

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 MAY 2013 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 MAY 2013 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

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

#### IN ATTENDANCE

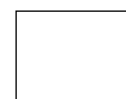
Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J. Snobar	-	Media Liaison Officer
Mrs L. Jakovich	-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

### 1. DECLARATION OF MEETING

Presiding Member declared the meeting open at 7.00pm.

Mayor Howlett then made the following announcements:

The Presiding Member welcome the Reverend Sealin Garlett, Noongar Elder to tonight's meeting.



## **2013 Western Australian Heritage Awards**

The City of Cockburn was a finalist in the recently announced State Heritage Awards in the category of 'Outstanding Heritage Practices by a Local Government'.

The Historical Society of Cockburn was also a finalist in the category of 'Outstanding Contribution to Heritage by a Community Based Organisation and went on to be announced as a joint winner of the category with the Western Australian Indigenous Tourism Operators Council.

The City's congratulations are extended to the Historical Society of Cockburn for this significant achievement.

## **Population – 100,000**

The City of Cockburn's population is calculated to have exceeded 100,000 residents based on last year's 4.1% growth rate released in Australian Bureau of Stats data last week.

Reaching 100,000 residents is a milestone for our community and reflects the status of Cockburn as a place of choice by a growing number of people.

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

N/A

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

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

## **4 (OCM 09/05/2013) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST**

The Presiding Member advised the meeting that he had received two declarations which would be read out at the appropriate time, being for:

Clr Tony Romano	–	Conflict – Item 13.1
Clr Stephen Portelli	–	Conflict – Item 14.6



**5 (OCM 09/05/2013) - APOLOGIES AND LEAVE OF ABSENCE**

Councillor V Oliver – Apology

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

Nil

**7 (OCM 09/05/2013) - PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA

**Andrew Williams, Perth**

Item 17.1 – Tender RFT 01/2013 – Project Management Services Regional Aquatic and Recreation Community Facility

Q1. *The officer's report does not recommend appointment of the highest ranked consultancy based on both the qualitative and quantitative analysis. In the absence of an explanation, could the administration please provide the reasons why the third ranked proponent is recommended for appointment?*

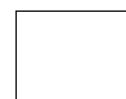
A1. The City undertook the assessment and evaluation of the twelve submissions with the three highest assessed submissions being selected for interview by the assessment panel. The panel then asked the three to present to the assessment panel. Each tenderer was provided with the same questions in advance and given a set period of time to present and answer the pre-set questions. The panel then assessed the presentation and responses to the pre-set questions. Based on this assessment the unanimous decision of the assessment panel was to award the tender to the recommended tenderer.

ITEMS IN WRITING, NOT ON THE AGENDA

**Ms Alison Loo, Coolbellup**

Q1. *Please explain why Council feels that the Aboriginal community of Cockburn are not an important enough priority to consider the Cockburn Aboriginal Reference Groups strong recommendation that the Aboriginal Community Development officer position be increased from part time to full time.*

A1. A proposal to fund this position will be considered by Council in its deliberations for the 2013 / 14 Budget.



ITEMS NOT IN WRITING, ON THE AGENDA

**Mr Ashley Palmer, Coolbellup**

Item 14.2 Proposed Local Planning Policy Robb Jetty and Emplacement Design Guidelines and Item 14.3 Local Structure Plan (Emplacement) Cockburn Coast (Consideration of Adoption for Final Approval)

Q1 *Is it correct that Main Roads have indicated that there is no funding for Cockburn Coast Drive.*

A1. That is correct, there is no funding currently identified for Cockburn Coast Drive.

Q2. *As such are there detailed studies how traffic will be addressed using Cockburn Road.*

A2. Currently the stakeholders are looking to establish or develop a concept which sees Cockburn Road being upgraded to deal with future traffic generated from this area. Detailed traffic studies have been undertaken and those studies and recommendations have been used to facilitate the outcome here.

Q3. *When will the details studies be available.*

A3. The current proposals for the dual carriage way are being finalised at the moment with the business case being prepared to determine how and when that will be funded. You need to speak to me after this meeting to see how we can provide that information.

**Mr Victor Marcelino, Coogee**

Item 14.7 Proposed Modification to Structure Plan – Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9031 Spearwood Avenue Beeliar

Q1. *Why are the recommendations from the officers often not supported by Council.*

A1. It is a matter for this Council to make a determination. The officers present the reports to the Council for consideration and then it is the Elected Members responsibility in our community to take note of those reports and take note of feedback we have in the community and other observations that we make and then make a final determination. This particular item is on the agenda tonight for the Council to make a determination on the officer's recommendation and other information that we have.





**Mr Paul Watkins, Hamilton Hill**

Item 14.3 Local Structure Plan (Emplacement) Cockburn Coast  
(Consideration of Adoption for Final Approval)

- Q1. *What action will the Council take to ensure the visual integrity of these provisions is maintained from the east as indicated by the WAPC that it would not be and that neither Cockburn Coastal Drive north land buildings will be visible or disrupt the visual integrity of the limestone ridge at central east.*
- A1. There are in fact two different projects. Port Catherine Developments are responsible for under taking the Port Coogee Development and the Cockburn Coast Development is being undertaken primarily by Landcorp which is a State Government development. The State Government with the adoption of the State Government District Structure Plan clearly indicated at that time in 2008 that there would be a development there including a number of land marked sites. This has been re-enforced by a number of other strategies and studies that have been adopted and recommended by the State Government which indicates that there will be buildings higher than 6 – 8 stories on the eastward side of that ridge line. There will be buildings which are visible from that ridge line and that has been with the State Government since 2008.
- Q2. *Coogee Beach developments are clearly visible from the east so in that case if the integrity is to be maintained, how will Council plan to enforce or penalise developments that contravene those recommendations.*
- A2. I am not aware of any conditions or restriction on Port Coogee in relation to building heights not being visible from the eastern side of the ridge line. There are no requirements under the Local Structure Plan or within any of the detailed design guidelines that apply to Port Coogee. Certainly no conditions that is applicable in relation to the rezoning of the site.
- Q3. *I refer you to MRS Amendment 1010/33 Port Catherine 3.8 Visual Amenity WAPC Environmental Protection Authority Perth Western Australia No. 1060 2002. "The inland aspect of the region will not be broken by visual structures".*

**Mr Frank Arangio**

Item 14.2 Proposed Local Planning policy Robb Jetty and Emplacement Design Guidelines and Item 14.3 Local Structure Plan (Emplacement) Cockburn Coast (Consideration of Adoption for Final Approval)

- Q1. *There was a Stakeholders Reference Group meeting held 16 April 2013 at the City of Cockburn. There was a plan with the updated buffer*



*on that plan. Were there any changes to the arrangement of buffers on that plan?*

A1. Yes. Within the recommendation there are proposed changes. They are relating to buffers advertised. There has been a detailed assessment of the industries involved. Initially they were looking at the buffers being set in relation to generic buffers. The generic buffers are set within the guidelines of the DEC. However, the guidelines of the DEC say that those buffers can be altered or amended whereby the industries are shown or being able to demonstrate that they don't have a significant impact on the surrounding areas as a generic buffer would warrant.

Q2. *Can someone explain the scientific basis that Council has adopted or followed in relation to the reduction of the generic buffers that apply to the industrial type building in the Robbs Jetty area.*

A2. The assessment is being undertaken by Council's Environmental Health Services who have spoken to the operators who have inspected the premises. They have also done detailed assessments in terms of the complaints that have been received or asked about in relation to those activities and have done assessments of those activities in comparison with other similar activities to ascertain what impacts they do have.

In this case they identified some of the industries, for example Alba Oils. Alba Oils have undergone a significant upgrade of their plant to ensure that over generation does not become an issue and they have all their processes internally so there are no external processes or ability for owners to be omitted and that is being recognised by the reduction in complaints. We don't receive complaints in regard to the operation of the site now and that is reflective of the buffers being modified to reflect the operations of that plant. We have also had discussions with the plant managers in relation to their capabilities of expansion and other things and all these have been taken into consideration in making that determination.

**Mr Paul Watkins, Hamilton Hill**

Item 14.3 Local Structure Plan (Emplacement) Cockburn Coast  
(Consideration of Adoption for Final Approval)

Q1. *What actions will the Council take to ensure that the military heritage of the tunnel system in the limestone ridges associated with South Beach be preserved in order to maintain a sense of place values and utilises its historical perspectives which are important factors in the development of the Cockburn Coast Community.*



A2. As part of this development which has been ongoing since 2008 there has been detailed heritage studies undertaken over the sites. The areas that are covered by the local structure plans have been assessed to determine whether there is any heritage, European or Aboriginal within those sites. There is one site that has been identified in the Emplacement Local Structure Plan area which has been preserved and is currently a location which is a Council reserve. Under the structure plans, it is proposed that additional areas around that site also be preserved. There are areas outside those structures plans, along the ridge line, that will be a separate assessment when they are looking at the road design.

Q2. *If in fact a heritage assessment has been done of the area, then on the examination of the heritage value of the precinct it has not revealed that any significant World War 11 heritage sites within the structure plan and along the ridge line. I will put it to you that the heritage assessment has been at best neglectful in Western Australia because people have not done the leg work because those hills within the Local Structure Plan has military tunnels which still exist underground and which have been exploited for their tourism value at Leighton Beach Battery. I think the Council needs to seriously consider this including tourism and World War 11 heritage, not just the South Beach Battery site but also the tunnel systems which are associated with the South Beach Battery site which have not yet been included in the discussion. I request that the Council includes this in their discussions.*

A2. This submission and points outlined will be reiterated tonight.

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 5030) (OCM 09/05/2013) - ORDINARY COUNCIL MEETING 11 APRIL 2013**

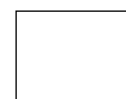
#### **RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 11 April 2013, as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Cllr B Houwen SECONDED Cllr S Portelli that the recommendation be adopted.

**CARRIED 9/0**



**8.2 (MINUTE NO 5031) (OCM 09/05/2013) - SPECIAL COUNCIL MEETING 4 APRIL 2013**

**RECOMMENDATION**

That Council adopt the Minutes of the Special Council Meeting held on Thursday, 4 April 2013 as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED 9/0**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

**12 (OCM 09/05/2013) - 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 7:25 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

14.1	14.8	15.1	16.2	16.6	17.1
14.2		15.2	16.3	16.7	17.2
14.4		15.3	16.4		
14.5			16.5		



AT THIS POINT, CLR T ROMANO LEFT THE MEETING, THE TIME BEING 7.28 PM.

### **DECLARATION OF INTEREST – CLR T ROMANO**

The Presiding Member read a declaration of Interest in Item 13.1 “Minutes of the Grants and Donations Committee Meeting – 18 April 2013” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that he is a member of the Melville Cockburn Chamber of Commerce and the Chairman of Business Foundations (Inc.), which is a potential recipient of a grant from Council, as contained in the Minutes.

## **13. COUNCIL MATTERS**

### **13.1 (MINUTE NO 5032) (OCM 09/05/2013) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 18 APRIL 2013 (162/003) (R AVARD) (ATTACH)**

#### **RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 18 April 2013 and adopt the recommendations contained therein.

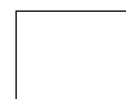
#### **COUNCIL DECISION**

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

**CARRIED 8/0**

### **Background**

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and the nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.



## Submission

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

## Report

Council approved a budget for grants and donations for 2012/13 of \$1,010,000 to be distributed as grants, donations and sponsorship.

At its meeting of 16 July 2012 the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 9 August 2012.

The March 2013 round of grants, donations and sponsorship funding opportunities has now closed and the Committee at its meeting of 18 April 2013, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.

A summary of the donations for general operating expenses recommended to Council are as follows:

Business Foundations	\$10,000
City of Cockburn Pipe Band	\$9,000
Second Harvest	\$10,000
Hamilton Hill YouthCARE	\$9,000
South Lake Ottey Family Centre	\$7,000
Cockburn Central YouthCARE Council	\$24,000
Friends of the Community	\$2,160
Constable Care Child Safety Foundation (Inc)	\$10,000
Training Ship Cockburn Parents Committee Inc	\$2,000
Volunteer Home Support Inc.	\$5,000

A summary of the sponsorship recommended by the Committee is as follows:

Hamilton SHS - HSHS 50th Anniversary	\$4,000
Austin Keyte - Philippines Immersion	\$500
Zakary Brown - World Challenge Expedition to Sri Lanka	\$500
Melville Cockburn Chamber of Commerce	\$20,000
Suzanne Marsella - Clinical Placement	\$1,000
Atwell College - 2013 Canberra Tour	\$3,000



## Strategic Plan/Policy Implications

### Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.
- Promotion of active and healthy communities.

### Leading and Listening

- A responsive, accountable and sustainable organisation

### Budget/Financial Implications

Council approved a budget for grants and donations for 2012/13 of \$1,010,000 to be distributed as grants, donations and sponsorship.

Following is a summary of the grants, donations and sponsorship allocations proposed by the Committee.

Committed/Contractual Donations	\$472,863
Specific Grant Programs	\$335,978
Donations	\$156,160
Sponsorship	\$ 45,000
<b>Total</b>	<b>\$1,010,000</b>

The next Grants and Donations Committee Meeting will be held in July 2013 to recommend allocations for 2013/14.

The next round of grants, donations and sponsorship funding will be advertised in August/September 2013.

### Legal Implications

Nil

### Community Consultation

In the lead up to the March 2013 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements running fortnightly in the Cockburn Gazette's City Update on 19/02/13, 5/03/13 and 19/03/13.



- One quarter page advertisement in the Cockburn Gazette's wrap on 19/03/2013
- Four advertisements running fortnightly in the City of Cockburn Email Newsletter.
- Advertisement in the February Cockburn Soundings.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.
- Additional Advertising through Community Development Promotional Channels:
  - Gazette part of Full page Ad 12 Feb 2013, 12 March 2012
  - Community Development Calendar distributed to all NFP groups in Cockburn
  - Community Development ENews: 13/3/13, 28/2/13, 15/2/13, 16/1/13

#### **Attachment(s)**

1. Minutes of the Grants and Donations Committee Meeting on 18 April 2013.
2. Grants and Donations Allocations 2012/13 as recommended by the Committee.

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

N/A.

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

Nil.

CLR T ROMANO RETURNED TO THE MEETING, THE TIME BEING 7:30 PM.

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





## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 **(MINUTE NO 5033)** (OCM 09/05/2013) - DEDICATION AS PUBLIC ROAD - LOT 3001 (DEPOSITED PLAN 74231) MIGUEL ROAD, BIBRA LAKE - OWNER MOLTONI HOLDINGS P/L - APPLICANT CITY OF COCKBURN (4113473, 450007) (K SIM) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) request that the Minister for Lands dedicate Lot 3001 on Deposited Plan 74231 Miguel Road, 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 Portelli SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 9/0**

#### Background

Council at its Special Council Meeting held on 20 September 2006 resolved as follows in respect of acquiring portion of Lot 410 Miguel Road, Bibra Lake for construction of Spearwood Avenue:

*That Council pays \$90/m<sup>2</sup> for the land required from Lot 410 Miguel Road with settlement of the purchase price to be made by the 30 November 2006 unless some other suitable arrangements are agreed between the parties;*

Following the Council meeting of September 2006 a legal agreement was completed between Moltoni Holdings P/L and the City. The agreement sets out the terms of the transfer of that portion of Lot 410 Miguel Road (which is Lot 3001 on DP 74231) shown as 'Other Regional Roads' within the region and local planning schemes. The City has paid the purchase price and lodged a caveat on the title of Lot 410 to protect its interests in the land.



The purpose of this report is to finalise the matter by way of ensuring that portion of land for the road is dedicated finally as a road reserve.

### **Submission**

NA

### **Report**

The portion of Lot 410 Miguel Road, Bibra Lake will be dedicated as a road reserve for part of the completed Spearwood Avenue. The land has been surveyed such that an accurate lot descriptor now exists as Lot 3001 on DP 74231.

Lot 3001 is identical to the land description in the legal contract. Delays in preparing the survey plan have been brought about due to the nature of the earthworks being carried out on the site. Representatives from Moltoni Holdings P/L have also in the past asked for a modification to the alignment of the western boundary of Lot 3001. The modification sought was to straighten the boundary and thus increase the size of the balance land (Lot 202 on DP74231). Moltoni Holdings P/L has since been placed into receivership. The receiver has stated that he is not interested in a modification to the boundary, and will proceed on the basis of the legal contract.

The contract sets out that the road land has been acquired by agreement, pursuant to Section 168 of the *Land Administration Act 1997*. The Department for Regional Development and Lands have advised that a Road Dedication request pursuant to Section 56 of the *Land Administration Act 1997* is now required.

Following Council's resolution, the request will be forwarded to the Department. They will then instigate a process whereby the dedication will proceed and a balance title for Lot 202 will be issue.

### **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.

#### **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**

Nil. Financial transactions have been completed and road constructed.

**Legal Implications**

Provisions of the *Land Administration Act 1997* refer.

**Community Consultation**

N/A

**Attachments**

1. Deposited Plan 74231
2. Location Plan

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

N/A

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

Nil.

**14.2 (MINUTE NO 5034) (OCM 09/05/2013) - PROPOSED LOCAL PLANNING POLICY ROBB JETTY AND EMPLACEMENT DESIGN GUIDELINES (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/051) (C CATHERWOOD) (ATTACH)**

<p><b>RECOMMENDATION</b></p> <p>That Council adopt the draft Local Planning Policy (Robb Jetty and Emplacement Design Guidelines), as shown in Attachment 2, for final approval subject to the following modifications:</p> <ol style="list-style-type: none"><li>1. All changes as shown as 'tracked changes' in Appendix 1 of the draft Local Planning Policy.</li><li>2. All diagrams to be updated to be legible (including legends and increase in font size annotating dimensions).</li><li>3. Correction of all grammatical and typographical errors (especially use of semi colons).</li><li>4. Ensure Building Height plan reflects that in Local Structure Plans.</li></ol>
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5. All imagery to be updated to ensure building materials contrary to the content of the Design Guidelines are removed.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station. A number of planning stages have been realised in recent years briefly described below.

1. The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") was prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.
2. In 2012 this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of Landcorp.
3. In 2011 the Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.
4. During 2011 and 2012 Council undertook several modifications to City of Cockburn Town Planning Scheme No. 3 ("TPS3") to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket Precinct area and introduction of a 'Development' zone for the area south of Rollinson Rd.



5. At the January 2013 DAAPS Committee meeting and subsequent February 2013 Council meeting, the Design Guidelines were adopted as a Draft Local Planning Policy to enable them to be advertised for public consultation.

The report on this item has been presented directly to Council, rather than back through the DAAPS Committee first. The adoption of Design Guidelines prior to the local structure plans is a requirement under the Town Planning Scheme provisions for Cockburn Coast. The local structure plans were advertised in late 2012. Advertising for the Design Guidelines closed on 25 March 2013. The next available DAAPS Agenda the Design Guidelines could be included would have been 23 May 2013. These minutes would then need to go to the 13 June 2013 Council meeting. This would mean the local structure plans would need to wait until this June meeting also. This would create a dilemma given the Town Planning Scheme also requires the consideration of submissions on local structure plans within 60 days of the close of submissions.

The Design Guidelines which are the topic of this report reflect the requirements of the City's TPS3 which require an appropriate set of Design Guidelines to be adopted either before or with the local structure plans. This forms the topic of this report, to specifically consider the Design Guidelines Local Planning Policy for adoption.

A report was previously presented to the 11 April 2013 Council meeting. Council deferred their consideration pending further liaison with landowners who had expressed concerns. A meeting with these landowners was held 16 April 2013 and a range of issues were discussed including development contributions, traffic, existing businesses and the waste water pumping station.

None of those issues warrant further changes to the draft Design Guidelines and therefore the officer recommendation remains unchanged. However, there are additional inclusions in the related officer recommendations on the local structure plans.

### **Submission**

The Robb Jetty and Emplacement Design Guidelines have been submitted by HASSELL on behalf of Landcorp.

### **Report**

The purpose of this report is for Council to consider adopting the Robb Jetty and Emplacement Design Guidelines Local Planning Policy for adoption.



The Design Guidelines have been prepared to guide the development and urban form of the Cockburn Coast redevelopment area. The design guidelines aspire to create a quality development that ensures the design aspirations of the Robb Jetty and Emplacement Local Structure Plans (LSPs) are achieved.

It is intended that these Design Guidelines be adopted as a Local Planning Policy pursuant to Clause 2.3.1 of TPS3. This will enable the Design Guidelines to be applied according to of TPS3.

The TPS3 provisions set out the matters that Design Guidelines shall address, which include: building heights, bulk and scale; private open space; walls and fencing; parking and access arrangements; and sustainable building design. This is achieved by the Draft Design Guidelines.

#### Modifications required

A number of modifications have been prepared to ensure the contents of the Design Guidelines are practical as well as capable of being assessed and implemented.

The majority of these modifications are shown as 'tracked changed' in the copy of Appendix 1 to the Design Guidelines. Most of the changes relate to minor corrections on the way the document is written - they are considered non-substantive in that regard.

Sections which have been recommended for deletion (on the basis they can be found elsewhere) include Affordable Housing, Ancillary Accommodation, Public Realm and sections of the Noise and Vibration Assessment section. These are more substantive changes.

#### Affordable Housing

It is unnecessary to duplicate the floor space bonus proposal which is outlined in the draft local structure plans and confusing to separate the incentives into two separate documents. The associated agenda item to consider the local structure plans includes recommendations to refine this section within the local structure plan documentation. This will include adding relevant definitions as well as providing a calculation methodology for the incentives proposed.

#### Ancillary Accommodation

The section on ancillary accommodation is also unnecessary. This aspect of development is already guided by requirements spelt out in the Residential Design Codes.



## Public Realm

The section on public realm does not belong in a Local Planning Policy to guide private realm development. However, there is a need to document expectations for public realm development in areas such as this where there are multiple landowners.

This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

Landcorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff that approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

## Noise and Vibration Assessments

This section made no mention of the issue of vibration and this is recommended to be included. The scope of what a report into these matters needs to include should not be documented in the Design Guidelines. They should simply refer back to the relevant State Planning Policy and Quiet House Design Principles. This will ensure the robustness of the Design Guidelines should the requirements in these related documents ever change. It also makes clear to applicants the scope of such assessments.

## Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

## Community Consultation Outcomes

The draft Robb Jetty and Emplacement Design Guidelines were advertised for public comment for a period of 21 days, ending on 25 March 2013.



Seven submissions were received on the Design Guidelines. Most submissions raised issues with the local structure plans which have already been raised as part of the reports on those items.

There were a number of typographical errors noted and these have been included in the attachment indicating the changes required. The most significant change recommended is to the 'end of trip' facilities for bicycles which seek to improve the standards proposed in the advertised version of the Design Guidelines.

### Conclusion

The Robb Jetty and Emplacement Design Guidelines are generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of their content, ensure they are complementary to the associated local structure plans and that they can provide sufficient guidance to subdivision and development proposals.

Subject to the modification of the Robb Jetty and Emplacement Design Guidelines in line with the officer recommendation and as shown as 'tracked changes' (see Attachment 2), it is recommended the Design Guidelines be adopted as a Local Planning Policy and forwarded to the Western Australian Planning Commission for their information.

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

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

#### **Environment & Sustainability**

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

#### **Moving Around**

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

### **Budget/Financial Implications**

N/A





**Legal Implications**

N/A

**Community Consultation**

Once the draft Robb Jetty and Emplacement Design Guidelines were lodged with the City advertising of the proposal took place in line with the requirements of the City's Scheme for local planning policy proposals. This advertising period ran for a period of 21 days from 5 to 25 March 2013.

Advertising included the following:

- Letters to all landowners with Robb Jetty and Emplacement areas of Cockburn Coast;
- Notices in the Cockburn Gazette inviting comment;
- Displays at the City's administration building and the City's libraries;
- Dedicated webpage on the City of Cockburn's website;

**Attachment(s)**

1. Cockburn Coast Precinct Plan
2. Draft Local Planning Policy (Robb Jetty and Emplacement Design Guidelines) with changes shown tracked.
3. Schedule of Submissions.

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

The applicant has been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

**14.3 (MINUTE NO 5035) (OCM 09/05/2013) - LOCAL STRUCTURE PLAN (EMPLACEMENT) COCKBURN COAST (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/067) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Emplacement Local Structure Plan, in line with the proposed rezoning of this area to 'Development' zone via Amendment No. 89 to the City's Town Planning Scheme No. 3 and subject to the following:



1. Modification and Adoption of the Local Planning Policy Robb Jetty and Emplacement Design Guidelines.
2. Preparation of a Fire Management Plan in accordance with Planning for Bushfire Protection, which includes any interim fire management measures.
3. Updates to Section 3.4 of the Local Structure Plan report (Bushfire Hazard) and Figure 16 to reflect the Fire Management Plan, and to demonstrate a fire hazard assessment which includes the Emplacement Local Structure Plan area and adjacent Beeliar Regional Park.
4. Modification to Section 3.1 (Environmental Assets and Constraints) to specifically address the recommendations of the associated Ecological Assessment, and to specify the requirement for a spring flora and vegetation survey to be undertaken by individual landowners prior to subdivision or development of the land (where development proposes works to the land).
5. Modification to Figure 12 (Vegetation Type Analysis) within the Local Structure Plan report to reflect the mapping included within the Ecological Assessment.
6. Modification to Appendix E - Local Transport and Traffic Management Strategy of the Local Structure Plan report to include current and future intersection operations for the two intersections of Emplacement Crescent and Cockburn Road and to include one intersection that maintains a right hand turn from Emplacement Crescent if possible.
7. Modification to Figure 1 and Figure 9 of the Local Structure Plan report to reflect the indicative location of the switchyard/power substation as shown in the Infrastructure and Servicing Report (Appendix F).
8. Corrections to Public Open Space ("POS") figures in Table 3, Table 9, and throughout the Local Structure Plan report to accurately reflect the quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.
9. Identifying Alba Edible Oils as a current land use in Section 1.2.2 of the Local Structure Plan report.



10. Deletion of reference to an 'activity centre' zone under Section 6.1 of the Emplacement Local Structure Plan report.
11. Inclusion of additional provisions in Section 8 (Part 1) requiring development proposals to ensure adequate interface, including fencing, to the Primary Regional Road Reserve to protect the conservation value of the Beeliar Regional Reserve.
12. Advising affected landowners in the Emplacement Local Structure Plan area of the requirement for a spring flora and vegetation survey to be undertaken by individual landowners prior to subdivision or development of the land (where development proposes works to the land).
13. Removing the footnote from the bottom of the Land Use Table contained in Part 1 and replace with text within Part 1 to explain when discretion may be granted by Council for Singles Houses (in line with the explanation given in Part 2).
14. Update the Affordable Housing sections to reflect the updated Australian Bureau of Statistics data.
15. Updating the Affordable Housing sections to reflect an incentive based approach; all references to mandatory requirements are to be removed.
16. Updating the Affordable Housing sections to also include a further bonus for 2 bedroom dwellings (relative the bonus given for 3 bedroom dwellings).
17. Updating the Affordable Housing section to revise the definition of Affordable Housing to be: "For the purposes of this Local Structure Plan, 'affordable housing' refers to either of the following:
  - \* Dwellings that are sold to Eligible Households at or below the benchmark price outlined in Table 4; or
  - \* Dwellings that are sold or transferred to a recognised affordable housing provider, which in turn leases or sells the properties to Eligible Households (under an approved affordable housing program); or
  - \* Private Provider selling to Eligible Households; or

\* Commonwealth or State endorsed affordability program”.

and include supplementary definitions for the terms “Eligible Households” and “Recognised affordable housing provider”.

18. Updating Part 1 to delete the reference to car parking standards being a ‘maximum’ rather than a ‘minimum’ and update the reference from the benchmarks being the Residential Design Codes to being as per the City of Cockburn’s Town Planning Scheme No. 3.
19. Updating the sections regarding Detailed Area Plans to provide clarity as to when they may be required and that in some instances the need may be negated due to the Design Guidelines Local Planning Policy.
20. Expanding the discussion in Part 2 (Regional Planning) to broaden the reference to Directions 2031 to discuss other elements of this plan.
21. Updating the discussion in Part 2 (Policies) to include reference to State Planning Policy 1 State Planning Framework.
22. Updating Part 2 (Residential Zone) list of criteria where Council may choose to use its discretion to punctuate this list and include the term ‘and’ so it is clear all of these items are expected to be met, not one or the other.
23. Updating Part 2 (Residential – Densities) to remove the unnecessary replication of the Town Planning Scheme No. 3 provision relating to calculation of density targets.
24. Updating Part 2 (Movement Networks) to ensure correlation between cross-sections and network plans.
25. Corrections to Table 05 of the Local Structure Plan report to include all landholdings within the local structure plan area.
26. Deletion of any references to ‘Cockburn Coast Redevelopment Area’ within the Local Structure Plan report.



27. Corrections to Figure 1 within the Local Structure Plan report to include a scale and to relabel 'low density' to 'medium density'.
  28. Inclusion of a scale and cadastre on Figure 27 (Existing industrial buffers) to make the extent of the buffers clear.
  29. Reviewing the entire document to identify and correct basic grammar and typographical errors, including section numbering.
  30. Include an annotation (in bold text) on the local structure plan to highlight the need to refer to the Part One statutory provision 'Existing Industrial Buffer Zones' where contemplating residential or other sensitive land uses as well as the Part One statutory provision 'Use Class Permissibility'.
  31. An additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
  - (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
  - (4) advise the proponent and those persons who made a submission of the Council's decision;
  - (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as a future Development Contribution Area (Cockburn Coast) which is in the final stages of preparation; and
  - (6) advise Main Roads that Council is unlikely to support any change to the Primary Regional Road Reservation under the Metropolitan Region Scheme for Cockburn Coast Drive which relinquishes opportunities for future road planning in the absence of committed and secured funding for an alternative option.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that Council adopt the recommendation subject to the following amendments:

(1) 1 – 31 as recommended;

Additional item (1) 32 to read as follows:

32. *Update figure of Existing Buffer Zones to correctly reflect current technical analysis data, including the Waste Water Pumping Station as a 25m buffer measured from the property boundary.*

(2) – (6) as recommended.

**CARRIED 9/0**

**Reason for Decision**

This will ensure consistency with the recommendation for the adjacent Robb Jetty Local Structure Plan. The figure of the Existing Buffer Zones applies across both local structure plan areas and needs to be updated for both plans.

**Background**

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

A number of planning stages have been realised in recent years briefly described below.

The Cockburn Coast District Structure Plan 2009 (“CCDSP 2009”) prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 (“CCDSP Part 2”) prepared on behalf of LandCorp.



The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.

Council has undertaken several modifications to its Town Planning Scheme to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket area and introduction of a 'Development' zone for the area south of Rollinson Rd.

This 'Development' zone is the most appropriate zone for new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

The Scheme provisions, combined with the Department of Planning's Structure Plan Guidelines, set out the requirements to be addressed in local structure plans which will apply land use zoning and permissibility and subdivision and development requirements.

A report was previously presented to the 11 April 2013 Council meeting. Council deferred their consideration pending further liaison with landowners who had expressed concerns. A meeting with these landowners was held 16 April 2013 and a range of issues were discussed including development contributions, traffic, existing businesses and the waste water pumping station. The issue of consultation was also raised as it was claimed landowners only had three days to comment. This is incorrect. As detailed in the 'Consultation' section of this report, the local structure plans were advertised for an extended period of 28 days.

All landowners received an acknowledgment letter in January thanking them for their submission and advising that due to the volume of submissions; a report to Council would not be presented till at least the April meeting. This letter noted a further letter would be sent when the meeting date and time was able to be confirmed. A confirmation letter the item was listed on the April agenda was sent Friday 5 April which is the day the agenda is published and the earliest possible date officers can be sure the report has been included. Nevertheless, in the intervening period from close of submissions till the release of the April Council agenda, City officers spoke to a number of landowners including those who expressed their concern at the April Council meeting.

As a result of these discussions there are additional officer recommendations for this local structure plan relating to these matters.



These are modifications number 30 and 31 to the local structure plan and Part 6 of the officer recommendation.

### **Submission**

The Emplacement Local Structure Plan has been submitted by HASSELL on behalf of LandCorp.

### **Report**

The purpose of this report is for Council to consider submissions on the Emplacement Local Structure Plan and whether endorsement of the plan is appropriate.

#### Purpose of the Emplacement Local Structure Plan

The Emplacement Local Structure Plan applies to the Cockburn Coast project area bounded by Cockburn Road to the west, and the Primary Regional Road Reservation to the east, as shown in the Precinct Plan (Attachment 1).

On the western side of Cockburn Road is the local structure plan area known as 'Robb Jetty'. This is also an item on this Council agenda for Council's consideration.

The Emplacement Local Structure Plan proposes a mix of zones, primarily being residential with a density ranging from R40 to R160.

A Mixed Use zone is proposed along Cockburn Road, with a residential coding of R100 applying to any residential component within this area.

The local structure plan includes a land use table that sets out the range of permissible uses, which varies slightly from that in the Scheme, and which includes a range of uses for the Mixed Use zone, because it is not a zone included in the Scheme.

The local structure plan provides for building heights generally between 6-8 storeys, with greater heights provided along the eastern boundary. These building heights are consistent with those shown in the CCDSP Part 2.

There are development incentives included to encourage the provision of Affordable Housing. This was a target of the District Structure Planning. This encouragement is suggested by way of extra floor space being granted to a proposal. The outcome of this, if developers took up the opportunity could be a potential increase in the size of a building on a site. Given the need to set back from boundaries, this increase is most likely to be realised by building form becoming higher





in storeys. For example, a 3 storey building through using the Affordable Housing bonus may become a 5 storey building (provided it can still meet other development requirements such as car parking and open space).

The Emplacement Local Structure Plan includes the provision of 12% Public Open Space ("POS"), consistent with what was shown in the CCDSP Part 2. The gun emplacement is proposed to be retained in a neighbourhood park, and a number of other POS corridors are proposed to provide a variety of recreational opportunities.

It is intended Emplacement Local Structure Plan would be adopted as a structure plan pursuant to Clause 6.2.9 of the Scheme applying land use zoning and permissibility. The Local Structure Plan needs to effectively demonstrate how coordinated development of the subject land can occur.

The Emplacement Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, address issues raised during the advertising period, and to ensure that it can provide sufficient guidance to future subdivision and development proposals. These modifications are set out in detail in the officer recommendation and discussed further below in the Report section of this agenda item under their respective headings.

There are also some important projects associated with the local structure plans which are discussed at the end of the Report section of this agenda item. These include the Design Guidelines, Public Realm and Public Art.

### Affordable Housing

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

Affordable housing does not simply refer to public housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority housing allocation.

Following on from studies undertaken by the Department of Planning, LandCorp have undertaken an Affordable Housing Strategy for the Cockburn Coast area. To examine the content of this and more importantly provide input into the local structure plan provisions regarding this issue, the City coordinated a working group to meet and



discuss implementation. Representation was provided by Landcorp, the City of Cockburn, Department of Planning, Department of Housing and several affordable housing providers.

It has been made clear by the Department of Planning the only provisions which it would support in the local structure plans were to be non-mandatory. This is a shift from the CCDSP 2009 which recommended mandatory provisions. Given this change and the advice of the working group, there are a number of modifications needed to the current wording in the local structure plan text.

Using an incentive driven approach, affordable housing provision will be encouraged by a range of 'bonuses' to the ordinary development standards which apply. Bonuses will be higher for those developments which provide for more than 1 bedroom in their affordable housing component.

Modification is also required to update the income and price point indicated as updated data is now available given the recent census data release.

As discussed earlier in this report, Elected Members should be comfortable with the potential built form impact by offering these incentives. If these incentives are included as proposed (and are taken up by developers) the height of the built form would increase.

#### Public Open Space

Within the Emplacement Local Structure Plan report there are some discrepancies between the stated quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.

It is therefore recommended that corrections be made to the POS figures in Table 3, Table 9, and throughout the Local Structure Plan report to accurately reflect the quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.

