

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 MAY 2015 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 MAY 2015 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

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

#### IN ATTENDANCE

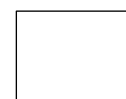
|                   |   |   |
|-------------------|---|---|
| Mr S. Cain        | - | Chief Executive Officer                   |
| Mr D. Green       | - | Director, Governance & Community Services |
| Mr S. Downing     | - | Director, Finance & Corporate Services    |
| Mr C. Sullivan    | - | Director, Engineering & Works             |
| Mr A. Trosic      | - | Acting Director, Planning & Development   |
| Ms L. Boyanich    | - | Media Liaison Officer                     |
| Mr J. Ngoroyemoto | - | Governance & Risk Coordinator             |
| Mrs L. Jakovcevic | - | PA – Directors, Engineering. & Works      |

### 1. DECLARATION OF MEETING

The Presiding Member opened the meeting at 7.00PM and welcomed all those present including Andrew Trosic who was acting in the position of Director, Planning & Development.

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

Nil.



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

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

**4 (OCM 14/5/2015) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received advice from Clr Y Mubarakai that he had a Conflict of Interest Item 13.1, which will be read at the appropriate time.

He had also received advice from Clr B Houwen that he had a Proximity Interest in relation to Item 14.6, which would also be read at the appropriate time.

**5 (OCM 14/5/2015) - APOLOGIES AND LEAVE OF ABSENCE**

Mr K. Allen - Councillor - Apology

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

Nil

**7 (OCM 14/5/2015) - PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA

**Joshua Katalinic, Munster**

*Item 14.6 – Proposed Local Structure Plan – Lot 9001 Coogee Road Munster.*

Q1. Can all traffic "PLEASE" be directed to and from/enter and exit the "Australian Marine Complex" McGrath & Fawcett Roads, Munster. Instead of using our suburban streets which are as follows:  
Button St, Frobisher Ave, Korcula Ct, Grizen Way, Splash Terrace,



Albion Ave, Coogee Road! That way OUR children will be safe, There will be less noise and no traffic.

- A1. *The current road network servicing the Australian Marine Complex emphasises Rockingham Road and Russell Road/Cockburn Road as the primary access routes. These are designed to carry the type and volumes of traffic accessing the AMC on a daily basis. The roads mentioned are designed as local roads and are intended for local traffic accessibility.*

*In terms of the future expansion of the AMC to encompass a new Technology Precinct adjoining the Munster Urban Area, the current Structure Plan identifies the need to carefully plan the relationship between the two precincts. For example, Coogee Road is not shown as a direct connection north of Frobisher Avenue. Rather, the industrial interface with Frobisher Avenue indicates a service road in which industrial traffic is directed back to Rockingham Road. This arrangement seeks to limit the mixing of residential and non-residential traffic.*

**Rob Lineham, Munster**

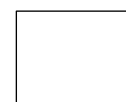
*Item 14.6 – Proposed Local Structure Plan – Lot 9001 Coogee Road Munster.*

- Q1. Why has there been no acknowledgement to the discrepancy of the proposal that states that "directly to the south and south east of the subject land is the Australian Marine Technology precinct" when in fact directly to the south of the subject land is wet lands and then the lake, with old growth trees starting right at the border of the subject land. With such a glaring inaccuracy it stands to reason to question other aspects of the proposal or does the council intend to rezone that area too?

- A1. *Directly south of the subject land is indeed identified as Wetland Enhancement Area. Beyond this however, and more generally south of the Munster residential area, does exist the planned Australian Marine Complex Technology Precinct Structure Plan.*

- Q2. Will it be bulldozed and lost forever?

- A2. *Based on the current Structure Plan this area immediately south of Lot 9001 forms part of the Wetland Enhancement Area. It is not indicated for development based on the current Structure Plan.*



**Paul Caltsounis, Hamilton Hill**

*Item 14.2 – Outbuilding Proposed on Vacant Rural Living Zoned Land – 68 East Churchill Ave.*

Q1. Are there any Councillors who would argue that it is neither practical nor reasonable to erect a storage shed prior to a residence to provide safety and security to building products and machines.

A1. *The City of Cockburn’s statutory planning framework regarding this issue is provided by City of Cockburn Town Planning Scheme No. 3 and Local Planning Policy ‘Outbuildings’ (APD 18). The Local Planning Policy is intended to guide the exercise of planning decision making under the Scheme, through providing guidance on (in this case) outbuilding established within Rural areas.*

*In looking at Local Planning Policy APD 18, it includes a number of provisions relating to the development of outbuildings in Rural, Rural Living and Resource zoned lots. Most specifically Clause 8 of the policy restricts support for the development of outbuildings in the absence of an existing dwelling or dwelling under construction.*

*As outlined in the officer’s report, the City has experienced in the past examples where outbuildings, in the absence of a single house, have become utilized for non-domestic commercial purposes such as warehousing which contravenes the Scheme. The officer’s report also notes examples where people have been residing in outbuildings, again contravening the Scheme. A common scenario the City has encountered is landowners seeking approval for an outbuilding with the intention of constructing a dwelling on site at a later date. The City has previously found that such outbuildings have then been retrofitted to enable human habitation, which again contravenes the Scheme.*

*It is for these reasons that the planning framework of the Scheme and supporting Policy do not allow outbuildings in the absence of a single house or house under construction in rural areas.*

Q2 Are there any plans to light Jervois Road?

A2. *The City has no plan to request Western Power to install any additional street lights in Jervois St at this time. When the last property is developed at the northern end of Jervois Street (eastern side) it is expected that additional street lights would be part of that development.*





ITEMS NOT IN WRITING, ON THE AGENDA**Michael Seporavich, Spearwood**

*14.2 - Outbuilding Proposed on Vacant Rural Living Zoned Land – 68 East Churchill Ave.*

Q1. With regards to outbuildings, would Shipping containers be considered outbuildings or something else?

A1. Sea containers are not classified as an outbuilding.

ITEMS NOT IN WRITING, NOT ON THE AGENDA**Ray Woodcock, Spearwood**

*Re: Roundabout on Hamilton Road*

Q1. What protection will be put in place to protect pedestrians and shoppers at a dangerous situation at a roundabout on Hamilton Road Spearwood, the first roundabout south of the railway pass on Hamilton Road. Who authorises the design of this roundabout and of building such a close dangerous position?

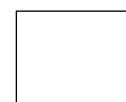
A1. *This question will be responded to in writing.*

**Michael Seporavich, Spearwood**

*Re: 14.2 – Cockburn Coast Development*

Q1. I have seen a media release from the Mayor of Fremantle talking about the possibility of light rail going to that area. Does the City have an official position on whether they prefer light or heavy rail and in regards to the structure plans. Is heavy rail foreseen?

A1. *The early master plan from a decade ago to the more recent local structure and area structure plans do design in the opportunity for a rapid transit link through to Fremantle. The advice we have been given over that journey has been that the freight rail corridor is reserved for freight rail only and not able to accommodate passenger rail whether that be light or heavy or otherwise. The Cockburn Coast Structure Plan provides for an on road solution for light rapid transit whether it will be bus or tram or a mix of the both.*



Q2. Is there a possibility for the freight rail to be retrofitted in the existing reservations that they have in order to have an additional line on each side?

A2. *The advice received back from Department of Transport was that there wasn't the ability for a light rapid transit link to be provided within the railway corridor. At this stage the planning for Cockburn Coast looks at trying to move the rapid transit link as far East away from the railway line to better try and capture where people will be living working and accessing it. Additional response will be provided in writing.*

**Paul Caltsounis, Hamilton Hill**

*Re: WAPC Plans to zone blocks in Beeliam for Industrial Use.*

Q1. Thank you for information us of what is going on by way of the letter I received today. How long has the Council known of the plans that the WAPC have come up with, we own one of the blocks in Beeliam for investigation for Industrial use?

A1. *The State Government released earlier this week, the Perth and Peel at 3.5 Million which is a strategy to accommodate 3.5M people in Perth and Peel by 2050. We have sent over 2000 letters to landowners in these areas to notify them of the proposal. We are trying to make residents aware and provide their opinions and response. A formal report to Council will look to come back to the July Ordinary Council Meeting.*

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 5493)** (OCM 14/5/2015) - ORDINARY COUNCIL MEETING 9/4/2015

#### **RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 9 April 2015, as a true and accurate record.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**8.2 (MINUTE NO 5494) (OCM 14/5/2015) - SPECIAL COUNCIL MEETING 23/4/2015**

**RECOMMENDATION**

That Council adopt the Minutes of the Special Council Meeting held on Thursday 23/4/2015 as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

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

Nil

**10 (OCM 14/5/2015) - DEPUTATIONS AND PETITIONS**

**10.1** – Deputation from Ms Michelle Cleaver-Wilkinson – Re: Item 14.1 – Newmarket Hotel – Change of Use to Dance Studio.

**10.2** – Deputation from Mr Alan Ross – Re: Item 14.6 – Proposed Local Structure Plan, Lot 9001 Coogee Road, Munster.

**10.3** – Petitions – Clr Wetton presented 2 petitions, both opposing a proposal for a dog beach at Coogee Beach.



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

Nil

**12 (OCM 14/5/2015) - 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 7:41PM, THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

|      |      |      |      |  |  |
|------|------|------|------|--|--|
| 14.4 | 15.1 | 16.1 | 17.1 |  |  |
| 14.5 | 15.3 | 16.2 |      |  |  |
|      | 15.4 | 16.3 |      |  |  |

AT THIS POINT, CLR Y MUBARAKAI LEFT THE MEETING, THE TIME BEING 7.44 PM.

**DECLARATION OF INTEREST – CLR Y MUBARAKAI**

Conflict of Interest in Item 13.1 "Minutes of the Grants and Donations Committee Meeting – 22 April 2015" pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that his wife is the Vice President of the Melville Cockburn Chamber of Commerce, which is a potential recipient of a grant from Council.

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 5495) (OCM 14/5/2015) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 22 APRIL 2015 (162/003) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 22 April 2015 and adopt the recommendations contained therein.



**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr L Smith 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 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 2014/15 of \$1,049,591 to be distributed as grants, donations and sponsorships.

At its meeting of 15 July 2014, the Committee recommended a range of allocations which were duly adopted by Council on 14 August 2014.

Following the September 2014 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 21 October 2014, recommended a revised range of allocations which were duly adopted by Council on 13 November 2014.

The March 2015 round of grants, donations and sponsorship funding opportunities has now closed and the Committee, at its meeting of 22 April 2015, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.

A summary of the donations recommended to Council are as follows:

|  |          |
|--|----------|
| Second Harvest Inc.....                          | \$14,000 |
| Business Foundations Inc. ....                   | \$10,000 |
| City of Cockburn Pipe Band .....                 | \$9,000  |
| Constable Care Child Safety Foundation Inc. .... | \$12,000 |



|  |          |
|--|----------|
| Hamilton Hill YouthCARE Council.....                       | \$9,000  |
| Pets of Older Persons WA Inc.....                          | \$2,450  |
| South Lake Ottey Family and Neighbourhood Centre Inc. .... | \$10,000 |
| Cockburn Volunteer Sea Search and Rescue.....              | \$8,500  |
| Port Community High School .....                           | \$15,000 |
| Volunteer Home Support Inc.....                            | \$5,000  |
| Portuguese Cultural and Welfare Centre .....               | \$0      |

A summary of the sponsorships recommended to Council are as follows:

|   |          |
|---|----------|
| Melville Cockburn Chamber of Commerce ..... | \$20,000 |
| Outback Academy Red Dust Heelers.....       | \$0      |
| Growing Change .....                        | \$0      |

### 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 & Listening

- A responsive, accountable and sustainable organisation.

### Budget/Financial Implications

Council approved a budget for grants and donations for 2014/15 of \$1,049,591 to be distributed as grants, donations and sponsorship.

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

|                                       |                    |
|---------------------------------------|--------------------|
| Committed/Contractual Donations ..... | \$398,913          |
| Specific Grant Programs .....         | \$405,878          |
| Donations .....                       | \$196,300          |
| Sponsorship .....                     | \$ 48,500          |
| <b>Total .....</b>                    | <b>\$1,049,591</b> |

The next Grants and Donations Committee Meeting will be held in July 2015 to recommend allocations for 2015/16.

The next round of grants, donations and sponsorship funding will be advertised in August/September 2015.



**Legal Implications**

Nil

**Community Consultation**

In the lead up to the March 2015 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

1. Three advertisements running fortnightly in the Cockburn Gazette City Update on 24/02/15, 10/03/15 and 24/03/15.
2. Three advertisements in the City of Cockburn Email Newsletter on 20/02/15, 10/03/15, and 24/03/15.
3. Advertisement in the February Edition of the Cockburn Soundings.
4. 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.
5. Additional Advertising through Community Development Promotional Channels:
  - Community Development Calendar distributed to all NFP groups in Cockburn.
  - Cockburn Community Group ENews March 2015 edition.
6. Closing dates advertised in the 2015 City of Cockburn Calendar.
7. Information available on the City of Cockburn website.
8. Reminder email sent to regular applicants.

**Attachment(s)**

Minutes of the Grants and Donations Committee Meeting on 22 April 2015.

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

Applicants have been advised that they will be notified of the outcome of their applications following the 14 May 2015 Council Meeting.

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

Nil.



AT THIS POINT, CLR Y MUBARAKAI RETURNED TO THE MEETING, THE TIME BEING 7.45 PM.

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

**13.2 (MINUTE NO 5496) (OCM 14/5/2015) - STANDING ORDERS LOCAL LAW ( 025/001) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council inform the Department of Local Government and Communities that it will:

- (1) commit to a review of part 21 of its Local Law Relating to Standing Orders following the advice of Council's legal Advisors (McLeods) of the outcome of a case in the Supreme Court which is likely to set the legal precedent for the ability of Council to continue to administer the Conflict of Interest provisions contained in Clause 21.1(3); and
- (2) undertake to remove any requirement from its Local Law which compels Elected Members to vacate the meeting at which they declare an 'Impartiality Interest', should the Supreme Court action establish that it is an invalid provision.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr L Smith that Council inform the Department of Local Government and Communities that it will undertake to remove any requirement from its Local Law relating to Standing Orders which compels Elected Members to vacate the meeting at which they declare an Impartiality Interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

**MOTION LOST 1/8**

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

**CARRIED 8/1**

Note: Clr S Portelli requested that his vote against the decision be recorded.





## Background

Correspondence has been received from the Department of Local Government & Communities (DLGC) that indicates that Council's Standing Orders Local Law may contain "invalid provisions" because of the similarity to a Clause contained in other local government's Standing Orders which effectively prohibits elected members from remaining in a formally convened meeting of Council (or Committee) having declared an "impartiality interest" in an item for consideration at the meeting. DLGC contends that State Parliament's Joint Standing Committee on Delegated Legislation (JSDCL) has taken issue with this provision and has, in the case of one local government, (City of Swan) been given an undertaking to remove this provision from its Standing Orders Local Law. This provision mirrors that as contained in the City of Cockburn Standing Orders as they were drafted by the same legal firm.

## Submission

N/A

## Report

There are two distinct provisions related to declaration of interest in matters to be considered by Council which apply to elected members of local governments in Western Australia.

The first is the Financial Interest provisions, which require members to declare any interest of a pecuniary nature related to a matter to be considered at a Council meeting, including formal Committee(s). These provisions and associated declaration requirements are clear and are not at issue here.

The second is the Impartiality Interest provisions, which require members to declare any interest of a non-financial nature related to a matter to be considered by Council or Committee. These provisions are contained within the Local Government (Rules of Conduct) Regulations 2007 and are distinct from the Financial Interest provisions.

Where the declaration of a Financial Interest on most occasions triggers a statutory requirement for a member to be excluded from the meeting procedures (including voting on the matter), there is no such mandatory stipulation contained in the Regulations related to the declaration of non-financial, or impartiality, interests.

Accordingly, DLGC and JSCDL appear to place great significance in this differentiation to the extent that their belief is that other provisions related to meeting procedures, particularly related to the exclusion of members from the meeting, supersede any other mechanism designed to obstruct the presence of members from proceedings.



In the City of Cockburn's case, its Standing Orders were introduced to achieve an exclusion outcome, on the basis that, notwithstanding the Regulations do not provide for members to be excluded, they do not provide for the contrary either, that is, that they should remain and exercise their responsibility to vote in accordance with the provisions of the Local Government Act 1995. The reasoning behind the Council of the time in introducing these provisions was related entirely to the principles of probity and accountability in the decision making process, to ensure that no perceptions of bias or undue influence could be levelled at Council's Meeting procedures. The City's legal adviser (McLeods) has consistently supported this point of view and has regularly recommended to client local governments that a prudent approach to these matters will overcome any criticism inferring a lack of integrity amongst its elected officials.

DLGC state that since the introduction of the Rules of Conduct Regulations in 2007, there has been regular approaches from representatives (elected and employed) to clarify the position and that its response has consistently been that members who declare an impartiality interest are not compelled to vacate the chambers during discussion and voting on the relevant matter. In fact, its rigid position is that the voting provisions of the Act, as contained in Sec 5.21(2) which requires a member who is present at a meeting to cast a vote, has effect and cannot be subservient to any provision contained in a Local Law. Interestingly, if that interpretation was to prevail, it must surely follow that any member, having declared an impartiality interest, **must** remain and participate in the process. In other words, no matter how uncomfortable a member may feel about their knowledge of or association with an issue, their declaration has no effect other than to place on the public record that he or she has a non - financial interest in a matter before Council. Thereafter, they are bound by the provisions of Sec. 5.21 (2) to remain and participate in the proceedings, despite the perception that may be conveyed with regards to their declared impartiality.

It would seem logical that legislative amendment could clarify such matters, however, there is no mention made by DLGC of such action being forthcoming.

The uncertainty surrounding this principal is now destined to be determined by legal precedence in a case which is soon to come before the Supreme Court. The key outcome to be decided relates to an elected member's participation in a matter which was subject to the approval of the relevant local government. The Plaintiff alleges that the elected member had an impartiality (non – financial) interest in the matter and as such, should not have participated in the decision making process, because the interest would have affected the



member's judgement to consider, in a rational manner, the competing aspects of the application which the Council was contemplating.

Given this case is due for hearing in the Court within three or four months, it is considered there is a compelling case for Council to resist the call to provide any undertaking that it will remove the "offending" provision from its Standing Orders, pending the outcome of the case, at which time it will be clear whether there is a need to do so, or whether the provision is, in fact, compliant in its current form. Whatever legal precedent is set as a result of the findings of the case will establish certainty for the future and dictate the direction to be taken by all local governments in this State.

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

#### **Leading & Listening**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Sections 2.10; 5.21 (2); 5.60 – 5.62; 5.67 of the Local Government Act 1995; Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 and Clause 21.1 (3) of Council's Standing Orders  
Local Law refer

### **Community Consultation**

N/A

### **Attachment(s)**

1. Correspondence from Department of Local Government & Communities.
2. Legal Opinion – McLeods, Barristers & Solicitors – Confidential (provided under separate cover).



