause	<b>6.3.3 – Parking</b>
Deemed-to-comply	C3.1 – On-site visitor parking - 14
Design Principle	P3.1 – Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> <li>· The type, number and size of dwellings</li> <li>· The availability of on-street and other off-site parking; and</li> <li>· The proximity of the proposed development in relation to public transport and other facilities.</li> </ul>
Proposed	On-Site visitor parking - 9
Assessment	The proposal seeks to construct an additional 4 car parking bays on-street/in-verge which will provide additional visitor car parking. Should Council approve the proposal, it is recommended that a condition be imposed to convert the three surplus resident car bays into an additional visitor car bay (preferably unsecured).

Clause	<b>6.4.3 – Dwelling Size</b>
Deemed-to-comply	C3.1 – One bedroom dwellings, up to a maximum of 50 per cent of the development.
Design Principle	P3 – Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.
Proposed	60% one bedroom dwellings
Assessment	The proposal provides a good mix of one bedroom, one bedroom plus study and two bedroom dwellings with one three bedroom dwelling also. Single person households are the fastest growing household type in Australia, therefore the proportion of single bedroom dwellings and overall mix of dwellings within this



	development is acceptable.
Clause	<b>6.4.6 – Utilities and facilities</b>
Deemed-to-comply	C6.3 – Clothes drying areas screened from view from the primary or secondary street
Design Principle	P6 – External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> <li>· Convenient for residents;</li> <li>· Rubbish collection areas which can be accessed by service vehicles;</li> <li>· Screened from view; and</li> <li>· Able to be secured and managed.</li> </ul>
Proposed	The proposal does not propose any clothes drying areas.
Assessment	The lack of clothes drying facilities means that residents may place clothes racks over balconies or within clear display given the glazed balustrades. Should Council approve the proposal, a condition should be imposed requiring either a communal clothes drying area or alternatively a portion of each balcony containing a solid section to screen a clothes rack.

*Local Planning Policy APD 61 Newmarket Precinct Design Guidelines*

The proposal has been assessed against the City's Local Planning Policy APD 61 Newmarket Precinct Design Guidelines (APD 61) and complies in all aspects except for the following:

Clause	<b>1.1.2 – Land Use – Residential Development</b>
Policy Provision	As a minimum, 3.6m floor to ceiling heights at the ground floor level of new residential development should be provided to assist in facilitating the conversion of ground floor (street) frontage to non-residential use when the demand arises for such product as Cockburn Coast develops. Other considerations to be contemplated in the design and development of new buildings include: <ol style="list-style-type: none"> <li>a. 'Back of house' access for servicing to enable conversion to active 'lifestyle' type use (food and beverage establishments);</li> <li>b. Making provision for future mechanical services (flues and exhaust vents) to enable active use;</li> <li>c. The design, location and/or size of wet</li> </ol>



	<p>areas and toilet facilities (public building requirements);</p> <p>d. Non load bearing walls to allow future changes to internal floor layouts;</p> <p>e. Internal layouts which facilitate self containment of the ground floor for independent use; and</p> <p>f. Potential future changes in use taken into consideration in the provision of parking.</p>
Proposed	Floor to ceiling heights below 3.6m.
Assessment	See comments in the TPS 3 (SU 24) section of the report above.

Clause	1.2.1 – Land Use – Mixed Use
Policy Provision	In order to ensure that mixed use potential is created even at the early stages of development when the market might not yet support non-residential use, buildings that front a public street should be constructed in a robust way that will allow for retrofitting to occur at a later date (e.g. residential capacity on the ground floor with the ability to retrofit into the future to intended commercial uses).
Proposed	The proposal contains a residential use only.
Assessment	See comments in the TPS 3 (SU 24) section of the report above.

Clause	3.1.1 – Built Form – General Requirements
Policy Provision	All development should be ‘urban’ in form where it meets the public domain, characterised by nil street setbacks.
Proposed	2m
Assessment	The proposal does take an urban form however does propose a 2m setback from the street given the nature of Boyd Crescent which is clearly different to Cockburn Road. A nil setback to Boyd Crescent may not be appropriate as discussed in the sections of the assessment above.

Clause	3.3.2 – Built Form – General Heights
Policy Provision	The height of buildings on secondary streets throughout the Precinct should be three to four storeys (and not exceeding 17m in height).
Proposed	The proposal is 5 storeys plus a semi-basement but does not exceed 17m in height above natural ground level.
Assessment	The main consideration in this clause is the total



	<p>height above natural ground level of which the proposal complies. It is the overall height of the buildings rather than the number of storeys which will impact on the streetscape and adjoining dwellings. The site has a significant fall from east to west and the proposal has taken advantage of this with the semi-basement parking. Overall, the height of the building is consistent with the building heights expected in the precinct and provided for in the policy.</p>
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*Local Planning Policy APD 70 Waste Management in Multiple Unit Development*

The proposal has been assessed against the City's Local Planning Policy APD 70 Waste Management in Multiple Unit Developments (APD 70) and complies in all aspects. The applicant has lodged a Waste Management Plan which has been approved by the City's Waste Manager.

Issues Assessment

*Building Height*

The proposed building is 5 levels above a semi-basement which results in a maximum building height of 17m above natural ground level which accords with the provisions of APD 61. With regards to the natural ground levels, the previous land owner undertook unauthorised earthworks across the site after the previous industrial building was demolished in 2001. The natural ground levels used for the assessment are therefore based on the natural ground levels established by the previous industrial building which was built at 24.0 AHD. Given the existing levels range between 22.0AHD and 27.85AHD, the proposal contains some areas sitting below natural ground level. The proposal is therefore compliant with the building height provisions outlined in APD 61 and although significantly higher than the 3 level grouped dwellings on the adjoining site, will not cause overlooking, privacy or overshadowing issues as discussed in the R-Codes assessment above.

*Building Character*

Concerns regarding the proposed building not being in the same character as the existing residential dwellings on the street was raised as an objection to the proposal. There are three separate existing residential developments and several industrial buildings in Boyd Crescent which consist of:



- No.14 Boyd Crescent - 2/3 level cream brick town houses with green colorbond roofs constructed in the 1990s);
- No.12 Boyd Crescent – 3 level (plus roof terrace) white rendered Santorini-styled flat roof town houses constructed in the 2000s;
- No. 11 Boyd Crescent – single level cream brick villa units constructed in the 1980s; and
- Nos. 3, 5, 6 & 7 – All lots contain older-style industrial buildings suitable for redevelopment in accordance with the current planning framework, most constructed circa 1970s.

It is evident from the details above that Boyd Crescent as it stands has no specific character. Residential building heights range from 1-3/4 levels, building styles include traditional pitched roofs and flat roofs and materials include face brick and render. In addition, the four lots in Boyd Crescent are currently enjoying non-conforming industrial land use rights and are likely to be redeveloped into the future under the provisions of the Newmarket Precinct Design Guidelines which will introduce a different character to the area to what exists from older-style existing grouped dwelling developments. Large medium-high density buildings up to 17m featuring a mix of commercial and residential land uses will form the bulk of the Newmarket Precinct and wider Cockburn Coast area. The proposed development therefore accords with the future desired character of the area.

### *Traffic*

The mix of industrial and residential land uses in Boyd Crescent has clearly caused some amenity issues for the existing residents. With regards to traffic associated with the meat processing factory at No. 3 Boyd Crescent (Goodchild Meats), the City is in the process of taking the appropriate action to ensure that parking is contained on-site and within the area leased by Goodchild Meats from Main Roads at the top of the street.

The applicant has submitted a Traffic Impact Assessment which suggests that the existing road network is capable of accommodating the additional traffic movements that would be caused by this proposal with no requirement for any road network upgrades. The City's Traffic Engineer has reviewed the proposal and has found the assessment to be insufficient and lacking detail. The following concerns regarding the report have been raised:

- Lack of consultation with Main Roads regarding Cockburn Road;
- Lack of consideration regarding potential road network changes such as those associated with Cockburn Coast development, potential construction of Cockburn Coast Drive and/or future east-west link to Stock Road;



- Evaluation of treatments for the Boyd Crescent/Cockburn Road intersection which are not viable – e.g. mini roundabout or traffic signals;
- Lack of intersection analysis of the future performance of Cockburn Road/Boyd Crescent intersection;
- Lack of consideration of Boyd Crescent becoming left in/left out as per the northern leg of Emplacement Crescent to the south;
- Lack of calculations for the average daily volume of weekday trips to be generated by the development, which is in the order of 262 daily trips;
- Lack of consideration of the needs of pedestrian traffic generated by the development;

To address the above issues, should Council approve the proposal, a condition can be imposed for a revised Traffic Report to be submitted to and approved by the City, in the format of a Transport Statement recommended by the WAPC, and with the consideration of the transport issues identified by the City and/or Main Roads. Any recommendations of the traffic report will need to be addressed by the developer.

In accordance with the objectives of the Newmarket Precinct Design Guidelines (APD 61) which seek to “*ensure efficient and effective upgrade of infrastructure to support orderly development and meet the demands arising from new development*”, some road network upgrades are recommended. These include the section of Boyd Crescent adjacent to the development being upgraded by reconstructing, kerbing, draining and resurfacing at the applicants cost to the City’s Engineering specifications. It also includes pedestrian linkages between the development and Cockburn Road through the construction of a footpath along the southern side of Boyd Crescent (due to level issues) connecting to the bus stops and pedestrian refuge on Cockburn Road. Should Council approve the proposal, conditions should be imposed requiring contributions being paid by the developer towards the road upgrade and footpath installation.

#### *Access and Parking*

The proposal provides 64 resident car parking bays which is deemed to comply with the R-Codes as it provides a 3 bay surplus. The proposal provides 9 visitor car parking bays on site and 4 visitor bays on-street/in-verge. This results in a deficiency of four on-site visitor bays. Whilst the City does not object to the installation of additional on-street car parking bays at the developer’s cost, given there is a 3 bay surplus of resident bays, it is considered that those surplus bays be used for on-site visitor car parking. Should Council approve the proposal, a condition should be imposed to convert the 3 surplus resident bays to



on-site visitor bays. The deficit of 1 on-site visitor bay can be accommodate by the 4 on-street car parking bays proposed.

#### *Privacy and Overlooking*

Loss of privacy and/or overlooking was raised as a concern during consultation. Visual privacy is considered under clause 6.4.1 of the R-codes and the proposal is deemed to comply with this provision. In addition, the dwellings to the west of the property (which are the only residential dwellings abutting the subject site) have no major openings and essentially back on to the subject site to take advantage of the ocean views to the west.

#### *Overshadowing*

Possible overshadowing was raised as a concern due to the height of the development. Overshadowing is considered under clause 6.4.2 of the R-Codes and assessment of overshadowing is based on the property directly to the south. The road reserve sits directly to the south of this property and the extent of overshadowing does not encroach into the property on the southern side of Boyd Crescent. Therefore the proposal is deemed to comply with the R-Codes in this regard. One objection related to loss of morning sun (from the east) however given that the dwellings to the west have no major openings facing east, this is not considered to pose a negative impact on amenity for these residents. Two of the dwellings to the west do have roof-top terraces however an expectation of full eastern sun to these terraces given the elevating nature of the street is not considered reasonable. In addition access to morning (eastern) sun does not form any assessment criteria in the R-Codes.

#### *Waste Management*

As discussed above, the proposal complies with the City's Local Planning Policy APD 70 which relates to waste management and have lodged a draft Waste Management Plan (WMP) which has been approved. The proposal has been designed to accommodate the City's waste truck suitable to enter basements. Therefore all waste will be collected on-site with no requirement for on-street collection.

#### **Conclusion**

The proposal is supported for the following reasons:

- The proposal is generally compliant with the provisions of the City's Newmarket Precinct Design Guidelines;
- The proposal is compliant with the Residential Design Codes of Australia;



- The proposal will provide a good mix of small apartment dwellings to Hamilton Hill which is dominated by single residential dwellings resulting in more housing choice and more dwelling diversity;
- The proposal will assist in the revitalisation of Hamilton Hill by introducing more dwellings to the area in a building that will enhance the existing streetscape; and
- The proposal is not considered to cause any detrimental impacts on the amenity of adjoining residents or the area in general.

### **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.

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.

### **Budget/Financial Implications**

Costs involved in defending the decision in the State Administrative Tribunal which can be met by the Statutory Planning Operational Budget.

### **Legal Implications**

N/A

### **Community Consultation**

See Community Consultation section of the report above.

### **Attachment(s)**

1. Location Plan
2. Site plan floor plan, sections, elevations and coloured perspective

### **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 December 2013 Council Meeting.





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

Nil.

**14.2 (MINUTE NO 5222) (OCM 12/12/2013) - SINGLE HOUSE - LOCATION: 21 (LOT 422) QUINCE WAY COOLBELLUP - OWNER: B BLAKE & J LUSHER-BLAKE - APPLICANT: TANGENT NOMINEES (1100888) (A LEFORT) (ATTACH)****RECOMMENDATION**

That Council

- (1) grant planning approval for a Single House at 21 (Lot 422) Quince Way Coolbellup subject to the following conditions and footnotes:

**Conditions**

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. 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.
3. The Relative Level of the rear yard being reduced from RL8.65 to RL8.5 and retaining wall reduced to a height of 1.2m in the section as marked in red on the approved plans. Amended plans shall be submitted with the Building Permit Application to the 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 Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency. Prior to the commencement of any works associated with the development, a Building Permit is required.
2. With regard to condition 1, The City requires the onsite storage capacity be designed to contain a 1 in 20 year storm of 5 minute duration. This is based on the requirements to contain surface water by the Building Code of Australia.



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

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The subject site is located in Quince Way Coolbellup, is 728m<sup>2</sup> in area and is currently vacant. The site previously contained a single house which was demolished in 2007. There is a significant fall of approximately 4m diagonally across the site from the north-western portion (abutting the street) to the south-eastern rear portion of the lot. The site abuts other single storey dwellings on all three sides. Quince Way contains mostly older-style cottage dwellings which were constructed in the 1960s when the suburb of Coolbellup was developed. Most dwellings are constructed of brick/brick veneer and tile with a limestone or brick build up. A new dwelling constructed on this site will make it one of the first redeveloped sites in the street.

**Submission**

The proposal is for a single storey brick and colorbond house with a floor area of approximately 330m<sup>2</sup> consisting of four bedrooms, two bathrooms, study, theatre, double garage and alfresco area under the main roof. The owner has advised that the proposed dwelling has been set back from the eastern boundary to accommodate rear vehicle access to a future shed they wish to construct in the rear south eastern corner of the site (not part of this application). The proposed dwelling contains three different finished floor levels (FFLs) which seeks to address the topography of the site.

To accommodate the FFL of the dwelling and rear yard area, the proposal includes excavation and fill across the site and associated retaining walls along the eastern, southern and western boundaries. Portions of the retaining walls abutting the eastern and southern boundaries seek assessment under the design principles of the Residential Design Codes. Based on this, the proposal was advertised



to two adjoining potentially affected landowners who both object to the proposal.

The proposal is now being referred to Council for determination as staff do not have delegation to determine the application where objections are received which cannot be resolved through a condition or negotiations with the applicant.

Negotiations with the applicant have occurred but have not been able to resolve all matters. Council should be made aware that the plans contained in this proposal differ from what was originally submitted and the heights of the retaining walls abutting the southern and eastern boundaries have been reduced based on concerns held by adjoining neighbours and the City's technical officers.

### **Consultation**

Due to the level of fill and heights of the retaining walls along the eastern and southern boundaries, the proposal was advertised to both adjoining landowners who provided the following objections:

#### Eastern Neighbour - 23 (Lot 423) Quince Way

- Concerned about visual bulk of the retaining wall;
- Concerned that the height of the retaining wall is excessive;
- Concerned about extreme modification to natural contours;
- Concerned about impact on use of backyard and future plans;
- Proposed does not fit in with existing properties;
- No/limited effort to cut in on western boundary which would reduce impact of eastern retaining wall;
- Does not comply with acceptable development provisions of the R-Codes; and
- Will only accept a maximum of 1m retaining along eastern boundary.

#### Southern Neighbour - 13 (Lot 435) Quince Way

- Will only accept 0.5m retaining wall along southern boundary (with a 1.8m fence on top);
- Concerned about loss of northern sun and impact on vegetation;
- Concerned about feeling claustrophobic and closed in;
- Concerned about the location of the proposed shed;
- Concerned about streetscape impacts; and
- Concerned that the proposed dwelling does not fit into the existing character of the street.



## Report

### Planning Framework

#### *Zoning*

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R20 under the City's Town Planning Scheme No.3 (TPS 3). The proposal for a single house is consistent with the zoning.

#### *Residential Design Codes of Western Australia (R-Codes)*

The proposal complies with the deemed-to-comply aspects of the R-Codes except for the following in which the applicant seeks assessment under the relevant Design Principles:

<b>Clause</b>	<b>5.3.7 – Site Works</b>
Deemed-to-comply	C7.2 – Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements. C7.3 – Subject to subclause C7.2 above, all excavation and filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.
Design Principle	P7.1 – Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 – Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
Proposed	Eastern Boundary – Fill and Retaining Wall between 0.75m and 1.7m. Southern Boundary – Fill and Retaining Wall between 0.5m and 1.35m.

<b>Clause</b>	<b>5.3.8 – Retaining Walls</b>
Deemed-to-comply	C8.1 – Retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1. This would equate to: Eastern Setback – 1.5m Southern Setback – 1.5m
Design Principle	P7.1 – Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 – Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
Proposed	Eastern Boundary – Retaining Wall between 0.75m and 1.7m. Southern Boundary – Retaining Wall between 0.5m and 1.45m.



## Assessment

### *Natural Topography*

The existing natural topography of the site contains a significant fall of approximately 4m from the north western corner abutting the street (RL 11.5) to the south-eastern corner at the rear of the lot (RL 7.5). The main floor area of the proposed dwelling has a finished floor level (FFL) of RL 9.086 but also includes portions of the dwelling at RL 9.6 and garage at RL 9.858. A significant amount of excavation is proposed along the western boundary resulting in a retaining wall between 0.486m and 1.786m. The rear alfresco area and rear Master Suite have been designed with brick build ups and include several stairs leading to a relatively flat rear yard of RL 8.65 except for a small portion of the yard on the western side of the lot which sits between RL 9.3 and 9.5. It is considered that the dwelling FFL of 9.086 which essentially forms a mid-point of the natural ground level and topography which is considered reasonable and does respond to the natural features of the site.

It is however the desire for the owner to develop a relatively flat rear yard with rear access and good access to the rear alfresco that results in the need for the eastern and southern retaining walls which have caused objection. The applicant has advised the requirement for a flat rear yard is to provide a usable area which will accommodate a shed (which does not form part of this proposal) and potentially a pool with vehicle access from the street. Also, the owner has not proposed any brick build up along the eastern side of the dwelling (due to the cost) which has set the levels of the top of the retaining walls on the eastern boundary. The level of the rear yard (and retaining walls) has also been informed by the gradient required for a potential rear driveway to a potential shed. Should Council consider supporting the proposal, a minor reduction of the rear yard to RL 8.5 in the south-eastern portion of the lot is reasonable. This would result in a terraced rear yard, however the terracing could occur in the vicinity of the future shed, leaving the remainder reasonably level.

### *Bulk and Scale*

Bulk and scale of the proposed retaining walls along the eastern and southern boundaries is a major concern of both adjoining neighbours, particularly when a 1.8m dividing fence is erected on top. The eastern retaining wall is approximately 34.6m in length and the height of the wall ranges between 750mm at the lowest point (adjacent to the existing car port) to 1.70m at its highest point (currently abutting a parking bay used for a boat, behind the car port, between the existing outbuilding and the boundary). Out of the 34.6m of retaining along the eastern boundary, it is the rear 9m that abuts an open area of active



outdoor space and which is proposed to be 1.25m-1.35m in height. The remainder of the eastern retaining wall abuts a driveway, car port and boat car parking bay which is not considered to impact on the neighbour's amenity. It should be noted that the objecting neighbour has advised in their submission that they do plan to remove the outbuilding and associated structure which abuts the highest portion of the retaining wall at 1.7m. Notwithstanding this, the main outdoor living area of the adjoining eastern property is to the east of the site.

There is an 8.5m length of the southern boundary which is between 500mm and 1.35m in height. This portion of the retaining wall abuts the rear open yard of the adjoining site (which is also 728m<sup>2</sup>). A reduction in the fill level in the south-eastern corner of the lot to 8.5m will reduce the retaining wall height in this section to a maximum of 1.2m which is considered reasonable.

Should Council support the proposal, a condition should be imposed to require the applicant to reduce the portion of the rear yard to RL8.5 in the south-eastern corner abutting the open yard areas of both southern and eastern lots. This minor reduction will assist to reduce the overall bulk and scale to both adjoining neighbours which contain open yards in this section. The increased driveway gradient caused by this slight reduction is expected to be minor.

#### *Character*

Both neighbours expressed concern about the proposed dwelling not fitting the existing character of the street. The existing character of the street consists of older-style single residential cottage homes constructed in the 1960s. Typical of the area, most of the dwellings sit on limestone blocks or brick build ups to accommodate the natural topography. Due to current trends towards larger modern dwellings being constructed it would be rare for any new dwellings in the area to be built using significant brick build up and it would be unreasonable to require modern dwellings to utilise this design. Overall, the dwelling is a single storey detached residential dwelling of brick construction which is generally consistent with the existing dwellings in Quince Way. Clearly the dwelling is going to differ to existing dwellings in the street but it is reasonable to expect that dwellings of this age which may not be suitable for current needs may be replaced with new dwelling stock.

In addition, much of Coolbellup's dwelling stock is being upgraded and/or replaced which is likely to significantly increase as part of the City's Draft Coolbellup Revitalisation Strategy. The strategy will identify development opportunities for further housing in the area which upon implementation, will inevitably lead to a change to the character of the area resulting in a mix of older style and more modern dwellings of different sizes.



### *Overshadowing*

Clause 6.4.2 (C2.1) of the R-Codes deals with solar access for adjoining sites and provides a deemed-to-comply limit of 25% of the adjoining site which would be based on the site to the south. The proposed retaining wall will overshadow a small portion of the property to the south (12%) which is deemed-to-comply with this provision of the R-Codes. This calculation includes a 1.8m fence above the retaining wall and is based on the 1.35m high section of the wall. In addition, the site includes a 6m wide shed across approximately one third of its rear boundary. The above clearly demonstrate that overshadowing from the proposed retaining wall (and fence above) is not significant.

### **Conclusion**

The finished floor level of the dwelling is considered to achieve an acceptable mid-point of a steeply sloped lot which generally follows the natural topography of the site as much as practicable. This has resulted in excavation and fill exceeding what is deemed-to-comply in the R-Codes. The amount of fill and associated retaining walls which have been proposed along the eastern and southern boundaries to provide a relatively flat rear yard with reasonably good access to the level of the dwelling is considered to generally reflect the natural topography and provides a practical and usable outdoor area for the owners of the lot. It is however considered that a portion of the rear yard in the south-eastern corner can be slightly further reduced in height to reduce the bulk and scale of the wall where it abuts open areas garden areas on the adjoining lots and is reasonable. The proposal is therefore recommended to be approved subject to conditions.