#### Annotation of local roads

Currently a number of local roads are shown on the local structure plans. These are not required by the Department of Planning's Structure Plan Guidelines and therefore it is acceptable to remove them. What would be appropriate to annotate is any areas where a link does need to be provided. This can be provided with an arrow annotating where links are desirable.



Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Initially the local structure plans had proposed to provide for reduced car parking standards, in line with the Integrated Transport Plan (“ITP”). As recorded in the ITP, City officers expressed concern with the notion of reduced parking (i.e. less than the Scheme and Residential Design Codes would require) in the absence of the area being adequately serviced by public transport. In lieu of this public transport being provided, the Scheme requirements will apply.

Community Consultation Outcomes

The Emplacement Local Structure Plan was advertised for a period of 28 days, commencing on 20 November 2012.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3). The key issues that have been raised are summarised below.

Assessment of Fire Management

The Emplacement Local Structure Plan report does not include a bushfire hazard assessment, with the relevant section only addressing the fire hazard associated with the Foreshore Reserve located within the Rob Jetty area. Beeliar Regional Park and remnant vegetation within the Primary Regional Road reservation and the Local Structure Plan area itself pose a fire hazard which should be addressed.

Planning for Bush Fire Protection Guidelines (Edition 2) Guidance Statement A1 and stipulates that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level any new proposals to intensify development should include a bush fire hazard assessment; and should identify any bush fire hazard issues arising from that assessment and address those issues in a report which demonstrates that all fire protection requirements can be achieved.

The Emplacement Local Structure Plan proposes development within 100m of vegetation which may be considered a ‘moderate to extreme’



bush fire hazard, being Beeliar Regional Park, the Cockburn Coast Primary Regional Road Reservation, and vegetation within privately owned land. Therefore according to the Planning for Bushfire Protection the Local Structure Plan should be supported by a bush fire hazard assessment.

The Department of Planning and the Department of Environment and Conservation have raised this issue in their submission (see Schedule of Submissions at Attachment 3).

It is therefore recommended that a bush fire hazard assessment and fire management plan be prepared, and any requirements that result from the fire management plan be incorporated into the local structure plan.

### Assessment of Flora and Fauna

The Local Structure Plans are each supported by Ecological Assessments undertaken by GHD. The Department of Environment and Conservation ("DEC") have noted in their submission that these field studies were not conducted in spring, which is considered the optimal time for flora surveys within the Swan Coastal Plain Bioregion. The DEC therefore do not consider that these surveys have been conducted in accordance with Environmental Protection Authority's (EPA's) Guidance Statement 51 - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia.

The timing of the flora and vegetation survey is not an issue for the Robb Jetty Local Structure Plan, given the degraded condition of the vegetation. However, the Ecological Assessment for the Emplacement LSP outlines the identified vegetation type 1 located on the eastern side of the project site has similarities to a DEC-listed threatened ecological community. DEC have advised that to accurately determine the floristic community types present at the project site, plots need to be established and scored (typically spring and late spring), and data analysed using appropriate statistical techniques. An appropriately timed flora survey in accordance with Guidance Statement 51 is required to determine the presence of priority and/or threatened ecological communities within the Emplacement Local Structure Plan area.

The Ecological Assessment also indicates that rare flora (e.g. *Caladenia huegefit*) and priority flora (e.g. *Dodonaea hackettiana*) are likely to occur within the Emplacement Local Structure Plan area. DEC recommends that another flora and vegetation survey of all potentially affected areas of native vegetation be conducted by an environmental consultant, in accordance with Guidance Statement 51. The survey



should determine the presence of priority flora, rare flora or other significant flora.

It is therefore recommended that a spring flora and vegetation survey be undertaken within the Emplacement Local Structure Plan prior to subdivision or development of the land (where development proposes works to the land). It is recommended that the Emplacement Local Structure Plan report be modified to reflect this requirement, and that Council advise landowners of this requirement to ensure they can factor it into the timing of any proposals.

The Ecological Assessment identifies that there are patches of vegetation in good condition that would provide potential foraging habitat for Carnaby Black Cockatoos. DEC have reiterated that Carnaby's Black Cockatoo are protected by the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 ("EPBC Act"). Therefore, regardless of any decision under Western Australian planning or environmental approvals processes, the proponent should contact the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) to determine what responsibilities they have under the EPBC Act.

DEC concurs that clearing of high quality foraging habitat for Carnaby's Black Cockatoo should be minimised or avoided, if possible; and recommends that it is retained and incorporated into future POS. The Emplacement Local Structure Plan identifies the proposed areas of POS, being a neighbourhood park containing the gun emplacement, and a number of other green linkages. This is consistent with the CCDSP Part 2.

Vegetation within the green POS links will be retained where possible to provide a physical and ecological link between the foreshore and Beeliar Regional Park. However, the key function of the proposed POS is to provide a variety of recreational functions for residents and visitors, cognisant of the fact that it will be a high density environment. The local impact of some clearing of vegetation in the Emplacement Local Structure Plan area must be balanced against the outcomes of the district structure planning for Cockburn Coast, which seek to facilitate a dense and diverse urban environment with high levels of accessibility.

It is noted that the local structure plan report does not address the recommendations of the Ecological Assessment. It is therefore also recommended that the report be modified to address the specific recommendations.



### Interface with Beeliar Regional Reserve

The DEC have recommended in their submission that until such time that the Cockburn Coast Drive is constructed, the proponent should ensure there is adequate fencing between any development site and areas retained for conservation, and between any development site and Beeliar Regional Park.

To address this issue it is recommended that additional provisions be included in Section 8 (Part 1) requiring development proposals to ensure adequate interface, including fencing, to the Primary Regional Road Reserve in order to protect the conservation value of the Beeliar Regional Reserve.

### Transport – Freight Corridors (Cockburn Road)

Several submissions have raised traffic concerns with access to Cockburn Road. Main Roads has noted work is being undertaken on a design concept and vehicle access strategy for Cockburn Road. They have also expressed their intent to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Road is upgraded.

The applicant can be required to lodge the design concept and vehicle access strategy for Cockburn Road prior to the local structure plans being forwarded to the WA Planning Commission for their endorsement.

The Transport and Traffic Management Strategy does not include designs for the intersections for Emplacement Crescent and Cockburn Road, however the Local Structure Plan report states that both of these intersections will be left in left out only intersections.

Currently the southern intersection of Emplacement Crescent and Cockburn Road allows for right turns; and two objections were made to the proposed restriction. In the future this will pose significant problems for existing businesses in Emplacement Crescent. It is therefore recommended that the Local Transport and Traffic Management Strategy (Appendix E) be modified to include intersection designs for Cockburn Road and Emplacement Crescent, and to provide for one of the intersections of Emplacement Crescent and Cockburn Road to maintain a right hand turn from Emplacement Crescent.

### Transport – internal (existing uses)

At the meeting with landowners held 16 April 2013, the concerns of traffic were discussed. In particular the concerns of existing business



operators and the ability to continue to access their sites and a desire to see construction traffic managed.

It is a reality that during construction and when the ultimate development is built out there will be changes to the level (and type) of traffic seen within this area.

Recent discussion with Landcorp now indicates they are planning to manage their construction traffic in the adjacent Robb Jetty Local Structure Plan area through the 'Main Street' access which should alleviate concern for businesses in Rollinson Rd. Temporary car parking for construction workers during the civil construction works is also being considered. This could greatly assist in minimising the traffic impact during the construction phase. With the Emplacement area, a similar approach could also be applied.

It is difficult to establish an agreed approach at local structure plan stage given the number of landowners involved. However, individual subdivision and development proposals will be able to establish with certainty how integration with existing uses will occur. Therefore it is recommended an additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals. The scope of what these assessments require can be found in the Western Australian Planning Commission's Transport Assessment – Guidelines for Development (Volume 3: Subdivision and Volume 4: Individual Developments).

#### Existing Industrial Land Use Buffers and Transitional Arrangements

There are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change.

Several submissions raised the issue of modifying the intent of the Mixed Use zone to note their existing business operations and the contribution this makes in terms of employment. They appear to have interpreted the flexibility attributed to this zone to mean it should allow for their uses as well.



A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.

The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans set out the specific permissibility of land uses. The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include 'light and service industry' and 'general industrial' uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

The non-conforming use rights provisions are the most appropriate method to accommodate the existing businesses. It is not considered in line with the vision for the Cockburn Coast area to alter the intent of the Mixed Use zone to make these uses permissible.

A number of submissions have expressed concerns that the proposed transitional arrangements are inadequate, and do not sufficiently protect existing businesses. However existing businesses can continue to operate in accordance with their non-conforming use rights. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

The City is also able to consider applications for changes to uses to bring them closer to the intended purpose of the zone and where they would be less detrimental than the current situation. An example may be considering an enclosure to reduce noise from an existing piece of equipment, or changing from a use that generated an impact (e.g. noise or odour) to another use which did not.

Importantly, these non-conforming use rights are set out in the Scheme and they are consistent with the Model Scheme Text as prescribed by the Town Planning Regulations 1967. This provides a high level of certainty for existing businesses as the City's Scheme is expected to be consistent with the Model Scheme Text (therefore unlikely to change).

The proposed Emplacement Local Structure Plan addresses potential conflict between existing industrial uses and future sensitive land uses





through noise attenuation requirements in Sections 8, and requirements for sensitive land uses proposal within buffers to industrial uses to demonstrate through technical analysis how impacts from the industrial uses are to be mitigated in Section 4.7 Industrial Activities (Part 2).

Interim buffer arrangements have been identified on a plan that maps the existing uses which generate an offsite buffer impact. These have been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and the City's knowledge of the nature of their operation. This is why some of the identified buffers differ from the generic buffers set out in the Environmental Protection Authority's Guidance Statement No. 3.

A process has been provided for, as per the relevant State Planning Policy for developers seeking to establish a sensitive land use within those buffers. They can undertake a further technical analysis which if approved may reduce or refine a buffer. In the meantime designation of a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term ensures landowners have the flexibility for options other than sensitive land uses available to them.

The Local Structure Plan reports could include further information regarding each of the existing industrial buffers. It is also recommended that Figure 27 include a scale and the cadastre to make the extent of the buffers clear. It is recommended that the LSP be amended accordingly.

### Heritage Conservation

A number of submissions raised concerns regarding the impact of the proposals on the heritage values of the area. Both Local Structure Plans are supported by a Cultural Heritage Strategy which builds on the Cockburn Coast Heritage Strategy that accompanied the CCDSP (2009).

The Emplacement Local Structure Plan and associated Cockburn Coast Cultural Heritage Strategy will ensure the retention and protection of the gun emplacement. Specifically, the Emplacement Local Structure Plan includes the gun emplacement within public open space to ensure that this important feature is not subject to development pressure. It should be noted that the two other gun emplacements were dismantled circa 1970 and the area where these two emplacements were has been redeveloped. The preparation of the Heritage Strategy included liaison with the Army Museum of



Western Australia and a site visit to the Leighton Battery did not reveal that tunnels were associated with the South Beach Battery site.

There were also concerns expressed regarding the impact on the use of the area as a horse exercise area. It is agreed that this is an important consideration, which is why it has been considered from the District Structure Planning stage through to the Local Structure Plans. The Local Structure Plans and associated Cockburn Coast Cultural Heritage Strategy identify and recognise the importance and heritage value of the South Beach Horse Exercise Area. The Local Structure Plan states 'the aim is for horse facilities to remain at McTaggart Cove to provide facilities for horses with a horse float car park, where the dunes are lower and there will be less disturbance to future residential uses, thus minimising potential land use impacts.' A key objective of the Heritage Strategy is that "South Beach should continue to be used for the horse training, a use with which it has had a long association".

#### Minor Modifications

There are a number of other modifications that are recommended to ensure that the report accurately reflects the appendices:

- \* Figure 12 (Vegetation Type Analysis) within the Local Structure Plan report should be modified to show the full extent of the vegetation mapping included within the Ecological Assessment.
- \* The Local Structure Plan report shows the incorrect indicative location of the switchyard/power substation, and should be amended to reflect what was shown in the CCDSP Part 2, and the Infrastructure and Servicing Report.

A number of other corrections to the Emplacement Structure Plan report are also recommended as follows:

- \* The current land use section of the report should identify Alba Edible Oils as a current land use.
- \* The report makes reference to an 'activity centre', however there is no 'activity centre' zone in the Emplacement Local Structure Plan, and such references should be deleted.
- \* Table 5 of the Plan report lists current landholdings, however some are missing. It is recommended that the table be corrected to include all landholdings within the local structure plan area.



- \* The report includes references to 'Cockburn Coast Redevelopment Area' which should be deleted, as the subject area is not included within a redevelopment area.
- \* The Emplacement Local Structure Plan does not include a scale which makes it difficult to identify the boundaries of each proposed zone.

### Associated Projects

As noted earlier in this report, there are some important projects associated with the local structure plans. These include the Design Guidelines, Public Realm, Public Art and Development Contributions.

### Design Guidelines

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Included in this Council agenda, is an item to consider adoption of the Design Guidelines as a Local Planning Policy for the Robb Jetty and Emplacement areas of Cockburn Coast. Should Council not adopt the Design Guidelines, then it is not able to endorse either of the local structure plans submitted. This is why the officer recommendation is predicated on the Design Guidelines being endorsed.

Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

Detailed discussion on the Design Guidelines may be found in the related agenda item in this Council agenda. The Design Guidelines were recently advertised to affected landowners and government agencies. The Design Guidelines are recommended for adoption as a Local Planning Policy, subject to a number of modifications.

### Public Realm

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. The need to ensure continuity between Local Structure Plan areas and different land ownership parcels is noted in the local structure plans; however, it will not be the structure plans themselves that provide this.

Guidance will need to be outlined at a detailed technical level which goes beyond the parameters which a local structure plan can achieve.



This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

LandCorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff who approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

### Development Contributions

Following on from the local structure plans will be the mechanism to equitably distribute some of the development's infrastructure costs. This will require another Scheme Amendment to introduce a Development Contribution area.

There are a number of Robb Jetty and Emplacement specific infrastructure items, such as local public open space, which LandCorp will propose for Council's consideration as part of a Scheme Amendment.

The principles outlined in State Planning Policy 3.6 'Developer Contributions for Infrastructure' will need to be satisfied by any Scheme Amendment(s) which LandCorp lodge and these are subject to public consultation including the provision of a Cost Apportionment Schedule to clearly indicate to affected landowners an estimate of development contribution rates.

### Public Art

The local structure plans for Robb Jetty and Emplacement areas are accompanied by a Public Art Strategy.

Public Art is not intended for inclusion in a development contribution plan. This is a matter which would need to be the subject of a Percent for Art Policy, which at this stage has not been considered by Council and is a matter considered broader than Cockburn Coast.

City officers are currently preparing a report for Council to consider whether the implementation of a Percent for Art Policy is appropriate for the City of Cockburn. Any such policy would require public consultation should it be initiated.



## Conclusion

The Emplacement Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals.

It is therefore recommended that the Emplacement Local Structure Plan be adopted subject to modifications and forwarded to the Western Australian Planning Commission for their approval.

## **Strategic Plan/Policy Implications**

### **Growing City**

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

### **Infrastructure**

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

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

## **Budget/Financial Implications**

The Structure Plan assessment fee has been calculated in accordance with the *Planning and Development Regulations 2009*, and has been paid by the applicant.

## **Legal Implications**

N/A.

## **Community Consultation**

In preparing the Emplacement Local Structure Plan, the applicant (LandCorp) undertook a consultation process with relevant stakeholders. This included two landowner forums and liaison with various State agencies in the preparation of some of the draft background strategies which informed the local structure plan content.

Once the draft Emplacement Local Structure Plan was lodged with the City advertising of the proposal took place in line with the requirements of the City's scheme for local structure plan proposals. This advertising



period ran for a period of 28 days (the Scheme only requires 21 days) commencing on 20 November to 2012.

Advertising included the following:

- \* Letters to all landowners with Cockburn Coast, Port Coogee, South Beach and the Newmarket precinct, and a number of landowners within nearby parts of Hamilton Hill;
- \* Notices in the Cockburn Gazette inviting comment;
- \* Displays at the City's administration building and the City's libraries;
- \* Signage at the beach car parks at Rollinson Road and McTaggart Cove Road;
- \* Dedicated webpage on the City of Cockburn's website;

**Attachment(s)**

1. Cockburn Coast Precinct Plan
2. Draft Emplacement Local Structure Plan (plan only)
3. Schedule of Submissions Emplacement Local Structure Plan

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

The applicant and persons/agencies who lodged a submission have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

NA.

**14.4 (MINUTE NO 5036) (OCM 09/05/2013) - LOCAL STRUCTURE PLAN (ROBB JETTY) COCKBURN COAST (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/06) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Robb Jetty Local Structure Plan, in line with the proposed rezoning of this area to 'Development' zone via Amendment No. 89 to the City's Town Planning Scheme No. 3 and subject to the following:



1. Modification and Adoption of the Local Planning Policy Robb Jetty and Emplacement Design Guidelines.
2. Local access road detail to be removed from the local structure plan as per the Department of Planning's Structure Plan Guidelines.
3. Update Part 1 to include discussion on the development contribution plan as per the Department of Planning's Structure Plan Guidelines.
4. Update Part 2 to note that the indicative cross-sections shown for Rollinson Rd/South Beach under 'Movement Network' do not supersede the development standards and requirements for the South Beach development.
5. Update Part 1 and Part 2 to reflect a revised public open space schedule which does not include the proposed oval as local public open space.
6. Update the cover page to either remove the imagery or update to more accurately reflect the existing freight railway line.
7. Update Part 2 to attribute the statement about current operation in non-peak periods to Brookfield Rail.
8. Update figure of Existing Buffer Zones to correctly reflect current technical analysis data, including the Waste Water Pumping Station as a 25m buffer measured from the property boundary.
9. Remove all references to a community and/or commercial facility at Catherine Point and update to ensure text reflects location at 'Main Street'.
10. Remove all references to horse facilities being located at Catherine Point and update to reflect the location being McTaggart Cove Rd beach car park.
11. Remove all non-numbered full page photographs and drawings as they are not required by the Department of Planning's Structure Plan Guidelines.
12. Ensure the Height Plan correlates appropriately to the Local Structure Plan, specifically the area designated as Residential R40.



13. Remove the footnote from the bottom of the Land Use Table contained in Part 1 and replace with text within Part 1 to explain when discretion may be granted by Council for Singles Houses (in line with the explanation given in Part 2).
14. Replace the residential density assigned to the District Centre with RAC-0 and specify development standards are prescribed in the Design Guidelines Local Planning Policy.
15. Update the Affordable Housing sections to reflect the updated Australian Bureau of Statistics data.
16. Update the Affordable Housing sections to reflect an incentive based approach; all references to mandatory requirements are to be removed.
17. Update the Affordable Housing sections to also include a further bonus for 2 bedroom dwellings (relative the bonus given for 3 bedroom dwellings).
18. Update the Affordable Housing section to revise the definition of Affordable Housing to be:

“For the purposes of this Local Structure Plan, ‘affordable housing’ refers to either of the following:

  - \* Dwellings that are sold to Eligible Households at or below the benchmark price outlined in Table 4; or
  - \* Dwellings that are sold or transferred to a recognised affordable housing provider, which in turn leases or sells the properties to Eligible Households (under an approved affordable housing program); or
  - \* Private Provider selling to Eligible Households; or
  - \* Commonwealth or State endorsed affordability program”.

and include supplementary definitions for the terms “Eligible Households” and “Recognised affordable housing provider”.
19. Update Part 1 to also require assessment as appropriate for the issue of vibration (from the freight rail).
20. Update Part 1 to delete the reference to car parking standards being a ‘maximum’ rather than a ‘minimum’ and update the reference from the benchmarks being the





Residential Design Codes to being as per the City of Cockburn's Town Planning Scheme No. 3.

21. Update the sections regarding Detailed Area Plans to provide clarity as to when they may be required and that in some instances the need may be negated due to the Design Guidelines Local Planning Policy.
22. Update the designation of 'Mixed Business' and 'Mixed Use' to reflect a thicker line marking on the local structure plan.
23. Expand the discussion in Part 2 (Regional Planning) to broaden the reference to Directions 2031 to discuss other elements of this plan.
24. Update the discussion in Part 2 (Policies) to include reference to State Planning Policy 1 State Planning Framework.
25. Review entire document to identify and correct basic grammar and typographical errors, including section numbering.
26. Update Part 2 (Residential Zone) list of criteria where Council may choose to use its discretion to punctuate this list and include the term 'and' so it is clear all of these items are expected to be met, not one or the other.
27. Update Part 2 (Residential – Densities) to remove the unnecessary replication of the Town Planning Scheme No. 3 provision relating to calculation of density targets.
28. Update Part 2 (Movement Networks) to ensure correlation between cross-sections and network plans.
29. Delete any references to the 'Cockburn Coast Redevelopment Area'.
30. Corrections to Figure 1 within the Local Structure Plan report to include a scale.
31. Inclusion of a scale and cadastre on Figure 25 (Existing industrial buffers) to make the extent of the buffers clear.
32. Include an annotation (in bold text) on the local structure plan to highlight the need to refer to the Part One statutory provision 'Existing Industrial Buffer Zones' where



contemplating residential or other sensitive land uses as well as the Part One statutory provision 'Use Class Permissibility'.

33. An additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
  - (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
  - (4) advise the proponent and those persons who made a submission of the Council's decision;
  - (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as a future Development Contribution Area (Cockburn Coast) which is in the final stages of preparation;
  - (6) advise Main Roads that Council is unlikely to support any change to the Primary Regional Road Reservation under the Metropolitan Region Scheme for Cockburn Coast Drive which relinquishes opportunities for future road planning in the absence of committed and secured funding for an alternative option; and
  - (7) advise the Water Corporation of Council's expectation that Water Corporation will manage the pump station so as to minimise the associated buffer impact where possible.

**COUNCIL DECISION**

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

**CARRIED 9/0**



## Background

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

A number of planning stages have been realised in recent years briefly described below.

The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of LandCorp.

The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.

Council has undertaken several modifications to its Town Planning Scheme to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket area and introduction of a 'Development' zone for the area south of Rollinson Rd.

This 'Development' zone is the most appropriate zone for new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

The Scheme provisions, combined with the Department of Planning's Structure Plan Guidelines, set out the requirements to be addressed in local structure plans which will apply land use zoning and permissibility and subdivision and development requirements.

A report was previously presented to the 11 April 2013 Council meeting. Council deferred their consideration pending further liaison with landowners who had expressed concerns. A meeting with these landowners was held 16 April 2013 and a range of issues were discussed including development contributions, traffic, existing businesses and the waste water pumping station. The issue of consultation was also raised as it was claimed landowners only had three days to comment. This is incorrect. As detailed in the



'Consultation' section of this report, the local structure plans were advertised for an extended period of 28 days.

All landowners received an acknowledgment letter in January thanking them for their submission and advising that due to the volume of submissions; a report to Council would not be presented till at least the April meeting. This letter noted a further letter would be sent when the meeting date and time was able to be confirmed. A confirmation letter the item was listed on the April agenda was sent Friday 5 April which is the day the agenda is published and the earliest possible date officers can be sure the report has been included. Nevertheless, in the intervening period from close of submissions till the release of the April Council agenda, City officers spoke to a number of landowners including those who expressed their concern at the April Council meeting.

As a result of these discussions there are several additional officer recommendations for this local structure plan relating to these matters. These are modifications number 32 and 33 to the local structure plan and Parts 6 and 7 of the officer recommendation.

### **Submission**

The Robb Jetty Local Structure Plan has been submitted by HASSELL on behalf of LandCorp.

### **Report**

The purpose of this report is for Council to consider submissions on the Robb Jetty Local Structure Plan and whether endorsement of the plan is appropriate.

### Purpose of the Robb Jetty Local Structure Plan

The Robb Jetty Local Structure Plan applies to the Cockburn Coast project area bounded by Rollinson, Cockburn and McTaggart Cove Roads and the foreshore reserve and freight railway line as shown in the Precinct Plan (Attachment 1).

The local structure plan proposes to develop this land for a mix of zones, including a dense activity centre, residential (ranging up to R160 density), public open space, mixed business, mixed use, and a primary school with a shared oval. The oval will fulfil a role in providing for junior sport for surrounding suburbs and is in addition to the local public open space a development ordinarily provides for.

On average the development provided for by this plan would be 3-5 storeys in height. There are development incentives included to



encourage the provision of Affordable Housing. This was a target of the District Structure Planning. This encouragement is suggested by way of extra floor space being granted to a proposal. The outcome of this, if developers took up the opportunity could be a potential increase in the size of a building on a site. Given the need to set back from boundaries, this increase is most likely to be realised by building form becoming higher in storeys. For example, a 3 storey building through using the Affordable Housing bonus may become a 5 storey building (provided it can still meet other development requirements such as car parking and open space).

Included in the plan are proposals indicating how the foreshore area may be capable of improvements (note the foreshore is outside the development area). Ultimately the development in this area is the role of the City and the area has heritage values (both European and Indigenous) and the relevant approvals to undertake works in this area would need to be sought.

Along the western boundary of the Robb Jetty local structure area is an existing freight rail line and Cockburn Rd bounds the area to the east. On the east side of Cockburn Rd is the contiguous local structure plan area known as 'Emplacement'. This is also an item on this Council agenda.

It is intended Robb Jetty Local Structure Plan would be adopted as a structure plan pursuant to Clause 6.2.9 of the Scheme applying land use zoning and permissibility. The Local Structure Plan needs to effectively demonstrate how coordinated development of the subject land can occur.

The Robb Jetty Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals. These modifications are set out in detail in the officer recommendation and discussed further below in the Report section of this agenda item under their respective headings. A number of modifications also arose from the community consultation process.

There are also some important projects associated with the local structure plans which are discussed at the end of the Report section of this agenda item. These include the Design Guidelines, Public Realm and Public Art.



### Noise and Vibration Management

The Noise and Vibration Study indicates vibration is an issue ranging from 50-80m along the railway line. While vibration is discussed in Part 2 of the structure plan, it does not contain a related statutory requirement in Part 1. This needs to be modified to also include vibration to be assessed where applicable.

There is already a suitable Part 1 provision to deal with the issue of noise. For the freight rail this is within 150m of the railway line. For Cockburn Road, it is the first row of buildings affected.

### Waste Water Pumping Station

The applicant has taken the opportunity afforded to them via the draft State Planning Policy 4.1 State Industrial Buffer ("SPP4.1") and the Environmental Protection Authority's Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses ("GS No.3") to submit a technical analysis to further assess and refine the buffer.

GS No. 3 notates the following impacts apply: Odour, Noise, Gas and Risk and the key agency for advice or approvals is the local government.

The Technical Analysis submitted as an appendix to the Robb Jetty Local Structure Plan has been referred for government agency comment. The only related submission was from Water Corporation (owner of the infrastructure). They have Ministerial instruction a 25 metre buffer measured the property boundary may be applied.

The affected surrounding landowners have previously lodged a letter of advice from the Department of Environment and Conservation ("DEC") noting odour is not an issue currently, but this does not consider if the infrastructure was upgraded.

The Technical Analysis is predominantly concerned with the issue of odour and pays very limited attention to the issues of gas, noise and risk. This is contained in a few paragraphs which appear to be assembled by the landowner's town planner rather than a person or company who specialises in such assessments.

City officers are not comfortable endorsing the technical analysis at this stage given it has not given sufficient regard to three of the four impacts this infrastructure presents. The landowners are welcome to lodge an updated technical analysis which does consider all these issues sufficiently, should they choose to apply for subdivision or development approval. In the interim though, no sensitive land uses



will be deemed acceptable in this area. The local structure plan will be modified to reflect the boundary of the buffer as 25m measured from the property boundary.

### Affordable Housing

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

Affordable housing does not simply refer to public housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority housing allocation.

Following on from studies undertaken by the Department of Planning, LandCorp have undertaken an Affordable Housing Strategy for the Cockburn Coast area. To examine the content of this and more importantly provide input into the local structure plan provisions regarding this issue, the City coordinated a working group to meet and discuss implementation. Representation was provided by LandCorp, the City of Cockburn, Department of Planning, Department of Housing and several affordable housing providers.

It has been made clear by the Department of Planning the only provisions which it would support in the local structure plans were to be non-mandatory. This is a shift from the CCDSP 2009 which recommended mandatory provisions. Given this change and the advice of the working group, there are a number of modifications needed to the current wording in the local structure plan text.

Using an incentive driven approach, affordable housing provision will be encouraged by a range of 'bonuses' to the ordinary development standards which apply. Bonuses will be higher for those developments which provide for more than 1 bedroom in their affordable housing component.

Modification is also required to update the income and price point indicated as updated data is now available given the recent census data release.

As discussed earlier in this report, Elected Members should be comfortable with the potential built form impact by offering these incentives. If these incentives are included as proposed (and are taken up by developers) the height of the built form would increase.



### Public Open Space

The area of public open space has been discussed with the applicant (LandCorp) as the proportion proposed in the Robb Jetty area was substantially higher than that proposed for the Emplacement area.

It should be remembered that the ceding of 10% of land suitable for subdivision is only a policy of the Commission and is variable according to the assessment of the circumstances of each case. It is not a statutory requirement and the need for public open space and drainage will differ from site to site, depending on the characteristics of the land, the availability of open space already existing within the locality and a number of other considerations. In the case of each of these areas, they are quite similar and accordingly should contain a similar proportion of public open space. Allowing for drainage capacity and noting the obviously higher densities, around 12% local public open space would be quite reasonable.

A key difference between the Robb Jetty and Emplacement areas is the location of an oval (to be shared with the primary school) in Robb Jetty which also provides for junior level clubs (AFL and cricket overflow). This oval will service an area slightly larger than just the Cockburn Coast development. It will cater for the whole suburb of North Coogee and Coogee. Therefore it is more appropriate to distribute the cost for this oval beyond this development to be a local item for Coogee and North Coogee.

A revised POS schedule has been provided and this now indicates the oval as a proposed item to include in Development Contribution Plan 13 (community infrastructure). Landcorp will need to justify this further as part of an amendment to the City's Scheme to include this item. This means the proportion of local public open space for both the Robb Jetty and Emplacement local structure plans is just below 12%.

### Community Facilities

Initially as part of the CCDSP 2009 a community/commercial facility had been proposed at Catherine Point. This has now been negotiated by City staff to more appropriately be located within the 'Main Street' area. This is reflected in the CCDSP Part 2. There are several references left within the local structure plan text which still need to be updated to reflect this.

A site has been appropriately annotated on the local structure plan which satisfies the principles listed below. The site is located directly adjacent to the railway line (east side) and south of the main street. It is noted this site also has the ability to be sleeved with retail/other uses facing the main street.





- \* Good ability to integrate with sports oval site and associated parking.
- \* Good ability to integrate with other main street uses, particularly school and also retail and cafe/food options.
- \* An adjacent open space (such as the 'V' shaped POS west of the oval) which could enable spill over from some of the ground floor activities (such children's activities, mother's group meeting areas)
- \* Not directly on the coast to avoid climatic conditions which would compromise particularly some of the ground floor activities and render the development essentially an enclosed 'function centre' rather than a proper community centre.

There are servicing difficulties with the Catherine Point site (being isolated on the west side of the railway line) and the location is at the northern most point of the land it is intended to service. It is more appropriately located in the 'Main Street'.

#### Annotation of local roads

Currently a number of local roads are shown on the local structure plans. These are not required by the Department of Planning's Structure Plan Guidelines and therefore it is acceptable to remove them. There are two lots within the Robb Jetty area on Garston Rd which are almost entirely taken up with road. One is required for the road which will also accommodate the bus route. This lot is under offer to purchase by LandCorp. As they are the applicant, this does not present a concern.

The other lot is further east and the local road shown would form an extension south of Garston of the existing Darken Ave. This landowner has noted this issue in their submission. Other local roads will eventuate through the subdivision process, this particular section of road is not an integral road (such as the 'Main St' or the bus route) and therefore does not need to be shown now.

What would be appropriate to annotate is any areas where a link does need to be provided. This can be provided with an arrow annotating where links are desirable. Designation of local roads over another landowner's property may result in the request of that owner to undertake purchase of the property. Council has other funding priorities and does not need to leave itself open for such a request.

#### Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City



transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Initially the local structure plans had proposed to provide for reduced car parking standards, in line with the Integrated Transport Plan ("ITP"). As recorded in the ITP, City officers expressed concern with the notion of reduced parking (i.e. less than the Scheme and Residential Design Codes would require) in the absence of the area being adequately serviced by public transport. In lieu of this public transport being provided, the Scheme requirements will apply.

### Community Consultation Outcomes

The Robb Jetty Local Structure Plan was advertised for a period of 28 days, commencing on 20 November 2012.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3). The key issues that have been raised are summarised below.

### Coastline

Concerns were raised about sea level rise and the continuity of access to the existing sand beach, particularly for animals (dogs and horses).

The applicant has provided a Coastal Vulnerability Assessment (CVA) with their local structure plan. The document has been prepared by an appropriately qualified person and a company who specialise in these assessments.

The assumed sea level rise in the CVA is 0.9m to 2110. This is as per the current requirements of the Department of Planning. When the State Planning Policy 2.6 (SPP2.6) State Coastal Planning Policy was gazetted in 2003 a sea level rise of 0.38m needed to be included in assessments.

Based on updated data, the Department of Planning issued a new Position Statement in 2010 to increase the sea level rise to be factored into assessments to 0.9m to 2110. In February 2012, the Department advertised a new draft SPP2.6; this reiterates the requirement for 0.9m to 2110. No advice to the contrary has been provided to the City by the Department and therefore it is prudent to apply an assumed sea level rise of 0.9m to 2110.



In terms of access for animals, there was a desire for this to remain unchanged. This is not a matter which the local structure plans control, however it is worth noting this is not a realistic expectation.

The broader Perth Metropolitan Area is facing growth of half a million people over the next two decades. Within the City of Cockburn, it is expected the population will grow by approximately 30,000 people in that time. This development will be able to provide for 10,000 people. This growth will place additional pressure onto the CY O'Connor Beach.

The current extent of the Dog Exercise Area is nearly two kilometres in length. The Coastal Vulnerability Assessment indicates the area just south of the Point Catherine groyne (in line with Rollinson Rd) is likely to erode over time and is not expected to remain as a continuous sand beach in the longer term.

The beach is also important historically given the long term use of this beach to exercise horses. It should also be remembered that while some people have no issue with dogs being on the beach, there are people who do and want access to beaches where there is no dog access.

Council must be cognisant of all of these issues and the need to balance expectations. It is likely that use of the beach will be changed over time.

### Public Open Space

Several submissions indicated a concern the amount of public open space in the Robb Jetty precinct was too high. There was a belief the public open space here was making up for a perceived shortfall in the Power Station precinct and this was unfair to landowners in Robb Jetty.

The proposed public open space adjacent to the Water Corporation pumping station also garnered concern due to its shape and the perception access would be limited.

The local POS to the north provides a local POS opportunity for some of the northern lots. This is where some of the higher density residential is located and it is appropriate to ensure those lots have good amenity POS. The POS is also adjacent to the existing Water Corporation Pump Station. Water Corporation has recently advised the City they plan to reduce the area which is currently fenced and landscape the area. This will be a welcome addition to the POS and enable access through to Bennett Avenue to the west.



### Transport – Freight Corridors (Noise and Vibration)

As with previous consultations, the issue of freight corridors was raised. The issue of noise and vibration from the railway line and noise from Cockburn Rd and proposed Cockburn Coast Drive received much attention. Questions were raised as to the appropriateness of the methodology used in the noise and vibration assessments as well as the proposed mitigation measures proposed.

What has become very apparent in assessing these submissions is there are several interest groups and government agencies who do not believe the methodology has been followed properly. It must be acknowledged that these groups and agencies are not those responsible for the interpretation of the relevant State Planning Policy 5.4 (SPP5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning. No issue has been raised by the Department of Environment and Conservation (“DEC”), where appropriate expertise to assess such studies resides. This matter has been followed up with the DEC and at the time of writing this report, still no formal objection to the methodology undertaken had been made by DEC.