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

The Proponent(s) have been advised that this matter is to be considered at 14 May 2015 Council Meeting.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 5497) (OCM 14/5/2015) - NEWMARKET HOTEL - CHANGE OF USE FROM HOTEL TO HEALTH STUDIO (DANCE SCHOOL), ASSOCIATED DWELLING AND RESTORATION WORKS - LOCATION: NO. 1 (LOT 21) ROCKINGHAM ROAD, HAMILTON HILL - OWNER: POINT WORK PTY - APPLICANT: POINT WORK PTY LTD (DA15/0189) (G ALLIEX) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant planning approval for the Newmarket Hotel - Change of Use from Hotel to Health Studio (Dance School), associated dwelling and restoration works at No.1 (Lot 21) Rockingham Road, Hamilton Hill, in accordance with the attached plans and subject to the following conditions and footnotes:

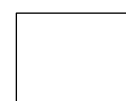
**Conditions**

1. Prior to the lodgement of a Building Permit Application or commencement of works not subject to a Building Permit Application (whichever comes first), a detailed material and colour schedule shall be submitted to and approved by the City and the State Heritage Office.
2. Prior to the lodgement of the Building Permit Application, the applicant shall provide to the City with a report from a recognised acoustic consultant demonstrating that the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning", will result in acceptable indoor noise levels; and that the development will not result in noise emissions exceeding those set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
3. Prior to the lodgement of the Building Permit Application,



the applicant shall provide to the City a parking management plan detailing how parking will be managed across the site. The approved parking management plan shall be implemented thereafter.

4. A maximum of 3 teachers and 40 students may occupy the premises at any given time. An amended planning approval will be required if the applicant seeks to increase the maximum number of teachers and students.
5. The approved dwelling in the eastern portion of the building shall be used in accordance with the approved Health Studio at all times and shall not be used as separate accommodation with no relationship to the Health Studio.
6. Hours of operation are restricted to 9am-6:30pm Monday to Friday, 9am to 12pm Saturday and not on Sundays and public holidays.
7. Class start and finish times shall be staggered to ensure that there is a minimum of 15 minutes between each class starting and finishing to reduce parking congestion.
8. A detailed landscaping plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application and shall include the following:-
  - a. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - b. any lawns to be established;
  - c. any existing landscape areas to be retained; and
  - d. those areas to be reticulated or irrigated;
9. Landscaping shall be installed, reticulated and/or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the City of Cockburn. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
10. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
11. Prior to the initial occupation of the development hereby approved, the 10 on-site parking bays shall be sealed,



kerbed, drained and line marked in accordance with approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.

12. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
13. All service areas and service related hardware, including antennae, satellite dishes, air-conditioning units etc, being suitably located away from public view and/or screened to the satisfaction of the City.
14. All waste and recycling must be contained within bins.
15. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
16. The State Heritage Office shall be consulted prior to making any decision to render the south elevation of the Cockburn Road frontage.

**Footnotes**

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. With regards to Condition 2, the acoustic report is required to address habitable areas (ie dwelling) only.
3. With regards to Condition 5, this has been imposed based on the approved use and the number of parking bays contained on site.
4. Any signage which is not exempt under Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 must be the subject of a separate development approval.
5. The applicant is advised that application for a new Certificate of Classification under the Building Code of Australia prior to occupation of the building for the use hereby approved may be required. For more information



contact the City's building department on 9411 3444.

6. This development has been defined as a public building and shall comply with the relevant provisions of the *Health Act 1911* (as amended), and the *Health (Public Buildings) Regulations 1992*. A Building Permit Application must be submitted for approval, prior to works commencing.

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

### **COUNCIL DECISION**

MOVED Cllr L Wetton SECONDED Deputy Mayor C Reeve-Fowkes that Council adopt the recommendation subject to amendment to sub-recommendation (1) "Conditions" as follows:

- (2) grant planning approval for the Newmarket Hotel - Change of Use from Hotel to Health Studio (Dance School), associated dwelling and restoration works at No.1 (Lot 21) Rockingham Road, Hamilton Hill, in accordance with the plans as attached to the Agenda and subject to the following conditions and footnotes:

#### **Conditions**

Conditions 1-5 as recommended;  
Condition 6 to be deleted; and  
Subsequent conditions renumbered accordingly.

#### **Footnotes**

As recommended

- (3) as recommended.

**CARRIED 9/0**



## Reason for Decision

Following discussion and clarification with the applicant, officers are now satisfied that the nature of the use (based upon drop-off and pick-up of enrolled students and the staggering of class times) addresses traffic and car parking concerns. Officers are also satisfied that residential amenity is protected through such a use.

## Background

The subject site, known as the Newmarket Hotel is located at 1 Rockingham Road, Hamilton Hill on the south-eastern corner of Rockingham and Cockburn Roads with frontages to both streets. The site is predominantly flat, is 994m<sup>2</sup> in area and contains the former Newmarket Hotel building. Vehicle access to the site is from Cockburn Road via the adjoining site to the south based on a shared access arrangement.

The Newmarket Hotel was constructed in 1912 and is an imposing two-storey Federation Filigree style building truncated at the corner. Newmarket Hotel is listed in the City's Local Government Inventory (LGI) due to its heritage significance. According to the LGI, the New Market Hotel is associated with the horse racing industry which thrived in the area from the early 1900s to the 1970s – as a consequence of being near the South Beach Horse Exercise Area. The Hotel is also associated with the expansion of industry and agriculture south of Fremantle from the late nineteenth century, in particular the horse racing industry which thrived in the area from the early 1900s to the 1970s.

The existing building is a typical two storey corner pub which includes a verandah on the upper floor which extends three sides of the building. The building has been built of coursed rough faced limestone and contains an iron roof. Internal alterations have taken place over the years which have had some impact on the condition and integrity of the fabric i.e. the hotel rooms in the eastern wing on the ground floor were converted to toilet facilities for the pub.

Although the hotel and pub had been a popular venue in the locality the place has been vacant for a number of years and as a result the building has deteriorated internally and externally and been subject to squatters and vandalism.

The site was subdivided in the 1990s/early 2000s under previous ownership which resulted in the loss of much of the space around the building which has made many development proposals for adaptive reuse of the building problematic. However, in 2007 the City granted approval for modifications and additions to the building to accommodate Six (6) Multiple Residential Units which was later





renewed in 2010 followed by a new approval in 2011 for Seven (7) Multiple Dwellings. None of the above approvals were commenced and have subsequently all expired. The site has recently been sold to a new owner who has submitted this application.

Newmarket Hotel is listed as 'Category A' in the LGI which has exceptional significance. All applications in respect of category 'A' Heritage Places are to be determined by Council as per the City's delegation APD54.

### **Submission**

The new owners propose to change the use of the existing building from a 'Hotel' to 'Health Studio (Dance/Ballet School)', associated dwelling and undertake conservation/restoration works to the building. The owners engaged Hocking Heritage Studio and the proposal includes undertaking conservation works to the interior and exterior of the building and conversion of the former hotel rooms at the eastern end of the Rockingham Road section of the building into a dwelling to accommodate a dance teacher directly associated with the Dance School. The main part of the building is proposed to be used as a dance school with the existing rooms on both the ground and upper floor being utilised as dance studios.

Where original fabric has been removed it is the intention to reinstate the missing elements with appropriate fabric, in recognition and celebration of the building's heritage status.

A summary of conservation works proposed include (full scope of works contained in Attachment 5):

1. The existing internal plan form of the former hotel being retained.
2. Missing elements including ceilings and skirtings being replaced based on existing fabric within the building.
3. Essential conservation works to the brick and stone elevations undertaken by experienced heritage builders.
4. Sash windows being upgraded to current standards with existing frames being retained and sashes being reweighted to accommodate the new glass.
5. Where possible, external and internal paint schemes being based on paint scrapes or age/design appropriate colours where actual evidence cannot be found.
6. Completion of front verandahs to Cockburn and Rockingham Roads.
7. Reinstatement of the rear verandah to the proposed residence;
8. Upgrading of existing services.
9. Provision of car parking to the rear of the building.



The dance studio is proposed to have a maximum capacity of three (3) teachers and forty (40) students with hours of operation from Monday-Friday 9am-6pm, Saturday 9am-12pm and not at all on Sunday. The peak time of operation for the dance school is proposed to be between 4pm- 6pm which coincides with after school hours.

Ten (10) parking bays are proposed to be provided on site which is additional to the twenty (20) parking bays in the 'shared parking area' as per the reciprocal access rights shown on the certificate of title for the subject lot. The applicant anticipates that the majority of students shall be dropped off and collected after the lesson, based on previous experience with dance/ballet schools.

## **Consultation**

### *Adjoining/Nearby Landowners*

In accordance with Clause 9.4 of TPS 3, the application was advertised to nearby landowners for comment given the proposed use is an 'A' use in the Local Centre zone. The proposal was advertised to the 8 owners in the residential units at Lot 11 Rockingham Road; the 9 owners in the residential units at Lot 3 Rockingham Road and the owner of Lot 22 Cockburn Road. During the consultation period, two (2) submissions were received, both in support for the application. A summary of the comments are as follows:

- The proposal will be an asset to the City of Cockburn and surrounding areas;
- Wonderful to see the building lovingly restored;
- This is best result ever;
- The proposal will restore this landmark and give it significance again.
- For too long the building has been used and abused in a very concerning way i.e. vandalism, prostitution, squatting etc.

### *State Heritage Office*

The application including Heritage Impact Statement was referred to the State Heritage Office for comment given the building is listed on the State Heritage Register. A response was received (in support of the application subject to the following conditions:

1. Further information on material and colours to be submitted for further consideration prior to lodging for Building Permit.
2. The State Heritage Office is to be consulted prior to making any decision to render the south elevation of the Cockburn Road frontage.



Should Council support the proposal, the above can be imposed as conditions of approval.

## **Report**

### Town Planning Scheme No.3 (TPS 3)

#### *Zoning and Use*

The subject site is zoned 'Urban' in the Metropolitan Region Scheme (MRS) and 'Local Centre' in the City's Town Planning Scheme 3 (TPS 3). Under the Local Centre zone, a Health Studio is listed as an 'A' use in TPS 3 Zoning Table which means that:

*'the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.'*

Health Studio is defined as:

*"land and designed and equipped for physical exercise, recreation and sporting activities."*

Further to the TPS3 definition, the City's Local Planning Policy 'APD 78 Health Studios' (APD 78) clarifies that definition of Health Studios include dance classes/studios.

#### *Heritage Protection*

TPS 3 seeks to protect heritage places within the City and works to a heritage place that may harm the significance of a place will not be permitted. Clause 7.5 states that where it is desirable to facilitate the conservation of a Heritage Place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under Clause 7.1.1, that the local government may vary and site or development requirement specified in the Scheme by following procedures set out in Clause 5.6.

As the site contained in the TPS 3 Heritage List and is also listed on the State Heritage Register, a variation to the parking standards of TPS 3 is being sought by the applicant. This is discussed in the Parking section of the report.

### Local Planning Policy APD 61 'Newmarket Precinct Design Guidelines' (APD 61)

Policy APD61 seeks to establish principles of development within an emerging residential area characterised by commercial development



on Cockburn and Rockingham Roads. Although the policy is principally concerned with new development in the area, it can be applied to existing developments within the precinct. This proposal clearly meets the objectives of the policy and design guidelines and will contribute to the Newmarket Precinct emerging as a small village with a local activity node as a focal point. A fully restored Heritage building will create an excellent gateway to the precinct and also to the City.

Local Planning Policy APD64 'Heritage Conservation Design Guidelines' (APD 64)

Policy APD 64 applies to all places on the heritage list pursuant to TPS 3 and places on the LGI and aims to establish principles for acceptable development of a heritage place in order to safeguard the documented cultural significance of these places. The policy states that the restoration of a heritage building should be 'like for like' therefore materials which match the original material as closely as possible and external repainting matching original paint colours can be considered. The applicant has specified that the proposed works will be in undertaken in accordance with the main principle of the Burra Charter of *'doing as much necessary whilst changing as little as possible'*.

Part 3 of Policy APD64 refers to change of use of a heritage building. The reuse of a heritage place may be supported provided the use does not negatively impact the amenity of the surrounding area and does not require modifications that detract from the heritage significance of the place. The proposal is considered to enhance the amenity of the surrounding area given the deteriorated condition of the subject building. The proposed change of use will create a vibrant atmosphere whilst also improving the amenity of the surrounding area by way of refurbishment to the building which is in keeping with the original building materials and colours. There is very little change to the existing floor plan and no additions proposed.

The proposed refurbishment and change of use proposed is sympathetic to the heritage value of the building and as such is consistent with the requirements of APD64.

Local Planning Policy APD 78 – Health Studios (APD 78)

The purpose of this policy is to provide clarity and direction on the types of health studios within the City as well as general siting and design criteria for such land uses and information required by the City to assess such applications which TPS 3 does not provide for. The policy encourages Health Studios to be located in areas such as commercial and industrial areas with a readily available supply of parking spaces or a capacity to create additional parking spaces.



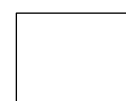
As TPS 3 does not provide a parking standard for Health Studios, APD 78 seeks that a minimum of 10 bays are provided per unit/tenancy and a rate of 1 car bay per 15m<sup>2</sup> GLA is provided and 1 bay per staff member as per the following table:

| <b>Parking ratio</b>  | <b>M<sup>2</sup></b> | <b>Parking bays required</b> | <b>Parking bays provided (on-site)</b> |
|---|----------------------|------------------------------|--|
| 1 parking bay per 15m <sup>2</sup> GLA and 1 parking bay per staff member | 370m <sup>2</sup>    | 25                           | 8                                      |
|   |                      | 3                            | 2                                      |
| Dwelling  | N/a                  | 1                            |  |
| <b>Total required parking bays</b>  |                      | <b>29</b>                    | <b>10</b>                              |

The above table indicates that the proposal requires access to 29 parking bays. Whilst the site can only physically accommodate a maximum of 10 parking bays within the confines of the lot, there is an existing reciprocal access and parking agreement between the subject site, the adjoining tavern site (Lot 22 Cockburn Road) and the two adjoining residential apartment building sites (1A and 3 Rockingham Road) which provides legal access to an additional 20 car bays.

This arrangement means the proposal will have sufficient car parking based on the following:

- Peak times for the dance studio being 4 – 6 p.m. weekdays and 9.00 a.m. – 12.00 p.m. Saturday mornings, which are unlikely to conflict with peak usage of the tavern or residential visitor parking, which is in the evenings and the weekends, therefore reciprocal access of these car bays is acceptable;
- The majority of students to the dance school will be dropped off and collected with parents, who are generally not permitted to stay on the premises during class time meaning that 10 bays on-site will be generally sufficient for the majority of the time;
- Based on a timetable provided with the proposal, the class start and finish times are staggered to avoid clashes between drop off and pick up of students by parents. Should Council approve the proposal, a condition of approval can be imposed that requires this.
- The site is well served by public transport and cycle ways promoting a viable alternative to car travel. Public transport is located within close proximity, with a bus stop approximately



100m walking distance along Rockingham Road and another bus stop approximately 200m walking distance on Cockburn Road.

### Traffic

The applicant engaged Transcore to prepare a Transport Statement to support the proposal (Attachment 6). The traffic analysis undertaken as part of the report shows that the traffic generation of the proposed development is minimal and as such would have an insignificant impact on the surrounding road network. Vehicle access is via the adjoining Lot 22 from an existing full movement crossover onto Cockburn Road with no new access proposed.

### Dwelling

The proposed dwelling is to be used by a dance teacher directly associated with the dance studio. A separate parking bay is therefore not required based on this arrangement and should Council approve the application a condition can be imposed securing this. Should the building be proposed to be used for a different use in the future where it may be impractical for a dwelling to be related or directly associated to the main use of the building, such a condition may not be required depending on the demand for parking of a future use.

### **Conclusion**

The proposed Change of Use from Hotel to Health Studio (Dance Studio), associated dwelling and conservation works are supported for the following reasons:

1. Refurbishment, conservation and adaptive reuse of the former Newmarket Hotel will significantly improve the streetscape and enhance the significance of the place, character and amenity of the area.
2. Submissions received from adjoining landowners are in overwhelming favour of the proposed development.
3. The parking provided is considered acceptable and is unlikely to result in any loss of amenity for the area of adjoining landowners.
4. The proposed restoration works will realise the exceptional heritage significance afforded to the building by the City in its planning framework.
5. The proposed restoration works are expected to restore the building so that it once again becomes the landmark gateway to the City of Cockburn.

It is therefore recommended that the proposal be approved subject to conditions as contained in the recommendation.



## **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**

- Conservation of our heritage and areas of cultural significance.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005  
State Administrative Tribunal Regulations  
Heritage of Western Australia Act 1990

### **Community Consultation**

Please refer to Consultation section of the report above.

### **Attachment(s)**

1. Elevations
2. First Floor Plan
3. Ground Floor Plan
4. Location Plan
5. Scope of Works
6. Transport Statement

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 May 2015 Council Meeting.

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

Nil.



**14.2 (MINUTE NO 5498) (OCM 14/5/2015) - OUTBUILDING PROPOSED ON VACANT RURAL LIVING ZONED LAND - LOCATION: NO. 68 (LOT 134) EAST CHURCHILL AVENUE, BEELIAR - OWNER: HAI TING FENG AND PAUL DIMITRIOS CALTSOUNIS - APPLICANT: PAUL DIMITRIOS CALTSOUNIS (A VAN BUTZELAAR) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) refuse to grant planning approval for an outbuilding at No. 68 (Lot 134) East Churchill Avenue, Beeliar subject to the following reasons:
  1. The development is contrary to the City of Cockburn's Town Planning Scheme No.3 clause 10.2.1 (c) by virtue that the proposed outbuilding, if approved in the absence of a single house would be defined as 'storage' or 'warehouse' which are 'X' uses in the Rural Living Zone not permitted by the Scheme.
  2. The application is not consistent with the provisions or objectives of Local Planning Policy No. APD18 (Outbuildings) as there is no dwelling on site constructed to at least plate height level.
  3. Approval of the proposed development would set an undesirable precedent and be contrary to orderly and proper planning within the locality.
- (2) notify the applicant and those who made a submission of Council's decision.

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

**MOTION WITHDRAWN BY PERMISSION OF MOVER AND  
SECONDER**

**COUNCIL DECISION**

MOVED Clr B Houwen SECONDED Clr S Pratt that Council approve the application for an outbuilding (shed) to be erected provided it is not to be used as a residence.

**CARRIED 6/3**





## Reason for Decision

Council recently changed this policy. The main reason at the time was because people in rural properties were building sheds to live in. This does not appear to be the intention of this particular application. The local community has not raised any objections and it fits into the environment. This is an exceptional case to the policy and therefore an exception should be made.

## Background

The City is currently in receipt of a Development Application for a 200m<sup>2</sup> outbuilding (shed) at 68 East Churchill Avenue, Beeliar. The subject site is zoned 'Rural Living' and there is no existing dwelling or dwelling under construction on site.

The City of Cockburn's planning framework regarding this issue includes the City's Town Planning Scheme No.3 (TPS 3) provisions and Local Planning Policy 'Outbuildings' (APD 18).

At Council's Ordinary Meeting held on 13 March 2014, Cr Mubarakai requested that a report be prepared regarding the issues associated with the construction of outbuildings on vacant resource zoned properties and whether any opportunities exist to modify the existing planning framework to facilitate such development. At Council's Ordinary Meeting held on 14 August 2014 Council unanimously resolved not to pursue any modifications to the existing planning framework to allow the construction of outbuildings in Rural, Rural Living and Resource zoned areas in the absence of an existing dwelling or dwelling under construction.

Applications of this nature are generally not supported by the City.

## Submission

The applicant seeks approval to construct an outbuilding on the vacant subject site.

The proposed outbuilding is 200m<sup>2</sup> in area and has a maximum wall height of 3.5m and a maximum ridge height of 4.5m which complies with maximum floor space and wall height requirements of Council Policy APD18 'Outbuildings' (LPP APD18) (see Attachment 1, 2 and 3). The proposed outbuilding is setback 1.2 metres from the eastern lot boundary and 1.2 metres from the southern lot boundary. These setbacks are contrary to the minimum 2.5 metre lot boundary setbacks prescribed under TPS 3.



The applicant has requested that Council consider their circumstances outlined below in order to support variations to the provisions of TPS 3 and LPP APD18.