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

#### **Growing City**

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

#### **Leading & Listening**

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

### **Budget/Financial Implications**

N/A



**Legal Implications**

N/A

**Community Consultation**

See Consultation section of the Report.

**Attachment(s)**

1. Location Plan/Aerial
2. Floor Plan
3. Elevations
4. Site Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

**14.3 (MINUTE NO 5223) (OCM 12/12/2013) - DRAFT WESTERN AUSTRALIAN STATE AVIATION STRATEGY (089/003) (R COLALILLO) (ATTACH)**

**RECOMMENDATION**

That Council endorse this report as the basis to making a submission to the Department of Transport ('DoT') on the Draft Western Australian State Aviation Strategy ('Draft Strategy'), emphasising the following issues:

1. The Draft Strategy being updated to confirm and mandate the timely delivery of a third runway for Perth Airport.
2. More detailed information and actions directly related to Jandakot Airport be included within the document.
3. The requirement for appropriate Memorandums of Understanding to ensure the Federal Government does not consent to Airport Master Plans unless specific issues are addressed to the satisfaction of State and Local Governments.





4. Greater attention and emphasis being placed on the impacts of land use planning within airports and the impact on the surrounding transport network.
5. Scope for the formulation of relevant planning and engineering consultative groups (with Local Government representation) to deal with development in and around airports including Jandakot Airport.
6. The securing of a second commercial airport for Western Australia being elevated to a 'short term' action.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**

#### **Background**

The Draft Strategy is the first developed for Western Australia and seeks to complement the National Aviation Policy White Paper and the State Government's other key transport strategies. It has been prepared by the Department of Transport in conjunction with key government agencies covering economic development, planning, tourism, local government and regional development.

Through the Draft Strategy, the State Government aims to improve airport planning across Western Australia by:

1. Seeking to establish a policy and regulatory framework for master planning of local government owned major regional airports within a state wide aviation network planning context.
2. Engaging and cooperating with Perth Airport, other major airports and the resources industry in coordinating aviation infrastructure planning across the state's aviation network.
3. Co-ordinating planning of transport linkages and the provision of public transport to airports.
4. Reviewing existing land-use planning controls for land around airports to ensure airports are not constrained by inappropriate development (such as noise sensitive developments).

5. Seeking to establish a transport approval process for the development of new airstrips and airports, especially those servicing resource companies.
6. Providing security for the expansion of airport services for the Perth metropolitan area by cooperating with Air Services Australia and other Commonwealth agencies in planning studies to locate suitable site for a future second Perth metropolitan airport and a future second general aviation airport.

The Draft Strategy is currently being advertised for comment. The purpose of this report is to examine the key implications for the City of Cockburn ('City') and for Council to formulate a position with respect to the Draft Strategy and provide the DoT with a submission.

### **Submission**

N/A

### **Report**

The Draft Strategy in its current form primarily relates to Perth Airport and regional airports within the State. However, given the significant function and role of Jandakot Airport, the various actions and objectives within the Draft Strategy require careful consideration. The potential implications for the City and proposed modifications or recommendations for the Draft Strategy are discussed in detail as follows:

#### Perth Airport

The backlog of investment in runway and terminal infrastructure at Perth Airport can be considered a broad economic problem. Economic investment within the State, in particular regional areas, faces growing opportunity costs without the delivery of a third runway for the airport. Officers of the City have previously attended the Perth Airports Municipality Group and questions were raised about the timing for a third runway. It is not apparent what this timeline will actually be, however it does not appear possible to be delivered in a short term timeframe (i.e. 1 to 2 years). Arguably it is needed in a very short time frame, and thus it appears a priority that needs further emphasis within the Draft Strategy. It is recommended that the Draft Strategy include firm actions relating to the timely delivery of the third runway.

#### Jandakot Airport

The Draft Strategy understates the importance of Jandakot Airport. Although the document acknowledges that it is one of the busiest airports in Australia, it does not go any further in this regard. Regional airports are discussed in far greater detail and have specific strategies



linked with their future development. As the second major airport in the Perth metropolitan area, it is considered appropriate that Jandakot Airport have its own specific section within the document.

It is evident from the lack of information or inclusion of Jandakot Airport, that there may be a lack of knowledge about just how significant the airport site has become. It may also place at risk the focussing of State Government infrastructure investment in the area surrounding the airport, particularly as it relates to some of the key entrance and exist points into the airport. As it is expected that this Strategy (once adopted) will inform future consideration around budgeting and infrastructure, there should be a much greater elevation of Jandakot Airport in terms of recognised importance for the Perth metropolitan region.

### Airport Master Plans

The Draft Strategy appears to lack focus on how important both State and Local Government input is to the airport master planning process. The City's ongoing involvement with Jandakot Airport Holdings shows that issues or concerns raised by the City do receive careful attention given how they inform the advancement of draft master plans.

In line with changes to the *Airports Act 1996*, such as the expectation of heightened ground transport plans, it is considered that the Draft Strategy should set out the need for Memorandums of Understanding ('MOU') with the Federal Government to ensure that road infrastructure issues be agreed as part of the ground transport planning. There are similar examples of this high level of MOU, notably the State Environmental Protection Authority ('EPA') and the Federal Department of the Environment ('DoE') on issues relating to the *Environment Protection and Biodiversity Conservation Act 1999* ("EPBC Act").

It is therefore recommended that the Draft Strategy include the requirement for appropriate MOU's to ensure that the Federal Government should not consent Airport Master Plans unless specific issues are addressed in collaboration with State and Local Government. This will be of benefit to both the airport operator and broader community.

### Land Use Planning and Transport

The Draft Strategy appears to inadequately identify and discuss issues associated with the development of airport land for non-airport related land uses. This is particularly relevant to Jandakot Airport (and Perth to a lesser extent) and the need for the State and Federal Governments to have a greater role in the planning and provision of efficient land transport networks. In particular, providing access to/from the airports



for existing traffic and the additional traffic that will be generated by the non-airport related land uses and around the airports for regional traffic.

It is common knowledge that the current inadequate operation of the regional/state road network in the vicinity of Jandakot Airport is directly impacting on access to the airport via Karel Avenue and Berrigan Drive. Whilst improved road infrastructure is now occurring for the Perth Airport via the 'Gateway Project', nothing similar is proposed by the State and Federal Governments for Jandakot Airport. It is noted that the east link to Ranford Road is currently being planned and the Kwinana Freeway will have an additional lane south of Roe Highway however there needs to be more commitment from the State Government to planning and providing major infrastructure in this region.

It is considered that the issue of land transport infrastructure should have been discussed in greater detail within Part 8 of the document. This section includes an action being – 'Action 8.10 – coordinate planning of transport linkages and the provision of public transport to airports'. However, the proposed action is not elaborated on with much detail to confirm what the current key issues are and how they may be addressed.

As outlined above, the rapid development of non-aviation related uses such as retail, commercial and industrial uses on Jandakot Airport land has greatly impacted on the surrounding area. Of greatest concern is the ongoing impacts related to traffic congestion, use of heavy vehicle on local roads and the accelerated depreciation of these infrastructure assets. The establishment of a specific Jandakot Airport planning and engineering technical consultative group with representation from affected Local Governments would assist in addressing current issues and providing greater security in dealing with future developments and expansions.

It is recommended that the Draft Strategy be updated to provide greater emphasis on the impacts of land use planning within airports and the impact on the surrounding transport network. Additionally, it should contain scope for the formulation of relevant planning and engineering consultative groups (with Local Government representation) to deal with development in and around airports including Jandakot Airport.

### Second Commercial Airport

The securing of a second commercial airport for Western Australia is considered to represent a 'short term' action rather than the more long term view outlined by the Draft Strategy. The operation of Perth Airport



as a monopoly does not help create an element of competition, particularly to attract new airline carriers to services the WA region. The faster than anticipated securing of a second commercial airport will aid in providing greater choice and economic travel for providers and consumers alike.

An example of this is the budget airline company Air Asia which has created a low cost competitive strategy by being able to access secondary commercial airports slightly outside major cities across Asia as a way to limit higher landing fees and taxes in major airports. While there are other factors associated with this, should the State Government be successful in having a second commercial airport operational by 2020, it will enable Western Australia to attract other airlines which are seeking low cost landing choices which may not be currently available.

It is therefore recommended that the above be outlined as a short term action within the Draft Strategy.

### Conclusion

It is positive to see high level strategic planning being undertaken by the State Government in relation to aviation across the state. However noting the importance of Jandakot Airport to the City and wider region, it is vital that a number of critical aspects as outline above be investigated and concluded prior to the Draft Strategy being considered for final adoption.

It is therefore recommended that the City make a comprehensive submission on the Draft Strategy, specifically emphasising the issues and concerns outlined in the above report.

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

#### **Growing City**

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

#### **Moving Around**

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

### **Budget/Financial Implications**

The Draft Strategy is a high level strategic and long term document and it is unlikely effect changes to the City's infrastructure and planning requirements in the short to medium term. In the long term, changes may be required and any amendments to the City's Scheme and



upgrading of infrastructure will require staff resources and time in terms of preparation and implementation however these cannot be quantified at this stage.

**Legal Implications**

N/A

**Community Consultation**

The Draft Strategy is being advertised until 23 December 2013. The DoT has undertaken an extensive public consultation process including advertising within newspapers, internet and letters to government authorities and the private sector.

**Attachment(s)**

Draft Western Australian State Aviation Strategy

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

N/A

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

Nil.

**14.4 (MINUTE NO 5224) (OCM 12/12/2013) - PROPOSED MODIFICATION TO LOT 412 GAEBLER ROAD LOCAL STRUCTURE PLAN - LOCATION: HAMMOND PARK - OWNER: GOLD ESTATES HOLDINGS PTY LTD - APPLICANT: ROBERTS DAY (110/090) (R COLALILLO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorse the Schedule of Submissions prepared in respect of the proposed modified Lot 412 Gaebler Road Local Structure Plan ('modified Structure Plan');
- (2) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ('Scheme'), adopt the modified Structure Plan;
- (3) in pursuance of Clause 6.2.10.1 of the Scheme, the proposed Structure Plan be sent to the Western Australian Planning Commission ('WAPC') for endorsement;



- (4) advise the proponent and those persons who made a submission of Council's decision; and
- (5) advise the proponent that the site is subject to Development Contribution Area No. 13.

#### **COUNCIL DECISION**

MOVED Cllr S Pratt SECONDED Cllr K Allen that the recommendation be adopted.

**CARRIED 8/0**

#### **Background**

The original Lot 412 Gaebler Road Local Structure Plan ("Structure Plan") was approved by Council on 21 December 2004 and endorsed by the WAPC on 26 February 2005. Since then, the Structure Plan has been subject to minor modification/s, which was dealt with in accordance with the statutory requirements of the Scheme. The current version of the Structure Plan is dated 13 February 2006, a copy of which is contained in Attachment 2 to this report.

A proposal to modify the Structure Plan pertinent to the southern portion of the Structure Plan area ("subject land") has been lodged with the City in order to affect a density change and road deletion for the subject land.

The modified Structure Plan has been advertised for public comment and this report now seeks to specifically consider the proposal for adoption, in light of the advertising process and assessment by officers.

#### **Submission**

The modified Structure Plan (as shown in Attachment 4) was lodged by Roberts Day on behalf of Richard Noble (the landowner). The modified Structure Plan comprises the following:

- Removing the existing dual coding of Residential 'R20/R40' in favour of site specific density codings of R25 and R40 to provide for greater certainty of future development outcomes. This results in a proposed overall decrease in potential dwellings that can be developed on the land.



- Redesign of the former dual coded Residential 'R20/R40' precinct. The objective for the redesign is to seek a better outcome for this small precinct, which is dependent upon access past an existing laneway. In this regard the redesign proposes an entry road, which expands to a 22m reserve to facilitate an internal amenity area consisting of a strip of trees in a central median. The loop road is connected to a 10m PAW providing direct pedestrian access to Gaebler Road and the area of POS to the south.
- Increasing the size of the Local Centre lot to 1500m<sup>2</sup> to ensure the ability to facilitate a range of potential 'local centre' uses.

In addition to the above design changes, other modifications to the wider Structure Plan area have been undertaken:

- Relocation of the drainage sump associated with the Primary School site to its constructed location adjacent to Frankland Avenue.
- Deletion of the 300m 'sphere of influence' line arising from the former market gardens to the south, which have since been closed down.
- Deletion of the 40m 'strip of vegetation' along Gaebler Road, which has been cleared following the closure of the market gardens to the south.

## **Report**

### Planning Background

The subject land is 1.5 hectares in size and generally bound by residential development to the north and west, Irvine Parade to the east and Gaebler Road to the south as shown within Attachment 1.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Area 4 ("DA 9"), Development Contribution Area No. 3 ("DCA 3") and Development Contribution Area No. 13 ("DCA 13").

### Proposed Modified Structure Plan

The proposed modifications to the existing Lot 412 Gaebler Road Local Structure Plan are considered to be fairly minor and consistent with the surrounding area. The implications of the modifications are discussed below.





### Design and Density

The existing Structure Plan provides for a dual coding of R20/R40 for the subject area. This is supported by the current Detailed Area Plan which outlines potential development of lots closer to the R40 density than the base R20 density (as shown in Attachment 3).

Under the current dual coding framework, there is potential for 35 dwellings to be developed whereas the proposed modification would result in a maximum yield of 30 dwellings. The reduction is attributed to the modification specifying sites for R40 and R25 development and removing the 'blanket' dual coding. Whilst the base coding has increased from R20 to R25, allocating only certain sites to be coded R40 has resulted in a net reduction in dwelling yield.

Whilst 'down codings' are generally in opposition to current planning practices which seek to promote higher densities where possible, the redesign of the subject area is considered a positive outcome. This is based on the future layout reducing the amount of battleaxe lots and removing an unnecessary additional road connection to Gaebler Road whilst maintaining pedestrian connectivity via Pedestrian Access Way ("PAW"). In addition, the increasing of size of the Local Centre site will enable a greater diversity in uses and improved design outcomes to be achieved as there will be greater area available for circulation, servicing and future businesses.

### Other Modifications

The relocation of the 'Lakes & Drainage' Reserve is supported as it is reflective of the final positioning of the drainage sump located with the Primary School site. Originally it was located in an east/west direction adjacent to Gaebler Road however during the detailed design phase of the school site and surrounding subdivision it was deemed necessary to relocate the sump adjacent to Frankland Avenue in a north/south configuration.

The removal of the notations relating to the former market gardens located on the south of Gaebler Road is also supported. This is on the basis that the market gardens are no longer in operation and the land has since been developed for residential purposes.

### Community Consultation Outcomes

The modified Structure Plan was advertised for public comment for a period of 21 days in accordance with the Scheme requirements. A total of four submissions were received with three raising objections and one providing support.



The submissions raising objection are primarily on the basis that the proposal may result in a net increase in dwellings, and therefore may result in adverse impacts such as additional traffic etc. As explained above however, the proposal will result in a net decrease in potential dwellings compared to what is currently possible. The design has also been assessed in respect of traffic and pedestrian safety, and is deemed to be compliant also. Accordingly the objections are noted but considered to be not relevant.

All submissions have been outlined and addressed in detail in the Schedule of Submissions (Attachment 5). No amendments to the modifications to the Structure Plan are proposed as a result of the advertising process.

### Conclusion

It is recommended that Council adopt the modified Structure Plan. Approval is recommended on the basis that it will facilitate a greater mix and diversity of dwelling types for the locality. The modified Structure Plan is considered to reflect the objectives of Directions 2031 and Liveable Neighbourhoods.

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

#### **Growing City**

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

### **Budget/Financial Implications**

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

Subdivision and development of the subject land is also subject to the requirements of the City's Development Contribution Plan 13 – Community Infrastructure.

### **Legal Implications**

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



### Community Consultation

Community consultation was carried out for a period of 21 days. The proposal was advertised in the newspaper, on the City's website and letters were sent to affected landowners in accordance with the Scheme requirements.

Four submissions were received during the advertising period. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.

### Attachment(s)

1. Location Plan
2. Existing Lot 412 Gaebler Road Local Structure Plan
3. Existing 'Area 3' Detailed Area Plan
4. Proposed Modified Lot 412 Gaebler Road Local Structure Plan
5. Schedule of Submissions

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

#### 14.5 **(MINUTE NO 5225) (OCM 12/12/2013) - PROPOSED NAMING OF PUBLIC OPEN SPACE RESERVE 51315 (RESERVE FOR PUBLIC USE & RECREATION) - LOT 8029 MEDINA PARADE, NORTH COOGEE - OWNER: PORT CATHERINE DEVELOPMENTS PTY LTD (6013930) (R CREEVEY/ A TROSIC) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) endorse the name 'Djenark Cove for Reserve 51315 (Lot 8029) Medina Parade, North Coogee and refer it to the Geographic Names Committee with a request for their approval of the name; and
- (2) advise the developer of the Port Coogee subdivision and submissioners of Council's decision.



**COUNCIL DECISION**

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

**CARRIED 6/2**

**Background**

The City previously received a request for the naming of public open space reserve 51315 (Lot 8029 Medina Parade), which is the beach area within the Port Coogee development. The reserve request was for the name 'Marina Beach', which links to the marina location of the beach environment. The area is shown in Attachment 1 - Location Plan.

In accordance with Council policy and delegation, the request was considered according to Council Policy PSPD20 (Naming of Parks and Reserves) and the Geographic Names Committee ("GNC") Principles, Guidelines and Procedures document. It was deemed consistent with these.

At the Council meeting held on 12 September 2013, Council resolved to:

- (1) *undertake further community consultation, allowing further consideration of alternative name options.*

This was on the basis to encourage further community consideration of naming options, noting the important community focus that the beach represents. In accordance with Council's resolution, further community consultation was undertaken via newspaper advertisement in the 5 November 2013 edition of the Cockburn Gazette, as well as on the City's website.

This was successful in obtaining further suggestions for a name for the beach. The purpose of this report is to:

- i. Identify those names which comply with the GNC guidelines and Council Policy PSPD20 and which are considered feasible as options.
- ii. Ask Council to choose between one of the feasible names.

**Submission**

The City received a request for the naming of the public open space reserve from Australand, developers of the Port Coogee Marina. This



public open space reserve is Reserve 51315 (Lot 8029 Medina Parade), which is the beach area within the Port Coogee development.

As per Council's resolution of 12 September 2013, further community consultation was undertaken via newspaper advertisement in the 5 November 2013 edition of the Cockburn Gazette, seeking alternate naming suggestions for the beach name. The request for further names was also promoted on the City's website.

The following table identifies these names, together with the accompanying justification that was submitted:

Name	Submitted Justification
Diana Beach	<p>The Diana was a wooden ship built and rigged in 1878. On the night of the 15th July 1878 severe storms drove four vessels ashore in Fremantle, including the "Diana". Its wreck lies adjacent to the South Fremantle Power Station about 100m from the shore.</p> <p>Diana Beach I think is a more fitting name for the beach. It would commemorate the maritime history of Coogee, and also be more in keeping with the wonderful nautical names that have been selected for the streets and most parks in Port Coogee.</p>
Marina Beach	Name makes a good connection with the marina location of the beach.
Brown Bay	Named after the Brown family who were Pioneers in the Bibra lake area.
Clarence Cove	Named after the Duke of Clarence who discovered much of this area.
Moort Beach	Local Nyungar name for "family beach."
Djenark Cove	<p>Port Coogee area was a place where the local Nyungar people camped in the 70's and was named "Seagull Camp." Djenark is the local Nyungar name for silver gull.</p> <p>The gull is forced to fight a reputation for being a pest. To many people, gulls are dirty, pesky thieves that seem to appear from nowhere to steal our seaside fish and chips – but to the Nyungar they play an important spiritual role that dates back to the end of the Ice Age.</p> <p>Nyungar tradition tells of the time before the sea levels rose, some 7500 years ago, when Rottnest and Garden islands were coastal hills. The Nyungar believed that the spirits of unborn children waited for their mothers in special places such as lakes and outcrops so, as the sea rose; these "spirit children" were cut off from any chance of finding a mother and being born into the real world.</p> <p>Seabirds - particularly Djenark, the silver gull - maintain the spiritual link between Nyungar country and the spirits</p>

	<p>trapped on the islands and beneath the sea, by flying between the coast and the islands.</p> <p>When a gull is seen washing its beak in the river's fresh water it is said to be releasing the spirits it has gathered at sea back into the landscape so that they can at last find a mother and fulfil their destinies as human beings.</p> <p>Perhaps the best known Australian sea bird, the silver gull has a strong pecking order – the "top gull" often seen making frantic efforts to chase all other gulls from a food source.</p> <p>An aggressive and hardy scavenger, it has adapted well to civilisation, and, given the chance, thrives around rubbish dumps and sewage outlets, picking up a variety of nasty diseases, including salmonella, earning them a reputation as "rats of the sky".</p> <p>It also enjoys a bath in our reservoirs and is attracted to fishing boats and insect-luring street lights.</p> <p>In its natural state it seeks out colonies of breeding terns, where it steals eggs and chicks.</p> <p>In the Perth area gulls are most numerous within 30km of Fremantle and become scarcer away from the islands it needs for breeding, which include not only Rottnest and Garden islands but just about every smaller island from Penguin Island in the south to Lancelin Island in the north.</p> <p>On Carnac Island their eggs and chicks are the main food source for tiger snakes, nearly all of which are blinded by attacking gulls at an early age but still manage to find and eat their favourite food using their keen senses of smell and heat sensitivity.</p> <p>Seen singly, in pairs or in flocks of up to 300 – sometimes up to 5000 when flying to their roosts – silver gulls breed from mid-March to mid-December, building a nest of seaweed, small sticks and feathers in a shallow scrape in the ground.</p> <p>In this the hen gull lays, one to three pale brown to dark olive-green eggs, blotched with dark brown or black.</p> <p>I also believe given the current situation at Port Coogee and surrounding areas that the Seagull is something you relate the beach. And something our kids will relate to.</p>
<p>Don Miguel Beach</p>	<p>The reason for this choice, is that Don Miguel did more than any other individual person to close down the noxious industries which covered this coastal land, and almost single-handedly set the wheels in motion to open up this coastline for domestic housing. It was Don Miguel who forced the hand of the Labor Government to close down</p>



	<p>the abattoirs when he refused to allow a broken pipeline to be repaired and pass over council land.</p> <p>He was a mayor with a very forceful personality, and a great founding father of the City of Cockburn.</p>
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### Officer Comment

In respect of the suggested names, the following are deemed not acceptable according to the GNC Guidelines and Council Policy PSPD20:

Don Miguel Beach and Brown Bay - The use of personal names is not acceptable when naming a topographical feature, this is noted within the GNC document under Section 3.8.1 - current or recent ownership of the land or recent public service shall not form sufficient grounds for a naming request to a topographical feature.

Diana Beach - In principle, the naming of a beach to reflect the maritime history of the area is an excellent suggestion. The development area to the north of Port Coogee however (known as 'Cockburn Coast') is in immediate proximity to the wreck of the Diana. The wreck lies just south west of the power station building and is concealed beneath sand. The Heritage Strategy prepared for the Cockburn Coast development recommends interpretation of this site in the Cockburn Coast project to communicate the tangible and intangible values and history of the wreck to the community. It makes a similar recommendation for the wreck of the 'James' which is located adjacent to the 'Diana'. Accordingly it is not considered appropriate to utilise this name for a beach area within Port Coogee.