The approvals process will require each lot located in the nominated distances from the railway line and Cockburn road, to comply with noise and vibration constraints.

The Noise and Vibration Strategy forms an addendum to the local structure plan (“LSP”) and shows the impact zone. Text in the LSP also makes reference to the Noise and Vibration Strategy. The Design Guidelines will also outline the requirements for compliance with noise and vibration for land within the impact zone. Both the LSP and the draft Design Guidelines also include requirements for Notification on titles and refer back to SPP5.4 where the specifications for these more detailed assessments reside.

The Department of Transport (representing the views of the Public Transport Authority and Main Roads) has specifically requested a Noise Management Plan be done at the local structure plan stage. The applicant has indicated this plan will be done at the development approval stage (i.e. on a lot by lot basis). This appears consistent with the intent of SPP5.4 which does not specify the Noise Management Plan must be done at the local structure plan. Looking at the content of a Noise Management Plan outlined in the guidelines which accompany the SPP5.4, it seems most of this information is already captured via the Noise and Vibration Assessment Study.

Spatially, the local structure plan would not change if this Noise Management Plan were undertaken at this early stage. Opportunities



for setting back of development lots further from the railway line have effectively been lost. Planning since the CCDSP 2009 has indicated urban development abutting the railway line. This situation was compounded by the rezoning to 'urban' under the MRS and there is very little scope to see a different land use response to that of a built form response on a lot by lot basis.

City officers, given there is no indication otherwise from the DEC and given the apparently reasonable approach to the methodology used in the Noise and Vibration Assessment Study do not recommend withholding endorsement of this local structure plan on this matter. The Department of Transport are welcome to raise their concerns with the Department of Planning prior to their consideration of the plan.

#### Transport – Freight Corridors (Cockburn Road)

Several submissions have raised traffic concerns with access to Cockburn Road. Main Roads has noted work is being undertaken on a design concept and vehicle access strategy for Cockburn Rd. They have also expressed their intent to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Rd is upgraded.

The applicant can be required to lodge the design concept and vehicle access strategy for Cockburn Road prior to the local structure plans being forwarded to the WA Planning Commission for their endorsement.

#### Transport – internal (existing uses)

At the meeting with landowners held 16 April 2013, the concerns of traffic were discussed. In particular the concerns of existing business operators and the ability to continue to access their sites and a desire to see construction traffic managed.

It is a reality that during construction and when the ultimate development is built out there will be changes to the level (and type) of traffic seen within this area.

Recent discussion with LandCorp now indicates they are planning to manage their construction traffic through the 'Main Street' access which should alleviate concern for businesses in Rollinson Rd. Temporary car parking for construction workers during the civil construction works is also being considered. This could greatly assist in minimising the traffic impact during the construction phase. It will also clearly establish 'Main Street' as the entry to their land development.



It is difficult to establish an agreed approach at local structure plan stage given the number of landowners involved. However, individual subdivision and development proposals will be able to establish with certainty how integration with existing uses will occur. Therefore it is recommended an additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals? The scope of what these assessments require can be found in the Western Australian Planning Commission's Transport Assessment – Guidelines for Development (Volume 3: Subdivision and Volume 4: Individual Developments).

### Density provision

Some submissions have suggested the densities indicated are too conservative. Others, primarily from landowners within the development area have expressed concern they should not be expected to deliver the same densities as the State Government owned land. These landowners feel they should be able to develop more traditional housing types which are easier to sell.

It is generally perceived that multiple dwelling developments are more difficult to undertake than standard green titled lots. This is for a variety of reasons including financing and building standards. However, it must be remembered the State Government has set a vision for how this area must be developed. Well located industrial zoned land has been rezoned by the State Government to provide for urban development. Both development types (industrial and urban) are important for the continuing growth of the Perth metropolitan area. The sacrifice of well-located industrial land must not be taken lightly and a substandard outcome in terms of housing density provided in Cockburn Coast must not be accepted.

To this end, the City has included specific Scheme provisions to ensure that density targets are adhered to. The allocation of residential densities on the draft local structure plans is considered appropriate and is intended to ensure the target of housing 10,000 residents overall within Cockburn Coast can be met. This may well mean that development takes a longer period to unfold than if the area was developed with single houses. It should not be disregarded that much of this land has been undeveloped for decades already. With this land now rezoned at no cost to landowners (to date all costs have been borne by the State Government) hopefully this will now incentivise development of this area.



### Mixed Use zone and existing businesses

Several submissions raised the issue of modifying the intent of the Mixed Use zone to note their existing business operations and the contribution this makes in terms of employment. They appear to have interpreted the flexibility attributed to this zone to mean it should allow for their uses as well.

A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.

The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

The Mixed Use zoning needs to be carefully managed so that it does not detract or disperse activity from the two proposed activity centres. Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans set out the specific permissibility of land uses. Design Guidelines will also be critical in ensuring the desirable built form outcomes are achieved for the Mixed Use zone. In accordance with the CCDSP 2009 and CCDSP Part 2, the Mixed Use zoning is not intended to be overly prescriptive, providing that the uses can demonstrate a positive contribution to promoting a vibrant mixed use urban environment and do not detract from the two primary activity centres.

The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include 'light and service industry' and 'general industrial' uses. Therefore, it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

In accordance with the CCDSP uses such as residential, small showrooms, shops, offices and community facilities will be generally supported within the Mixed Use zone. In the land use table these uses are either permitted or discretionary.

Interim buffer arrangements are considered as part of the Local Structure Plan. A plan is included which maps existing uses which generate an off-site buffer impact. These have been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and



the City's knowledge of the nature of their operation. A process has been provided for, as per the relevant State Planning Policy for developers seeking to establish a sensitive land use within those buffers. They can undertake a further technical analysis which if approved may reduce or refine a buffer. In the meantime designation of a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term ensures landowners have the flexibility for options other than sensitive land uses available to them.

It is acknowledged that there are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change. The City is also able to consider applications for changes to uses to bring them closer to the intended purpose of the zone and where they would be less detrimental than the current situation. An example may be considering an enclosure to reduce noise from an existing piece of equipment, or changing from a use that generated an impact (e.g. noise or odour) to another use which did not.

Importantly, these non-conforming use rights are set out in the Scheme and they are consistent with the Model Scheme Text as prescribed by the Town Planning Regulations 1967. This provides a high level of certainty for existing businesses as the City's Scheme is expected to be consistent with the Model Scheme Text (therefore unlikely to change).

Pursuant to clause 4.9 of the Scheme a person cannot alter or extend a non-conforming use without planning approval. If a non-conforming use is discontinued for a period of six months the use of the land and buildings thereafter must be consistent with the provisions of the Scheme relating to the new zoning.

The non-conforming use rights provisions are the most appropriate method to accommodate the existing businesses. It is not considered in line with the vision for the Cockburn Coast area to alter the intent of the Mixed Use zone to make these uses permissible.





### Associated Projects

As noted earlier in this report, there are some important projects associated with the local structure plans. These include the Design Guidelines, Public Realm, Public Art and Development Contributions.

### Design Guidelines

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Included in this Council agenda, is an item to consider adoption of the Design Guidelines as a Local Planning Policy for the Robb Jetty and Emplacement areas of Cockburn Coast. Should Council not adopt the Design Guidelines, then it is not able to endorse either of the local structure plans submitted. This is why the officer recommendation is predicated on the Design Guidelines being endorsed.

Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

Detailed discussion on the Design Guidelines may be found in the related agenda item in this Council agenda. The Design Guidelines were recently advertised to affected landowners and government agencies. The Design Guidelines are recommended for adoption as a Local Planning Policy, subject to a number of modifications.

### Public Realm

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. The need to ensure continuity between Local Structure Plan areas and different land ownership parcels is noted in the local structure plans; however, it will not be the structure plans themselves that provide this.

Guidance will need to be outlined at a detailed technical level which goes beyond the parameters which a local structure plan can achieve. This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.



LandCorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff who approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

### Development Contributions

Following on from the local structure plans will be the mechanism to equitably distribute some of the development's infrastructure costs.

An item mentioned earlier in this report is the oval proposed within Robb Jetty area. This is proposed for inclusion in the City's existing Development Contribution Plan 13 (DCP13) which is for community infrastructure as a 'local' catchment item for North Coogee/Coogee. The catchment of this oval will be greater than simply Robb Jetty area (and the entire Cockburn Coast development). It will be able to service the suburbs of North Coogee and Coogee. Other community infrastructure which similarly has a larger catchment will be proposed for Council's consideration as part of a Scheme Amendment.

There are also a number of Robb Jetty and Emplacement specific infrastructure, such as local public open space, which Landcorp will also propose for Council's consideration as part of a Scheme Amendment.

The principles outlined in State Planning Policy 3.6 will need to be satisfied by any Scheme Amendment(s) which Landcorp lodge and these are subject to public consultation including the provision of a Cost Apportionment Schedule to clearly indicate to affected landowners an estimate of development contribution rates.

### Public Art

The local structure plans for Robb Jetty and Emplacement areas are accompanied by a Public Art Strategy

Public Art is not intended for inclusion in a development contribution plan. This is a matter which would need to be the subject of a Percent for Art Policy, which at this stage has not been considered by Council and is a matter considered broader than Cockburn Coast.

City officers are currently preparing a report for Council to consider whether the implementation of a Percent for Art Policy is appropriate for the City of Cockburn. Any such policy would require public consultation should it be initiated.



## Conclusion

The Robb Jetty Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals.

Subject to the modification of the Robb Jetty Local Structure Plan in line with the officer recommendation, it is recommended the plan be endorsed and forwarded to the Western Australian Planning Commission for their approval.

## **Strategic Plan/Policy Implications**

### **Growing City**

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

### **Infrastructure**

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

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

## **Budget/Financial Implications**

The Structure Plan assessment fee has been calculated in accordance with the *Planning and Development Regulations 2009*, and has been paid by the applicant.

## **Legal Implications**

N/A

## **Community Consultation**

In preparing the Robb Jetty Local Structure Plan, the applicant (LandCorp) undertook a consultation process with relevant stakeholders. This included two landowner forums and liaison with various State agencies in the preparation of some of the draft background strategies which informed the local structure plan content.

Once the draft Robb Jetty Local Structure Plan was lodged with the City advertising of the proposal took place in line with the requirements



of the City's scheme for local structure plan proposals. This advertising period ran for an extended period of 28 days (the Scheme only requires 21 days) from 20 November to 17 December 2012.

Advertising included the following:

- \* Letters to all landowners with Cockburn Coast, Port Coogee, South Beach and the Newmarket precinct, and a number of landowners within nearby parts of Hamilton Hill;
- \* Notices in the Cockburn Gazette inviting comment;
- \* Displays at the City's administration building and the City's libraries;
- \* Signage at the beach car parks at Rollinson Road and McTaggart Cove Road;
- \* Dedicated webpage on the City of Cockburn's website;

#### **Attachment(s)**

1. Cockburn Coast Precinct Plan
2. Draft Robb Jetty Local Structure Plan (plan only)
3. Schedule of Submissions Robb Jetty Local Structure Plan

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

The applicant and persons/agencies who lodged a submission have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

**14.5 (MINUTE NO 5037) (OCM 09/05/2013) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - LOCATION: LOT 821 ARMADALE ROAD, BANJUP - OWNER: DEPARTMENT OF HOUSING - APPLICANT: GREG ROWE & ASSOCIATES (108/001) (C HOSSEN) (ATTACH)**

#### **RECOMMENDATION**

That Council write to the Western Australian Planning Commission indicating its support for the proposed Metropolitan Region Scheme ("MRS") amendment on Lot 821 Armadale Road Banjup, to place the land into the 'Urban' zone under the MRS.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

At the Ordinary Council held on 11 November 2010 Council considered the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy ("Draft Strategy"). This Strategy was prepared by the Western Australian Planning Commission ("WAPC") in order to provide further guidance at a local level to how the new Strategic Plan for Perth and Peel (Directions 2031 and Beyond) will be implemented.

The Draft Strategy identified a major expansion area within the locality of Banjup, adjoining the Cockburn Central Activity Centre. This aspect of the Strategy has been supported by Council.

In light of Council's support for the above urban expansion, Council at the Ordinary Meeting on 9 December 2010 was asked to provide support towards the initiation of a Metropolitan Region Scheme ("MRS") Amendment 1211/41 over Lot 9002 Jandakot Road, Lot 9004 Armadale Road, Lot 132 Fraser Road and Lot 1 Armadale, totalling 152.83 hectares. This was to take the land from the 'Rural – Water Protection' to 'Urban' zone under the MRS. This proposal is commonly referred to as the Banjup Quarry Development.

Council again provided its support, as part of the formal advertising period of the abovementioned MRS Amendment 1211/41 at the 8 December 2011 Council Meeting. MRS Amendment 1211/41 was gazetted on 08 January 2013.

As both Directions 2031 and the Draft Strategy have included the Banjup expansion area proposal as a key strategic urban infill opportunity, the proponent (Greg Rowe & Associates) on behalf of the landowner (Department of Housing) has compiled a MRS Amendment proposal over Lot 821 Armadale Road, Banjup for Council's consideration. This will effectively complete the urban expansion area indicated by Directions 2031.

**Submission**

Lodged by Greg Rowe & Associates on Behalf of the Landowner the Department of Housing.



## Report

### Background to the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy

In August 2010 the WAPC released the new Strategic Plan for Perth and Peel titled Directions 2031 and Beyond. This document provides the highest level of strategic metropolitan planning, guiding the development of more detailed policies, strategies and planning actions. As an important mechanism to demonstrate how Directions 2031 is implemented at a local level, sub-regional strategies have been developed.

The Draft Strategy covering the South West urban corridor provides information about the levels of expected population growth by local government area, and highlight development opportunities as well as opportunities for increased residential densities. They provide a framework for delivering the objectives of Directions 2031.

In respect of the City, it falls within the south-west subregion, together with the City of Kwinana and City of Rockingham. The Draft Strategy identifies future growth areas, both planned (already approved) and potential urban expansion opportunities. These growth areas are tied back to the future population and dwelling growth targets which each local government have been set.

The Draft Strategy also provides forecasts and targets for economic development, industrial land and major infrastructure (water, energy etc.). A critical component to the City and broader south-west subregion in respect of accommodating growth targets is the Banjup urban expansion area. This is discussed following.

### Banjup Urban Expansion Area

The Draft Strategy identifies the Banjup urban expansion area covering the ex-sand mining land adjoining the Cockburn Activity Centre. It has been identified for urban expansion commencing between 2011–2015, and covers the following specific land parcels:

- Lot 9002 Jandakot Road – 6291 ha
- Lot 9004 Armadale Road – 36.52 ha
- Lot 132 Fraser Road – 45.32 ha
- Lot 821 Fraser Road – 20.50 ha

The land is predominately cleared and flat having been previously utilised as a sand quarry.



Council has previously resolved to support the Banjup urban expansion area in line with the following comments (refer 8 December 2011 Council Meeting):

1. Infill targeted around activity centres like the Banjup proposal creates synergies between investment, infrastructure, employment and activity which are required as a component to achieving more sustainable urban development within Perth. On this basis effective integration of the Banjup proposal with the Cockburn Activity Centre represents a critical planning objective;
2. The Banjup proposal exists above the Jandakot Groundwater Mound. This provides an important environmental context for the proposal, being that protection of the groundwater resource (both from a quality and quantity viewpoint) will be pivotal as part of urbanisation of the land. This will require urbanisation to be approached in a manner which utilises beyond best practice water sensitive urban design, so as to guarantee protection of the groundwater resource;
3. The decision to consider the Banjup proposal is not considered to be ad hoc, and will be subject to extensive planning and environmental rigor to ensure its development reflects expectations of sustainable development principles.

As the major component of the Banjup urban expansion area has been placed into the Urban Zone under the MRS, this proposal seeks to complete the strategic guidance provided by Directions 2031 by moving Lot 821 Armadale Road into the Urban zone also. This is discussed following.

#### The Metropolitan Region Scheme Proposal

The MRS amendment proposal is considered to demonstrate compliance with the key comments made by Council, as well as the broader strategic planning framework provided by the Draft Strategy and Directions 2031.

The actual proposal constitutes rezoning of Lot 821 Fraser Road, Banjup from 'Rural – Water protection' to 'Urban'. See Attachment 1.

The total land area represents 20.50 ha, resulting in a potential yield of 340 dwellings.

In addressing the strategic framework (and the ultimate merit of the MRS amendment proposal), it is important that consideration be given to the five key themes embodied in Directions 2031. These themes - a liveable city, a prosperous city, an accessible city, a sustainable city and responsible city - provide a key test to whether the MRS



amendment proposal reflects the strategic planning context which is being used to support it.

In this respect the following comments against the five key themes are relevant of this proposal:

#### A Liveable City

1. The proposal represents an example for urban expansion in an appropriate location which is considered rational on a regional scale;
2. The proposal will enhance the activity and diversity of the Cockburn Central Activity Centre;
3. The urban community will be an accessible, well-connected and sustainable community that supports and enables effective participation and inclusion in the community for all residents;
4. The proposal provides for urban growth and residential living opportunities in close proximity to activity and employment centres and public transport corridors; and
5. The proposal has the ability and the potential to contribute to the supply of strategically located affordable housing within the existing urban fabric.

#### A Prosperous City

1. The proposal will enhance the economic activity of the Cockburn Central Activity Centre, and other lower order activity centres in the district, by providing a greater residential catchment to support these centres;
2. The proposal will increase the catchment for the Cockburn Central Train Station and enhance the economic efficiency of the public transport system;
3. An increase in the workforce servicing nearby industrial, light industrial, service commercial, retail and other economic activities can be expected as a result of the proposal;
4. The proposal will provide an economic use for a degraded ex-sand quarry site; and
5. The proposal will create a diverse mix of housing types, services and amenities that facilitate economic development and employment.

#### An Accessible City

1. The future community will be highly connected to employment, education, recreation and community services given the immediate proximity to the Cockburn Central Activity Centre, Cockburn Central Train Station, Kwinana Freeway and other regional roads.





2. Community members will have ready access to the nearby Perth to Mandurah railway line via the Cockburn Central Train Station and other public transport networks operating on the surrounding regional road system.
3. Due to the proximity of Cockburn Central Train Station, the proposal will contribute towards increased usage of the railway as an alternative transport mode and will contribute to managing and reducing road congestion through reduced use of private cars.
4. The proposal will contribute to maximising the efficiency of road infrastructure given the immediate proximity to a number of regional roads, including the Kwinana Freeway.
5. Based on proximity, the proposal will support and sustain public transport use and will achieve integration of land use and public transport infrastructure.

#### A Sustainable City

1. The proposal will protect the groundwater resource as a key consideration through adapting beyond best practice water sensitive urban design principles to the land, ensuring this resource is able to keep being drawn upon as a public drinking water supply into the future;
2. The proposal provides for the creation of a diverse range of housing types on land that has been totally degraded through previous land use activities;
3. The proposal will ensure that areas of biodiversity value are protected and managed;
4. The proximity to the railway line and a Cockburn Central Activity Centre provides significant opportunity to reduce car dependency and therefore reduce greenhouse gas emissions and other air quality concerns; and
5. The proposal assists with the optimisation of the economic utilisation of existing and proposed urban infrastructure.

#### A Responsible City

1. The proposal is contiguous with the existing physical and social infrastructure network surrounding the site.
2. The proposal represents a true infill development opportunity through the use of degraded land and the surrounding physical and social infrastructure.
3. The proposal assists in optimising and supporting increased and effective utilisation of existing urban infrastructure.

#### Future Structure Planning

A conceptual structure plan (see Attachment 2) has been prepared as part of this proposal and is provided as Attachment 2. It is not proposed



to go into specific assessment detail at this very early stage, given structure planning design will be a process by which the City will have a very close involvement in should the proposal for rezoning be supported by the WAPC.

The Concept Plan has been based upon a number of key principles in line with the Department of Housing's (the owner of the subject site) Sustainability Objectives. Of important note is:

1. Relationship to Banjup Quarry LSP.
2. Retention of existing landform and vegetation along Fraser and Armadale Road to provide amenity, environmental and noise attenuation and minimise earthworks.
3. Creation of an open space circuit link incorporating Bush Forever Site 390.
4. Establishment of a Local Centre.

The Concept Plan provides for approximately 338 dwellings with densities between R25 and R60, the movement network and POS provision has been designed in line with the guiding principles listed above.

## **Conclusion**

The proposal is considered to fulfil the various strategic objectives embodied within Directions 2031, the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy and related State Planning Policies. It represents a significant urban infill targeted around the Cockburn Central Activity Centre, creating strategic synergies between investment, infrastructure, employment and activity which are required as a component to achieving more sustainable urban development. It is on this basis that it is recommended that Council write to the WAPC indicating its support for the proposal.

## **Strategic Plan/Policy Implications**

### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

### **Community & Lifestyle**

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



**Moving Around**

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

**Budget/Financial Implications**

The City will need to undertake amendments to its Scheme to provide an appropriate zoning and special control area arrangement to cover both structure planning requirements and the need for developer contribution arrangements. This will be a matter for future consideration, if the proposal to initiate an amendment to the MRS receives support of the WAPC.

**Legal Implications**

The *Planning and Development Act 2005* and related *Town Planning Regulations 1967* provide the statutory basis in which an amendment to a region scheme is to be considered. This includes the statutory referral and consent processes of the Environmental Protection Authority. If the proposal is supported, the City will also need to undertake amendments to its Scheme to provide an appropriate zoning and special control area arrangement to cover both structure plans and the need for developer contribution arrangements.

This will be a matter for future consideration if the proposal to initiate an amendment to the MRS receives support of the WAPC.

**Community Consultation**

Community consultation has occurred in the form of both the Directions 2031 Strategic Plan and Draft Outer Metropolitan Perth and Peel Subregional Strategy. This however has not been specific to the Banjup proposal, and accordingly future advertising and deliberation of the proposed MRS amendment (if supported by the WAPC) will provide the opportunity for detailed community consultation.

**Attachment(s)**

1. Proposed MRS Amendment Map
2. Conceptual Structure Plan
3. Regional Location Plan

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

The Proponent(s) have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.



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

Nil.

CLR S PORTELLI LEFT TO THE MEETING, THE TIME BEING 7:33 PM.

**DECLARATION OF INTEREST – CLR SPORTELLI**

The Presiding Member read a declaration of Interest in Item 14.6 “Consideration to adopt Scheme Amendment No. 92 for Final Approval – Bush Fire Prone Areas pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that he made a personal submission on the matter which he believes should be taken into consideration by Council in making its decision.

**14.6 (MINUTE NO 5038) (OCM 09/05/2013) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 92 FOR FINAL APPROVAL - BUSH FIRE PRONE AREAS - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (109/025) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorses the Schedule of Submissions prepared in respect of Amendment No. 92 to City of Cockburn Town Planning Scheme No.3 (“Scheme”);
- (2) resolves to prepare a Local Planning Policy to help guide development within designated Bushfire Prone Areas to provide consistency to officers, landowners and developers going forward;
- (3) modify the advertised Amendment No. 92 of the Scheme in accordance with the following requirements:
  1. Addition of point (e) to Section 6.6.2 to read:

*(e) in accordance with the Building Code of Australia activate Australian Standard 3959 which is construction of building in a bush fire prone area*
  2. Modify point (a) of section 6.6.13 to read:



- (a) *a bushfire attack level assessment carried out in accordance with the methodology contained in the Planning for Bush Fire Protection Guidelines (Latest Edition) or Australian Standard 3959;*
- (4) once modified in accordance with 3, adopt for final approval Amendment No. 92 to the Scheme in pursuance of Section 75 of the Planning and Development Act 2005 for the purposes of:
1. Modifying Clause 8.2.1 (b) of the Scheme Text by including an additional sub-clause as follows:
    - (v) *the development is included in a Bushfire Prone Area, as defined by clause 6.6.1 of the Scheme;*
  2. Modifying Clause 6.1.1 of the Scheme Text by including an additional sub-clause as follows:
    - (c) ***Bushfire Prone Areas***, being all land in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone, shown on the Scheme Map as ***BPA***.
  3. Amending the Scheme Map and Legend to introduce the Bushfire Prone Area Special Control Area designation.
  4. Including a new Clause 6.6 in the Scheme Text as follows:

## **6.6 Bushfire Prone Areas**

6.6.1 *For the purposes of this clause, a Bushfire Prone Area means any area located in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone, identified by the Local Government and shown on a Bushfire Hazard Assessment Map.*

6.6.2 *The purpose of Bushfire Prone Areas are to:*

- (a) *implement State Planning Policy 3.4 Natural Hazards and Disasters;*
- (b) *identify land that is subject, or likely to be subject, to bushfire hazard;*
- (c) *ensure a bushfire attack level assessment is carried out on land that is subject, or likely to be subject, to bushfire hazard;*
- (d) *ensure that development effectively addresses the level of bushfire hazard applying to the land;*
- (e) *in accordance with the Building Code of*



*Australia activate Australian Standard 3959 which is construction of building in a bush fire prone area.*

6.6.3 *A Bushfire Hazard Assessment Map shall indicate Bushfire Prone Areas.*

6.6.4 *If a Local Government resolves to prepare a Bushfire Hazard Assessment Map, the Local Government:*

- (a) is to notify in writing the owner and occupier of all the properties in the affected area;*
- (b) is to publish a notice once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
  - a. where the draft Map may be inspected;*
  - b. the subject nature of the draft Map;*
  - c. in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.**
- (c) may publish a notice of the proposed Bushfire Hazard Assessment Map in such manner and carry out such other consultation as the Local Government considers appropriate.*

6.6.5 *After the expiry of the period within which a submission may be made, the Local Government is to:*

- (a) review the proposed Bushfire Hazard Assessment Map in light of any submissions made;*
- (b) resolve to adopt the Bushfire Hazard Assessment Map with or without modification, or not proceed with the amendment.*

6.6.6 *If the local government resolves to adopt the Bushfire Hazard Assessment Map, the local government is to publish a notice of the Bushfire Hazard Assessment Map once in a newspaper circulating in the Scheme area.*

6.6.7 *The Bushfire Hazard Assessment Map has effect*



on publication of a notice under clause 6.6.6.

- 6.6.8 A copy of the Bushfire Hazard Assessment Map, as amended from time to time, is to be kept and made **available for public inspection** during business hours at the offices of the Local Government.
- 6.6.9 A land owner may dispute the classification of their land as set out on the Bushfire Hazard Assessment Map in writing to the Local Government for consideration.
- 6.6.10 Prior to the adoption or amendment of a structure plan resulting in the introduction or intensification of development or approval of a subdivision or development application within a Bushfire Prone Area, a bushfire attack level assessment satisfactorily addressing the level of bushfire hazard applying to the land is to be submitted.
- 6.6.11 In addition to development which otherwise requires approval under the Scheme, planning approval is required for any development within a Bushfire Prone Area, that does not comply with an approved bushfire hazard assessment undertaken as part of the structure planning or subdivision of an area or is inconsistent with the WAPC's and FESA's Planning for Bush Fire Protection Guidelines (Latest Edition).
- 6.6.12 In determining an application to carry out development in the Bushfire Prone Area, the Local Government may refuse the application, or impose conditions on any planning approval as to:
- (a) the provision of a fire fighting water supply;
  - (b) the provision of fire services access;
  - (c) the preparation of a fire management plan in accordance with the Planning for Bush Fire Protection Guidelines (Latest Edition) and implementation of specific fire protection measures set out in the plan;
  - (d) the implementation of measures to ensure that prospective purchasers are aware of the relevant Scheme provisions, fire management plan and publications addressing fire safety.

6.6.13 *An application for development approval must be accompanied by:*

- (a) *a bushfire attack level assessment carried out in accordance with the methodology contained in the Planning for Bush Fire Protection Guidelines (Latest Edition) or Australian Standard 3959;*
- (b) *a statement or report that demonstrates that all relevant bushfire protection acceptable solutions, or alternatively all relevant performance criteria, contained in the Planning for Bush Fire Protection Guidelines (Latest Edition) have been considered and complied with, and effectively address the level of bush fire hazard applying to the land.*

6.6.14 *If, in the opinion of the Local Government, a development application does not fully comply with the bushfire protection acceptable solutions contained in the Planning for Bush Fire Protection Guidelines (Latest Edition), the application shall be referred to the FESA for advice prior to a decision being made.*

6.6.15 *Despite any existing assessment on record, the Local Government may require a bushfire risk assessment to be carried out prior to the approval of any development proposed within a Bushfire Prone Area as designated on the Bushfire Hazard Assessment Map.*

- (5) resolves to prepare Bushfire Hazard Assessment Map(s) for areas identified as Special Control Area – Bushfire Prone utilising the previously endorsed methodology, in anticipation of the Hon. Minister’s advice that final approval will be granted for the Scheme amendment;
- (6) following the adoption of any Bushfire Hazard Assessment Map write to those landowners who are within 100m of an identified bushfire prone area but not within the Bush Fire Prone Special Control Area to inform them of the recent change to the risk status of their immediate environs;
- (7) in anticipation of the Hon. Minister’s advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission





with modification; and

- (8) advise all submitters to Amendment No. 92 of Council's decision accordingly.

### **COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr T Romano that Council adopt the recommendation subject to the following amendment to sub-recommendation (4) 4, as follows:

At Clauses 6.6.11 and 6.6.14, removed reference to "FESA" and replace it with "DFES".

**CARRIED 8/0**

### **Reason for Decision**

This will correct the erroneous reference to the Fire and Emergency Services Association ("FESA"), which has changed its name to the Department of Fire and Emergency Services ("DFES").

### **Background**

At its Ordinary Council Meeting held on 12 April 2012 Council resolved to initiate Amendment No. 92 to City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The purpose of the amendment is to place a Special Control Area over land currently zoned Rural, Resource, Rural Living and Conservation under the Scheme, dealing with bushfire risk management through the planning process. The amendment also proposes a number of alterations and additions to the Scheme Text.

The amendment was referred to the Environmental Protection Authority who granted consent to advertise. The amendment was subsequently advertised for public comment for a period of 42 days between the 26 June 2012 and the 7 August 2012, in accordance with the requirements of the *Town Planning Regulations 1967*.

A total of 19 submissions were received. The purpose of this report is to consider the amendment for final adoption in light of the advertising process having taken place.



The Amendment was presented to Council at its Ordinary Meeting held on 11 October 2012 for final adoption. Council deferred the matter until a full briefing/workshop was provided to Councillors. This briefing was to include, but not limited to:

- (1) advice from FESA on proposed areas suggested in the report and whether FESA consider them sufficient;
- (2) advice from the Bush Fire Reference Group and Volunteer Bush Fire Brigades on the areas specified and whether they concur and whether they suggest any additional inclusions;
- (3) advice from the City's Aerial Mapping Department whether some of the Market Garden areas and cleared areas warrant inclusion as Bush Fire Prone Areas;
- (4) written advice from Local Government Insurance Services (LGIS) on potential insurance premium increased costs, and legal consequences of being declared a Bush Fire Prone Area.
- (5) advice from the City's Environmental Officers on consequences of Bush Fire prone areas around our wetlands adjacent to residential areas and whether those areas of concern should be included; and
- (6) advice from an independent Fire Assessor on whether declaration of Bush Fire Prone Areas is appropriate for those areas specified within the City of Cockburn.

Information pertaining to the Amendment and the above matter were presented to a briefing of Council on 4 April 2013. Following the completion of the tasks as outlined in the Motion of Deferral, Amendment No. 92 is being presented again to Council for Final Adoption.

### **Submission**

Nil.

### **Report**

This amendment proposes additions of a number of provisions related to Bushfire Protection and Management. The intent of the amendment is to:

1. Identify land that is subject, or likely to be subject, to bushfire hazard;
2. Ensure a bushfire attack level assessment is carried out on land that is subject, or likely to be subject, to bushfire hazard; and
3. Ensure that development effectively addresses the level of bushfire hazard applying to the land.



The amendment will include a process for the introduction of a Bushfire Hazard Assessment Map(s); these maps will sit outside the Scheme and indicate the level of fire hazard for land located within the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone. These maps will be independently approved by Council and will be subject to their own community consultation process. Where land is shown to be subject to a potential bushfire hazard, the Scheme will trigger the process for requiring planning approval for development and as part of that planning approval requiring an appropriate bushfire attack level assessment to be undertaken by the proponent.

### Background

Australia and Western Australia specifically is a land mass prone to incidences of bushfire. In recent times a number of fire events have come under scrutiny from various State Governments to ascertain the cause, appropriateness of response and need for change. The need for the City of Cockburn to identify Bushfire Prone Areas and take reasonable and appropriate responses to this issue reflects a desire to be proactive in terms of bush fire management issues.

In Western Australia, unlike other states, the declaration of bushfire prone areas is currently at the discretion of Local Government. Local Government can indicate a Bushfire Prone Area by two main mechanisms:

1. Within a Town Planning Scheme; or
2. By powers conferred by the Local Government Act 1996;

Only two Local Governments in Western Australia have used legislative powers available to them to designate Bushfire Prone Areas. A number of Local Governments have included Bushfire Prone Areas within their Town Planning Schemes.

**A Shared Responsibility:** The Report of the Perth Hills Bushfire February 2011 Review ("Keelty Report") and The Major Incident Review – Lake Clifton, Red Hill and Roleystone Fires – June 2011 offered a number of reviews of the role of Local Government. In the review of the Red Hill fire, the review stated that there is no doubt that the areas burnt out, being the Darling Scarp, were bushfire prone. The review highlighted the problems in not having the area declared appropriately as bushfire prone. The review went on to state that “failing to declare these areas bushfire prone inhibits the effectiveness of FESA’s operational response”.

Within both the Major Incident Review and Keelty Report it is recommended that planning undertaken by Local Government seek to appropriately respond to bushfire risks. This Scheme amendment is



viewed in this light, of the City of Cockburn seeking to ensure its Scheme is appropriately structured in a way to ensure bushfire issues are dealt with through the planning system. This is no different to (for example) how traffic issues need to be dealt with as part of a planning application, how environmental issues need to be dealt with etc. It is seen as a positive step for the City to be taking.

On 22 March 2012 the Delegated Authorities, Policies and Position Statements Committee ("DAPPS") recommended Council adopt a new position statement, PSPD22 Fire Management Plans. The Position Statement noted that in the absence of any identified Bushfire Prone Areas and until the Scheme is amended, it is recommended that Council adopt a position that clearly articulates that a precautionary approach will be taken. Therefore the Position Statement calls on Council to clearly communicate to the community that approved Fire Management Plan recommendations and requirements will be implemented through the issue of a building permit whether or not the subject land is within a declared bushfire prone area.

The City is proactively seeking to deal with bushfire risks, through ensuring the risk posed by bushfire prone areas are recognised and dealt with through all relevant planning, subdivision and development considerations.

#### Special Control Area

Amendment 92 proposes to create an additional Special Control Area within the Scheme, titled Bushfire Prone Areas. This area specifically applies to the entirety of the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zones of the Scheme. It is proposed that Clause 6.1.1 be modified to show the entirety of the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zones on the Scheme Map as BPA. This Special Control Area would be Clause 6.6 of the Scheme.

The purpose of a Bushfire Prone Areas is to:

- (a) implement State Planning Policy 3.4 Natural Hazards and Disasters;
- (b) identify land that is subject, or likely to be subject, to bushfire hazard;
- (c) ensure a bushfire attack level assessment is carried out on land that is subject, or likely to be subject, to bushfire hazard; and
- (d) ensure that development effectively addresses the level of bushfire hazard applying to the land.

The identification of the Resource zone, Rural Living and Rural zones reflect the risk of bushfires in those areas. In terms of residential areas, it was considered that their existence in a fully urban environment



needed to be treated differently to rural zones which are a significantly heightened risk in terms of fire.

The Scheme amendment will allow for the creation of a Bushfire Hazard Assessment Map. This map and Clause 6.6.3 states that only a Bushfire Prone Assessment Map shall indicate Bushfire Prone Areas. Although Clause 6.1.1 will designate all areas on the Scheme Map via the BPA Special Control Area, it is only the identification of land as Bushfire Prone on a Bushfire Hazard Assessment Map that initiates the various requirements of proposed Clause 6.6.