The applicant has provided the following justification for a variation to the setbacks prescribed in TPS 3 (see Attachment 4).

1. The landowner on the eastern lot boundary has no objection to the reduced lot boundary setback (see Attachment 5).
2. The landowner on the southern lot boundary has no objection to the reduced lot boundary setback.
3. There is no immediate boundary sharing neighbour on the western side which faces Jervois Road.
4. The reduced lot boundary setbacks will have no adverse impact on the amenity of adjoining landowners.
5. A similar dispensation for lot boundary setbacks to an outbuilding was approved for an adjoining landowner.
6. The 1.2 metres eastern and southern lot boundary setbacks will be covered in crushed brick or similar and maintained to minimise fire risk.

The applicant has provided the following justification for a variation to the requirements of LPP APD18.

1. The landowner intends to construct a dwelling on site in the near future.
2. The proposed outbuilding will enable the landowner to store personal possessions securely onsite.
3. The proposed outbuilding will enable the builder to store building and construction materials securely onsite.
4. The applicant/landowner does not intent to reside in the proposed outbuilding.
5. Should significant progress not be made in the construction of a dwelling on site the applicant has suggested he will remove the outbuilding at his own expense.



## Report

### Statutory Planning Framework

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

TPS 3 does not include a specific land use for 'Outbuilding' as it is deemed to fall into the single house category if used for domestic purposes. The definitions of a 'single house' and 'outbuilding' would defer to the Residential Design Codes which state:

*Single House – 'A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property'.*

*Outbuilding – 'An enclosed non-habitable structure that is detached from any dwelling, but not a garage'.*

Based on the definition of Outbuilding, a shed without an associated dwelling cannot reasonably be defined as an outbuilding and simply becomes a building used for storage which the City's TPS 3 defines as either:

*Storage - 'means premises used for the storage of goods, equipment, plant or materials'; or*

*Warehouse - 'means premises used to display goods and may include sale by wholesale'.*

TPS 3 lists 'warehouse' under the storage heading in its Land Use Table (Table 1) which is an 'X' use and therefore not permitted. It would be open to Council to consider that a domestic storage shed as an unlisted use in accordance with clause 4.4.2 of TPS 3 and therefore could be advertised in accordance with clause 9.4 and determined. To do this, due regard would have to be given to LPP APD 18 (discussed below). Alternatively it would be open to Council to pursue an amendment to TPS 3 to introduce a specific provision to allow for the practice. However, that would not be used to determine this Development Application favourably.

Additionally, the proposed outbuilding is to be setback 1.2 metres from the eastern lot boundary and 1.2 metres from the southern lot boundary. These setbacks are contrary to Clause 5.10.12 (c) of TPS 3 which specifies side lot boundary setbacks of not less than 2.5 metres in the Rural Living zone. Given the narrow lot widths of Rural Living lots, setback variations are commonly facilitated under Officer discretion subject to advertising.



### *Local Planning Policy APD18 – Outbuildings*

LPP APD 18 includes a number of provisions relating to the development of outbuildings in Rural, Rural Living and Resource zoned lots. Clause 8 of the policy specifically restricts support for the development of outbuildings in the absence of an existing dwelling or dwelling under construction:

*‘Planning applications for Outbuildings will not be supported in the absence of a dwelling on site. Applications may be supported where a dwelling is constructed to at least plate height level.’*

This provision was incorporated into the policy in 2012 to formalise the City’s position on the matter. Should Council wish to change the planning framework, then this provision would need to be substituted with a new provision specifying that outbuilding could be supported in the absence of a dwelling.

#### Issues

##### *Convenience*

The main reason for landowners wishing to construct an outbuilding on their property prior to a dwelling being constructed is to store their own possessions. It may be more affordable to construct a outbuilding which will then be used an outbuilding than to pay for storage whilst renting a dwelling during construction. The current framework which doesn’t support this can obviously cause some level of inconvenience to landowners wishing to do this. Should Council wish to modify the framework to allow for this, then legal agreements could be relied upon which would impose a timeframe and other obligations which the landowner would have to commit to. It should be noted however that following up on legal agreements and/or prosecution against non-compliance with legal agreements is undesirable as it would be costly and resource intensive.

##### *Use of Outbuildings for Non-domestic/Commercial Purposes*

The development of rural outbuildings for genuine rural purposes causes no issue and can be approved under TPS 3. However in many instances, where a rural outbuilding is no longer required for its intended rural purposes, landowners have allowed the outbuildings to be used for warehousing/storage purposes which are not permitted by TPS 3 and can cause negative impacts on the amenity of neighbours and the area. These types of former rural outbuildings can be sought out by warehouse operators looking for large storage capacity which is far cheaper than land in serviced industrial or commercial areas intended for genuine warehousing and storage.



### *Use of Outbuildings for Habitable Purposes*

The City has encountered many instances of people residing in an outbuilding which is illegal. A common scenario that may occur is that landowners would seek approval for an outbuilding with the intention of constructing a dwelling on site at a later date. The City would then find that the outbuilding has been illegally retrofitted for human habitation to provide a convenient and affordable housing option. These retrofits would rarely meet the requirements of the Building Code of Australia for construction of a dwelling, particularly with regard to energy efficiency, effluent disposal and so forth. This situation, similar to that mentioned above merely results in planning, building and health compliance resourcing which would generally not have been necessary if the outbuilding was not constructed.

### *Valid Planning Justification*

It is undisputed that the owner's preference for an outbuilding on their property prior to a dwelling being constructed to store their possessions is legitimate. However, there appears to be no valid planning reason for Council to support an outbuilding on site in the absence of a dwelling being constructed. If Council resolves to approve this proposal based on the submission, it would be on personal, financial and convenience grounds only which cannot be supported by or justified through the statutory planning framework. Council should then be prepared to consider other similar proposals which also seek planning approval on personal, financial and convenience grounds which may be difficult to differentiate if there is no sound planning basis for such a decision.

### *Equitable Decision Making Process*

Given that proposals to allow for the construction of outbuildings in Rural, Rural Living and Resource zoned areas in the absence of an existing dwelling or dwelling under construction have generally not been supported by the City in the past, it would be inconsistent and inequitable to consider this Development Application favourably. Previous unfavourable decisions on this matter have resulted in financial implications for other landowners who have had to store their personal possessions in an approved storage facility. Clause 8 of LPP APD 18 was incorporated into the policy in 2012 to formalise the City's position on this matter promoting transparency and accountability in the decision making process.

### **Conclusion**

It is understood that landowners are not being able to construct an outbuilding on their Rural, Rural living or Resource zoned properties prior to construction of a dwelling may cause some inconvenience and



may have a cost implications for storage of personal possessions in an approved storage facility. However, Council considered this implication on landowners when first adopting Clause 8 into LPP APD18 in 2012 to formalise the City's position on the matter, and then again in a review of Clause 8 at Council's Ordinary Meeting held on 14 August 2014 where it was unanimously resolved not to pursue any modifications to the existing planning framework

Approving this Development Application in contradiction to the statutory planning framework is likely to result in:

1. An undesirable precedent for other landowners within Rural, Rural Living or Resource zoned properties.
2. Inconsistency with previous statutory planning decisions resulting in an inequitable decision making process which is detrimental to the City's transparency and accountability.
3. Increased instances of landowners seeking individual concessions based on personal circumstances on the provisions of adopted council policies and TPS 3.
4. The requirement for a legal agreement which would impose a timeframe and other obligations which the landowner would have to commit to. The following up on legal agreements and/or prosecution against non-compliance with legal agreements is costly and resource intensive.
5. An increased requirement for Planning, Building and Environmental Health compliance resourcing.
6. An increased cost to the City in legal costs required to prosecute the illegal use of outbuildings in the subject areas.
7. People living illegally in outbuildings as an affordable housing option which is undesirable from an Environmental Health perspective.
8. Negative impacts on the amenity of Rural, Rural Living and Resource zoned areas if outbuildings are used inappropriately for commercial purposes.

There are no valid planning reasons to support a variation to Council's Local Planning Policy APD 18 'Outbuildings'. Based on the above reasons, it is recommended that Council resolve to refuse the Development Application as contained in the recommendation.



**Strategic Plan/Policy Implications**

**Growing City**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

1. Applicant's letter of justification
2. Letter of no objection from eastern neighbour at 72 East Churchill Avenue, Beeliar.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 May 2015 Council Meeting.

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

Nil.

**14.3 (MINUTE NO 5499) (OCM 14/5/2015) - SALE OF LAND - PORTION OF LOT 9003 (PROPOSED LOT 805) MEREVALE GARDENS, YANGETUP (6015949) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) accepts the offer from Merevale 9003 Pty Ltd to sell portion of Lot 9003 (Proposed Lot 805) Merevale Gardens, Beeliar for a consideration of \$1,821,750 (inc GST utilising the margin scheme) subject to the completion of all statutory requirements of Section 3.58 of the *Local Government Act 1995*; and



- (2) amend the 2014/15 adopted municipal budget by adding capital income of \$1,821,750 from the sale proceeds against a new CW project – Sale of Proposed Lot 805 Merevale Gardens, Beeliar and transferring these into the Land Development and Investment Fund Reserve.

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

**COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr L Wetton that Council defer consideration of the land sale to a future Council meeting.

**CARRIED 9/0**

**Reason for Decision**

The City has received updated valuation advice that indicates a higher quantum of land value may be possible if Council continues holding this land at this time. It is therefore prudent that the City maintain holding this land in order to allow the associated subdivision to occur and, following this, revisit options for sale and/or development.

**Background**

Proposed Lot 805 is a portion of Lot 9003 Beeliar Drive, Beeliar. Lot 9003 is a freehold lot created as a balance lot following the sale of Lots 801 and 802 Ivankovich Avenue, Beeliar to the Coles Group in 2013. Lot 9003 as a balance title consists of three discrete parcels of land.

Council at its meeting held on 11 December 2014 resolved to sell the middle parcel of land, comprising a 2.9999ha portion of Lot 9003. Council at its meeting held on 9 April 2015 then resolved to sell the north western portion (proposed Lot 803) comprising a 0.3317ha portion of Lot 9003. The area of Proposed Lot 805 is 5205 square metres, or 0.5205ha. The land is situated on the eastern side of Merevale Gardens and north of an existing grouped housing development.

It is recommended that Council accepts the offer for the portion of land.





**Submission**

The offer of \$1,821,750 (inc GST utilising the margin scheme) from Merevale 9003 Pty Ltd is the same entity that purchased Proposed Lot 803.

**Report**

Proposed Lot 805 is generally rectangular in shape running between Merevale Gardens and the railway reservation. The purchaser is understood to be developing the site by the construction of a centrally placed access for traffic and services with lots of approximately 200 square metres on each side.

The offer of \$1,821,750 (inc GST utilising the margin scheme) from Merevale 9003 Pty Ltd is in line with a recent valuation of the site by a licensed valuer. The purchase price is equivalent to \$400 per square metre. This rate is less than that achieved with the sale of Proposed Lot 803 Durnin Avenue, but takes into account the noise this lot may receive from the adjoining railway line and its less favourable position.

Section 3.58 of the Local Government Act 1995 requires that a Local Authority advertise any proposal to sell land by private treaty. The advertisement must be in a newspaper with state-wide circulation, giving details of the property and the proposed disposition. The advertisement is to give notice inviting submissions to be made on the proposal and allowing such submissions for a period not less than 2 weeks from the date of the advertisement.

Notice concerning the proposal will be placed in the West Australian newspaper. The officer recommendation to Council is framed in such a way that it is subject to no objection being received as a result of the public advertising of the Section 3.58 disposition of land notice. If any objections are received within the statutory advertising period, the matter will be brought back to the next Council meeting for determination.

A subdivision application for this proposal and the creation of three additional lots has been made to the Western Australian Planning Commission. Subdivision estimated costs, which will include the provision of all services, have been provided by a consulting engineer. The costs of the services required by the subdivision are estimated at \$1,000,000, but importantly covers all four lots being the subject of the subdivision. These will significantly value add to the remaining portions of Lot 9003, which will enable highest realisation of this asset.

It is recommended that Council support the disposition of land.



## **Strategic Plan/Policy Implications**

### **Demographic Planning**

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

### **Governance Excellence**

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

### **Budget/Financial Implications**

Amend the 2014/15 adopted municipal budget by adding capital income of \$1,821,750 from the sale proceeds against a new CW project – Sale Lot 805 Merevale Gardens Beeliar and transferring these into the Land Development & Investment Fund Reserve.

### **Legal Implications**

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

### **Community Consultation**

As required by Section 3.58 of the *Local Government Act 1995*. A notice concerning the proposal will be placed in the West Australian newspaper. The officer recommendation to Council is framed in such a way that it is subject to no objection being received as a result of the public advertising of the Section 3.58 disposition of land notice. If any objections are received within the statutory advertising period, the matter will be brought back to the next Council meeting for determination.

### **Attachment(s)**

1. Valuation
2. Location Plan

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

The Proponent(s) have been advised that this matter is to be considered at the 14 May 2015 Ordinary Council Meeting .

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

Nil.



**14.4 (MINUTE NO 5500) (OCM 14/5/2015) - INITIATION OF AMENDMENT 109 - USE CLASS PERMISSIBILITY FOR 'CLUB PREMISES' (109/045) (C CATHERWOOD)**

**RECOMMENDATION**

That Council

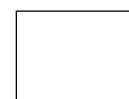
(1) in pursuance of Section 75 of the Planning and Development Act 2005 amend the City of Cockburn Town Planning Scheme No. 3 ('Scheme') by:

1. Deleting the current land use permissibility contained within Table 1 'Zoning Table' for the land use 'Club Premises' for the following zones and replacing as described below:

| Zone*                      | Land Use permissibility for 'Club Premises' |               |
|----------------------------|---|---------------|
|                            | Delete current:                             | Replace with: |
| Residential                | A   | X             |
| Regional Centre            | P   | D             |
| District Centre            | P   | D             |
| Local Centre               | D   | A             |
| Mixed Business             | P   | D             |
| Business                   | D   | A             |
| Light and Service Industry | P   | D             |
| Industry                   | P   | D             |
| Rural Living               | A   | X             |

*\*Zones not mentioned are to remain as currently designated*

(2) upon preparation of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 25(2) of the Regulations and the amendment be referred to the Environmental Protection Authority ('EPA') as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the regulations.



**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

From time to time, the City of Cockburn receives development applications for 'Club Premises' and is required to assess these and determine whether they are appropriate for the proposed zone and location.

Given the range of different clubs which fall within this land use, it would be useful to provide further guidance and clarity to both potential applicants and City officers as to:

- Where this land use is considered appropriate or otherwise;
- What will be considered in the exercise of Council's discretion; and
- What types of conditions may be imposed on approvals for this land use.

The latter two are matters which can be dealt with via a local planning policy. Land use permissibility is set out in the City's Town Planning Scheme No. 3 (TPS3) and this proposed amendment proposes changes to the current land use table.

**Submission**

N/A

**Report**

The definition for 'Club Premises' within TPS3 is consistent with the Model Scheme Text, and reads:

*"club premises" means premises used by a legally constituted club or association or other body of persons united by a common interest"*

This is a reasonably broad definition and can encompass a range of different types of clubs, often with differing impacts on the surrounding land uses.



This amendment seeks to adjust the land use permissibility for this land use in some zones. A local planning policy ('LPP') could then form the assessment criteria to guide the assessment and approval process.

It is proposed to delete the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises' for the following zones and replacing as described below:

| Zone*                      | Land Use permissibility for 'Club Premises' |               |
|----------------------------|---|---------------|
|                            | Delete current:                             | Replace with: |
| Residential                | A   | X             |
| Regional Centre            | P   | D             |
| District Centre            | P   | D             |
| Local Centre               | D   | A             |
| Mixed Business             | P   | D             |
| Business                   | D   | A             |
| Light and Service Industry | P   | D             |
| Industry                   | P   | D             |
| Rural Living               | A   | X             |

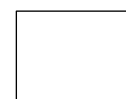
*\*Zones not mentioned are to remain as currently designated*

The proposed changes would ensure that 'Club Premises' are not in any zone a 'P' use, and that they are either a 'X' (prohibited) use, or a 'D' or 'A' use where they are not permitted without Council discretion being exercised to grant approval. An 'A' use requires advertising in addition to this.

Should the changes be adopted, Council could consider implementing a Local Planning Policy for 'Club Premises' to provide specific assessment criteria, and further guidance on how discretion should be exercised (particularly noting the matters that need to be considered in respect of a planning application). This could help develop acceptable and non-acceptable thresholds for proposed development that would need to be considered in the planning process. Other particular issues a local planning policy could assist in clarifying for potential applicants include:

- Definition of potential amenity impacts;
- Locational attributes; and
- Differentiation between low and high impact activities.

It is recommended that Council initiate the Scheme amendment.



**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**

N/A

**Legal Implications**

Planning and Development Act 2005

**Community Consultation**

The Town Planning Regulations 1967 specify a 42 day advertising period. The State Government are looking to reduce this period for simpler amendments, though this would not be effective till July 2015. It is expected this amendment will need to be processed under the current regulations as it should advance before July 2015.

**Attachment(s)**

N/A

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

N/A

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

Nil.

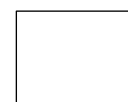


**14.5 (MINUTE NO 5501) (OCM 14/5/2015) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 106 - LOCATION: LOT 545 BARTRAM ROAD, SUCCESS - OWNER: JEANETTE ANN BEASLEY - APPLICANT: PLANNING SOLUTIONS (109/042) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) modify the Scheme Amendment Map and supporting documentation as advertised to reflect that shown in Attachment 2;
- (2) subject to (1) above, adopt for final approval Amendment No.106 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") in pursuance of Section 75 of the *Planning and Development Act 2005* for the purposes of:
  1. Rezoning parts of Lot 545 Bartram Road, Success from 'Residential R20' to comprise the zones of 'Residential R30', 'Residential R40' and 'Residential R60' as depicted on the Scheme Amendment Map.
  2. Reserving parts of Lot 545 Bartram Road, Success as 'Local Road' and 'Parks & Recreation' as depicted on the Scheme Amendment Map.
  3. Removing Lot 545 Bartram Road from Development Area 14.
  4. Amending the Scheme Map accordingly; (3) endorse the Schedule of Submissions prepared in respect of Amendment No. 106 to the Scheme.
- (4) in anticipation of the Hon. Minister's advice that the final approval will be granted, the amendment documentation be signed, sealed and forwarded to the Western Australian Planning Commission;
- (5) advise the proponent and those parties that made a submission of Council's decision accordingly; and
- (6) provide copies to the applicant of the submissions received from the Department of Aboriginal Affairs; Department of Water; Water Corporation; Western Power and; Department of Parks and Wildlife and direct the applicant to ensure they begin detailed consultation with these agencies in lead up to the subdivision process. Such consultation should be undertaken in conjunction with the City of Cockburn.



**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The subject land comprises Lot 545 (No. 77) Bartram Road, Success and is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Residential R20' under City of Cockburn Town Planning Scheme No.3 ("Scheme").

The subject site is located directly west of Wentworth Parade, north of Bartram Road and east of the Twin Bartram Swamps Structure Plan area (refer to Attachment 1 for the Locality Plan). The Twin Bartram Swamps Conservation Category Wetland is located immediately to the north of the subject site.

The purpose of this report is to consider the Scheme Amendment final adoption, following the formal advertising period having taken place.

**Submission**

The Proposed Scheme Amendment has been lodged by Planning Solutions, in conjunction with John Chapman Town Planning Consultant, on behalf of the prospective purchaser of the land, Allivivid Pty Ltd.

**Report**

The proposal seeks to amend the Scheme by rezoning the subject site from 'Residential R20' to 'Residential R30', 'Residential R40' and 'Residential R60'. The proposal also seeks to reserve portions of the site for 'Local Roads' and 'Parks and Recreation'. See Attachment 3 for a concept plan of the subject area.