Clarence Beach – In accordance with Section 5.3 of the GNC guidelines, duplication of names is not recommended. In this case a Clarence Beach Road exists within the Australian Marine Complex, and is considered to pose an issue of duplication and possible confusion if Clarence Beach was considered as a name. This is not recommended by the guidelines, particularly in respect of confusion for the public and emergency services.

According to the above this leaves Marina Beach, Moort Beach and Djenark Cove as possibilities. Each of the names is considered feasible options for Council to consider. In respect of the Nyungar names, these are particularly encouraged by the GNC guidelines under Section 4 as follows:

#### *4: Recognition and Use of Indigenous Names*

*The GNC is committed to the promotion, preservation and restoration of Indigenous culture within Western Australia. This is acknowledged by a preference being given to Indigenous names where possible.*



*The use of Indigenous names is encouraged and the collection and compilation of recorded Indigenous topographic names is supported.*

This is considered particularly important justification which elevates consideration of these names above that of Marina Beach. It is also worth noting that Council's 2013-2016 Reconciliation Action Plan (under Action 12) seeks to encourage the use of Aboriginal names for, inter alia, Cockburn sites and reserves. Specifically it states:

12	<b>SIGNAGE AND NAMING:</b>			
	12.1 Create a list of appropriate Nyungar names to be used in naming Cockburn sites, roads and trails.	Family Services Manager	Ongoing	List is developed and accessed for signage and naming purposes.
	12.2 Encourage dual language on public signs, such as park signs, welcoming signs etc. where possible, plus historical descriptions of the land use.	Manager Parks Environment	July 2015 Existing	Where possible and appropriate dual language is used.
	12.3 Encourage the use of Aboriginal names for buildings/parks.	Manager Parks Environment	July 2014	Use of appropriate Aboriginal names/words for buildings or parks is considered in planning.

Naming the beach either Moort Beach or Djenark Cove would be an achievement of the above actions.

Of the two names suggested, the justification provided in support of Djenark Cove is considered very comprehensive and importantly provides the opportunity to tell a very meaningful story about the beach area. It is recommended that this be adopted by Council.

**Strategic Plan/Policy Implications**

**Lifestyle and Aspiration Achievement**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A





### Community Consultation

Public consultation was undertaken as per Council policy and the GNC guidelines.

### Attachment(s)

Location Plan

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

#### 14.6 **(MINUTE NO 5226)** (OCM 12/12/2013) - SALE OF LAND - LOTS 1 & 4218 QUARIMOR ROAD, BIBRA LAKE - OWNER: CITY OF COCKBURN (4414177, 4413938) (K SIM) (ATTACH)

#### **RECOMMENDATION**

That Council

- (1) sells Lots 1 and 4218 Quarimor Road, Bibra Lake for a consideration of \$2,728,000 (inc GST) to Sea Glow Pty Ltd subject to no objections being received as a result of the statutory advertising required by Section 3.58 of the *Local Government Act 1995*; and
- (2) amend the 2013/14 adopted municipal budget by transferring \$2.48m (net of GST paid to the ATO) to the Land Development and Investment Reserve.

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

#### **COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## Background

Lot 1 and 4218 Quarimor Road, Bibra Lake were both acquired from the State of Western Australia in 2001 and 1997 respectively. Lot 1 was formerly a private road while most of Lot 4218 was a former Railway Reserve.

## Submission

An offer to purchase the land in the form of an Offer and Acceptance Contract has been received from Sea Glow Pty Ltd of 47 Cocos Drive, Bibra Lake. A valuation report has also been received from Licensed Valuer Wayne Srhoy from McGee's Property.

## Report

The Land Management Strategy 2011-2016 has identified this property as being "Land Potentially Available for Sale". The 2013/14 Budget nominates this land to be developed and sold. An analysis of costs and return was undertaken on a proposal understand whether selling as is, or selling as potentially three subdivided lots, would yield the best return for the City.

Consulting Engineers Porter Consulting have estimated that the subdivision civil works would amount to \$378,650. Estimated selling prices for the three lot option were then sought from Commercial/Industrial Real Estate Companies active in the area. The estimated total selling price for all three lots was between \$2,422,695 and \$2,628,038 in total.

A second Commercial/Industrial Real Estate Company recommended a two lot subdivision and estimated the selling price for the two lots to be between \$2,628,038 and \$2,956,932.

The estimated selling price for the land as is, that is without subdivision, from the two companies was between \$2,475,000 and \$2,640,000 for the first and between \$2,464,000 and \$2,628,384 from the second real estate company.

These figures indicate that a subdivision, when the costs are deducted from the return, does not represent a viable proposition for the City to consider. Adopting the most optimistic selling scenario of \$2,956,932 and then deducting development costs of \$378,650 yields a \$2,578,282 return. This is less than the estimates to sell as the land in its current form as proposed by the two Real Estate agents that range from \$2,475,000 to \$2,628,384.



Local interest in this property was generated when the property was cleared of vegetation and illegal dumping. The offer from Sea Glow Pty Ltd is considered to be very attractive given that it is better than the higher of the two real estate company appraisals. The City will receive funds at settlement rather than sometime in the future as would be the case with a sales program undertaken by either of the real estate companies. The proposal also exceeds the valuation that has been received.

Sea Glow Pty Ltd is the trading name of a locally based engineering fabrication company. This company will be constructing their new headquarters on the site. This will be an important example of the City also supporting the generation of local employment.

The proposed sale price of \$2,728,000 (inc GST) is acceptable according to the Licensed Valuation that was received. It is recommended that the sale of the land proceed in accordance with the requirements of the Act.

### **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.

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Proceeds of the sale totalling \$2,728,000 (inc GST) will be transferred to the Land Development Reserve Fund.

### **Legal Implications**

Provisions of Section 3.58 of the *Local Government Act 1995* apply.

### **Community Consultation**

Details of the sale will be advertised in a newspaper for State wide publication, as required by Section 3.58 of the *Local Government Act 1995*.



**Attachment(s)**

Location Plan

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

The Proponent(s) have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

- 14.7 **(MINUTE NO 5227) (OCM 12/12/2013) - CLOSURE OF PORTION OF COCKBURN ROAD, COOGEE - LOCATION: ADJOINING LOT 13 KIESEY STREET, COOGEE - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: MAIN ROADS WA (450601) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) request that the Minister for Lands permanently close portion of Cockburn Road, Coogee pursuant to Section 58 of the *Land Administration Act 1997* subject to the land being amalgamated with Lot 13 Kiesey Street, Coogee; and
- (2) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Cockburn Road, Coogee is a Proclaimed Main Road under the control of Main Roads WA. Lot 13 Kiesey Street is a freehold lot in private ownership.



## Submission

Main Roads WA has written to the City of Cockburn requesting closure of portion of Cockburn Road, Coogee adjacent to Lot 13 Kiesey Street, Coogee.

## Report

The request for closure submitted by Main Roads WA included a plan of the proposed Road Reserve to be closed. The portion of land being the full depth of Lot 13 and a width of 7.4 metres results in an area of 424 square metres. Main Roads WA and the owner of Lot 13 Kiesey Street have entered into an agreement to modify a drainage sump constructed for road works associated with the deviation of Cockburn Road. The modification results in a strip of level land between the drainage sump and Lot 13. Main Roads has agreed to promote the road closure and inclusion of the land into Lot 13.

A subdivision approval, with support from the City of Cockburn, has been issued by the Western Australian Planning Commission to amalgamate Lot 13 Kiesey Street with the proposed road widening.

All of the service authorities have been advised of the proposal, and there have been no objections. The proposal has also been publicly advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections received.

Although Main Roads WA has control of Cockburn Road, it is only via Section 58 of the *Land Administration Act 1997* that roads can be permanently closed. This requires the Local Authority to manage the road closure process including advertising and necessary Council resolutions.

It is recommended that Council proceed with the road closure request as per the officer 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.



**Transport Optimisation**

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

**Budget/Financial Implications**

All associated costs are to be paid by the proponent.

**Legal Implications**

Section 58 of the *Land Administration Act 1997* refers.

**Community Consultation**

The proposal has been advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.

**Attachment(s)**

Location Plan

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

The Proponent(s) have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

**14.8 (MINUTE NO 5228) (OCM 12/12/2013) - SCHEME AMENDMENT NO. 99 (OMNIBUS AMENDMENT) ADOPTION FOR FINAL APPROVAL - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93099) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 99 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) adopt Scheme Amendment No. 99 for final approval for the purposes of:



1. Modifying the Scheme Text by deleting the Veterinary Consulting Rooms use from Schedule 1 - Land Use Definitions and Table 1 - Zoning Table.
2. Modifying the Scheme Text by deleting the Veterinary Hospital use from Table 1 - Zoning Table.
3. Modifying the Scheme Text by amending the use permissibility designation of Veterinary Centre from X to A for the Rural Living zone under Table 1 - Zoning Table.
4. Modifying the Scheme Text by amending Clause 5.8.5(a)(ii) to read as follows:  
"A home occupation or home business can be undertaken subject to clause 5.8.5 (a) (ii) by the occupier of the land and is not transferable."
6. Modifying the Scheme Text by correcting the spelling under Clause 8.2.1(h) as follows:  
"the erection on a single lot of two grouped dwellings (included extensions and ancillary outbuildings) where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table, and where the development is consistent with Local Planning Policy No. APD58 (Residential Design Guidelines) and the Residential Design Codes".
7. Modifying the Scheme Text by amending Clause 8.2.1(i)(i) to read as follows:  
"of 100 square metres or less and a wall height of 2.4 metres or less in the Development and Residential Zone".
8. Modifying the Scheme Text by amending Clause 8.3.2 to read as follows:  
"Where planning approval has been granted subject to conditions, and one or more of the conditions and/or approved plans have not been complied with to the satisfaction of the local government, the local government may refuse to issue approval for the further use or development of the land to which the conditions of a previous approval are outstanding."
9. Modifying the Scheme Text by amending Clause 10.10.1 to read as follows:  
"An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply for a review to the

State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005."

10. Modifying the Scheme Text by amending the Town Planning Act definition under Schedule 1 - General Definitions to read as follows:  
"means the Planning and Development Act 2005."
11. Modifying the Scheme Text by introducing a new Small Bar definition under Schedule 1 - Land Use Definitions as follows:  
"Small bar: means premises licensed as a small bar under the Liquor Control Act and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120."
12. Modifying the Scheme Text to add 'Small Bar' as a use class under the Commercial Uses category, with the use permissibility designation of A within the Regional Centre, District Centre and Local Centre zones, and as an X use in all other zones.
13. Modifying the Scheme Text by introducing a new Holiday Home (standard) definition under Schedule 1 - Land Use Definitions as follows:  
"Holiday Home (standard): means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit)."
14. Modifying the Scheme Text to add Holiday Home (standard) as a use class under the Residential Uses category, with the use permissibility designation of A within the Residential zone, and as an X use in all other zones.
15. Modifying the Scheme Text by introducing a new Holiday Home (large) definition under Schedule 1 - Land Use Definitions as follows:  
"Holiday Home (large): means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time."





16. Modifying the Scheme Text to add Holiday Home (large) as a use class under the Residential Uses category, with the use permissibility designation of an X use in all zones.
17. Modifying the Scheme Text by amending the Hotel definition in Schedule 1 - Land Use Definitions to read as follows:  
 "Hotel: means premises providing accommodation the subject of a hotel licence under the Liquor Control Act and may include a betting agency on those premises."
18. Modifying the Scheme Text by amending the Tavern definition in Schedule 1 - Land Use Definitions to read as follows:  
 "Tavern: means premises licensed as a tavern under the Liquor Control Act and used to sell liquor for consumption on the premises."
19. Modifying the Scheme Text by correcting the spelling error in Schedule 4, under SU9 Clause 3(e)(ii) as follows:  
 "Signage is to complement the architectural proportion and scale of the building. Roof signs will not be permitted."
20. Modifying the Scheme Text by correcting the spelling error in Schedule 11, under DA7 Provision 2 as follows:  
 "To provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities, in accordance with an approved Structure Plan."
21. Modifying the Scheme Text by amending Schedule 11, under DA29 Provision 3 (b) (i) to read as follows:  
 "(i) a minimum of 5% of the total area of each lot must be landscaped between the lot boundary and the building line (excluding verge areas) or as varied under the provisions of Clause 5.9.2 of the Scheme."
22. Rezoning the portion of redundant road reserve adjoining the southern boundary of Lot 50 (No. 18) Interim Road, Spearwood from Local Reserve - Local Road to Residential R30; (Note: Current zoning is 'Local Reserve - Local Road', and not 'Not Zoned').
23. Rezoning the southern portion of Lots 1 (No. 15) and 2 (No. 29) Yangebup Road, and the adjacent Road Reserve, Yangebup from No Zone to Development Zone

- within Development Area 4 (DA4) and Development Contribution Area 4 (DCA4);
24. Rezoning the southern portion of Lots 105 (No. 45) and 200 (No. 49) Armadale Road, Jandakot and the adjoining portion of Road Reserve from No Zone to Development Zone within Development Area 20 (DA20).
  25. Rezoning the western half of the former Pedestrian Access Way between Lot 2718 (No. 10) Benedick Road, Lot 157 (No. 14) Benedick Road and Lot 158 (No. 5) Rosalind Way, Coolbellup from No Zone to Development Zone within Development Area 34 (DA34) and the eastern half to 'Residential R20'.
  26. Rezoning the stretch of land south of Bartram Road / Kwinana Freeway Primary Regional Roads Reservation and north of the Railways Regional Reservation from No Zone to Development Zone, excluding the portion of land set aside for road widening.
  27. Rezoning the eastern portions of 44 Pearson Drive, 33 Gillen Way, and Reserve 47581 (Lot 5062) Gillen Way; Reserve 50764 (Lot 113) Pearson Drive; and adjacent Road Reserve, Success from No Zone to Residential R40.
  28. Rezone easternmost portion of Lot 9011 Gillen Way, Success from No Zone to Local Reserve – Public Purposes – Water Corporation.
  29. Rezoning the eastern portions of Lots 1 and 804 Pearson Drive (the stretch of No Zone land north of Pearson Drive) from No Zone to Residential R80.
  30. Rezone the eastern portions of Lots 1, 895 and Reserve 50960 (Lot 800) Malata Crescent, Success from No Zone to Residential R160.
  31. Rezoning the rear portions of Lots 100 and 101 Russell Road and Lots 102 and 103 Rockingham Road, Henderson from No Zone to Light and Service Industry.
  32. Rezoning Reserve 27691 (Lot 2054) (No. 59) Redmond Road and Lot 3001 (No. 57) Redmond Road, Hamilton Hill from Local Reserve – Parks and Recreation to Local Reserve - Public Purposes – Civic.



33. Rezoning the southern portion of Lot 51 (No. 5) Dodd Street and 7 Dodd Street, Hamilton Hill from Residential R20 to Local Centre.
34. Rezoning Reserve 46985 (Lot 4743) Richmond Entrance, Success from Residential R20 to Local Reserve - Parks and Recreation.
35. Recoding Lots 1023 to 1026 (No. 1 to 7) Strand Close, Atwell from R5 to R20.
36. Rezoning Lot 76 (No. 213) Winterfold Road; the western adjoining portion of Reserve 32581 (Lot 4613) (No. 219) Winterfold Road; and the northwest adjoining portion of Reserve 35431 (Lot 4612) (No. 30) Mopsa Way, Coolbellup from Residential R20, Local Reserve – Public Purposes – Civic and Local Reserve – Public Purposes – Pre-School to Residential R25.
37. Rezoning the southern portion of Reserve 32581 (Lot 4613) (No. 219) Winterfold Road and the adjoining eastern portion of Reserve 35431 (Lot 4612) (No. 30) Mopsa Way, Coolbellup Local Reserve – Public Purposes – Pre-School to Residential R25.
38. Rezoning the southern portion of Reserve 46427 (Lot 4527) and the adjoining western portion of Lot 1301 (No. 301) Spearwood Avenue, Bibra Lake from Local Reserve - Lakes and Drainage to Industry.
39. Rezoning the eastern portion of Lot 30 (No.50)and Lot 31 (No. 52) Myall Place, and western portion of Lot 40 Myall Place, Banjup from Local Reserve – Local Road to Resource Zone.
40. Rezoning Lot 40 (No. 39) Cervantes Loop, Yangebup from Local Reserve - Lakes and Drainage to Residential R25.
41. Rezoning Lot 282 Skeahan Street, Spearwood from Local Reserve - Lakes and Drainage to Residential R30.
42. Rezoning northern portions of Strata Lots 1-13, 22 (No.1) Lomax Court, Beeliar from Development Zone to Residential R40 within Additional Use 9 (AU9).
43. Modification to the description in the Scheme Text for AU9 to refer to Lots 1-22 on Survey Strata Plan 61588

(No.1) Lomax Court, Beeliar.

44. Rezoning Lot 77 (No. 52) Malvolio Road, Coolbellup from Local Reserve - Lakes and Drainage to Residential R20.
  45. Deleting Additional Use 14 (AU14) from the Scheme Text and Map.
  46. Rezoning Lot 75 (No. 14) Bundy Court, South Lake from Local Reserve - Public Purpose (Civic) to Residential R20.
  47. Amending the Scheme Map accordingly.
- (2) ensure the amendment documentation, once modified, 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
- (3) advise those parties that made a submission of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr Y Mubarakai that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The purpose of this report is to consider final adoption of an omnibus amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme").

The proposed Amendment has been compiled since the last omnibus amendment completed for the Scheme (Amendment No. 72). Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 13 December 2012. It was advertised for



public comment for a period of 42 days from 1 October to 12 November 2013.

Primarily the Amendment proposes a number of changes to both the Scheme Text and Map, aiming to correct anomalies and ensure land is appropriately zoned reflective of its current and intended use. It also includes the rezoning of three drainage sumps that are being rationalised.

This report seeks Council to consider all submissions received during the advertising and recommends adoption of the Amendment for final approval, subject to modifications.

### **Submission**

This Amendment proposes modifications to both the Scheme Text and Map. Attachment 1 lists each of the proposals in more detail.

### **Report**

The Scheme was gazetted on 20 December 2002 and has had two major omnibus amendments since that time. The first was completed in March 2004 and the second in December 2008. Consistent with this timing, this Amendment proposes a further omnibus amendment to the Scheme.

Attachment 1 outlines and explains each of the proposed changes. The majority of these proposed modifications are minor, and include corrections to the alignment of zonings on the Scheme Map, and corrections to the Scheme Text. A number of new land use definitions are proposed to be included, such as 'Holiday Homes', to reflect recent State Government guidelines.

The Amendment includes the proposed zoning of three drainage sumps which are being rationalised, and submissions were received regarding two of these proposals, which are discussed below.

#### Lot 282 Skeahan Street, Spearwood

Lot 282 Skeahan Street is a 534m<sup>2</sup> area of land reserved 'Local Reserve – Lakes and Drainage'.

This drainage sump is 'land-locked' and accessible only by an easement on private property. Accordingly, access and maintenance of the sump have been very difficult.

The pipe to the sump (located on private property) was identified as having insufficient capacity and an alternative solution is being



implemented by the City's Engineering Services which redirects stormwater drainage from this site, including to the existing redesigned drainage basin at the corner of Phoenix Road and Bullfinch Street.

The site is therefore no longer required for drainage purposes, and given that the lot is surrounded by residential lots that are zoned Residential R30 it is therefore proposed to zone the land 'Residential R30'. The surrounding area was rezoned as part of the Phoenix Central Revitalisation Strategy, which was subject to a comprehensive community consultation process as part of the Strategy and subsequent rezonings.

If rezoned the City will seek expressions of interest from all adjoining landowners ie. Landowners with a property boundary that directly abuts the subject land. If this is unsuccessful other access and development options for the site will be investigated.

There have been eight objections received from surrounding landowners in relation to this proposal, and all comments are outlined and addressed in the Schedule of Submissions (Attachment 2). The key areas of concern were as follows:

- \* Concern regarding increased crime if the lot were developed.
- \* Concern regarding loss of privacy.
- \* Concern regarding the purchase of land and amalgamation with adjacent land and development for grouped/multiple dwellings.

A number of objections to the proposal were specifically concerned about the land being sold to a specific adjacent landowner, however expressions of interest will be sought from all adjoining landowners.

The City is progressively eliminating these types of 'land locked' sumps because of the inherent difficulties and costs in managing them. Access to the sump is via an easement on private property, and undertaking any works to the sump requires the City to seek permission to use the accessway, and any works undertaken are more difficult and time-consuming than they would be in a more accessible location as the normal machinery used is unable to gain access. The benefit of rationalising sumps and dealing with the drainage within existing, accessible reserves (in a manner that does not impact on useable POS) is that it can largely be maintained as part of the maintenance of the POS, thereby resulting in greater efficiencies.

While there may be a perception that maintaining this one sump is not an excessive burden for Council, the cost of maintaining all of these types of sumps across the City is significant. The redirection of stormwater within the existing system and to an existing sump was considered to be a better outcome than upgrading a pipe (located on



private property) to a sump that is land-locked and presents ongoing maintenance difficulties.

Any future residential development of this land will be subject to the Residential Design Codes of WA which include provisions to protect privacy and minimise overlooking.

### 39 Cervantes Loop, Yangebup

Lot 40 Cervantes Loop is a 1743m<sup>2</sup> lot that is reserved 'Local Reserve – Lakes and Drainage', but is no longer required for such purpose. It is proposed to rezone the site to Residential R30 to facilitate grouped dwellings.

An objection was received regarding this proposal, and the objection is outlined and addressed in the Schedule of Submissions (Attachment 2). The key objections relate to future loss of privacy from overlooking, and concerns regarding safe egress from the site onto Cervantes Loop.

A coding of R30 could facilitate five grouped dwellings, and it is considered that given the constraints of the site, particularly access arrangements, that a maximum of four dwellings would allow better vehicle manoeuvring, and more flexibility for design and placement of dwellings. This equates to a coding of R25, which is also classed as a 'low density' coding under the Residential Design Codes. It is therefore considered appropriate that the subject land be zoned 'Residential R25' rather than 'Residential R30'.

Particular concerns have been expressed regarding the possibility of two-storey development and overlooking. It is important to note that two storey development is possible in this area at a coding of R20, and the Residential Design Codes include provisions to protect privacy and minimise overlooking.

It is noted that Cervantes Loop is a long road with several bends which may be conducive to higher traffic speeds. In order to slow traffic and signal that there is a bend at the approach to the subject land the City will investigate the possibility of a median along this section of Cervantes Loop.

### Pedestrian Accessway – Benedick Way

The Amendment includes the rezoning of a Pedestrian Accessway between Lot 2718 (No. 10) Benedick Road, Lot 157 (No. 14) Benedick Road and Lot 158 (No. 5) Rosalind Way, Coolbellup from No Zone to Development Zone within Development Area 34 (DA34) and the eastern half to 'Residential R20'. An objection was received from an adjacent landowner interested in purchasing half of the PAW when it is



closed, and they have requested that half of the PAW be zoned 'Residential R20' to match the coding of their land. This is supported, and it is recommended that the western half of the PAW be zoned Development Zone within Development Area 34 (DA34), and the eastern half be zoned 'Residential R20'.