The Bushfire Hazard Assessment Map will sit outside the Scheme and be separately approved by Council as required. The process for approval and modification of a Bushfire Hazard Assessment Map is set out in Clause 6.6.

As stated above, the Bushfire Hazard Assessment Map will sit outside the Scheme, though be directly referenced by the Scheme. Placing the Hazard Assessment Map outside the Scheme is in response to the need for flexibility in the process of identification and the changing nature of the urban/rural and natural environment of the City. By placing the Map outside the Scheme it allows Council to adapt the map as situations require and new information comes to hand.

Bushfire Prone Areas, as a norm will require development to be subject to the construction standards set out in *Australian Standard 3959-2009: Construction of buildings in the bushfire-prone areas (AS3959-2009)*. Properties in fire prone areas will also require a Fire Management Plan, as identified in proposed Clause 6.6.12 of the Scheme, as a condition of planning approval. These conditions may be imposed as reference in the proposed clause below:

*6.6.12 In determining an application to carry out development in the Bushfire Prone Area, the Local Government may refuse the application, or impose conditions on any planning approval as to:*

- (a) the provision of a fire fighting water supply;*
- (b) the provision of fire services access;*
- (c) the preparation of a fire management plan in accordance with the Planning for Bush Fire Protection Guidelines (Latest Edition) and implementation of specific fire protection measures set out in the plan;*
- (d) the implementation of measures to ensure that prospective purchasers are aware of the relevant Scheme provisions, fire management plan and publications addressing fire safety.*



Proposed development within the new Special Control Area that has previously undergone a fire assessment, compliant with the WAPC's and FESA's *Planning for Bush Fire Protection Guidelines (Latest Edition)*, at either the Subdivision or Structure Planning stage, will not be required to undergo additional fire assessment. This is subject to such development complying with the previous assessment for that area.

#### Identification of Bushfire Prone Land

For the purpose of the Bushfire Hazard Assessment Map, the following protocol is utilised when identifying an area of bushfire prone land:

- Inclusion of identified native vegetation of 1 Ha or greater (by aerial photograph);
- Identification of native vegetation less than 1 Ha in size but within 50m of identified native vegetation (>1 Ha);
- Buffering of all the above by 100m (shown in different colour from main hazard area).

For the purpose of registering an accurate assessment of bushfire risk; the identification of bushfire prone areas includes land meeting the first two criteria but not within area covered by Bushfire Hazard Assessment Map, including areas of native vegetation within neighbouring Local Government Areas.

Council at its meeting on 12 April 2012 endorsed the above methodology for the use on any future Bushfire Hazard Assessment Map.

#### Bushfire Hazard Assessment Map

The processes and mechanism for the creation of a Bushfire Hazard Assessment Map is set out in Clause 6.6. Appropriate levels of community consultation including; advising all affected landowners directly and notice in a local publication (for two consecutive weeks) is required. Review of any map is then necessary prior to consideration for final adoption.

A landowner may at any time dispute the assessment of their land in writing to the Local Government. The onus would be on the landowner to provide evidence to support their claims.

A draft version of a Bushfire Hazard Assessment Map, covering the southern section of Banjup has been included as Attachment 2. This map was created using the methodology endorsed by Council on 12 April 2012. The map is a guide only and subject to change both from further analysis and any submissions received through future



community consultation. Final approval of any Bushfire Hazard Assessment Map would be at the discretion of Council.

### Requirements for Planning Approval

Clause 8.2 of the Scheme sets out the types of development that are exempt from planning approval, referred to as Permitted Development. The amendment proposes changes to Clause 8.2(b) that deals with the erection of a single house on a lot, including any extension, ancillary outbuilding and swimming pools. This Scheme amendment introduces an additional exception to Clause 8.2(b) where:

- (v) *the development is included in a Bushfire Prone Area, as defined by clause 6.6.1 of the Scheme.*

Historically within the areas subject to the proposed amendment planning approval has not been required for the development of a single house within a designated building envelope (should one exist). Planning approval has been required for development outside and/or relocation of building envelopes. The amendment proposes a major shift in the approval process of rural residential development in these areas.

For the purpose and intent of the amendment to be fulfilled it is deemed necessary to alter the status quo in these areas. The development approval process is the appropriate stage of the development assessment process to ensure that the requirements outlined in proposed Clause 6.6 are adhered.

It would be envisioned that the requirement for landowners to apply for development approval in these areas will place an additional financial and time constraint on those individuals. However, as both the Keely Report and the Major Incident Review identified, these hesitations have existed and continue to exist within Local Government, and that not exercising these power for the reasons outlined earlier in this document is not appropriate.

The disincentives of imposing higher building costs thorough bush fire designation must be carefully weighed against the wider responsibility of Local Government. Local Government through building and planning controls can have an important and positive influence on the survivability of development (and thus human life) during a fire event.

### Bushfire Building Cost Comparison

By designating an area bush fire prone it places an additional upfront financial encumbrance on the owners of that land in that they need to comply with AS3959-2009. The amendment proposes to require



planning approval for the erection of a single house, including any extension, ancillary outbuildings and swimming pools where the lot is identified as Bushfire Prone on a Bushfire Hazard Assessment Map. A requirement of said approval will be for the application to be built to AS3959-2009, with the provision for additional bush fire related conditions as outlined in Clause 6.6.12 of the proposed amendment.

FESA in their submission to Keelty Report produced the following table derived from the Australian Building Codes Board publication the “*Final Regulatory Impact Statement for Decision (RIS 2009-02)*”.

*Table: Cost of Compliance with AS3959-2009*

Category of bush fire attack	Predicated bush fire attack and level of exposure.	Base house	Large two story	Elevated light weight construction
BAL – Low	Insufficient risk to warrant specific construction requirements.	\$0	\$0	\$0
BAL – 12.5	Ember attack.	\$11,535	\$14,981	\$21,428
BAL – 19	Increasing levels of ember attack and burning debris ignited by windborne embers together increasing heat flux.	\$11,535	\$14,981	\$21,428
BAL – 29	Increasing levels of ember attack and burning debris ignited by windborne embers together increasing heat flux.	\$15,471	\$17,095	\$35,024
BAL – 40	Increasing levels of ember attack and burning debris ignited by windborne embers together increasing heat flux with the increased likelihood of exposure to flames.	\$17,107	\$19,751	\$62,357
BAL – FZ	Direct exposure to flames from fire front in addition to heat flux and ember attack.	\$20,885	\$28,905	\$76,679

Alternatively to the table above, the Shire of Busselton in Council Agenda dated 11 May 2011 on a matter concerning the identification of bushfire prone areas provided the following information that estimated the costs (above standard constructing standards) of compliance with AS3959-2009:

- BAL – 12.5 – 3-4%
- BAL – 19 – 4-5%
- BAL – 29 – 6-6.5%
- BAL – 40 – 6-10%
- BAL – FZ – 8-10%

An application for Planning Approval on land subject to the proposed amendment would be required to provide a bush fire attack level





assessment carried out in accordance with the methodology contained in the *Planning for Bush Fire Protection Guidelines (2010)*; and a statement or report that demonstrates that all relevant bush fire protection acceptable solutions, or alternatively all relevant performance criteria, contained in the *Planning for Bush Fire Protection Guidelines (2010)* have been considered and complied with, and effectively address the level of bush fire hazard applying to the land.

It would be anticipated that due to the prevailing geology, topography and built form of the City of Cockburn and specifically the areas subject to the proposed amendment; the majority of dwellings subject to increased AS3959-2009 standards would fall within the base house and large two story categories.

Accordingly issues such as minor increases in development costs are noted, but do not represent a magnitude which should dissuade this being seen for the broader importance of development being undertaken in a more appropriate manner cognisant of the bushfire risk.

#### Public Consultation

In accordance with the *Town Planning Regulations 1967 Amendment 92* was advertised for public comment for a period of 42 days between the 26 June 2012 and the 7 August 2012. Consultation included; letters to all affected landowners (almost 1,000), advertisement in the Cockburn Gazette and letter to relevant State Government Authorities. Additional consultation was also undertaken with the Banjup Residents' Association.

In total 19 submissions were received:

- 1 from an Elected Member;
- 4 from State Authorities;
- 1 from the Banjup Residents' Association;
- 13 from affected landowners or representative of affected landowners.

All submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3).

A number of objections were received from affected landowners and the Banjup Residents' Association. These are addressed in the Schedule of Submissions; however the main areas of concern are outlined and addressed in detail below.

- ***Exclusion of urban areas/regional and local reserves***  
***A number of submissions noted the inclusion of only rural residential land in Scheme Amendment 92.***



The decision to include on the Rural, Rural Living, Resource and Conservation zones in the Bushfire Prone Special Control Area was on the basis that those zones reflect the clear and present risk of bushfires. While residential areas may be subject to risks, it was considered that their existence in a fully urban environment needed to be treated differently to our rural zones which are a significantly heightened risk in terms of fire.

HOWEVER it needs to be noted that this doesn't include new residential areas, as it has been common practice over the last decade to ensure new structure plans for residential areas include an appropriate fire management plan to inform their design and assessment. Accordingly new residential areas will commonly have increased building provisions imposed via fire management plans, as a way of dealing specifically with the risks faced by individual lots. Accordingly the main urban areas excluded are older suburbs, such as the central and west ward areas.

The exclusion of regional and local reserves from the Amendment area is not a reflection of their level of fire risk but more a reflection on the type of uses found on such land (i.e. not intended to be developed for residential purposes now or into the future). Amendment 92 is primarily focused on the protection of human life through the implementation of higher building standards. Such development is not traditionally found within reserved land. Such land is reserved for recreation, preservation or conservation as such their inclusion in a Special Control Area would not lead to a lowering of bushfire risk to people or property across the locality.

As mentioned above, the risk associated with newer residential areas was also noted, particular attention was drawn to areas within Aubin Grove. New developments within 'Development Zone' and subject to the Structure Planning process are able to be adequately planned for bushfire risk. All Structure Plans where there's bush land in close proximity are required to undertake a Fire Management Plan. This document accompanies the Structure Plan and is utilised to guide the design of such plans. These Fire Management Plans must conform to the Guidelines. More detailed Fire Management Plans are also required at the subdivision stage. Therefore the risk within such areas can be appropriately managed by addressing the risk from the outset.



Responsible authorities also have other obligations under other Acts concerning the maintenance and upkeep of such land in respect of bushfire risk.

- ***Insurance Premiums***

A number of submissions noted concern that the zoning of an area bushfire prone would place upwards pressure on insurance premiums. The Insurance Council of Australia has noted that risk assessment is for the most part undertaken on a property specific basis and the declaration of an area as bushfire prone should have negligible impact on premiums as such risk is already factored into calculations. The declaration of large areas of New South Wales and Victoria, following recent fire events, has not lead to a significant shift in premiums. The insurance industry advises that dwellings built to ASC3959-2009, could over time, experience a lowering of insurance premiums due to the lowering of risk through a designated bushfire prone area.

Advice was sought from the Local Government Insurance Service ("LGIS") as part of the Motion of Deferral. The LGIS did not comment on the individual circumstances of private landowners but provided useful information of the wider insurance ramifications of including lands in a bushfire prone area.

- ***Cost of building/upgrades***

As noted above, the disincentives of imposing higher building costs through bush fire designation must be carefully weighed against the wider responsibility of Local Government.

While Amendment 92 will place additional cost impositions on landowners and developers seeking to undertake development in bushfire prone areas, these are considered not to represent a magnitude which should dissuade this being seen for the broader importance of development being undertaken in a more appropriate manner cognisant of the bushfire risk. In general these additional costs will be incurred by the following:

1. Application for planning approval;
2. Requirement to address the bushfire risk of the land through a bushfire attack level assessment;
3. Cost of building new dwellings to AS3959-2009; and
4. Future cost of compliance with planning approval

Submissioners through the advertising process requested clarification on the need to comply with AS3959-2009 when



undertaking an upgrade or extension to an existing dwelling in a bushfire prone area.

In general, such requirement will only be necessary when an extension or upgrade is deemed '**major**'. Moreover when a 'minor' extension is undertaken there is, for the most part, no requirement to build the extension to AS3959-2009 as doing so would have negligible impact on the overall safety of the dwelling during a fire event.

Following consultation with other local governments on how this definition is determined in their localities; it was deemed appropriate to address such matter in through a Local Planning Policy, the creation of which is a recommendation of this item. The future policy will provide landowners, developers and City staff with consistent guidance going forward.

- ***Native vegetation removal***

The Banjup Residents' Association and a number of other submissioners have noted their concerns surrounding the need for clearing of vegetation, as part of a hazard separation zone, around dwelling built to ASC3959-2009. Their concerns go to the potential loss of the current amenity of the area, environmental concerns, increased temperatures and inconsistency with current clearing regimes.

As noted above all new dwellings within an identified bushfire prone area will be required to undertake a bushfire attack level assessment. This assessment will be required to be undertaken in line with the WAPC's Planning for Bushfire Protection Guideless. Where an extreme or high fire risk exists in close proximity to a proposed dwelling; low fuel areas known as Hazard Separation and Bushfire Protection Zones need to be identified on a bushfire attack level assessment. These areas are critical in ensuring that flames do not come in direct contact with buildings.

In general the following criteria apply in order to fulfil the requirements of the WAPC's Guidelines:

1. Fuel load reduced and maintained at 2 tonnes per hectare;
2. Trees are low and pruned;
3. No tall shrubs or tree is located within 2m of building; and
4. No tree crowns to be overhanging buildings.

Although it is favourable that these areas have limited vegetation, be grassed or paved; the presence of native vegetation is not restricted in totality. Moreover, such



requirements will only apply where development is proposed and a bushfire attack level assessment recommends such action.

Accordingly, each lot that is created and zoned to provide for development for residential purposes, will result in the creation of the protection zone which will result in modification to native vegetation. This issue cannot be avoided, and is the result of development to create private allotments taking place.

The WAPC Guidelines note that the enforcement of such restrictions can have a negative impact on remnant vegetation through clearing. The proposed Local Planning Policy, a recommendation of this agenda item, will provide consistent guidance to landowners and developers on this matter to ensure the balance between vegetation conservation and preservation of life can be appropriately met.

#### Additional DFES Consultation

As per the Motion of Deferral the Department of Fire and Emergency Services ("DFES") were again requested to comment on Scheme Amendment No. 92. DFES noted that they have no objection to the Amendment and the areas identified as Bush Fire Prone. A number of minor text additions and modifications were recommended to be made. These form part of the recommendation to Council.

#### Independent Review

As part of the Motion of Deferral Council requested an independent review of Amendment No. 92 be undertaken to determine whether declaration of Bush Fire Prone Areas is appropriate for those areas specified within the City of Cockburn. This review has been undertaken and the results included as an appendix to the Scheme Amendment Report. The Independent Review Summary of findings is below:

1. City of Cockburn Scheme Amendment 92 was found to be warranted, necessary and defensible.
2. Areas proposed to be classified as Bushfire Prone were found to have significant fire hazards and applicable and necessary for property and personnel protection. The methodology to determine and confirm the suitability was found to be appropriate and meeting 'industry' standards.
3. There were also other areas within the City boundaries that certainly met Bushfire Prone criteria and should be considered and determined as such, but with a different title "Bush Fire Hazard Special Control Area". These areas should also be



- subject to the same building and fire protection constraints as those areas determined 'Bush Fire Prone'.
4. There are significant areas of vegetated lands both within and outside of BPA's which pose a significant threat to life and property for which urgent action is required to address this issue. Some current properties pose a significant risk to property and the lives of occupants and fire fighters;
  5. As part of the solution to point 4 above, Building Protection Zones to a depth of 25m should be implemented within the City Boundaries (as per Keelty Report).
  6. An educational programme, in the form of letters and other means, should be circulated to all landowners in both proposed "Bush Fire Prone" and "Bush Fire Hazard Special Control" areas to alert them of the current dangers and recommended methods to address them.
  7. Fire Management Plans to meet WAPC and DFES guidelines be mandatory for rural subdivisions within designated Bushfire Prone Areas and Bush Fire Hazard Special Control areas.
  8. All applicable recommendations in the Keelty Report (Hills Bushfires in 2012) be considered and implemented as soon as practicable.

### **Conclusion**

It is considered that the proposed Scheme amendment will provide better bushfire safety and prevention within the City of Cockburn's more vulnerable areas. It will designate bushfire prone zones, showing where higher building standards and fire management plans are needed.

As noted above, through community consultation, it has been demonstrated that there is a need for a number of matters to be clarified through a Local Planning Policy. Therefore, such an action has been added to this recommendation.

It is therefore recommended that Council proceed to adopt the Scheme Amendment as outlined.

### **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**

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

### **Environment & Sustainability**

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

### **Budget/Financial Implications**

There are nil direct financial impacts faced by the Local Government. It is noted however throughout the report financial impacts associated with higher building costs in order to address fire prone areas.

### **Legal Implications**

*Planning and Development Act 2005*  
 City of Cockburn Town Planning Scheme No. 3  
*Town Planning Regulations 1967*  
*Local Government Act 1995*  
*Bush Fires Act 1954*

### **Community Consultation**

In accordance with the *Town Planning Regulations 1967* consultation was undertaken subsequent to the local government initiating the Scheme Amendment and the Environmental Protection Authority ("EPA") advising that the proposal is environmentally acceptable. The amendment was advertised for 42 days.

### **Attachment(s)**

1. Scheme Amendment Map
2. Draft Bushfire Hazard Assessment Map
3. 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 9 May 2013 Council Meeting.

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

Nil.

CLR S PORTELLI RETURNED TO THE MEETING, THE TIME BEING 7:35 PM.



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

**14.7 (MINUTE NO 5039) (OCM 09/05/2013) - PROPOSED MODIFICATION TO STRUCTURE PLAN - LOCATION: LOT 9000 NINGHAN LOOKOUT, LOT 9007 BEELIAR DRIVE AND LOT 9031 SPEARWOOD AVENUE, BEELIAR - OWNER: VARIOUS - APPLICANT: WHELANS TOWN PLANNING (100/080) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) in pursuance of Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopts the Structure Plan for Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar subject to the following modifications:
  1. depict on the Structure Plan map the area limited to a maximum height of two (2) stories as outlined in Section 6 of Part One (Statutory Section) of the Structure Plan report.
- (2) subject to compliance with (1) above, in pursuance of Clause 6.2.10.1 of the Scheme, the Structure Plan be sent to the Western Australian Planning Commission for endorsement;
- (3) endorse the Schedule of Submissions prepared in respect to the Structure Plan;
- (3) advise the landowners within the Structure Plan area and those who made a submission of Council's decision accordingly; and
- (4) advise the proponent that Development Contribution Area 13 - Community Infrastructure is now in operation under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the development contribution plan requirements.





**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that Council:

- (1) defer consideration of the proposed Structure Plan for Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar;
- (2) request the applicant submit a revised Structure Plan with a maximum residential density coding of R40; and
- (3) advise those individuals who made a submission of the Council's decision.

**MOTION LOST 4/5**

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

**CARRIED 5/4**

**Background**

The purpose of this report is to consider for adoption the Proposed Structure Plan modification for Cell 9, Yangebup and Cell 10, Beeliar Consolidated Structure Plan. The modification is specific for Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar ("subject land"). The Proposed Structure Plan seeks to alter the existing zoning and reservation from 'Residential R20' and 'Local Reserve – Local Road' to 'Residential R60', to facilitate a medium density urban outcome.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to consider the Proposed Structure Plan for adoption, subject to modification, in light of the advertising process and assessment by officers.

**Submission**

Whelans Town Planning has lodged the proposal on behalf of Terranovis Pty Ltd.



## **Report**

### Planning Background

The subject land is 6,424m<sup>2</sup> in size and generally bound by the Beelias Drive to the north, Spearwood Avenue to the east and existing residential development to the south and west. Attachment 1 contains a location plan.

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

The subject land is located within Cell 10 Beelias of the Consolidated Structure Plan which was endorsed by the Western Australian Planning Commission ("WAPC") on 30 October 2001.

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

### Proposed Modified Structure Plan

As noted above the proposed modification to the Cell 10 Beelias Consolidated Structure Plan proposes to alter the approved land use from low density residential development and associated road network to a medium density outcome.

The proposed modification also places additional requirements over the underlying zone imposing additional development restrictions on the subject land. These restrictions relate to building height, particularly in relation to the interface to existing residential developments to the south, and will be discussed in detail later in this report.

### Residential Density

As noted above the proposal seeks to increase the residential density of the subject site from low density Residential R20 to medium density Residential R60.

Under the existing residential zoning a dwellings yield of approximately 11 lots is possible for the subject site. Under the proposed zoning a maximum yield of 35 single houses or grouped dwellings would be possible. However, the applicant has noted that it is expected that the site will be developed for multiple dwellings (apartments). Dwelling



yield calculations for multiple dwellings are more complex and would be determined by the average size of apartments in any future proposal.

For the purpose of providing existing residents with an understanding of the size of any future proposal a concept plan was developed and included within the Structure Plan Report (see Attachment 6). This plan shows 54 dwellings on the subject land, which equates back to an average dwelling size of approximately 85m<sup>2</sup>, or large two (2) bedroom apartments.

Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods (“LN”) promote 15 dwellings per gross hectare as the 'standard' density for new greenfield development in urban areas and an overall target of 47% or all new dwellings as infill development. Medium and higher residential densities are generally considered to be appropriate adjacent to areas of POS as these areas offer a high level of amenity and convenience. In terms of high amenity and accessibility in support of a higher density, the subject site has the following attributes;

1. Within 400m (5min walk) of the future Beeliar Drive Local Centre;
2. Located on high frequency bus route with direct access to Cockburn Central, Fremantle, Phoenix and the Australian Marine Complex. Also located on future high frequency bus route as identified in the 2031 Public Transport Plan for Perth;
3. Within 800m (10m walk) of the Meve Neighbourhood Centre; and
4. Close proximity to local parks.

The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy (“Draft Strategy”) identifies the subject land as being part of the “BEE1” area with a future dwelling target of 800+. As the Consolidated Structure Plan was developed prior to both Directions 2013 and the Draft Strategy the expected number of dwelling per gross hectare is expected to be below that required by Directions 2031. This proposal will assist in ensuring that this target is reached, while adding a much needed addition of housing diversity to the area.

### Building Height

Considering the established low density residential nature of the adjacent land to the south it was important that building height and bulk be addressed in a manner that ensures the existing residential amenity is not impacted upon.

Under Table 3 of the Residential Design Codes (“R-Codes”) single or grouped dwellings under the R60 density code are allowed to be developed to two (2) stories as of right. However, under Table 4 of the



R-Codes, which regulate development of multiple dwellings, R60 developments can be built to three (3) stories.

The proposal seeks to allow for three (3) story development on the subject land where it will have negligible impact on the existing residences to the south. Both the Structure Plan map and Statutory Section of the Structure Plan Report restrict development on the land directly abutting the existing residential development to two (2) stories. (see attachment 4)

By restricting building height on the southern boundary, it limits the likelihood of issues relating to privacy, setback, overlooking and solar access from originating. Such approaches are supported by the Explanatory Guidelines of the R-Codes for dealing with such situations.

See the Concept Plan (Attachment 6) for an example of how such an outcome can be achieved. The Concept Plan utilises the rear boundary for single story store rooms to remove any solar access issues and also to create an additional buffer between existing residents and the vehicle movements and common areas of the concept development. Such design approaches are noted and recommended within the Explanatory Section of the Structure Plan Report

#### Access and Traffic

The proposal seeks to increase the density and subsequently allow for a potential increase in dwellings and therefore demand on the adjacent road network. The proponent has included a traffic impact assessment ("TIA") as part of the Structure Plan Report to provide assurance that any increase in traffic can be managed safely and efficiently by the existing road network.

The TIA notes that the proposal outlined in the concept plan would generate approximately 220 additional vehicle trips per day, with efficient equal distribution of these trips out of the immediate area along either Tindal Avenue or McLaren Avenue. Importantly when considering the final maximum vehicle trip numbers for the wider development cell, bounded by Tindal Avenue and McLaren Avenue, the maximum daily traffic volumes on roads directly affected by the proposal (Wooleen Parkway and Waterbank Avenue) will be considerable less than the designed maximum carrying capacity of those roads.

The TIA has been subject to assessment by the City's Traffic Engineer.



## Noise

A Preliminary Noise Assessment has been carried out and accompanies the Structure Plan Report. This report noted that any future development on the subject site should be able to achieve compliance with State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (“SPP 5.4”). The Noise Report notes that a more detailed noise report will be required to accompany any future development application for the site.

## Community Consultation

The Proposed Modified Structure Plan was advertised for public comment from 19 March 2013 to 9 April 2013. The Proposed Structure Plan was advertised to nearby and affected landowners, published in the Cockburn Gazette for 21 days, published on the City’s website and also referred to relevant government authorities.

In total 14 submissions were received for the Proposal, including:

- 8 from adjoining landowners.
- 6 from government agencies.

The Submissions from government authorities were received, none objecting to the proposal.

The eight submissions lodged by adjoining landowners all objected, for various reasons, to the proposal or aspects of the proposal. These matters are addressed in detail in the schedule of submissions, however the pertinent and common concerns are discussed below.

The following matters were raised by multiple submissions and will be directly addressed below:

1. General opposition to higher density development in the location;
2. Loss of solar access;
3. Traffic; and
4. Noise Concerns;

A number of submissioners noted their objection to the scale and density of the proposal, particularly considering the existing low density environment that it will sit within. Noting that the subject site is not the correct location for such development.

When considering the appropriateness and suitability of the location for medium density housing both the macro and micro context must be assessed. The following matters were considered in determining the appropriateness of the site.



1. The site fronts two major roads and is situated on a number of frequent bus routes providing ease of access by various modes to residents. Beeliar Drive is also identified as a High Frequency Transit Route in the State Government's 2031 Public Transport Plan for Perth.
2. The Site is well situated in terms of accessibility to locations of daily need. It is within 400m (5 min walk) of the future Beeliar Drive Local Centre and 800m (10 min walk) of the Meve Neighbourhood Centre. Both centres along with Cockburn Central, Phoenix and the future Beeliar Central Neighbourhood Centre are also accessible frequent bus services.
3. The Subject site is within walking distance of a number of local parks.

On the above measures; when considering the proposal against the relevant academic literature and relevant State Government Planning Policies and Guidelines the level of proposed development is appropriate for this site.

On the micro scale, it is important to consider the appropriateness of the density in terms of its impact on the existing residents and also how it will incorporate into the existing urban fabric. The Proposal incorporates a number of additional development controls (eg. height restrictions) on the southern boundary to ensure that the development will be sympathetic to the existing residential dwellings. These additional restrictions when incorporated with the various controls within the R-Codes and Council Policies will provide a robust enough platform to ensure that the amenity of existing residents is not impacted.

A number of submissioners noted the likelihood of the loss of their access to sun light should such a proposal be allowed. As noted above a number of additional development controls have been placed on the proposal to ensure that any future medium density development is carried out in a sympathetic manner. The imposition of a two story height limit and the existing solar access requirements of the R-Codes will ensure that the solar access of existing dwellings on Ninghan Lookout is not adversely impacted.

A number of submissioners noted concerns regarding increased traffic volumes emanating from any medium density proposal. The proponent has prepared a TIA as part of the Structure Plan Report to provide assurance that any increase in traffic can be managed safely and efficiently by the existing road network.



The TIA notes that the proposal outlined in the concept plan would generate approximately 220 additional vehicle trips per day, with efficient equal distribution of these trips out of the immediate area along either Tindal Avenue or McLaren Avenue. Importantly when considering the final maximum vehicle trip numbers for the wider development cell, bounded by Tindal Avenue and McLaren Avenue, the maximum daily traffic volumes on roads directly affected by the proposal (Wooleen Parkway and Waterbank Avenue) will be considerable less than the designed maximum carrying capacity of those roads.

A number of submissions noted the likelihood of additional noise issues emanating from any development that could occur on land zoned R60. Particularly the future residents and traffic noise from the additional traffic. Noise is an unavoidable consequence of development in any urban environment. That being said, various mechanisms are in place to regulate the accepted level of noise emanating from such developments at various times of the day to ensure that the enjoyment of others is not impacted. The final design of any medium density development will determine the level of noise emanating from them. The additional development controls in place as part of this proposal will assist in alleviating this likelihood. By positioning the development to the north of the site, away from existing residents the impact will be greatly lessened. Such matters would be addressed in detail in any future development application.

Therefore, although submissioners raise legitimate matters with planning merit; the proposal, its supporting documentation and additional planning controls in place, should be sufficient to ensure that such matters can be dealt with in a way that is positive for existing residents.

All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 5).

### Conclusion

It is recommended that Council adopt the Structure Plan for Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar, subject to modification, and pursuant to Clause 9.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

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

#### **Growing City**

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



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

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

### **Moving Around**

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

### **Budget/Financial Implications**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There aren't any other direct financial implications associated with the Proposed Structure Plan.

### **Legal Implications**

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 09 April 2013.

### **Community Consultation**

In accordance with Clause 6.2.8 of the City's Scheme, public consultation was undertaken from 19 March 2013 to 9 April 2013. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 5).

### **Attachment(s)**

1. Location Plan
2. Local Context Plan
3. Proposed Local Structure Plan
4. Local Structure Plan Modification Plan
5. Schedule of Submissions
6. Development Concept Plan





### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

**14.8 (MINUTE NO 5040) (OCM 09/05/2013) - SCHEME AMENDMENT NO. 95 AND DRAFT BANJUP QUARRY LOCAL STRUCTURE PLAN - LOCATION: LOT 9004 ARMADALE ROAD, LOT 9002 JANDAKOT ROAD AND LOT 132 FRASER ROAD, BANJUP - OWNER: STOCKLAND WA DEVELOPMENT PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (109/028 & 110/060) (R COLALILLO) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of Scheme Amendment No. 95 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") and the Draft Banjup Quarry Local Structure Plan – Lot 9004 Armadale Road, Lot 9002 Jandakot Road and Lot 132 Fraser Road, Banjup ("Draft Structure Plan");
- (2) adopt Scheme Amendment No. 95 for final approval as set out in Attachment 2, subject to the following modifications:
  1. Correcting the alignment of the existing 'Lakes & Drainage' Local Reserve so that it accords with the property boundaries of Reserve 47751 Dollier Road, Banjup.
  2. Updating the Scheme Amendment map to ensure the southern boundary of the proposed 'Development Area' follows the current alignment of the Armadale Road Primary Regional Road Reservation under the Metropolitan Region Scheme.
  3. Updating the report to reflect the current MRS zoning of the site.
  4. Rewording Provision 2 to more accurately reflect the proposed future developments for the subject area.
- (3) once modified in accordance with resolution (2) above, adopt for final approval Amendment No. 95 to the Scheme for purposes of:



1. Excluding Lots 1 and 9004 Armadale Road, Lot 9002 Jandakot Road and Lot 132 Fraser Road, Banjup from 'Resource' and including these in 'Development' zone.
2. Amending Schedule 11 of the Scheme text to add new 'Development Area 37' as follows:

"Schedule 11 – Development Areas

Ref. No.	Area	Provisions
DA37	Banjup Quarry Redevelopment	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. The Structure Plan is to provide for an appropriate mix of residential and non-residential land uses, in order to support the objective for a mixed use neighbourhood. Non-residential land uses may include compatible commercial and industrial (light and service industry) land uses, as a means to provide an appropriate interface and transition to the western adjoining Solomon Road Development Area 20.</li> <li>3. The Structure Plan is to provide for safe and efficient pedestrian connections between DA37 and the Cockburn Central Railway Station.</li> <li>4. Land uses classified on the Structure Plan apply in accordance with clause 6.2.6.3.</li> <li>5. The Local Government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.6.3 for any part of the Development Area as defined on the Approved Structure Plan. All land use and development for a particular lot or lots the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan.</li> <li>6. The standards and requirements</li> </ol>



		<p>applicable to zones and R Codings under the Scheme shall apply to the same extent to the areas having corresponding designations under the Approved Structure Plan. Notwithstanding this, an Approved Structure Plan may by a clear statement of intent to do so, make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Approved Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in the Scheme.</p>
<p>3. Modifying the boundaries of the 'Lakes &amp; Drainage' Local Reserve to align with the correct cadastral boundaries of Reserve 47751 Dollier Road, Banjup.</p> <p>4. Amending the Scheme map accordingly.</p> <p>(4) require the amendment documentation be signed and sealed and then submitted to the Western Australian Planning Commission ("WAPC") along with the endorsed Schedule of Submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning.</p> <p>(5) subject to the gazettal of Scheme Amendment No. 95, pursuant to Clause 6.2.9.1 of the Scheme, adopt the Draft Structure Plan (as shown in Attachment 3) subject to the following conditions and/or modifications:</p> <ol style="list-style-type: none"> <li>1. The Banjup Quarry Redevelopment Local Water Management Strategy being approved by the Department of Water.</li> <li>2. Finalisation of the voluntary legal agreement for hard infrastructure items pursuant to State Planning Policy 3.6 – Development Contributions for Infrastructure between Stockland WA Development Pty Ltd and the City of Cockburn.</li> <li>3. Incorporation of the comments provided by the WAPC in their assessment determination dated 22 March 2013 which deal with ensuring the Structure Plan reflects the requirements of the Structure Plan Guidelines and</li> </ol>		



- includes appropriate updated information to reflect the guidelines.
4. Correct minor grammar and typographical errors, including section numbering and the use of acronyms and abbreviations.
  5. A specific notation being added to the Structure Plan requiring the location and design of the Armadale Road and southern entry access intersection being to the satisfaction of Main Roads WA.
  6. The Structure Plan map being modified to provide an additional strip of POS along the northern boundary of the Structure Plan map in order to achieve a continuous POS link along this boundary and to achieve additional vegetation retention.
  7. A specific notation being added to the Structure Plan text under Part 1 to require all sensitive development to integrate appropriate noise amelioration standards as part of development and an appropriate notification be placed on the title of all lots advising of this requirement to build to a higher noise standard.
  8. A specific notation being added to the Structure Plan text under Part 2 indicating that prior to subdivision and/or clearing the Department of Environment and Conservation will need to be satisfied adequate studies and mitigation measures have been undertaken in relation to vegetation and flora.
  9. A specific notation being added to the Structure Plan text under Part 1 requiring the developer to undertake a thorough information program for prospective purchasers, based on the proximity of Jandakot Airport and information about needing to building to higher noise amelioration standards and that such standards must be achieved.
- (6) subject to compliance with (5) above, in pursuance of Clause 6.2.10.1 of the Scheme, the Draft Structure Plan be sent to the WAPC for endorsement;
- (7) require a Memorandum of Understanding to be established between the City and Stockland WA Development Pty Ltd committing to monthly (or any alternative period as agreed to by both parties) design review meetings. The design review



meetings shall cover all matters related to the subdivision and development of the subject site;

- (8) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as the proposed separate Scheme Amendment which adds additional items to Development Contribution Area No. 13;
- (9) advise the proponent and those parties that made a submission of Council's decision accordingly;
- (10) note that the City will continue to liaise with the Department of Planning ("DoP") and WAPC with a view to pursue the timely strategic review of the Jandakot Water Mound and its related strategies and policies;
- (11) advise the proponent to liaise with the Department of Indigenous Affairs as early as possible in order to ensure their proposal complies with the requirements of the Aboriginal Heritage Act 1972.; and
- (12) advise the WAPC of the City's position in respect of State Planning Policy No. 5.3, and also the City's position taken in respect of the points raised in the late submission received from the Department of Environment.

#### **COUNCIL DECISION**

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

**CARRIED 9/0**

#### **Background**

Council at its meeting held on 11 October 2012 resolved to initiate Amendment No. 95 to Town Planning Scheme No. 3 ("Scheme") for the purpose of advertising. The amendment proposes to rezone Lots 1 and 9004 Armadale Road, Lot 9002 Jandakot Road and Lot 132 Fraser Road, Banjup (the subject land) from 'Resource' to 'Development' and to allow appropriate Special Control Area provisions in the Scheme text to control development which is the approach taken in respect to all development areas within the City.