The area to be rezoned for 'Parks and Recreation' is 7949m<sup>2</sup> in size and will act as an extension of the planned open space areas to the west of the site. Wetland fringe vegetation buffer forms 4620 m<sup>2</sup> of the open space area, this area will be revegetated during the development stage of the proposal. The total of the open space area is consistent with the 10% provisions within Liveable Neighbourhoods.





In recent times, areas subject to greenfields residential development have been zoned 'Development' and subject to the preparation of a comprehensive Structure Plan undertaken in accordance with Part 6 of the Scheme. This Structure Plan becomes the zoning and reserving mechanism, working in conjunction with the Scheme to regulate land use and development. Within the northern half of the locality of Success, there are a number of undeveloped land parcels that are zoned 'Residential' but are also within a Development Area. The situation is largely due to the zoning sourced from the former Town Planning Scheme No. 2 combining with the structure planning requirements introduced in Town Planning Scheme No. 3. The subject site is one of these parcels.

As the land is currently zoned 'Residential' it has been communicated to the City from the Western Australian Planning Commission ('WAPC') that support should be directed towards a Scheme amendment which seeks to put in place the pattern of zones and reserves to be ultimately reflected by the subdivision and development of the land. This is considered manageable for this site, given its discrete size and logical planning of zones and reserves to build on the surrounding pattern. It is however an inflexible approach to planning and not suited to the broader scale proposals or where there is a variety of planning issues to manage.

Therefore this proposed amendment looks to retain the 'Residential' zoning of the land, while introducing a more contemporary residential coding mix and appropriately address the Conservation Category Wetland Buffer. To facilitate this outcome the Scheme amendment has been accompanied by a comprehensive Explanatory Report that provides the same level of detail and planning rigour as found within a Structure Plan explanatory report.

#### Directions 2031

Directions 2031 seek to establish a 50% increase in current average residential densities from the current average of 10 dwelling per gross hectare of urban zoned land. The Scheme amendment explanatory report assumes an expected yield of 99 dwellings. Gross density of the site is therefore likely to be 25 dwellings a hectare, an amount consistent with Directions 2031 and Liveable Neighbourhoods.

The dwelling yield is also generally consistent with the actions/initiatives of the Cockburn Central Activity Centre Plan.



### Traffic

The applicant has undertaken a traffic impact assessment to support the Scheme amendment. The report has been analysed by the City's Engineering Department and deemed to be satisfactory in both its assumptions and recommendations. All expected traffic volumes are within standard limits expected by the City.

### Bushfire Risk

The applicant has undertaken a Fire Management Plan to support the Scheme amendment. The report has been analysed by the City and deemed to be to the City's and the WAPC's standard.

The Fire Management Plan and the proposed layout of the subject area strike an appropriate balance between reducing vulnerability to the bushfire risk and the protection and improvement of the functionality of the Twin Bartram Swamps environment.

### Community Consultation

In accordance with the Town Planning Regulations 1967 the amendment was advertised for public comment for a period of 42 days from 20 January 2015 to 2 March 2015.

A total of 11 submissions were received during the advertising period; two submissions were received from nearby landowners and nine from government authorities/service agencies.

Two submissions were received from adjoining landowners objecting to the proposal. One related to a matter not relevant to the proposal, namely, objecting to future planning for Bartram Road extension over the Freeway.

The second submission objected to two specific matters, being:

1. Change from R20 to R60 directly opposite the submitter's home.
2. Traffic issues.

With regard to 1 above, the subject site is currently zoned R20, the proposal is for land adjoining the submitter to be zoned R40 and R60. The maximum building height for R20 development is 2 stories; the maximum building heights for R40 and R60 are 2 and 3 stories respectively. Therefore the expected built form of development would not differ greatly from that currently allowable, particularly noting the physical separation by a neighbourhood connector (Wentworth Parade) between the subject site and the adjoining residential area (35m).



The increased density proposed on the subject site is in line with the objectives of Directions 2031 and the Implementation Framework of the Cockburn Central Activity Centre Plan - that looks to achieve a minimum gross density on undeveloped residential land within proximity of the Regional Activity Centre.

The future development sites sit 35m across Wentworth parade from the lot boundary of the submitter's property. No overshadowing or overlooking matters will therefore occur. The submitters dwelling will retain direct sight lines to the proposed Public Open Space and wetland in the north of the subject site.

Concerns related to localised traffic congestion are noted. The applicant has lodged a traffic impact assessment with the Scheme amendment report. This notes that any likely increase in traffic volumes from the proposed amendment can be catered for within the existing local road network. The design of the proposed access road connection to Wentworth Parade will be subject to detailed design at subdivision and construction drawing stage to ensure that compliance with the relevant safety and engineering standards. Comments regarding the possibility of right turn access from the north to avoid 'doubling back' are noted.

The applicant will be required to construct a footpath/DUP to the western side of Wentworth Parade which will improve pedestrian and cyclist safety through the area.

As the subject site adjoins a portion of Bartram Road that is zoned 'Regional Road' under the MRS comment was sought from Main Roads WA. Their submission noted that there was no objection to the proposed Scheme amendment however that at time of subdivision it would be unlikely that they would support any lots gaining direct access onto Bartram Road. Noting there may be future need to raise portions of the current local road network to allow clearance for the future Bartram Road bridge.

The applicant noted that their intent had been to gain access to lots directly from Bartram Road. Planning and Engineering staff from the City met with Main Roads to discuss the matter. Following constructive dialogue with Main Road they have reiterated their position on objecting to any direct access to Bartram Road from the subject land.

The modifications proposed to the Scheme amendment are in response to the position of Main Roads. The applicant and the City have determined that access can be gained to the development site from the proposed east-west subdivisional road. This will be via a 'U' shaped laneway.



The proposed modifications to a portion of the subject land rezoning it from R30 to R40 is to ensure flexibility in the delivery of final lot product on the site while meeting the various planning objectives of the area. The minor changes to the proposed road network have been sighted and deemed acceptable by the City's Engineering Department.

The remaining submissions are addressed in detail in the Schedule of Submissions (Attachment 4) and raise no material matters which impact on the consideration of this proposal.

### Conclusion

In summary it is recommended that the City adopt the proposed Scheme Amendment No.106, subject to modification.

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

#### **Growing City**

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

#### **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**

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. Locality Plan
2. Current and Proposed Zoning Map – for adoption
3. Current and Proposed Zoning Map – as advertised
4. Schedule of Submissions

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

The Proponent(s) have been advised that this matter is to be considered at the 14 May 2015 Council Meeting.

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

Nil.

AT THIS POINT, CLR B HOUWEN LEFT THE MEETING, THE TIME BEING 8.22PM.

**DECLARATION OF INTEREST – CLR B HOUWEN**

Proximity Interest in 14.6 “Proposed Local structure Plan – Lot 9001 Coogee Road, Munster” pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of his interest is that he is a landowner within the area.

**14.6 (MINUTE NO 5502) (OCM 14/5/2015) - PROPOSED LOCAL STRUCTURE PLAN - LOT 9001 COOGEE ROAD, MUNSTER - OWNER: ANDY & MARIN ZUVELA - APPLICANT: MW URBAN (110/121) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) pursuant to Clause 6.2.9.1 (b) of City of Cockburn Town Planning Scheme No. 3 ("Scheme), refuse the Proposed Structure Plan for Lot 9001 Coogee Road, Munster for the following reasons:
  1. In accordance with Clause 6.2.6.4 the Proposed Structure Plan is not consistent with orderly and proper planning.



2. In accordance with Clause 6.2.2.1 the Proposed Structure Plan does not conform to the purposes of the Development Area in that it does not provide sufficient comprehensive planning and coordination of subdivision and development.
  3. In accordance with Clause 6.2.5.2 adoption of the Proposed Structure Plan over part of a Development Area, in this case DA 5, will prejudice the specific purposes and requirements of the Development Area.
  4. The absence of comprehensive planning for the portion of DA5, currently zoned Urban Deferred, affected by the Woodman Point Waste Water Treatment Plant Buffer, means the Proposed Structure Plan lacks detail of how it will fit with the broader context.
  5. The Proposed Structure Plan does not sufficiently address Clause 6.2.6.2 (f) (iii) in terms of its integration with surrounding land uses, being predominantly residential. Specifically that it will set a precedent on how such uses should interface with residential land uses across the precinct.
  6. In accordance with Clause 6.2.9.2 (a) the Western Australian Planning Commission has provided advice that the Proposed Structure Plan is premature and that an overall plan is required to guide development in the area zoned Urban Deferred and encumbered by the Woodman Point Waste Water Treatment Plant Buffer.
  7. Consideration of land uses within the Woodman Point Waste Water Treatment Plant Buffer prior to the implementation of the legislative instrument, currently under preparation by the Department of State Development and Department of Planning, is premature and may prejudice the determination of what is a prescribed 'sensitive' land use in said legislative mechanism.
- (2) instructs City staff to prepare a District Structure Plan, in order to guide how future subdivision and development may take place within the portion of Development Area 5 affected by the Woodman Point Waste Water Treatment Plant Buffer. The first step is to prepare a project plan for Council's consideration, detailing how community consultation will take place to ensure the views of residents are taken in to account;
- (3) advise the applicant, landowners within the Structure Plan area



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

- (4) forward a copy of Council decision to the Western Australian Planning Commission for their information.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**

#### **Background**

The subject land is 5,580m<sup>2</sup> in size; being bound by residential development to the east, rural land to the west, the AMC tech precinct to the south and Splash Terrace to the north. The subject land directly adjoins the Munster residential area. See Attachment 1 for a locality plan.

The subject land is within the Woodman Point Wastewater Treatment Plant Buffer, is currently vacant and has no approved uses on it.

The subject land is zoned 'Urban Deferred' under the Metropolitan Region Scheme ("MRS"). The eastern boundary of the subject land adjoins land zoned 'Urban' under the MRS.

The subject area is zoned 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is located within Development Area 5 (DA5), Development Contribution Area No. 13 (DCA13) and Development Contribution Area No. 6 (DCA 6).

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.

#### **Submission**

MW Urban on behalf of the landowner has lodged a structure plan for the subject land.



**Report**

The Proposed Structure Plan as shown within Attachment 2 provides for a Special Use Zone ('SU') development.

SU Zones by definition are:

*'to provide for uses which have unique development requirements that cannot be easily accommodated by the objectives of any other zone included within the Scheme.'*

The SU Zone on the subject land proposes to allow three uses to operate within the boundary of the zone, being:

| Use Class | Scheme Definition  |
|-----------|--|
| Office    | Means premises used for administrative, clerical, technical, professional or other like business activities. |
| Storage   | Means premises used for the storage of goods, equipment, plan or materials.                                  |
| Warehouse | Means premises used to store or display goods and may include sale by wholesale.                             |

Further to the land use controls above the applicant has proposed that the following set of conditions be applied to any development that occurs on the land.

- Planning approval.
- Office limited to a floor area of 100m<sup>2</sup>.
- The following development standards apply:
  - 1) a minimum setback of 1.5m to the common boundary with abutting residential properties to the east (excluding Lot 8005 Splash Terrace) and to the Splash Terrace frontage;
  - 2) a minimum nil setback to the western and southern boundaries and to the common boundary with Lot 8005 Splash Terrace;
  - 3) landscaping, including screening vegetation along the eastern boundary, to the satisfaction of the local government;
  - 4) a maximum building height of 4.5m within 4.5m of the eastern boundary, and a maximum building height of 7.5m elsewhere.
- A Traffic Impact Assessment, to the satisfaction of the local government, is required to be prepared and implemented to the satisfaction of the local government as part of an application for planning approval.
- A Noise Management Plan, prepared by a recognised acoustic consultant, to be implemented to the satisfaction of the local government, as part of an application for planning approval. The Noise Management Plan should include:
  - 1) sound proofing measures used in the design and construction of the development;
  - 2) predictions of noise levels;
  - 3) control measures to be undertaken (including monitoring procedures);
  - 4) a complaint response procedure;
  - 5) all noise attenuation measures, identified by the plan or as additionally required by the City, to be implemented prior to occupancy of the development or as otherwise required by the City and the requirements of the plan are to be observed at all times.





## Planning Context

As noted above the subject land is zoned 'Urban Deferred' under the MRS and 'Development' under the Scheme.

Prior to 1997 the subject land was zoned 'Rural' under the MRS, being rezoned to 'Urban Deferred' in 1997 as part of MRS Amendment 939/33A. In making his determination the then Hon. Minister noted that:

*"land within the Urban Deferred Zone should not be considered as being suitable for future residential development. Rather, future use is to be compatible with the location of land within the Waste Water Treatment Plant Buffer Zone or the Minister for the Environment's conditions of development as appropriate."*

The advice goes on to outline that future land uses should be discussed with the City in conjunction with the WAPC.

Prior to the move to urbanisation of the Munster locality the subject land was zoned 'Rural' under Scheme No. 2. Following the modification to the MRS as described above 'DA 5' was gazetted into Scheme No. 2 on 12 January 2001.

The purposes of Development Areas are to:

1. Identify areas requiring comprehensive planning; and
2. Coordinate subdivision and development in areas requiring comprehensive planning.

DA 5 of Schedule 11 provides the following provisions for development within its boundary:

1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.
2. To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement.
3. The local government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone.

Following the gazettal of the Scheme on 20 December 2002 the subject land was included within the newly created 'Development Zone' and DCA 6.



The objective of the 'Development Zone' is to:

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

In noting the objective of the zone, and Provision 2 of DA 5 under Schedule 11, it is clear that the Scheme envisages either industrial or commercial development taking place, subject to the preparation of a comprehensive Structure Plan. No residential development can take place due to the presence of the Sewer Treatment Plant and the possibility of odour impacts detrimentally impacting the health and amenity of residents if residential development took place.

The land immediately north and east of the subject land forms part of the Munster – Phase 2 Structure Plan. This Structure Plan provides for a residential outcome with associated roads and public open space. Being adopted by Council on 14/07/2005 it forms a comprehensive Structure Plan as required by DA 5.

The land immediately south of the subject land was included in the 'Development Area 6' (DA 6) at time of gazettal of the Scheme. DA 6 provides for the establishment of a Marine Industry Technology Park following the approval of a comprehensive Structure Plan. A comprehensive Structure Plan was endorsed for DA 6 Australian Marine Industry Technology Precinct on 8 September 2006.

The proposal before Council is a Structure plan for consideration in accordance with the provisions of DA 5.

#### Woodman Point Waste Water Treatment Plant Buffer

The subject land is within the WPWWTP Buffer, which extends 750 metres in an easterly direction from the treatment plant.

As outlined above, the prevailing statutory planning framework does not permit residential development within the buffer. The proposed land uses associated with the Proposed Structure Plan are consistent with this prohibition and the zone objective, being commercial and light industrial in nature.

Council's long term held position on the location of the buffer has been that it should be retracted to the eastern shore of Lake Coogee once the appropriate works to reduce the odour have been undertaken and the science can confirm this.

The Water Corporation through the Results of the Odour Monitoring and Modelling Program (2010) advised the WAPC in March 2012 that it



had finalised its odour monitoring and modelling report, which recommends the retention of the existing 750 metre odour buffer. This current 750m buffer is secured through the MRS and the corresponding provisions of the City's Scheme.

Importantly in the finalisation of the WPWWTP Buffer is the current work by the Department of State Development is undertaking on the buffer definition study for the Western Trade Coast through a legislative mechanism. The WPWWTP Buffer is expected to form a part of a new Act of Parliament, an Act that will likely prevail over the Planning and Development Act 2005 to the point of any inconsistency. This creates a degree of uncertainty as to what this Act may or may not permit within the area covered by it.

### Proposed Land Uses

As noted above, the subject land is included within the 'Development Zone' and DA 5 as such the City can consider Structure Plans. DA 5 explicitly forbids the further development of land within the WPWWTPB for residential purposes; the remaining uses that can be considered on the subject land, in keeping with the overriding objective of the 'Development Zone', by exclusion, are industrial and commercial in nature.

The Proposed Structure Plan recommends that the land uses of Office, Storage and Warehouse are appropriate for consideration on the subject land; the structure plan report noting:

*"It is envisaged the most likely use for the site will be a storage facility and/or storage yard, with associated office space for administrative purposes. Such use would complement, and could service, the adjacent Australian Marine Complex precinct, while also not adversely affecting the amenity of abutting and nearby residences."*

### Traffic

The applicant engaged the services of traffic consultancy to undertake a Transport Assessment associated with the Proposed Structure Plan to assess the likelihood of compliance with the WAPC's Transport Assessment Guidelines for Development. The preparation of a traffic assessment was deemed necessary in light of the proximity of existing residential development, the size of the proposed development and uniqueness of the proposal.

The traffic assessment identified the proposed development – being an industrial land use between 1,000 and 10,000m<sup>2</sup> - to have a 'Moderate Impact' under the criteria identified in the Transport Assessment Guidelines for Development. Developments deemed to have a



moderate impact require the preparation of a brief transport assessment. The assessment provided with the Proposed Structure Plan meets the requirements and standards of the WAPC.

The Transport Assessment was further informed by a 'Self Storage Facility Traffic and Parking Study' undertaken by the Self-Storage Association of Australasia. This study was based on an assessment of 32 self-storage facilities around Australia.

The transport assessment was undertaken with the assumption that the site would be developed for small scale self-storage units or hardstand storage purposes, or both.

Although the proposal on the Subject Land is for a Structure Plan, the Transport Assessment provides assumptions around access and egress from the site in line with the expected final development, informed by the built form controls and development concept provided for in the Structure Plan documentation. Vehicle access to the site is assumed to be taken from Korcula Court; egress would be from Splash Terrace. One way movement through the site would connect the two access points. The Transport Assessment assumes that access would be controlled through an automatic electronic gate. This is shown in the following figure.



Assumptions made in the Transport Assessment indicate that access to the site through the strategic road network will generally be made via Frobisher Avenue, Button Street, Rockingham Road and Stock Road. Egress to the strategic road network would be via Splash Terrace, Albion Avenue, Coogee Road, Frobisher Avenue, Button Street and Rockingham Road. This is shown in the following figure.



The subject site is currently vacant and generates no vehicle movements. For the purposes of rendering an accurate trip generation estimate and to quantify the impacts of the proposal the Transport Assessment assumes that the proposed development will include a 3,000m<sup>2</sup> storage facility and incidental office component.

The Transport Assessment estimates that the total vehicle movements to and from the site on an average weekend will be 60 trips. Peak hour trips in both the AM and PM periods are estimated to be 8 trips.

The Transport Assessment for context provides a comparison to trip generation rates should the subject land be developed for residential purposes. Utilising an assumption on the subject land of 6-7 residential dwellings and a daily traffic generation rate of approximately 9 trips per dwellings it was outlined that the development of the site for storage type purposes will generate a similar amount of vehicle movement. The assumption of 9 trips per dwelling is in line with standard practice.

The transport assessment was reviewed by the City's Transport Engineer for compliance with State and Local requirements. The City's Officer's in their review noted that the assessment was to the standard expected and deemed it appropriate to inform decision makers. Moreover, a number of recommendations were given to include additional statutory requirements related to traffic management, for any proposal for development approval on the subject site should the Structure Plan be approved.



The Part 1 of the Structure Plan and the Structure Plan Map makes clear the development conditions associated with the proposed land uses on the subject land. Any proposal for development is to be accompanied by a Traffic Management Plan, prepared and implemented to the satisfaction of the City.