#### Proposed modifications to 'Holiday Homes – Standard'

It is proposed that a modification be made to the permissibility of the proposed new 'Holiday Homes (Standard)' use. It is proposed that this be an 'A' use in the 'Rural' and 'Rural Living' zone (rather than an 'X' use) in addition to being an 'A' use in the 'Residential' zone. This is considered appropriate as currently 'Tourist Accommodation' is a permissible use ('A' use) in these zones. 'Tourist Accommodation' is a similar use potentially on a larger scale and has the potential to have a greater impact. Such proposed uses will require advertising to neighbours.

#### Conclusion

The proposed Amendment will correct a number of anomalies in the Scheme Map and text, and appropriately zone land no longer required for the purpose it is reserved.

It is therefore recommended that the Amendment be adopted for final approval, subject to modifications as discussed in this 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.
- 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.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

##### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.





### **Budget/Financial Implications**

The cost of preparing the omnibus amended was funded out of the existing budget of Strategic Planning.

The omnibus amendment will potentially release the following land for re-zoning and for sale:

- Lot 282 Skeahan Street Spearwood – yield one residential lot
- Lot 39 Cervantes Loop Yangebup – yield one residential lot
- Lot 219 Winterfold Road and Lot 4612 Mopsa Way Coolbellup – yield two to three residential lots.

The proceeds from the sale are unknown at present but will be presented to Council when the sale is proposed as per section 3.58 of the Local Government Act.

### **Legal Implications**

N/A

### **Community Consultation**

The Amendment was advertised for public comment for a period of 42 days from 1 October 2013 to 12 November 2013.

### **Attachment(s)**

- 1 List of Proposals
- 2 Schedule of Submissions

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.



**14.9 (MINUTE NO 5229) (OCM 12/12/2013) - ALTERATIONS AND ADDITIONS TO EXISTING LODGING HOUSE - LOCATION: 163 (LOTS 43 & 44) HEALY ROAD HAMILTON HILL - OWNER: JASON TOWNES & BIG MORETON PTY LTD - APPLICANT: BERNARD SEEBER PTY LTD (2201398) (L REDDELL) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant approval to commence development for alterations and additions to an existing lodging house at 163 (Lots 43 & 44) Healy Road, Hamilton Hill, in accordance with the attached plans and subject to the following conditions and footnotes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. Prior to the lodgement of a building permit application, the plans shall be revised to replace the low level chain mesh fence shown at the front of the property with a more appropriate residential fencing type such as timber or wrought iron pickets to the satisfaction of the City.
3. Prior to occupation 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.
4. Prior to occupation of the development hereby approved, parking bay No. 18 shall be clearly sign marked for use by staff only while parking bays No. 19-23 shall be clearly sign marked for use by visitors only to the satisfaction of the City.
5. Prior to occupation of the development hereby approved, the bicycle parking racks shown on the plans shall be installed for use by residents and visitors to the site to the satisfaction of the City.
6. During the construction phase, no 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.
7. Prior to occupation, the landscaping as shown on the



submitted landscaping plan shall be installed and thereafter maintained and irrigated to the satisfaction of the City.

8. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
9. 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.
10. Prior to occupation of the development hereby approved, a Management Plan which addresses potential amenity impacts associated with the Lodging House including security, noise, anti-social behaviour, car parking and processes for dealing with public complaints shall be prepared to the satisfaction of the City and shall form part of the approval.
11. Prior to the occupation of the development hereby approved, a Waste Management Plan shall be submitted to and approved by the City's Manager of Waste Services and shall thereafter form part of the approval.
12. Prior to the commencement of any development on site, or as otherwise agreed to by the City, Lots 43 and 44 of Deposited Plan 34040 shall be amalgamated to the 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. With regard to Condition 1, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of five minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.
3. With regard to Condition 2, chainmesh fencing is not considered appropriate in the residential context of the area and accordingly, a more typical residential style of fencing is required to be provided.



4. With regard to Condition 10, the Management Plan submitted with the application shall be submitted as a separate document and include contact details for the owner and site manager for use by neighbours and the City.
- (2) notify the applicant and those who made a submission of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The site is located on the southern side of Healy Road between Ivermey Road and Clara Road. The site is irregular in shape with a large truncation to the north-east, at the corner of Healy Road and Clara Street, the land within which is reserved for the purposes of a BP oil pipeline. The north-west boundary of the lot is also affected by a drainage easement. The site is generally surrounded by residential dwellings, typically low density single houses although there are some examples of more recent grouped dwelling developments in the vicinity.

DA09/0699, issued 17 December 2009, allowed a change of use from 'Residential Building' to 'Lodging House'. Condition 4 of this approval limits the number of lodgers to no more than 30 at any one time.

The application is being referred to Council for determination as a number of submissions have been received in response to the application being advertised for comment.

**Submission**

The current application seeks approval for alterations and additions to the existing lodging house including the construction of a two-storey



extension at the rear of the property which will facilitate an increase in the total number of rooms from 24 to 35 including one Manager's unit, a corresponding increase in the total number of lodgers from 30 to 34 (noting that some rooms are currently shared by lodgers) and an increase in the number of parking spaces from 12 to 23.

## **Report**

### Zoning and Use

The subject site is zoned Residential in which 'Lodging House' is an "A" use which requires special notice in accordance with Clause 9.4 of the City of Cockburn Town Planning Scheme No. 3 (the Scheme). Clause 9.4.1 of the Scheme indicates that where an application is made for planning approval to commence a use or commence or carry out development which involves an "A" use, the local government is not grant approval unless notice is given.

Accordingly, while DA09/0699 issued approval for use of the site as a 'Lodging House', the proposed works to expand the existing use also trigger the need to advertise the application.

### Development

In summary, the proposed works include:

1. Increase in the total number of rooms from 24 to 35 (including one Manager's unit) and a corresponding increase in the maximum number of lodgers from 30 to 34 noting that some rooms currently house more than one lodger.
2. Total increase in the number of parking bays from 12 to 23, including 17 residents bays accessed from Healy Road and 5 visitor bays and one staff bay accessed from Clara Road.
3. Demolition of the rear of the existing building.
4. Upgrades to the existing building including a new roof.
5. Alterations to the existing building to accommodate 17 single occupancy rooms.
6. Construction of a two-storey addition on the southern side of the site to accommodate 18 single occupancy rooms.

It is noted that a number of revisions were made to the plans after an initial review by the City indicated that there were simple improvements that could be made to the design. These changes included the inclusion of a privacy screen to the western side of the balcony for SOU 27, the provision of major openings to the ground floor south-facing units of the new building for better connection with the adjacent courtyards, additional articulation to the southern façade of the new



building and the provision of screening to the bin store on the Clara Road frontage.

### Built Form

It is noted that the proposed upgrades to the existing building on site will significantly improve its appearance in the streetscape as it is currently in a state of disrepair. The additions are single storey in nature and accordingly will have only a minimal impact on the neighbouring property to the west or the Healy Road and Clara Road frontages.

The proposed additions have been assessed against the relevant provisions of the R-Codes and are compliant in respect to building height, overshadowing and open space. The two-storey building proposed to the rear of the site however requires variations to the R-Code provisions for boundary setbacks and visual privacy, which are discussed below.

The first variation proposed is to the setback requirements from the southern boundary. When the application was submitted, the ground floor units were provided with only minor south-facing openings meaning that they had no real visual connection with their adjacent courtyards. In response to this issue, the City indicated that the amenity of these units would be improved if major openings were provided and that a reduced setback could be considered if there was no subsequent impact on the amenity of the neighbouring property. Consequently, the applicant revised the plans to include major openings to these units. While the change in window type from 'minor' to 'major' technically increases the required setback from 2.8m to 6m, it is not considered necessary in this instance to require any additional setback. The type of window proposed has no impact on the appearance of the building from the neighbouring property or the street given the presence of a standard 1.8m high boundary fence which effectively screens views to the ground floor units. The variation can be supported given it will have no impact on the amenity of the adjacent lot (the rear of which is currently vacant) or the streetscape character of Clara Road and because it will provide a superior living space for future residents of the ground floor units.

The second variation is to the visual privacy requirements in regards to the first floor balcony of SOU 27. While a perforated metal screen has been provided to the western side of the balcony at the request of the City, there will still be some minor overlooking to the rear yard of the dwelling to the west at No. 4 Ivermey Road. The extent of the variation is minor however and does not affect the habitable room windows or outdoor living area of the dwelling which is considered acceptable as per Part 9 of Local Policy APD49. Given direct views to the adjacent lot



are prevented by the perforated metal screen it is considered reasonable to allow a minor variation to the visual privacy requirements in this instance.

It is also noted that while the low level chain-mesh fencing proposed at the front of the lot is an improvement on the existing solid colourbond front fence, it is not appropriate in a residential context. Accordingly it is recommended that a more appropriate type of fencing such as palisade or picket fencing be provided as a condition of any approval.

### Car Parking and Access

Local Planning Policy APD67 'Lodging House – Design Guidelines' specifies that parking be provided at a rate of one bay per four beds (as per Table 2 of the Scheme) as well as one bay per six beds for visitors and one bay per staff member resulting in the requirement for a total of 16 car bays.

The proposal includes a revised car park design which increases the number of car parking spaces from 12 to 23, including one universal access space. A total of 17 resident bays (accessed from Healy Road) as well as five visitor bays and one staff bay (accessed from Clara Road) are proposed. Accordingly, while there is technically a shortfall of one visitor bay, there is a total surplus of seven bays which is considered a positive outcome for both the site and the surrounding area and should significantly reduce the number of people parking in the Ivermey Road and Clara Road verges.

The proposed separation of the residential and visitor vehicle access points is a good response to the context of the area, ensuring that the majority of the car parking bays will be accessed from Healy Road (which acts as a local thoroughfare), reducing the impact that the development has on Clara Road.

### Amenity

The previous approval (DA09/0699) allowed the use of the site for Lodging House purposes. While the current proposal involves a significant built form addition to the site, the end result will be that only four additional residents will be accommodated on site. The upgrades to the existing Lodging House building and the construction of a new wing to accommodate 18 single occupancy units will greatly improve the living standards and amenity of the residents.

The application was advertised to surrounding properties within a radius of approximately 100m. Three submissions were received, none of which raised any in-principle concerns with the expansion of the existing use. A review of the City's electronic records indicates that the



only complaint received in relation to the site referred to parking. Accordingly, it is considered that a Management Plan which details how the operators will deal with excessive noise, anti-social behaviour, public complaints and any parking issues should they arise will be sufficient to address any impact on local amenity.

### **Conclusion**

In light of the considered built form outcome and the lack of any complaints to the City regarding anti-social behaviour resulting from the existing operation of the site, it is recommended that the additions to the existing Lodging House be approved subject to appropriate conditions. The provision of additional lodging rooms, which provide an important opportunity for those on low incomes to reside in private accommodation where they may not otherwise have the means to do so, will contribute to a better mix of housing types within the City.

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

#### **Growing City**

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

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

Three submissions were received which can be summarised as follows:

1. No definition provided for Lodging House.
2. No indication provided of the type of residents that will be accommodated at the lodging house.
3. No contact details provided for the owners / operators.
4. Question whether the site will be managed on a full time basis.
5. Security concerns associated with high density style living.
6. Increase in traffic.





7. Increase in number of people parking on the verge;
8. Not enough on-site car parking;
9. No provision of visitor car parking bays;
10. Concern about the bulk and scale of development and the impact in the surrounding area.
11. Plans unclear as to setbacks and building height.
12. No objection from southern neighbour (No. 6 Ivermey Road) subject to appropriate retaining and a new colourbond boundary fence.

In response to the submissions summarised above, it is noted that:

1. A follow up email was sent to the relevant respondent clarifying the definition of a Lodging House.
2. It is not appropriate for the City to specify or restrict who rooms can be rented to.
3. Contact details for the owners of the site and the full-time, on-site Manager will be required as part of a Management Plan should a DA be issued.
4. There is no correlation between high density living and crime. Further it is noted that the proposal will result in only an additional four people being accommodated on site as DA09/0699 allowed up to 30 lodgers.
5. The proposal will have no significant impact on the existing levels of traffic given only an additional four people are proposed to be accommodated on site.
6. The proposal complies with the minimum parking requirements specified by Table 2 of the Scheme (for residents and visitors) and will rationalise the parking arrangements for the site and minimise the number of residents parking on the verge by providing more on-site parking.
7. The bulk and scale of the development is considered acceptable in the context of the immediate area where two-storey development is as of right for dwellings. Further it is noted that when the eastern portion of 6 Ivermey Road is developed, the visual impact of the development on Clara Road will be significantly reduced.
8. The plans are clear as to setbacks and building height. It is noted that no phone calls or emails were received by the Officer during the advertising period requesting clear plans or further detail.
9. The provision of appropriate boundary fencing is a civil issue that does not involve the City. It is noted from discussion with the applicant however that they intend to replace the southern boundary fence as part of the development works as it is not in good repair.



**Attachment(s)**

1. Location Plan
2. Submitted Plans

**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 December 2013 Council Meeting.

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

Nil.

**14.10 (MINUTE NO 5230) (OCM 12/12/2013) - DEDICATION AS ROAD WIDENING - LOT 37 (PLAN 3699) BARRINGTON ROAD, BIBRA LAKE - OWNER WESTERN POWER - APPLICANT DEPARTMENT OF LANDS (4413027) (LGATT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) request that the Minister for Lands dedicate Lot 37 on Plan 3699 Barrington Street, Bibra Lake as road reserve pursuant to Section 56(1) of the *Land Administration Act 1997*; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting the request in (1) above.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Western Power previously owned the entire Lot 37, comprising Lot 200-202 Barrington Street, Bibra Lake and from 1992 to 2007, Lot 37 was subdivided and sold to different people.



The south west corner of Lot 1 (201) Barrington Street shows a truncation of approximately 13 square metres being Lot 37 Barrington Street, which was intended to be part of the road reserve and was overlooked at the time of subdivision. A sketch showing the location can be reviewed at Attachment 1.

The purpose of this report is to finalise the matter by way of ensuring that the portion of land known as Lot 37 Barrington Street is dedicated as road reserve.

### **Submission**

A letter from the Department of Lands dated 10 October 2013 details a request that Council consider dedicating the truncation on the western corner of Lot 37 Barrington Street, Bibra Lake to road reserve as it was overlooked at the time of subdivision. A copy of the letter can be reviewed at Attachment 2.

### **Report**

Western Power previously owned the entire lot 37 Barrington Street, Bibra Lake. Lot 37 was subdivided into Lots 200 and 201 and between 1992 and 2007 it was further subdivided and sold to different people.

A truncation on the western corner of Lot 200 Barrington Street, Bibra Lake, being Lot 37 Barrington Street is currently owned by Western Power. It was intended that the truncation (Lot 37) would be dedicated to road reserve at the time of subdivision however it was not notated on the subdivisional plan therefore the land remains in the ownership of Western Power.

The Department of Lands has written to Council advising that Western Power has requested the land be dedicated as road reserve. Any costs that will be incurred from this transaction will be borne by Western Power.

The Department Lands have advised that a road dedication request pursuant to Section 56 of the *Land Administration Act 1997* is required which requires a Council resolution.

Following Council's resolution, the request will be forwarded to the Department of Lands. They will then instigate a process whereby the dedication will proceed and the road will be dedicated as road reserve.

### **Growing City**

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



**Leading & Listening**

- Manage our financial and infrastructure assets to provide a sustainable future.

**Moving Around**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Provisions of the *Land Administration Act 1997*.

**Community Consultation**

N/A

**Attachments**

1. Location Plan
2. Letter from Department of Lands

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

The Applicants have been advised that the matter will be considered at the ordinary council meeting 12 December 2013.

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

Nil.



**14.11 (MINUTE NO 5231) (OCM 12/12/2013) - HIGH IMPACT TELECOMMUNICATIONS FACILITY (MONOPOLE AND EQUIPMENT CABIN) - LOCATION: 233 (LOT 56) BARRINGTON STREET BIBRA LAKE - OWNER: JOANNE AND MARK WILLCOCKS - APPLICANT: PLANNING SOLUTIONS PTY LTD (4412611) (R SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grants approval to commence development for a High Impact Telecommunications Facility (Monopole and Equipment Cabin) at 233 (Lot 56) Barrington Street Bibra Lake, in accordance with the Telecommunications Act 1997, attached plans and subject to the following conditions and advice notes:

Conditions

1. The proposed equipment shall be of a colour compatible with the existing buildings onsite to the satisfaction of the City.
2. The number of antenna panels on the telecommunications facility be limited to 6 antenna panels and 6 remote radio units.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.

Advice Note

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
  2. With regard to condition 2, should the landowner/applicant seek to increase the number of antenna panels on the telecommunications infrastructure, further planning approvals will be required;
  3. With regard to condition 1, please be advised that reflective materials will not be supported; and
- (2) notify the applicants and those who made a submission of Council's decision.



**COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr K Allen that Council defer the item pending a briefing from the proponent on what other sites have been considered, which are in keeping with the City of Cockburn Policy APD13 – ‘Telecommunications – High Impact Facilities’, which use General Industry Zone but are at least 200 metres from people’s homes.

**CARRIED 5/3**

**Reason for Decision**

Council seeks to adopt a pre-existing principle and ensure that all other options are fully explored. The proposal is 60 metres from the nearest homes and no topographical map has been provided to identify other sites.

Council seeks information on other proposed sites to be sure that all options are considered.

**Background**

MRS Form 1 dated 27 September 2013 and plans dated 10 October 2013 have been received by the City for high impact telecommunications facility at 233 Barrington Street Bibra Lake. The site has a total lot area of 3,600m<sup>2</sup> and is zoned ‘Light and Service Industry’ under the City of Cockburn Town Planning Scheme No. 3. (The Scheme) Planning approval for an office and warehouse (no DA number) was issued on 12 May 1994. Council consideration is required for the proposed development as high impact telecommunication facilities are required to be referred to Council for determination in accordance with the City’s APD 13 – High Impact facilities.

**Submission**

The applicant seeks approval, on behalf of Telstra Corporation Ltd, to install a new telecommunications monopole, an equipment cabin and ancillary access and safety equipment on the subject site. Specifically, it is proposed to accommodate six (6) antenna panels and six (6) remote radio units mounted on a circular headframe on the proposed monopole.



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

## **Report**

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

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

## Zoning and Use

The subject site is zoned 'Light and Service Industry' under the Scheme which is to provide for light and service industries and associated uses which are compatible with and acceptable in close proximity with residential uses. The telecommunications facility is proposed to be located at the rear of the property set back 1.25m from the rear lot boundary and 1.8m from the south western side lot boundary. Under the scheme and the City's APD 13, applications for telecommunication facilities are assessed as a 'use not listed'. As per the provisions of the City's APD 13, notice of the proposed development to all landowners within a 200 metre radius of the site, with 21 days in which to comment. Thirteen (13) submissions were received, with one (1) indicating no objection and twelve (12) objections. The table in the report below lists the issues raised and provides a response on those matters.

## APD13

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

1. The siting of mobile telephone towers is to be located where possible within industrial, commercial and other non-residential zoned land within the district and as far as possible from any residence;



2. Mobile telephone facilities are to be co-located with existing infrastructure where the opportunity exists;
3. The location and appearance of facilities should be chosen to minimise the visual impact on the locality. In particular, the amenity of residential inhabitants should not be affected; and
4. No new telecommunications towers are to be located within 200 metres of any existing/proposed residence or other sensitive land use activity.

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

While the application does not comply with the 200m setback requirement of the policy, there have been specific decisions made by the State Administrative Tribunal and other courts in Australia that such policy provisions have no statutory weight and cannot be used to determine the location of telecommunication facilities. Decisions made on the basis of such policy provisions have been determined to be invalid and have no planning merit.

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

#### Statement of Planning Policy 5.2 – Telecommunications Infrastructure

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





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

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

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

With regard to the proposed location of the telecommunications infrastructure, the applicant has advised that where possible, existing mobile network sites are utilized or other forms of existing infrastructure are shared. Detailed investigations of the locality have revealed that



no other opportunities to co-locate telecommunications infrastructure exist which would satisfy the coverage objectives of the facility.

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

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

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

### **Conclusion**

The proposed siting of the telecommunications facility meets the intent of APD 13 and SPP5.2. The existing vegetation onsite and the adjacent strip of land abutting the railway reserve acts to ameliorate bulk and scale OF the telecommunications facility to a suitable level and the colour matching of the facility with the existing background will further reduce its visual impact.

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

As part of the carrier's obligations under the *Telecommunications Code of Practise* to co-locate facilities, the applicant has demonstrated that the potential for co-location at other telecommunications facilities within the Bibra Lake area was considered in this instance. The applicant has



advised that there were no co-location opportunities in the vicinity of the subject site which would satisfy the coverage objectives for the facility.

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

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

#### **A Prosperous City**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

In Accordance with The City of Cockburn's Telecommunications Policy APD13 'High Impact Facilities', notice of the proposed development to all landowners within a 200m radius of the proposed location with an invitation to make comment on the proposal within 21 days was conducted. A copy of the schedule of submissions is detailed in Attachment 5.

### **Attachment(s)**

1. Location Plan
2. Elevations
3. Photomontage
4. EME Report
5. Schedule of Submissions



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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

### **14.12 (MINUTE NO 5232) (OCM 12/12/2013) - CONSIDERATION OF PHASE 2 PLANNING REFORMS DISCUSSION PAPER (110/003) (A TROSIC) (ATTACH)**

#### **RECOMMENDATION**

That Council makes a submission on the Phase 2 Planning Reforms discussion paper based on the contents of this report.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**

### **Background**

Following the 2009 release of 'Planning makes it happen: a blueprint for planning reform' the State Government has now launched 'Planning makes it happen - phase 2 - planning reform discussion paper', which identifies proposals to continue further reform of the Western Australian planning system. A significant amount of reforms directly impact local government's role in the planning system, and it is unfortunate the City of Cockburn has not been given the opportunity (as a leading growth council) to help formulate ideas for reform of the planning system. Accordingly much of the analysis in this report takes a critical focus, especially given the magnitude of significance that the reforms may have on a local government like the City of Cockburn. The timing of the discussion paper's release, being deep in the midst of local government reform, has also impacted the amount of resource that has been able to be allocated for this task.



It is recommended that Council resolve to make a submission based on the contents of this report.

### **Submission**

N/A

### **Report**

The Phase 2 discussion paper has a primary focus on statutory decision making processes, both at regional and local levels. The stated aims of the Phase 2 discussion paper are to:

- Embed best practice in the Western Australian planning system at both the State and Local Government level;
- Ensure further streamlining of planning processes, aligning statutory outcomes with strategic frameworks;
- Enable more integrated land use and infrastructure planning and support the timely release of development land in accordance with State Government policy objectives; and
- Reinforce the State and regional strategic focus of the Western Australian Planning Commission, supported by the Department of Planning.

This report takes a simple structure of identifying each line item of reform proposed, followed by an officer comment about that reform proposal. This will enable the Council resolution to effectively consider adopting the report as the basis of the City's submission on the Phase 2 discussion paper.