The site was the subject of a Metropolitan Region Scheme ("MRS") Amendment (1221/41) to rezone the land from 'Rural Water Protection Zone' to 'Urban Zone', 'Primary Regional Roads Reservation', 'Water Catchments Reservation' and 'Urban Deferred Zone'. The MRS Amendment process is now complete with the site's rezoning being gazetted on 8 January 2013 (refer to Attachment 2 for MRS Amendment map). This has enabled the advertising and consideration of Amendment No. 95 to progress.

Consistent with the provisions of Scheme Amendment No. 95, a Draft Structure Plan has been prepared for the subject land to guide future residential subdivision and development.

Both Amendment No. 95 and the Draft Structure Plan have been advertised for public comment in accordance with the Scheme which provides for concurrent advertising of these types of proposals. The purpose of this report is for Council to now consider Amendment No. 28 and the Draft Structure Plan for final adoption in light of submissions received on the proposals.

### **Submission**

The proposed Scheme Amendment was lodged by Development Planning Solutions on behalf of Stockland WA Development Pty Ltd, the owner of the majority of the subject site (refer to Attachment 3 for full Amendment report).

The Draft Structure Plan (as shown in Attachment 4) was also lodged by Development Planning Solutions on behalf of Stockland WA Development Pty Ltd. The Draft Structure Plan has been prepared in support of the proposed urbanisation of the subject land and provides for residential development (ranging in density from R25 to R60), (potential) retirement living, public open space, a town centre, a primary school and an area of light/service industry.

### **Report**

#### Overview

By way of recap, the subject land is located adjoining the Cockburn Central Regional Centre to the east. It represents approximately 145ha of previously sand quarried land, with the potential to represent a major new urban expansion area for both the City of Cockburn and wider metropolitan region. Its strategic planning has been occurring over the last seven years, aligning with the State Government's Directions 2031 initiative which has looked to reorientate Perth's growth towards urban containment focussed on activity centres. This land precinct represents



a key opportunity to demonstrate the reorientation of growth to maximise the strategic capabilities of land.

As part of this strategic planning detailed environment investigations have taken place, to ensure that the land use change occurs in a way which still protects the groundwater resource associated with the Jandakot Water Mound. This forms an important environmental context for the land, in that it is expected that excellence in environmental and water sensitive urban design takes place. The proponent has integrated this as a common theme underpinning all elements of the proposal.

In terms of overview, Scheme Amendment No. 95 comprises the following key parts:

1. Excluding Lot 1 and 9004 Armadale Road, Lot 9002 Jandakot Road and Lot 132 Fraser Road from 'Resource' zone and include these in 'Development' zone.
2. Introduce a new 'Special Control Area' covering the subject land, to be known as 'Development Area 37' and formulating appropriate provisions.
3. Amend the Scheme Map accordingly.

The Scheme Amendment reflects the planning objectives for the area from both the local and State planning perspectives, particularly noting that the land has transferred into the urban zone under the MRS to provide now for residential development.

In terms of the Draft Structure Plan, it covers approximately 145 hectares of land with an expected residential yield of 1801 lots and population of 4862 persons. It is proposed to provide approximately 2,800m<sup>2</sup> of commercial net lettable area and 25.8 hectares of public open space. It includes a wide range of residential densities, (potential) retirement living, public open space, a town centre, a primary school and an area of light/service industry.

The following parts of the report detail both the Scheme amendment and Structure Plan assessment.

#### Scheme Amendment No. 95

The purpose of the Scheme Amendment is to assist in the proper and orderly planning of the site through the implementation of an appropriate 'Development' zone across the entire site to be known as 'Development Area – DA37'. The new 'Development' zone will replace the existing 'Resource' zone and establish the need for a structure plan that identifies residential development, community and educational facilities, pedestrian connections to Cockburn Central Railway Station and overall land uses consistent with the Scheme. The proposed



Development Area provisions will also prescribe the requirement for detailed area plans and outlines how the R-Codes will be applied in the Development Area allowing for variations in lot sizes to facilitate innovative residential development where appropriate.

The overall intent and purpose of Scheme Amendment No. 95 is consistent with the requirements of the City and will provide conformity with the MRS. The Scheme amendment also seeks to create an appropriate zoning mechanism such that the objectives set for the land precinct can be achieved through having a performance based planning approach underpinned via a structure planning process. These objectives specifically include:

6. Ensuring the proposal will enhance the activity and diversity of the Cockburn Central Activity Centre.
7. Ensuring the urban community will be an accessible and well-connected community with a focus upon public transport integration.
8. Ensuring the proposal provides for a range of urban growth and residential living opportunities in close proximity to activity and employment centres and public transport corridors.
9. Ensuring the proposal will enhance the economic activity of the Cockburn Central Activity Centre, and other lower order activity centres in the district, by providing a greater residential catchment to support these centres.
10. Ensuring the future community will be highly connected to employment, education, recreation and community services, and to ensure the provision of these services early on as part of development.
11. As a must, ensuring that the proposal will protect the groundwater resource through adapting beyond best practice water sensitive urban design principles to the land, ensuring this resource is able to keep being drawn upon as a public drinking water supply into the future.
12. Ensuring the proposal protects and enhances areas of biodiversity value.

In terms of initiating the Scheme amendment for advertising it has been assessed that the proposal reflects these set objectives for the land. However following advertising, a minor modification is proposed to the Scheme amendment in order to ensure consistency with zoning and cadastral boundaries. This concerns the existing 'Lakes & Drainage' Local Reserve which applies to the City's drainage site at Reserve 47751 Dollier Road, Banjup. It is recommended that the Scheme Map be modified so that the amendment area to create the Development zone follows the up-to-date cadastral boundaries of Reserve 47751.





Another minor modification is required to the Scheme Amendment map to ensure the southern boundary of the proposed 'Development Area' follows the current alignment of the Armadale Road Primary Regional Road Reservation which was modified as part of the MRS rezoning of the site. This again ensures that the amendment area to create the Development zone follows the correct boundaries.

#### Lot 1 Armadale Road

As shown within Attachment 2, Lot 1 Armadale Road, Banjup was rezoned to 'Urban Deferred' rather than 'Urban' under the MRS. The decision to rezone to 'Urban Deferred' is based on outstanding access issues which relate to the site. Main Roads WA requested the exclusion of the site from the MRS Amendment as it may be impacted by the potential realignment of the North Lake Road extension. Rather than full exclusion from the Amendment, the WAPC recommended the site be rezoned to 'Urban Deferred' so that the land can be transferred to the urban zone once Main Roads WA has completed its planning study.

The rezoning of the site under the City's TPS No.3 from 'Resource' to 'Development' is considered to be consistent with the 'Urban Deferred' zoning under the MRS. This is on the basis that no development can occur on the site until the site is rezoned to 'Urban' under the MRS and issues relating to access will need to be dealt with and inform any lifting of Urban deferment.

#### Draft Banjup Quarry Structure Plan

The Draft Structure Plan has been prepared generally in accordance with the WAPC's "Structure Plan Preparation Guidelines". The guidelines have scaled back the level of detail required to be shown on structure plan maps to neighbourhood level with local streets and blocks no longer required to be outlined. As such the Draft Structure Plan only includes the key transport linkages, overall areas of residential development, and general areas of public open space and siting of land uses (i.e. light & service industry, local centre, civic and primary school).

Given the conceptual nature of the structure plan, the City has ensured the written component of the structure plan includes sufficient objectives, provisions and requirements for future subdivision development. This will seek to ensure the applicant undertakes a close liaison role with the City, to ensuring that the actual subdivision and development applications which generate following the structure plan's adoption are reflective of the objectives contained with the structure plan itself.



The general indicative arrangement of street blocks, roads, landscaping and land uses are shown within Attachment 4. This conceptual arrangement will be refined at the future subdivision stage. Given the significance of this development precinct, a new aspect of the City's consideration is to formulate a memorandum of understanding whereby the City undertakes monthly design meetings with the proponent so that the City has an active role in translating the structure plan objectives to the realities of detailed design. While a new approach, this is something that the City believes to be necessary especially as the new State Government structure plan guidelines have seen fit to reduce the detailed design levels upfront. Accordingly the City (lead by strategic and statutory planning teams) seeks to ensure that there is an ongoing dialogue through the life of the project to ensure that the design objectives eventuate through all aspects of the proposal.

From a detailed assessment viewpoint, the following information is provided.

#### Design and Density

The Draft Structure Plan identifies that the subject area will meet an urban density target of 13.5 dwelling units per gross urban hectare. This is slightly below the 15 dwelling target prescribed by the WAPC's 'Directions 2031 and Beyond', for the reason of the site being dissected by the large Western Power power-line easement. Further compounding this is the road widening required for Jandakot Road, the need to demonstrate protection of large areas of remnant vegetation and to ensure non-residential land uses buffer those Industry land uses that exist nearby. These are considered physical barriers which reduce the effective developable land area available for residential purposes.

Although the Draft Structure Plan does not meet the gross residential target, the proposed net density is in the range of 22-25 dwellings per net site hectare. This is particularly important, and lifts the Structure Plan above the target set via Directions 2031 and is considered to reflect the strategic capabilities of the land mentioned in terms of the regional centre location and nearby availability of transport, employment and other service based infrastructure.

A range of residential densities from R25 to R60 have been proposed as part of the Draft Structure Plan. The siting of the residential density cells will be guided by the associated locational criteria specified within the Draft Structure Plan. Higher densities will be required to be situated close to all areas of higher amenity such as public open space, commercial sites, civic facilities etc. Future subdivision applications will need to demonstrate compliance with the density locational criteria to the satisfaction of the City and WAPC. This will form one of the criteria



closely assessed in terms of the City's involvement in the design review process of subdivision applications.

### Public Open Space

The Draft Structure Plan proposes 12 areas of POS with half of these areas also fulfilling a drainage function in accordance with water sensitive urban design principles. A notional total of 16.8% POS is provided as part of the Draft Structure Plan and exceeding the minimum 10% POS provision prescribed by Liveable Neighbourhoods. This is considered to be appropriate, given that higher residential densities are being proposed via the structure plan such that these densities will mean on average smaller lots and smaller areas of private open space (backyards etc.) To counter this it is considered appropriate to provide additional POS such that future residents still enjoy access to open space for the full range of recreational and health pursuits.

However it should be noted that the areas of POS shown in the Draft Structure Plan are subject to more detailed design at the subdivision and Urban Water Management Plan ("UWMP") stage. This may require additional POS, especially to account for drainage functionality which underpins the need for water sensitive urban design principles taking place.

### Local Centre Precinct

A Local Centre Precinct has been proposed as part of the Draft Structure Plan. The location of the precinct is close to central to the development, but accounts for the Western Power easement which dissects the area in an east west direction. As such, the centre's catchment has been maximised as far as practical by its location within the northern portion of the subject area which is less constrained and able to accommodate a greater residential yield.

The mix of proposed uses within the precinct of commercial, residential, civic, aged persons and education is supported by the City. In order to ensure the future design and functionality of the Local Centre Precinct and surrounding mixed use areas, Detailed Area Plans will be required at the subdivision stage. These will need to evolve out of a design review process with the City's officers, such as to ensure that the requirements of a mixed use and diverse centre precinct take place.

### Access

The Draft Structure Plan proposes five vehicular access/egress points into the subject site. The three key entries are from Armadale Road



(via Fraser Road) to the south, midway from Solomon Road to the west and midway from Jandakot Road to the north. Two minor entry points are from Dollier Road and the northern portion of the unconstructed Fraser Road reserve. All intersections providing access/egress to the site will be required to be appropriately managed via the use of roundabouts and other suitable treatments to the satisfaction of the City and Main Roads WA.

Entry from Armadale Road is of particular importance given its status as a Primary Regional Road under the MRS and long term projections of carrying approximately 57,000 vehicles per day. Main Roads WA are currently exploring the prospect of upgrading Armadale Road to a triple lane divided carriageway to accommodate increased future movements.

Based on existing and projected traffic volumes, the Armadale Road and southern access entry intersection is proposed to be managed via a signalised T-junction. Main Roads WA has provided preliminary support to this intersection treatment given that this is the only intersection onto Armadale Road proposed. The existing Fraser Road/Armadale Road 'T-intersection' on the eastern perimeter of the subject site will be closed as part of the future subdivision process. All costs associated with the development of the intersection will be the responsibility of the developer.

#### Local Water Management Strategy

In accordance with the requirements of the Department of Water ("DoW") and WAPC, a draft Local Water Management Strategy ("LWMS") has been prepared by PDC Engineering on behalf of the landowner. The LWMS has been assessed by the DoW and the City and modifications have been requested to the document prior to final endorsement being granted.

As the changes are considered minor and not likely to warrant spatial changes to the Draft Structure Plan, it is recommended that approval of the Draft Structure Plan proceed subject to the submission and final endorsement of the revised LWMS by DoW and the City.

#### Hard Infrastructure Upgrading Requirements

Initial discussions between the City and the developer proposed hard infrastructure upgrades and contributions relevant to the Draft Structure Plan and surrounds to be facilitated by a new 'Developer Contribution Area 14' (DCA) and an associated Development Contribution Plan (DCP). This would have been facilitated through an amendment to the Scheme. This initial approach however was modified to better take account of the provisions of the WAPC's Statement of Planning Policy



3.6 – Development Contributions for Infrastructure' (SPP3.6). Particularly, Section 5.3 of SPP3.6 provides flexibility by enabling required up its emphasis on the need and nexus argument to underpin approaches where DCP's would be appropriate.

In liaison with the applicant, it was determined that a more appropriate approach would be through a voluntary legal agreement which set out the required infrastructure upgrades for the proposal. In this case the voluntary legal agreement will prescribe that the developer contribute to the full (100%) provision of the following hard infrastructure items, pursuant to SPP 3.6 provisions, as summarised (but not limited to) below:

1. Full road widening of Jandakot Road between Solomon and Fraser Roads.
2. Full contribution towards upgrading of Jandakot Road between Solomon and Fraser Roads.
3. Full contribution towards upgrading of Solomon Road between Dollier and Jandakot Roads.
4. Construction of a 2.5m wide shared path (LSP side) on both Jandakot Road and Solomon Road.
5. Construction of three roundabouts at Solomon Road/Jandakot Road, new internal subdivision road/Jandakot Road and Fraser Road/Jandakot Road intersections.
6. Construction of 2.5m wide dual use path along one side of Armadale Road (LSP side) between Fraser Road and the junction of Solomon Road and Knock Place.

Upgrading provisions of the various roads noted above will relate (but are not limited) to the following:

1. All preliminaries and detailed design;
2. Earthworks and service relocations where required;
3. Kerbing, lighting, full traffic controls and on-street cycle lanes (where nominated);
4. Stormwater management;
5. Landscaping; and
6. Modifications to intersection approaches (where nominated).

The above infrastructure items are substantial, but at the same time are considered to reflect the need and nexus for upgrading as a result of the development taking place. Generating this agreement via a voluntary legal agreement is considered to reflect the level of agreement that exists between the applicant and the City in terms of the applicant's share of infrastructure upgrades needed. An imperative part of the agreement will be the specification of timeframes to ensure that the required infrastructure upgrades are undertaken in a timely manner. That is, the legal agreement will need to specify an appropriate timeframe (represented as a percentage of land developed) in which to target the required infrastructure upgrades.



It is recommended that any approval of the Draft Structure Plan be subject to the finalisation of the voluntary legal agreement to the satisfaction of the City. It is also recommended that the City ensure that the timing of the infrastructure upgrades be no later than 50% of the ultimate dwelling yield.

### Sustainability

Given the subject site's location over the Jandakot Water Mound, there is an increased need for future development to exhibit long term sustainability. To this end the applicant has developed a 'Sustainability Plan' which forms an appendix to the Draft Structure Plan. The Sustainability Plan was prepared following a series of workshops with City staff and the developer. The workshops evaluated, discussed and agreed upon a schedule of sustainability initiatives, which are to be embedded into the implementation and delivery of the development. This includes *"the provision of residential and associated supporting infrastructure, and the creation of 'community life' within the project area over the full term of its creation and function as a residential community"*.

As the document has been prepared to provide a balance in expectations between the sustainability objectives of the City and the developer, it has created 'business as usual' and 'stretch target' sustainability scenarios for the development. The seven key - sustainability principles are as follows:

1. Sustainable Planning and Development
2. Sense of Place and Healthy Communities
3. Balanced Economic Growth
4. Environmental Management
5. Efficient Settlement and Use of Resources
6. Management, Accountability, Transparency and Engagement
7. Community Involvement

The above represent the overarching principles which are supplemented by specific actions and targets within the Plan. The City will be pursuing the translation of sustainability principles from strategy/plan to meaningful 'on the ground' contributions. As such every subsequent subdivision application, development application, detailed area plan or similar implementation application/plan will need to demonstrate how it responds or complies with the Sustainability Plan to the satisfaction of the City.

This will also align with the City's sustainability framework, as a way of demonstrating how this project exhibits leadership in sustainable urban planning. This will also provide an opportunity for the project to be a local case study for other developments to learn from.



### WAPC endorsement

The Draft Structure Plan was referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it proposes the subdivision of land. The WAPC advised of a number of design additional relating to density ranges, the 20 ANEF noise contour, bushfire management and noise mitigation from Armadale Road.

The City supports the requested modifications and additions and the applicant is aware of its obligations in this regard. It is therefore recommended that approval of the Draft Structure Plan be subject to the applicant addressing all the requirements of the WAPC.

### Memorandum of Understanding for Implementation Stage

As already mentioned, given the size of the future subdivision and development of the subject site, it is considered appropriate for the City and the developers to enter into an appropriate Memorandum of Understanding (“MOU”). The MOU is anticipated to secure monthly design review meetings between the City and the applicant to cover such matters as subdivision design, staging and other related issues.

It should be noted that the WAPC’s “Structure Plan Preparation Guidelines” have reduced the level of planning and design detail required at the structure plan stage. It is therefore considered imperative that a MOU be established to ensure the design objectives contained within the structure plan report translate to the subdivision plans submitted to the WAPC.

### Community Consultation Outcomes

Scheme Amendment No. 95 and the Draft Banjup Quarry Structure Plan were advertised for public comment for a period of 42 days. A total of 24 submissions were received, with 17 submissions of support or no objection subject to conditions or modifications and 7 submissions expressing concerns or objecting.

All submissions have been outlined and addressed in detail in the Schedule of Submissions (Attachment 6). The key issues that have been raised are summarised below.

### Traffic

Several submissions raised concerns in relation to traffic management in the locality. The basis for concern is that Jandakot Road and various intersections are currently constrained due to vehicle movements increasing as a result of residential developments to the east in the City



of Armadale accessing the Freeway via rural and industrial standard roads such as Jandakot Road and Solomon Road. It is perceived that the addition of development within the Banjup Quarry site will further compound existing problems.

The City has identified this as a concern also, and forms the basis of the required upgrades to infrastructure as a result of the Proposed Structure Plan. It is the City's position that upgrades to Jandakot and Solomon Roads be secured in a timely manner to ensure the effective management of additional traffic generated by the development. It is for this reason that the legal agreement with the developer is required to ensure the timely delivery of the required infrastructure upgrades.

The specific upgrades sought in relation to Solomon and Jandakot Roads will enable these sections of road to operate safely and efficiently where they abut the subdivision area. This will support the City's other strategies for infrastructure upgrades which include aspects of the North Lake Road bridge, Armadale Road and the Kwinana Freeway which are State Government infrastructure responsibilities. This is considered the appropriate strategy in which to deal with traffic issues for the future.

Main Roads WA raised concerns in relation to Armadale Road and the proposed southern entry into the proposed development as the final design of this intersection has not been determined. There are concerns that the final design may impact on broader access issues. The City acknowledges the importance of this intersection and as such recommends a specific notation be added to the Draft Structure Plan requiring that the location and design of the intersection be to the satisfaction of Main Roads WA.

#### Prospect for wider rezoning/urban development

Numerous submissions provided their support for the proposals on the basis that their properties within the Banjup 'Resource' zone also be afforded the ability to subdivide for residential purposes. This is not considered consistent with orderly and proper planning and is therefore not supported by the City.

It is noted that the subject site was rezoned from 'Rural – Water Protection' to 'Urban' under the MRS based on the recommendations of the WAPC's Draft Outer Metropolitan Perth and Peel Sub-regional Strategy which identified the site as having urban potential based on its proximity to the Cockburn activity centre. It should be noted that no other such investigations are being undertaken by the State Government for other areas of the 'Resource' zone above the Jandakot Water Mound.





Gazettal of the MRS rezoning was based on the proposal meeting and exceeding the planning and environmental objectives and requirements of various State Government approval authorities. The proposal was supported by extensive research into the potential environmental impacts and in particular the impact on the groundwater mound.

At this stage there is no support by the City for any other rezoning, urbanisation or industrialisation within the 'Resource' zone (Jandakot Water Mound) which hasn't been based upon strategic planning via Directions 2031 and the Draft Sub-Regional Strategy.

In view of the above, it is considered appropriate that Council note that City staff will continue their efforts in liaising with the DoP and WAPC in regards to the overall review of the Jandakot Water Mound and all associated strategies and policies. It is recommended this form part of a separate resolution to ensure the DoP and WAPC are aware of Council's desires for active engagement and participation in the review process.

#### Adjoining future development within Lot 1 Armadale Road

The landowners of Lot 1 Armadale Road, Banjup raised concerns with the proposed zoning for their site and the Draft Structure Plan's potential impact on their future development potential. With regards to the site zoning, it is their belief that Lot 1 is more suited to a 'Mixed Business' zone under the Scheme, rather than a 'Development' zone. This is not supported by the City as no formal proposal has been lodged or considered for Lot 1 at this stage. Accordingly it is too early to contemplate any degree of 'in principle' (or otherwise) support for land use alternatives for Lot 1.

The Scheme provides for the objective of the Development zone to *"provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme."*

Accordingly there is built in flexibility within the Development zone to provide for land use alternatives, based upon broader assessment of State and local planning policy. In order to make this clear within the Amendment document, it is recommended that Provision 2 of DA37 be modified as follows:

- "2. The Structure Plan is to provide for an appropriate mix of residential and non-residential land uses, in order to support the objective for a mixed use neighbourhood. Non-residential land uses may include compatible commercial and industrial light and service industry) land uses, as a means to provide an



appropriate interface and transition to the western adjoining Solomon Road Development Area 20.”

The City believes that the magnitude and complexity of issues facing the future land use of Lot 1 are such that a comprehensive planning approach is required in order to deal with these. Accordingly it is recommended that the Development zone approach be retained with the above modification to the DA37 provisions accordingly.

### Conclusion

It is recommended that Council adopt Amendment No. 95 for the purposes of providing a suitable framework and provision for the future subdivision and development of the subject area. As outlined in this report the Amendment is consistent with the site’s MRS zoning of ‘Urban’ and conforms to the expectations of Directions 2031.

The associated Draft Structure Plan is generally consistent with the requirements of the City and WAPC however relevant modifications and conditions are required prior to approval as outlined in this report. It is therefore recommended that Council, subject to the gazettal of Amendment No. 95, approve the Draft Structure Plan subject to conditions including the finalisation of the associated LWMS, voluntary legal agreement, WAPC requirements and general editing of the Draft Structure Plan report document.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

### **Budget/Financial Implications**

In accordance with the requirements of SPP3.6 and the Scheme, an analysis of community facilities and services requirements for the Draft Structure Plan area has been undertaken by the applicant in consultation with the City. As a result of the analysis, Scheme Amendment No. 98 was initiated by Council at its 13 December 2013 to add two infrastructure items to the existing Development Contribution Area 13 - Community Infrastructure being a full size playing field and a community centre.

Scheme Amendment No. 98 is currently awaiting consent to advertise from the Environmental Protection Authority.



## **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 42 days. The proposals were advertised in the newspaper, on the City's website, signs placed on site and letters were sent to affected landowners and government/servicing authorities in accordance with the Scheme requirements.

A total of 24 submissions were received. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.

Staff also undertook a briefing of the Banjup Residents Association on 19 March 2013. This was a well-attended event (approximately 30 people) and was provided as a basis for broader discussion and to assist residents in making submissions on the proposal.

## **Attachment(s)**

1. Location Plan
2. MRS Amendment 1221/41 Map
3. Scheme Amendment No. 95 Report
4. Banjup Quarry Structure Plan
5. Banjup Quarry Master Plan
6. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.



**14.9 (MINUTE NO 5041) (OCM 09/05/2013) - AGRICULTURAL - INTENSIVE (RETROSPECTIVE GREEN HOUSES, SHEDS & USE OF EXISTING BUILDINGS) - LOCATION: 365 (LOT 813) WATTLEUP ROAD HAMMOND PARK - OWNER: THANG VAN NGUYEN - APPLICANT: JET DESIGN & DRAFTING SERVICE (4411233) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant temporary planning approval for Agriculture – Intensive (Retrospective Greenhouses & Use of Existing Buildings) at 365 (Lot 813) Wattleup Road subject to the following conditions and Advice Notes:

Conditions

1. This planning approval is valid for a period of two years from the date of the approval after which time the use of all temporary and permanent buildings on the site for agricultural – intensive purposes shall cease.
2. All agricultural activities on site shall take place within the greenhouse and shed buildings with no activities to occur outside the buildings.
3. A survey of the site being undertaken within 60 days from the date of this approval and any structures or buildings identified within 3metres of the property boundary being removed within 60 days from the survey date to the satisfaction of the City of Cockburn.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, 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 may be required.
2. The City's Building Services Department advises that it has identified that some of the structures are failing structurally which will be required to be significantly upgraded to comply with the requirements of the National Construction Code or removed. In this regard, please



liaise directly with the City's Building Department.

- (2) notify the applicant and those who made a submission of Council's decision; and
- (3) issue a Directions Notice under section 214 of the *Planning and Development Act* for the removal of any buildings that have been illegally constructed within 3 metres of the property boundaries, subject to Condition No. 3 of the planning approval.

#### **COUNCIL DECISION**

MOVED C/r C Reeve-Fowkes SECONDED Deputy Mayor K Allen that Council adopt the recommendation subject to the inclusion of an additional Condition 4, to the temporary planning approval, as follows:

Condition 4 to read as follows:

4. No activities are to be conducted from the subject property that will result in an adverse impact on any adjacent properties (including but not limited to noise, dust, odours or chemical overspray).

**CARRIED 9/0**

#### **Reason for Decision**

Whilst granting this temporary approval for two years, Council seeks to ensure that no offsite impacts are inflicted on neighbouring properties as no detail of proposed usage has been provided to Council.

The approval should not allow any activities that would result in an unacceptable impact on the amenity of the neighbouring properties (unacceptable impacts could include noise, dust, odours, chemical sprays and any impacts considered to be unacceptable to the City's Environmental Health Services).

#### **Background**

The subject site is 2.0414ha in area and is located on Wattleup Road, Hammond Park. The site is zoned 'Development' and is surrounded by other large sites, some vacant, some containing a dwelling and some containing other rural uses. The subject site contains a number of existing shed and greenhouse structures which were previously used



for agricultural – intensive purposes (horticulture). The buildings have been disused for more than 12 months. The site does not contain a dwelling or any significant vegetation.

A search of the City's records reveals that approvals have been issued for:

- The existing shed on the north eastern corner of the site (1993).
- The existing shed on the north eastern corner of the site behind that approved in 1993 (1999).

There are no records to indicate that any of the greenhouse structures have planning or building approval from the City. In addition, site inspections undertaken by the City's Building Compliance Officer have revealed that one or more of the buildings may not have been constructed in accordance with previous approvals in relation to maintaining sufficient fire breaks.

The site and surrounding lots were previously rezoned from Rural to Development. Whilst there is no Local Structure Plan (LSP) for the subject site, a draft LSP) has been prepared for the adjoining land to the east consisting of 5 lots. The LSP has not been finalised and an associated subdivision application was refused by the Western Australian Planning Commission (WAPC) due to an issues associated with the Alcoa Residue Storage Areas. The refusal was reviewed by the State Administrative Tribunal (SAT) in 2011 which ordered that an air quality study be undertaken for a minimum period of 12 months which commenced in August 2012.

Scheme amendment (28) for the subject site and surrounding lots to introduce future Development Area 27 and associated Development Contribution Area into Town Planning Scheme No.3 has been adopted by Council and is currently with the Western Australian Planning Commission for endorsement.

This application was advertised to surrounding landowners for comment and objections were received which is why the application is being referred to Council for determination.

### **Submission**

This application proposes to recommence use of the existing shed structures and also seeks retrospective approval for a number of greenhouse/poly-tunnel structures and sheds which were previously constructed without approval for agricultural – intensive purposes. The owner of the land seeks to lease the property for this purpose and therefore specific detail about what is to be grown in the greenhouses is unknown at this stage.



## Report

### Statutory Framework

#### *Metropolitan Region Scheme (MRS)*

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The current use does not accord with this zone. See comments below regarding this.

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

The site is zoned 'Development' under the City of Cockburn's TPS 3 and the objective of this zone is:

*'To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme.'*

No Structure Plan has been prepared, submitted or approved for the subject site. Clause 6.2.4.1 of TPS 3 states that:

*'The local government is not to: -*

- (a) consider recommending subdivision; or*
- (b) approve development of land within a Development Area unless there is a structure plan for the Development Area or the relevant part of the Development area.'*

Clause 6.2.4.2 however states that:

*'Notwithstanding clause 6.2.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to the land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area and the owner's liability for the proportion of land or development can be fulfilled pursuant to clause 6.3.5.'*

Based on the above scheme provisions, Council is able to approve the development if it is of the opinion that it will not prejudice future development in the area which will be discussed later in the report.

It should be noted that in accordance with Clause 4.8 of TPS 3, the use of the site for agricultural activities would have enjoyed non-conforming use rights after the property was rezoned to Development several years ago. However Clause 4.10 states that:



*'Where a non-conforming use of any land or buildings has been discontinued for a period of **six months** such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme'.*

Based on the above scheme provision, since the use has been discontinued for a period greater than 6 months, the site no longer enjoys non confirming use rights for agricultural purposes.

The activities for which approval is sought constitute 'Agriculture–Intensive' and the definition of this under TPS 3:

*'means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following –*

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;*
- (b) the establishment and operation of plant or fruit nurseries;*
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or*
- (d) aquaculture, whereby any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.'*

#### Community Consultation

The application was advertised to four adjoining and nearby landowners and two objections were received from entities with multiple lot ownership in this area.

A summary of the objections is as follows:

1. The land is identified in the Southern Suburbs District Structure Plan as suitable for urban development and the use of the site for greenhouses conflicts with residential zoning.
2. Concerns that the proposed use may prejudice the development of adjoining land holdings into residential development into the future should the DEC or WAPC require buffers to protect the agricultural use of this land in the event approval is granted.
3. Approval of this use ahead of air quality monitoring being undertaken on Lot 809 (due for completion August 2013) is inappropriate and would potentially prejudice the residential development of the land should the monitoring show that there are no issues in the surrounding area.
4. Concerns about potential overspray from the use of chemicals associated with the agricultural use which may impact on neighbouring properties. This would then prejudice development of future properties by way of buffers or notifications on title which





would impact on values of properties or reduce overall development yield.

5. Objection to the issue of a temporary approval as residential development is intended to progress on the adjoining site as soon as the air quality monitoring is completed for Lot 809 (should the monitoring program show that there are no issues in the surrounding area).

## Issues

### ***Off-Site Impacts***

Whilst the exact nature of the agricultural use inside the greenhouses is unknown at this stage, the proposal does not include the use of any of the land outside the greenhouses and sheds for agricultural purposes. The buffers and development restrictions associated with open air Market Gardens as contained in the WAPC Planning Bulletin No.63 do not apply to this proposal.. Should Council consider entertaining some form of temporary approval for the use, a condition could be imposed restricting activity to within the enclosed greenhouses and sheds.

Other off-site impacts include noise associated with heavy vehicles entering and exiting the site. This is not considered to be a current issue given the lack of development in the area, but could cause conflict with future residential development of the area. In this respect a temporary use of the site would be appropriate.

### ***Air Quality Monitoring Programme***

A subdivision application was lodged on the adjoining land (Lot 809, 811 & 9002) and refused on the basis that a portion of the land is situated within the 1.5km exclusion area associated with the Alcoa Residue Storage Areas. The decision was reviewed at the State Administrative Tribunal (Wattleup Road Development Company Pty Ltd v Western Australian Planning Commission [2011] WASAT 160) which resolved that a monitoring program should be undertaken for a period of at least 12 months to confirm if the subject land is suitable for residential development. In reaching its decision SAT explicitly stated that the precautionary principle should prevail based on the information available at the time of the decision. SAT also stated that *“the buffer should not be reflected in the town planning framework at this time”, or until the monitoring has been completed*”. Due to the unknown outcome of the air quality monitoring programme, a permanent approval of agricultural use on this land would be inappropriate.



### ***Timing of New Residential Development***

Should the Air Quality Monitoring Programme due for completion in August 2013 reveal that there are no significant air quality issues in the area; residential development on adjoining and nearby land is likely to occur reasonably quickly. However the Draft LSP is still required to be finalised by WAPC, a subdivision application would be required to be lodged and determined by the WAPC, civil works would need to be completed then residential dwellings constructed. Without detailed knowledge of the developer's programme, it would be unlikely that dwellings would be constructed before May 2015 which is two years from now. Given this, should Council grant planning approval, it is recommended a condition be imposed restricting the timeframe for approval of the development to two years only.

### ***Fire Breaks***

Site inspections by City Officers revealed that part of one of the existing sheds has not been developed in accordance with the approved plans and may be set back less than 3m from the side boundary. As the minimum requirement for a firebreak is 3m, should Council consider granting approval, it is recommended a condition be imposed requiring any building that has been constructed within 3m of the property boundary to be removed or modified to comply with a 3m minimum setback.

### **Conclusion**

The application for planning approval for use of the existing approved sheds and retrospective approval for the greenhouses and unapproved sheds on site for agricultural – intensive purposes is supported on a temporary basis for the following reasons:

- While it is recognised that this area is likely to be developed for residential purposes in the future, a temporary planning approval is considered appropriate as the timing of any future works remains unclear;
- The use of the permanent and temporary buildings on site for a period of two years (from May 2013-May 2015) is not considered to negatively impact on the amenity of future residents due to the time taken for:
  1. the completion of the air quality programme – assuming that this supports residential development;
  2. the adjoining landowner securing subdivision approval from the WAPC; the undertaking of civil works;
  3. the issue of building permits for dwellings; and



4. the construction and completion of dwellings.

- It is considered to be highly unlikely given the above matters that any dwelling construction will be being completed on adjoining or land within two years.
- A two year temporary approval will ensure any potential impacts on the amenity of possible future residents can be addressed with finality.
- Considering that there are nearby and surrounding rural uses which are currently being undertaken.
- The proposed operations shall be contained within enclosed buildings
- It is considered reasonable that the land owner be able to undertake a suitable use on land provided that sufficient fire breaks are provided and structures comply with the National Construction Code.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

#### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

#### **Environment & Sustainability**

- Identification and minimisation of impacts to human health risk.

#### **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**

Nil

#### **Community Consultation**

See Community Consultation section of the report above.



**Attachment(s)**

1. Location Plan
2. Aerial Photo (January 2013)
3. Site Plan
4. Floor Plans/Elevations

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 5042) (OCM 09/05/2013) - LIST OF CREDITORS PAID - MARCH 2013 (076/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

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

**Submission**

N/A



**Report**

The List of Accounts for March 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 – March 2013.

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

N/A

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

Nil.

**15.2 (MINUTE NO 5043) (OCM 09/05/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MARCH 2013 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

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

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents 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. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2012/13 financial year.

**Submission**

N/A

**Report**

The City's overall financial performance to the end of March remains strong, with outperformance of the operating budget one of the key



factors. Significant under spending in the City's capital program has also boosted the net current asset position, whilst the receipt of funds from the sale of land on Beeliar Drive to Coles has had a positive impact on the City's cash position.