The recommendation of refusal of the Proposed Structure Plan does not constitute a critical assessment of the transport assessment/management controls proposed on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface and access the existing residential development and how traffic would be managed across the entire precinct. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

#### Noise Management

The applicant engaged the services of Herring Stoner Acoustics to undertake an acoustic assessment of noise emission associated with the Proposed Structure Plan to assess the likelihood of compliance with the Environmental Protection (Noise) Regulations 1997. The preparation of an acoustic assessment was deemed necessary in light of the proximity of residential development and the need to ensure compliance with Clause 5.9.3 of the Scheme.

The assessment was undertaken with the assumption that the site would be developed for small scale self-storage units of hardstand storage purposes. The assessment was also carried out in accordance with the Environmental Protection Authority's Draft Guidance for Assessment of Environmental Factors No. 8 – Environmental Noise

The noise modelling undertaken included the consideration of noise emissions from both cars moving on site and also trucks moving on site. Worst case scenario assumptions included the possibility of vehicle movements occurring during night time periods.

Based on assessments undertaken it was stated that the noise received at the neighbouring residential from vehicle movements has been determined by Herring Stoner Acoustics to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.

The acoustic assessment was reviewed by the City's Environmental Health Department for compliance with State and Local requirements.



The City's Officer's in their review noted that the assessment was to the standard expected and deemed it appropriate to inform decision makers. Moreover, a number of recommendations were given to include additional statutory requirements related to noise management, for any proposal for development approval on the subject site should the Structure Plan be approved.

The Part 1 of the Structure Plan and the Structure Plan Map makes clear the development conditions associated with the proposed land uses on the subject land.

Any proposal for development is to be accompanied by a Noise Management Plan, prepared and implemented to the satisfaction of the City. The Noise Management Plan should include:

1. Sound proofing measures used in the design and construction of the development.
2. Predictions of noise levels.
3. Control measures to be undertaken (including monitoring procedures).
4. A complaint response mechanism.
5. All noise attenuation measures, identified by the plan or as additionally required by the City, to be implemented prior to occupancy of the development or as otherwise required by the City and the requirements of the plan are to be observed at all times.

The recommendation of refusal of the Proposed Structure Plan does not constitute a critical assessment of the noise attenuation/management controls proposed on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface the existing residential development and how noise would be managed across the entire precinct. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

#### Proposed Built Form Controls

The Proposed Structure Plan looks to place a commercial/industrial use directly adjacent to land utilised for residential land uses. Therefore, officers when considering the appropriateness of any built form controls proposed on the subject land are guided by the requirements of the Scheme.



Clause 5.9.3 of the Scheme provides requirements for commercial and industrial uses on land abutting a 'Residential Zone' to protect the amenity for residences, as follows:

|   |
|---|
| Clause 5.9.3 Amenity  |
| (a) Buildings shall be located on land abutting a residential zone so as to minimise overshadowing on, and to maximise privacy within adjoining, existing or future residences. |

Therefore in accordance with the Scheme the significance of the preservation of residential 'Amenity' is the priority. Amenity is defined in the Scheme as,

*"all those factors which combine to form the character of an area and include the present and likely future amenity."*

As such, when considering the appropriateness of the land use, location of the land use in proximity to residential land uses and the site specific built form controls - the context of the area, both present day and future, were considered relevant. This point is discussed elsewhere in this report.

The site specific built form controls outlined by the applicant on the Proposed Structure Plan include:

1. Limiting office space to 100m<sup>2</sup>, such that it is incidental to the predominant use;
2. A minimum setback of 1.5m to the common boundary with abutting residential properties to the east (excluding Lot 8005 Splash Terrace) and to the Splash Terrace Frontage.
3. A minimum nil setback to the western and southern boundaries and to the common boundary with Lot 8005 Splash Terrace.
4. Screening vegetation within the eastern boundary setback area to the satisfaction of the local government.
5. A maximum building height of 4.5 metres within 4.5 metres of the eastern boundary, and a maximum building height of 7.5 metres elsewhere.

The site specific built form controls that have been proposed by the applicant to satisfy the requirements of Clause 5.9.3 constitute a reasonable attempt to address the requirements of the Scheme. They were deemed appropriate to in the context of an advertised Structure Plan. In general the setbacks, building height, screening vegetation and overshadowing were deemed to constitute no greater burden on the adjoining residential lots than would be reasonably expected should the land be developed for residential purposes.





The recommendation of refusal of the Proposed Structure Plan does not constitute a critical assessment of the built form controls proposed on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface the existing residential development. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

Local Context – Local Amenity

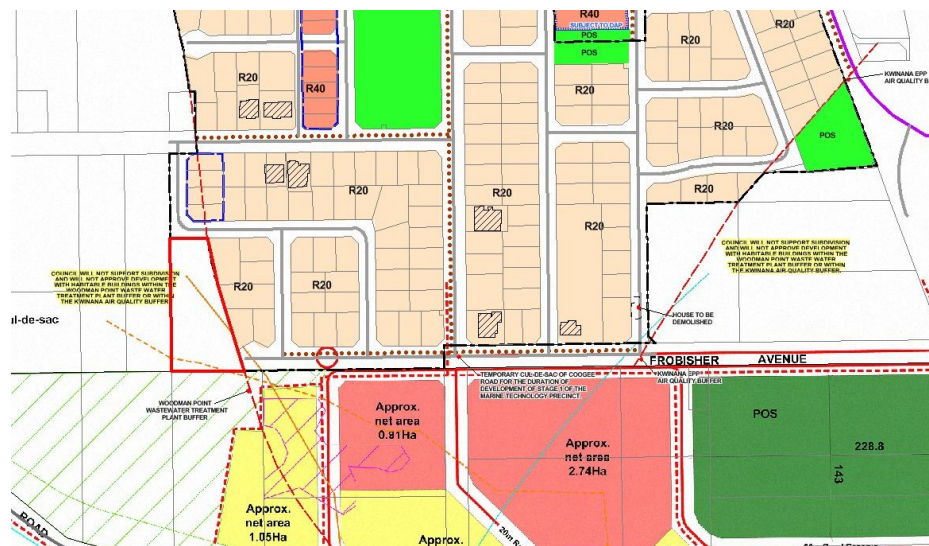
As discussed briefly previously when considering the appropriateness of the Proposed Structure Plan: the land use, location of the land use in proximity to residential land uses and the site specific built form controls - the context of the area, both present day and future, are considered relevant.

Amenity as described by the Scheme is defined as:

*“all those factors which combine to form the character of an area and include the present and likely future amenity.”*

Therefore in making a determination on whether a proposal will impact on the ‘Amenity’ of an area a thorough understanding of the approved planning framework is required.

The following figure provides a view of the surrounding approved and endorsed Structure Plans surrounding the subject land



To the north and east of the subject land is subject to an endorsed Structure Plan that facilitates low and medium density residential

outcome. The present and future residential amenity of this cell in isolation is a residential one.

However, directly to the south and south east of the subject land is the Australian Marine Technology precinct. This land, which begins approximately 30m from the subject land, is zoned for commercial and light & service industrial uses. Therefore the future ‘amenity’ of the subject land and the surrounding locale cannot exclude this known outcome.

In proximity to the subject land, on the southern side of Korcula Court/Frobisher Avenue is land zoned for either ‘Research and Development’ or ‘Mixed Use’. The figure below outlines the purpose and objectives of these two structure plan zones.

**Research and Development** - The majority of the Structure Plan area consists of land allocated for research and development uses (shown in light yellow). A portion of this use is allocated to Raytheon Australia. Raytheon is a mission systems integrator providing solutions for sea, land, air and office environments. The company is focused on engineering and technical workforce. The research and development site, identified on the Structure Plan in yellow, has already received planning approval from the City of Cockburn. Research and Development is a Permitted use under the Scheme.

**Mixed Use (Residential, Support Services, Office)** - Two pockets of land are allocated to the north of the subject land for mixed use. It is envisioned that these two portions will incorporate residential, office and commercial uses. The residential components of this precinct will be placed outside of the Water Corporation Waste Water and Environmental Protection buffers. The residential component will provide localised accommodation opportunities for those working within the Technology Precinct. Support services such as lunch bar and restaurants are Discretionary Uses, whilst Office and Residential are Permitted Uses under the Scheme.

Further to this the Australian Marine Park – Technology Precinct Structure Plan provides a land use permissibility table, which along with the DA 6 provisions of the Scheme controls land use within that structure plan.

This structure plan allows a wide range of commercial and light & service land uses. The following table outlines the current land use permissibility in the Australian Marine Park – Technology Precinct Structure Plan.

| Land Use  | Use |
|---|-----|
| Research and Development  | P   |
| Product or process development and improvement  | P   |
| Supply of technology based products and services  | D   |
| Provision of specialist services to increase the capabilities of companies in technology industries | D   |
| Education and Training  | P   |
| Light and Service Industry  | D   |
| Office Administration   | P   |
| Support Services, including but not limited to child care facilities, lunch bar and restaurants     | D   |



|  |   |
|--|---|
| Caretaker Dwellings  | P |
| Education Establishments (but excludes Primary and Secondary Schools)                                  | P |
| Residential Building   | P |
| Bank   | P |
| Office   | P |
| Child Care Premises  | D |
| Civic Use  | D |
| Community Purpose  | D |
| Convention Centre  | D |
| Reception (function) Centre  | D |
| Showroom   | D |
| Private Recreation   | D |
| Restaurant   | D |
| Tavern   | D |
| Health Studio  | D |
| Convenience Store  | D |
| Industry – Light   | D |
| Industry – Service   | D |
| Lunch Bar  | D |
| Storage  | D |
| Telecommunications Infrastructure  | D |
| Warehouse  | D |
| Other activities that the Council is satisfied are directly or associated to marine related activities | D |

The above table should be read in conjunction with the provisions of Schedule 11 of the Scheme where they relate to DA 6.

From the land use table it is clear that a wide range of land uses complimentary to that proposed on the subject land currently permissible in the locality. Significant portion of Korcula Court/Frobisher Avenue include direct frontage of land zoned to allow these uses and it is feasible that traffic to these uses will utilise the local road network.

The recommendation of refusal of the Proposed Structure Plan does not constitute a critical assessment of the effect on local amenity from the proposal on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface the existing residential development. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

#### Community Consultation

The proposed Structure Plan was advertised for public comment from 3 March 2015 and 21 April 2015. All submissions that were received are



set out and addressed in the Schedule of Submissions (Attachment 3). A total of 105 submissions were received

The original advertising period was scheduled to run from 3 March 2015 until 24 March 2015. During this period a community street meeting was organised by concerned residents. Following this a request was lodged with the City to extend the advertising period to allow residents additional time to formulate arguments with the intent being to lodge more comprehensive submissions. The City approached the applicant to ascertain their openness to an extension; the applicant supported an additional period of time. The formal advertising period was extended by four weeks to 21 April 2015.

The City wrote to all those previously written to and all those who had previously lodged a submission regarding the extension of advertising and also the City's intent to hold a Community Forum. This forum was held at the City's Administrative Centre on 13 April 2015.

The intent of the forum was for the City to create an open dialogue between the community and the applicant and to allow residents to voice their concerns and raise matter directly with the applicant. In total 43 members of the community attended the forum. Presentations were given by the City and the applicant, focusing on the wider strategic planning of the locality and the specifics of the proposal, respectively.

Following the two presentations there was approximately 100 minutes of question and answer. All residents were given an opportunity to ask questions to both the City and the applicant.

One submission, specifically an addendum to a submission, has been excluded from the Schedule of Submissions due to the use of offensive language and inflammatory threatening comments. This is considered unacceptable behaviour to be highlighted in the public domain.

Eight submissions were received from government agencies and servicing authorities; none of these objected to the proposal. A number of submissions raised points of comment which have been addressed in the schedule of submission.

97 submissions were received from adjoining landowners. Of these only one submission provided conditional support. The remaining 96 submissions objected to the proposed Structure Plan for varying reasons.

The matters raised, though various, are summarised in detail below:



### *Inappropriate Land Use*

A number of submitters raised the point that consideration of light industrial or commercial land uses are inappropriate and not compatible with the residential context of the locality of Munster.

As noted above the objective of the 'Development Zone' is to:

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

As residential development is forbidden via the Scheme and the state planning framework the consideration of industrial and commercial land uses are in line with the Scheme able to be considered within DA 5.

The question is then to determine, when considering a proposal, is whether the specific proposal and the land uses that are proposed are appropriate for the local context.

In general commercial and light industrial uses and residential uses can coexist in the same area, that is to say that they are not incompatible. What is important is how they coexist, how any off site emissions and impacts are managed or restricted to ensure the viability of both and the health and wellbeing of the residential community.

The applicant has lodged a noise report and the City had secured additional Noise Management procedures on the subject land. Further to this built form controls ensure that any land use is internalised further reducing issues on conflict that may arise from the subject land.

In this case the proposed land uses: 'Warehouse', 'Storage' and 'Office' are uses that can operate in proximity to residential land uses where the appropriate built form controls and public health requirements are placed on developments. Moreover, as outlined earlier in this report all three land uses are already permissible within the local context on land zoned by the Australian marine Complex – Technology Precinct.

The decision to refuse the application was not made on the site specific of incompatibility of the proposed land uses with the existing residential properties. The Proposed Structure Plan, in part, is being refused as it does not sufficiently address Clause 6.2.6.2 (f) (iii) in terms of its integration with surrounding land uses, being predominantly residential. Specifically that it will set a precedent on how such uses should interface with residential land uses across the precinct.



### *Loss of Amenity*

A significant number of submitters raised the matter of loss of amenity both in their private properties and the wider community should the Proposed Structure Plan be approved.

The report above provides the definition and planning background on the concept of amenity within the City and local context as to what the current and future amenity of the area.

*Amenity includes “all those factors which combine to form the character of an area and include the present and likely future amenity.”* The fact that amenity includes all those things likely now and into the future has significant bearing on the determination of the veracity of submitters arguments.

As outlined above the area currently is typified by residential land uses and the remanent of the areas market gardening past. However, the future amenity of the area includes those areas approved by the City for future uses as allowed under the ‘Research and Development’ or ‘Mixed Use’ zones of the Australian Marine Complex Technology Precinct Structure Plan. Those uses predate the development of the Munster Phase 2 Structure Plan area and have statutory weight and statutory rights of development.

The decision to refuse the application does not constitute a critical assessment of the effect on local amenity from the proposal on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface the existing residential development. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

### *Traffic*

A significant number of submitters raised the matters related to traffic should the Proposed Structure Plan be approved. These generally were more superficially linked to the following concerns:

1. Type of traffic movements (increased truck movements).
2. Overall increase in traffic movements.
3. Increase in traffic unfamiliar with the area accessing the locality.
4. Speeding and distracted drivers.
5. Risk to children playing in the street and pedestrians.
6. Issues with some assumptions made in the Transport Assessment.



7. Noise related to transport.

The following responses are provided to the points above:

1. The Transport Assessment has assumed that the development of the site to be a small scale self-storage facility or a small hardstand storage area. Both have the potential to have trucks utilise the facility. Given the small number of overall traffic movements expected from such a development, 60 per day, and the small scale nature of the site the number of truck movements would be negligible.

Further to this, the road network has been designed to cater for 'as-of-right' heavy vehicles. Speed limits, turning radius and sight lines on the roads in the locality have been designed to Austroads standards.

2. The Transport section of this report covers comprehensively the matter of total vehicle movements to and from the subject land. The total number of vehicle trips on a standard weekday is projected to be 60 trips a day. This increase is well within the expectations on the carrying capacity of an access road. Moreover, the projected number of vehicle trips is similar in number to that which could be expected if the site was developed for residential purposes.
3. The likelihood of this use vs another use generating drivers who are unfamiliar with the area cannot be determined.
4. The likelihood of this use vs another use generating speeding or distracted drivers cannot be determined.
5. This likelihood of this use generating traffic that may impact children's safety cannot be determined, especially as the road environment is not made for playing within. The provision of footpaths is such that traffic and pedestrian interaction should occur safely in all of the City's neighbourhoods. The current planning and engineering road design for the Munster Locality are in keeping with current engineering thinking on road design. The roads in the area are not shared spaces where pedestrians and vehicles are expected to mingle at low speeds.
6. The Transport Assessment has been reviewed by the City's Traffic Engineer and has been deemed to be consistent with industry standards in the assumptions used to inform the outcomes.



7. This matter is discussed above. However noise emanating from this use has been studied to be compatible with residential amenity.

The transport assessment was reviewed by the City's Transport Engineer for compliance with State and Local requirements. The City's Officers in their review noted that the assessment was to the standard expected and deemed it appropriate to inform decision makers. Moreover, a number of recommendations were given prior to advertising to include additional statutory requirements related to traffic management, for any proposal for development approval on the subject site should the Structure Plan be approved.

The recommendation of refusal of the Proposed Structure Plan does not constitute a critical assessment of the transport assessment/management controls proposed on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface and access the existing residential development and how traffic would be managed across the entire precinct. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

#### *Noise*

A significant number of submitters raised the matter of noise both in their private properties and the wider community should the Proposed Structure Plan be approved. Submissions related to both noise from vehicles and noise from the development itself.

The applicant engaged the services of Herring Stoner Acoustics to undertake an acoustic assessment of noise emission associated with the Proposed Structure Plan to assess the likelihood of compliance with the Environmental Protection (Noise) Regulations 1997. The preparation of an acoustic assessment was deemed necessary in light of the proximity of residential development and the need to ensure compliance with Clause 5.9.3 of the Scheme.

The noise modelling undertaken included the consideration of noise emissions from both cars moving on site and also trucks moving on site. Worst case scenario assumptions included the possibility of vehicle movements occurring during night time periods.

The acoustic assessment was reviewed by the City's Environmental Health Department for compliance with State and Local requirements. The City's Officer's in their review noted that the assessment was to the standard expected and deemed it appropriate to inform decision





makers. Moreover, a number of recommendations were given to include additional statutory requirements related to noise management, for any proposal for development approval on the subject site should the Structure Plan be approved.

The recommendation of refusal of the Proposed Structure Plan does not constitute a critical assessment of the noise attenuation/management controls proposed on the subject land. However, an approval of the Proposed Structure Plan would constitute a precedent in that it would set an expectation for how commercial and industrial development throughout the precinct should interface the existing residential development and how noise would be managed across the entire precinct. To set this precedent without district level planning and wider consultation with existing residential communities is not in keeping with proper and orderly planning of the district.

### *Crime and Safety*

A significant number of submitters raised the matter of crime and safety both to their person, private properties and the wider community should the Proposed Structure Plan be approved. Submissions related to a number of matters relating to crime and safety, including:

1. Storage of illegal items in storage facilities (weapons, laundered money, stolen items).
2. Use of storage facilities for illegal activities (clandestine drug labs, prostitution, terrorist bomb making).
3. Increases in burglaries due to the proximity of commercial/industrial land uses.

Matters such as these are not planning matters and have no bearing on the final determination of the Structure Plan. To suggest a use like this attracts criminal behaviour is simply unsubstantiated and irrelevant to a proper planning consideration of this proposal.

### *Property Values*

A significant number of submitters raised the matter of decreasing property values of private dwellings should the Proposed Structure Plan be approved. Private financial matters are not planning considerations and such matters were not considered in the formulation of the officer's recommendation.

### *Overshadowing, building bulk and other built form considerations*

A significant number of submitters, primarily those who lived in closer proximity or directly adjacent to the site, raised the matters relating to



overshadowing, building bulk and other built form considerations should the Proposed Structure Plan be approved.

The Proposed Structure Plan looks to place a commercial/industrial use directly adjacent to land utilised for residential land uses. Therefore, officers when considering the appropriateness of any built form controls proposed on the subject land are guided by the requirements of the Scheme, particularly Clause 5.9.3.