### Analysis of Phase 2 discussion paper reforms

#### 3.1 Review of MRS

*Proposal: It is proposed to amend the MRS so that development will not require approval unless it is of a class expressly specified in the MRS or by a resolution of the WAPC.*

This is supported on the simple basis that it seeks to replicate similar provisions which exist within Local Planning Schemes. It is generally of little significance to local government; given local government will still have its Local Planning Scheme provisions to regulate the use and development of land. In itself the proposal is supported.

*Proposal: A review is proposed of the WAPC delegations to local government of development approval under the MRS, with the intent of examining appropriate delegations for development on both zoned and reserved land.*



This proposal is too vague to be able to offer an informed position of support or otherwise. There is no insight given into what this reform paper interprets as 'appropriate delegation', and specifically whether that would seek to empower greater decision making within local government, or depower local government. This should not be supported on the basis of it lacking information.

*Proposal: It is proposed to introduce an Industrial Deferred zone to identify potential future industrial land, such as those sites proposed in the WAPC's Economic and Employment Lands Strategy.*

This proposal lacks sufficient detail as to its intended purpose. Traditionally the Urban Deferred zoning has been used to provide a strong indication that land is physically and locationally suitable for urban purposes, although certain requirements have to be met before the Western Australian Planning Commission will agree to the land being transferred to the urban zone. This strong indication suggests the land being capable of development, subject to suitable information being discovered and proven to the WAPC that the land is suitable for urban development and all servicing constraints have been adequately addressed.

The WAPC have stressed in recent times that the Urban Deferred zone doesn't necessarily restrict land use to residential, but should be interpreted to providing for urban potential - including non-residential land uses like industry.

It is therefore an inconsistent position of the WAPC to now indicate that a new Industrial Deferred zone is necessary, particularly given the long held position of officers about the Urban Deferred zone being an encompassing zone for residential and non-residential land uses. This raises the question as to whether land currently zoned Urban Deferred, would be restricted to residential type development which may be incompatible with the issues that drove the land being Urban Deferred in the first place. Council would be aware of the situation around the Woodman Point Waste Water Treatment Plant for instance as an example of this tension.

### 3.2 Improve amendment process for region planning schemes

*Proposal: It is proposed to restructure the provisions setting out the procedures for amending region planning schemes to effectively reverse the default position.*

Currently Metropolitan Region Scheme amendments which are deemed major amendments require 15 steps to realise completion under the *Planning and Development Act 2005* (PD Act). However, under the PD Act there is a shorter available process if a proposal is



considered a 'minor' alteration under a region planning scheme. It is proposed to have the shorter process as the default position, with the longer process required if it is considered a 'major' amendment.

To state the obvious, the lack of clarity between what is and is not considered a major amendment is of concern. This doesn't appear to be a reform proposal, rather an indication that the WAPC may begin viewing more proposals as minor in nature. While this may seem harmless, there would need to be a clearer understanding of the safeguards that are potentially removed in choosing a minor over a major amendment process. This isn't made clear enough especially if the community is genuinely being asked to make an informed judgement about whether any certain risks may arise in taking a more process efficient (as in shorter) avenue for MRS amendments. This shouldn't be supported in its current form, but rather pursued through a planning bulletin type arrangement that explains what the intentions are in terms of qualifying for a major versus minor amendment.

*Proposal: No requirement to refer proposed amendments to the EPA with no relevant environmental considerations with a view of identifying types of exempt amendments and fast tracking amendments (i.e. referrals done concurrently with public advertising).*

This would appear an appropriate change to contemplate provided that the same ability be extended to local government planning schemes.

### 3.3 Sub-regional structure plans to amend region planning schemes

*Proposal: It is proposed that consideration be given to the feasibility of introducing amendments to the PD Act to enable an automatic or concurrent amendment to a region planning scheme to reflect the relevant zonings and reservations of a sub-regional structure plan, once the structure plan is given final approval by the WAPC and/or the Minister for Planning.*

This is not an appropriate reform to consider. Sub-regional structure plans are akin to Local Planning Strategies, being set up as strategically based documents providing a guiding instrument to how ultimate planning, land use and development will evolve. This guiding instrument (in the case of a Local Planning Strategy) is implemented through its related Local Planning Scheme, which carries the demands of extremely close scrutiny by the community when it is advertised following the Local Planning Strategy process being completed. Given the representation of a statutory instrument is very different to that of a strategic (guiding) instrument, an attempt to blur the two appears to undermine the importance of effective strategic planning being able to take place.



The consideration of sub-regional structure plans as documents which have the capacity to automatically zone and reserve land removes the freedom that they have historically enjoyed in being able to help guide (through challenging assumptions) the way planning is taking place. A sub-regional structure plan should be based upon strategic vision, objectives and actions, which help to programme how implementation of the structure plan takes place over a time horizon of short, medium and long term. To suggest that a sub-regional structure plan will be effectively implemented by simply zoning/reserving land under the MRS is an inaccurate portrayal of the strategic planning process, and its consideration of social, economic and environmental imperatives. It is much more than simply zoning or reserving land, and should not be attempted to be refocussed as simply an instrument that delivers a statutory outcome by way of zoning or reservation.

Given also the absence of process as to how sub-regional structure plans are prepared, how affected landowner who stand to be impacted are consulted, creates an unstable prospect to contemplate at this stage.

#### 3.4 Concurrent amendment of region planning schemes and local planning schemes

*Proposal: To further extend provisions to allow concurrent amendments for all classes of amendment to region planning schemes. For example, the region scheme and local scheme could be concurrently rezoned for Industrial purposes, with the region scheme amendment identifying the specific zoning that would apply under the local planning scheme (e.g. General Industrial, Light Industry).*

This is not supported if the proposal is simply to extend the current provisions under the PD Act. These provisions prevent the imposition of anything else except a zone that reflects a zone imposed under the Region Scheme. For example within land zoned Industry under the MRS, there may be a broad spectrum of industrial type zones instigated at the local government level – e.g. light and service industry around the perimeter of land where it is close to residential, increasing to general industry internal to the land area once adequate separation to residential development has occurred. To suggest that a local planning scheme could be simply concurrently amended to impose an appropriate zoning, does not understand what the MRS is versus what a Local Planning Scheme is. Also it would place the local government in a very difficult position of not being able to support any land use or development taking place on the basis that the concurrent provisions do not allow the introduction of Special Control Area type provisions, particularly to ensure cost sharing of infrastructure occurs. In the absence of cost sharing provisions being able to be concurrently





introduced really sees this reform as being incapable of successful implementation.

### 3.5 Improve local planning scheme review process

Proposal: Improvements to the local planning scheme preparation process to enable:

- regulations providing a set of standard provisions that will apply automatically to all local government schemes
- reviewing what proposals may be exempt from requiring planning approval
- improving administrative provisions, definitions, language and the general user friendliness of schemes
- regulations clearly setting out the steps required in the scheme preparation and scheme amendment process

This appears an attempt to further remove from local government its responsibility in terms of the regulation of land use and development by way of its Local Planning Scheme. This appears to take a very heavy handed approach which suggests a one size fits all outcome for urban planning across the vast and varying communities and landscapes of Western Australia. If the desire is to remove all capability for local governments to develop appropriate local planning provisions under its Local Planning Scheme which reflect the shared vision for development with the community, then this reform will be particularly negative.

Instead, it should be emphasised to the State Government that, particularly following local government reform, there be a significant increase in planning content flexibility for local government in order to allow them to redefine the new communities of interest making up the new local government entities. This flexibility for example should include being able to create a new statutory and policy framework that supersedes State imposed frameworks like the R Codes which lack the ability in creating distinct areas of urbanity across our communities.

*Proposal: Streamlining the number and content of local strategies required as part of a scheme review.*

While the introduction of local planning strategies has given schemes a far more rigorous strategic element, there is still inconsistency in terms of what needs to be focussed on by local planning strategies. The current framework takes a catchall approach to this, and this is seen to produce a document which is overly complex and which doesn't emphasise the key strategic planning initiatives. Local planning strategies should therefore be refined to focus on the ten year land use and planning direction for the district, with this underpinned by appropriate consideration of key environmental, social and economic



considerations. Arbitrarily addressing copious policy requirements through local planning strategies creates a document which seems more focused on administrative aspects, rather than creating a truly robust strategic land use direction. Local planning strategies can be made far simpler, and can have focus directed to the areas of real importance.

Informing strategies should be limited to an activity centres type strategy and nothing else (for metro based local governments). Examples of recent local government attempts with housing strategies have developed into assessments of zoning merits of why one street block is zoned in one way and the other the other way. This clearly lacks the understanding of strategy being to help create a dialogue for the future growth of the City. Something that emphasises the achievement of a clear vision, strategic objectives and actions which are able to be interpreted into a plan based set of guidances. Being able to therefore limit a Local Planning Strategy to no more than a succinct document should be the focus of the reform.

*Proposal: Requiring major local planning schemes reviews every 10 years, with minor reviews occurring every five years or less.*

In practice this is already occurring. The delay that Scheme reviews particularly encounter at the State Government level means that upon finalising a Scheme review based on the current 5 year requirement, it is time to immediately commence the next Scheme review which has only just been completed. This reform is therefore supported.

### 3.6 Improve local planning scheme amendment process

*Proposal: It is proposed to consider modifying the process for referral of proposed amendments to the EPA, such that certain amendments with no relevant environmental considerations are not required to be referred to the EPA.*

This is a common sense reform proposal.

*Proposal: Introducing a 'minor local scheme amendment' which sets out a shorter local planning amendment process.*

This is a common sense reform proposal also.

### 3.7 Streamline structure plan process

*Proposal: As a part of the Model Scheme Text review, model local scheme provisions will be drafted to guide the preparation of structure plans.*



The proposal for uniform structure planning provisions across local planning schemes makes sense on the basis that they be modelled similar to the structure planning provisions that Cockburn's Scheme is based on. This retains the absolute discretion of Council in being able to determine whether or not a structure plan should be 1) permitted for advertising or 2) approved or refused following advertising. Clearly this is not supported by the suggested reform.

An attempt to make the WAPC the single authority responsibility for structure planning is a backward reorientation of power away from local government who have effectively handled the challenges that structure planning poses in being able to coordinate land use and development taking place. A suggestion of the centralisation of power to the WAPC will open the opportunity for applicants to abuse the structure planning process that was previously prevented by local government's handling and filtering of structure plans through the submission, assessment and determination phase. There is already the opportunity for the WAPC to finally approve structure plans which deal with the subdivision of land, and this power should not be extended any further than the extent to which it has.

It appears also to be inconsistent with the whole intent of planning reforms in being able to remove the administrative functions away from the WAPC. It appears that this reform, together with other mentioned reforms above, are attempting to have the WAPC perform an approval function which will distract the WAPC's core responsibilities that should be about guiding how our State will grow on a 20 to 40 year horizon. The WAPC should have its vision on the 20-40 year horizon of growth, not attempting to get involved in the day to day administration of functions which are already effectively managed by local government.

### 3.8 Develop a track-based (risk assessment) development assessment model

*Proposal: The WAPC could establish the number and types of tracks to be used in the Western Australian system, set out the process of assessment for each track and provide a model schedule of types of development suited to each track based on a modified DAF model suited to WA needs.*

This standardised approach across local government is supported. The City of Cockburn has already implemented a similar internal process albeit less detailed. Different timeframes and assessment processes for different types of approval would potentially streamline the approvals process but it must be integrated into town planning schemes (and model scheme text) which already set out many planning approval exemptions and detail what development standards are required for approval. The section for applications which are



prohibited needs to be attached to the zoning table and list of prohibited uses. As per comments contained in the section below (3.9) the introduction of private certification into this system is met with significant concern on the basis that it is incapable of recognising that planning approvals are discretionary decisions, not something that can or should attempt to be standardised and made private.

### 3.9 Private Certification of development applications

*Proposal: Whether a private sector assessment and/or approval system would be of benefit to the Western Australian planning system.*

A private certification system for planning decisions under a local planning scheme is not supported. While very basic planning applications may benefit from being able to be determined by the private sector, shouldn't the focus instead be on preventing these basic applications from requiring planning approval in the first place?

A private certification system for any planning application that requires discretion (which most planning applications do) is not supported and will be a dramatic undermining of community involvement in the planning process. Given discretionary decisions are often highly subjective, a paid planning consultant could not be relied upon to provide a fully independent assessment that seeks the best outcomes for the community as a whole. The risk of corruption would be an ever present reality facing any decision that was made by a private consultant who was also being paid by an applicant to perform that function.

The introduction of any private certification in Western Australia also poses issues in relation to appeals lodged with the State Administrative Tribunal. Should an applicant appeal a privately certified application and the matter is subject to an appeal, a local government could not be expected to defend such an appeal.

In addition, so many planning decisions involve a highly collaborative approach involving the input of many technical experts including strategic planning, environmental, engineering, waste, environmental health, parks and heritage who have intimate knowledge and expertise about a local area. It would be difficult for external private certifiers to access this information, which is often integral to informing a planning decision.

### 3.10 Standardise delegations of local government development decisions

*Proposal: That a Model Delegation Schedule be prepared, setting out the types of development applications and planning decisions that are*



*appropriate to be determined by planning staff, and what may be more appropriate for council to determine.*

This proposal is supported and is acknowledged as a good initiative to provide consistency across local government. Local governments have different delegations and different frequency of Council meeting dates which all provide uncertainty to developers in proposing similar applications. A qualified planning officer should be capable of assessing and determining various types of applications under delegation regardless of the local government area. A model delegation schedule with set criteria would not only provide consistency for developers but would provide consistency for the community and realistic expectations about which matters elected members should be involved in. It would ideally result in elected members being involved in strategic decisions affecting the local government area and leave more administrative matters to planning professionals. The model delegation schedule would also need to retain community consultation as an integral part of the planning process where there are issues likely to affect the community.

### 3.11 Electronic application system

*Proposal: The Department of Planning is developing a single interactive online portal for the lodgement and processing of all applications determined by the WAPC including subdivision, structure plan and development applications.*

One central electronic lodgement system for the Department of Planning is supported. The Department of Planning should consider an interface with Local Government to integrate into the system through the referral of subdivision applications and subdivision clearance advice letters which would further improve timeframes for the subdivision and development process.

### 3.12 Refining the role of Development Assessment Panels

*Proposal: Comment is sought on the appropriateness of the current optional and mandatory thresholds applicable to DAPs and any need for modifications.*

It is recommended that the role of the Development Assessment panels should definitely be refined. No upper threshold limit for opt-in should be imposed which would allow local governments who engage strongly with applicants through pre-lodgement meetings to determine applications in a timely and efficient manner. The City of Cockburn has not received one opt-in DAP application since the introduction of the DAP process with all of its 23 applications meeting the mandatory threshold. The majority of these applications (which were all approved)



could have been dealt with under delegation and without the additional fee payable by the applicant to the Development Assessment Panel. It would be interesting to see some research undertaken with applicants who have had mandatory applications determined by the DAP to ascertain whether they would have opted in if the application had not been mandatory. It is also recommended that the opt-in limit be increased in accordance with CPI or some other appropriate measure.

The introduction of an exclusion list is supported particularly if the proposal is a permitted use, meets provisions of the scheme and is unlikely to generate any real interest or involve complex assessment. The reduction and reconfiguration of panels is supported to ensure better consistency between different panels.

#### 4.1 Design and development

*Proposal: In support of the identified need for further infill development across Perth metropolitan, WAPC to develop a 'Diverse City by Design' toolkit, providing fact sheets and best practice case studies regarding developing attractive and affordable housing at higher densities.*

In response to "Directions 2031 and Beyond" the City of Cockburn has undertaken revitalisation strategies to identify infill development opportunities across the City. The Coolbellup revitalisation strategy is now underway, the Hamilton Hill Revitalisation Strategy is currently being finalised with the Commission and the Phoenix Revitalisation Strategy was completed in 2009. The development of educational material for industry and developers to encourage well designed affordable product is seen as a much needed complement and follow on from these strategies. It would be encouraging to see such a toolkit include:

- A background and overview of why infill development is necessary in the Perth context;
- Best practice case studies;
- Information on affordable living considerations;
- The diverse building typologies and materials available;
- An outline of the development process for individuals with no development experience and how to access important information;
- How to deal with the increased concentration of services and car parking constraints within streets and verges to encourage quality streetscape design outcomes;
- General design principles when undertaking development.

Consideration should be given to how local governments can contribute to such a toolkit by producing complementary local context specific information either as an appendix or separate information



booklet/sheet. Alternatively guidance may be given on how to produce such an add-on for local government, including important considerations with regard to local context.

With regard to identifying opportunities for increased densities for Councils that have not undergone such a process it would also prove helpful if best practice case studies were highlighted.

*Proposal: Develop a State Planning Policy, design manual or scheme provisions enshrining the importance of, and best practice principles for quality design, including architectural, urban landscape and environmentally sensitive design.*

Design is an integrated part of development and should be an ongoing consideration at various stages and levels of the development process. Therefore the consideration of design should be embedded in several documents, including relevant SPP's such as *SPP4.2 Activity Centres* (which is already heavily guided by design considerations). This would emphasise that design is not a standalone consideration.

At the local level there is an argument for specific design guidance given the importance of local context and therefore design should be embedded in a number of local planning documents and be specific to the relevant issue/project. Support is also provided for a toolkit or guidance document to support planners in Local Government prepare design guidance documents and policies.

Further, there is scope to improve design knowledge and promote better design outcomes in the industry and therefore a manual, rather than a SPP may prove more appropriate. It would be encouraging to see such a manual(s) include:

- A dedicated design manual for Statutory Planners detailing design considerations at the development assessment stage. With a particular focus on how to consider local context.
- Best practice manuals - reference is made to the manuals produced by Landcom in NSW who have produced guidelines on street tree selection, residential dwelling design guidelines and the housing diversity guides.

The City of Cockburn recently participated in a Multi-Unit Housing Practice in Perth Workshop hosted by the Department of Planning. The technical workshop focused on achieving broad scale consistency in the approach to multi-unit housing across the metropolitan region and to identify issues and solutions when designing and assessment mixed use, higher density developments. The group discussed the merit in implementing a similar approach to NSW's *State Planning Policy 65 – Design Quality of Residential Flat Buildings*. It is agreed that such a



policy would be beneficial, particularly one that sets out principles to design (of which the NSW SEPP65 does) rather than a prescriptive policy. The City encourages further technical workshops and the involvement of Local Government in the development and implementation of future design policies including the 'Diverse City by Design' toolkit.

### Conclusion

Overall there is little to support as part of this phase 2 reforms discussion paper. It appears a further attempt to undermine local government planning responsibilities, which are in affect an undermining of community participation in the planning process. Local government is considered to be performing a very effective planning responsibility, especially as the intent of planning (being to prevent inappropriate forms of development occurring) is used as a measure of success. These reforms appear to focus on simply speeding up approval of development, as opposed to making better planning decisions for our community.

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

#### **Growing City**

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

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

Comments and submissions are to be submitted to the Department of Planning by Friday 13 December 2013.





**Attachment(s)**

Reform paper

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

N/A

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

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

**15.1 (MINUTE NO 5233) (OCM 12/12/2013) - LIST OF CREDITORS PAID - OCTOBER 2013 (076/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the List of Creditors Paid for October 2013, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr K Allen 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 October 2013 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.



**Strategic Plan/Policy Implications**

**Leading & Listening**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – October 2013.

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

N/A

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

Nil.

**15.2 (MINUTE NO 5234) (OCM 12/12/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - OCTOBER 2013 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Statement of Financial Activity and associated Reports for October 2013, as attached to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 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

### Closing & Opening Funds

The City's opening funds from 2012/13 FY have been revised upwards to \$11.25M (from \$10.06M) after the completion of external audit. The increase of \$1.2M relates mainly to a downwards adjustment in the amount of accrued expense for disputed land fill levy charges subsequently settled post June. There was also a minor adjustment between the current and non-current portions of long service leave provisions. Whilst the \$10.06M (comprising \$6.57M for carried forward projects and \$3.5M free surplus) has previously been dealt with by



Council, the additional \$1.2M will be sent to the Waste & Recycling and Community Infrastructure reserves in accordance with budget management policy. This will be included in the mid-year budget review.

The City's closing funds of \$77.70M are \$3.58M higher than the YTD budget forecast. \$1.27M is attributable to a favourable net operating result with the balance stemming from the capital spending and funding program.

The revised budget currently shows end of year closing funds of \$0.31M (increased from a balanced budget position of nil). This has resulted from several upwards adjustments to revenue. The budgeted closing funds will fluctuate throughout the year, due to the impact of Council decisions and recognition of additional revenue. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial report.

### Operating Revenue

Operating revenue of \$93.91M is slightly below the budget forecast of \$94.02M. However, several significant and compensating variances exist as detailed below:

- Revenue from rates is \$0.55M higher than the YTD budget target.
- Interest on investments exceed YTD budget by \$1.02M.
- Fees & charges related to rates collection are \$0.18M ahead of YTD budget.
- \$0.15M unbudgeted reimbursement of diesel fuel tax resulting from a tax review project completed by Deloitte.
- Human Services operating grants are \$0.65M ahead of budget due to \$0.25M of surpluses carried forward from the previous year and operating grants \$0.37M ahead of YTD budget.
- Statutory Planning revenue is \$0.34M ahead of budget (development application fees by \$201k & fines by \$121k).
- Land administration commercial lease revenue is \$0.37M ahead of budget primarily due to the Naval Base annual fees being invoiced ahead of cash flow budget.
- The waste collection levy is \$0.43M more than the YTD budget.
- Commercial income from the HWRP is \$1.12M behind the YTD budget target.

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



### Operating Expenditure

Operating expenditure for August of \$35.34M was \$1.39M less than the budget target of \$36.73M (inclusive of depreciation).

A variance of \$1.83M is attributed to underspending in Material and Contracts with significant variances in the following units:

- Parks & Environmental Services - \$0.61M
- Waste Services - \$0.40M
- Community Services - \$0.36M
- Governance - \$0.21M
- Human Resource Management - \$0.13M
- Health Services - \$0.15M

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

Salaries & direct oncosts are \$0.66M over YTD budget primarily due to \$534k of long service and & annual leave net accruals. The impact of these accruals on the salary budget will be lessened to a degree over the Christmas period, as leave is taken and booked against the balance sheet provision. However, a budgetary treatment for long service leave accrual expense in particular will be required in future budgets to cater for monthly accruals.

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

Nature or Type Classification	Actual	Amended Budget	Variance to Budget
	\$M	\$M	\$M
Employee Costs	13.50	12.83	<b>(0.66)</b>
Materials and Contracts	9.40	11.23	1.83
Utilities	1.36	1.47	0.11
Insurances	2.18	2.00	<b>(0.18)</b>
Other Expenses	2.45	2.90	0.45
Depreciation (non-cash)	7.38	7.32	<b>(0.06)</b>

### Capital Expenditure

The City's budgeted capital spend to the end of October was \$20.07M, with actuals incurred of just \$5.61M. This underspend is heavily impacted by the disruption to the construction of the GP Super Clinic. The following table shows the underspend by asset class:



<b>Asset Class</b>	<b>YTD Budget</b>	<b>YTD Actuals</b>	<b>YTD Variance</b>	<b>Annual Budget</b>
	<b>\$M</b>	<b>\$M</b>	<b>\$M</b>	<b>\$M</b>
Buildings Infrastructure	16.46	1.25	7.19	39.42
Roads Infrastructure	1.46	2.65	(1.19)	15.96
Parks Landscaping & Infrastructure	0.55	0.61	(0.06)	6.29
Land Acquisition & Development	0.61	0.49	0.12	2.09
Landfill Infrastructure	0.05	0.03	0.02	1.69
Plant & Equipment	0.44	0.49	(0.05)	4.68
Information Technology	0.50	0.09	0.41	1.41
	<b>20.07</b>	<b>5.60</b>	<b>14.47</b>	<b>71.53</b>

A budget cash flow review of capital projects was completed in October, immediately reducing the magnitude of budget variances in certain asset classes. However, this review did not include the GP Super Clinic project, which makes up half of the total capital budget variance. This will be reviewed in November.