### Closing Funds

The City's closing municipal position of \$62.4M is \$20.8M higher than the YTD budget target of \$41.6M. This favourable position is representative of numerous factors detailed further in this report.

The revised budget for the end of year closing position is currently showing a \$16k surplus, little changed from \$12k last month.

The closing funds position fluctuates throughout the year, as it gets impacted by various Council decisions and minor system adjustments and corrections. Details on the composition of the budgeted closing position are outlined in Note 3 to the financial report.

### Operating Revenue

YTD operating revenue of \$107.5M is tracking ahead of budget by \$3.2M. This has narrowed somewhat from last month's variance of \$3.7M. The key contributor to this result continues to be Waste Services, with commercial landfill fees providing \$1.5M in additional revenue.

Other significant areas of outperformance include:

- \$0.6M additional revenue from part year rating and rate interest and penalties.
- \$0.2M extra raised for underground power charges
- \$0.7M of operating subsidies received ahead of budget in the Human Services business unit.

Areas where actual performance is trending behind the budget include:

- \$0.2M of fees and charges in the Human Services business unit (particularly comprising out of school care service fees).
- Fees and charges for the SLLC are \$0.1M behind target.
- \$0.3M of administration fees for administering the developer contribution schemes are yet to be internally accounted for.

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



### Operating Expenditure

Overall operating expenditure of \$77.4M (including depreciation) is tracking under budget by around \$3.3M.

The significant areas contributing to this positive result include:

- Waste collection expenses are \$0.9M below budget primarily due to lower RRRC gate fees incurred to date.
- Environment Services are showing a net underspend of \$0.5M against their YTD budget with \$185k underspent for Spearwood Ave offsets and \$245k for general reserves maintenance.
- Parks Maintenance costs are \$0.4M under their YTD budget with underspending in wages and materials & contracts.
- Engineering Services has underspending of \$0.4M comprised mainly of savings in street lighting costs of \$322k.
- Community Services is collectively \$0.6M under budget comprising favourable variances in CoSafe (\$142k), SLLC (\$171k) and Council's donation program (\$122k).
- There are savings of \$0.1M in Human Services salary costs due to the closure of the out of school care programs at Atwell and Harvest Lakes.
- Corporate Communications are currently showing a budget underspend of \$0.2M in the Summer of Fun Events program.
- Contract spending under Information Services is \$0.1M below YTD budget
- Admin charges of \$0.3M for developer contribution schemes are yet to be allocated.
- Health Services are \$0.3M under YTD budget primarily due to non-spending on contaminated sites remediation and clean-up activities.
- Libraries costs are nearly \$0.2M below budget due to YTD savings in salaries and contracts.
- Depreciation is tracking around \$0.3M below budget overall.

Detracting from the overall positive result is additional landfill levy accrued of \$1.6M to cover a potential liability.

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

Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$28.7M	\$29.0M	1.1%
Materials and Contracts	\$23.3M	\$26.7M	12.7%





Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Utilities	\$2.9M	\$3.3M	12.5%
Insurances	\$1.8M	\$1.9M	2.2%
Other Expenses	\$7.7M	\$6.6M	-18.0%
Depreciation (non cash)	\$15.4M	\$15.7M	1.7%

Other expenses are adversely impacted by the additional accrual of landfill levy as referred to previously.

### Capital Expenditure

The City's capital budget has incurred expenditure of \$34.5M versus an YTD budget of \$54.3M. This results in an YTD variance of \$19.8M, up from \$18.6M last month.

This under spend is split across the following asset classes:

- Building construction works - \$10.5M
- Roads, footpaths & drainage - \$4.4M
- Plant & machinery - \$1.5M
- Computer infrastructure & software - \$1.3M
- Land development and acquisition - \$1.4M
- Landfill Infrastructure - \$0.2M
- Parks infrastructure development - \$0.6M

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 and the sale of assets. Given the high underspend within the capital budget, capital funding sources are also showing large variances.

Significant variances include:

- Proceeds from land sales are \$1.2M behind the YTD budget, comprised mainly of subdivision of Lot 702 Bellier Place and Lot 65 Erpingham Road yet to be sold.
- Proceeds from plant and vehicle sales are \$0.4M behind the YTD budget.
- Loan funds of \$1.0M for the Emergency Services building project are yet to be raised, but has now been scheduled for June.
- Grants and developer contributions towards roads and buildings projects were collectively \$3.2M behind YTD targets. \$1.1M of



this variance relates to federal funding for the GP Super Clinic project, which has been delayed.

- Transfers to Reserves are \$13.5M behind budget, mainly due to the \$11.9M sale proceeds for Ivankovich Ave (Coles site on Beeliar Drive) not being transferred as yet. This will occur before the end of the financial year.
- Transfers from Reserves are \$13.0M behind budget, consistent with the under spend in the capital budget mainly for the GP Super Clinic/Success Library.

### Cash & Investments

Council's cash and current/non-current investment holding increased to \$114.0M from \$103.6M the previous month as a result of the \$13.6M (GST incl.) settlement received during the month for the sale of Ivankovich Ave.

\$43.4M represents the balance currently held in the City's cash backed reserves, whilst another \$5.2M represents funds held for other restricted purposes such as bonds, restricted grants and capital infrastructure contributions. The remaining \$65.4M represents the cash and investment components of the City's working capital, required to fund ongoing operations, the capital program and annual reserve transfers.

The City's investment portfolio made a weighted annualised return of 4.69% for the month of March. This compared favourably against the adopted BBSW benchmark result of 2.94%.

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 three and six months in order to maximise the value offered within the current interest yield curve and to mitigate against cash flow liquidity risks. Whilst the Reserve Bank has reduced interest rates over recent times by 100 basis points, this investment strategy has ensured interest earnings are somewhat buffered from a marked downturn.

Interest earnings are on track to achieve the revised budget target of \$5.1M for 2012/13.

### Description of Graphs and Charts

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



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

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

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

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

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

#### **Leading & Listening**

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

#### **Budget/Financial Implications**

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item).

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

#### **Attachment(s)**

Statement of Financial Activity and associated reports – March 2013.



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

N/A

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

Nil.

**15.3 (MINUTE NO 5044) (OCM 09/05/2013) - TENDER NO. RFT 29/2012 - TEMPORARY PERSONNEL SERVICES (RFT 29/2012) (M PATTERSON) (ATTACH)**

**RECOMMENDATION**

That Council accept Tender No.RFT29/2012 - Temporary Personnel Services commencing 1 July 2013, from the following submissions:

Category 1 – Clerical and Administrative Services

Adecco Australia Pty Ltd  
DFP Recruitment Services Pty Ltd  
Bluestone Global Limited (Humanis Group Ltd)

Category 2 – Professional and Executive Services

DFP Recruitment Services Pty Ltd  
Adecco Australia Pty Ltd  
Bluestone Global Limited (Humanis Group Ltd)

Category 3 – Technical and Tradespeople

Adecco Australia Pty Ltd  
DFP Recruitment Services Pty Ltd  
Bluestone Global Limited (Humanis Group Ltd)

Category 4 – Information Technology and Communications

Adecco Australia Pty Ltd  
DFP Recruitment Services Pty Ltd  
Data#3 Limited

Category 5 – Financial and Accounting Services

Adecco Australia Pty Ltd  
DFP Recruitment Services Pty Ltd  
Bluestone Global Limited (Humanis Group Ltd)

for an indicative total contract value of \$5,100,000.00 (Inc GST) (\$4,590,000.00 Ex GST) for the duration of contract term, of three (3) years, with principal instigated extension options of one (1) year and twelve months, to a maximum of five (5) years in accordance with the submitted Schedule of Rates, for determining orders, variations and additional services. Contract commencement date as of 1<sup>st</sup> July 2013.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The City of Cockburn has been engaging with a number of companies for the supply of Temporary Personnel Services to ensure the continuity of service by the various business units. The range of personnel required across each business unit varies considerable and collectively requires the appointment of a panel of Tenderers.

Specifications for the supply of Temporary Personnel Services to facilitate each business unit's key requirements was developed and tenders subsequently called.

Tender No.RFT29/2012 – Temporary Personnel Services was advertised on Wednesday, 28 November 2012 in the Local Government Tenders Section of The West Australian Newspaper. It was also displayed on the City's e-tendering website between 28 November and 19 December 2012.

**Submission**

Tenders closed at 2:00 p.m. (AWST) on Wednesday 19 December 2012 and 28 submissions were received. Tender submissions were received from:

1	Adecco Australia Pty Ltd
2	Bluestone Global Limited (Humanis Group Ltd)
3	Boston Kennedy (Operations) Pty Ltd
4	Clarius Group Pty Ltd
5	Core Business Australia Pty Ltd
6	Corestaff
7	Data#3 Limited
8	DFP Recruitment Services Pty Ltd
9	Drake Australia Pty Ltd
10	Flexi Staff Pty Ltd
11	Goldsilks Nominees Pty Ltd - ATF Spriggs Family Trust
12	Green Skills Inc.



13	Hays Specialist Recruitment (Australia) Pty Ltd
14	Hudson Global Resources (Aust.) Pty Ltd
15	IPA Personnel Pty Ltd
16	M2 Recruitment Pty Ltd
17	Mars Partnership Pty Ltd
18	Michael Page International Pty Ltd
19	Programmed Integrated Workforce Ltd (Programmed Group)
20	Randstad Pty Ltd
21	RecruitWest Pty Ltd
22	Robert Half Australia Pty Ltd
23	Skilled Group Pty Ltd
24	Spectrum Community Outcomes Pty Ltd
25	Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd
26	Steelcap Recruitment Pty Ltd
27	Talent International Pty Ltd
28	Toll Personnel Pty Ltd

## Report

### Compliance Criteria

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

DESCRIPTION OF COMPLIANCE CRITERIA
(a) Compliance with the Conditions of Tendering – <a href="#">Part 1</a> of this Request
(b) Compliance with the Specification – <a href="#">Part 2</a> contained in the Request.
(c) Completion and submission of Form of Tender – <a href="#">Section 3.1</a>
(d) Compliance with Insurance Requirements and completion of <a href="#">Section 3.2.9</a> .
(e) Compliance with Fixed Price and completion of <a href="#">Section 3.6.2</a>
(f) Compliance with Sub-Contractors Requirements and completion of <a href="#">Section 3.7</a> .
(g) Compliance with and completion of the separate Price Schedule – <a href="#">Part 4</a> in the format provided. Refer to <a href="#">Section 1.10.2</a>
(h) Compliance with the OSH Requirements and completion of <a href="#">Appendix A</a> .
(i) Compliance with ACCC Requirements and completion of <a href="#">Appendix B</a> .



(j) Acknowledgement of any Addenda issued.

Twenty seven (27) submissions were deemed compliant.

Core Business Australia Pty Ltd was deemed non-compliant as their Pricing Schedule was for hourly rates not the percentage fees as requested and therefore Core Business Australia Pty Ltd was not evaluated.

### **Evaluation Criteria**

Tenders were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience in providing Temporary Personnel Services	20%
Tenderer's Resources including Key Personnel	20%
Demonstrated Understanding	35%
Tendered Price (Percentage Fees)	25%
Total Weighting	100%

### **Tender Intent / Requirement**

The intent of the tender is to ensure effective management of Temporary Personnel Services by sourcing suitably qualified, experienced and licensed companies for the provision of temporary personnel services for the below outlined categories. Contractors were encouraged to submit for either the full scope of works or the category relevant their service provisions.

**Category 1 – Clerical and Administrative Services**

**Category 2 – Professional and Executive Services**

**Category 3 – Technical and Tradespeople**

**Category 4 – Information Technology and Communications**

**Category 5 – Financial and Accounting Services**

### **Evaluation Panel**

The tender submissions were evaluated by:

- 1) Melanie Carter, Employee Relations Manager (Chairperson)
- 2) Nelson Mauricio, Manager Financial Services
- 3) John West, Manager Building Services
- 4) Anton Lees, Manager Parks and Environment



## Scoring Table

<b>Category 1 - Clerical &amp; Administrative</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Adecco Australia Pty Ltd**</b>	<b>61.33%</b>	<b>20.28%</b>	<b>81.61%</b>
<b>DFP Recruitment Services Pty Ltd**</b>	<b>59.31%</b>	<b>19.46%</b>	<b>78.77%</b>
<b>Bluestone Global Limited (Humanis Group Ltd)**</b>	<b>54.38%</b>	<b>20.72%</b>	<b>75.10%</b>
Drake Australia Pty Ltd	54.09%	19.61%	73.70%
Skilled Group Pty Ltd	52.68%	20.67%	73.35%
Flexi Staff Pty Ltd	54.09%	17.75%	71.84%
Hays Specialist Recruitment (Australia) Pty Ltd	54.21%	17.51%	71.73%
Clarius Group Pty Ltd	53.95%	17.63%	71.58%
Spectrum Community Outcomes Pty Ltd	48.45%	22.13%	70.58%
IPA Personnel Pty Ltd	51.68%	18.40%	70.08%
Hudson Global Resources (Aust.) Pty Ltd	53.61%	15.47%	69.09%
Michael Page International Pty Ltd	49.54%	19.10%	68.64%
Programmed Integrated Workforce Ltd (Programmed Group)	49.23%	17.35%	66.58%
Randstad Pty Ltd	48.58%	16.29%	64.86%
Toll Personnel Pty Ltd	45.69%	18.88%	64.57%
Gold silk Nominees Pty Ltd - ATF Spriggs Family Trust	50.45%	13.51%	63.96%
RecruitWest Pty Ltd	44.71%	18.13%	62.84%
Boston Kennedy (Operations) Pty Ltd	46.11%	16.43%	62.54%
Mars Partnership Pty Ltd	41.89%	18.63%	60.51%
M2 Recruitment Pty Ltd	40.49%	19.05%	59.54%
Steelcap Recruitment Pty Ltd	42.49%	14.37%	56.86%
Robert Half Australia Pty Ltd	43.04%	12.54%	55.58%
Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd	34.78%	18.83%	53.61%
Corestaff	33.36%	13.52%	46.88%
Data#3 Limited	No submission for this Category		
Green Skills Inc.	No submission for this Category		
Talent International Pty Ltd	No submission for this Category		

**\*\* Recommended Submission**

<b>Category 2 - Professional and Executive</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>DFP Recruitment Services Pty Ltd**</b>	<b>59.31%</b>	<b>20.45%</b>	<b>79.76%</b>





<b>Category 2 - Professional and Executive</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Adecco Australia Pty Ltd**</b>	<b>61.33%</b>	<b>18.08%</b>	<b>79.41%</b>
<b>Bluestone Global Limited (Humanis Group Ltd)**</b>	<b>54.38%</b>	<b>20.31%</b>	<b>74.68%</b>
Flexi Staff Pty Ltd	54.09%	19.72%	73.80%
Skilled Group Pty Ltd	52.68%	20.02%	72.69%
Clarius Group Pty Ltd	53.95%	17.70%	71.65%
Drake Australia Pty Ltd	54.09%	17.32%	71.41%
Hays Specialist Recruitment (Australia) Pty Ltd	54.21%	16.28%	70.49%
Spectrum Community Outcomes Pty Ltd	48.45%	22.01%	70.46%
IPA Personnel Pty Ltd	51.68%	18.62%	70.30%
Michael Page International Pty Ltd	49.54%	19.44%	68.98%
Hudson Global Resources (Aust.) Pty Ltd	53.61%	14.66%	68.27%
Programmed Integrated Workforce Ltd (Programmed Group)	49.23%	17.57%	66.80%
Randstad Pty Ltd	48.58%	16.45%	65.03%
Toll Personnel Pty Ltd	45.69%	19.00%	64.69%
Gold silk Nominees Pty Ltd - ATF Spriggs Family Trust	50.45%	14.03%	64.48%
Boston Kennedy (Operations) Pty Ltd	46.11%	16.80%	62.91%
RecruitWest Pty Ltd	44.71%	18.15%	62.86%
M2 Recruitment Pty Ltd	40.49%	19.31%	59.80%
Mars Partnership Pty Ltd	41.89%	16.46%	58.35%
Steelcap Recruitment Pty Ltd	42.49%	14.83%	57.32%
Robert Half Australia Pty Ltd	43.04%	12.32%	55.36%
Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd	34.78%	18.77%	53.54%
Corestaff	33.36%	13.68%	47.04%
Data#3 Limited	No Submission for this category		
Green Skills Inc.	No Submission for this category		
Talent International Pty Ltd	No Submission for this category		

**\*\* Recommended Submission**

<b>Category 3 - Technical &amp; Tradespersons</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Adecco Australia Pty Ltd**</b>	<b>61.33%</b>	<b>18.98%</b>	<b>80.30%</b>
<b>DFP Recruitment Services Pty Ltd**</b>	<b>59.31%</b>	<b>19.98%</b>	<b>79.30%</b>
<b>Bluestone Global Limited (Humanis Group Ltd)**</b>	<b>54.38%</b>	<b>20.66%</b>	<b>75.03%</b>
Clarius Group Pty Ltd	53.95%	19.98%	73.93%
Drake Australia Pty Ltd	54.09%	19.51%	73.60%

<b>Category 3 - Technical &amp; Tradespersons</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
Skilled Group Pty Ltd	52.68%	20.80%	73.47%
Hays Specialist Recruitment (Australia) Pty Ltd	54.21%	18.71%	72.92%
Flexi Staff Pty Ltd	54.09%	18.32%	72.41%
IPA Personnel Pty Ltd	51.68%	19.87%	71.54%
Spectrum Community Outcomes Pty Ltd	48.45%	20.90%	69.35%
Programmed Integrated Workforce Ltd (Programmed Group)	49.23%	19.42%	68.64%
Randstad Pty Ltd	48.58%	19.80%	68.38%
Toll Personnel Pty Ltd	45.69%	19.62%	65.31%
RecruitWest Pty Ltd	44.71%	19.68%	64.39%
Green Skills Inc.	47.80%	14.90%	62.70%
Mars Partnership Pty Ltd	41.89%	19.78%	61.67%
M2 Recruitment Pty Ltd	40.49%	19.81%	60.30%
Robert Half Australia Pty Ltd	43.04%	15.54%	58.58%
Steelcap Recruitment Pty Ltd	42.49%	16.08%	58.57%
Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd	34.78%	17.58%	52.35%
Corestaff	33.36%	14.54%	47.91%
Boston Kennedy (Operations) Pty Ltd	No Submission for this Category		
Data#3 Limited	No Submission for this Category		
Goldsilks Nominees Pty Ltd - ATF Spriggs Family Trust	No Submission for this Category		
Hudson Global Resources (Aust.) Pty Ltd	No Submission for this Category		
Michael Page International Pty Ltd	No Submission for this Category		
Talent International Pty Ltd	No Submission for this Category		

**\*\* Recommended Submission**

<b>Category 4 - Information Technology and Communications</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Adecco Australia Pty Ltd**</b>	<b>61.33%</b>	<b>19.06%</b>	<b>80.39%</b>
<b>DFP Recruitment Services Pty Ltd**</b>	<b>59.31%</b>	<b>19.98%</b>	<b>79.30%</b>
<b>Data#3 Limited**</b>	<b>55.99%</b>	<b>17.90%</b>	<b>73.88%</b>
Drake Australia Pty Ltd	54.09%	18.97%	73.06%
Clarius Group Pty Ltd	53.95%	18.72%	72.67%
Flexi Staff Pty Ltd	54.09%	18.30%	72.39%
Skilled Group Pty Ltd	52.68%	19.58%	72.26%
Hays Specialist Recruitment (Australia) Pty Ltd	54.21%	17.14%	71.35%
Spectrum Community Outcomes Pty Ltd	48.45%	21.80%	70.25%
Hudson Global Resources (Aust.) Pty Ltd	53.61%	16.05%	69.66%



<b>Category 4 - Information Technology and Communications</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
IPA Personnel Pty Ltd	51.68%	17.90%	69.58%
Talent International Pty Ltd	49.40%	19.45%	68.85%
Michael Page International Pty Ltd	49.54%	19.10%	68.64%
Programmed Integrated Workforce Ltd (Programmed Group)	49.23%	16.88%	66.11%
Randstad Pty Ltd	48.58%	15.74%	64.31%
Toll Personnel Pty Ltd	45.69%	18.38%	64.07%
Boston Kennedy (Operations) Pty Ltd	46.11%	16.08%	62.20%
M2 Recruitment Pty Ltd	40.49%	18.78%	59.27%
Mars Partnership Pty Ltd	41.89%	17.19%	59.07%
Steelcap Recruitment Pty Ltd	42.49%	13.93%	56.42%
Robert Half Australia Pty Ltd	43.04%	12.23%	55.27%
Corestaff	33.36%	13.11%	46.47%
Bluestone Global Limited (Humanis Group Ltd)	No Submission for this Category		
GoldsilK Nominees Pty Ltd - ATF Spriggs Family Trust	No Submission for this Category		
Green Skills Inc.	No Submission for this Category		
RecruitWest Pty Ltd	No Submission for this Category		
Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd	No Submission for this Category		

**\*\* Recommended Submission**

<b>Category 5 - Financial and Accounting</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Adecco Australia Pty Ltd**</b>	<b>61.33%</b>	<b>19.02%</b>	<b>80.34%</b>
<b>DFP Recruitment Services Pty Ltd**</b>	<b>59.31%</b>	<b>20.00%</b>	<b>79.31%</b>
<b>Bluestone Global Limited (Humanis Group Ltd)**</b>	<b>54.38%</b>	<b>20.37%</b>	<b>74.75%</b>
Flexi Staff Pty Ltd	54.09%	19.19%	73.28%
Drake Australia Pty Ltd	54.09%	18.97%	73.06%
Skilled Group Pty Ltd	52.68%	19.56%	72.23%
Clarius Group Pty Ltd	53.95%	17.28%	71.23%
Spectrum Community Outcomes Pty Ltd	48.45%	21.78%	70.23%
Hays Specialist Recruitment (Australia) Pty Ltd	54.21%	15.56%	69.77%
Hudson Global Resources (Aust.) Pty Ltd	53.61%	14.76%	68.37%
Michael Page International Pty Ltd	49.54%	18.75%	68.29%
Programmed Integrated Workforce Ltd (Programmed Group)	49.23%	17.00%	66.23%
Randstad Pty Ltd	48.58%	15.94%	64.52%



<b>Category 5 - Financial and Accounting</b>			
Tenderer's Name	Non Cost Evaluation	Cost Evaluation	Total
	<b>75%</b>	<b>25%</b>	<b>100%</b>
Toll Personnel Pty Ltd	45.69%	18.53%	64.22%
Goldsilks Nominees Pty Ltd - ATF Spriggs Family Trust	50.45%	13.16%	63.61%
Boston Kennedy (Operations) Pty Ltd	46.11%	16.08%	62.19%
M2 Recruitment Pty Ltd	40.49%	18.70%	59.19%
Mars Partnership Pty Ltd	41.89%	17.25%	59.13%
Steelcap Recruitment Pty Ltd	42.49%	14.02%	56.51%
Robert Half Australia Pty Ltd	43.04%	12.19%	55.23%
Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd	34.78%	18.48%	53.26%
Corestaff	33.36%	13.17%	46.53%
Data#3 Limited	No Submission for this Category		
Green Skills Inc.	No Submission for this Category		
IPA Personnel Pty Ltd	No Submission for this Category		
RecruitWest Pty Ltd	No Submission for this Category		
Talent International Pty Ltd	No Submission for this Category		

**\*\* Recommended Submission**

**Evaluation Criteria Assessment**

**Demonstrated Experience**

Adecco Australia Pty Ltd, DFP Recruitment Services Pty Ltd, Bluestone Global Limited (Humanis Group Ltd), Clarius Group Pty Ltd, Flexi Staff Pty Ltd, Goldsilks Nominees Pty Ltd - ATF Spriggs Family Trust and Programmed Integrated Workforce Ltd (Programmed Group) clearly demonstrated that they had previous relevant experience in particular within the Local Government Environment in managing large personnel supply tenders. All these companies were able to satisfy the panel that they had a strong ability to resolve issues that may arise as part of the contract and could demonstrate that they had a proven track record of achieving favourable outcomes.

Data#3 Limited, Drake Australia Pty Ltd, Skilled Group Pty Ltd, Spectrum Community Outcomes Pty Ltd, Hays Specialist Recruitment (Australia) Pty Ltd, Hudson Global Resources (Aust.) Pty Ltd, Michael Page International Pty Ltd, Programmed Integrated Workforce Ltd (Programmed Group), Randstad Pty Ltd, Toll Personnel Pty Ltd, Goldsilks Nominees Pty Ltd - ATF Spriggs Family Trust, Boston Kennedy (Operations) Pty Ltd, M2 Recruitment Pty Ltd, Mars Partnership Pty Ltd, Steelcap Recruitment Pty Ltd, Robert Half Australia Pty Ltd, Staff Link (WA) Pty Ltd - Staff Link Personnel Pty Ltd, Corestaff, Green Skills Inc., IPA Personnel Pty Ltd, RecruitWest Pty Ltd and Talent International Pty Ltd outlined their experience in



the supply of personnel , were able to resolve issues that may arise as part of the contract and could demonstrate that they had a proven track record of achieving favourable outcomes however were evaluated less favourably than the other tenderers.

#### Tenderer's Resources including Key Personnel

All tenderers showed they had sufficient key personnel and resources to fulfil the scope of works. All Tenderers clearly outlined their key personnel and demonstrated their capacity to supply and sustain the necessary human and other resources throughout the duration of the proposed contract. Adecco Australia Pty Ltd, DFP Recruitment Services Pty Ltd, Bluestone Global Limited (Humanis Group Ltd) and Hudson Global Resources (Aust.) Pty Ltd were evaluated to have a more favourable capacity to supply and sustain the necessary human and other resources throughout the duration of the proposed contract.

#### Demonstrated Understanding

All tenderers were considered to have a satisfactory level of demonstrated understanding of the scope of works and an adequate process for delivering services in line with the City's policies and demonstrated sound customer service guidelines. Adecco Australia Pty Ltd, Bluestone Global Limited (Humanis Group Ltd), DFP Recruitment Services Pty Ltd, Drake Australia Pty Ltd, Hays Specialist Recruitment (Australia) Pty Ltd, Hudson Global Resources (Aust.) Pty Ltd, Clarius Group Pty Ltd and Flexi Staff Pty Ltd were evaluated to have superior understanding of the scope of works and were scored accordingly.

#### Tendered Price

The schedule of rates supplied by each tenderer was assessed in accordance with the different categories. A cumulative score was determined for the tenderer in the respective category and ranked accordingly.

#### **Summation**

The evaluation panel recommends that Council accept the submissions received from Adecco Australia Pty Ltd, DFP Recruitment Services Pty Ltd, Bluestone Global Limited (Humanis Group Ltd) and Data#3 Limited as being the most advantageous to perform the supply of temporary personnel supply to achieve its strategic objectives

This recommendation is based on:

- Well demonstrated experience in performing similar work at other local authorities.



- A range of personnel that have the experience in managing the works associated with the requirements of the contract.
- Have the required resources and contingency measures to undertake the works.
- The schedules of rates submitted by each tenderer is considered fair and reasonable.

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

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Quality customer service that promotes business process improvement and innovation that delivers our strategic goals.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A skilled and engaged workforce.

#### **Budget/Financial Implications**

The appointment of a tender panel will enable the City to better facilitate the supply of temporary personnel and manage and control the cost of Temporary Personnel Services. Tendered price was a consideration in the evaluation of tenders (25%) and it is perceived that the introduction of this tender panel will reduce the cost of employing Temporary Personnel. Budget allocation will be from each general ledger or operational budgets each financial year.

The schedule of rates submitted by the panel of contractors will be utilised in the budgeting process to determine the required budget.

The table below indicates an indicative expenditure for Temporary Personnel Services over the past three (3) years.

The three (3) year indicative average has been used as the Contract costs per annum for this tender.

<b>Financial Year</b>	<b>Indicative Turnover (inc GST)</b>
2009/10	\$1, 700, 000
2010/11	\$1, 700, 000
2011/12	\$1, 700, 000
Total 2009 - 2012	\$5, 100, 000
<b>Three Year AVG</b>	<b>\$1, 700, 000</b>



**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 separate cover:

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

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 5045) (OCM 09/05/2013) - PROPOSED ESTABLISHMENT OF A ROAD SAFETY AND TRAVELSMART REFERENCE GROUP (ES/R/002) (J MCDONALD) (ATTACH)**

<p><b>RECOMMENDATION</b></p> <p>That Council</p> <ul style="list-style-type: none"> <li>(1) adopt the Terms of Reference for the purposes of establishing a Road Safety and Travelsmart Reference Group;</li> <li>(2) endorse Mayor Logan Howlett, Clr ..... (East Ward), Clr ..... (West Ward) and Clr ..... (Central Ward) as Council representatives in the Road safety and Travelsmart Reference Group;</li> <li>(3) seek nominations from the following stakeholders to be represented on the Road safety and Travelsmart Reference Group: <ul style="list-style-type: none"> <li>➤ WALGA</li> </ul> </li> </ul>
---



- Western Australian Police Service
- Main Roads Western Australia
- Travelsmart Officer
- Youth Advisory Committee (YAC representative)
- Emergency Services
- Road Safety Group representative

- (4) coordinate the inaugural meeting of the Road Safety and Travelsmart Reference Group for August 2013.

#### **COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Clr S Portelli that Council adopt the recommendation, as follows:

- (1) as recommended;
- (2) endorse Mayor Logan Howlett, Clr S Portelli and Clr L Smith (East Ward), Clr Carol Reeve-Fowkes (West Ward) and Clr Steve Pratt (Central Ward) as Council representatives on the Road Safety and Travelsmart Reference Group;
- (3) as recommended; and
- (4) as recommended.

**CARRIED 9/0**

#### **Reason for Decision**

Mayor Howlett and Clr S Portelli, Clr L Smith, Clr C Reeve-Fowkes and Clr S Pratt have all indicated a willingness to represent Council on this reference group.

#### **Background**

At the Ordinary Meeting of Council on 13 December 2012 the following Matter to be noted for investigation was requested by Mayor Logan Howlett:

*That a report be presented to the March 2013 Council Meeting aimed at establishing a Road Safety and Traffic Management Committee of Council.*





*The objectives to include but not be limited to:*

- *Establishing a Youth Driver Education and Training Centre.*
- *Creating an 'on-line' district wide car-pooling facility*
- *Examining speed reduction strategies on identified roads*
- *Signalised intersections*
- *Pedestrian safety*
- *Bike rider safety*
- *Improved bus routes*
- *Major road infrastructure projects & local road synergies*
- *TravelSmart Program Initiatives*
- *Exploring potential partnerships and funding opportunities including:*
  - *Local governments in the south west metropolitan area*
  - *The Western Australian Police*
  - *Department of Health*
  - *Road Safety Council*
  - *Royal Automobile Association of WA*
  - *The Department of the Attorney General (Confiscation Grants program)*
  - *Insurance Council of Australia*
  - *Lotterywest*
  - *Department of Education*
  - *Motor Vehicle Dealers Association*

A report was presented to Council and adopted on 14 March 2013 with the following recommendation:

*That Council:*

- (1) *support the concept of establishing a Road Safety and Travelsmart Reference Group based on the WALGA Roadwise framework;*
- (2) *seek a briefing on the Roadwise Program by WALGA at its April General Briefing; and*
- (3) *receive a Draft Terms of Reference for the Road Safety and Travelsmart Reference Group at the May Ordinary Council Meeting.*

This report seeks endorsement of the Terms of Reference and establishing the Road Safety and Travelsmart Reference Group.

### **Submission**

N/A



## Report

The scope outlined by Mayor Howlett for the Road Safety and Traffic Management Committee generally reflects the scope of the WALGA initiated Roadwise Program. WALGA's RoadWise Program was formed in 1994 and has served as an important, effective framework by which the Association has pursued road safety objectives throughout Western Australia in conjunction with its stakeholder partners. The Program is aimed at securing greater community and regional stakeholder involvement in delivering road safety initiatives.

A briefing on the Roadwise Program has been provided by WALGA's Regional Road Safety Officer Metro South, Ms Melissa Pickering. Melissa has also assisted in the development of the Term of Reference for the City of Cockburn Road Safety and Travelsmart Reference Group.

### Road Safety and Travelsmart Reference Group - Term of Reference

The Terms of Reference has been developed to outline the purpose and structure of the Road Safety and Travelsmart Reference Group. It details the Vision, objectives, scope and guiding principles, roles and responsibilities of the group.

### Purpose

The following guiding principles have been developed for the Reference Group:

- Promote an integrated transport system which balances environmental impacts and community needs.
- Raise community awareness of road safety issues and initiatives in local communities.
- Review road safety strategies that may be adopted by the City of Cockburn, Main Roads WA, the Western Australian Police Service or any other statutory authority that has the ability to influence road safety in the community.
- Identify community concerns about road safety and road safety issues, potential black spot projects and poor road user behaviour and develop initiatives to address these identified road safety issues.
- Facilitate and promote healthy transport opportunities by promoting the City's TravelSmart initiative and implementation of walkway, bike and trails master plans.
- Identify a holistic regional approach to freight management



## Membership & Governance

The Reference Group is to be established and Membership appointed by Council. The membership of the Road Safety and Travelsmart Reference Group shall generally comprise the following:

- Up to four (4) elected members as delegates of the City of Cockburn. The Elected Member representation will consist of the Mayor (or his delegate) and an elected Member from each Ward.
- One (1) WALGA RoadWise representative
- Up to six (6) representatives of organisations relevant to the promotion of road safety issues, which may be drawn from groups such as the following:
  - Western Australian Police Service
  - Main Roads Western Australia
  - Travelsmart Officer
  - Youth Advisory Committee (YAC representative)
  - Emergency Services
  - Road Safety Group representative

The presiding member shall be appointed by the Reference Group at its inaugural meeting under a procedure general agreed to by members present. The Presiding Member is responsible for the good and reasonable conduct of Reference Group meetings and shall determine the meeting procedures as required.

## Meeting Frequency

Meetings will generally be held on a quarterly basis in February, May, August and November, with the start time and venue being determined by the Group. The Group will however determine meeting frequency based on the level of business required to be transacted.

Members of the Reference Group shall endeavour to attend all scheduled meetings of the Reference Group. The quorum of any meeting shall be a half plus one of the number of appointed members and voting shall be by consensus of the members present or by a simple majority if deemed necessary by the Presiding Member.

## Administrative Support

Provision of administrative support (agenda and minutes) for meetings is generally provided by Local Government and would be the preferred option. The City's Traffic and Transport Engineer is the officer nominated to provide administrative support to the Reference Group. All activities and communications will be coordinated through the Traffic and Transport Engineer and all enquiries and requests for support should be directed through this officer.



### Conclusion

It is recommended Council adopt the Terms of Reference for the purposes of establishing a Road Safety and Travelsmart Reference Group and call for nominations from the identified stakeholder groups in preparation for an inaugural meeting in early August 2013.

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

#### **Moving Around**

- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

#### **Budget/Financial Implications**

Additional staff resources, administration may be required dependant on the scope of the Group.

#### **Legal Implications**

Any committee would need to be established and operated in compliance with the requirements of the Local Government Act 1995

#### **Community Consultation**

Nil.

#### **Attachment(s)**

Proposed Reference Group Terms of Reference

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

N/A.

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

Nil.

#### **Community & Lifestyle**

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



### **Moving Around**

- An integrated transport system which balances environmental impacts and community needs.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

Additional staff resources, administration may be required dependant on the scope of the Group.

### **Legal Implications**

Any committee would need to be established and operated in compliance with the requirements of the Local Government Act 1995.

### **Community Consultation**

Nil

### **Attachment(s)**

1. Terms of Reference

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

The Proponent(s) have been advised that this matter is to be considered at the 9 May 2013 Council Meeting

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

Nil.

## **16.2 (MINUTE NO 5046) (OCM 09/05/2013) - ROCKINGHAM ROAD - INTRODUCTION OF A 40KPH ZONE FROM PHOENIX ROAD TO SPEARWOOD AVENUE (450498) (J KIURSKI) (ATTACH)**

### **RECOMMENDATION**

That Council endorse an approach to MRWA seeking a review and reduction of the speed restriction along Rockingham Road between Spearwood Avenue and Phoenix Road from 60km/hr to 40km/hr.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

At the Ordinary Meeting of Council on 13 December 2012 the following Matter to be noted for investigation was requested by Mayor Logan Howlett that a report be prepared for the February 2013 Ordinary Council Meeting on the introduction of a 40kph zone on Rockingham Road from Phoenix Road to Spearwood Avenue, Spearwood. A subsequent report was presented to the 14/02/13 OCM seeking a deferral until May 2013.

**Submission**

N/A

**Report**

Rockingham Road is classified as a District Distributor A road under the road hierarchy classification of roads within the City of Cockburn. The function of these roads is to collect and distribute traffic within the residential, industrial and commercial areas.

A preliminary assessment of the current traffic environment has been completed which includes a traffic survey, a review of traffic count data and a review of traffic crash history over the last 5 years particularly at the intersections between Phoenix Road and Spearwood Avenue.

The following information details the outcomes of the assessment undertaken to date.

The traffic counts for the nominated section of Rockingham Road between Phoenix Road and Spearwood Avenue

The traffic survey was completed in March 2013 on location between Lancaster Street and Coleville Crescent. The existing traffic volume is:



<b>Rockingham Road - Between Lancaster St &amp; Coleville Cr</b>	
<b>PARAMETARS</b>	<b>VALUE</b>
Traffic Volume (AWT)	17470
85 <sup>th</sup> Percentile Speed	65.2
Traffic as Peak-hour Percentile of 24h volume	8%
Heavy Vehicle Percentile of Total Traffic Flow	4%

The section of Rockingham Road between Phoenix Road and Spearwood Avenue is a bus route with more than 300 busses per day.

The review of traffic crash data for intersections and section of road

The following provides a summary of crash data that we have been able to ascertain for the last 5 years.

<b>Summary of Intersections and Section of Road Crashes</b>		
Rockingham Road	Phoenix Road	72
Rockingham Road	Lancaster Street	14
Mid-block Phoenix Rd to Lancaster St (includes 3 major crossovers/accesses)		46
Rockingham Road	Kent Street	7
Rockingham Road	Coleville Crescent	9
Mid-block Kent St to Coleville Cr (includes 6 major crossovers/accesses)		49
Rockingham Road	Spearwood Avenue	59
Mid-block Coleville Cr to Spearwood Ave (includes 2 major crossovers/accesses)		11
<b>Total Crashes:</b>		<b>267</b>

The crash data of the intersections and the mid-blocks indicates 267 reported crashes over the last 5 years. The report indicates a high and increasing incidence of crashes since 2008. Majority of crashes are at the signalised intersections of Rockingham Rd/Phoenix Rd, Rockingham Rd/Lancaster St and Rockingham Rd/Spearwood Ave.



The mid-block crashes are directly related to access/egress of the Phoenix Shopping Centre and other businesses in the area.

### Traffic Management Evaluation

Whilst the application of the City's Policy SEW3 'Local Area Traffic Management and the "Warrant Criteria and Weightings"' does not strictly relate to DDA's, Rockingham Road would not warrant further treatment as the overall weighted score of 33.2 is still below 40, which is a baseline for consideration and the installation of traffic calming treatments.

### Conclusion

Main Roads WA is responsible for regulatory devices including speed zones. If Council wished to introduce a 40mk/hr speed restriction along Rockingham Road it would need to seek a review from MRWA. Officers have sought preliminary feedback from MRWA on the likelihood of support for a reduction in the posted speed limit and are awaiting feedback from that approach. It is recommended that Council formally endorses an approach to MRWA for a review of the speed restriction along Rockingham Road between Spearwood Avenue and Phoenix Road.

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

#### **Community & Lifestyle**

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

#### **Moving Around**

- An integrated transport system which balances environmental impacts and community needs.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

#### **Budget/Financial Implications**

It is not possible to cost the need for road modifications until MRWA has examined the proposal and identified what road modifications are required.

#### **Legal Implications**

N/A





**Community Consultation**

N/A

**Attachment(s)**

1. Traffic warrants criteria and weighting report.
2. Aerial Photograph of subject road.

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

The Proponent(s) have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

**16.3 (MINUTE NO 5047) (OCM 09/05/2013) - CITY OF COCKBURN WATER CONSERVATION PLAN 2013-2018 (144/001) (A LEES) (ATTACH)**

**RECOMMENDATION**

That Council adopt the City of Cockburn Water Conservation Plan 2013 – 2018.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

In 2007 Council adopted the Water Conservation A Sustaining Strategy which outlined a number of water management and broader climate change initiatives.

The strategy outlined specific water management techniques, meeting future ground water demands, joining the ICLEI Water Campaign, Irrigation Operating Strategies, Port Coogee–Groundwater Interception and climate change considerations.



Since the implementation of the Water Conservation Strategy a number of other strategies have been adopted by Council which has impacted on this strategy requiring a revision.

This report seeks endorsement of a revised strategy, Water Conservation Plan 2013-2018, which reviews existing strategies and introduces new actions to be achieved over the next 5 years.

### **Submission**

N/A

### **Report**

The Water Conservation Plan 2013–2018 has been developed to provide strategic direction on water conservation and quality initiatives within the City’s current and future public open space. The plan provides a coordinated approach to sustainable water management and demonstrates leadership in meeting specific and achievable water reduction targets.

Climate change impacts are becoming increasingly evident and are impacting on ecosystems and water supplies throughout the City and the wider metropolitan area. The Cities’ Climate Change Adaption Plan identifies “a reduction in water availability for watering parks and natural wetlands” as viable risks which could be catastrophic and requires treatment plans.

The Water Conservation Plan 2013-2018 identifies the following actions to ensure a sustainable water environment.

- 1. Ensure developers have a licenced water allocation for the POS associated with the subdivision development and the licence is transferred to the City at the expiration of the maintenance period***

The City will be receiving an additional 125ha of public open space based on future development areas which will need groundwater for irrigation purposes. Developers will be required to obtain a licence to extract groundwater from the Department of Water and transfer that licence to the City at the conclusion of the maintenance period. This process will ensure that the City can continue to irrigate parks into the future in accordance with the licence conditions.



**2. Adopt the City of Cockburn's Irrigation Operating Strategy April 2011- April 2014 and the Hammond Road Sporting Complex Irrigation Operating Strategy Sept 2011–Sept 2014**

The Department of Water licence approval conditions for water abstraction include the requirement for the City to submit an Irrigation Operating Strategy. These strategies are comprehensive and are legally binding on the licensee. The City has two Irrigating Operating Strategies endorsed by the Department of Water:

- (1) City of Cockburn Irrigation Operating Strategy April 2011–April 2014: covering GWL's 49535, 49549, 110703, 62672, 99188, 99722 and 49545. This is an amalgamated strategy to enable more efficient management groundwater.
- (2) Hammond Road Sporting Complex Irrigation Operating Strategy Sept 2011–Sept 2014: covering GWL 151 752. This single POS strategy was a requirement by the DoW due to the surrounding environment conditions.

**3. The City adopts hydrozoning principles to Public Open Space**

Hydrozoning is the segregation of open space areas into categories based on water use and demand to enable the irrigation system to be designed for optimal water delivery. Hydrozoning of POS ensures key outcomes are achieved and enables varying water allocation depending on the park classification.

Hydrozoning for the City's reserve classifications are outlined below.

Hydrozone	Reserve Classification	Water Allocation
High	Sports Ovals & High Profile Regional Parks	9,100 kl/ha
Medium	Sports Oval surrounds, Neighbourhood and Local parks	6,500 kl/ha
Low	Streetscapes	3,000 kl/ha
Dry	Dry park	0 kl/ha



**4. *The City adopt a uniformity coefficient (CU) of >80% for all reticulated open space***

Optimum efficiency of water use is best achieved by ensuring water is very evenly distributed across each Hydrozone. Coefficient of Uniformity (CU) is a method of measuring how uniformly an irrigation system applies water, expressed as a percentage. The higher the number, the more uniform the rate of application. CU is determined by placing catch cups across a turf area and comparing the average precipitation reading and the deviation from the average. Adoption of a uniformity coefficient CU of > 80% will be in accordance with industry standards and achieve uniform irrigation watering applications

**5. *The City continues to implement optimum irrigating operation conditions***

Maintenance of irrigation systems at optimum operating condition is paramount to ensuring the supply and distribution of water in accordance with the individual system design specifications. Irrigation systems not maintained at optimum operating condition are inefficient and can lead to a number of issues. To facilitate the City's POS the minimum technical level of service are outlined below:

- Active Ovals – 52 services per annum
- Neighbourhood & Local POS – 26 services per annum
- Streetscapes & Landscapes–26 services per annum

**6. *The City adopts adaptive irrigation scheduling for all irrigation systems***

Adaptive Irrigation Scheduling is the process used by irrigation system managers to determine the correct frequency and duration of watering based on actuality. Understanding of evaporation and transpiration elements are key components to ensure irrigation frequencies and durations deliver the water required to turf or plant.

**7. *The City continues to monitor Groundwater Abstraction, Scheme Water Usage and standing groundwater on all production bores and report annually to the Department of Water***

Monitoring the volume of groundwater abstracted enables the continual comparison with allocations provided under the licence issued by the Department of Water. Flow meters are installed to



the bore head with monthly monitoring of the water abstraction volumes which guide the next month's water allocation.

Monitoring production bores standing water levels enables the timely detection of changes in aquifer water levels and may indicate an adverse environmental impact. Early detection of these potential environmental changes will enable remedial action to minimise adverse outcomes.

An annual report is submitted to the DoW on groundwater usage and standing groundwater on all production bores.

**8. *The City undertakes a comprehensive review of suitable Central Control Systems and receives a report by December 2013 on the preferred Central Control System***

Central Control Systems enable real time information on water management at each individual site and collectively across the City. Central Controls Systems are a valuable management tool that integrates a complete system from one source and will provide instant feedback on the irrigation system in the field. A review of current central control systems is prudent to ensure integration with the City's irrigation infrastructure and IS network.

**9. *Investment in a Weather Station in line with the preferred Central Control System***

Weather stations are observation posts where weather conditions are monitored and recorded. Weather stations can be configured to record various environmental data such as rainfall, air temperature, wind speed, etc. The installation of a weather station will form a component of the specifications to be developed for a central control system.

**10. *The City continues to invest in Soil Monitoring Devices***

Soil monitoring devices allow the identification of moisture levels and leachates in the soil profile to improve the scheduling of irrigation and mitigate the potential risk of nutrients entering the groundwater. Currently, Lysimeters are the only soil monitoring device used. Lysimeters collect the leachate passing through the turf root zone. Monitoring of the quantity and nutrient content of the leachate will ensure that the groundwater is not being compromised by the City's turf management practices. Soil moisture devices; determine water content in the soil profile, are proposed to be trialled at Success Reserve, Hammond Rd and evaluated over the next twelve months.



**11. The City complete Milestone 4 of the ICLEI campaign and commence works to achieve Milestone 5**

The City of Cockburn is a participant of the International Council for Local Environmental Initiatives (ICLEI) Water Campaign which is a voluntary program which aims to assist in the local government reduce water consumption and improve water quality. The program involves progressing through five milestones, that guide participating councils through a process of local research, policy making, action planning, implementation and evaluation.

The City has just recently received the “Waterwise Council” status by the Water Corporation and Department of Water. This status is one component of Milestone 4 which is currently being completed.

**12. The City continues to engage with the Department of Water on the “First in First Served” policy review**

The Department of Water (DoW) completed a review of the “First in First Served” (FIFS) Policy in October 2011 to ensure that it encourages the highest value use of water and address other contemporary issues. The FIFS approach is a well-established approach to managing multiple applications in many areas of government. This approach is appropriate where water is plentiful and little competition, however a reducing water resource with significant competition and alternative mechanism is required. The FIFS approach does not result in the best outcomes, as once the available water resource reaches full allocation it does not evaluate the applications concurrently and direct water to the highest priority.

The DoW has proposed the following alternatives for unallocated water; FIFS, Merit Selection, Auctions, Direct Sale and Ballots. The DoW proposes that once 70% of the water resource allocation has been reached, through the FIFS approach, market based allocations are used. Auctions are preferred because they directly address water scarcity by allowing the competing market water users to bid for the remaining limited resource.

City officers consider the proposed mechanism of FIFS to the 70% allocation limit acceptable; however the Merit selection approach should apply to the remaining 30% unallocated resource. This method would ensure a sustainable element is applied to all applications with a particular focus on future land use and the provision of POS.

The Department of Water have advised that a “position” on the FIFO policy has been determined; however with the recent



change of Government Ministers no resolution has been enacted. It is recommended that the City continue to operate under the current FIFO policy and wait until further advice is received from the DoW.

**13. The City reduces its groundwater abstraction levels to achieve the City's Sustainability Action Plan 2013/14, Environment 5.1 KPI "To improve efficiency in corporate groundwater use by reducing consumption by 10 percent below the 207/08 DoW allocations per hectare by 2017/18"**

Our current license threshold for water usage presents the City with an arduous task of setting ambitious targets for the reduction in groundwater abstraction. The City needs to find a balance between amenity and functionality for our public open space whilst at the same time reducing our impact on the environment. The City is licenced to extract 7,500kilolitres of groundwater per hectare per year from the superficial aquifer. The Department of Water is currently reviewing the volumes for water abstraction, with an anticipated figure of 7,200 kilolitres per hectare per year being adopted in the near future. This 300kL reduction is considered as the first step in a series of water management mechanism to be introduced by the DoW and considered and achievable target with minimal impact on the existing landscape treatments.

The City's current average groundwater extraction across all sites is below the proposed DoW allocation of 7,200 and is well on its way to achieving the City's Sustainability Action Plan 2013/14 Environment 5.1 KPI "To improve efficiency in corporate groundwater use by reducing consumption by 10% below the 207/08 DoW allocations per hectare by 2017/18". To ensure these objects are achieved the following targets for the next 5 years.

Reserve Classification	Water Allocation (kL/ha/per annum)					
	12/13	13/14	14/15	15/16	16/17	17/18
Sports Ovals & Regional Parks	9,100	9,100	9,000	9,000	9,000	9,000
Sports Oval surrounds, Entry Statements, Regional, Neighbourhood	6,500	6,400	6,300	6,200	6,100	6,000

and Local parks						
Low profile passive parks & median strips	3,000	2,900	2,800	2,700	2,600	2,500
Dry park	0	0	0	0	0	0

**14. The City continues to monitor the Port Coogee Groundwater Interception resource and consider the availability of this resource for future strategies**

The Port Coogee Marina Development is influenced by an unusual set of circumstances, regarding groundwater usage. For this reason it is assessed separately from the City's overall irrigation watering strategy, in order that potential advantages can be leveraged from these circumstances.

The Port Coogee intercepts 7,400m<sup>3</sup>/day of nutrient rich water from entering the marina. This intercepted water is used for irrigation of the POS and streetscapes throughout the estate with the balance being reinjected into the aquifer through reinjection bores located north of the development. The intercepted water currently considered excess to the Port Coogee's requirements is being considered in the following strategies:

- Water Re-Use System – a secondary reticulation system within the development to be utilised by the property owners for their private lot. Although this system has been installed by the developer, the City has yet to commit to the application and is requiring a comprehensive business plan being submitted that addresses key issues.
- Cockburn Coast Structure Plan – an opportunity exists to divert the intercepted water for general reticulation of POS in this precinct. Further consideration of this strategy will need to be undertaken during the development phase of the Cockburn Coast in consultation with Department of Water.
- Golf Course Proposal - The Long Term Financial Plan 2012/13 -2022/23 lists the establishment of a 9 hole golf course on the Coogee Regional Open Space for 2019/20. Access to the intercepted water will be component of the business case to be presented to Council.

This intercepted water supply is a potential resource to facilitate future projects in proximity to the Port Coogee Development however further investigation regarding management and





maintenance costs are warranted before the City capitalise on this resource.

**15. *The City continues to adopt the annual maintenance budgets***

The City's annual ongoing irrigation maintenance cost forms approximately 12% of the Parks Services annual operating budget of \$1,183,000 for the 2012/2013 Financial Year. Future growth will realise an additional 100 Ha of POS in the next 10 years which will require additional funding through annual submissions to Council and the appointment of two (2) irrigation fitters. The City's Workforce Plan 2012 – 2017 lists irrigation fitter in 2014/15 and 2017/18.

In addition to the annual operating maintenance, water licencing and usage charges are being considered by the Economic Regulator on a "user pay" cost recovery mechanism. The Government has yet to make decision regarding these charges and will subject to a further report once the City has been informed of their direction.

**16. *The City will implement the irrigation asset renewal program outlined in the Parks & Environment Asset Management Plan and annual budget submissions***

The Parks & Environments Asset Management Plan 2013 has the value of the City's irrigation assets at \$18,597,363. There is currently \$1.06m of irrigation assets that are considered to be past their projected renewal date and form the basis of the 10 year renewal plan. The 10 year cumulative funding gap for irrigation infrastructure is \$3,937,547.

The Parks & Environments Asset Management Plan 2013 is included with the Long Term Financial Plan 2012/13 – 2021/22 which identifies an increase in renewal funds over the 10 years to mitigate the funding gap.

**17. *The City will review the plan and report on performance against targets through an annual report. The next report will be September 2014***

The City commits to reviewing the strategy, its action plan, funding requirements, changes in legislation and reporting on performance against targets through the preparation of an annual report. The annual report will be compiled following the completion of the water year (July to June) and will incorporate the City's annual reports to the Department of Water.



The Water Conservation Plan 2013 – 2018 demonstrates the City's commitment to a proactive and better managed water resource through sound policies and guidelines.

**Strategic Plan/Policy Implications**

**Infrastructure**

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

**Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Water Conservation Plan 2013-2018

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

N/A

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

Nil.



**16.4 (MINUTE NO 5048) (OCM 09/05/2013) - TEMPORARY CLOSURE OF 14 PARKING BAYS AND PEDESTRIAN PATH ON THE SITE OF NO. 37 (LOT 786) ORSINO BOULEVARD NORTH COOGEE (6012859) (J KIURSKI) (ATTACH)**

**RECOMMENDATION**

That Council, in accordance with Section 3.50 of the Local Government Act 1995, institutes a temporary closure for the land incorporating 14 parking bays and pedestrian path on site of No. 37 (Lot 786) Orsino Boulevard North Coogee, subject to:

1. There being no substantial objection received as a result of advertising in accordance with Section 3.50 of the Local Government Act 1995 in the local newspaper.
2. There being no substantial objection from service authorities, emergency services or adjoining owners.
3. The preparation and execution of an appropriate Deed of Agreement for the use of the land for a period of 18 months commencing May 2013 to December 2014 at a fee to be determined by the City's Licensed Valuer. The land is to include the portion of land which involves the 14 car bays, the pedestrian path along Socrates Parade, Napoleon Parade and Orsino Boulevard and the portion of Reserve 50980 which is currently being used for the storage of the site offices and signage. All costs associated with this arrangement are to borne by the applicant.
4. The developer engaging an appropriately accredited traffic management contractor to submit a certified traffic management plan to monitor and control traffic movement due to the closure.
5. The developer will construct a temporary car park on Lot 791 Orsino Boulevard and make it available until the completion of the construction works on Lot 786.
6. The developer will install temporary perimeter fencing to the rear of the car parking bays to Socrates Parade, Napoleon Parade and Orsino Boulevard as detailed on the site fencing plan. The fence be positioned and of a height and form of construction that does not create a traffic hazard for motorists, cyclists and pedestrians, including mobility impaired persons, and including not blocking currently available lines of sight at intersections.
7. All works on existing City infrastructure (roads, footpaths,



drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.

8. The developer to provide a bond of \$100,000 to offset any damage to the City's infrastructure prior to the closure of any parking bays and the pedestrian path along Socrates Parade, Napoleon Parade and Orsino Boulevard.
9. The proponent being fully responsible for all legal costs, the cost of the valuation, public liability and damages arising from the works.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

No. 37 (Lot 786) Orsino Boulevard North Coogee development was granted planning approval and building licence for 101 multiple dwellings and it is to commence construction work. The development is being undertaken by Lost Wave Pty Ltd and Diploma Construction Pty Ltd is appointed builder for construction work.

The proposed development of the Ocean Edge apartment complex in Orsino Boulevard North Coogee is surrounded by Socrates Parade, Napoleon Parade, Orsino Boulevard and a public open area on the south side of Lot 786.

**Submission**

Diploma Construction Pty Ltd, the developer's appointed building contractor, has requested Council implement procedures to temporarily close 14 parking bays and the pedestrian path along Socrates Parade, Napoleon Parade and Orsino Boulevard for a period of up to 18 months during the construction of the 101 multiple dwellings on Lot 786 Orsino Boulevard, North Coogee.



## Report

During the construction activities of (Lot 786) 37 Orsino Boulevard, North Coogee the parking bays and footpath and closure can be supported for the below reasons:

The 14 parking bays and the pedestrian path along Socrates Parade, Napoleon Parade and Orsino Boulevard abutting the worksite will remain closed until the completion of works and the appropriate signage installed to direct pedestrians to the other side of the roads. Diploma Construction will maintain the footpath area and will make good any damage caused by construction vehicles on completion of the project. The footpath closure will have minimum impact on pedestrian movements as pedestrians will be able to use the existing footpath or grass area on the other side of the roads.

Diploma Construction will make available the temporary parking bays to the Australand's Lot 791 Orsino Boulevard available until the completion of construction works on Lot 786.

Diploma Construction has appointed a certified traffic management contractor (Carringtons Traffic Services) to monitor the impact of the footpath closure and access arrangement for the site. Carringtons Traffic Services has already submitted a traffic management plan, which is in line with Australian Standards and Main Roads field guidelines.

The proposal is for eighteen (18) months period and with appropriate traffic management controls in place, including road barriers, signage and protective surfaces covering public footpath and parking area. The closure will not create any undue congestion and impact on the surrounding land uses. Advance warning signs will also be installed and advice of the proposed closure will be placed in both the local newspaper and West Australian newspaper prior to the closure.

Diploma Construction will install temporary perimeter fencing to the rear of car parking bays to Socrates Parade, Napoleon Parade and Orsino Boulevard as detailed on the site fencing plan. The temporary fence will be a mesh panel fencing system and the remainder of the site will be surrounded by a combination of a solid and mesh fencing system.

The fence be positioned and of a height and form of construction that does not create a traffic hazard for motorists, cyclists and pedestrians, including mobility impaired persons, and including not blocking currently available lines of sight at intersections:

- no clearing of existing native vegetation or ground levelling of the verge;



- no encumbrance to us maintaining the remaining width of our verge;
- suitably maintaining the fence and enclosed verge, e.g. removal of litter collected against it and keeping weeds mowed;
- the fence being kept in a neat, tidy and safe condition, and not be used for the fixing of any advertising signs, banners or similar;
- the fence be removed and the verge made good to our satisfaction at the completion of the building;
- developer/builder having to locate all services within the road reserve prior to any works commencing;
- developer/builder providing indemnity insurance in regard to working within the roadway;

Positioning fence within road reserve is subject to Council approval of a temporary closure of a 14 parking bays and the pedestrian path along Socrates Parade, Napoleon Parade and Orsino Boulevard.

The closure of the traffic lines of any roads adjusting to Lot 786 Orsino Boulevard is not part of this report and not going to be supported; only the partial closure for short time during a day for delivery of large construction items.

All works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.

Diploma Construction agreed to pay an amount of \$100,000 to any damage to the City's infrastructure prior to the closure of any parking bays and the pedestrian path along Socrates Parade, Napoleon Parade and Orsino Boulevard.

### **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.

#### **Moving Around**

- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.



**Budget/Financial Implications**

All costs to the closure will be covered by the Diploma Construction.

**Legal Implications**

Section 3.50 of the Local Government Act.

**Community Consultation**

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

**Attachment(s)**

- 1 Site Fencing Plan
2. Traffic Management Plan

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

Diploma Constructions have been advised that the matter will be considered by Council at the 9 May 2013 Council Meeting

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

Nil.

**16.5 (MINUTE NO 5049) (OCM 09/05/2013) - SUSTAINABILITY ACTION PLAN REVIEW 2012 - 2016 (HS/E/003) (H JESTRIBEK) (ATTACH)**

**RECOMMENDATION**  
That Council adopt the amended Sustainability Action Plan 2013 – 2014.

**COUNCIL DECISION**  
MOVED Clr S Portelli SECONDED Clr B Houwen that the recommendation be adopted.  
**CARRIED 9/0**



## **Background**

In June 2012, Council adopted the City's Sustainability Action Plan 2012 – 2016, with a commitment to an annual review. This Action Plan is aligned with the City's Sustainability Policy (SC37) and Strategy 2012 - 2016. In November 2012, the City adopted its Strategic Community Plan 2012 – 2022.

The Action Plan is the City's blueprint for action towards sustainability and culminates in the release of a *State of Sustainability (SoS) Report* in November each year.

The Action Plan is reviewed by the City's sustainability officer in conjunction with the Executive and Strategic Business Management Group.

## **Submission**

N/A

## **Report**

The Focus Areas of the Action Plan have been amended to align with the City's Strategic Community Plan and Sustainability Strategy.

This has resulted in the amendment of overarching objectives and key performance indicators. This Action Plan presents an increasingly balanced reporting system for the City to pursue for sustainability. Each of the overarching objectives have been assigned four key performance indicators, to ensure a balanced system of reporting, which reflects an intent to pay equal attention to each focus area.

Many of the key performance indicators found in the 2012 report have been completed and have been removed accordingly. Those indicators where progress has been made, but are yet to be completed, have remained in the Action Plan for completion in the next iteration of the SoS Report.

Those indicators that are not strategically aligned with the updated Action Plan have been revised or removed.

This Action Plan will be revised annually, and be relevant to each financial year.





**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.

**Leading & Listening**

- A responsive, accountable and sustainable organisation.

**Environment & Sustainability**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Sustainability Action Plan

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

N/A

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

Nil.

**16.6 (MINUTE NO 5050) (OCM 09/05/2013) - REVISED SUSTAINABILITY STRATEGY (HS/E/003) (H JESTRIBEK) (ATTACH)**

**RECOMMENDATION**

That Council adopt the amended Sustainability Strategy 2013 – 2017.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

In March 2012, Council adopted the City's Sustainability Strategy 2012–2016. The strategy is aligned with the City's Sustainability Policy (SC37) and Action Plan. In November 2012, the City adopted its Strategic Community Plan 2012–2022. The strategy has been reviewed to align with the Strategic Community Plan and its term is in alignment with the mid-term review of this Plan.

The Strategy is a succinct overview of the City's focus areas for sustainability.

In order to ensure alignment, this document has been reviewed to ensure that the City's intentions across its strategic plans are complementary.

As the City progresses towards sustainability, it is envisaged there will be greater alignment between all City processes, policies, strategies and reports.

**Submission**

N/A

**Report**

The wording of the Sustainability Strategy has been reviewed to ensure that its alignment with other strategic documents is up to date and complementary.

In addition to this, the City's focus areas for sustainability have been amended where necessary to strengthen strategic alignment. This will ensure that the City moves forward in a consistent manner when strategically planning.



The City's Action Plan is also amended accordingly to reflect these changes.

**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.

**Leading & Listening**

- A responsive, accountable and sustainable organisation.

**Environment & Sustainability**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Sustainability Strategy 2013-2017

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

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

Nil.

**16.7 (MINUTE NO 5051) (OCM 09/05/2013) - CAT BUS SERVICE TO SOUTH BEACH VILLAGE (142/007) (D VICKERY) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) note that an extension of the Fremantle CAT bus service into the City of Cockburn section of South Beach Village is not feasible at this time; and



- (2) forward this Report to the City of Fremantle and the PTA for their information.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

At the Ordinary Council Meeting of 13<sup>th</sup> October 2012, Mayor Logan Howlett requested as follows:

*“That a report be presented at a future Council Meeting on the opportunity to extend the Cat Bus service that operates in the City of Fremantle, south to include the South Beach Village. Transport orientated developments require the provision of enhanced public transport options to encourage people to change their commuting habits.”*

The current Fremantle Blue CAT bus service operates down to Douro Road only. The South Beach Village development currently has no public transport service.

Extending the Fremantle CAT bus service down to the upper section of the South Beach Village development, and possibly the provision of a Transperth service through its eastern side, were both proposed in the development's Structure Plan Report, but neither has as yet been enacted by the City of Fremantle, City of Cockburn or Transperth / PTA.

There has been some history of verge parking and road obstruction issues associated with the South Beach Village development. Contributing is the lack of suitable car parking places on street or within private property for the number of vehicles there and the relatively narrow roadways through the development.

**Submission**

N/A



## Report

The South Beach Village development is situated in North Coogee abutting and extending over the northern boundary of the City of Cockburn into the City of Fremantle. Its western boundary is the South Beach foreshore reserve, southern boundary is Rollinson Road, and its eastern boundary is also the boundary with the City of Fremantle and the land occupied by the Fremantle Holiday Village.

As can be seen from the aerial image below, a fair number of the residences have now been constructed, particularly in the more northern and eastern sections of the development.

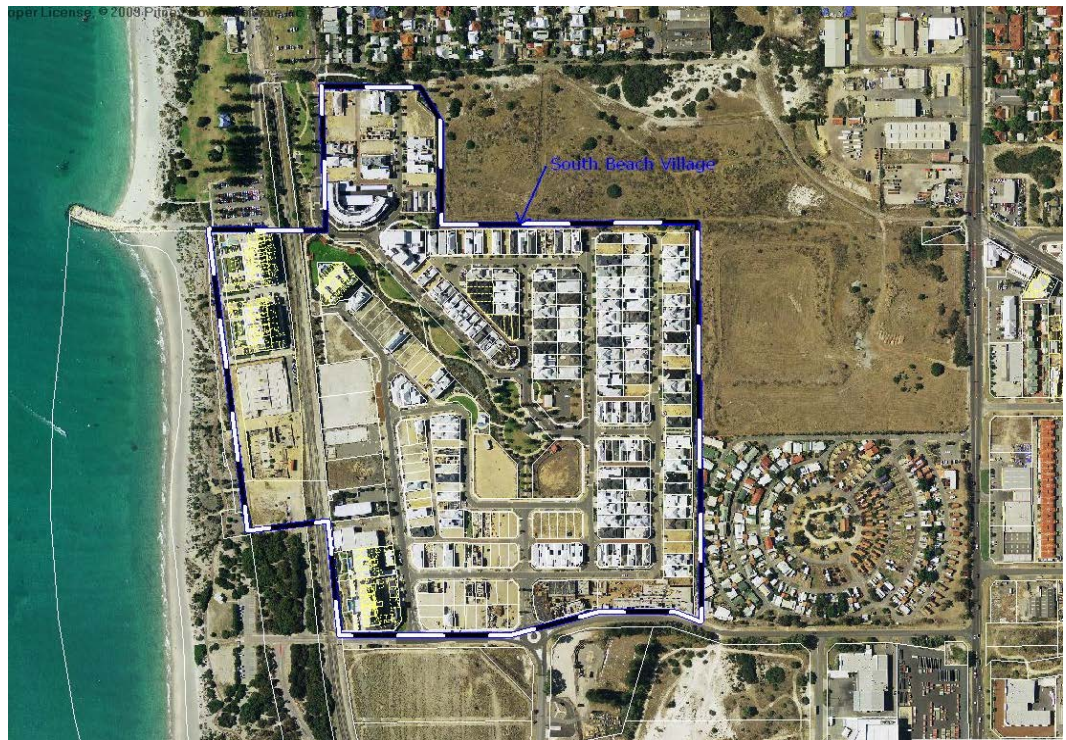


Figure 1: Aerial View of the South Fremantle Village Development

### Existing Bus Routes

The Transperth bus routes and the bus stops on those routes, in vicinity of South Beach Village are as represented on Figure 2 and Figure 3 below. The closest routes are Route 825 travelling up/down Cockburn Road and Route 532 utilising Douro Road.



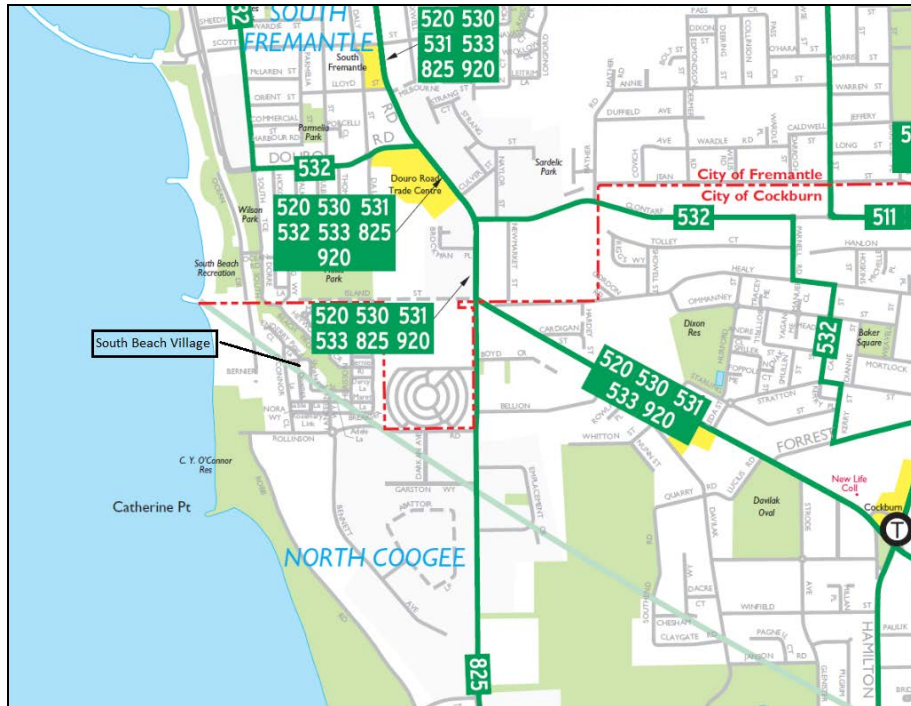


Figure 2: Current Transperth Bus Routes

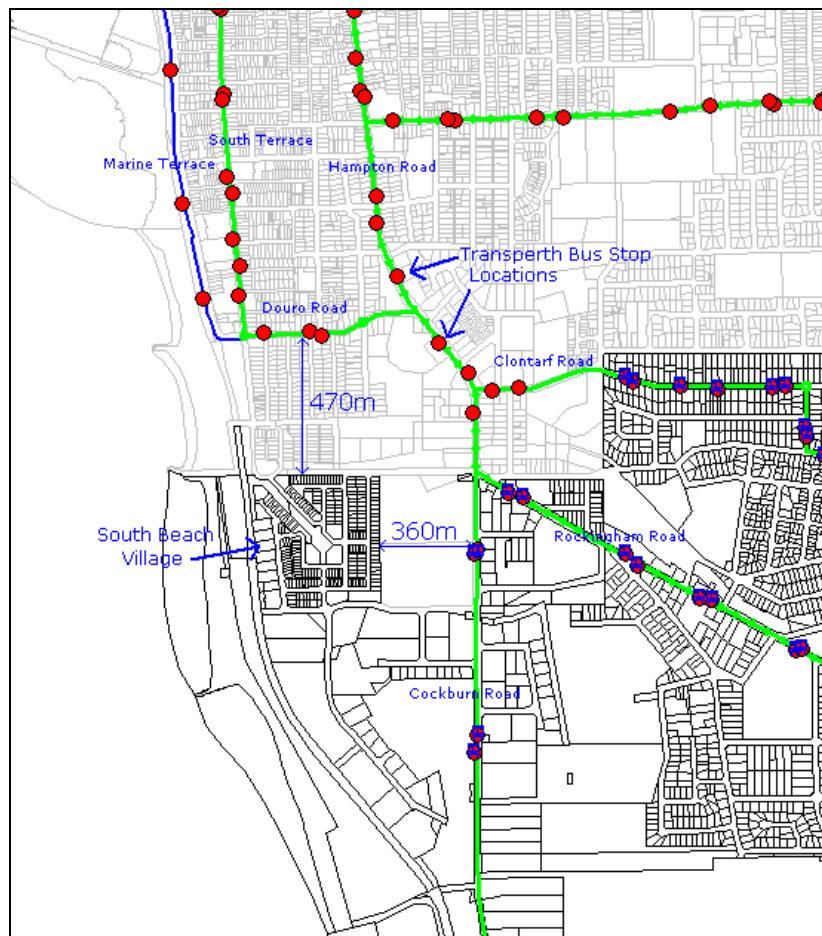




Figure 3: Transperth Bus Stop Locations

The Fremantle Blue CAT bus service route is represented on Figure 4 below (being an extract of the CAT 204 Timetable leaflet). This bus service operates on a 10 minute frequency circular route south down South Terrace to Douro Road and returning northward along Marine Terrace, The return route with stops at the south end of Marine Terrace is also represented on Figure 4 below.

The operating times of this free Blue CAT service are as follows:

- Monday to Thursday: ..... 7:30am to 6:30pm
- Fridays: ..... 7:30am to 8:00pm
- Weekends & Public Holidays: ..... 10:30am to 6:30pm



Figure 4: City of Fremantle CAT Bus Routes

Future Bus Routes

There is a proposed future Light Rail or Bus Rapid Transit (LRT/BRT) service between Fremantle and the Cockburn Coast Development being planned for the area to the south of Rollinson Road and the South Beach Village. This LRT/BRT route, and the proposed stops on it, is represented on the map at Figure 5 below.



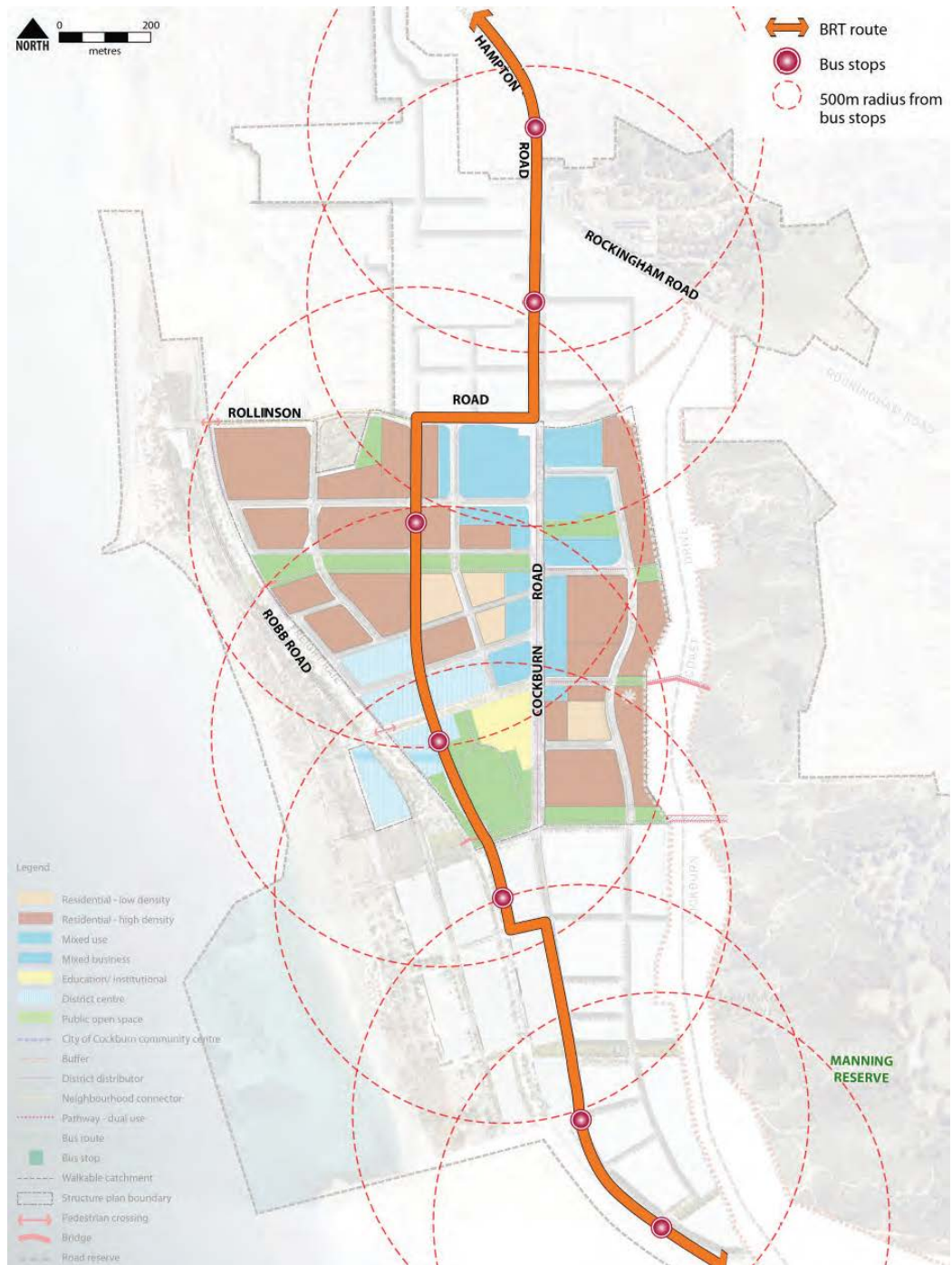


Figure 5

Proposed BRT Route Associated with the Cockburn Coast Development  
(source draft Robb Street Jetty Local Structure Plan)

South Beach Structure Plan Proposed Bus Routes

The South Beach Structure Plan Report prepared in September 2002 and subsequently endorsed by both the City of Cockburn and





presumably the City of Fremantle, has as a major theme the provision of bus services into the proposed development. This Report (in Section 6.2.2) proposes the provision of an additional CAT bus into the Fremantle CAT bus fleet to enable the CAT bus route to be extended south to a loop through the north (City of Fremantle) section of the South Beach Village as represented on Figure 6 below (the Report Figure 5).

Additionally the Report (as represented in Figure 6 below) proposes for consideration a Transperth bus route running up the eastern portion of the South Beach Village development, via a connection with Rollinson Road and a 'Island Street' connection across to Cockburn Road.

The development appears not to have been planned and constructed with public transport and particularly these two routes in mind, it being noted that as built:

- a) The specific road linkages needed to facilitate a CAT bus circuit / turnaround, and/or a Transperth through route, as contemplated in the Structure Plan Report, have not been constructed, and in the case of the through bus route could not now be constructed due to the subdivision configuration.
- b) The roads and verges within the development are comparatively narrow, which together with the geometry including intersections, makes it not very conducive to the passage of larger vehicles such as buses, nor the placement of embayment's for passenger drop off and pick up.
- c) Any transit through or around the development could be described as somewhat tortuous, with indirect routes needing to be taken to get from one side of the development to the other.
- d) The development is situated away from the existing bus routes of the area, which utilise Cockburn Road, Rockingham Road, Hampton Road and Douro Road.
- e) The size and nature of the development, in regard to the size of the resident population, makes it a small catchment area for any service. The Structure Plan indicates that there will be, when fully taken up, 300 single residential lots and 22 grouped residential lots within the development. It could be considered that the resident and visitor population catchment is not large enough to justify a bus route being diverted through the area.



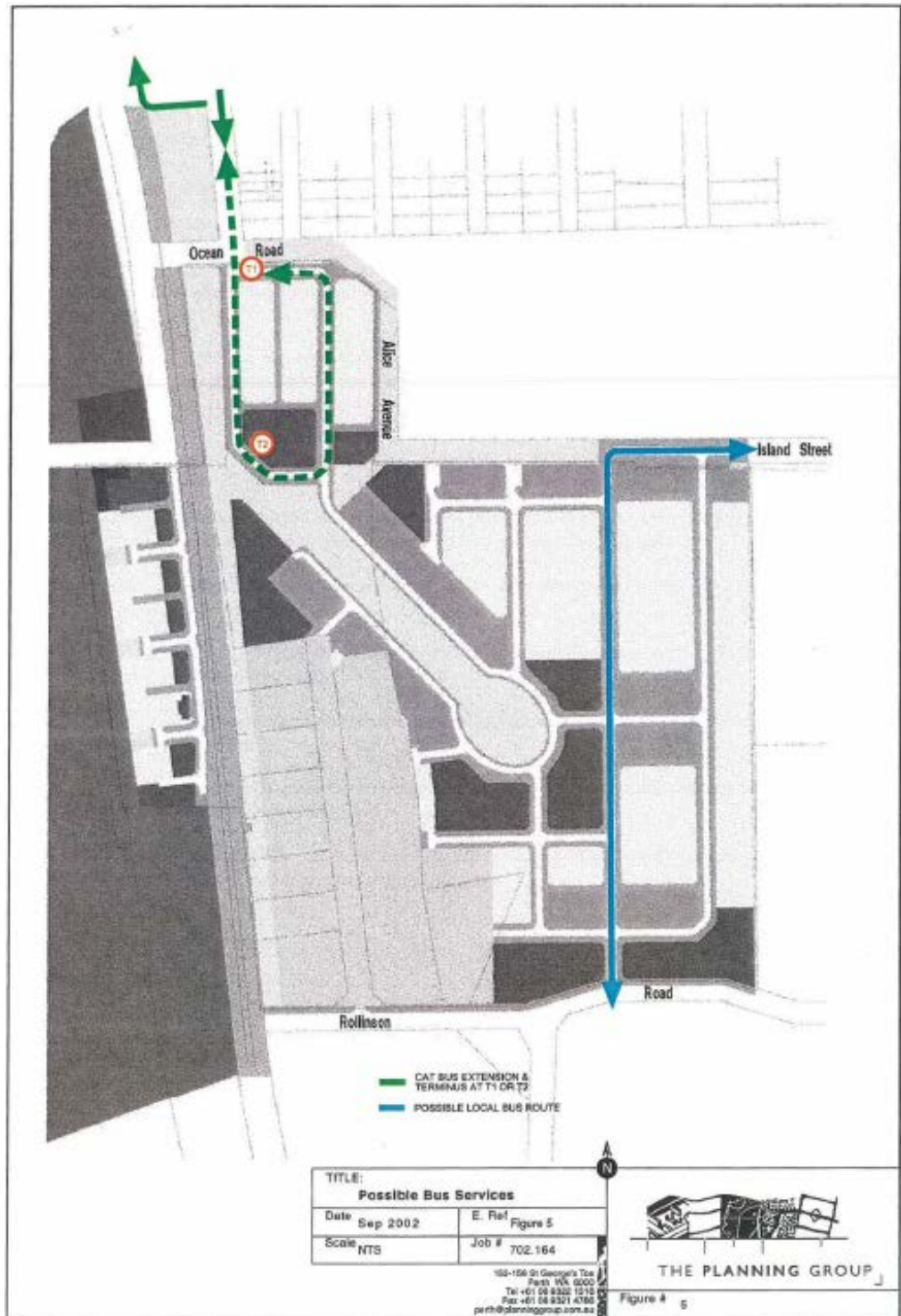


Figure 6: Extract of the South Beach Structure Plan Report – Proposed Bus Services

Acceptable Walking Distances

As dimensioned on Figure 3, the South Beach Village development is some distance from existing Transperth bus routes and stops on those



routes. The closest residences in the City of Cockburn section are approximately 470 metres from the nearest stop on the No. 532 bus route travelling down Douro Road, and 360 metres from the nearest bus stop on the No.825 route travelling down Cockburn Road. For residents at the other (south and west) ends of the development the longest distance to the Douro Road stop as scaled is approximately 920 metres, and potentially up to 1100 metres if traversing out to the Cockburn Road bus stop via Rollinson Road.

For the proposed future LRT/BRT service, if constructed as per this plan, it appears that there will be a stop that is a comfortable walking distance for residents situated towards the southern end of the South Beach Village.

According to the PTA's Network and Systems Planner Simon Cox (the officer concerned with the review and provision of new bus routes), the targeted maximum distance to a Transperth bus stop is 500 metres and to a high frequency Light Rail Transit or Bus Rapid Transit (LRT/BRT) stop up to as much as 1000 metres.

Thus in all, residents living toward the northern and eastern perimeter of the South Beach Village development are currently within the Transperth target of less than 500 metres walking distance to a bus stop, and residents toward the southern end of South Beach Village will potentially in due course be situated within walking distance of the LRT/BRT service associated with the Cockburn Coast development.

However the distance from the nearest Blue CAT bus stop to the northern most residence within the South Beach Village within the City of Fremantle's portion is approximately 460 metres and within the City of Cockburn's portion is approximately 720 metres, thus is well beyond Transperth's target maximum walking distance for all of the development.

#### CAT Bus Extension

Currently the development, as built, would not physically accommodate the Structure Plan Report proposed CAT bus extension and circuit through the upper section of the South Beach Village, due to there being no road linkage at the northern end of the circuit within the development.

A new 'left turn entry only' off South Beach Promenade into Keeling Way could conceivably be constructed however, as represented on Figure 7 below, which would facilitate a clockwise (not anti- clockwise as contemplated in the Structure Plan) circuit for the CAT bus through this northern section.



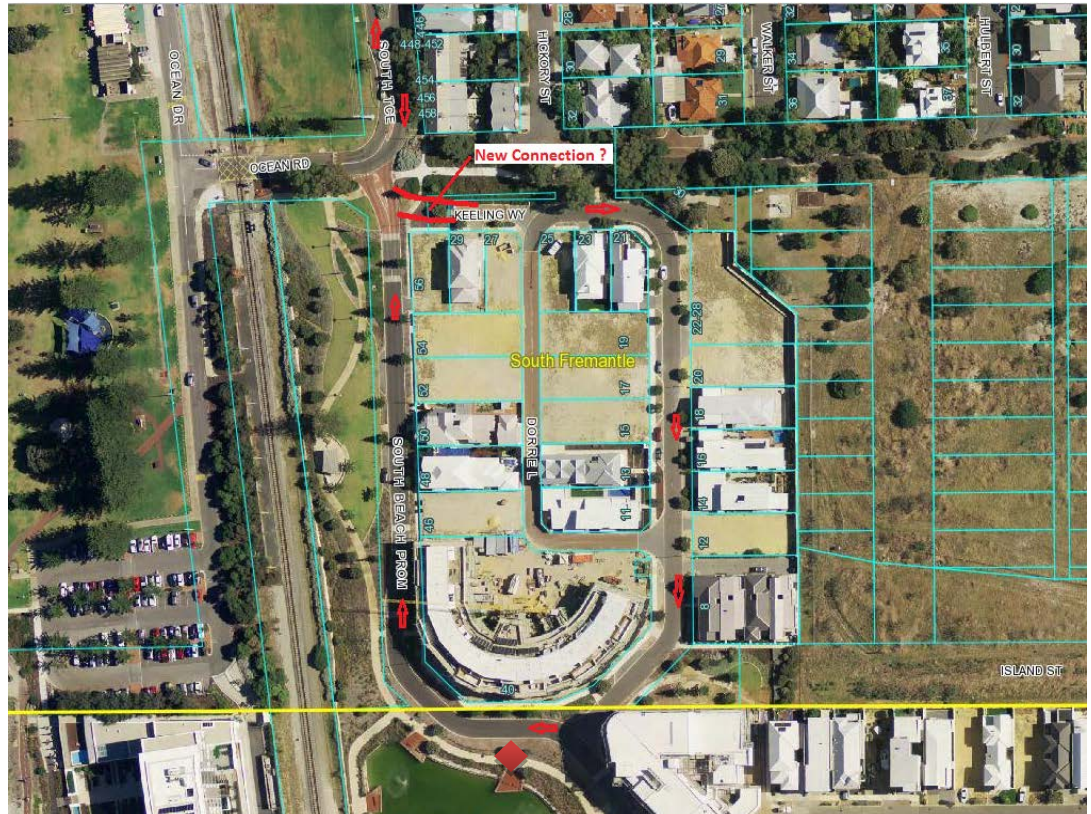


Figure 7: Possible CAT Bus Route Including New Road Connection

Being situated within the City of Fremantle's section of the South Beach Village development, it is that City that we can expect would need to be supportive of the new connection, to liaise with the property owners that would be affected by the proposed CAT bus route, to facilitate its construction and to deal with any arising issues to do with noise, disruption and/or traffic congestion on these streets not currently experiencing bus traffic. It is suggested that the road modifications alone to facilitate the passage of the bus and provision of bus stops could be in the order of \$240,000.

A recent inquiry to Transperth's Simon Cox has provided indicative current day costs for a CAT bus service of \$550,000 capital cost for the additional bus, \$55,000 per year base operating cost and an additional \$7.50 to \$8.00 per km running costs. However he also indicated that Transperth would be unlikely to support an extension of the existing Blue CAT bus route, or contribute funding toward it, on account of:

- (a) The existing blue CAT bus route is a circular route currently (rather than buses travelling in both directions on one route) and so any extension will add to the travel time for current users, perhaps unreasonably.



- (b) That extending the CAT bus route without adding another bus would potentially push the frequency of the service out to at least 18 minutes, which would be unacceptable.
- (c) Transperth funding for existing, new and extended routes has been fully allocated for the next three or more years, for other what would be higher priority, routes.

A separate inquiry to the City of Fremantle's Traffic and Design Officer, Dwight Kostusnic, indicated that whilst he considers it would be good to service the South Beach Village area with public transport, he would not want it to compromise the existing Blue CAT bus service in respect to frequency or travel times, which he considers are currently at their limits. He also noted that in his view any additional or extended CAT bus service to service the South Beach Village area would need to be at the City of Cockburn's cost, that the City of Fremantle would not be in a position to co fund it.

There are currently three funding models for CAT services within the Metropolitan Area, these being:

- (a) Levies on parking, as for the City of Perth which funds \$11m for the Perth CAT services and the free transit zone for conventional Transperth bus passengers.
- (b) Developer funded, as for the Midland Gateway link bus to/from the Midland train station and the Glendalough – Herdsman Park link.
- (c) Local Government / PTA / Other Entity co funded, such as:
  - (i) Fremantle and Joondalup CAT buses, with the LGA providing 60% of funding to meet service, a significant portion of which is drawn from parking 'profits' and some from general revenue stream, and 40% or so from PTA – gradually declining year on year.
  - (ii) The Subiaco Link, which has 4 contributors (QE11, UWA, PTA & Co Subiaco).

An alternative to a CAT bus service additional to existing Transperth services is a Transperth provided bus with passengers paying fares and a Local Authority contributing to its capital and running costs. The costs can be expected to be similar to a CAT bus (\$550,000 capital cost and \$55,000 per year base operating cost but with a reduced running cost to around \$5/km instead of \$7.50 to \$8.00/km.

### Bus Demand

To date (as far as the author is aware) there has been no petition from land owners or residents of the South Beach Village seeking the





provision of public transport through or up to the perimeter of the estate within the City of Cockburn; nor has there been any surveys of landowners and residents undertaken to assess the potential demand.

The most recent census figures for 'trip to work' mode of transport for the respondents in this general area indicated the following statistics in Table 1.

<b>Travel to work, top responses</b>	<b>5115802</b>	<b>%</b>	<b>Western Australia</b>	<b>%</b>	<b>Australia</b>	<b>%</b>
<i>Employed people aged 15 years and over</i>						
Car, as driver	120	57.1	662,948	60.4	6,059,972	60.2
Walked only	10	4.8	35,995	3.3	377,043	3.7
Car, as passenger	7	3.3	63,485	5.8	537,638	5.3
Train	6	2.9	24,271	2.2	388,012	3.9
Bicycle	6	2.9	11,757	1.1	103,914	1.0
People who travelled to work by public transport	25	11.9	102,895	9.4	1,046,721	10.4
People who travelled to work by car as driver or passenger	129	61.4	729,050	66.4	6,620,840	65.8

Table 1 – Travel to Work Mode Statistics

From the statistics it can be concluded that approximately 6% of respondents travelled to work by bus as compared to approximately 61% travelled to work by car.

The inference is that only a relatively small percentage, perhaps less than 10%, of the residents of the South Beach Village would make regular use of a free CAT bus and even less a standard Transperth bus service for daily commute purposes, if either were provided. The relatively small catchment would indicate a dedicated Transperth bus route to/from the area wouldn't be justified, nor necessarily a redirection of an existing Transperth bus away from the core direct routes along Cockburn, Rockingham, Hampton and Douro Roads.

It should be noted too however that there are commercial premises at the South Beach foreshore, and the popular beach area itself each side of the Islands Street groyne, a proportion of the visitors to which would



presumably utilise an extended CAT service or redirected Transperth service to get to and from.

### **Conclusions**

The following conclusions have been drawn:

- 1) The existing road layout of the South Beach Village development is not conducive to the passage of a full size bus on a regular circuit, and even a circuit via Keeling Way within the City of Fremantle section would require roadworks and a new road linkage to accommodate it.
- 2) Extending the blue CAT bus route would require at least one additional CAT bus being acquired and put into the fleet to ensure frequency of the service is not compromised, however the travel time would be increased also by up to say 8 minutes, which may adversely affect the whole services patronage and viability as far as the City of Fremantle and/or Transperth is concerned.
- 3) The City of Fremantle and Transperth/PTA are both unlikely to be inclined to contribute to the capital or running costs of an extended service into South Beach Village, or the cost of roadworks and other bus stop facilities needed to accommodate it.
- 4) Sections of the South Beach Village in the City of Cockburn are within an 'acceptable' walking distance to an existing Transperth bus service and further sections can be expected to be within an acceptable walking distance to a future BRT service running to from the Cockburn Coast area. There are however sections that are outside of a reasonable walking distance.
- 5) The likely patronage of any servicing of South Beach Village with an extended CAT bus route, or fare paying Transperth bus service, were either one to be provided, is unknown.
- 6) Overall, it does not appear to be feasible to extend the Fremantle CAT bus route to include any portion of the South Beach Village development within the City of Cockburn.
- 7) Given budgetary constraints, it is not recommended that the City offer to contribute to the cost of any extension of the CAT bus service into the upper City of Fremantle section of the South Beach Village development, be it for the capital or running costs of the bus or any necessary roadworks and facilities, were such to be contemplated by the City of Fremantle or Transperth/PTA.



It is suggested that this Report be provided to the City of Fremantle and officers from the Public Transport Authority, for their information on the findings.

Also that it be the stated intent that the BRT/LRT being contemplated as part of the Cockburn Coast development also service parts of South Beach Village, by way of positioning stops within a reasonable walking distance.

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

#### **Moving Around**

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

### **Budget/Financial Implications**

Nil

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. South Beach Structure Plan Report
2. Fremantle CAT bus Route Map / Timetable

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

N/A

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

Nil.





## 17. COMMUNITY SERVICES DIVISION ISSUES

### 17.1 **(MINUTE NO 5052) (OCM 09/05/2013) - TENDER NO.RFT01/2013 - PROJECT MANAGEMENT SERVICES - REGIONAL AQUATIC AND RECREATION COMMUNITY FACILITY (CCW) (RFT 01/2013) (S DOWNING) (ATTACH)**

#### **RECOMMENDATION**

That Council accept Tender No.RFT01/2013 – Project Management Services – Regional Aquatic and Recreation Community Facility at Cockburn Central West from NS Projects Pty Ltd for a period of four(4) years; in accordance with the price submitted in the confidential attachments.

#### **COUNCIL DECISION**

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

**CARRIED 9/0**

#### **Background**

The City of Cockburn’s Regional Aquatic and Recreation Community Facility at Cockburn Central West is currently in the process of seeking public comment on the Business Plan. In addition funding applications have been submitted to both State and Federal Government Funding agencies. Part of the Business Plan and Funding Applications is a time line in order to construct the proposed facility. In order to meet the timeframe outlined above, a number of tenders are required to be adopted by Council; these include the appointment of a suitably qualified Project Manager. This tender is subject to the Council adopting the Business Plan and approving the CCW Project. All tenderers have submitted responses based on the construction of the Integrated Facility including Cockburn and the Fremantle Football Club or the Non-Integrated Facility for the City of Cockburn only.

Tender Number RFT 01/2013 Project Management Services for CCW was advertised on Wednesday, 20 February 2013 in the Local Government Tenders section of “The West Australian” newspaper.

The tender was also displayed on the City’s e-Tendering website.



## Submission

Tenders were called for Project Management Services at CCW for a four (4) year period and closed at 2:00p.m. (AWST) on Thursday 14 March 2013. Twelve (12) tender submissions were received from:

1. Davis Langdon Australia Pty Ltd (AECOM)
2. Appian Group Pty Ltd - ATF Appian Group Trust - T/As: Appian Group Pty Ltd
3. Aurora Projects Pty Ltd
4. Benchmark Projects Australasia
5. Blue Visions Management Pty Ltd
6. Coffey Projects (Australia) Pty Ltd
7. GHD Pty Ltd
8. Insight Project Services Pty Ltd
9. International Commercial & Project Services Pty Ltd - T/As: ICP Solutions
10. NS Projects Pty Ltd
11. Savills Project Management Pty Ltd
12. Thinc - T/As: Thinc Projects Australia Pty Ltd

## Report

### (a) Compliance Criteria

	<b>Compliance Criteria</b>
(a)	Compliance with the Specification contained in the Request.
(b)	Compliance with the Conditions of Tendering this Request
(c)	Compliance with Fixed Price and completion of Clause 3.4.2A
(d)	Compliance with Insurance Requirements and completion of Clause 3.2.7.
(e)	Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
(f)	Compliance with ACCC Requirements and completion of Appendix B.
(g)	Compliance with and completion of the Price Schedule, in the format provided in this Request in Part 4.
(h)	Compliance with Subcontractors (Proposed) and completion of Clause 3.5

### (b) Compliant Tenderers

All twelve (12) Tender submissions were deemed compliant.

### (c) Evaluation Criteria

Tenderers were assessed against the following criteria:



Evaluation Criteria	Weighting Percentage
Demonstrated Experience	30%
Key Personnel Skills and Experience	25%
Tenderer's Resources	25%
Tendered Price – Estimated Lump Sum Contract Value	20%
<b>TOTAL</b>	<b>100%</b>

(d) Tender Intent/ Requirements

The City of Cockburn (the Principal) in conjunction with the Fremantle Football Club (FFC) are seeking the services of an independent (i.e. not associated with any design consultants or construction contractors), qualified and experienced Project Manager/Consultant to undertake project management services for the development of the Cockburn Integrated Regional Physical Activity and Education Centre located at Cockburn Central West, Western Australia.

The Project at this stage is expected to deliver an integrated community facility that includes the Principal's community aquatic and recreation and the FFC's elite training and administration facilities. The current estimated cost of the integrated Centre (including construction, associated works and fit-out costs, consultants' fees, contingencies and other costs associated with the development) is \$107 million GST Exclusive; and is dependent on final stakeholder involvement and scope.

Tenderers are advised that consideration may be given to scaling back the Centre to only include the Principal's community aquatic and recreation facilities and therefore the Price Schedule - Part 4 includes a requirement for two (2) tendered prices. The estimated cost for the scaled back Centre (including construction, associated works and fit-out costs, consultants' fees, contingencies and other costs associated with the development) is \$65 million GST Exclusive.

The proposed Contract is for a period of four (4) years from the date of award which is the agreement for Council to construct the facility.

(e) Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn officers:

1. Mr Stuart Downing Director, Finance and Corporate Services
2. Mr Daniel Arndt – Director, Planning and Development
3. Mr Rob Avard – Manager, Community Development



4. Mr Adrian Lacquiere, Coordinator, Recreation Services
5. Mr Brad Paatsch, General Manager Development FFC
6. Mr John Townsend, Independent Consultant

(f) Scoring Table

Tenderer's Name	Percentage Scores		
	Non Cost Evaluation	Cost Evaluation	Total
	80%	20%	100%
<b>Thinc Projects Australia Pty Ltd</b>	<b>59.90</b>	<b>15.40</b>	<b>75.30</b>
<b>NS Projects Pty Ltd</b>	<b>59.06</b>	<b>14.95</b>	<b>74.01</b>
<b>Davis Langdon Australia Pty Ltd</b>	<b>58.78</b>	<b>15.99</b>	<b>74.77</b>
Appian Group Pty Ltd	58.75	11.25	70.00
GHD Pty Ltd	55.18	14.10	69.27
Coffey Projects (Australia) Pty Ltd	54.05	14.19	68.24
Benchmark Projects Australasia	52.03	10.88	62.91
Savills Project Management Pty Ltd	50.13	15.75	65.87
Blue Visions Management Pty Ltd	46.98	2.40	49.38
Insight Project Services Pty Ltd	46.33	15.70	62.02
ICP Solutions	44.25	20.00	64.25
Aurora Projects Pty Ltd	42.75	7.01	49.76

Based on the above, three tenderers were requested to present to the above panel for an interview. The chosen three were:

1. Davis Langdon Australia Pty Ltd
2. NS Projects Pty Ltd
3. Thinc Projects Australia Pty Ltd

Summation

The Panel has evaluated all submissions and recommends that NS Projects Pty Ltd would be the most advantageous Project Management Firm to undertake this role for the City of Cockburn. This was a unanimous decision of the Tender Evaluation and Interview Panel.

**Strategic Plan/Policy Implications****Leading & Listening**

- A responsive, accountable and sustainable organisation.



### **Budget/Financial Implications**

The four (4) year contract would be funded from the CCW project fund equally over the four years subject to the Council endorsing the Cockburn Central West Business Plan.

### **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 separate cover:

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

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

## **17.2 (MINUTE NO 5053) (OCM 09/05/2013) - TENDER NO. RFT02/2013 - QUANTITY SURVEYING SERVICES - REGIONAL AQUATIC AND RECREATION COMMUNITY FACILITY (CCW) (RFT 02/2013) (S DOWNING) (ATTACH)**

### **RECOMMENDATION**

That Council accept Tender No. RFT02/2013 – Quantity Surveying Services for the Regional Aquatic and Recreation Community Facility at Cockburn Central from WT Partnership Australia Pty Ltd for a period of four(4) years; in accordance with the price submitted in the confidential attachments.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The City of Cockburn's Regional Aquatic and Recreation Community Facility at Cockburn Central West is currently in the process of seeking public comment on the Business Plan. In addition funding applications have been submitted to both State and Federal Government Funding agencies. Part of the Business Plan and Funding Applications is a time line in order to construct the proposed facility. In order to meet the timeframe outlined above, a number of tenders are required to be adopted by Council, these include the appointment of a suitably qualified Quantity Surveyor. This tender is subject to Council adopting the Business Plan and approving the CCW Project. All tenderers have submitted responses based on the construction of the Integrated Facility including Cockburn and the Fremantle Football Club or the Non-Integrated Facility for the City of Cockburn only.

Tender Number RFT 02/2013 Quantity Surveying Services for CCW was advertised on Wednesday, 20 February 2013 in the Local Government Tenders section of "The West Australian" newspaper.

The tender was also displayed on the City's e-Tendering website.

**Submission**

Tenders were called for Quantity Surveying Services at CCW for a four (4) year period and closed at 2:00p.m. (AWST) on Thursday 4 April 2013. Seven (7) tender submissions were received from:

1. Donald Cant Watt Corke
2. Aquentia Consulting
3. Turner Townsend Pty Ltd
4. WT Partnership Australia Pty Ltd
5. Ralph Beattie Bosworth
6. Rider Levitt Bucknall
7. Altus
8. Aecom Davis Langdon
9. Slattery Australia Pty Ltd



## Report

### (a) Compliance Criteria

	<b>Compliance Criteria</b>
(a)	Compliance with the Specification contained in the Request.
(b)	Compliance with the Conditions of Tendering this Request
€	Compliance with Fixed Price and completion of Clause 3.4.2A
(d)	Compliance with Insurance Requirements and completion of Clause 3.2.7.
€	Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
(f)	Compliance with ACCC Requirements and completion of Appendix B.
(g)	Compliance with and completion of the Price Schedule, in the format provided in this Request in Part 4.
(h)	Compliance with Subcontractors (Proposed) and completion of Clause 3.5

### (b) Compliant Tenderers

All nine (9) Tender submissions were deemed compliant.

### (c) Evaluation Criteria

Tenderers were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	30%
Key Personnel Skills and Experience	25%
Tenderer's Resources	25%
Tendered Price – Estimated Lump Sum Contract Value	20%
<b>TOTAL</b>	<b>100%</b>

### (d) Tender Intent/ Requirements

The City of Cockburn (the Principal) in conjunction with the Fremantle Football Club (FFC) are seeking the services of an independent (i.e. not associated with any design consultants or construction contractors), qualified and experienced quantity surveying consultants to undertake cost management and QS services for the development of the Cockburn Integrated



Regional Physical Activity and Education Centre located at Cockburn Central West, Western Australia.

The Project at this stage is expected to deliver an integrated community facility that includes the Principal's community aquatic and recreation and the FFC's elite training and administration facilities. The current estimated cost of the integrated Centre (including construction, associated works and fit-out costs, consultants' fees, contingencies and other costs associated with the development) is \$107 million GST Exclusive; and is dependent on final stakeholder involvement and scope.

Tenderers are advised that consideration may be given to scaling back the Centre to only include the Principal's community aquatic and recreation facilities and therefore the Price Schedule - Part 4 includes a requirement for two (2) tendered prices. The estimated cost for the scaled back Centre (including construction, associated works and fit-out costs, consultants' fees, contingencies and other costs associated with the development) is \$65 million GST Exclusive.

The proposed Contract is for a period of four (4) years from the date of award which is the agreement for Council to construct the facility.

e) Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn officers:

1. Mr Stuart Downing Director, Finance and Corporate Services
2. Mr Daniel Arndt – Director, Planning and Development
3. Mr Rob Avard – Manager, Community Development
4. Mr Adrian Lacquiere, Coordinator, Recreation Services
5. Mr Brad Paatsch, General Manager Development FFC
6. Mr John Townsend, Independent Consultant

In this instance, the evaluation panel assessed all tender submissions under a 'two envelope' system with the panel only having access to the qualitative criteria during their individual deliberations. Prices tendered were assessed separately.





f) Scoring Table

Tenderer's Name	Percentage Scores		
	Non Cost Evaluation	Cost Evaluation	Total
	80%	20%	100%
Ralph Beattie	76.01	13.68	89.69
Aecom Davis Langdon	75.74	12.33	88.08
Donald Cant	73.83	11.11	84.94
WT Partnership**	72.22	16.29	88.51
Rider Levitt	71.40	18.52	89.92
Slattery	66.34	10.42	76.77
Aquenta	63.50	12.27	75.77
Altus	55.67	20.00	75.67
Turner Townsend	52.91	15.35	68.26

**\*\* Recommended Submission**

The Panel members met on Tuesday, 23 April at 2.30pm to discuss the tenders and further analysed each of their submissions based on:

- The key personnel,
- Relevant experience,
- Hours allocated for the project and
- Pricing

Whilst all three tenders were capable of providing the level of service, WT Partnership Australia Pty Ltd was identified as providing the best value for price offered. Rider Levett Bucknall were eliminated early due to the under scoping of hours when compared to the other 2 tenders. The panel voted 5/0 in favour of appointing WT Partnership to provide the Quantity Surveying services for the project on behalf of the City of Cockburn and the Fremantle Football Club.

The formal appointment of WT Partnership as the preferred tender is subject to the approval of the Fremantle Football Club Board and the City of Cockburn Council.

Summation

The Panel having evaluated all submissions recommends that WT Partnership Australia Pty Ltd would be the most advantageous tender



to undertake the role of cost managers and QS consultants for the City of Cockburn.

This was a unanimous decision of the Tender Evaluation and Interview Panel.

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

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.

### **Budget/Financial Implications**

The four (4) year contract would be funded from the CCW project fund equally over the four years subject to the Council endorsing the Cockburn Central West Business Plan.

### **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 separate cover:

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

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil



**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

Nil

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 5054) (OCM 09/05/2013) - 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 C Reeve-Fowkes SECONDED Clr B Houwen the recommendation be adopted.

**CARRIED 9/0**

**25 (OCM 09/05/2013) - CLOSURE OF MEETING**

The meeting closed at 8.02 p.m.

**CONFIRMATION OF MINUTES**

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

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