The site specific built form controls outlined by the applicant on the Proposed Structure Plan include:

1. Limiting office space to 100m<sup>2</sup>, such that it is incidental to the predominant use.
2. A minimum setback of 1.5m to the common boundary with abutting residential properties to the east (excluding Lot 8005 Splash Terrace) and to the Splash Terrace Frontage.
3. A minimum nil setback to the western and southern boundaries and to the common boundary with Lot 8005 Splash Terrace.
4. Screening vegetation within the eastern boundary setback area to the satisfaction of the local government.
5. A maximum building height of 4.5 metres within 4.5 metres of the eastern boundary, and a maximum building height of 7.5 metres elsewhere.

The site specific built form controls that have been proposed by the applicant to satisfy the requirements of Clause 5.9.3 constitute a reasonable attempt to address the requirements of the Scheme. They were deemed appropriate to in the context of an advertised Structure Plan. In general the setbacks, building height, screening vegetation and overshadowing where deemed to constitute no greater burden on the adjoining residential lots than would be reasonably expected should the land be developed for residential purposes.

### Conclusion

It is recommended that Council refuse the Local Structure Plan for Lot 9001 Coogee Road, Munster.

### **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.

### **Budget/Financial Implications**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent.

### **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 21 April, 2015.

### **Community Consultation**

Public consultation was undertaken between 3 March 2015 and 21 April 2015. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies. The City also held a community forum on 13 April with 43 members of the community attending.

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

### **Attachment(s)**

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

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

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

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

Nil.



AT THIS POINT, CLR B HOUWEN RETURNED TO THE MEETING, THE TIME BEING 8.30PM.

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

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

**15.1 (MINUTE NO 5503) (OCM 14/5/2015) - LIST OF CREDITORS PAID - MARCH 2015 (076/001) (SINTA NG) (ATTACH)**

**RECOMMENDATION**

That Council adopt the List of Creditors Paid for March 2015, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva 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 2015 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 2015.

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

N/A

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

Nil.

**15.2 (MINUTE NO 5504) (OCM 14/5/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MARCH 2015 (071/001) (SINTA NG) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Statement of Financial Activity and associated reports for March 2015, as attached to the Agenda; and
- (2) amend the 2014/15 Municipal Budget by:
  1. Adjusting the project budget for the RPAEC@CCW to incorporate \$1,158,446 of partner contribution funding expected to be received in the 2014/15 financial year (CW4449).



2. Adding \$72,838 to Senior Management Group Salaries (GL116-6000) and funding this from the Staff Payments and Entitlements Reserve (GL 116-4103).
3. Adding \$103,633 to GIS Salaries (GL 873-6000) and funding this from the Staff Payments and Entitlements Reserve (GL 873-4103).
4. Adding \$1,305,848 expenditure budget to North Lake Road – Hammond to Kentucky (CW 3544-6200), funded from the following list of project reductions:

|         |   |           |
|---------|---|-----------|
| CW 2356 | Beeliar Drive (Hammond/Dunraven)  | \$84,000  |
| CW 2471 | Beeliar Drive (Wentworth Pde/Kwinana Fwy) (subject to 2/3 MRD funding approval) | \$500,000 |
| CW 2442 | Frankland Avenue – Roper Boulevard  | \$59,000  |
| CW 2476 | Jandakot Road Duplication Berrigan – Warton                                     | \$100,000 |
| CW 2477 | Spearwood Ave Bridge design (Barrington – Beeliar)                              | \$50,000  |
| CW 3548 | Russell Power and Henderson Intersection  | \$160,000 |
| CW 2481 | Ralston Street traffic management   | \$100,000 |
| CW 2492 | Parking Signage & Line Marking  | \$70,000  |
| CW 2970 | Children’s Crossings  | \$70,000  |
| CW3602  | Starbush Park (Drainage improvements)   | \$112,848 |

5. Reallocating \$183,000 expenditure budget from the Elected Members Budget Contingency (OP 8272) to the following budget areas:

|         |  |           |
|---------|--|-----------|
| OP 9608 | Sister City Expenses                       | \$35,000  |
| OP 9802 | Project Allowances Directors/SBMG Managers | \$108,000 |
| OP 9849 | Conference/Seminars Directors              | \$40,000  |

6. Including the following self-funding operational budget changes within the Human Services Business Unit:

|             |                                      |            |
|-------------|--------------------------------------|------------|
| GL 230-4843 | Family Day Care Reserve – LSL Recoup | (\$15,012) |
| GL 230-6000 | Family Day Care Salaries             | \$15,012   |
| GL 400-5101 | Youth Outreach – Grant indexation    | (\$5,553)  |
| GL 400-6288 | Youth Outreach Program Costs         | \$5,553    |

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



**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

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

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

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

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

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

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

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

This Regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold of \$200,000 for the 2014/15 financial year at its August meeting.



## **Submission**

N/A

## **Report**

### Opening Funds

The opening funds actuals of \$13.17M represents the audited closing municipal position for 2013/14 and the revised budget was updated to this figure in the mid-year budget review.

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

### Closing Funds

The City's closing funds of \$56.3M were \$18.9M higher than the YTD budget target. This comprised net favourable cash flow variances across the operating and capital programs as detailed within this report.

The revised budget shows end of year closing funds of nil, representing a balanced budget position. The previous month's surplus of \$8,500 was allocated against additional security costs for Coolbellup library not included within the mid-year budget review.

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

### Operating Revenue

Consolidated operating revenue of \$116.1M was ahead of the YTD budget forecast by \$2.1M. The significant variances in this result were:

- Rates revenue \$0.97M ahead of YTD budget due to higher part year rating adjustments.
- Fees & charges were collectively \$0.20M ahead of YTD budget with the only material variances being parking infringement revenue \$0.28M ahead of YTD budget and commercial landfill fees \$0.46M behind YTD budget.





- Operating grants & subsidies were over YTD budget by \$0.40M impacted mainly by \$0.43M of additional In-Home Care and Family Day Care child care subsidies.
- Reimbursement of costs received (e.g. legal, insurance) were collectively \$0.31M ahead of YTD budget.

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

### Operating Expenditure

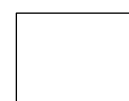
Cash operating expenditure of \$67.4M (excluding asset depreciation) was under the YTD budget by \$2.15M. Total operating expenditure of \$83.9M (including depreciation) was \$1.38M lower than the YTD target.

The following significant items were identified:

- Material and Contract expenses were \$0.96M under YTD budget overall, with Waste Services contributing \$0.60M to this result (waste collection \$0.35M, waste disposal \$0.25M). Payments to child care providers were \$0.46M over the YTD budget, consistent with the extra revenue received.
- Utility costs were down \$0.33M against YTD budget with street lighting contributing mostly to this variance at \$0.25M.
- Direct employee costs were collectively \$0.45M under the YTD budget of \$32.1M, with the only material variance being accrued LSL at \$0.35M below YTD budget.
- Depreciation of \$18.7M was overall, \$0.45M over the YTD budget with Roads depreciation over by \$0.53M. However this variance is only timing related and will rectify itself before the end of the financial year.
- The internal recharging of operating costs to the capital works program was \$0.32M behind YTD budget, consistent with the budget variance within the infrastructure assets capital program.

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

The following table shows the operating expenditure budget performance at the consolidated nature and type level. The internal recharging credits reflect the amount of internal costs capitalised against the City's assets:



| Nature or Type Classification | Actual Expenses \$M | Revised Budget YTD \$M | Variance to YTD Budget \$M | FY Revised Budget \$M |
|-------------------------------|---------------------|------------------------|----------------------------|-----------------------|
| Employee Costs - Direct       | 31.62               | 32.06                  | 0.45                       | 43.79                 |
| Employee Costs - Indirect     | 0.55                | 0.70                   | 0.16                       | 1.33                  |
| Materials and Contracts       | 25.79               | 26.75                  | 0.96                       | 35.94                 |
| Utilities                     | 3.14                | 3.48                   | 0.34                       | 4.62                  |
| Interest Expenses             | 0.07                | 0.07                   | 0.00                       | 0.12                  |
| Insurances                    | 1.95                | 2.12                   | 0.17                       | 2.22                  |
| Other Expenses                | 4.26                | 4.33                   | 0.08                       | 7.53                  |
| Depreciation (non-cash)       | 18.69               | 18.24                  | (0.45)                     | 25.10                 |
| Internal Recharging-CAPEX     | (2.15)              | (2.47)                 | (0.32)                     | (3.25)                |
| <b>Total</b>                  | <b>83.91</b>        | <b>85.29</b>           | <b>1.38</b>                | <b>117.41</b>         |

### Capital Expenditure

The City's total capital spend at month end was \$25.7M, representing an under spend of \$10.9M against the YTD budget of \$36.6M.

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

| Asset Class               | YTD Actuals \$M | YTD Budget \$M | YTD Variance \$M | Annual Budget \$M | Commit Orders \$M |
|---------------------------|-----------------|----------------|------------------|-------------------|-------------------|
| Roads Infrastructure      | 7.12            | 7.98           | 0.87             | 16.59             | 7.12              |
| Drainage                  | 0.51            | 0.96           | 0.44             | 1.60              | 0.51              |
| Footpaths                 | 0.80            | 0.92           | 0.12             | 1.29              | 0.80              |
| Parks Hard Infrastructure | 2.46            | 4.12           | 1.66             | 8.52              | 2.46              |
| Parks Soft Infrastructure | 0.38            | 0.73           | 0.35             | 0.89              | 0.38              |
| Landfill Infrastructure   | 0.07            | 0.39           | 0.32             | 0.85              | 0.07              |
| Freehold Land             | 1.11            | 1.27           | 0.16             | 2.38              | 1.11              |
| Buildings                 | 9.82            | 15.53          | 5.72             | 32.31             | 9.82              |
| Furniture & Equipment     | 0.01            | 0.01           | 0.00             | 0.01              | 0.01              |
| Computers                 | 0.55            | 1.02           | 0.47             | 1.19              | 0.55              |
| Plant & Machinery         | 2.92            | 3.74           | 0.82             | 5.52              | 2.92              |
| <b>Total</b>              | <b>25.74</b>    | <b>36.67</b>   | <b>10.93</b>     | <b>71.14</b>      | <b>25.74</b>      |

The CCW project is responsible for \$4.8M of the net \$5.7M underspend variance in Buildings, with another \$2.3M comprising all the other building projects. Offsetting these under spends is \$1.46M of gifted building assets taken up but not budgeted for. These include \$129k for the Ngarkal Beach toilet block at Port Coogee and \$1.33M worth of building assets at the Coogee Beach Caravan Park, which belong to the City in accordance with the terms of the lease agreement.

Parks infrastructure projects are \$2.0M underspent against their YTD budget of \$4.8M. The Manning Park stairs and indigenous section of



the Spearwood Ave Friendship Way are the more significant projects adding to the variance.

North Lake Road (Hammond to Kentucky) at \$0.89M under YTD budget is the main contributing project to the overall underspend variance for roads infrastructure. However, the latest projected costs for this project show that the current budget is not sufficient to complete the remaining works. Another \$1.3M is required for 2014/15 and appropriate funding sources have been identified for this amount. These comprise both municipal funds and Main Roads project grants redirected from other budgeted road projects. Another \$0.35M of Roads to Recovery grant funds will also be required in 2015/16 to complete the project.

Beeliar Drive (Hammond Rd North & South) is \$0.29M ahead of the projected cash flow spend, as is Beeliar Drive (Wentworth Pde to Kwinana Fwy) by \$0.26M. Further details on these variances are disclosed in the attached CW Variance analysis report.

The City's drainage capital works program is \$0.44M (46%) behind YTD budget with several key projects contributing to the majority of this variance. These will most likely need to be carried forward into 2015/16.

Spending on major plant items is \$0.82M behind the cash flow budget as certain items are yet to be delivered. However, the majority have been ordered and committed to.

### Capital Funding

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

Significant variances for the month included:

- Transfers from financial reserves were \$3.5M behind YTD budget due to the capital budget under spend.
- Bank guarantees totalling \$1.6M held for the GP Super Clinic/ Cockburn Integrated Health Facility have since been budgeted for as per Council decision in April 2015. These partly compensate the City for additional project costs due to the failure of the first contractor to complete the project. The funds will be transferred to the building maintenance reserve for the facility.
- Developer contributions received under the Community Infrastructure plan continued to outpace the YTD budget by \$0.65M, even though the budget was significantly increased



through the mid-year review. This reflects ongoing strong levels of land development activity across the City.

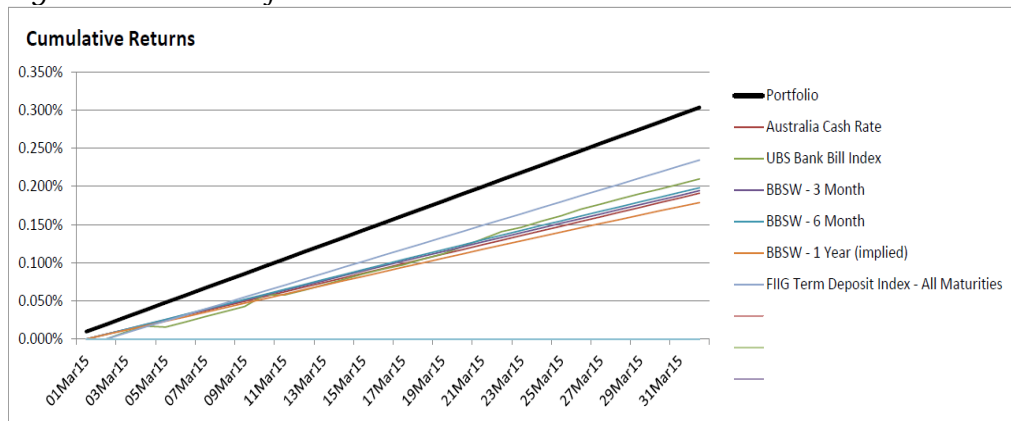
- Developer contribution plans revenue for roads infrastructure was \$0.77M ahead of the YTD budget setting.
- Road grant funding is overall \$0.42M ahead of YTD budget.
- Sale of land revenue from various sub-divisions was \$3.19M behind YTD budget. This included Lot 702 Bellier PI & Lot 65 Erpingham Rd, Lot 1, 4218 and 4219 Quarimor Rd, Lot 23 Russell Road and Lot 40 Cervantes Loop. Bellier/Erpingham is expected to settle in June 2015. Sale of plant proceeds were also cumulatively \$0.20M behind YTD budget.

Cash & Investments

The closing cash and financial investment holding at month’s end totalled \$152.9M, up slightly from \$148.2M the previous month mainly due to the final rates instalment falling due in March. Of this balance, \$85.8M represented the amount held in the City’s cash backed financial reserves. Another \$6.5M represented funds held for other restricted purposes such as deposit and bond liabilities. The remaining \$60.6M represented the cash and financial investment component of the City’s working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments (e.g. end of year transfers to financial reserves).

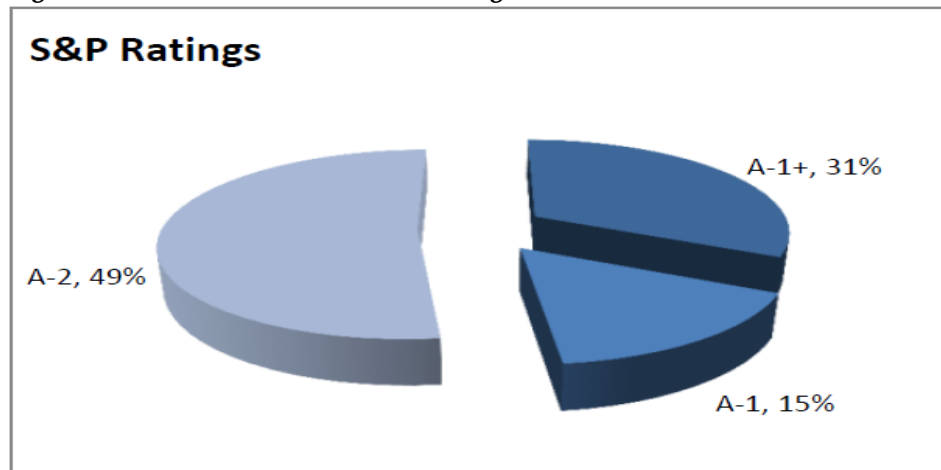
The City’s investment portfolio made a weighted annualised return of 3.52% for the month, marginally down from 3.59% the previous month and 3.61% in January. Whilst this result compares favourably against the UBS Bank Bill Index annualised rate of 2.42%, it continues to trend downwards as a result of the falling Australian official cash rate and term deposit rates being offered. The cash rate is currently 2.25% and is forecast by many industry analysts to be cut again to 2.00% as soon as the May Reserve Bank board meeting. This would put further pressure on the City’s interest earnings budget, particularly for the 2015/16 financial year.

*Figure 1: COC Portfolio Returns vs. Benchmarks*



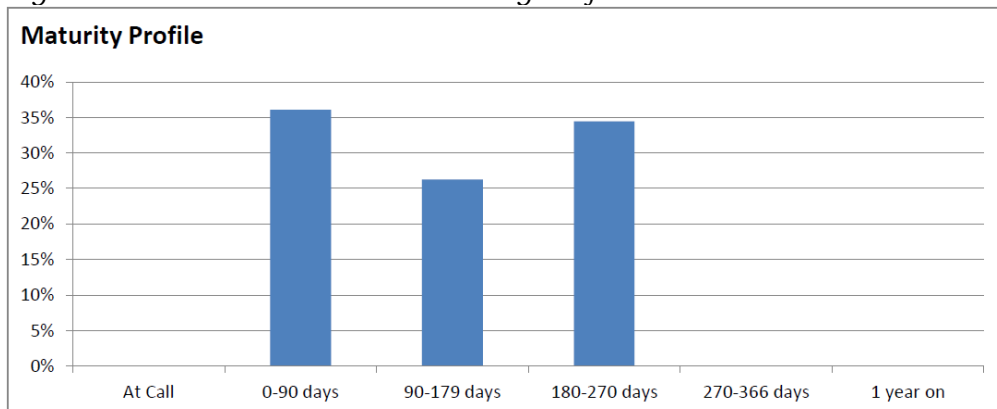
The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging from three to twelve months. All investments comply with the Council’s Investment Policy and fall within the following risk rating categories:

Figure 2: Council Investment Ratings Mix



The current investment strategy looks to secure the best possible rate on offer over the longer duration terms allowed under legislation and policy (6 to 12 months for term deposits), subject to cash flow planning requirements. The City’s investment portfolio currently has an average duration of 135 days (slightly down from 139 last month) as graphically depicted below:

Figure 3: Council Investment Maturity Profile



**Budget Revisions**

Several budget amendments have been recommended to deal with the following matters:



- Development contributions of \$1,158,446 towards the CCW Aquatic & recreation facility are expected to be received in 2014/15 from the City's project partner, Fremantle Football Club.
- \$176,471 is needed from the Staff Payments & Entitlements Reserve to fund two recent staff termination payouts.
- Funding for North Lake Road (Hammond to Kentucky) needs to increase by \$1.3M in 2014/15 to accommodate the latest projected costs for this project. The proposed source of funding for this amount comprises both municipal funds and Main Roads project grants redirected from other budgeted road projects (as listed in the recommendation). Another \$0.35M of Roads to Recovery grant funds will also be required in 2015/16 for the completion of this project.
- \$183,000 from the Elected Members Budget Contingency is required to be redirected to:
  - Increase in Sister City Expenses to accommodate the Council delegation to City of Split in May 2015 - \$35,000
  - Increase in Conference/Seminars - Directors Expenses to accommodate the Waste to Energy tour and site visits in May 2015 - \$40,000
  - Increase in the Project Allowances Directors/SBMG Managers expense account to cater for the payment of 2014/15 project payments related to local government reform - \$108,000 (as per Minute No.5491 (OCM 9/4/2015))
- Self-funding operational budget adjustments (no impact on Municipal budget) within the Human Services business unit:
  - Funding of \$15,012 of LSL taken from the Family Day Care Accumulation Reserve,
  - Recognition of \$5,553 grant indexation funding for the Youth Outreach Program and allocating this to program costs.