The significant spending variances by project are disclosed in the attached CW Variance analysis report.

### Capital Funding

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

Significant variances include:

- Transfers from financial reserves were \$17.24M behind budget, this being consistent with the overall underspend in the capital budget for buildings and infrastructure. A primary reason is the disruption to the GP Super Clinic/Success Library project (\$11.98M) and the CCW project (\$3.28M).
- Developer contributions received under the Community Infrastructure plan (DCA13) and the road infrastructure DCA's were collectively \$1.41M more than the YTD budget due to several significant contributions.

### Cash & Investments

Council's cash and current/non-current investment holding at October month end was \$139.72M, down slightly from \$140.49M in September. This result was attributable to the receipt of rates payments (both in full and first quarter instalments) due earlier in the month.



\$76.47M represents the balance held in the cash backed reserves and another \$5.36M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$57.89M represents the cash/financial investment component of the City's working capital, available to fund existing operations and commitments.

The City's investment portfolio made a weighted annualised return of 4.15% in October, down from 4.19% the previous month. Whilst this compares favourably against the benchmark UBS Bank Bill Index rate of 2.42% for the same period, it does reflect a downward trend due to recent cuts to the official cash rate (currently at 2.50%) by the Reserve Bank of Australia (RBA).

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 predominantly invested for terms ranging between six and twelve months in order to lock in current market rates in a falling interest rate environment. Factors considered when investing include maximising the value offered within the current interest rate yield curve and mitigating cash flow liquidity risks.

The RBA has reduced rates over the current period of quantitative easing by 225 basis points (2.25%). However, the City's investment strategy of investing in terms nearing the extent of statutory limits has served to moderate any negative impact on the City's overall interest earnings performance. Given we could now be close to the bottom of the current interest rate cutting cycle, this strategy may need to be modified to target a shorter average duration for investments. This will reduce interest rate risk attached to a potential increase in rates in the medium term.

#### Description of Graphs and Charts

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

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

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years.



This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

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

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

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

#### **Leading & Listening**

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

### **Budget/Financial Implications**

Any material variances identified that will impact on Council's closing budget position will be addressed in the mid-year budget review.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated Reports - October 2013.

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

N/A

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

Nil.





**15.3 (MINUTE NO 5235) (OCM 12/12/2013) - TENDER NO. RFT 18/2013 - CONSULTANCY SERVICES - HYDRAULIC & FIRE ENGINEER - COCKBURN REGIONAL PHYSICAL ACTIVITY & EDUCATION CENTRE (RFT 18/2013) (A LACQUIERE) (ATTACH)**

**RECOMMENDATION**

That Council accept the Tender submission from NDY Management Pty Limited t/a Norman Disney & Young for RFT 18/2013 Hydraulic and Fire Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, for the total contract value of \$209,401.50 GST Inclusive) (\$190,365.00 Excl. GST), for a period of three (3) years from the date of award; with City instigated options to extend the period for up to twenty-four (24) months after that, to a maximum of five (5) years, in accordance with the submitted Lump Sum Price and additional schedule of rates for determining variations and additional services.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (CoC), the Principal, in conjunction with the Fremantle Football Club (FFC) is seeking an appropriately qualified, skilled and experienced Hydraulic and Fire Engineering Consultant to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tender Number RFT 18/2013 Hydraulic and Fire Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, was advertised on Wednesday 11 September 2013 in the Local Government Tenders section of "The West Australian" newspaper.



Tenders were also advertised on the City's E-Tendering website between Wednesday 11 September 2013 and Wednesday 2 October 2013.

### Submission

Tenders closed at 2:00pm (AWST) Wednesday 2<sup>nd</sup> October 2013 and ten (10) tender submissions were received from:

	<b>Tenderer's Name</b>	<b>Trading As</b>
1.	Acor MCE Consultants Pty Ltd	Acor Consultants Pty Ltd
2.	AECOM Australia Pty Ltd	AECOM
3.	Arup Pty Ltd	Arup
4.	Aurecon Australia Pty Ltd	
5.	GHD Pty Ltd	
6.	NDY Management Pty Limited	Norman Disney and Young
7.	Sinclair Knight Merz Pty Ltd	
8.	SPP Group Pty Ltd	SPP Group
9.	Wood & Grieve Engineers Limited	
10.	WSP Buildings Pty Ltd	WSP

### Report

#### Compliance Criteria

The following criteria was used to determine whether the submissions received were compliant.

	<b>Compliance Criteria</b>
A	Compliance with the Conditions of Tendering – <b>Part 1</b> of this Request
B	Compliance with the Specification – <b>Part 2</b> contained in the Request.
C	Completion and submission of Form of Tender – <b>Section 3.1</b>
D	Compliance with Insurance Requirements and completion of <b>Section 3.2.6.</b> <ul style="list-style-type: none"> <li>· Public Liability Insurance \$20,000,000.00 AUD</li> <li>· Professional Indemnity Insurance \$10,000,000.00 AUD</li> <li>· Workers Compensation or Personal Accident</li> </ul>
E	Completion of Qualitative Criteria - <b>Section 3.3.2</b>



	<b>Compliance Criteria</b>
F	Compliance with Fixed Price and completion of <b>Section 3.6.2</b>
G	Compliance with Sub-Contractors Requirements & Completion of <b>Section 3.7</b>
H	Compliance with and completion of the separate Price Schedule – <b>Part 4</b> in the format provided. <b>Refer to Section 1.11.2</b>
I	Compliance with the OSH Requirements.
J	Compliance with ACCC Requirements
K	Acknowledgement of any Addenda Issued
S 3.4	Availability stated – <b>Section 3.4</b>
S 3.5	Tenderer's contact person – <b>Section 3.5</b>

### **Compliant Tenderers**

All ten (10) Tenderers were deemed compliant and evaluated.

### **Evaluation Criteria**

Tenders were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience	30%
Sustainability Experience	10%
Company Profile	15%
Tenderer's Resources	30%
Methodology	5%
Tendered Price	10%
<b>TOTAL</b>	<b>100%</b>



## Tender Intent/Requirements

The intent of this Tender is to select suitably qualified and experienced Hydraulic and Fire Engineering Consultants to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tenderers were requested to submit for both an integrated facility including Fremantle Football Club and a non-integrated facility excluding Fremantle Football Club.

The focus of the documentation was to concentrate on the previous experience of the tenderers and the personnel selected for the project to assemble a first class design team whilst providing value for money to the City of Cockburn and Fremantle Football Club.

## Evaluation Panel

The tender submissions were evaluated by the following:

1. Stuart Downing – Director Finance and Corporate Services (Chairperson), City of Cockburn
2. Rob Avar – Manager, Community Services, City of Cockburn
3. Steve McDonald – Senior Project Manager, NS Projects
4. Peter Giangliulio – Architect (Director), Sandover Pinder Architects

## Scoring Table

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	10%	90%	100%
<b>NDY Management Pty Ltd**</b>	<b>8.87%</b>	<b>65.53%</b>	<b>74.40%</b>
WSP Buildings Pty Ltd	7.02%	61.97%	69.88%
Sinclair Knight Merz Pty Ltd	8.87%	60.12%	68.99%
Arup Pty Ltd	8.60%	58.66%	67.27%
AECOM Australia Pty Ltd	10.00%	57.24%	67.24%
Wood & Grieve Engineers Ltd	6.01%	61.10%	67.11%
Acor MCE Consultants Pty Ltd	5.93%	56.76%	62.69%



SPP Group Pty Ltd	8.90%	53.25%	62.15%
GHD Pty Ltd	4.18%	57.93%	62.11%
Aurecon Australia Pty Ltd	2.77%	52.89%	55.67%

**\*\*Recommended Submission**

## Evaluation Criteria Assessment

### Relevant Experience of Company and Personnel (30%)

All tenderers (17.13% - 22.50%) demonstrated clearly that they had experience to meet the City of Cockburn requirements as detailed in the Specifications and the General and Special Conditions of Contract as stated in the Tender document. These tenderers identified relevant previous experience in aquatic and/or elite sporting facilities.

Norman Disney and Young (NDY) (22.50% - highest), Wood & Grieve (21.88%) and WSP (21.06%) were the three highest scoring submissions providing a very good level of relevant experience along with references and a demonstration of adding value for stakeholders. The panel were able to identify that these tenderers have previous successful experience working with other Local Governments.

### Sustainability (10%)

NDY (7.44%) were the highest overall providing the best level of understanding of sustainability issues with relevant projects identified containing very good sustainability content, The remaining tenderers (6.16% - 6.91%) all demonstrated a good level of understanding of sustainability issues and the projects identified were both relevant and had very good sustainability content. Suitable certification to ISO 14001 was not provided by all tenderers with GHD, SPP and WSP failing to provide relevant certification. A demonstration of their ability to achieve targeted environmental outcomes was clear in all submissions to vary degrees.

### Company Profile (15%)

With the exception of Acor (9.47%), SPP (8.34%) and Wood & Grieve (8.91%), all remaining tenderers (10.22% - 11.58%) demonstrated a very good capability within their organisations backed up by a range of skills and expertise, financial stability and relevant Quality Assurance Certification. Acor, SPP and Wood & Grieve were lower scoring predominantly due to a lack of Certification or financial information.

Aecom (11.58%) were the highest placed due to the worldwide scale of the organisation and the depth of skills and resources available.



### **Tenderer's Resources (30%)**

NDY (20.33%), Sinclair Knight Merz (SKM) (20.40%), Wood & Grieve (20.48%) and WSP (21% - highest) were the four highest placed tenderers for resources and provided a very good team of suitably qualified, experienced and capable personnel for the project.

With the exception of Aurecon (11.93%) all remaining tenderers (16.95% - 19.35%) provided a good team of suitably qualified, experienced and capable personnel for the project.

The hours stated ranged from 905 to 3,802 to undertake the project. The view from the panel was that the median of 1,730 hours was the appropriate level to undertake the project to a satisfactory standard. NDY (954 hours) and SKM (1,211 hours) were below this level.

NDY indicated their primary contact person with only 8 hours of resource allocated indicating that they misunderstood the question. All other tenderers provided personnel with varying levels of experience but with sufficient hours to cover the role required.

### **Methodology (5%)**

With the exception of Arup (2.34%), SKM (2.67%) and SPP (2.48%) the remaining tenderers (2.80% - 3.88%) provided a relevant understanding of Building Information Modelling (BIM) and records management.

NDY (3.88% - highest), AECOM (3.70%) and Acor (3.36%) were considered to have provided a very good and clear understanding of the key issues to deliver a successful project. Predominantly the remaining tenderers only highlighted generic issues rather than project specific resulting in a lower score.

### **Summation**

The evaluation panel determined that the highest scoring submission from NDY was the most advantageous; however concerns were expressed over the level of hours stated within the resource chart and the principal contact declared. It was agreed that NDY would be interviewed to provide further clarification over the number of hours and the primary contact and this was held on Monday 18 November 2013 at 4pm in the City of Cockburn Offices. This interview clarified that Rob Murdoch was to be the primary contact and that delivering the scope of service takes precedent over the hours stated which they acknowledged were low. Both of these clarifications were acceptable to the panel.



On the basis of the clarifications, the evaluation panel recommends that Council accept the submission from NDY Management Pty Limited t/a Norman Disney & Young scoring overall 74.40%, as being the most advantageous tenderer to deliver the Hydraulic and Fire Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre.

Overall NDY scored highest in both Relevant Experience and Personnel and were highly placed in the remaining sections resulting in the highest overall non-cost evaluation score of 65.53%.

The recommendation is based on:

- Well demonstrated experience in performing similar consultancy services on relevant project for other local governments;
- Confirmed personnel that have relevant experience in delivering projects such as this with the technical capability to deliver the services in accordance with the Scope defined within the contract requirements;
- Having the required available resources and contingency measures to undertake the works;
- Providing a competitive price

### **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.
- Facilities that promote the identity of Cockburn and its communities.

#### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **A Prosperous City**

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



### **Budget/Financial Implications**

The City has included \$6,750,000 in the 2013/14 budget under the account code CW 4449.

The appointment of NDY Management Pty Limited at a fixed lump sum of \$190,365.00 as part of the Design Team for the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West is in line with the budget set aside for this element of the consultancy services.

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Assessment;
2. Consolidated Evaluation Score Sheet;
3. Tendered Prices

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 12<sup>th</sup> December 2013 Council Meeting.

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

Nil.





**15.4 (MINUTE NO 5236) (OCM 12/12/2013) - TENDER NO. RFT 19/2013 - CONSULTANCY SERVICES - MECHANICAL ENGINEER - COCKBURN REGIONAL PHYSICAL ACTIVITY & EDUCATION CENTRE (RFT 19/2013) (A LACQUIERE) (ATTACH)**

**RECOMMENDATION**

That Council accept the Tender submission from WSP Buildings Pty Ltd t/a WSP for RFT 19/2013 Mechanical Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, for the total contract value of \$304,700.00, GST Inclusive (\$277,000.00 Excl. GST), for a period of three (3) years from the date of award; with City instigated options to extend the period for up to twenty-four (24) months after that, to a maximum of five (5) years, in accordance with the submitted Lump Sum Price and schedule of rates for determining variations and additional services.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (CoC), the Principal, in conjunction with the Fremantle Football Club (FFC) is seeking an appropriately qualified, skilled and experienced Mechanical Engineering Consultant (including Geothermal Consultancy) to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tender Number RFT 19/2013 Mechanical Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, was advertised on Wednesday 11 September 2013 in the Local Government Tenders section of "The West Australian" newspaper.

Tenders were also advertised on the City's E-Tendering website between Wednesday 11 September 2013 and Wednesday 2 October 2013.



## Submission

Tenders closed at 2:00pm (AWST) Wednesday 2 October 2013 and ten (10) tender submissions were received from:

	<b>Tenderer's Name</b>	<b>Trading As</b>
1.	AECOM Australia Pty Ltd	AECOM
2.	Arup Pty Ltd	Arup
3.	Aurecon Australia Pty Ltd	
4.	Froster Engineering Pty Ltd	
5.	NDY Management Pty Ltd	Norman Disney and Young
6.	Sinclair Knight Merz Pty Ltd	
7.	SPP Group Pty Ltd	SPP Group
8.	Unmow Lai & PGD Consulting	Unmow Lai Vic Pty Ltd
9	Unmow Lai & PGD Consulting <b>Alternative Tender</b> Electrical, Hydraulic, Mechanical & ESD	Unmow Lai Vic Pty Ltd
10.	WSP Buildings Pty Ltd	WSP

## Report

### Compliance Criteria

The following criteria were used to determine whether the submissions received were compliant.

	<b>Compliance Criteria</b>
A	Compliance with the Conditions of Tendering – <b>Part 1</b> of this Request
B	Compliance with the Specification – <b>Part 2</b> contained in the Request.
C	Completion and submission of Form of Tender – <b>Section 3.1</b>
D	Compliance with Insurance Requirements and completion of <b>Section 3.2.6.</b> <ul style="list-style-type: none"> <li>· Public Liability Insurance \$20,000,000.00 AUD</li> <li>· Professional Indemnity Insurance \$10,000,000.00 AUD</li> <li>· Workers Compensation or Personal Accident</li> </ul>
E	Completion of Qualitative Criteria - <b>Section 3.3.2</b>
F	Compliance with Fixed Price and completion of <b>Section 3.6.2</b>



	<b>Compliance Criteria</b>
G	Compliance with Sub-Contractors Requirements & Completion of <b>Section 3.7</b>
H	Compliance with and completion of the separate Price Schedule – <b>Part 4</b> in the format provided. <b>Refer to Section 1.11.2</b>
I	Compliance with the OSH Requirements.
J	Compliance with ACCC Requirements
K	Acknowledgement of any Addenda Issued
S 3.4	Availability stated – <b>Section 3.4</b>
S 3.5	Tenderer's contact person – <b>Section 3.5</b>

### **Compliant Tenderers**

Nine (9) Tender submissions were deemed compliant and evaluated. Unmow Lai submitted an Alternative Tender for four combined consultancy disciplines (Electrical, Hydraulic, Mechanical and ESD) which was deemed non-compliant and not evaluated as Unmow Lai had only submitted separate conforming tenders for RFT 19/2013 (Mechanical Engineer) and RFT 22/2013 (ESD Compliance).

### **Evaluation Criteria**

Tenders were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience	30%
Sustainability Experience	10%
Company Profile	15%
Tenderer's Resources	30%
Methodology	5%
Tendered Price	10%
<b>TOTAL</b>	<b>100%</b>



## Tender Intent/Requirements

The intent of this Tender is to select a suitably qualified and experienced Mechanical Engineer to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tenderers were requested to submit for both an integrated facility including Fremantle Football Club and a non-integrated facility excluding Fremantle Football Club.

The focus of the documentation was to concentrate on the previous experience of the tenderers and the personnel selected for the project to assemble a first class design team whilst providing value for money to the City of Cockburn and Fremantle Football Club.

## Evaluation Panel

The tender submissions were evaluated by the following:

1. Michael Littleton – Director Engineering and Works, City of Cockburn
2. Peter McCullagh – Project Manager, Facilities City of Cockburn
3. Brad Paatsch – Strategic Projects General Manager, Fremantle Football Club
4. Steve McDonald – Senior Project Manager (Chairperson); NS Projects
5. Mike McGrath – Architect (Director), DWP|Suters

## Scoring Table

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	10%	90%	100%
<b>WSP Buildings Pty Ltd**</b>	<b>8.62%</b>	<b>62.76%</b>	<b>71.38%</b>
AECOM Australia Pty Ltd	9.14%	62.02%	71.16%
Norman Disney & Young	8.79%	61.86%	70.65%
Sinclair Knight Merz	8.65%	61.64%	70.29%
Aurecon Australia Pty Ltd	7.16%	62.94%	70.10%
Arup Pty Ltd	10.00%	59.87%	69.87%



Unmow Lai & PGD Consulting	3.50%	62.27%	65.77%
SPP Group	8.88%	52.12%	61.00%
Froster Engineering Pty Ltd	4.89%	52.59%	57.48%

**\*Recommended Submission**

**Evaluation Criteria Assessment**

**Relevant Experience of Company and Personnel (30%)**

With the exception of SPP (17.40%) all remaining tenderers (18.80% - 21.90%) demonstrated clearly that they had experience to meet the City of Cockburn requirements as detailed in the Specifications and the General and Special Conditions of Contract as stated in the Tender document. These tenderers identified relevant previous experience in aquatic and/or elite sporting facilities.

Unmow Lai (21.90% - highest), WSP (21.50%) and Norman Disney and Young (NDY) (20.95%) were the three highest scoring submissions providing a very good level of relevant experience along with references and a demonstration of adding value for stakeholders. The panel were able to identify that these tenderers have previous successful experience working with other Local Governments.

**Sustainability (10%)**

With the exception of SPP (5.70%) and Froster (5.83%) the remaining tenderers (6.68% - 7.65%) all demonstrated a good level of understanding of sustainability issues and the projects identified were both relevant and had very good sustainability content. Suitable certification to ISO 14001 was not provided by all tenderers with Froster, SPP with Unmow Lai indicating that they have the Certification but none was provided. A demonstration of their ability to achieve targeted environmental outcomes was clear in all submissions to vary degrees.

**Company Profile (15%)**

With the exception of Froster (9.47%) and SPP (8.34%), all remaining tenderers (10.31% - 11.40%) demonstrated a very good capability within their organisations backed up by a range of skills and expertise, financial stability and relevant Quality Assurance Certification.

AECOM (11.40%) were the highest placed due to the worldwide scale of the organisation and the depth of skills and resources available.



### **Tenderer's Resources (30%)**

WSP (20.52% - highest), Aurecon (20.34%) and Sinclair Knight Merz (SKM) (20.10%) were the three highest placed tenderers for resources providing a very good team of suitably qualified, experienced and capable personnel for the project.

With the exception of Froster (17.28%) and SPP (16.44%) all remaining tenderers (19.26% - 20.52%) provided a good team of suitably qualified, experienced and capable personnel for the project.

The hours stated ranged from 1,283 to 4,470 to undertake the project. The view from the panel was that the median of 1,649 hours was the appropriate level to undertake the project to a satisfactory standard. No tenderer was significantly below this figure, however Unmow Lai (3180) and WSP (4,470) greatly exceeded this level.

All tenderers provided personnel with varying levels of experience but with sufficient hours to cover the role required.

### **Methodology (5%)**

All tenderers (2.60% - 3.59%) provided a relevant understanding of Building Information Modelling (BIM) and records management. Aurecon (3.38%), SPP (2.60%) and WSP (3.04%) were considered to have provided a very good and clear understanding of the key issues to deliver a successful project. Despite the good response, SPP and WSP failed to provide a detailed Gantt Chart resulting in a lower score. Predominantly the remaining tenderers only highlighted generic issues rather than project specific resulting in a lower score.

### **Summation**

The evaluation panel determined that the highest scoring submission from WSP was the most advantageous; however concerns were expressed over the apparent excessive level of hours stated within the resource chart and the involvement in the early stages of the principal contact.

It was agreed that WSP would be interviewed to provide further clarification over the number of hours and the primary contact and this was held on Monday 13 November 2013 at 11:30pm in the City of Cockburn Offices. This interview clarified that the primary contact was intrinsically involved in the early stages and that delivering the scope of service takes precedent over the hours stated which they acknowledged were high but based on previous experience. Both of these clarifications were acceptable to the panel.



On the basis of the clarifications, the evaluation panel recommends that Council accept the submission from WSP Buildings Pty Ltd t/a WSP scoring overall 71.38%, as being the most advantageous tenderer to deliver the Mechanical Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre.

Overall WSP scored highest in Tenderer's Resources and second highest in Relevant Experience and Personnel and were highly placed in the remaining sections resulting in the second highest overall non-cost evaluation score of 62.76%. Their price was sixth lowest overall but around the median of the tendered prices received.

The recommendation is based on

- Well demonstrated experience in performing similar consultancy services on relevant project for other local governments;
- Confirmed personnel that have relevant experience in delivering projects such as this with the technical capability to deliver the services in accordance with the Scope defined within the contract requirements;
- Having the required available resources and contingency measures to undertake the works;
- Providing a competitive price.

### **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.
- Facilities that promote the identity of Cockburn and its communities.

#### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **A Prosperous City**

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



### **Budget/Financial Implications**

The City has included \$6,750,000 in the 2013/14 budget under the account code CW 4449.

The appointment of WSP at a fixed lump sum of \$277,000.00 as part of the Design Team for the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West is in line with the budget set aside for this element of the consultancy services.

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Assessment;
2. Consolidated Evaluation Score Sheet;
3. Tendered Prices

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.