#### 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**

- Effective and constructive dialogue with all City stakeholders.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **Budget/Financial Implications**

Budget amendments have been included in the Council recommendation and already explained in the report. These do not impact the municipal budget closing position as they are either internally funded from Council reserves or redirected project budgets, or from external funding sources.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

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

Statement of Financial Activity and associated reports – March 2015.

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

N/A

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

Nil.



**15.3 (MINUTE NO 5505) (OCM 14/5/2015) - ADVERTISING OF DIFFERENTIAL RATES 2015/16 (071/006) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council endorse the advertising of the Draft Differential Rates for 2015/16 in accordance with Delegated Authority LGAFCS1 'Advertising Proposed Differential Rates'.

**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The City is required by section 6.36 of the Local Government Act to advertise the differential rates that it intends to implement for the following year prior to adopting them in the annual municipal budget. The purpose of the advert is to call for submissions on the proposed differential rates.

**Submission**

N/A

**Report**

The Local Government Act section 6.36:

*Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*

- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*





- (3) *A notice referred to in subsection (1) —*
- (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*
  - (b) *is to contain —*
    - (i) *details of each rate or minimum payment the local government intends to impose; and*
    - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
- and*
- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification*

The City will advertise the proposed differential rates as per Council's Delegation LGA FCS1:

1. Display an advert in the West Australian newspaper – Local Government Notices.
2. Display an advert in the Community newspaper – Cockburn Gazette.
3. Display an advert in the Cockburn Herald newspaper.
4. City's Public Notice Board.
5. City's Libraries – Spearwood, Coolbellup and Success.
6. Front page of the City's web site.
7. City's Social Media outlets.
8. Copy sent to community and ratepayer groups.
9. Copy sent to groups and organisations who have registered to receive the City's email newsletters.

The overall objective of the proposed rates and charges in the 2015/16 Budget is to provide for the net funding requirement of the Council's Operational and Capital Program of \$209.79M. These are based on an overall increase of 3.5% in the rates for all improved and vacant



properties, both for those rated under the Gross Rental Value (GRV) method (apart from two caravan parks) and those under the Unimproved Value (UV) method, apart from the Residential Improved Minimum Payment which will rise by 5.6%

For an average household, the proposed increase in rates, waste and the community surveillance levy will total \$46.30 per annum or \$0.89 per week. For properties on a minimum payment rate the impact will be \$67 per annum or \$1.28 per week. Whilst the minimum payment has increased more than the average, a number of the ratepayers paying the minimum will enjoy a substantial increased rebate on their rates.

This year will see the Residential Improved rate incorporate the waste management service charge and the community surveillance levy for the first time. This will enable the City's over 6,300 registered pensioners be entitled to a rebate on all City charges. The ESL Levy is a State Government service fee for which registered pensioners will receive the rebate. The Pool Levy is not in the mix as it only applies to those properties with a swimming pool. The Seniors Rebate, also provided by the State Government is not affected by this proposal.

This year will see the Residential Improved rate incorporate the waste management service charge and the community surveillance levy for the first time. This will enable the City's over 6,300 registered pensioners be entitled to a rebate on all City charges. The ESL Levy is a State Government service fee for which registered pensioners will receive the rebate. The Pool Levy is not in the mix as it only applies to those properties with a swimming pool. The Seniors Rebate, also provided by the State Government is not affected by this proposal.

The table below demonstrates the reasons why the City is proposing an increase in rates by 3.5% as it needs to fund the deficit after accounting for all operating and capital income and operating and capital expenditure including depreciation:

| All Dollars are \$M                         | Draft Budget<br>2015/16 |
|---|-------------------------|
| Operating Revenue                           | \$39.35M                |
| Plus Capital Revenue                        | \$43.36m                |
| Plus Operating Adjustments for Depreciation | \$26.54M                |
| Plus Net Loans                              | \$25.00M                |
| Plus Financial Reserve transfers to M/F     | \$30.34M                |
| Less Financial Reserve transfers from M/F   | \$47.37M                |
| Less Operating Expenditure                  | \$123.25M               |
| Less)Capital Expenditure                    | \$83.54M                |
| Less Loan Repayments                        | \$1.37M                 |
| Plus Surplus Brought Forward Estimate       | \$0.30M                 |



|   |          |
|---|----------|
| Less Surplus Carried Forward              | \$0.36M  |
| Rate Setting Statement Deficit from Rates | \$91.19M |

A comprehensive Objects and Reasons document is attached detailing and explaining the proposed differential rates.

The following table lists all differential rates to be advertised.

| Category | Rate Category                          | Rate in \$ | Min rate |
|----------|--|------------|----------|
|          |  | 2015/16    |          |
| GRV      | Residential Improved                   | 7.074¢     | \$1,250  |
| GRV      | Residential Vacant Land                | 9.000¢     | \$710    |
| GRV      | Commercial & Industrial Improved       | 7.239¢     | \$710    |
| GRV      | Commercial & Industrial Vacant Land    | 9.000¢     | \$710    |
| GRV      | Large Commercial & Industrial Improved | 8.058¢     | \$710    |
| UV       | Rural General Improved                 | 0.243¢     | \$1,066  |
| UV       | Rural Vacant Land                      | 0.375¢     | \$1,066  |
| GRV      | Commercial Caravan Park                | 8.058¢     | \$710    |
| GRV      | Specified Area Rate - Port Coogee      | 1.400¢     | N/A      |
| GRV      | Specified Area Rate – Cockburn Coast   | 1.400¢     | N/A      |

As required by the Local Government Act, the City will provide twenty-one(21) days' notice for submissions commencing from the day after the first advert appears in the newspaper as the following timeline notes:

Council decision to advertise proposed:

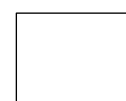
|                                     |             |
|-------------------------------------|-------------|
| Differential Rates                  | 14 May 2015 |
| First advert – Cockburn City Herald | 15 May 2015 |
| Second advert – The West Australian | 16 May 2015 |
| Third advert – Cockburn Gazette     | 19 May 2015 |
| Submissions close                   | 8 June 2015 |

All submissions can be made to the Director, Finance and Corporate Services at the City of Cockburn.

### Strategic Plan/Policy Implications

#### Leading & Listening

- Effective and constructive dialogue with all City stakeholders.



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

**A Prosperous City**

- Investment in the local economy to achieve a broad base of services and activities.

**Budget/Financial Implications**

The cost of advertising the draft differential rates for 2015/16 in the Cockburn Herald, Cockburn Gazette and the West Australian is covered by existing budget allocations.

**Legal Implications**

Section 6.36 of the Local Government Act 1995 requires that Differential Rates are advertised using a newspaper circulating in the Municipality.

**Community Consultation**

In accordance with Council's Delegated Authority LGAFCS1, the City will ensure that all advertising and contacts with community groups will occur.

**Attachment(s)**

2015/16 Objects & Reasons.

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

N/A

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

Nil.



**15.4 (MINUTE NO 5506) (OCM 14/5/2015) - IMPACT OF FREEZING FINANCIAL ASSISTANCE GRANTS (162/004; 162/005.) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) acknowledges the importance of Federal funding through the Financial Assistance Grants (FAG) Program for the continued delivery of Councils services and infrastructure;
- (2) acknowledges that Council will receive \$3.60M in 2014/15;
- (3) will ensure that this Federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports; and
- (4) request the Federal Government in writing to rescind that part of the 2014/15 Federal Budget freezing the indexation of FAG for the period 2014/15 to 2017/18.

**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The City of Cockburn receives FAG from the Federal Government each year. The FAG grants are to fund general expenditure and road specific expenditure for the City. The grants are indexed to CPI. In 2014/15, the City is expected to receive \$2.13M and \$1.47m respectively and \$3.60m in total FAG Grants. In the 2014/15 Federal Budget delivered in May 2014, the Federal Government froze the indexation of the FAG grants for the period 2014/15 to 2017/18. The City has been requested by the Australian Local Government Association (ALGA) to have Council endorse a motion seeking the Federal Government to rescind the freezing of FAG grants.



## **Submission**

N/A

## **Report**

FAGs are a vital part of the revenue base of all Councils, and this year Councils will receive \$2.3 billion from the Australian Government under this important program.

The Federal Government's decision in the 2014/15 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014/15 will unfortunately cost Councils across Australia an estimated \$925 million by 2017/18.

The impact of freezing FAG grants for the City of Cockburn will mean approximately \$400,000 will be lost as a result of the loss of indexation for the period 2014/15 to 2017/18. Although this may be small in view of the size of the overall FAG program it does represent the equivalent 0.5% rate increase, the City will forego as a result of the Federal Government's decision to freeze indexation of FAG grants. It also further dilutes the share of taxation provided to local governments of the national taxation income. Over the last ten years the % of income received by the City via FAG has fallen from 3.9% of total City of Cockburn income to 2.9% of total income despite a growth in population over ten years of 47% and CPI increasing by 27% over the same period. These funds assist the City in the provision of a range of services free to the community such as the three libraries, 811 kms of roads and 611 kms of footpaths. The funds play a vital part in connecting the people of the City of Cockburn.

ALGA and the state local government association WALGA are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs. While the FAGs are paid through each State's Local Government Grants Commission, the funding originates from the Commonwealth and it is important it is recognised as such. Council, and every other Council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure. Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and Council publications, including our Annual Report and to highlight to the media a Council project costing a similar size to the FAGs received by Council, so that the importance and impact of the grants can be more broadly appreciated.



## **Strategic Plan/Policy Implications**

### **Infrastructure**

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

### **A Prosperous City**

- Investment in the local economy to achieve a broad base of services and activities.

### **Moving Around**

- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

The cost to the annual budget is \$400,000 over the period the FAG grants are frozen.

### **Legal Implications**

N/A

### **Community Consultation**

The City will ensure that the community is advised via the annual budget process of the freezing of grants.

### **Attachment(s)**

Correspondence from the Australian Local Government Association.

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

N/A

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

Nil.



**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 5507) (OCM 14/5/2015) - SUSTAINABILITY ACTION PLAN UPDATE 2015/16 (064/021) (J HARRISON) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Sustainability Action Plan 2015/16.

**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

In June 2012, Council adopted the City's first Sustainability Action Plan with a commitment to an annual review. This Action Plan is aligned with the City's Sustainability Policy (SC37), Sustainability Strategy 2013 – 2017, Strategic Community Plan 2012 – 2022 and Corporate Business Plan 2013-2017.

The 2015/16 Sustainability Action Plan is the City's blueprint for action towards sustainability for the next financial year and will be reported upon in the release of the fifth *State of Sustainability (SoS) Report* in November 2016.

The City's Executive and Strategic Business Management Group have developed the actions in this plan in conjunction with the Sustainability Officer.

**Submission**

N/A

**Report**

The 2015/16 Sustainability Action Plan presents 75 key performance indicators, balanced across the four sustainability themes of Governance, Environment, Society and Economy.





In comparison to the previous year of reporting, the 2015/16 Action Plan has been streamlined with some actions consolidated to improve their alignment to respective strategies.

Highlights for the 2015/16 include:

#### Governance

- Improving sustainable design criteria for new developments and delivering a sustainable building design workshop for developers.
- Developing a Revitalisation Strategy for 'The Lakes' suburbs to help create more liveable neighbourhoods with mixed densities.
- Undertaking a customer perceptions survey to identify and address areas of concern and priority for the community.

#### Environment

- Developing a Coastal Adaptation Plan for the long-term benefit of the Cockburn coast and community.
- Developing a Public Open space and Street Tree Master Plan.
- Developing a Greenhouse Gas Emissions Reduction Action Plan for 2015/16 – 2017/18.
- Installing additional Solar Photovoltaic Systems to help achieve the City's renewable energy target of 20% by 2020.

#### Community

- Developing of a definition and a set of guidelines for Sustainable event management.
- Developing a Cultural Strategy to identify needs and enhance opportunities for the arts, culture and heritage.
- Delivering an annual festival of free, accessible and inclusive events to the Cockburn community

#### Economy

- Constructing a regional playground at Bibra Lake to create a community and tourism destination and a place of connection.
- Assessing and adopting the structure plan for the Gateways Shopping Centre to enhance retail precincts in Cockburn.
- Finalising the Development Area 2 (Wattelup) structure plan for Latitude 32

Through the implementation of the actions identified in the 2015/16 Plan, the City will progress a more socially equitable, diverse and inclusive community, whilst achieving excellence in governance, environmental and financial management.

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

Nil



**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 2015/16.

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

N/A

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

Nil.

**16.2 (MINUTE NO 5508) (OCM 14/5/2015) - INTERSECTION - COCKBURN ROAD / AMITY BOULEVARD COOGEE (163/001) (J MCDONALD) (ATTACH)**

**RECOMMENDATION**

That Council takes no further action regarding the proposed installation of a roundabout or traffic signals at the Cockburn Road / Amity Boulevard intersection, Coogee.



**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

At the Ordinary Council Meeting held on 9 April 2015 Cr Kevin Allen requested the following matter be noted for investigation without debate:

*“Request for a report to be presented to a future OCM that provides a plan and necessary steps to enable traffic lights or a roundabout to be installed, on the corner of Amity Boulevard and Cockburn Road, so as to improve safety for entering and exiting of vehicles and residents crossing an ever increasing traffic flow.”*

**Submission**

N/A

**Report**

The Cockburn Road / Amity Boulevard intersection is a give-way controlled T-junction, as shown in the aerial photograph included as Attachment No. 1, with Cockburn Road as the continuing priority road. At the intersection, Cockburn Road is a two-lane undivided road with auxiliary left and right turn lanes whilst Amity Boulevard is a two-lane undivided road. Traffic islands exist at the intersection to separate opposing traffic movements and provide pedestrian crossing refuge.

Cockburn Road is classified as a Primary Distributor road and a traffic survey north of Amity Boulevard completed in September 2013 recorded an Average Weekday Traffic volume of 15,529 vehicles, north of Amity Boulevard. Amity Boulevard is classified as Local Distributor Road and a traffic survey near Cockburn Road in March this year recorded an Average Weekday Traffic volume of 1,944 vehicles.

It is important to note that Main Roads Western Australia (MRWA) has responsibility for the care and control of Cockburn Road and therefore any modification to that road or intersections along that road must be approved by that State Government agency. As the State Road Authority, MRWA is also responsible for approving the installation of



traffic signals on all public roads in Western Australia. If MRWA's approval is to be obtained to upgrade the intersection, the City must demonstrate that there is a need to upgrade the intersection and that the proposed treatment is appropriate.

Observations made of the intersection during the AM peak hour found that the delays experienced by motorists turning out of Amity Boulevard were minor, and are considered to be acceptable for peak hour traffic conditions. The average delay for vehicles turning out of Amity Boulevard was approximately 16 seconds, with the longest delay being one minute and eight seconds for a Transperth bus. The length of this average delay is minor and would actually increase if the intersection was controlled by traffic signals, because Amity Boulevard motorists would only be able to turn right when permitted by a green signal.

From a safety perspective, the intersection has a very low crash history with only 5 crashes being reported there in the 5-year period to the end of 2013, the most recent crash data available at the time of writing. The predominant crash type is right-angle crashes involving vehicles turning right out of Amity Boulevard hitting/or being hit by vehicles travelling south on Cockburn Road. During the officer's site visits pedestrians were also observed to be able to cross Cockburn Road safely using the pedestrian refuge facilities and with little delay.

An economic analysis of the potential cost of upgrading the intersection to either a roundabout or traffic signals was performed, using an assumed cost of \$300,000 and the resulting Benefit-Cost ratio (BCR) for a roundabout was 0.58 and for traffic signals was 0.71. As a BCR of 1.0 is required to economically justify a project the implementation of either intersection treatment could not be justified as a crash countermeasure.

In context of the priority need for treatment of this intersection based on crash history, an Intersection Crash Ranking report was generated from MRWA's website, for crashes at all intersections in Cockburn where at least one approach is a City of Cockburn Road. This intersection is ranked 143<sup>rd</sup> on the list by crash frequency.

In regards to the appropriateness of the proposed intersection treatments, neither a roundabout nor traffic signals would typically be considered appropriate for this intersection. The intersection does not satisfy a number of key MRWA criteria for traffic signal approval, as noted in the following table:

| Criteria   | Comment  |
|--|--|
| Vehicle volumes on the minor road approach must exceed 100 vehicles per hour over any four hours of an | Westbound Amity Boulevard volumes only just exceeded an average of 100 vehicles for 1 hour |



|   |   |
|---|---|
| average day   | on a weekday during a March traffic survey  |
| An average of three or more casualty crashes per year over a five year period ( <i>i.e. ≥15 or more casualty crashes in 5 years</i> ) | Only five reported crashes in five years in total – including one casualty crash  |
| The delays for the minor road during AM and PM peak periods should be less than the existing delays                                   | Existing average observed delays of 16 seconds would be exceeded if Amity Boulevard turning movements are controlled by traffic signals |
| Economic analysis of proposal as a crash countermeasure must result in a BCR of two or greater  | BCR of 0.71 achieved for traffic signals with an estimated cost of \$300,000  |

A roundabout is not considered appropriate because of the significantly disproportionate traffic volumes. Roundabouts perform best when entering traffic flows are balanced. In this case, the ratio of the volume of traffic on Cockburn Road vs westbound traffic on Amity Boulevard is approximately 18:1.

MRWA Traffic Services officers were informally consulted about the possible upgrade of the Cockburn Road/Amity Boulevard intersection and they advised that the installation of a roundabout or traffic signals would not be supported by MRWA.

Based on the above information, it is considered that the intersection is operating acceptably and does not warrant being upgraded to either a roundabout or traffic signals either at the moment, or in the foreseeable future. As a result, it is recommended that neither a roundabout nor traffic signals are installed at the Cockburn Road / Amity Boulevard intersection.

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

#### **Moving Around**

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

### **Budget/Financial Implications**

N/A.



**Legal Implications**

N/A.

**Community Consultation**

N/A.

**Attachment(s)**

1. Aerial photograph of the Cockburn Road/Amity Boulevard intersection.
2. Photographs of the Cockburn Road/Amity Boulevard intersection

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

The Proponent has been advised that this matter is to be considered at the 14 May 2015 Ordinary Council Meeting.

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

Nil.

**16.3 (MINUTE NO 5509) (OCM 14/5/2015) - COOGEE BEACH SURF LIFESAVING CLUB PARKING 164/002 & 3300004) (C SULLIVAN & A LEES)**

**RECOMMENDATION**

That Council receive this interim report on the project status.

**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0**

**Background**

At the Ordinary Council Meeting of 9 April 2015, Cr Allen requested that *“a report be presented to the May OCM that provides a viable options paper and plan that will enable and make it possible for additional overflow parking to be completed by October 2015 at the*



*Coogee Beach Surf Lifesaving Club. Council seeks to improve safety and minimize the amount of vehicles that continue to park and populate Cockburn Road on event days. There are quite a number of options currently being considered however, given the environmental sensitivities in the adjacent vicinity, Council seeks to adopt a solution, which is most environmentally friendly, minimize impacts and to negate years of potential delays caused by the complicated environmental review process. The report is also to address the option of a longer leasing period of the land from the PTA.”*

### **Submission**

N/A

### **Report**

The additional parking requirements for the Coogee Beach Surf Lifesaving Club (CBSLSC) are being delivered through the Coogee Beach Master Plan. This plan provides an embellishment program for the Coogee precinct to address recreational and social values of the coastal environment. The additional carparking for the SBSLC was incorporated with the master plan as a replication of the proposed overflow car parking site plan for the CBSLSC in 2007. Based on the overflow carparking residing in land owned by PTA, discussion with PTA on licencing this area have commenced with investigations into alternative car parking sites being undertaken.

A number of considerations are being investigated prior to having the necessary information for a submission to Council. These are:

- Cost/benefit – costing must incorporate all costs including remediation. The tenure on the PTA land is a significant impediment. Expanding the current carpark offers options for a slightly larger space, or for works to be staged; whereas the PTA option does not.
- Safety - a CPTED (crime prevention) analysis of each option. Noting that one option is more isolated than the other, the physical safety of patrons, as well as the costs for CCTV & lighting in each location must be assessed.
- Vegetation assessment – discussions are currently underway with the Department of Environment and Regulation (DER) based on the study of the flora and fauna carried out in 2007 that covers the whole site area. If the DER is prepared to accept this study as part of an application for vegetation clearance (subject to confirmation of no significant changes since 2007) then this will eliminate the need for a new study of the area.



- The City does not control PTA land and would need clearing permits to be raised by the City in accordance with the licence conditions. The DER requirement for vegetation offsets cannot be resolved until the clearing application is submitted.

As noted above, there are a number of factors to assess before a decision on the preferred option can be presented to Council. A report will be presented to the June 2015 OCM on the proposals with a recommendation to progress with one option.

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

#### **Infrastructure**

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

#### **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**

Provision must be made in the proposed 2015/16 budget for the option selected. Cost estimates are currently being produced for the two options described above.

N/A

#### **Community Consultation**

Ongoing consultation is taking place with representatives of the Coogee Beach Surf Lifesaving Club as the options are developed.

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

N/A

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

N/A





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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (MINUTE NO 5510) (OCM 14/5/2015) - TENDER NO. RFT 03/2015 - SECURITY SERVICES (MOBILE SECURITY PATROLS) (043/003) (R AVARD) (ATTACH)****RECOMMENDATION**

That Council

- (1) accept the tender submitted by Wilson Security for Tender No.RFT03/2015 – Security Services (Mobile Security Patrols) for the provided contract value of \$2,235,982.109 GST Inclusive (\$2,032,711 GST Exclusive) per annum, commencing July 2015 for the 2015/16 Municipal Budget; and
- (2) accept Option 1 – Five (5) fully badged operational mobile patrol security vehicles service operating 24 hours a day 365 days a year for the price noted in (1) above.

**COUNCIL DECISION**

MOVED Clr Y Mubarakai SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 9/0****Background**

In July 2010 Council approved and implemented a new contracted mobile security patrol services known as 'Co-Safe'.

This service took over from a partnership agreement that the City had with the City of Melville at the time and this service was formerly known as CSS and expired on 30 June 2010.

From 1 July 2010 the City approved the use of Wilson Security Services to undertake a contract in providing the residents and businesses of the City of Cockburn a mobile security patrol service; the service contained 4 fully marked operational security vehicles which operated



24 hours a day 7 days a week service, patrolling the City streets responding to call outs for such matters but not limited to, suspicious activities or persons, anti-social behaviour and responding to alarm call out to Council owned and operated facilities. The service does not operate on private land such as shopping centres.

The Co-Safe services also provided a 'Holiday Watch' service, where residents were able to advise the City's Co-Safe service of the days in which their occupied premises were vacant and the City's Co-Safe service would conduct patrols past this property where possible and report anything that looks or was perceived to be out of the ordinary and reported these concerns to the key contact of that property.

The service also targeted known hot spot areas within the City as reported to them by external government departments such as Western Australian Police Service, or as had been identified by the reports being submitted by the officers themselves. All information obtained and gathered is also being shared between the parties in accordance with a Memorandum of Understanding.

The contract service also provides a manned 24 hours a day 7 days a week call centre service, where calls made by City's residents and business are made to a special 1300 telephone number and answered by a manned phone operation centre.

The current mobile contracted service is due to expire on 30 June 2015 with no further extension options available and as a result the City has requested submission of potential contractors for the service for the next 3 years with a 1 year plus 12 month further extension option after this.

### **Submission**

The Security Services (Mobile Security Patrols) request for tender RFT03/2015 closed on 31 March 2015. There were (9) tenders received.

1. Executive Risk Solutions
2. Telfer West Corp T/A Gentlemen Guards
3. Griffon Alpha
4. Kencross Pty Limited T/A TMS Security
5. Major Security Services
6. MCS Security
7. Newcrest Security
8. MCW Corporation T/A Perth Security Services
9. Wilson Security



## Report

In the tender offered the City requested for two options to be considered by potential contractors.

### Option 1

To provide five (5) fully marked mobile patrol vehicles 24 hours a day 7 days a week for 365 days a year.

The intention for Option 1 is based on the increases in demand now being placed on the City's mobile patrol security service by the City's residents and internal departments. A charge is made to internal departments when the relevant department has failed to close facilities.

A total of approximately 45,000 individual jobs were carried out in the 2010/11. It is anticipated that in excess of 75,000 jobs will have been carried out by end of 2014/15.

The increase in demand for the Co-Safe service is related to increases in population, improved knowledge of the service and the increase in business and industrial growth within the City.

It is expected that the increase in the number of full time vehicles on the road will allow the maintenance of our current standard of service.

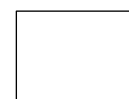
### Option 2

To maintain the current mobile security service of four (4) full time vehicles on the road as has been provided over the last five (5) years with an additional mobile patrol vehicle over the summer months of mid-December to April as is currently provided.

Of the (9) tenders received (9) were deemed compliant.

### Compliance Outcome

| Tenderer's Name |   | Compliance Criteria<br>Overall Assessment |
|-----------------|---|---|
| 1               | Executive Risk Solutions                    | Compliant                                 |
| 2               | Telfer West Corp T/A Gentlemen Guards       | Compliant                                 |
| 3               | Griffon Alpha                               | Compliant                                 |
| 4               | Kencross Pty Limited T/A TMS Security       | Compliant                                 |
| 5               | Major Security Services                     | Compliant                                 |
| 6               | MCS Security                                | Compliant                                 |
| 7               | Newcrest Security                           | Compliant                                 |
| 8               | MCW Corporation T/A Perth Security Services | Compliant                                 |
| 9               | Wilson Security                             | Complaint                                 |



| Assessment Criteria               | Percentage Breakdown % |
|-----------------------------------|------------------------|
| Price                             | 40%                    |
| Demonstrated Experience           | 25%                    |
| Response times and Contactability | 15%                    |
| Tender Resources                  | 15%                    |
| Sustainability Experience         | 5%                     |
| <b>Total</b>                      | <b>100%</b>            |

The services required included but were not limited to:

- ❖ Provision for a mobile security patrol service to operate to the City's required specifications, 24 hours a day, 365 days a week.
- ❖ The requirement to provided:
  - Option 1: Five (5) fully marked mobile patrol vehicles to operate all year round.
  - Option 2: Four (4) fully marked mobile patrol vehicles and another one (1) manned vehicle for the summer months on a schedule of peak hours.
- ❖ Provisions for a fully staffed contact centre to operate to the City's specification, 24 hours a day, 365 days a year.
- ❖ To undertake and respond to, opening and closing requests of specified council owned and operated facilities.
- ❖ To respond to alarm call outs to all Council owned facilities as required and listed within the tender specifications.

The *Scope of the Service* in the Tender documentation includes the Qualitative Criteria relevant to performance standards.

The tender submissions were evaluated by:

1. Don Green – Director Governance and Community Services
2. Andrew Trosic- Manager Strategic Planning
3. Bruce Mentz – Rangers and Community Safety Services Manager
4. Amanda Symons- Co-Safe Contracts and Operations Co-ordinator
5. Jenny Baker- Property Rates and Revenue Manager

*Scoring Table with Option One (5 x Officers and vehicles 24/7, 365 days per year)*

| Tenderer's Name          | Percentage Scores   |                          |        |
|--------------------------|---------------------|--------------------------|--------|
|                          | No Cost Evaluations | Cost Evaluation Option 1 | Total  |
|                          | 60%                 | 40%                      | 100%   |
| Executive Risk Solutions | 35.44%              | 34.98%                   | 70.42% |
| Gentlemen Guards         | 29.03%              | 36.83%                   | 65.86% |
| Griffon Alpha            | 27.73%              | 37.16%                   | 64.89% |



|                          |               |               |               |
|--------------------------|---------------|---------------|---------------|
| TMS Security             | 26.24%        | 14.61%        | 40.85%        |
| Major Security Services  | 28.12%        | 38.84%        | 66.96%        |
| MCS Security             | 37.37%        | 38.80%        | 76.17%        |
| Newcrest Security        | 36.47%        | 40.00%        | 76.47%        |
| Perth Security Services  | 26.28%        | 39.87%        | 66.14%        |
| <b>Wilson Security**</b> | <b>44.41%</b> | <b>38.30%</b> | <b>82.71%</b> |

*Scoring Table with Option Two (4 Officers and vehicles 24/7plus with an additional officer and vehicle summer periods Dec- April)*

| Tenderer's Name          | Percentage Scores   |                          |               |
|--------------------------|---------------------|--------------------------|---------------|
|                          | No Cost Evaluations | Cost Evaluation Option 2 | Total         |
|                          | 60%                 | 40%                      | 100%          |
| Executive Risk Solutions | 35.44%              | 34.46%                   | 69.91%        |
| Gentlemen Guards         | 29.03%              | 33.22%                   | 62.24%        |
| Griffon Alpha            | 27.73%              | 37.06%                   | 64.79%        |
| TMS Security             | 26.24%              | 14.73%                   | 40.97%        |
| Major Security Services  | 28.12%              | 38.74%                   | 66.85%        |
| MCS Security             | 37.37%              | 38.52%                   | 75.88%        |
| Newcrest Security        | 36.47%              | 40.00%                   | 76.47%        |
| Perth Security Services  | 26.28%              | 39.87%                   | 66.15%        |
| <b>Wilson Security**</b> | <b>44.41%</b>       | <b>38.19%</b>            | <b>82.60%</b> |

#### Evaluation (Qualitative) Criteria Assessment

The Evaluation Panel (The Panel) determined that all tenderers addressed the qualitative selection criteria and most showed a capacity to undertake the services of the brief albeit with varying degrees.

The panel's assessment and scoring of tenders identified the three (3) highest scoring tenderers across the qualitative criteria as being:

1. Wilson Security,
2. Newcrest Security,
3. MCS Security Group.

#### *a. Demonstrated Experience*

1. Wilson Security ranked highest overall in this area. They were able to demonstrate a very strong and reliable current operational mobile security service. Wilson's also currently operate the City's Co-Safe mobile security service which is currently listed to expire on 30 June 2015.

Wilson's also demonstrated that it is one of the largest mobile security services working within Western Australia. Wilson



Security also has extensive experience with a number of other WA local government authorities such as Rockingham, Belmont and Joondalup City Councils.

Wilson's offer a lower risk capability in providing the required vehicles and officers deployment needed for a 24 hours a day 7 days a week, 365 days a year service, with the required infrastructure and back end services needed already established and in full operation.

2. Newcrest Security similar to the above demonstrated their capacity to provide the required services, however have had no local government mobile security exposure but were providing a mobile security patrol services for a State Government authority as a sub-contractor. Newcrest were able to demonstrate their capacity to provide 24 hours a day 7 days a week contact centre.
3. MCS Security Group was able to demonstrate the ability to provide a mobile security service but did not provide examples of undertaking the services within Local Government. Examples provided did not match the City's requirement of a minimum 4 vehicle patrols.

*b. Responses Times and Contactability*

1. Wilson's Security provided a very detailed account of their ability to provide an 18 minute response requirement to calls received, and as was specified within the submission papers specifications. Further demonstrating and highlighting how their centre operates 24 hours a day, 365 days per year, with a prime purpose for mobile security patrol services. This is already in place and offered to the City of Cockburn under the current contract and other Local Government authorities such as Belmont, Rockingham and Joondalup City Councils. This includes their rapid response mobile service.

Wilson's were able to demonstrate the capacity to provide a reliable and strong communication network throughout the entire Local Government area, with examples of how this was achieved and what back-up services were in place.

2. Newcrest Security and ERS had similar responses and provided generic responses to the 18 minute request, with no proper examples provided as to how they would ensure this will be done. Newcrest and ERS again also provided a generic response to the 365 day service requirement with a lack of detail in the submission. Newcrest network communication further



indicated that their reliability would be based purely on a mobile phone service network, however they did not provide examples or direction of what back up plan would be used should this service fail.

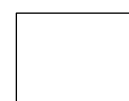
3. MCS Security Group able to demonstrate a capacity to respond to complaints and attending to these within the 18 minute requirement, but provided generic answers and lacked detail in examples. MCS demonstrated a capacity to have the required communication networks required but lacked strong examples of this being in use currently. MCS also appeared to indicate that it had the capacity to provide the 24/7 call centre but every indication was that this was yet to be established and untested.

*c. Tenderers Resources*

1. Wilson's Security were able to detail a strong and robust company profile and demonstrate to the Panel the capacity to accommodate the supply and demands required in this area. This included the qualification and establishment of key personnel within their organisation highlighting key skills and experience.
2. Newcrest Security and MCS Security provided detail of the company profile, required qualified personnel and illustrated a capacity to accommodate the City's needs for the required resources. MCS provided less detail within this criteria.

*d. Sustainability*

1. Wilson's Security provided very detailed examples of a commitment to improve social and environmental outcomes within the community. Wilson was able to demonstrate sound target outcomes, and had obtained ISO 14001 certification with examples of this in use.
2. Newcrest Security provided examples in brief and target outcomes that were limited with minimal detail. Newcrest Security did not have ISO14001 certification but were able to demonstrate some capacity in working towards this qualification.
3. MCS Security Group did provide examples of commitments to improve social and environment outcomes within the community but lack details in some of the examples provided. MCS does not have the required ISO 14001 certification but were able to demonstrate some capacity in working towards this qualification.



### Summary Recommendation

As this Contract is for the provision of a mobile security service for the City there can only be one (1) service provided to be determined.

All of the submissions appeared to be able to provide and demonstrate the necessary services experience and responses required for the service; however one submission rated above the others based on the qualitative review process. A combined evaluation score resulted in one clear outcome, Wilson Security.

The highest ranking tender for both options was Wilson Security Services who hold the current contract for the City's Co-Safe Service.

Wilson's is one of the largest mobile security services working within Western Australian. Wilson Security also has extensive experience with a number of other WA local government authorities such as Rockingham, Belmont and Joondalup City Councils.

Wilson's offer a lower risk capability in providing the required vehicles and officers deployment needed for a 24 hours a day 7 days a week, 365 days a year service, with the required infrastructure and back end services needed already established and in full operation.

### Recommended Tender

#### *Option 1*

Wilson's Tendered Price                      \$2,032,711 (ex-GST)

#### *Option 2*

Wilson Tendered Price                      \$1,660,147 (ex-GST)

The types of services likely to be diminished are in the areas of:

- Holiday Watch patrols currently offered to the City's residents,
- Facility related requests.

These requests are from internal departments and include the following:

1. Open and close requests of Council facilities by user groups having trouble.
2. Opening and closing of bollards to key sites and toilet blocks.
3. Internal Intel gathering and additional patrols requests for such internal department as Environmental Health, Rangers, Planning Services etc.





4. Request to open and close Council owned facilities for servicing and maintenance needs.
5. Facility inspection sweeps to some of the City's larger facilities prior to lock down.

If these services are still required to be undertaken and Option 1 is not the preferred option determined by Council, then additional funding would need to be found by the relevant internal department affected and the jobs outsourced where applicable.

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

#### **Community & Lifestyle**

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

#### **Moving Around**

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

### **Budget/Financial Implications**

In the financial period 2013/2014 there was a total spend of \$1,727,784 GST exclusive, for the mobile security service and for the financial period 2014/15 there has been a total of \$1,762,173 GST exclusive being spent on the City's mobile security patrol service. There is also an allocation of \$2,032,711 GST exclusive being proposed for the 2015/16 budget.

The Tender is for a three (3) year period with a further option of 1 year plus 1 year exercisable by the City. The increase in the tender price over the period of the tender is based upon the latest Consumer Price Index (CPI – Perth WA)

#### Additional costs

The above mentioned proposed contract costs do not include the costs of covering internal staff who oversee the supervision of contract and the daily Co-Safe operations or the facility operating costs.

The tender price excludes the cost of fuel which is paid through the City's CUA Fuel 2013 contract with BP.

For the budget period of 2015/2016 the estimated cost of fuel, based on Option 1 is \$95,000 per annum which works on the average of \$19,000 per vehicle per year.

The funds for these officers and facility operation are drawn from the City's Security Levy.



### **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**

The tender request appeared in the Saturday's West Australian Newspaper on 14 March 2015 and attracted nine(9) responses by the closing date 31 March 2015. It was also placed on the City's E-tendering website around the same date.

### **Attachment(s)**

1. Compliance Criteria Checklist
3. Lump-sum Prices
4. Fuel Costs
5. Map showing current zones

Attachments 1 – 4 above are confidential and are provided under separate cover.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 May 2015 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**

**21.1 (MINUTE NO 5511) (OCM 14/5/2015) - PERTH FREIGHT LINK, INCORPORATING ROE HIGHWAY STAGE 8**

**RECOMMENDATION**

That Council:

- (1) Re-iterate its strong opposition to the proposed Perth Freight Link, incorporating Roe Highway Stage 8;
- (2) Take immediate steps to inform and engage with the Cockburn community including:
  1. updating the City's website with current information relating to the proposed Perth Freight Link;
  2. place advertisements in the local newspapers advising of Council's stated position;
  3. provide signage domiciled with the City of Cockburn logo at key points where the proposed Roe Highway stage 8 will traverse bushland and wetland areas and impact on the local road network with the wording "Don't bulldoze bushland for Roe8! Contact your Local M.P."
  4. assisting incorporated community groups with the cost of banners (appropriate wording approved by the City) for use in various locations within the Cockburn community to a maximum of \$3,000, which will allow for up to 14 banners to be produced;
- (3) Liaise with the following organisations in relation to strategies that focus on opposing the proposed Roe Highway: Stage 8:
  - City of Fremantle;
  - Save Beelihar Wetlands Group;
  - Bibra Lake Residents Association;
  - Coolbellup Community Association;
  - Cockburn Community Wildlife Corridor Association;
  - Hamilton Hill Uplands/Tunnel Group; and
  - Rethinkthelink Group.
- (4) Provide funding required for associated costs up to \$25,000 from A/c No. OP 9761 "Community Consultation" to be transferred to a new OP Account "Perth Freight Link Community Campaign"

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



**COUNCIL DECISION**

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

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 8/1**

Note: Cllr S Portelli requested that his vote against the decision be recorded.

**Reason for Decision**

Council has opposed the construction of Roe 8 since 2001, given its pathway through the wetlands and bushland between Bibra and North Lakes, its capacity to move significant volumes of freight through our local communities contributing to noise, vibration and exhaust pollution on residents living nearby and along the proposed route into Fremantle.

A number of our community groups have been advocating alternatives to the proposed Roe 8 alignment and, in more recent times, new groups across the areas of Fremantle, East Fremantle and Cockburn have emerged as details of the proposed route are announced and people see the impact it will have on them and their communities.

Support for these community groups is important, given they also represent their local communities through grass root activities and the more important issues such as Roe 8 as they arise. This is one occasion where the City's contribution and support is paramount in opposition to what many are saying is the 'Road to Nowhere'.

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil



**24 (MINUTE NO 5512) (OCM 14/5/2015) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

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

**CARRIED 9/0**

**25 (OCM 14/5/2015) - CLOSURE OF MEETING**

Meeting closed at 8.40PM

**CONFIRMATION OF MINUTES**

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

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