**15.5 (MINUTE NO 5237) (OCM 12/12/2013) - TENDER NO. RFT 20/2013 - CONSULTANCY SERVICES - BUILDING CODE AUSTRALIA (BCA) COMPLIANCE CONSULTANT - COCKBURN REGIONAL PHYSICAL ACTIVITY & EDUCATION CENTRE (RFT 20/2013) (A LACQUIERE) (ATTACH)**

**RECOMMENDATION**

That Council accept the Tender submission from John Massey Group Pty Ltd for RFT 20/2013 BCA Compliance Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, for the total contract value of \$109,340.00 GST Inclusive (\$99,400.00 Excl. GST), for a period of three (3) years from the date of award; with City instigated options to extend the period for up to twenty-four (24) months after that to a maximum of five (5) years, in accordance with the submitted Lump Sum Price and schedule of rates for determining variations and additional services.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (CoC), the Principal, in conjunction with the Fremantle Football Club (FFC) is seeking an appropriately qualified, skilled and experienced BCA Compliance Consultant to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tender Number RFT 20/2013 BCA Compliance Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, was advertised on Wednesday 11 September 2013 in the Local Government Tenders section of "The West Australian" newspaper.

Tenders were also advertised on the City's E-Tendering website between Wednesday 11 September 2013 and Wednesday 2 October 2013.



## Submission

Tenders closed at 2:00pm (AWST) Wednesday 2 October 2013 and four (4) tender submissions were received from:

	<b>Tenderer's Name</b>	<b>Trading As:</b>
1.	Cadds Group Pty Ltd	Cadds Compliance
2.	Hendry Group (WA) Pty Ltd	
3.	John Massey Group Pty Ltd	JMG Building Surveyors
4.	Philip Chun & Associates Pty Ltd	Philip Chun Building Code Consulting

## Report

### Compliance Criteria

The following criteria was used to determine whether the submissions received were compliant.

	<b>Compliance Criteria</b>
A	Compliance with the Conditions of Tendering – <b>Part 1</b> of this Request
B	Compliance with the Specification – <b>Part 2</b> contained in the Request.
C	Completion and submission of Form of Tender – <b>Section 3.1</b>
D	Compliance with Insurance Requirements and completion of <b>Section 3.2.6.</b> <ul style="list-style-type: none"> <li>· Public Liability Insurance \$20,000,000.00 AUD</li> <li>· Professional Indemnity Insurance \$5,000,000.00 AUD</li> <li>· Workers Compensation or Personal Accident</li> </ul>
E	Completion of Qualitative Criteria - <b>Section 3.3.2</b>
F	Compliance with Fixed Price and completion of <b>Section 3.6.2</b>
G	Compliance with Sub-Contractors Requirements & Completion of <b>Section 3.7</b>
H	Compliance with and completion of the separate Price Schedule – <b>Part 4</b> in the format provided. <b>Refer to Section 1.11.2</b>



	<b>Compliance Criteria</b>
I	Compliance with the OSH Requirements.
J	Compliance with ACCC Requirements
K	Acknowledgement of any Addenda Issued
S 3.4	Availability stated – <b>Section 3.4</b>
S 3.5	Tenderer's contact person – <b>Section 3.5</b>

### **Compliant Tenderers**

All four (4) Tenderers were deemed compliant and evaluated.

### **Evaluation Criteria**

Tenders were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience	30%
Sustainability Experience	10%
Company Profile	15%
Tenderer's Resources	30%
Methodology	5%
Tendered Price	10%
<b>TOTAL</b>	<b>100%</b>

### **Tender Intent/Requirements**

The intent of this Tender is to select suitably qualified and experienced BCA Compliance Consultants to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tenderers were requested to submit for both an integrated facility including Fremantle Football Club and a non-integrated facility excluding Fremantle Football Club.



The focus of the documentation was to concentrate on the previous experience of the tenderers and the personnel selected for the project to assemble a first class design team whilst providing value for money to the City of Cockburn and Fremantle Football Club.

### Evaluation Panel

The tender submissions were evaluated by the following:

1. Andy Armstrong – (Chairperson) Project Director; NS Projects
2. Daniel Arndt – Director Planning and Development, City of Cockburn
3. John West – Manager Building Services, City of Cockburn
4. David Karotkin – Architect (Director), Sandover Pinder Architects

### Scoring Table

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	10%	90%	100%
<b>John Massey Group Pty Ltd**</b>	<b>8.29%</b>	<b>58.56%</b>	<b>66.85%</b>
Cadds Group Pty Ltd	4.98%	55.59%	60.57%
Philip Chun & Associates Pty Ltd	10.00%	47.49%	57.49%
Hendry Group (WA) Pty Ltd	5.57%	44.33%	49.90%

**\*\*Recommended Submission**

### Evaluation Criteria Assessment

#### Relevant Experience of Company and Personnel (30%)

With the exception of Hendry (14.45%), all remaining tenderers (18.98% - 22.95%) demonstrated clearly that they had the experience to meet the City of Cockburn requirements as detailed in the Specifications and the General and Special Conditions of Contract as stated in the Tender document. These tenderers identified relevant previous experience in aquatic and/or elite sporting facilities.

John Massey Group (JMG) (22.95%) and Cadds Group (19.05%) were the two highest scoring submissions providing a very good level of relevant experience along with references and a demonstration of adding value for stakeholders. The panel were able to identify that both



tenderers have previous successful experience working with other Local Governments.

### **Sustainability (10%)**

All tenderers were weak in addressing sustainability issues. Suitable certification to ISO 14001 was not provided by any tenderer which resulted in scores ranging from 3.44% to 6.00%. All tenderers did however provide examples of project experience incorporating sustainability content.

### **Company Profile (15%)**

The top 3 tenderers demonstrated a good capability within their organisations backed up by a range of skills and expertise, financial stability however no tenderers provided Quality Assurance Certification. With the exception of Philip Chun & Associates (6.47%) all tenderers scored satisfactorily in this area (7.31% - 10.22%).

### **Tenderer's Resources (30%)**

JMG (21.68%) and Cadds Group (18.45%) were the two highest scoring submissions and provided a team of suitably qualified, experienced and capable personnel for the project. The Hendry Group and Philip Chun & Associates submissions were weaker in this area with scores of 15.00% and 15.30% respectively.

The hours stated ranged from 368 to 733 to undertake the project. The view from the panel was that JMG's allocation of 497 hours was the appropriate level to undertake the project to a satisfactory standard.

### **Methodology (5%)**

The tenderers generally provided a response that covered methodology in delivering the services. Only JMG provided project specific examples of critical issues surrounding BCA Compliance. Scores ranged from 1.88% - 2.81% with JMG rating highest in this area.

### **Summation**

The evaluation panel determined that the highest scoring submission from JMG was the most advantageous; however concerns were raised over the capacity of the primary contact declared. It was agreed that JMG would be requested to provide a second suitably experienced and qualified primary contact. JMG has since confirmed that Jonathan Evans will be available as an alternative primary contact, a team member that was identified in JMG's original submission as having been lead BCA consultant on the Karratha Leisure Centre and



Lakeside Joondalup projects. This clarification was acceptable to the panel.

On the basis of the clarification, the evaluation panel recommends that Council accept the submission from John Massey Group Pty Ltd scoring overall 66.85%, as being the most advantageous tenderer to deliver the BCA Compliance Consultancy Services for the Cockburn Regional Physical Activity and Education Centre.

Overall JMG scored highest in both Relevant Experience and Personnel and were highly placed in the remaining sections resulting in the highest overall non-cost evaluation score of 58.56%. Their price was second lowest overall.

The recommendation is based on:

- Well demonstrated experience in performing similar consultancy services on relevant projects for other local governments;
- Confirmed personnel that have relevant experience in delivering projects such as this with the technical capability to deliver the services in accordance with the Scope defined within the contract requirements;
- Having the required available resources and contingency measures to undertake the works;
- Providing value for money.

### **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.
- Facilities that promote the identity of Cockburn and its communities.

#### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **A Prosperous City**

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



**Budget/Financial Implications**

The City has included \$6,750,000 in the 2013/14 budget under the account code CW 4449.

The appointment of JMG at a fixed lump sum of \$99,400 as part of the Design Team for the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West is 4.6% over the budget set aside for this element of the consultancy services.

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Assessment;
2. Consolidated Evaluation Score Sheet;
3. Tendered Prices

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.



**15.6 (MINUTE NO 5238) (OCM 12/12/2013) - TENDER NO. RFT 21/2013 - CONSULTANCY SERVICES - POOL ENGINEER - COCKBURN REGIONAL PHYSICAL ACTIVITY & EDUCATION CENTRE (RFT 21/2013) (A LACQUIERE) (ATTACH)**

**RECOMMENDATION**

That Council accept the Tender submission from Brown Consulting (Vic) Pty Ltd t/a Brown Consulting for RFT 21/2013 Pool Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, for the total contract value of \$292,380.00GST Inclusive (\$265,800.00 Excl. GST), for a period of three (3) years from the date of award; with City instigated options to extend the period for up to twenty-four (24) months after that, to a maximum of five (5) years, in accordance with the submitted Lump Sum Price and schedule of rates for determining variations and additional services.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (CoC), the Principal, in conjunction with the Fremantle Football Club (FFC) is seeking an appropriately qualified, skilled and experienced Pool Engineering Consultant to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tender Number RFT 21/2013 Pool Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, was advertised on Wednesday 11 September 2013 in the Local Government Tenders section of "The West Australian" newspaper.

Tenders were also advertised on the City's E-Tendering website between Wednesday 11 September 2013 and Wednesday 2 October 2013.





## Submission

Tenders closed at 2:00pm (AWST) Wednesday 2 October 2013 and six (6) tender submissions were received from:

	<b>Tenderer's Name</b>	<b>Trading As</b>
1.	Acor MCE Consultants Pty Ltd	Acor Consultants Pty Ltd
2.	Brown Consulting (Vic) Pty Ltd	Brown Consulting
3.	Geoff Ninnas Fong & Partners Pty Ltd	
4.	Leisure Engineering Pty Ltd	
5.	NDY Management Pty Limited	Norman Disney & Young
6.	Sinclair Knight Merz Pty Ltd	

## Report

### Compliance Criteria

The following criteria was used to determine whether the submissions received were compliant.

	<b>Compliance Criteria</b>
A	Compliance with the Conditions of Tendering – <b>Part 1</b> of this Request
B	Compliance with the Specification – <b>Part 2</b> contained in the Request.
C	Completion and submission of Form of Tender – <b>Section 3.1</b>
D	Compliance with Insurance Requirements and completion of <b>Section 3.2.6.</b> <ul style="list-style-type: none"> <li>· Public Liability Insurance \$20,000,000.00 AUD</li> <li>· Professional Indemnity Insurance \$10,000,000.00 AUD</li> <li>· Workers Compensation or Personal Accident</li> </ul>
E	Completion of Qualitative Criteria - <b>Section 3.3.2</b>
F	Compliance with Fixed Price and completion of <b>Section 3.6.2</b>
G	Compliance with Sub-Contractors Requirements & Completion of <b>Section 3.7</b>



	<b>Compliance Criteria</b>
H	Compliance with and completion of the separate Price Schedule – <b>Part 4</b> in the format provided. <b>Refer to Section 1.11.2</b>
I	Compliance with the OSH Requirements.
J	Compliance with ACCC Requirements
K	Acknowledgement of any Addenda Issued
S 3.4	Availability stated – <b>Section 3.4</b>
S 3.5	Tenderer's contact person – <b>Section 3.5</b>

### **Compliant Tenderers**

All six (6) Tenderers were deemed compliant and evaluated.

### **Evaluation Criteria**

Tenders were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience	30%
Sustainability Experience	10%
Company Profile	15%
Tenderer's Resources	30%
Methodology	5%
Tendered Price	10%
<b>TOTAL</b>	<b>100%</b>

### **Tender Intent/Requirements**

The intent of this Tender is to select a suitably qualified and experienced Pool Engineer to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.



Tenderers were requested to submit for both an integrated facility including Fremantle Football Club and a non-integrated facility excluding Fremantle Football Club.

The focus of the documentation was to concentrate on the previous experience of the tenderers and the personnel selected for the project to assemble a first class design team whilst providing value for money to the City of Cockburn and Fremantle Football Club.

### Evaluation Panel

The tender submissions were evaluated by the following:

1. Adrian Lacquiere – Recreation Services Coordinator, City of Cockburn (Chairperson)
2. Daniel Arndt – Director Planning and Development, City of Cockburn
3. Brad Paatsch – Strategic Projects General Manager, Fremantle Football Club
4. Steve McDonald – Senior Project Manager, NS Projects
5. Mike McGrath – Architect (Director), DWP|Suters

### Scoring Table

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	10%	90%	100%
<b>Brown Consulting (Vic) Pty Ltd**</b>	<b>7.02%</b>	<b>64.52%</b>	<b>71.54%</b>
NDY Management Pty Limited	9.44%	61.82%	71.25%
Acor MCE Consultants Pty Ltd	10.00%	56.84%	66.84%
Geoff Ninnes Fong & Partners Pty Ltd	3.58%	62.99%	66.57%
Sinclair Knight Merz Pty Ltd	4.04%	59.03%	63.07%
Leisure Engineering Pty Ltd	3.89%	44.63%	48.52%

**\*\*Recommended Submission**



## **Evaluation Criteria Assessment**

### **Relevant Experience of Company and Personnel (30%)**

Brown Consulting (23.70%) and Geoff Ninnis (24.80% highest) provided the best demonstration that they had experience to meet the City of Cockburn requirements as detailed in the Specifications and the General and Special Conditions of Contract as stated in the Tender document.

Other tenderers (18.50% - 21.55%) provided a good level of previous relevant experience in aquatic and/or elite sporting facilities.

The panel were able to identify that all tenderers have previous successful experience working with other Local Governments.

### **Sustainability (10%)**

Norman Disney and Young (NDY) (7.00% - highest), Acor (6.78%) and Sinclair Knight Merz (SKM) (6.68%) were the three highest placed tenderers demonstrating a very good understanding of sustainability issues backed up by relevant projects with appropriate content.

With the exception of Leisure Engineering (3.90%) the remaining two tenderers Brown Consulting (5.85) and Geoff Ninnis (5.68%) provided a good level of understanding of sustainability issues and the projects identified were both relevant and had good sustainability content.

A demonstration of their ability to achieve targeted environmental outcomes was clear in all submissions to vary degrees. Suitable certification to ISO 14001 was not provided by Geoff Ninnis or Leisure Engineering.

### **Company Profile (15%)**

With the exception of Geoff Ninnis (7.88%) and Leisure Engineering (6.60%) all remaining tenderers (10.05% - 11.48%) demonstrated a very good capability within their organisations backed up by a range of skills and expertise, financial stability and relevant Quality Assurance Certification.

Geoff Ninnis and Leisure Engineering failed to provide Quality Assurance Certification. Brown Consulting confirmed that Quality Assurance Certification was held in their Melbourne office but not their Perth office and as such did not provide a copy of their Certificate.



### **Tenderer's Resources (30%)**

Brown Consulting (21.12%) and Geoff Ninnes (21.96% - highest) were the two highest placed tenderers for resources providing a very good team of suitably qualified, experienced and capable personnel for the project.

With the exception of Leisure Engineering (13.68%) all remaining tenderers (17.04% - 19.68%) provided a good team of suitably qualified, experienced and capable personnel for the project.

The hours stated ranged from 930 to 2,813 to undertake the project. The view from the panel was that the median of 1,694 hours was the appropriate level to undertake the project to a satisfactory standard. Both Acor and NDY were well below this figure with 930 hours and 799 hours respectively.

All tenderers provided personnel with varying levels of experience but with sufficient hours to cover the role required.

### **Methodology (5%)**

All tenderers (2.38% - 3.60%) provided a relevant understanding of Building Information Modelling (BIM) and records management and provided adequate responses to the key issues in the project. Despite the good response, Brown Consulting failed to provide a detailed Gantt Chart resulting in a lower score.

### **Summation**

The evaluation panel determined that the highest scoring submission from Brown Consulting was the most advantageous; however concerns were expressed over the attendance at meetings given their main office is in Melbourne and the lack of a Quality Assurance Certificate. A clarification on this point was requested and Brown Consulting responded on 18 November 2013 providing their Certificate and confirming that a suitably qualified pool engineer will attend all necessary meetings.

On the basis of the clarifications, the evaluation panel recommends that Council accept the submission from Brown Consulting (Vic) Pty Ltd t/a Brown Consulting scoring overall 71.54%, as being the most advantageous tenderer to deliver the Pool Engineering Consultancy Services for the Cockburn Regional Physical Activity and Education Centre.

Overall Brown Consulting scored highest in Company Profile and were highly placed in the remaining sections resulting in the highest overall



non-cost evaluation score of 64.52%. Their price was third lowest overall but within the median of the quotes received.

The recommendation is based on

- Well demonstrated experience in performing similar consultancy services on relevant project for other local governments;
- Confirmed personnel that have relevant experience in delivering projects such as this with the technical capability to deliver the services in accordance with the Scope defined within the contract requirements;
- Having the required available resources and contingency measures to undertake the works;
- Providing a competitive price.

### **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.
- Facilities that promote the identity of Cockburn and its communities.

#### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **A Prosperous City**

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

### **Budget/Financial Implications**

The City has included \$6,750,000 in the 2013/14 budget under the account code CW 4449.

The appointment of Brown Consulting at a fixed lump sum of (\$265,800.00) as part of the Design Team for the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West is in line with the budget set aside for this element of the consultancy services.



### Legal Implications

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

### Community Consultation

N/A

### Attachment(s)

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Assessment;
2. Consolidated Evaluation Score Sheet;
3. Tendered Prices

### Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

- 15.7 (MINUTE NO 5239) (OCM 12/12/2013) - TENDER NO. RFT 22/2013 - CONSULTANCY SERVICES - ENVIRONMENTAL SUSTAINABLE DESIGN (ESD) CONSULTANT - COCKBURN REGIONAL PHYSICAL ACTIVITY & EDUCATION CENTRE (RFT 22/2013) (A LACQUIERE) (ATTACH)**

#### RECOMMENDATION

That Council accept the Tender submission from NDY Management Pty Limited t/a Norman Disney & Young for RFT 22/2013 ESD Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, for the total contract value of \$148,995.00 GST Inclusive (\$135,450.00 Excl. GST), for a period of three (3) years from the date of award; with City instigated options to extend the period for up to twenty-four (24) months after that, to a maximum of five (5) years, in accordance with the submitted Lump Sum Price and schedule of rates for determining variations and additional services.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (CoC), the Principal, in conjunction with the Fremantle Football Club (FFC) is seeking an appropriately qualified, skilled and experienced ESD Consultant to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tender Number RFT 22/2013 ESD Consultancy Services for the Cockburn Regional Physical Activity and Education Centre, was advertised on Wednesday 11 September 2013 in the Local Government Tenders section of "The West Australian" newspaper.

Tenders were also advertised on the City's E-Tendering website between Wednesday 11 September 2013 and Wednesday 2 October 2013.

**Submission**

Tenders closed at 2:00pm (AWST) Wednesday 2 October 2013 and ten (10) tender submissions were received from:

1.	AECOM Australia Pty Ltd	AECOM
2.	Arup Pty Ltd	Arup
3.	Aurecon Australia Pty Ltd	
4.	Cadds Group Pty Ltd	Cadds Energy
5.	Cundall Johnston & Partners Pty Ltd	Cundall
6.	Full Circle Design Services Pty Ltd	Full Circle Design Services
7.	NDY Management Pty Limited	Norman Disney and Young
8.	SLR Consulting Australia Pty Ltd	
9.	Unmow Lai Pty Ltd	
10.	Wood & Grieve Engineers Limited	





## Report

### Compliance Criteria

The following criteria was used to determine whether the submissions received were compliant.

	<b>Compliance Criteria</b>
A	Compliance with the Conditions of Tendering – <b>Part 1</b> of this Request
B	Compliance with the Specification – <b>Part 2</b> contained in the Request.
C	Completion and submission of Form of Tender – <b>Section 3.1</b>
D	Compliance with Insurance Requirements and completion of <b>Section 3.2.6.</b> <ul style="list-style-type: none"> <li>· Public Liability Insurance \$20,000,000.00 AUD</li> <li>· Professional Indemnity Insurance \$5,000,000.00 AUD</li> <li>· Workers Compensation or Personal Accident</li> </ul>
E	Completion of Qualitative Criteria - <b>Section 3.3.2</b>
F	Compliance with Fixed Price and completion of <b>Section 3.6.2</b>
G	Compliance with Sub-Contractors Requirements & Completion of <b>Section 3.7</b>
H	Compliance with and completion of the separate Price Schedule – <b>Part 4</b> in the format provided. <b>Refer to Section 1.11.2</b>
I	Compliance with the OSH Requirements.
J	Compliance with ACCC Requirements
K	Acknowledgement of any Addenda Issued
S 3.4	Availability stated – <b>Section 3.4</b>
S 3.5	Tenderer's contact person – <b>Section 3.5</b>



## Compliant Tenderers

Nine (9) Tender submissions were deemed compliant and evaluated.

The tender submitted by Cundall Johnston & Partner Pty Ltd was deemed non-compliant due to not including in their submission Sections 3.3.2 and 3.3.2D (Qualitative Criteria).

## Evaluation Criteria

Tenders were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Relevant Experience	30%
Sustainability Experience	10%
Company Profile	15%
Tenderer's Resources	30%
Methodology	5%
Tendered Price	10%
<b>TOTAL</b>	<b>100%</b>

## Tender Intent/Requirements

The intent of this Tender is to select suitably qualified and experienced ESD Consultants to undertake the design, documentation and to provide construction consultancy services to assist the Superintendent for the construction of the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West, Western Australia.

Tenderers were requested to submit for both an integrated facility including Fremantle Football Club and a non-integrated facility excluding Fremantle Football Club.

The focus of the documentation was to concentrate on the previous experience of the tenderers and the personnel selected for the project to assemble a first class design team whilst providing value for money to the City of Cockburn and Fremantle Football Club.



## Evaluation Panel

The tender submissions were evaluated by the following:

1. Andy Armstrong – Project Director; NS Projects (Chairperson)
2. Stuart Downing – Director Finance and Corporate Services, City of Cockburn
3. Doug Vickery – Manager Infrastructure Services, City of Cockburn
4. David Karotkin – Architect (Director), Sandover Pinder Architects

## Scoring Table

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	10%	90%	100%
AECOM Australia Pty Ltd	7.49%	62.73%	70.23%
<b>NDY Management Pty Ltd**</b>	<b>1.85%</b>	<b>62.78%</b>	<b>64.63%</b>
Aurecon Australia Pty Ltd	3.88%	53.41%	57.29%
Arup Pty Ltd	3.61%	52.48%	56.09%
Unmow Lia Pty Ltd	5.32%	48.07%	53.39%
Wood & Grieve Engineers Ltd	5.48%	47.52%	53.01%
Cadds Group Pty Ltd	10.00%	42.64%	52.64%
Full Circle Design Services Pty Ltd	6.37%	42.81%	49.18%
SLR Consulting Australia Pty Ltd	8.82%	39.73%	48.55%

**\*\*Recommended Submission**

## Evaluation Criteria Assessment

### Relevant Experience of Company and Personnel (30%)

With the exception of SLR (11.94%), all remaining tenderers (14.63% - 20.81%) demonstrated clearly that they had experience to meet the City of Cockburn requirements as detailed in the Specifications and the General and Special Conditions of Contract as stated in the Tender document. These tenderers identified relevant previous experience in aquatic and/or elite sporting facilities.



Norman Disney and Young (NDY) (20.81%) and AECOM (20.50%) were the two highest scoring submissions providing a very good level of relevant experience along with references and a demonstration of adding value for stakeholders. The panel were able to identify that both tenderers have previous successful experience working with other Local Governments.

### **Sustainability (10%)**

With the exception of Cadds Group (4.88%) and Full Circle Design (4.50%), all remaining tenderers demonstrated a good level of understanding of sustainability issues. Suitable certification to ISO 14001 was provided by each (with the exception of Cadds Group and Full Circle Design) and the projects identified were both relevant and had very good sustainability content. A demonstration of their ability to achieve targeted environmental outcomes was clear in their submissions.

NDY (8.13%) stood out from the other highest scoring tenderers (6.38%- 6.88%) in providing better relevant examples and clearly demonstrated to have added value the projects cited.

### **Company Profile (15%)**

With the exception of Cadds Group (5.53%) and Full Circle Design (4.27%), all remaining tenderers (8.25% - 10.83%) demonstrated a very good capability within their organisations backed up by a range of skills and expertise, financial stability and relevant Quality Assurance Certification.

AECOM and NDY were placed highest both with scores of 10.83% due to the depth of skills and resources available.

### **Tenderer's Resources (30%)**

With the exception of Full Circle Design (13.58%) and SLR (11.70%) all remaining tenderers (14.70% - 21.00%) provided a team of suitably qualified, experienced and capable personnel for the project.

The hours stated ranged from 178 to 750 to undertake the project. The view from the panel was that at least 500 hours was an appropriate level to undertake the project to a satisfactory standard.

NDY provided a time allocation of 645 hours however AECOM's 287 hours was below the required level. On further investigation the panel found that AECOM's tender was qualified with a significantly reduced scope of service which reflected the lower time allocation. This issue is covered in more detail in the 'Summation' section of this report.



## Methodology (5%)

With the exception of Cadds (1.78%), SLR (1.47%) and Wood & Grieve (1.59%), all remaining tenderers (2.38% - 3.53%) provided a generally consistent approach to ESD consulting services delivery methods however none of the tenderers were standout in identifying critical issues for success of the project

## Summation

On review, the evaluation panel determined that the highest scoring submission from AECOM was deemed non-conforming and was disqualified for the following reasons:

- The tender did not reflect the scope of service required by the brief.
- AECOM's revised scope failed to address key detail required by the brief.
- The attendance at both meetings and workshops was significantly reduced from that required by the brief.
- The number of ESD initiatives to be modelled was qualified and limited in the revised scope.
- The tender did not provide value for money. This was reflected by the reduced scope, low number hours allocated to the project and the low fee provided.

On the basis of the AECOM's disqualification, the evaluation panel recommends that Council accept the submission from NDY Management Pty Limited t/a Norman Disney & Young scoring overall 64.63%, as being the most advantageous tenderer to deliver the ESD Consultancy Services for the Cockburn Regional Physical Activity and Education Centre.

Overall NDY scored highest in the areas of Relevant Experience, Sustainability and Company Profile and were highly placed in the remaining sections resulting in the highest overall non-cost evaluation score of 62.78%.

The recommendation is based on:

- Well demonstrated experience in performing similar consultancy services on relevant projects for other local governments;
- Confirmed personnel that have relevant experience in delivering projects such as this with the technical capability to deliver the services in accordance with the Scope defined within the contract requirements;
- Having the required available resources and contingency measures to undertake the works;



- Providing value for money.

### **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.
- Facilities that promote the identity of Cockburn and its communities.

#### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **A Prosperous City**

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

### **Budget/Financial Implications**

The City has included \$6,750,000 in the 2013/14 budget under the account code CW 4449.

The appointment of NDY at a fixed lump sum of \$135,450.00 as part of the Design Team for the new Cockburn Integrated Regional Physical Activity and Education Centre at Cockburn Central West is in line with the budget set aside for this element of the consultancy services.

### **Legal Implications**

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

### **Community Consultation**

N/A



**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Assessment;
  2. Consolidated Evaluation Score Sheet;
  3. Tendered Prices

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 5240) (OCM 12/12/2013) - TENDER NO. RFT 08/2013 - PLANT (DRY) HIRE SERVICES - HENDERSON WASTE RECOVERY PARK (RFT 08/2013) (L DAVIESON) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) accept the tender submission from The Tony and Jan Masetti Family Trust trading as City Excavations Pty Ltd for RFT 08/2013 – Plant (Dry) Hire Services – Henderson Waste Recovery Park for the hire of a track loader for 18 months and two (2) excavators for three (3) years from the date of award for the estimated total lump sum of \$750,934.00 (Inc GST) (\$682,668.00 Ex GST) based on the submitted schedule of rates and additional services.
- (2) approve the employment of the 7<sup>th</sup> plant operator to operate the machinery associated with (but not part of) of RFT 08/2013; and
- (3) amend the 2013/14 adopted municipal budget by increasing OP 8304 by \$80,710 from \$4,601,224 to \$4,681,934.

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



**COUNCIL DECISION**

MOVED Cllr S Pratt SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

In an ongoing programme to equip the Henderson Waste Recovery Park (HWRP), the City of Cockburn (the City) budgeted to purchase a 21 tonne excavator (CW 7780 for \$217K) and a 14 tonne excavator (CW 7781 for \$180K) in 13/14 FY. This expense was funded from the Waste Reserve at \$397K in total. Both these machines target an improved recovery effort at the HWRP.

Before proceeding to purchase the remaining necessary plant items, (one track dozer, two excavators and dump truck) officers thought prudent to test the market and compare assumptions made in the initial business case presented in November 2011. Tenders for the dry hire of plant were subsequently prepared and assessed against actual charge out rates should council own and operate the equipment. The outcomes of this analysis essentially support continuing to hire excavators and track dozers whilst purchasing outright a dump truck. This matter was presented to Council in November (Minute 5209) and Council approved the purchase of a dump truck to the value of \$250K in lieu of the purchase of the two (2) excavators described above.

This item seeks council support to enter into a contract for the ongoing hire of the remaining plant and an adjustment to our operating costs to enable a staff member to be hired to operate the equipment.

The Plant proposed under Contract is required to carry out the following:

- Track Loader 13 Tonne Minimum – Push and cover waste on the active commercial landfill cell, landfill benching, batter construction/capping and construction/maintenance of temporary landfill cell roads.
- Excavator 20 tonne – Recover recyclable materials or products unsuitable for burial at landfill (at the discretion of the principal) from approximately 250,000 tonnes of waste per annum generated from both commercial users and residential trailer traffic (approximately 50,000 per annum).





- Excavator 14 tonne – Recover recyclable materials or products unsuitable for burial at landfill (at the discretion of the principal) from approximately 250,000 tonnes of waste per annum generated from both commercial users and residential trailer traffic (approximately 50,000 per annum).

Tender number RFT 08/2013 Plant (Dry) Hire Services – Henderson Waste Recovery Park was advertised on Saturday, 1<sup>st</sup> June 2013 in Local Government Tender Section of Saturday's West Australian.

The Tender was also listed on the City of Cockburn's E-tendering website from Saturday, 1<sup>st</sup> June to Wednesday, 19<sup>th</sup> June 2013 inclusive.

### Submission

Tenders closed at 2:00 p.m. (AWST) on Wednesday, 19 June 2013; tender submissions were received from the following fourteen (14) companies':

1. Allwest Plant Hire;
2. Brooks Hire Service;
3. Cat Civil Pty Ltd;
4. The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd;
5. Coalcliff Plant Hire;
6. Complete Field Maintenance;
7. Cranewest Pty Ltd T/as Western Tree Recyclers;
8. JSB Fencing and Machinery Hire Pty Ltd;
9. Mayday Earthmoving;
10. Mining Maintenance Solutions Australia;
11. Peel Resource Recovery Pty Ltd;
12. Sherrin Rentals Pty Ltd;
13. The Trustee for Fenton Family Trust T/as Miniquip; and
14. Tiger Hire Pty Ltd.

Cat Civil Pty Ltd submitted two (2) alternate tender submissions.

### Report

#### Compliance Criteria

Compliance with the Specification contained in the Request.
Compliance with the Conditions of Tendering this Request.
Compliance with Fixed Price and completion of Clause 3.3.5A



Compliance with Insurance Requirements and completion of Clause 3.2.7.
Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
Compliance with ACCC Requirements and completion of Appendix B.
Compliance with and completion of the Price Schedule, in the format provided in this Request in Part 4.
Compliance with Subcontractors (Proposed) and completion of Clause 3.4

### Compliant Tenderers

Tenderer's Name		Compliance Assessment
1	Allwest Plant Hire	Compliant
2	Brooks Hire Service	Compliant
3	Cat Civil Pty Ltd	Compliant
	Cat Civil Pty Ltd – Alt' Submission 1	Non-Compliant
	Cat Civil Pty Ltd – Alt' Submission 2	Non-Compliant
4	The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd;	Compliant
5	Coalcliff Plant Hire	Compliant
6	Complete Field Maintenance	Compliant
7	Cranewest Pty Ltd T/as Western Tree Recyclers	Compliant
8	JSB Fencing and Machinery Hire Pty Ltd	Compliant
9	Mayday Earthmoving	Compliant
10	Mining Maintenance Solutions Australia	Compliant
11	Peel Resource Recovery Pty Ltd	Compliant
12	Sherrin Rentals Pty Ltd.	Non-Compliant
13	The Trustee for Fenton Family Trust T/as Miniquip	Non-Compliant
14	Tiger Hire Pty Ltd.	Non-Compliant



The City was keen to ensure that the successful tender was able to supply all plant items; Sherrin Rentals Pty Ltd and The Trustee for Fenton Family Trust T/as Miniquip were deemed non-complaint from as they failed to offer a track loader and were not evaluated.

Cat Civil Pty Ltd submitted two (2) alternate tender submissions – both of these were deemed non-complaint as the City required new / near new equipment.

A total of eleven (11) compliant submissions were forwarded to the Panel for evaluation.

Administrative delays occurred between the RFT closing date and the Evaluation Panel's assessment, due to two (2) of the panel members taking annual leave.

In consequence, the 90 day tender validity period was nearing expiry and was extended to 28<sup>th</sup> November 2013.

In extending the tender validity period an Addendum was issued to all previous tenderers removing the dump truck from the tender and reducing the Contract period for the track loader to 18 months.

In response to this Addendum, the compliant Tenders were as follows:

<b>Tenderer's Name</b>		<b>Compliance Assessment</b>
1	Allwest Plant Hire	Compliant
2	Brooks Hire Service	Non-Compliant
3	Cat Civil Pty Ltd	Non-Compliant
4	The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd;	Compliant
5	Coalcliff Plant Hire	Compliant
6	Complete Field Maintenance	Compliant
7	Cranewest Pty Ltd T/as Western Tree Recyclers	Compliant
8	JSB Fencing and Machinery Hire Pty Ltd	Compliant
9	Mayday Earthmoving	Compliant
10	Mining Maintenance Solutions Australia	Compliant
11	Peel Resource Recovery Pty Ltd	Compliant



12	Sherrin Rentals Pty Ltd.	Non-Compliant
13	The Trustee for Fenton Family Trust T/as Miniquip	Non-Compliant
14	Tiger Hire Pty Ltd.	Non-Compliant

Both Brooks Hire Service and Cat Civil Pty Ltd failed to respond to the Addendum and were ruled non-compliant.

This now reduced the compliant tender submissions to nine (9) that were forwarded to the Panel for evaluation.

#### Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience & Key Personnel	20%
Demonstrated Understanding	15%
Tenderers Resources	25%
Tendered Price – Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>

#### Tender Intent/ Requirements

The City (through the Addendum) sought a suitably competent and experienced contractor for the dry hire of a track loader (18 month period), two (2) excavators (20 tonne and 14 tonne minimum for a three (3) year period with extensions at the City's invitation) for use in landfill, waste recovery and transportation at the Henderson Waste Recovery Park.

- Track Loader 13 Tonne Minimum – Push and cover waste on the active commercial landfill cell, landfill benching, batter construction/capping and construction/maintenance of temporary landfill cell roads.
- Excavator 20 tonne – Recover recyclable materials or products unsuitable for burial at landfill (at the discretion of the principal) from approximately 250,000 tonnes of waste per annum generated from both commercial users and residential trailer traffic (approximately 50,000 per annum).
- Excavator 14 tonne – Recover recyclable materials or products unsuitable for burial at landfill (at the discretion of the principal) from approximately 250,000 tonnes of waste per annum generated from



both commercial users and residential trailer traffic (approximately 50,000 per annum).

### Evaluation Panel

The Evaluation Panel (the Panel) consisted of the following City of Cockburn Officers:

1. Lyall Davieson – Waste Manager (Chairman);
2. Phil Crabbe – Facilities and Plant Manager; and
3. Roan Barrett – Accounting Services Coordinator.

### Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b><i>The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd</i></b>	<b>35.11%</b>	<b>39.12%</b>	<b>74.23%</b>
Complete Field Maintenance	38.33%	33.28%	71.61%
JSB Fencing and Machinery Hire Pty Ltd	30.89%	40.0%	70.89%
Mining Maintenance Solutions Australia	38.89%	29.72%	68.61%
Cranewest Pty Ltd T/as Western Tree Recyclers	36.22%	28.90%	65.12%
Coalcliff Plant Hire	30.78%	31.75%	62.53%
Allwest Plant Hire	24.22%	38.28%	62.50%
Peel Resource Recovery Pty Ltd	26.44%	32.07%	58.51%
Mayday Earthmoving	15.56%	27.93%	43.49%

**\*\* Recommended Submission**



## Evaluation (Qualitative) Criteria Assessment

### Demonstrated Experience

Cranewest Pty Ltd T/as Western Tree Recyclers were considered to have the most experience in operating plant on a landfill site with a score of 14%.

In descending order, The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd, Complete Field Maintenance, Peel Resource Recovery Pty Ltd, JSB Fencing and Mining Equipment Pty Ltd all scored above 10% in this criterion.

The balance of the submissions was not considered to have a satisfactory level of relevant experience by the Panel.

### Key Personnel, Skills and Experience

Complete Field Maintenance was considered to offer the best key personnel, skills and experience with a score of 13.11%.

In descending order, Mining Maintenance Solutions Australia, Cranewest Pty Ltd T/as Western Tree Recyclers, Coalcliff Plant Hire and Machinery Hire Pty Ltd all scored above 10% in this criterion.

The balance of the tender submissions was not considered to have a satisfactory level of relevant staff by the Panel.

### Tenderer's Resources

Mining Maintenance Solutions Australia was considered to offer the most extensive resources with a score of 15.33%.

In descending order, Complete Field Maintenance, The Tony and Jan Masetti Family Trust T/as City Excavations, Coalcliff Plant Hire and Cranewest Pty Ltd T/as Western Tree Recyclers all scored above 10% in this criterion.

The balance of the tender submissions was not considered to have adequate resources for this tender by the Panel.

### Summation

With the exception of Allwest Plant Hire, Peel Resource Recovery Pty Ltd and Mayday Earthmoving, the Evaluation Panel considered the remaining tender submissions to have the capacity to meet the City of Cockburn's requirements detailed in the Specifications and complying



with both the General and Special Conditions of Contract outlaid within the RFT.

The Evaluation Panel found that The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd in conjunction with offering machinery to suit the HWRP working environment and the combined non-cost and cost score provided the most advantageous assessment against the selection criteria.

Therefore the Evaluation Panel recommends to Council that the RFT submission (as amended) by The Tony and Jan Masetti Family Trust T/as City Excavations Pty Ltd tender be supported.

#### Additional FTE

For this tender to be awarded, it is essential that the 7<sup>th</sup> full time employee (FTE) identified in the business case submitted in November 2011 (Minute 4673) be employed to operate the 14 tonne excavator.

The 14 tonne excavator will further improve the recovery of heavy gauge steel, non-ferrous metal, timber packaging, mattresses, cardboard, E-Waste and Recycle Shop product; furthermore, the 14 tonne excavator operator will create additional air space savings, improved environmental outcomes and avoid the need to hire casual staff, which will improve onsite safety.

The machine hire (8hrsx\$48), fuel (\$1.65x8hrsx5lt/hr) and operator (8hrsx\$52) will cost \$866/day.

It is anticipated that the machine will recover 5 tonne of product/day with an airspace saving of \$675. The return on extra ferrous and non-ferrous material recovered is anticipated to be \$200/day. The savings in deploying the 14 tonne excavator to the Site will be \$875/day, matching the cost to the operation.

In addition, the 14 tonne excavator will complete sensitive, routine earthmoving tasks, particularly around landfill cell liners throughout the site. This will improve site capability and will dissolve the need to resort to expensive daily or weekly machine hire.

Given the value the 14t Excavator will provide to operation and the cost neutral basis of the proposal, it is recommended that the additional staff member be employed on a full time basis as opposed to using hire labour.



## **Strategic Plan/Policy Implications**

### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- Identification and minimisation of impacts to human health risk.
- Community and businesses that are supported to reduce resource consumption, recycle and manage waste.
- Greenhouse gas emission and energy management objectives set, achieved and reported.

### **Budget/Financial Implications**

The hire of a track loader for 18 months and two (2) excavators (14 and 21 tonne) for three (3) years, is calculated to be \$750,934.00 (Inc GST) (\$682,668.00 Ex GST) based on the schedule of rates submitted by the recommended Tenderer.

- The additional plant operation costs to the City as a result of awarding this RFT will be \$27,710.00 (Ex GST) per year – an increase of 0.6%.
- The employment of the final plant operator will result in an additional \$53,000 per year cost.
- The total additional operational cost to the HWRP will increase by \$80,710.00 (Ex GST) per year.
- This cost is suitably covered by the annual surplus at HWRP and savings already created in the current 2013/2014 operating budget.
- The net financial benefit in deploying the 14 tonne excavator further supports the award of this tender and the employment of the final plant operator at the HWRP.

### **Legal Implications**

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

### **Community Consultation**

N/A





**Attachment(s)**

The following confidential attachments are provided under a separate cover:

Consolidated Evaluation Panel Score Sheets and prices

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

Those who lodged a tender submission on the proposal have been advised that this matter is to be considered at the 12 December 2013 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

- 19.1 (MINUTE NO 5241) (OCM 12/12/2013) - NOTICE TO REVOKE PREVIOUS COUNCIL DECISION - (MINUTE NO. 4085) (OCM 12/11/2009) - AGENDA BRIEFING SESSIONS (1713) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council Council consider the revocation of Minute No. 4085 (as resolved at the Council Meeting held on 12 November 2009), as follows:

*“That Council Agenda Briefing Sessions not be open to the public in future and that they be conducted under the same procedures as those which operated prior to being open to the public”.*

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



**COUNCIL DECISION**

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

**MOTION LOST DUE TO LACK OF AN ABSOLUTE MAJORITY OF  
COUNCIL 4/4**

**Background**

By letter dated 5 December 2013, Mayor Howlett submitted a Notice of Revocation of the Council decision (Minute No. 4085) made on 12 November, 2009.

**Submission**

Notice of Motion to revoke that decision of Council.

**Report**

A copy of the statutory notice is attached. In accordance with the Notice, should the revocation be successful, it is the intention of Mayor Howlett to move a subsequent Motion that:

*“Council be provided with a report outlining “best practice “Open to the Public” Agenda Briefing Sessions conducted by local governments in the Perth Metropolitan Area for consideration at the February 2014 Ordinary Council Meeting”.*

**Strategic Plan/Policy Implications**

**Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.
- Quality customer service that promotes business process improvement and innovation that delivers our strategic goals.

**Budget/Financial Implications**

N/A



**Legal Implications**

There are no statutory provisions which govern local government briefing procedures.

**Community Consultation**

N/A

**Attachment(s)**

1. Notice of Revocation Motion – Mayor Howlett
2. Extract of Council decision 12 November 2011 (Minute No 4085)

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

N/A

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

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 5242) (OCM 12/12/2013) - REQUEST FOR CAMPAIGN PUBLICITY AND FUNDING - COCKBURN COMMUNITY STEERING COMMITTEE (028/047) (D GREEN)****RECOMMENDATION**

That Council:

- (1) approve the request from the Cockburn Community Steering Committee to display the Community Proposal submitted to the Local Government Advisory Board on 29 November, 2013, through Council's city wide facilities and services, as appropriate, including the City's website, and
- (2) provide funding from the Local Government Reform OP Account of up to \$25,000 to the Committee for the purpose of assisting with community publicity, awareness and promotion of the Community Proposal.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Reason for Decision**

The Cockburn Community Steering Committee has been inundated with support for its proposal submitted to the Board on 29 November. Accordingly, the Committee is now seeking to keep the community updated on the progression of the proposal in terms of key timelines which will be associated with the Board's assessment process. It will assist in this regard if the Committee has access to City of Cockburn promotional channels to display the Proposal.

Also, given the greater than anticipated interest within the community, the Committee wish to hire professional assistance to help guide an awareness campaign to the community, which will ensure the necessary flow of public information and awareness is provided.

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

Nil.

**23. CONFIDENTIAL BUSINESS**

Nil.



24 **(MINUTE NO 5243) (OCM 12/12/2013) - 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 S Pratt the recommendation be adopted.

**CARRIED 8/0**

25 **(OCM 12/12/2013) - CLOSURE OF MEETING**

The Presiding Member closed the meeting at 8.25pm and in doing so thanked those in attendance and extended his best wishes to the Cockburn community on behalf of Elected Members and Staff for the Festive Season and New Year.

**CONFIRMATION OF MINUTES**

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

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



OCM 12/12/2013

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File No: CC/C/002

5/12/2013 (Date)

Mr Stephen Cain  
Chief Executive Officer  
City of Cockburn  
PO Box 1215  
BIBRA LAKE WA 6965

Dear Stephen

**Notice to Revoke Previous Council Decision 12 November 2009 (Minute No. 4085)**

We, the undersigned, hereby give notice to revoke the following decision of Council carried on 12 November 2009, pursuant to regulation 10 of the Local Government (Administration) Regulations, 1996.

**13.1 (Minute No. 4085) (OCM 12/11/2009) – Agenda Briefing Sessions**

“That Council Agenda Briefing Sessions not be open to the public in future and that they be conducted under the same procedures as those which operated prior to being open to the public.”

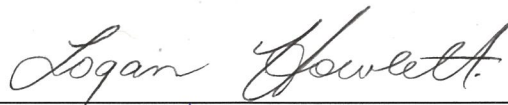
If successful, an alternative motion will be considered at the Ordinary Meeting on 12 December 2013, proposing as follows;

“That Council be provided with a report outlining best practice ‘Open to the Public’ Agenda Briefing Sessions conducted by local governments in the Perth Metropolitan area for consideration at the February 2014 Ordinary Meeting of Council.”

Yours sincerely,

Mayor Logan Howlett

Sign:



CLR STEPHEN PRATT

Sign:



CLR PHIL EVA

Sign:



CLR BART HOUWEN

Sign:

