

CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 8 SEPTEMBER 2016

These Minutes are subject to Confirmation

Presiding Member's Signature

Logan Howarth

Date: 13 October 2016

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 SEPTEMBER 2016 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr S. Downing	-	A/Chief Executive Officer
Mr R. Avard	-	A/Director, Governance & Community Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms S Roe	-	Communications & Marketing Coordinator
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Mrs L. Jakovcevic	-	PA – Directors, Planning & Development and Engineering & Works

1. DECLARATION OF MEETING

The Presiding Member formally declared the 8 September 2016 Ordinary Meeting of Council opened at 7.01 p.m. and in so doing welcomed everyone and made the following announcement.

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

Before moving to the agenda proper I wish to make the following statements:
Mr Stuart Downing is A/Chief Executive Officer for the purpose of tonight's meeting due to Mr Cain being an apology.



I welcome Mr Rob Avard, Acting Director Governance & Community Services to the meeting.

Atwell Club Rooms Upgrade

On the 24 August I officially opened the \$1,024,000 upgrade to the Atwell Club Rooms which as a result provides an expansion to the function area and the kitchen as well as external storage for each of the football and cricket clubs. The upgrades also provide for better change room facilities and a separate change room for umpires.

As always the City moves forward with its community infrastructure projects while planning to upgrade existing facilities to meet the increasing demand as clubs grow in membership numbers and supporters.

Perth Switched on Schools Summit

I officially opened the Perth Switched on Schools Summit held at the Cockburn Youth Centre yesterday and today. The Summit was co-ordinated by the Australian Youth Climate Coalition, Australia's largest youth-led organisation and sponsored by the Cities of Fremantle and Cockburn. It reflects both cities commitment to sustainability and to educating future generations on the impacts of climate change.

The Switched on Schools program uses a unique peer-to-peer approach to ignite students' interest in climate justice and help develop an understanding of sustainability and build skills in change-making. Speaking with students and their teachers yesterday and today provided clear evidence of the benefits to the students, their schools and the community they live in.

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 8/9/2016) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

- Clr Steven Portelli - Impartiality Interest – Item 14.1
- Clr Steven Portelli - Impartiality Interest – Item 16.2

5 (OCM 8/9/2016) - APOLOGIES AND LEAVE OF ABSENCE

- Mr Don Green - Leave of Absence
- Mr Stephen Cain - Apology

- Dr Chamonix Terblanche - Apology
- Clr Phil Eva - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 8/9/2016) - PUBLIC QUESTION TIME

Items on the Agenda

Ms Sally-Anne Gamble – Bibra Lake

Q1 Will the ARG be further consulted in regards to the City of Fremantle's decision on the fireworks.

A. There is an alternative on tonight's Agenda. This will be discussed further into the meeting as it is on tonight's Agenda. Items not on the Agenda

Items not on the Agenda

Mr Michael Separovich, Spearwood

Item 14.2 from OCM 11 August 2016 – Renaming of the Market Garden Swamps

Q1. *What promoted the Council to make this decision and why was the currently used name of 'Market Garden Swamps' not considered for the official name used for them.*

A1. This is for two reasons, one being that we had had a number of enquiries in relation to the areas in question as they are not official names, therefore they are not in street directories and people are having difficulty locating them. Secondly, the City has an Aboriginal Reconciliation Policy and part of that policy is when we look at naming



the parks and reserves we also make enquiries through the Aboriginal Reference Groups whether the local indigenous population would like to have input into those names. We did make enquiries with the Geographic Names Committee and they gave an indication as to having a reserve named Market Garden Swamp No. 1, Market Garden Swamp No. 2 and Market Garden Swamp No. 3 was not something they would support.

Q2. Was any consideration given to naming Market Garden Swamp No. 1 which I think is the northern one, the one which was the original Market Garden Swamp surrounded by names of the Croatian market gardeners, like Gerovich Way, Separovich Way, Bosnic, Miros Loop and the others. These are Croatians who lived and worked in Spearwood and helped create Spearwood. Was there no consideration given to naming that one specifically Market Garden Swamp, due to the fact that it is the one that is already used for that area rather than providing a new name perhaps just formalising the name that is already used.

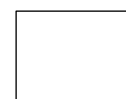
A2. Part of the process of the naming is for those names to go out for public comment and that comment can include people coming back and suggesting alternative names which often occurs. If that occurs, then the item will come back to Council for consideration. What our normal practice is, is try to name parks and reserves after the main road or roads that are above them in locality of where they are. In this case, all three reserves in question have multiple roads around them so there isn't any one single road you can identify with that is joining the park. Therefore, it was decided the best alternative was to come up with a more mutual name, i.e. a name that was not one of the surrounding streets as was pointed out that have been named after former families within the area there. That was not appropriate to use one of those names; hence the reason why we have gone through the process. It is part of Council's adopted Aboriginal Reconciliation Policy to ensure that we liaise with local indigenous people and that is what has occurred. Once it goes out for advertising that gives the opportunity for anyone or any party to make a submission.

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 5879) (OCM 8/9/2016) - MINUTES OF THE ORDINARY COUNCIL MEETING - 11/8/2016**

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday 11 August 2016, as a true and accurate record.



COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr B Houwen that Council confirms the Minutes of the Ordinary Council Meeting held Thursday 11 August 2016, as a true and accurate record.

CARRIED 8/0

8.2 (MINUTE NO 5880) (OCM 8/9/2016) - MINUTES OF THE SPECIAL COUNCIL MEETING - 25/8/2016

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on Thursday 25 August 2016, as a true and accurate record.

COUNCIL DECISION

MOVED Clr L Sweetman SECONDED Clr S Portelli that Council confirms the Minutes of the Special Council Meeting held Thursday 28 August 2016, as a true and accurate record.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 8/9/2016) - DEPUTATIONS AND PETITIONS

- Kate Kelly, Felicity Bairstow and Rex Sallur of Save Beelihar Wetlands re: Request for funds to support legal action in relation to the proposed Roe 8 Extension
- Mike Davis from TPG and Michael Tomasich, landowner of 51 Mayor Road re: Item 14.1 – Proposed Structure Plan for Part Lot 22 and Lot 51 Mayor Road, Munster. Malcolm Garbin – his parents own land backing onto this land.



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

Nil

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

Nil

13. COUNCIL MATTERS

AT THIS POINT, THE TIME BEING 7:39PM, THE FOLLOWING ITEMS WERE DEALT WITH "ENBLOC".

14.2	15.1	17.1	
14.3		17.2	
		17.4	

13.1 (MINUTE NO 5881) (OCM 8/9/2016) - REVIEW OF CITY OF COCKBURN LOCAL LAW RELATING TO STANDING ORDERS (025/001) (D GREEN/J NGOROYEMOTO) (ATTACH)

RECOMMENDATION

That Council

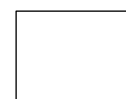
- (1) pursuant to Section 3.16 (4) of the Local Government Act 1995 repeal the City of Cockburn Local Law Relating To Standing Orders published in the Government Gazette on 10 August 1999, and as amended on 24 October 2000, 30 August 2002 and 18 November 2005, as shown in Attachment 1 to the Agenda, and
- (2) pursuant to Section 3.12 (4) of the Act, proceed to make the City of Cockburn Standing Orders Local Law 2016, as shown in Attachment 2 to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr L Sweetman SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0



Background

At the Ordinary Council Meeting held on 9 June 2016, it was resolved to advertise the formal review of Council's Local Law Relating to Standing Orders and the intention to subsequently adopt a new Local Law Relating to Standing Orders. The proposed changes to the Standing Orders were outlined in the associated officer report to the Meeting.

In order to progress the resolutions of Council, the current and proposed Local Laws were advertised for public comment for a period of six weeks which expired on 28 July 2016.

At the close of the public comment period, three submissions were received and are addressed in the report.

Submission

N/A

Report

The purpose of the proposed Local Law is to ensure that the proceedings of Council meetings and associated business practices of the City of Cockburn are conducted in accordance with acceptable contemporary standards.

The effect of the proposed Local Law is to ensure a lawful, consistent and orderly approach to the conduct of City of Cockburn Council business is undertaken.

The process for reviewing the Standing Orders Local Law was undertaken by a Reference Group of Council, whose purpose it was to peruse the current Standing Orders and recommend the necessary changes to modernise and otherwise update them to satisfy contemporary standards and address some legislative imperatives.

The proposed new version of the Standing Orders, as shown in Attachment 2, represents the consensus view of the Reference Group and has been made available for public comment for the required six (6) week period.

During this time, a small number of submissions have been received and are provided as Attachment 3.

In response to the submissions, the following officer comment is provided.



1. WA Local Government Association (WALGA) – As a matter of course, any significant amendment proposed to be made to the City’s Local Laws are referred to the Governance Unit of WALGA for comment, in order to maximise the opportunity for any proposal to be scrutinised prior to final Council consideration. On this occasion, the feedback from WALGA offers a suggestion that the proposed Local Law could be substantially reduced in quantity by simply following the WALGA Local Laws template. This suggestion cites one example related to “Disclosure of Interests”, whereby the WALGA model simply states that these matters be dealt within the provisions of the Act. However, the example given that the City’s version has omitted the provisions related to Proximity Interests contained in Section 5.60B of the Act is incorrect, as this is covered by the reference to Section 5.60, which includes 5.60B for the purposes of identifying whether a member has a defined interest. The fact that the City’s preference is to emphasise certain sections of the interest disclosure provisions does not make the Local Law any less authentic than the “model” which may be preferred by WALGA, or any other local government, as the format for the Local Law.

2. Staff Member – (Strategic Planning Services) – Notes that the current Standing Orders provisions for seeking a Deputation to Council Meeting are not user friendly and “antiquated” in the current document. This is acknowledged and has been reworded to reflect more modern terminology while retaining the formality required by an applicant to seek a deputation for a Council Meeting. The submission refers to a process adopted by the City of Swan which enables persons wishing to make a “Deputation” to a Council Meeting to do so utilising the time allocated for Public Question Time (PQT). While this is an option, it is not recommended, as the City of Cockburn process for PQT is limited to questions and as such other “presentations” are more appropriately dealt with within the Deputation provisions recommended at Clause 4.7 of the proposed Standing Orders.

The new City’s website will outline a simplified process of how to make a deputation.

3. Department of Local Government & Communities – The local law making process under the Local Government Act 1995, section 3.12(3)(b) requires for the immediate sending of the proposed local law to the Minister for Local Government for comment, after State-wide local public notice is published, for comment.

The City received comments from the Department of Local Government and Communities, the majority of the comments were minor in nature, related to formatting, grammatical, or



changes which remove inconsistencies with Acts or regulations and similar matters. All of the suggestions from the department have now been incorporated into the proposed local law as shown in the attachment, with the exception of the following suggestions:

“A number of the City’s definitions already defined in the Local Government Act 1995 and it is therefore suggested that you refer to the definitions given for these terms in that Act”.

The City acknowledges this comment; however, the City prefers not to make this change, as the City’s definitions are still considered consistent with the *Local Government Act 1995*. The City’s definitions emphasise and provide the exact specific meanings for these terms in the proposed local law. The terms in question are given meanings in the proposed local law that are in accordance, and reflect the same meaning as given in the *Local Government Act 1995*. This practice will enhance the readability and understanding of the local law, without the need to reference and sight a different document.

“It is suggested that the penalty for a breach of the local law is reduced to \$1000 with a daily penalty of \$100 for continuing offences. This comment relates to clauses 5.2 and 12.3;”

The City has set these penalties in the proposed local law to the maximum penalty permitted under the *Local Government Act 1995* of the amount of \$5000. The City takes matters of confidentiality as major issue, and is of the view that the \$5000 penalty is in accordance with the *Local Government Act 1995* provisions, and deters confidentiality breaches. This penalty amount has been previously set at the same level in the Standing Orders local laws 2005 of the City of Cockburn. The Act allows for the maximum penalty for offences, and the City would like to keep the penalty at the same level.

Therefore, the proposed local law as shown in the attachment is considered not to be different from the local law that was originally advertised by the City.

Conclusion

It is recommended that Council adopts the proposed new Standing Orders procedures and submits them for Gazettal, prior to becoming effective.



Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

Minor costs associated with compliance of statutory advertising and printing requirements is available within Council's Governance Budget.

Legal Implications

Sections 3.12 and 3.16 of the Local Government Act 1995 refer.

Community Consultation

A six (6) week statutory public comment period was advertised in the "West Australian" and "Cockburn Gazette" newspapers as well as displayed on the City of Cockburn website and on the City's notice boards in the Administration Building and Libraries.

Risk Management Implications

A "Low" level of "Brand / Reputation", "Operations/ Service Disruption" and "Compliance" risk is likely to impact on the City in the event proposed changes to the Standing Orders are not adopted by Council.

Attachment(s)

1. Standing Orders (current) recommended for repeal
2. Draft proposed Standing Orders recommended for adoption.
3. Copies of Submissions received.

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2016 Council Meeting.

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

Nil.



13.2 (MINUTE NO 5882) (OCM 8/9/2016) - AUSTRALIA DAY FIREWORKS PROPOSAL (152/010) (M LA FRENAIS)

RECOMMENDATION

That Council

- (1) receive the report; and
- (2) declines to undertake the future delivery of the Indian Ocean Fireworks on Australia Day in 2017 and the out years in the event that the City of Fremantle ceases to run their event.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr S Portelli that

- (1) retain the current allocation of sponsorship funds of \$25,000 for Indian Ocean Sky Show in the 2016/2017 Grants and Donations Budget;
- (2) produce an internal/external report on how it can hold an Australian Day fireworks display from 2018 onwards, with the said report being presented to Council prior to March 2017;
- (3) fund the report from the CEO's contingency fund should the CEO decide to outsource the report,
- (4) liaise with the Mayor and Deputy Mayor over the report's terms of reference should the CEO outsource the report; and
- (5) require consultation with the Aboriginal Reference Group to determine the desirability of Council allocating an amount from the 2016/2017 Grants and Donations Budget, for Aboriginal Cultural considerations and healing activities relating to Australia Day.

CARRIED 8/0

Reason for Decision

I am not arguing that Council should or should not, take over the Fremantle "Cracker Night" but feel that the officers' report for item 13.2 is lacking in detail and appears to be written solely for the purpose of



saying, No, it's all too hard. The report does not present enough ways for Council to proceed with an Australia Day fireworks display, should council ultimately resolve to support such an event and I strongly believe a more detailed and comprehensive report needs to be presented to Council before it makes its final decision on whether to host such an event or not.

Many issues addressed in the officer's report are issues that are not exclusive to the City of Cockburn, two of WAs greatest treasures are, the Swan River and Kings Park, yet the biggest fireworks event, in WA, is held right next to Kings Park and upon the Swan River. Issues such as pollution to waterways and bushfire threats surely could not be more pertinent to either Cockburn Central or Coogee Beach, than they are to the Swan River or Kings Park, not to mention Sydney Harbour and its world famous New Year's Eve fireworks smack bang in the middle of Australia's most recognisable waterway.

Given the huge popularity of "Cracker Night" it is beholden upon us, on behalf of our ratepayers, to investigate all issues fully and comprehensively, so as to ensure that those of our ratepayers who do not wish to battle traffic and drag their families into Perth, and relish the prospect of a locally accessible event, are not denied that pleasure due to a report that to me is one sided and lacking in the detail that was requested.

I say again I am not arguing that we should or should not host future Cracker Nights for our ratepayer's enjoyment. I am just asking that we undertake greater and more informed deliberation, before ruling either way. It is not possible to host such an event in January 2017.

Background

Mayor Howlett provided the following Notice of Motion:

That Council:

- (1) *require the development of a report about the feasibility of funding a fireworks display within the District on Australia Day 2017 or the out years, either solely or in partnership with other organisations that may wish to participate; and*
- (2) *require the report be considered by Council at a future meeting.*

Since 2012, the City of Cockburn has sponsored the City of Fremantle's Indian Ocean Fireworks for four years, and currently has a three year sponsorship agreement from 2015 to 2018. The agreement



is \$27.5K per year (including GST), which represents a 50% contribution to the firework component of the Fremantle event. The City of Fremantle has indicated that it no longer wishes to run a fireworks event on Australia day due to cultural reasons.

Submission

N/A

Report

An email was received by the City of Cockburn from the City of Fremantle advising that they wish to cease the Indian Ocean Fireworks 2015-2018 sponsorship agreement and offer to sponsor a City of Cockburn event. Subsequently, the City of Fremantle resolved at its Ordinary Council meeting on the 24 August 2016 that:

1. The City to write to the City of Cockburn requesting an immediate end to the current Australia Day event contract that runs until 2018.
2. Officers discuss with City of Cockburn options to host the fireworks event which the City of Fremantle may contribute \$25,000 for the event in 2017 and 2018.
3. Council to discuss with the Chamber of Commerce and Nyoongar Elders other options for marking Australia Day.

The City has researched undertaking its own fireworks event taking into consideration event management requirements, risk, cultural consideration, safety, budget implications, location, the City's current events program and environmental impacts.

Officers have considered the risk of bushfire from the proposed fireworks, and have received advice from the Chief Bushfire Control Officer that an inland location in Cockburn Central would pose a significantly higher fire risk due to the close proximity to bushland than a coastal location with fireworks discharged from a barge in the ocean.

Coogee Beach Reserve is also the only coastal location that would be feasible because of parking availability, space for crowds, and the ocean is away from any marina/boats that could sustain damage. It is expected that people would view the display from different vantage points along the coast.

The cost of undertaking a fireworks event on Australia Day is \$195K including GST for option one, based on the budget detailed below. Option two includes providing a public transport component, subject to availability. This would increase the budget to \$225K.



There is no budget allocated in the 2016/17 financial year for this event, other than the \$27.5K in the Grants and Donations budget to sponsor the City of Fremantle. The cost would be in addition to running the City's current Australia Day Event of \$67K.

The City of Fremantle publicly states that it costs \$145K to run this event, however this is the cost to the department who runs it. Other Business Units within the City of Fremantle do incur additional costs such as Human Resources for insurance and Rangers for wages. The City of Cockburn Events Team would need to factor these costs into the Events Budget as they are cross charged internally.

Item	Cockburn Cost	Fremantle Cost
Fireworks (based on 20 minute firework display – Fremantle display was 20 minutes)	\$45K	\$45K- the same
Barge and exclusion boats	\$11K	\$11K- the same
Lighting Towers and Traffic Management	\$20K	\$4K- the need for extensive traffic management is due to lack of parking compared to Fremantle. Fremantle also has comprehensive existing lighting where our reserve and beaches do not.
Generators	\$2K	\$0 – Fremantle has existing power, Coogee has none.
Radio-Simulcast	\$10K	\$10K- the same
Toilets and Dongas (incl cleaning)	\$10K	\$10K- the same
First Aid and Surf Lifesavers	\$3K	\$3K- the same
Security	\$15K	\$15K- the same
Extension of stage and entertainment	\$15K	\$15K- the same
Promotion	\$15K	\$15K- the same
Outsource running of event & Legal costs	\$20K	\$0- done in house
Post event survey	\$5K	\$5K - the same

Item	Cockburn Cost	Fremantle Cost
Internal staffing estimate including rangers (double time and a half)	\$5K	\$0 - Fremantle does not cross charge staff from other departments
Waste management, clean up	\$6K	\$0- internal charges are not shown in Fremantle's budgets
VIP function (optional)	\$6K	\$6K- the same
Contingency unexpected requirements result from risk management plan etc	\$7K	\$0- no contingency in Fremantle
Cancellation Insurance for weather	\$10K	\$0- Insurance in Fremantle paid out of a HR budget
Total Option 1	\$205K inc GST	
Total Option 2 – including public transport contingency subject to availability	\$235K inc GST	

Sponsorship

The City of Fremantle has indicated that they may contribute \$25K sponsorship for the event.

Sponsorship from Healthway and Lotterywest is highly unlikely. Lotterywest is the major sponsor of the Perth Skyworks and the City is aware that they have declined to sponsor the City of Fremantle event previously. Additionally, the City tends to target its Lotterywest funding applications to City infrastructure priorities.

Healthway has also declined to sponsor the City of Fremantle event previously. The City is also requested Healthway sponsorship for the Harvest Hoo Ha event which may prevent gaining funding for the proposed Fireworks event.

Environment

The City's Environmental Services advises against the use of fireworks because they have a negative impact on the environment. Fireworks are known to have debris such as paper and plastic which can be deadly when ingested by wildlife. Chemical residue is likely to be toxic to aquatic and land-based wildlife. Other issues include toxic smoke



and the impact that the bright lights might have on fish/birdlife. The City has also recently launched its marine litter campaign – clean ocean clean catch. It may be considered hypocritical and counterproductive to launch fireworks in the very environment the City is advocating protection of.

Bushfires

If the fireworks were discharged from a barge on the ocean and if the barge was located a reasonable distance from Coogee Beach, there would be no objection from DFES.

However, their support is subject to these conditions.

1. All activities proposed will need to comply in full with *Regulation 39E – Bushfires Act 1954*.
2. Strict adherence to the *Dept. of Mines and Petroleum Code of Practice Safe use of Outdoor fireworks in Western Australia - Part 6.1 – Weather Conditions*.

What the latter means is; should the local wind conditions meet or exceed 50km/h just before or during the event, the event must be immediately deferred or cancelled, irrelevant of the location of the barge.

Advice provided from the Chief Bushfire officer was that if the fireworks event were to be held inland at this time of year, they would not be supportive. Therefore, a firework display at Cockburn Central would not be appropriate at this time of year.

Traffic Management

With such a significant number of people attending an event like this the management of traffic and parking issues will be critically important. The City's engineering services recommends encouraging people to consider alternative transport modes e.g. local residents walking to the event and the provision of public transport. Despite this it is expected there would still be a significant volume of vehicle traffic attracted to it.

A traffic and parking management plan would need to be prepared and would need to be approved by engineering and Main Roads WA. As people would be encouraged to view the fireworks from a number of vantage points along the coast it would make the parking/traffic management more complex and costly. Management of these issues on the day would be quite resource intensive and could not be accommodated in-house. It would be necessary to engage a traffic management contractor.



The City's engineering services advises that management of on-street parking on local roads would potentially be the most difficult aspect to manage because of limited in-house resources and the likely need to manage parking over a long period of the day. The responsibility of managing on-street parking is not something that the City can delegate.

Current Australia Day Event

The current Australia Day event that the City runs is very popular, capturing people as they come down to the beach. This event runs from 8 am to midday. If the events were to proceed, it would mean that the City would need to run the morning event as well as starting an event at 4 pm. The morning event has already been advertised in promotional material pre-designed prior to this Council resolution. Acts and activities have already been booked and contractually been committed to. It is also already promoted as a morning event through the Council Calendar which is distributed to all residents.

If the City of Cockburn were to continue with the current Australia Day event (which is well attended and popular) and host fireworks, an external event company would need to be contracted to organise and manage the evening event. The City has two event staff and a duty of care. It would not be safe to permit staff to work a 14+ hour day, in what are often very hot conditions.

Aboriginal Cultural Considerations

The City of Cockburn's Aboriginal Reference Group was consulted to determine their views from a Cultural perspective about the City of Cockburn proposing to operate a Fireworks Event on 26 January on Australia Day. The main points from the Aboriginal Reference Group member's responses were as follows:

- The City of Fremantle' decision is considered a positive decision because they are acknowledging the Aboriginal cultural sensitivities about January 26 not being an inclusive date for all Australians to celebrate together. It is generally viewed as a negative date for Aboriginal Community Members who are the first Australians and this decision will go towards righting some of the past wrongs against Aboriginal people.
- They would like the Nyungar Elders views to be considered and respected as the traditional custodians of City Cockburn land, and so they request further consultation with Nyungar elders about this proposal before deciding to proceed with the Fireworks.
- They would like to ask that Council not just consider the majority, but also be equitable and inclusive, because January 26 is not a day of celebration for Aboriginal people as this was the beginning of a range of past wrongs against Aboriginal people which have



had devastating impacts that are still negatively affecting Aboriginal people today.

- In general Aboriginal people would like to celebrate Australia Day on a different day of the year which is inclusive and respectful of all Australians, and the Fremantle decision has helped to raise the profile of this concern, and they would not like to see the City of Cockburn take on the fireworks because this will undermine this position.

In summary, none of the Aboriginal Reference Group members were supportive of the City of Cockburn managing an Australia Day January 26 Fireworks event, because this would be seen to be culturally insensitive to Nyungar people who are the traditional custodians of this land and the first Australians.

Cockburn Lights Event Concept

Council adopted the annual events program at the Ordinary Council Meeting of June 2016. This included a budget to develop a detailed scope for a 'Cockburn Lights' event. The aim is to develop a unique event showcasing the Cockburn Coast through an innovative and creative laser light show display, theatre, art and hawkers market. As the coast develops and the population increases, it has the potential to become a drawcard for the Cockburn Coast, as well as a popular community event. The work to develop the concept has been commissioned.

Fireworks in the region

The Cities of Perth and Armadale currently have firework displays on Australia Day so there are other options for residents to attend this type of event.

Conclusion

While this partnership with the City of Fremantle has provided a well attended community event, the City recommends that it would be imprudent to develop a fireworks event in Cockburn for 2017, or the out years based on taking the following into consideration:

- The fact that a concept is currently being developed for a more unique coastal event with laser show and cultural components.
- The high cost for a 20 minute firework display.
- The environmental impact.
- Minimal economic benefit unlike for Fremantle
- The Aboriginal Cultural sensitivities that have been raised by the City of Cockburn's Aboriginal Reference Group
- The City has its own unique Australia Day event which captures people coming to the beach in the morning.



Strategic Plan/Policy Implications

Moving Around

- Advocate for improvements to public transport, especially bus transport

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services
- Provide safe places and activities for residents and visitors to relax and socialise

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health

Budget/Financial Implications

\$205K incl GST without provision of free public transport or \$235K incl GST with the provision of a public transport service, subject to availability.

If the City of Fremantle were to provide sponsorship of \$25K then the cost to the City of Cockburn for this event will be reduced by this amount.

Legal Implications

The City of Cockburn would not take on any of the City of Fremantle's long term contracts for the Indian Ocean Fireworks event, but would need to investigate what should be done with the trademarking of the name or whether a legal agreement should be drawn up with the City of Fremantle in regard to use of the name. The City would need to draw up a legal agreement in regard to the sponsorship.

Community Consultation

N/A

Risk Management Implications

Failure to adopt the recommendation by approving the fireworks event will potentially increase environmental risks associated with running the event and will also increase the risk of reputational damage in relation to Aboriginal cultural concerns.



If the fireworks event proceeded at Coogee Beach, there is a reduced risk of Bushfire in comparison to other inland locations.

If the fireworks proceeded in the Coogee Beach area there is a medium risk of environmental damage including increased risk of harm to wildlife and marine life in the Coogee Beach vicinity.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2016 Council Meeting.

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

Nil.

13.3 (MINUTE NO 5883) (OCM 8/9/2016) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 25 AUGUST 2016 (182/001; 182/002; 086/003) (B PINTO) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 25 August 2016, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted, subject to the withdrawal of Item 10.4 (Minute Number 373) "Adoption for Advertising – Modification to Local Planning Policy LPP5.6 'Vehicle Access' " which is to be considered separately.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0



Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 25 August 2016. The Minutes of the meeting are required to be presented.

Submission

N/A

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders. The primary focus of this meeting was to review the Policies and associated Delegated Authorities and Position Statements relative to the Community Services Division, including those DAPPS which were required to be reviewed on an as needs basis.

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Ensure sound long term financial management and deliver value for money
- Listen to and engage with our residents, business community and ratepayers with greater use of social media
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

N/A



Community Consultation

As contained in the Minutes.

Risk Management Implications

Failure to adopt the Minutes may result in inconsistent processes and lead to non-conformance with the principles of good governance, and non-compliance with the Local Government Act 1995 for delegations made under the Act.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 25 August 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

(MINUTE NO 5884) (OCM 8/9/2016) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 25 AUGUST 2016 (MINUTE NO. 373) LOCAL PLANNING POLICY LPP5.6 'VEHICLE ACCESS' (182/001; 182/002; 086/003) (B PINTO) (ATTACH)

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that Council adopts the recommendation for Local Planning Policy LPP5.6 'Vehicle Access', subject to an inclusion of an additional sentence in Clause (2) 2 (a) in Local Planning Policy LPP 5. 6 Vehicle Access, as follows:

Easements in Gross

Where indicated on a Vehicle Access Policy Plan, the City of Cockburn will require as a condition of development or subdivision, easements in gross in the form of a public access easement on land titles. The easements in gross are granted for the City of Cockburn to maintain public access across the subject land to the side streets and crossover access points as delineated on the Vehicle Access Policy Plan. These easements in gross on land titles are to be provided at the cost of the developer or landowners of the subject land. The treatment of the area covered by the easement in gross shall be designed to ensure that it is



compatible and consistent across all lots. The treatments of these areas shall be to the satisfaction of the City.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Reason for Decision

To ensure that all public access easements required by this policy are designed and constructed to the City's engineering standards and are consistent across all lots.

CLR STEVE PORTELLI LEFT THE MEETING AT THIS POINT IN THE TIME BEING 7.51PM

DECLARATION OF INTEREST

The Presiding Member advised the Meeting that he had received a declaration of interest from Clr Steve Portelli in relation to Item 14.1 "Proposed Structure Plan – Location: Part Lot 22 and Lot 51 Mayor Road, Munster" pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is that my employer Plunket Homes is lodging a planning application over the adjacent Lot (22).

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 5885) (OCM 8/9/2016) - PROPOSED STRUCTURE PLAN – LOCATION: PART LOT 22 AND LOT 51 MAYOR ROAD, MUNSTER – OWNER: MICHAEL IVAN TOMASICH AND DANICA TOMASICH – APPLICANT: TPG TOWN PLANNING, URBAN DESIGN AND HERITAGE (110/150) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to *Schedule 2, Part 4, clause 19 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, endorse the Schedule of Submissions prepared in respect of the proposed part Lot 22 and Lot 51 Mayor Road Structure Plan ("Structure Plan") and advertise the following modifications proposed to the structure plan to address the issues raised in the submissions, utilising the plan included in Attachment 2 to this report 'City's Alternate Design' for a period of 28 days:



1. Change all “LSP” and “Local Structure Plan” references to “Structure Plan”, including the title of Plan 1, to be consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Amend Plan 1 to include the whole of Lot 22 Mayor Road within the Structure Plan area. Designate an R60 coding over the portion of Lot 22 on the corner of Rockingham and Mayor Road and an R40 coding over the other portion of Lot 22. Amend Figures 1-5 accordingly.
3. Executive summary, paragraph 1 is to refer to Lot 22 in its entirety and refer to the total site area as 2.1615 hectares in accordance with modification 2 above. Amend the Executive Summary table and section 1.2.2 of Part Two to reflect this larger area.
4. Executive summary table, amend the *Total estimated lot yield*, *Estimated number of dwellings* and *Estimated residential site density*, as well as section 3.3 of Part Two to reflect updated Structure Plan map in accordance with modification 2 above. Calculations for dwellings per gross hectare and dwellings per site hectare should be rounded down.
5. Executive summary table, amend the *Estimated area and percentage of public open space* to read “0.2162 ha, representing 10% of the gross subdivisible area”. Reflect this change in section 3.2 of Part Two.
6. Executive summary table, include *Estimated Population* as per the Planning and Development Regulations Structure Plan Framework and reference this in section 3.3 of Part Two.
7. Part One, section 1, paragraph 1 needs to be amended to refer to the Structure Plan encompassing all of Lot 22 and Lot 51 Mayor Road as per modification 2 above.
8. Part One, section 4.3, notification 1 and 2 are subject to the BMP being updated as per the modifications listed in recommendation (2) below.
9. Include additional notifications on title within Part One, section 4.3 as follows:
 - a) “3. This land may be affected by midge from nearby lakes and/or wetlands. Enquiries can be made with

- the City of Cockburn Environmental Services.”; and*
- b) *“4. This lot is in close proximity to Munster Pump Station No. 1 and 2 waste water treatment plants and may be adversely affected by virtue of odour emissions from that facility.”*
10. Include additional Subdivision and Development Requirements within Part 1, section 4 table of Structure Plan report stating:
- a) *“No direct access to Mayor Road is permitted, and applications will also need to facilitate access from existing dwellings to proposed Road 2 rather than via Mayor Road.”*
- b) *“The proposed POS is to be maintained in perpetuity at the standard prescribed for the Building Protection Zone by the Bushfire Management Plan prepared by FirePlan WA and dated January 2016 (or as updated).”*
- c) *“Pedestrian paths shall be provided along all subdivisional roads to the satisfaction of the City.”*
- d) *“A shared path shall be provided along proposed Road 1.”*
- e) *“Detailed intersection analysis and assessment of the Mayor Road/Road 1 intersection will need to be undertaken to determine the form of the intersection treatment and geometric requirements as part of any subdivision application.”*
- f) *“In the event development is not yet completed over Lot 20 and 21 Rockingham Road and Lot 50 Mayor Road, temporary cul-de-sacs of 18m diameter are to be provided at the eastern termination of proposed Road 2 and at the intersection of proposed Road 1 and 3 as illustrated at Figure 4, and maintained until such time that the roads are extended.” Update Figure 4 to show this.*
11. Part One, section 5, modifies reference to date of BMP following modifications to the BMP in accordance with recommendation (2) below.
12. Part One, section 5, include additional requirements for Local Development Plans as follows:
- a) *‘3. The R60 lot gaining battleaxe access from proposed Road 2 as well as the two lots adjoining the battleaxe driveway for the purposes of appropriate bin pad locations and vehicular access and egress.’*
- b) *‘4. Lots sharing a boundary with Mayor Road for the purpose of appropriate vehicular access and egress*



to proposed Road 2.'

13. Amend Plan 1 to be consistent with the City's preferred design concept at Attachment 2 particularly with regards to road layout and location of POS. Amend Figures 3-5 accordingly.
14. Increase the battle-axe driveway width providing access from Road 2 to the R60 site in the north-east to 8m.
15. Erie Lane to the south of Lot 51 is to be shown on Plan 1 as intersecting with and being accessible via proposed Road 1.
16. Amend Plan 1 to ensure that the north-eastern corner of Lot 22 at the intersection of Mayor Road and Rockingham Road is truncated appropriately.
17. Amend Plan 1 to ensure the POS to the south-west of the Structure Plan area is truncated appropriately in order to accommodate future services and road infrastructure within standard road reserves so that it does not compromise the POS.
18. Amend the Plan 1 and Figure 3 Legend title "*Region Scheme Reserves*" to "*Local Scheme Reserves*".
19. Add "*Local Roads*" under the abovementioned "*Local Scheme Reserves*" title within the Plan 1 and Figure 3 Legend and colour white in accordance with the City's Scheme maps.
20. Rename the Plan 1 and Figure 3 Legend title "*Other*" to "*Other Categories*" in accordance with the City's Scheme maps.
21. Reword the Plan 1 and Figure 3 Legend item referring to 2m widening of Mayor Road to "*Land to be set aside as a separate lot to be ceded by the WAPC for Metropolitan Region Scheme 'Other Regional Road' Reserve*" and include under the "*Other Categories*" title;
22. Rename the Plan 1 and Figure 3 Legend title "*Local Planning Scheme Zones*" to "*Local Scheme Zones*" in accordance with the City's Scheme maps.
23. Include an additional section within Part Two referencing the Munster Pump Station No. 1 and 2 for the purposes of

- description and context of notification 4 required under modification 10 above.
24. Part Two, section 1.1, paragraph 3 should refer to the entirety of Lots 22 and 51 Mayor Road.
 25. Part Two, section 1.2.1, paragraph 1 should refer to the entirety of Lots 22 and 51 Mayor Road.
 26. Bus routes referred to in part two, section 1.2.1, paragraph 3 are not high frequency as it is defined under the Residential Design Codes (R-Codes).
 27. Part Two, section 1.2.2, paragraph 1 should refer to the entirety of Lots 22 and 51 Mayor Road and the total Structure Plan area should be amended to 21,615m².
 28. Remove reference within Part Two, section 1.2.2, paragraph 2 to existing dwellings being excluded from the Structure Plan area and remove the last sentence regarding a subdivision application.
 29. Part Two, section 1.2.3 table should refer to the area of Lot 22 as 7,453m² and not 5,138m²;
 30. Part Two, section 1.2.3, paragraph 2 should be amended to state *"There is a caveat listed on the Certificate of Title for Lot 22 in favour of Ivanka Angela Gryska and Mark John Gryska, as to portion only, being the existing dwelling to the west of Lot 22."* A copy of this caveat is to be provided within the documentation.
 31. Part Two, section 1.3.1, first paragraph, last sentence should read *"As part of a future application for subdivision approval, this MRS reserved portion of the Site will be ceded for 'Other Regional Road' reserve and as part of the subdivision clearance process receive credit against the Development Contribution Area (DCA 6) liability for these properties."*
 32. Part Two, section 1.3.1, last sentence should read *"The Site is subject to Development Contribution Area 13 (DCA 13), which establishes a developer contribution arrangement for the upgrade of local and regional recreational and landscape facilities within the whole of the City of Cockburn and Development Contribution Area 6 (DCA6), which establishes a developer contribution arrangement specifically for the Munster locality, in*



particular for a proportional upgrading of Beeliar Drive (Mayor Rd) between Stock and Cockburn Roads.”

33. The policy numbers referred to in Part Two, section 1.3.3.2 should be updated to be consistent with the City’s new policy numbering on the City’s website;
34. Part Two, section 3.1, paragraph 3 should be reworded to “*The Structure Plan identifies two (2) separate ‘Parks and Recreation’ reserves along the southern and eastern boundaries of Lot 51 Mayor Road, which will provide local community recreation spaces for the structure plan area.*”
35. The 1.2207ha of residential area referred to in Part Two, section 3.1, paragraph 4, needs to be amended in accordance with modification 2 above.
36. Part Two, section 3.2, paragraph 2 should be updated to reflect the revised POS layout as per Attachment 2 and refer to the combined area of POS as 2161.5m², being 10% of the land area of Lots 51 and 22 Mayor Road.
37. Part Two, section 3.3 should include reference to the dwellings per gross hectare to ensure consistency with the *estimated residential site density* section of the Executive Summary table.
38. Part Two, section 3.3, paragraph 2 and 4 should be amended to take into consideration the two additional portions of Lot 22 as per modification 2 above.
39. Part Two, section 3.4, paragraph 2 should be removed.
40. Part Two, section 3.4 should refer to the City’s requirement that two 2x18m diameter temporary cul-de-sac heads are constructed where proposed Road 3 intersects with proposed Road 1 and at the eastern end of proposed Road 2 where it is to be extended through Lot 21, for the purpose of waste truck movements as per Attachment 2.
41. Part Two, section 3.4, final sentence to state “*Pedestrian paths shall be provided on all road reservations within the proposed subdivision.*”
42. Part Two, section 3.5 needs to be updated to accord with the approved LWMS dated July 2016 (Rev B). Ensure repetition within the table against SW1 of “Manner in which compliance is achieved” is remedied.

43. Amend Figure 4 to illustrate temporary cul-de-sacs referred to in modification 10f) above.
 44. The POS calculations included in the tables on Figures 3 and 5 are to be amended in accordance with modification 2 and 36 above.
 45. Include indicative bin pad locations on Figure 5, particularly for the R60 grouped site fronting Mayor Road.
 46. If required, update the Civil Engineering Servicing Report at Appendix D to address the concerns raised by the Water Corporation in the attached Schedule of Submissions (Attachment 4) regarding gravity sewer and filling of Lot 51.
- (2) adopt the Bushfire Management Plan (BMP) prepared by FirePlan WA in respect of the proposed Structure Plan dated January 2016 subject to the following modifications:
1. Update to reflect the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* ("SPP 3.7") and the *Guidelines for Planning and Bushfire Prone Areas* ("the Guidelines").
 2. Include at least two geo-referenced photographs to support the Bushfire Hazard Level (BHL) Assessment vegetation classification. Should any discrepancies arise between the classified vegetation referred to in the report and the actual vegetation types on site, the BMP will need to be updated to the satisfaction of the City in consultation with the WAPC.
 3. Update the BHL Assessment in accordance with the methodology set out in the Guidelines (Appendix 2, page 50-51). The bushfire hazard should be mapped as per Figure 10, page 52 of the Guidelines. Areas that are assessed as low hazard, but are within 100 metres of a moderate or extreme bushfire hazard are to adopt a moderate bushfire hazard within that 100 metres.
 4. Figure 5 *Indicative BAL RATINGS and Building Protection Zone* is to be included at a size that allows it to be printed to scale in order to validate the distances from proposed lots to the classified vegetation. Should any discrepancies arise, section 5.7 of the BMP will need to be amended to the satisfaction of the City of Cockburn in consultation with the WAPC. The boundary of the Open Forest Extreme



hazard as per Figure 3 needs to be shown on Figure 5.

- (3) advise the proponent that prior to subdivision of the Structure Plan area, coordination with the landowners of Lot 50 Mayor Road, Lots 20 and 21 Rockingham Road, Lot 230 Erie Lane and Lot 236 Monger Road, Munster is required to ensure that finished fill/excavation lot heights result in compatible and practical drainage flow paths and road levels across lot boundaries.
- (4) advise the proponent and those persons who made a submission of Council's decision.

COUNCIL DECISION

MOVED Clr B Houwen SECONDED Clr K Allen that Council accepts the 'Plan 1 Local structure Plan' as provided by the proponent and TPG.

MOTION LOST 0/7

MOVED Clr S Pratt SECONDED Clr L Sweetman that request the applicant support a deferral to the WAPC to allow for further investigation into the structure plan.

CARRIED 7/0

Reason

As there is a little confusion around this item and a little more time is required to come to an outcome.

Background

The proposed Structure Plan encompasses a portion of Lot 22 (No. 176) Mayor Road and Lot 51 Mayor Road, Munster ("Structure Plan") (see Attachment 1). The Structure Plan was received on 17 February 2016 following preliminary discussions with the City on the Structure Plan design in 2015.



Although the City raised a number of concerns with the Structure Plan design, the proponent did not agree with the City's concerns and wished to proceed with the advertising of the Structure Plan without making any modifications. Under direction of the WAPC, the Structure Plan was advertised for 28 days from the 28 June until the 26 July 2016. The concerns of the City and the issues raised in the submissions are further discussed throughout the succeeding report. These concerns and issues account for the number of modifications which are required to the Structure Plan. Many of the modifications address the City's concerns as discussed with the proponent prior to advertising. Thus, as before, it is expected that the proponent will not be in favour of making these modifications to the Structure Plan, particularly where they address the design and location of POS and internal road layout.

Submission

The Structure Plan was lodged by TPG Town Planning, Urban Design and Heritage on behalf of Michael Tomasich (the landowner).

Report

Planning Background

The subject land is 1.9302ha in size and is bound by Mayor Road to the north, Rockingham Road to the east, and land progressively being redeveloped for residential purposes to the south and west. Market Garden Swamp No. 3 is located approximately 100m to the south-west.

The subject land contains an existing shed on Lot 51 but no dwellings. The two dwellings located within Lot 22 have been excluded from the Structure Plan area. Historically the land was used for market gardening. These operations have since ceased and the land remains cleared of significant vegetation.

The majority of the subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") with a 2m wide strip of land along the northern boundary reserved as 'Other Regional Roads' for the future widening of Mayor Road.

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

Structure plans have been approved and development has begun over Lot 150 Mayor Road and Lot 20 Rockingham Road. A structure plan was recently lodged with the City for Lot 21 Rockingham Road and is



currently undergoing assessment. The proposed Structure Plan design and layout is required to respond and assimilate with adjacent approved structure plans.

Design and Density

The Structure Plan proposes residential densities of R30, R40 and R60 to facilitate the development of 40 dwellings. The proposal will assist in ensuring the state dwelling targets for the South Metropolitan Perth area, as identified within Perth and Peel@3.5 million strategic land use planning document, are reached whilst providing additional housing diversity to the locality.

However, the City has undertaken extensive engagement with the proponent for the draft Structure Plan and has advised them that their design raises a number of concerns. These include that the proposed layout would create fragmented open space, an unsafe movement network comprising a series of right angle bends, and a lack of design consistency with the proposed structure plan for Lot 21 Rockingham Road and the approved structure plan for Lot 20 Rockingham Road. These issues are discussed in further detail below.

The Structure Plan also proposes to exclude two portions of Lot 22 containing existing dwellings from the Structure Plan area. These two portions are also zoned 'Development' and require preparation of a Structure Plan to designate zonings over this land. Thus, the exclusion of these two portions results in the insufficient allocation of a planning structure to guide future land use, subdivision and development of these two portions, in particular matters of waste management and appropriate vehicle access are not addressed should this land be excluded. Furthermore, it results in a reduction in POS provision within the Structure Plan area and insufficient dealings in respect of Developer Contribution Areas.

As a result of these concerns, the City requested modifications to the Structure Plan in accordance with a preferred design concept. However, the applicant was not willing to modify the design and subsequently the City was directed to advertise the Structure Plan as it was originally lodged with the City. As previously stated, the above modifications again address these issues and thus it is expected the proponent will not be in favour of these.

Community Consultation Outcomes

The Structure Plan was advertised for public comment for a period of 28 days from 28 June 2016 until 26 July 2016 in accordance with Regulation requirements. A total of twenty-one (21) submissions were received, with fifteen (15) being from government agencies. The advice



and comments of these government agencies particularly concerned the proposed road/access and POS layout, connection to sewerage, modifications to the BMP, as well as modifications to the LWMS which have now been completed and the LWMS approved by the Department of Water and the City of Cockburn.

Six (6) submissions were received from or on behalf of nearby landowners with three (3) supporting the proposal, two (2) objecting to the proposal and one (1) conditionally supportive of the proposal.

Major concerns raised by landowners and government agencies are addressed in the following sections of the report.

All submissions have been outlined and addressed in detail in the Schedule of Submissions (Attachment 4).

Public Open Space (POS)

One (1) landowner submission raised concerns with the amount and layout of the POS provided within the Structure Plan area. The City also raised major concerns with the proposed POS layout which are discussed below.

The Structure Plan proposes two areas of POS at the southern portion of Lot 51 with the 1067m² area to be incorporated with the POS already ceded over Lot 50 Mayor Road to the west, Lot 8000 Riverina Parade to the south (previously Lot 19 Rockingham Road) and the POS surrounding Market Garden Swamp No.3.

The 863m² area of POS located along the eastern boundary of Lot 51 is adjacent to approved POS over Lot 20 Rockingham Road. The intention is to create a more useable and consolidated area of POS. However, the location and design of the POS does not achieve this, particularly considering the proposed location of POS over Lot 21 Rockingham Road (illustrated in Attachment 3). The configuration of the POS as proposed by the Structure Plan results in the consolidated POS over Lots 51 Mayor Road and Lots 21 and 20 Rockingham Road being visually disjointed, reducing passive surveillance. The current layout also limits options available for landscaping of the POS.

The exclusion of the two portions of Lot 22 Mayor Road from the Structure Plan area reduces the gross subdivisible area and thus reduces the 10% required POS contribution under *Liveable Neighbourhoods*. This results in a smaller area of POS to service future residents in the locality. As per section 4.3.1 of *Development Control Policy 2.3 Public Open Space in Residential Areas* this loss of POS will not be able to be recuperated in the future from the two excluded portions of Lot 22, as these lots are too small to provide useable POS



on-site and are isolated from the proposed POS to the south within Lot 51 Mayor Road, and Lots 20 and 21 Rockingham Road.

In addition, truncation of the POS is required at the intersection of proposed Roads 1 and 3 and where Road 1 bends along the southern boundary of Lot 51 to ensure all services and road infrastructure is contained within standard road reserves and does not compromise the POS. This would further reduce the total POS provided within the Structure Plan area.

Furthermore, as illustrated in the Subdivision Concept Plan attached to the Structure Plan documentation, the POS will share its boundary with only one residential lot and thus there will be limited opportunity for passive surveillance of the POS from surrounding residences.

The City's preferred design illustrated at Attachment 2 and contextually at Attachment 3 provides a more consolidated and useable area of POS which would also be more efficient and cost effective to maintain and landscape. Furthermore, this alignment of the POS allows for a far greater number of dwellings to front the POS, thus significantly increasing opportunities for passive surveillance of the POS. Realignment of the POS in accordance with the City's concept results in greater amenity for future residents in terms of functionality and safety.

LWMS

The LWMS prepared by Emerge Associates in support of the Structure Plan was lodged as an appendix to the Structure Plan and subsequently forwarded to the Department of Water for comment. The Department of Water provided a number of comments and required changes to the LWMS as did the City. The applicant has since provided an updated version of the LWMS in accordance with these comments which has been approved by the City and Department of Water.

Roads, Traffic and Access

The current road layout proposing the intersection of Road 1 and 3 in close proximity to the right angle bend of Road 1 along the southern boundary of Lot 51 is not desirable in terms of safe vehicle movement and efficiency. It is preferable that the number of right angle bends is minimised as per the City's concept design at Attachment 2.

As raised by the City in the submissions, the design of the proposed north-eastern R60 land and its proposed access to Road 2 has the potential to create problems for neighbouring residents due to the lack of road frontage to place waste bins for collection, and on-street



(overflow) visitor parking. Similarly, these issues apply to the portions of land the applicant has currently excluded from the structure plan area. Access, parking and bin pad location issues will need to be addressed via a Local Development Plan as per recommendation (1)12a) and b) above. Further, as per recommendation (1)14 above, widening of the battle-axe access to the R60 coded land will provide wider frontage to Road 2 and thus will assist in alleviating potential bin collection and parking concerns.

Traffic volume is expected to increase in the future as part of the planned extension and upgrade of Mayor Road/Beeliar Drive and thus further analysis and assessment of the Mayor Road/Road 1 intersection will need to be done as part of the subdivision planning to determine the intersection treatment and its geometric requirements.

Fire Management

The BMP has been prepared in accordance with *Planning for Bush Fire Protection Guidelines* (May 2010). However, the BMP is required to be prepared in accordance with SPP 3.7 and the new Guidelines. The BMP will need to be revised to reflect the new legislated changes.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets
- Ensure growing high density living is balanced with the provision of open space and social spaces
- Ensure a variation in housing density and housing type is available to residents

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner
- Provide safe places and activities for residents and visitors to relax and socialise
- Create and maintain recreational, social and sports facilities and regional open space



/Financial Implications

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

Legal Implications

Pursuant to *Schedule 2, Part 4, clause 19(2) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015* and recommendation (1) above, the City is to take what it considers the appropriate steps to advertise the Structure Plan modifications for 28 days.

Pursuant to *Schedule 2, Part 4, clause 25 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, the proponent is permitted to apply to the State Administrative Tribunal (SAT) for a review of a decision by the WAPC not to approve the Structure Plan in accordance with Part 14 of the *Planning and Development Act 2005*. Should this be the case, a representative of the City may be required to attend SAT proceedings.

Community Consultation

Pursuant to *Schedule 2, Part 4, clause 18 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, public consultation was undertaken for 28 days commencing on the 28 June 2016 and concluding on the 26 July 2016.

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

Twenty-one (21) submissions were received during the advertising period of which fifteen (15) were received from government agencies and six (6) from or on behalf of landowners. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.

Risk Management Implications

The Structure Plan proposes a design that the City has raised a number of concerns over as discussed in the above Report. The recommended modifications to the Structure Plan address these concerns and thus if these modifications are not supported, the result would be a Structure Plan that does not appropriately provide the coordination of key infrastructure or public amenity. The current Structure Plan design is not consistent with orderly and proper planning



and would not provide future residents with a safe and efficient local road network or sufficient and useable Public Open Space as discussed in the preceding report.

It is noted that the multitude of recommended modifications to the Structure Plan may result in ultimate refusal by the WAPC. The applicant would then have the right to review the decision at the State Administrative Tribunal. Despite this, the City has taken a proactive approach in recommending approval of the Structure Plan subject to these modifications which, if addressed appropriately, alleviates the City's concerns and will result in a good planning structure over the subject land.

Attachment(s)

1. Structure Plan Map
2. City's Alternate Design
3. City's Alternate Design Contextual Plan
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2016 Council Meeting.

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

Nil.

CLR STEVE PORTELLI RETURNED TO THE MEETING, THE TIME BEING 8.10 PM.

THE PRESIDING MEMBER ADVISED CLR PORTELLI OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT.

14.2 (MINUTE NO 5886) (OCM 8/9/2016) - INITIATION OF PROPOSED SCHEME AMENDMENT NO. 112 – LOCATION: LOTS 101, 103 AND 104 JANDAKOT ROAD, JANDAKOT – OWNER: SCHAFFER CORPORATION LTD – APPLICANT: MGA TOWN PLANNERS (109/048) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) require the following modifications to the draft Town Planning Scheme No. 3 proposed Amendment 112:



1. The *Noise and Vibration Impact Assessment* (under Appendix 1) to be updated to incorporate the advice from the City of Cockburn’s Health Services dated 9 August 2016. This aims to make it clear under page 21 that any future application will require a development specific Acoustic report, including the site identified by dot point 1 on page 21 of the report. This is to be to the satisfaction of the Chief Executive Officer.
 2. The *Environmental Assessment* (under Appendix 8) to be updated to incorporate the advice from the City’s Environmental Services dated 17 August 2016. This aims to ensure further investigation is required with regard to the remnant vegetation directly to the south of the Bush Forever Site. It is noted a firebreak will be required to the south of the Bush Forever site. The identified adjacent bushland is considered to be an appropriate strip for such purposes. This is to be to the satisfaction of the Chief Executive Officer.
 3. The *Traffic Report* (under Appendix 6) to be updated to incorporate the advice from the City dated 22 August 2016. This aims for the report to be updated to identify how the extensive queue lengths expected by 2031 can be reduced by maybe providing additional road capacity on the approaches to the intersection, and/or any other measures. This is to be to the satisfaction of the Chief Executive Officer.
- (2) in pursuance of Clause 75 of the *Planning and Development Act 2005* (‘the Act’) and Part 5, Division 2 Regulation 37 (1) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’) initiate the proposed scheme amendment, to the City of Cockburn Town Planning Scheme No. 3 (‘Scheme’) as shown below, and subject to (7) below, proceed to advertise the amendment following modifications being carried out as outlined in (1) above:
1. Amending Additional Use 1 contained in the table of Additional Uses to read:

No.	Description of Land	Additional Use	Conditions
AU 1	Lots 101, 103 (excluding Bush Forever Area)	<ul style="list-style-type: none"> • Nursery; • Masonry Production; • Warehouse, Showroom and 	Planning Approval for Lots 101, 103 and 104 Jandakot Road, Jandakot, are subject to;



	<p>388) and Lot 104 Jandakot Road, Jandakot</p>	<p>Storage where the display, selling, hiring or storage of goods, equipment, plant or materials and the incidental site activities do not pose risk of pollution to the below ground public drinking water source.</p> <p>The Use Class Definition's for 'Warehouse', 'Showroom' and 'Storage' are defined in Schedule 1 of the Scheme inclusive of the supplementary restrictions as mentioned above which limit the nature of the permissible goods, equipment, plant or materials to those which do not pose risk of pollution to the below ground public drinking water source.</p> <p>1. Environmental Requirements Industrial Wastewater: All wastewater produced from activities on-site must be disposed of to a system approved by the Local Government and in liaison with the Department of Water. Site Chemical Risk: A Site Chemical Risk Assessment Report</p>	<p>a) Due consideration to groundwater risk minimisation.</p> <p>b) No bulk storage of green-waste, compost or 'Toxic and Hazardous Substances' ('THS') are permitted above 25 litres in total volume, excluding fuel within vehicle fuel tanks. THS includes pesticides, herbicides, fuel (storage), explosives, flammable liquids, cleaners, alcohols, fertilizers (other than on lot 104 under current planning approvals), medical or veterinary chemicals, pool chemicals and corrosive substances; inclusive of the substances listed in the Poisons Act 1964 (Appendix B). These substances may only be stored in volumes above 25 litres if contained within domestic sized packages ready for end-use in domestic situations.</p> <p>c) Due consideration and compliance with the Western</p>
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		<p><i>being prepared and implemented and regularly updated.</i></p> <p>Dust Management: <i>No visible dust generated by any aspect of operations on-site is to leave the subject land. The operator is required to submit to the Local Government, after consultation with the Department of Environment and Conservation a Dust Management Plan. The Dust Management Plan must be to the satisfaction of the Local Government, and upon approval by the Local Government, is to be implemented and all times.</i></p> <p>Noise Emissions: <i>The development is to comply with the Environmental Protection Act 1986, which contains penalties where noise limits exceed those, prescribed by the Environmental Protection (Noise) Regulations 1997. If noise emissions from loading operations and the block plant fail to comply with the Environmental Protection Act 1986, additional acoustic measures must be carried out as soon as reasonably practical to ensure the use complies</i></p>	<p><i>Australian Planning Commission's 'Transport Assessment Guidelines for Developments' where appropriate.</i></p> <p>d) <i>The prior preparation and approval of a Local Development Plan ('LDP') detailing;</i></p> <ul style="list-style-type: none"> <i>i. The standards to be applied for physical development in order to ensure the protection of the below ground public drinking water source;</i> <i>ii. Vehicle access and egress arrangements;</i> <i>iii. Noise mitigation measures pursuant to the details of an acoustic report where required (refer to point 'e' below);</i> <i>iv. Interface controls and/ or measures with regard to Bush Forever Area 388.</i> <p>e) <i>With regard to any application for 'Warehouse', 'Showroom' or 'Storage', the preparation and lodgement of a report prepared by a suitably qualified</i></p>
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		<p>with the Act. Lighting: The installation and maintenance of lighting must at all times comply with the requirements of Australian Standard AS 4282-1997 "Control of the Obstructive Effects of Outdoor Lighting". Complaints: The operator must prepare a "Complaints Handling Procedure" to ensure that there is a process for administering any complaints including the recording, investigation and response to any concern regarding the operation. 2. Design Requirements Building design and location shall minimise the visual impact of the development from surrounding residents inclusive of appropriate buffers, noise bunds and vegetation (light and visual) screening. Building materials and colours must be clad or coloured to complement the surroundings, and/or adjoining developments in which it is located,</p>	<p>acoustic consultant detailing the potential noise impact on noise sensitive land uses. The report shall demonstrate how the proposed development has been acoustically assessed and designed for the purposes of minimising the effects of noise intrusion and/or noise emissions. The report must demonstrate the measures required to address noise to the Local Government's satisfaction and be implemented and maintained as part of the development of the land</p> <p>f) Development of any 'Warehouse', 'Showroom' or 'Storage' must:</p> <ul style="list-style-type: none"> i. Be connected to a reticulated sewer system; ii. Have all lighting comply with the requirements of Australian Standard AS-4282-1997 "Control of the Obstructive Effects of Outdoor Lighting" and the Civil Aviation Regulations 1988 and the
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		<p>and shall use non-reflective materials and colours. Regard shall be had to the screening of product storage. Staging Plan in the form of a Local Development Plan ('LDP') shall be prepared by the applicant and approved by the Local Government prior to any development within Additional Use area 1.</p> <p>3. Traffic requirements</p> <p>Planning proposals shall demonstrate appropriate traffic generation calculations and traffic impact assessments on the current and future planned road network. Mitigation measures shall demonstrate viability and road upgrade responsibilities. The extent of all traffic related considerations should be identified and agreed upon early in the planning process to the satisfaction of the Local Government.</p>	<p>Civil Aviation Safety Authority Manual of Standards in accordance with the details prescribed within the Jandakot Airport Masterplan;</p> <p>iii. Have all structures comply with the Obstacle Limitation Surfaces in accordance with the details prescribed within the Jandakot Airport Masterplan;</p> <p>iv. Have a 'Site Chemical Risk Assessment Report' prepared, implemented Including annual reporting to the Local Government and the Department of Mines and Petroleum.</p> <p>v. Lodge a Dust Management Plan for approval by the Local Government and ongoing compliance by the property owner(s).</p> <p>g) Building design, internal vehicles</p>
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			<p>access ways, and locations shall minimise the amenity impact of the development from surrounding residents.</p> <p><i>h) Building materials and colours must be clad or coloured to complement the surroundings, and/or adjoining developments in which it is located, and shall use non-reflective materials and colours.</i></p> <p><i>i) No below ground storage is permitted.</i></p> <p><i>j) Stormwater from roofs and clean paved areas should be directed away from potentially contaminated areas where THS (below 25 litres in total volume) are stored or handled. Stormwater from carpark areas is to be managed as recommended in the Stormwater Management Manual for Western Australia (reference 8d) or relevant equivalent.</i></p> <p><i>k) Any liquids discharged to the environment (via soakage or ground application) should</i></p>
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			<p>have been tested as compatible with downstream water resource values. Discharge to drains or waterways should not occur due to the risk of release of contaminated water. The effluent quality should be determined by sampling in accordance with Australian Standard 5667 Water quality sampling (reference 9b) or relevant equivalent.</p> <p>l) As part of future development and/or subdivision of the subject land, the applicant will be expected to; Provide the land for the Bush Forever site (as agreed) free of cost to the Crown.</p> <p>m) As part of future development and/or subdivision of the subject land, the land owner/ applicant will be expected to:</p> <p>i. Provide the land for the widening of the adjoining section of Jandakot Road from a single carriageway road to a dual</p>
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			<p>carriageway road free of cost to the City of Cockburn;</p> <p>ii. Upgrade the adjoining section of Jandakot Road from a single carriageway to a dual carriageway.</p>
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2. amend the Scheme maps as required

- (3) note the proposed scheme amendment map is identified as Attachment 2 of this report and the associated scheme amendment text, which aims to delete the current Additional Use No. 1 ('AU 1') provisions (row 2 columns 2, 3 and 4) within the scheme under the table of Additional Uses and replace this text with that prescribed within Attachment 3 of this report.
- (4) note the amendment referred to in resolution (2) above falls within the definition of a 'complex amendment' as per Part 5 Division 1 Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:
- a. *"an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
 - b. *an amendment that is not addressed by any local planning strategy;*
 - c. *an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;*
 - d. *an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;*
 - e. *an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan".*

Pursuant to Regulation 35 (2), note the proposed amendment satisfies (a), (b) and (c) of the above criteria. In particular, the proposal is not countenanced in any local planning strategy, endorsed by the Commission or otherwise. The amendment is of a scale with potential impacts relative to the development in the locality, principally in relation to planned traffic, road



upgrades and Jandakot Airport, and its surrounding commercial land.

- (5) pursuant to Clause 81 of the Act, refer the proposed scheme amendment to the EPA by giving to the EPA written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the proposed scheme amendment;
- (6) note that the proposed scheme amendment will not be advertised under section 84 until the EPA has advised their review has been undertaken in accordance with those instructions pursuant to Clause 82 (2) of the Act;
- (7) pursuant to Part 5 Division 2 Regulation 37 (2) of the Regulations submit 2 copies of the proposed amendment to the Commission prior to advertising of the proposed scheme amendment and request of the commission, pursuant to 37 (4), that the Commission examine the documents and advise the City of Cockburn if the Commission considers that any modification to the documents is required before the amendment to the local planning scheme is advertised; and
- (8) subject to Clause 81 and 82 of the Act, if the Commission advises the City of Cockburn that it is satisfied that the complex amendment is suitable to be advertised, as per (5) and (6) above, advertise the proposed amendment pursuant to the details prescribed within Regulation 38. Regulation 38 specifies advertising must not be less than a period of 60 days.

COUNCIL DECISION

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

CARRIED 8/0

Background

The subject land comprises Lot 101, Lot 103 and 104 Jandakot Road, Jandakot and is zoned 'Rural – Water Protection' under the Metropolitan Region Scheme ("MRS") and 'Rural Resource' under the City of Cockburn Town Planning Scheme No. 3 ("Scheme").



The subject land is located broadly on the corner of Jandakot Road and Berrigan Drive and is commonly known as the “Urbanstone” site. Jandakot Airport is situated directly to the North of the subject site.

Lot 101 is approximately 6.4009ha in area and is occupied by the “Urbanstone” factory producing masonry products. Lot 104, being approximately 4.2582ha, sits at the corner of Jandakot Road and Berrigan Drive and is currently occupied by a nursery. The remainder of the subject site is located on Lot 103, located north and east of the “Urbanstone” plant, and is approximately 46.6239ha in area and partially cleared, having been previously mined for sand resources and since revegetated. The northern portion of Lot 103 is heavily vegetated and occupied by Bush Forever Site 388, which has an area of approximately 12.97ha.

Additional Use No.1 (“AU1”) of the Scheme is currently located over Lots 101, 104 and approximately 2.5ha of Lot 103 and allows for the use of the land for “Nursery”, “Masonry Production”, “Warehouse only where ancillary to Masonry Production” and “Showroom only where ancillary to Masonry Production”. Masonry Production and Warehouse are restricted to Lot 101.

Council at its meeting of 13 December 2012 resolved to adopt Scheme Amendment No. 91 which extended the then AU 1 area and introduced the additional uses of “Nursery”, “Showroom” and “Warehouse”, where “Warehouse” and “Showroom” are ancillary to Masonry production. Prior to Amendment 91 “Masonry Production” was the only additional use and it applied only to the then Lot 77 on Diagram 86541 Jandakot Road, Jandakot.

Submission

The Proposed Scheme Amendment was lodged by MGA Town Planners on behalf of the landowner Schaffer Corporation Ltd. The Proposal seeks to extend the AU 1 covering Lots 101, 104 and portion of Lot 103, Jandakot Road to include the whole of Lots 101, 103 and 104 excluding road widening and Bush Forever Site 388. Please refer to Attachment 2 of this report for details.

Report

Perth and Peel at 3.5 Million and supporting documentation

On 9 July 2015 the City of Cockburn Council resolved to support a submission, to the Western Australian Planning Commission (‘WAPC’), on the draft *Perth and Peel at 3.5 Million* and supporting documentation. This was identified as item 14.4.



Council's resolution emphasised nine (9) points in particular, of which four (4) are considered to be relevant to the Urbanstone site at Lots 101, 103 & 104 Jandakot Road, Jandakot. These points are listed below for convenience;

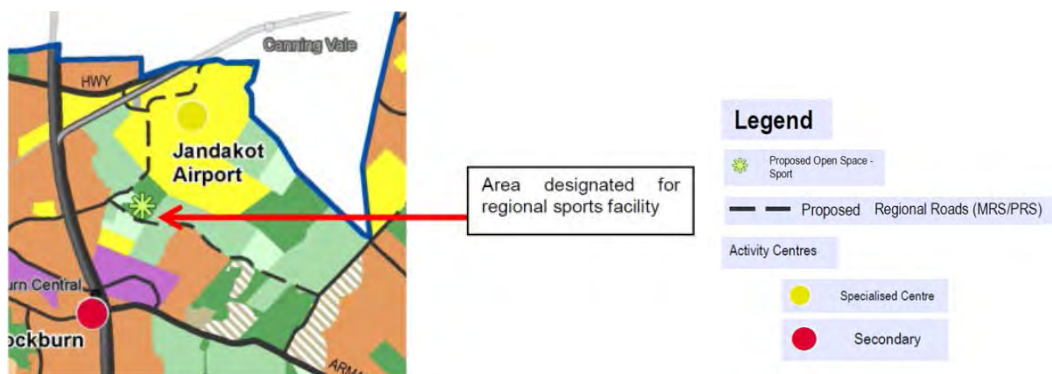
1. *“For the future development of the Banjup north precinct, a more legible spatial boundary should be adopted based upon Armadale Road; Warton Road; Jandakot Road; Berrigan Drive and; the Kwinana Freeway. This will enable a further strategic planning element to take place by local government, working with landowners and the community to determine the ultimate nature of land use and development in the precinct;*
2. *Questions are raised about what happens in the area north of Jandakot Road and particularly surrounding Jandakot Airport. Is it realistic that the document seek to retain a rural setting, typified by 2ha lots sizes with the landscape containing buildings, or will this area be unable to support required levels of rural amenity given its proximity to the airport and urban development to the south;*
7. *Further work is needed to analyse the regional sports needs of the sub-region, before deciding whether the location on Jandakot Road as currently designated by the document is appropriate; and*
8. *The delivery of a future Jandakot Road Other Regional Road will need to be based upon developer contributions, and need to limit land impacts to the north, given it is the southern adjoining land use that is changing from rural to urban.”*

The City has not yet received a formal response from the WAPC regarding the above report. Notwithstanding it is noted under Appendix 5 of the Scheme Amendment application report the proposal is accompanied by two separate letters of support from the Chairperson of the Western Australian Planning Commission both dated 23 June 2015.

These letters identify, in the view of the Chairman, the approach of this amendment may have strong merits in terms of its current and future uses for purposes associated with Jandakot Airport; in particular the 'Specialised Centre' which is identified by a yellow circle on the *South Metropolitan Peel Sub-regional Planning Framework Towards Perth and Peel @ 3.5 million* document. With regards to the proposed 'Open Space Sport' site, identified by a green asterix on the abovementioned map over Lot 103, the Chairman advises this site is not fixed or strongly advocated as a future site by the Department of Sport and Recreation.



Figure 1: Sub-regional Planning Framework extract
(in relation to subject site)



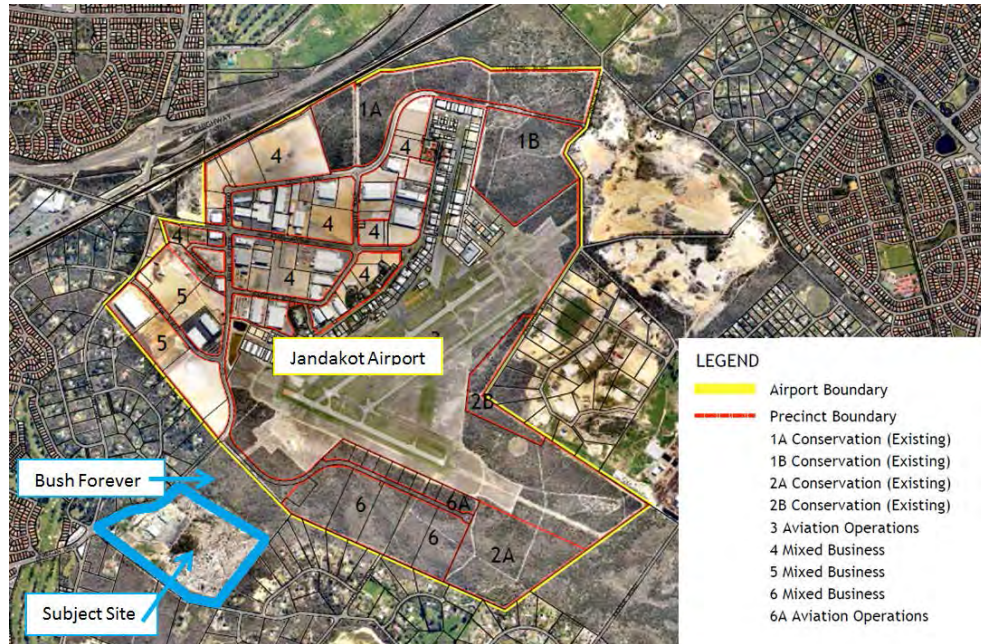
The Chairman advises, the Department and subsequently the Commission will need to re-examine its proposals to not only relocate the recreational site but also give consideration to the site being considered more as a commercial site due to its proximity to Jandakot Airport, Roe Highway and Kwinana Freeway; and the proposed freight link extension network of the Government.

From a strategic perspective Jandakot Airport Holdings (JAH), in their letter dated 1 September 2014, believes the subject land should be regarded as part of the airport site for operational and commercial reasons in conjunction with the proposed freight link extension.

The City, the applicant and Commission officers have recently met in relation to the subject site to discuss the proposed amendment and the wider strategic context in which it sits. As a result of that meeting it was agreed, in principle, there may be planning merit with the proposed Scheme Amendment subject to appropriate demonstration of proper and orderly planning and effectively due process would need to be applied to any discretionary decision making in that regard. Pursuant to Clause 77 (1) of the Act, every local government in amending a local planning scheme is to have due regard to any State planning policy which affects its district.



Figure 2: Jandakot Airport Master Plan 2014
(Precinct Plan extract with Subject site)



The below sections aim to identify the relevant State Planning Policies which apply to this Amendment and subsequently provide detailed analysis as to the appropriateness of this Amendment in that regard.

State Planning Policy 2.3 Jandakot Groundwater Protection Policy July 2014

The objectives of SPP 2.3 is to ensure all changes to land use within the policy area are compatible with the long-term protection and maintenance of groundwater for public water supply and maintenance of associated ecosystems. The policy aims to subsequently prevent, minimise and manage in defined locations land uses likely to result in contamination of groundwater. In addition the policy aims to maintain or increase natural vegetation cover over the policy area.

Groundwater is a highly valued resource of the State and the policy area currently provides a significant volume of high quality water that needs to be protected into the future. It is understood groundwater protection is dependent on appropriate and integrated land use planning, water and health management processes.

SPP 2.3 provides an image which correlates to the boundary of the Department of Water proclaimed Jandakot Underground Water Pollution Control Area. The policy area has been established in order to restrict activities that may cause groundwater contamination. Under this image within the policy, the subject site falls within the 'P2 area' namely the 'Rural Water Protection Zone'.



Guidance on the acceptability of land uses, activities and subdivision within P2 areas within SPP 2.3 is provided in the Department of Environments Water Quality Protection Note ('WQPN') *'Land Use Compatibility in Public Drinking Water Source Areas'*.

In relation to scheme amendments generally, under SPP 2.3 there is a presumption against industrial or commercial 'zoning' or 'land use' over the subject site. Under the WQPN 'Showroom' and 'Storage' are described as 'incompatible' land uses within P2 areas. 'Warehouse' is described within the WQPN as 'Compatible', subject to it being 'conditionally approved'. Generally, within P2 areas there is to be no increased risk of water source contamination/ pollution. For P2 areas, the guiding principle is 'risk minimisation'.

It is advised under SPP 2.3 when considering scheme amendments in this area, for example, local governments should ensure that account is taken of State strategic planning instruments in relation to the net effects that the proposed land use changes are likely to have on the risk of polluting the ground water.

It is recognised within the WQPN that there may be special circumstances which may occasionally result in 'Incompatible' land uses receiving approval. This is generally where the proposal is considered to have demonstrated an overriding community benefit and that the land use will not increase the risk of contamination of the Public Drinking Water Supply Area.

City officers have been working closely with the applicant and the Department of Water with regard to the above. The draft scheme text as proposed before Council aims to address the environmental and public health concerns, in relation to ground water protection in conjunction with providing the land owner with flexibility. The DoW has given a without prejudice in principle support of the proposed draft Scheme text.

The 'Warehouse', 'Showroom' and 'Storage' 'land uses' are proposed to be restricted in such a way that the display, selling, hiring or storage of goods, equipment, plant or materials and the incidental site activities do not pose risk of pollution to the below ground public drinking water source. The draft scheme text does this through requiring any future development application to comply with the comprehensive list of 'Conditions' under column 4 of the text box (see Attachment 1 for details). These include, but are not limited to, no storage of toxic and Hazardous Substances ('THS') including pesticides, herbicides, explosives, flammable liquids, cleaners, alcohols, pool chemicals and corrosive substances. These conditions have due regard for the Department of Waters' WQPN 65 'Toxic and hazardous substances'.



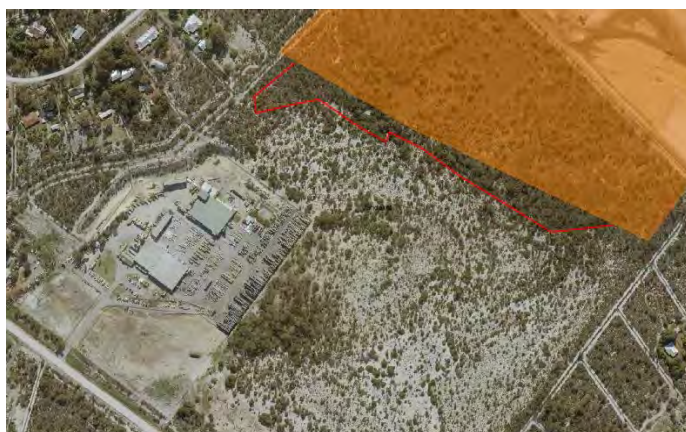
There has also been agreement that any future development must be connected to a reticulated sewer system. This has been included under point 'f' of the draft scheme text.

Environmental Assessment

As mentioned above SPP 2.3 aims to maintain or increase natural vegetation cover over the policy area. City officers have reviewed the 'Environmental Assessment' which was submitted by the applicant as part of the proposed Amendment and note the following points.

1. The assessment does not appear to accurately consider any of the vegetation directly adjacent to the Bush forever site. The below aerial (Figure 3) with the overlay of the Bush Forever site shows what appears to be remnant vegetation within the area bounded by the red line. The document seems to indicate that this is re-vegetation but it appears to be similar in composition to the Bush Forever site. Further investigations are required. If this area is deemed to be remnant bushland a level 2 flora survey will be required. This is particularly important given the presence of threatened and priority flora in the area. A clearing permit may also be required prior to any future development.
2. Based on the concept provided a firebreak will need to be installed along the boundary of the Bush Forever site. This will result in further loss of bushland. It would be preferable for the boundary of the proposed development area to be brought south to prevent further impacts to the Bush forever site. This could then accommodate the requirement for a wetland buffer.

Figure 3: Bush Forever Site (orange) with expected remnant vegetation (red)



Pursuant to the above, this report has been conditioned, above, to require further investigation in this regard. It is noted under section 9 of SPP 2.3 *"the retention of native vegetation and wetland is beneficial in*



protecting and maintaining the quality of the groundwater resource and fundamental to the objectives of the policy”.

Further to this, early discussion with the applicant advised that there would be an expectation for the agreed Bush Forever site to be ceded to the Crown as part of future development and/or subdivision. This would guarantee protection, and remove the maintenance obligations on the landowner.

In order to appropriately capture this requirement, the following condition is included as part of the Additional Use, under Column 4:

As part of future development and/or subdivision of the subject land, the applicant will be expected to:

- Provide the land for the Bush Forever site (as agreed) free of cost to the Crown.

State Planning Policy 2.5 ‘Rural Planning Policy’

The purpose of SPP 2.5 is to protect and preserve WA’s rural land assets due to the importance of their economic, environmental and landscape values. Ensuring broad compatibility between land uses is inherent in this approach.

It is understood a growing economy and population will increase the pressure on rural land to be used for a wide variety of purposes. The policy is identified as applying to land identified for rural living, such as the rural land surrounding the subject site.

SPP 2.5 identifies other regulations and policies overlap with the planning system, and that some proposals may require approvals outside the planning system. This includes the assigned noise levels for sensitive premises under the *Environmental Protection (Noise) Regulations 1997* which are informed zonings in planning schemes. This is an important consideration with regards to this proposal.

In addition to the above consideration, the EPAs *Protection Guidance Statement No, 3: Separation Distances between Industrial and Sensitive Land Uses* provides guidance on recommended separation distances between rural land uses and sensitive land uses.

An objective of SPP 2.5 is to avoid and minimise land use conflicts. As such both of these considerations have resulted in the draft Scheme Text, under Attachment 3 of this report, identifying a section on ‘Noise Emissions’ as an issue under column 3 and 4.

It is understood the specific development applications have not yet been finalised at this early stage. As such the noise considerations are



therefore limited in their guidance. Scheme Amendments can only identify the principles to be dealt with at the later planning stage/(s) in this regard. To resolve this issue and to ensure future developments comply with the above mentioned objective of SPP 2.5, the 'Conditions' section (column 4 of the draft Scheme Text) outlines specific requirements. These relate to the requirement of Local Development Plans to detail the noise mitigation measures pursuant to a future acoustic report.

In addition to the above, point 'e' of the draft Scheme text requires future acoustic report/(s) to detail the then (specific) potential noise impact on noise sensitive land uses (namely the surrounding rural residential lots). The draft Scheme text specifies further that the acoustic report must be to the satisfaction of the Local Government and be implemented and maintained as part of the development of the land.

At this Scheme Amendment stage the applicant has provided under Appendix 1 of the report/ application a preliminary broad level Acoustic report. This report has been reviewed by City officers. As a result of this review this report has been conditioned, above, on the basis that the current Acoustic report is updated with regards to clarity. Notwithstanding, the current report as provided by the applicant is considered to be generally satisfactory at an officer level.

State Planning Policy 5.3 'Land Use Planning in the vicinity of Jandakot Airport'

The objective of SPP 5.3 is to minimise the impact of airport operations on existing and future communities, with reference to aircraft noise. The policy aims to do this by preventing 'noise-sensitive' land uses within specific Australian Noise Exposure Forecast's ('ANEF').

Pursuant to the ANEF (ultimate capacity) of the Jandakot Airport Master Plan (2014), the subject site falls within the '25 ANEF'. It is understood 'Light Industrial' or 'Other Industrial' are described as 'Acceptable' Building Types within the 20 to 30 ANEF. On this basis whilst the subject site falls within the parameters of SPP 5.3 the proposed Amendment is not considered to conflict with SPP 5.3s objectives.

State Planning Policy 3.7 'Planning in Bushfire Prone Areas'

Designation of an area as being bushfire prone reflects the potential of bushfire to affect the site. SPP 3.7 aims to ensure that high order strategic planning documents take into account bushfire protection measures.



The subject site falls within the States Designated Bushfire Prone Area map. As such the applicant has provided a 'Bushfire Management Plan' within the application documentation under Appendix 2. City officers are comfortable that this document satisfies the requirements of SPP 3.7. Should Council resolve to initiate this Amendment the BMP will be referred to DFES during the advertising period for their comments.

Traffic

The applicant has provided a Traffic Report under Appendix 6 of the proposed Amendment report. The report aims to address the potential traffic generation of full development of the site under the proposed amendment and the implications in terms of access arrangements and traffic impact on the adjoining road network.

This report, under Appendix 6, identifies representatives of Schaffer Corporation and their town planning and traffic engineering consultants have had a number of meetings with City officers between December 2015 and June 2016 to discuss road planning and access issues.

The report identifies further, the City's tender for an awarded contract in 2016 for construction of the remaining section of Pilatus Street from Jandakot Road to the airport boundary and the associated impacts that may have on the subject site.

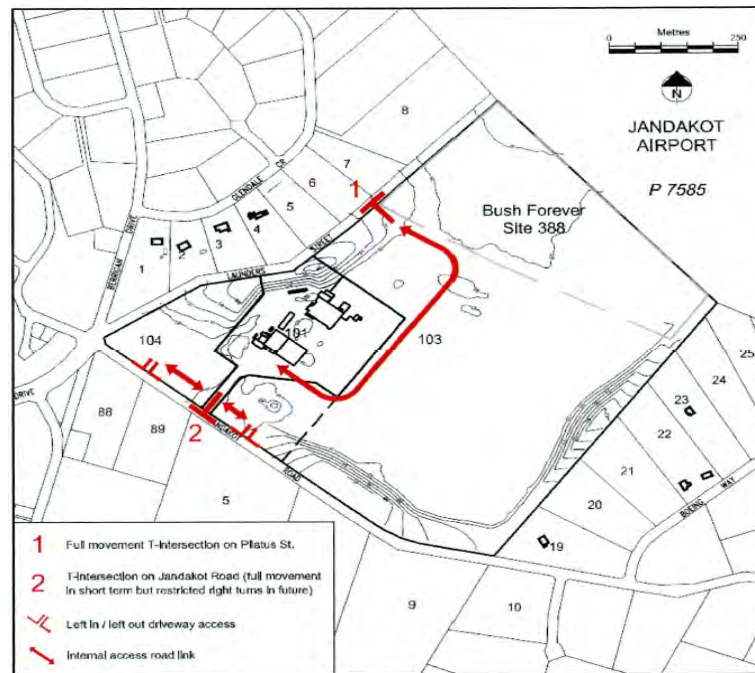
The abovementioned project will, at some point in the future, include upgrading of Berrigan Drive to dual carriageway standard from Jandakot Road to Kwinana Freeway, construction of a signalised 4-way intersection at Jandakot Road/ Berrigan Drive/ Pilatus Street/ Dean Road and realignment of Berrigan Drive south of Glendale Crescent to form a priority-controlled T-intersection at Pilatus Street.

The planned road upgrades to the roads surrounding the subject site is extensive and therefore the City's road engineers have been a part of all prior discussions where they relate to this proposed Amendment.



Figure 4: Proposed Access Strategy (Stage 1)

Source: Applicants Traffic Report



City officers have reviewed the Traffic Report and are generally satisfied with the report in its current format. Notwithstanding there have been a number of minor issues raised which have been communicated to the applicant for their review and action. This report is subject to those amendments being incorporated into an updated Traffic Report.

In addition to these elements which focus on the immediate western corner of the subject land, as part of early discussion with the applicant it was made clear that upon future development of the subject land, the land required for the widening of Jandakot Road to a dual carriageway standard would be required to be provided free of cost, together with a monetary contribution towards upgrading this from a single to dual carriageway road. The applicant has acknowledged this requirement.

In order to appropriately capture this requirement, the following condition is included as part of the Additional Use, under Column 4:

As part of future development and/or subdivision of the subject land, the land owner/ applicant will be expected to:

- Provide the land for the widening of the adjoining section of Jandakot Road from a single carriageway road to a dual carriageway road free of cost to the City of Cockburn;
- Upgrade the adjoining section of Jandakot Road from a single carriageway to a dual carriageway.

The land required and upgrades required are to be to the satisfaction of the City of Cockburn.

This condition ensures that there is a clear nexus between the future development and/or subdivision of the subject land generating the need for the required road upgrade.

Conclusion

The proposed Scheme Amendment is considered to have due regard to the relevant suite of State Planning Policies. In particular State Planning Policy 2.3 - Jandakot Groundwater Protection Policy July 2014. This policy is considered to be a critical component in considering the acceptability of the proposal. In this regard City officers, the applicant and the Department of Water have been working closely to agree on a suite of scheme provisions.

The proposed scheme text aims to ensure any future 'Warehouse', 'Showroom' and 'Storage' 'land uses' are proposed to be restricted in such a way that the display, selling, hiring or storage of goods, equipment, plant or materials and the incidental site activities do not pose risk of pollution to the below ground public drinking water source. This approach has been given in principle officer level without prejudice support from the Department of Water.

Similarly, it is noted the subject site is surrounded by a road network which is subject to major upgrades within the future. These upgrades are in conjunction with the City's project in relation to Pilatus Street from Jandakot Road to the airport boundary and it is noted there will be associated impacts in relation to the subject site. On this basis City officers have been guiding the applicant with the recently submitted Traffic Report.

Overall, this amendment aims to balance the environmental issues in conjunction with providing more flexibility with regards to the strategic planning merits of the proposal. The WAPCs Chairman is of the view this site is ideally suited from a strategic planning perspective and it is understood this may later be reflected in the WAPCs future strategic documents. Accordingly it is recommended Council resolves to initiate the proposed Amendment subject to the above mentioned modifications.

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



Infrastructure

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

Leading & Listening

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

A Prosperous City

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

Environment & Sustainability

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

Budget/Financial Implications

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

Legal Implications

Nil

Community Consultation

Pursuant to Clause 81 of the *Planning and Development Act 2005*, following Councils support, the proposed amendment will be referred to the EPA for their review.

Pursuant to Part 5 Division 2 Regulation 37 (2) of the Regulations, officers will also submit 2 copies of the proposed amendment to the Commission prior to advertising.

Subject to Clause 81 and 82 of the Act, if the Commission advises the City of Cockburn that it is satisfied that the complex amendment is suitable to be advertised the amendment can then be advertised pursuant to the details prescribed within Regulation 38. Regulation 38 specifies advertising must not be less than a period of 60 days.

Risk Management Implications

Should the amendment not be initiated, the City's Town Planning Scheme No. 3 would still remain consistent with the Metropolitan Region Scheme.



There is no risk of the City encountering a compliance manner in this regard.

Attachment(s)

1. Location Plan
2. Current and Proposed Zoning Map
3. Proposed Scheme Text (Initiation)

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September Council Meeting.

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

Nil.

- 14.3 **(MINUTE NO 5887) (OCM 8/9/2016) - PROPOSED STRUCTURE PLAN - PT LOT 802, LOTS 1, 803, YANGETUP ROAD, LOTS 7, 99, 146, 147 HAMMOND ROAD AND LOT 4308 BEELIAR DRIVE, COCKBURN CENTRAL – OWNERS: ANGELO LUCIANO ALESSANDRINI, CATINA ALESSANDRINI, STATE OF WA (MGT ORDER: CITY OF COCKBURN) AND CITY OF COCKBURN – APPLICANT: BURGESS DESIGN GROUP (110/ 149) (L SANTORIELLO) (ATTACH)**

RECOMMENDATION

That Council

- (1) in pursuance of Clause 20 (2) (e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Commission the approval of the proposed 'Tony Ales' Structure Plan for Hammond Road North subject to the following modifications:
 1. Cover Pages 1 and 2: Delete the words "Activity Centre" from the title and delete the words "formal adoption of" and "activity center" from the paragraph.
 2. The report generally including the footer within multiple pages of the report: Delete the words 'Activity Centre' or any associated acronyms with regards to 'Activity Centre Structure Plan'.
 3. Approval Page: Replace the word "adoption" with the word "approval".



4. Part One of the Structure Plan report: Section 1 – delete the words “Activity Centre”. Section 3 – remove the word “the” on the second line (typo). Section 4 – Pursuant to the principles identified by ‘*State Planning Policy 4.1 State Industrial Buffer (Amended)*’ prohibit sensitive ‘land-uses’ within the Structure Planning area as follows; ‘Bed and Breakfast’, ‘Dwelling - Aged or Dependent Persons’, ‘Dwelling – Caretakers’, ‘Dwelling – Grouped’, ‘Dwelling – Multiple’, ‘Home Business’, ‘Home Occupation’, ‘Home Office’, ‘House – Lodging’, ‘House – Single’, ‘Residential Building’ and ‘Tourist Accommodation’. Sentence 1 of section 4 is to be amended in accordance with the above. The reference to the respective maximum net lettable areas is to be deleted. Section 4 to be appropriately amended to reflect the comments of the *Department of Planning* under submission 26 in relation to the abutting Bush Forever area (see Attachment 3 for details). Section 4 – to make mention of the requirement for an ‘Urban Water Management Plan’ to be provided as a condition of subdivision. Replace the text within section 5 with the following text; Local Development Plan/(s) will be prepared for the Structure Plan area pursuant to the WAPC’s Local Development Plan Framework and the Schedule 2 Part 6, ‘Deemed Provisions for Local Planning Schemes’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Local Development Plan/(s) will encompass all lots within the Structure Plan area and set out the following information; (i) The standards to be applied for the buildings; (ii) Vehicle access, vehicle parking, pedestrian and cyclist movements; (iii) The provision for end-of-trip facilities and improvements to access and facilities for pedestrians and cyclists; (iv) Un-preferred land uses including the ‘sensitive uses;’ ‘Bed and Breakfast’, ‘Dwelling - Aged or Dependent Persons’, ‘Dwelling – Caretakers’, ‘Dwelling – Grouped’, ‘Dwelling – Multiple’, ‘Home Business’, ‘Home Occupation’, ‘Home Office’, ‘House – Lodging’, ‘House – Single’, ‘Residential Building’ and ‘Tourist Accommodation’; (v) The location, orientation and design of buildings; and (vi) Street interface treatments along the ‘main street’ and Beeliar Drive. Sections 5.1 and 5.2 – delete these sections from the report.
5. Structure Plan map: Insert the ‘Structure Plan (19.01.16)’ at the end of Part One (within Part one). This map is to be modified as follows - Legend to be modified to include the heading “Local Scheme zones” and accordingly delete



the words 'zone' from each of the two zones on the draft plan. Include an additional heading within the legend titled "Local Scheme Reserves" with the "Local Road" reserve underneath. This is to include a white box to identify the reserve colour. Delete the three notes from the map. Include a single note with the following text "Refer to the Structure Plan report text for un-preferred land uses". Delete the word 'draft' from the map. Delete the words "Activity Centre" from the map.

6. Part Two of the Structure Plan report: Section 1.1 dot point 1 - change text to 'Provide for commercial, retail and mixed business development and compatible uses incidental thereto'. To maintain consistency with the Scheme 'DA 35' provisions. Section 1.3.1 page 6 - replace 'special' with 'Development Area' in relation to the provisions. Section 1.3.4 – Make appropriate reference to 'State Planning Policy 4.1 State Industrial Buffer (Amended)'. Section 3.2 Local Development Plans – update this section to include the relevant text from Part One as follows - Local Development Plan/(s) will be prepared for the Structure Plan area pursuant to the WAPC's Local Development Plan Framework and the Schedule 2 Part 6, 'Deemed Provisions for Local Planning Schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Local Development Plan/(s) will encompass all lots within the Structure Plan area and set out the following information; (i) The standards to be applied for the buildings; (ii) Vehicle access, vehicle parking, pedestrian and cyclist movements; (iii) The provision for end-of-trip facilities and improvements to access and facilities for pedestrians and cyclists; (iv) Un-preferred land uses including the 'sensitive uses;' 'Bed and Breakfast', 'Dwelling - Aged or Dependent Persons', 'Dwelling – Caretakers', 'Dwelling – Grouped', 'Dwelling – Multiple', 'Home Business', 'Home Occupation', 'Home Office', 'House – Lodging', 'House – Single', 'Residential Building' and 'Tourist Accommodation'; (v) The location, orientation and design of buildings; and (vi) Street interface treatments along the 'main street' and Beelias Drive. Section 3.2.1 - Delete all text in this section except for the first sentence up to the word "granted". Section 3.2.2 – Delete this entirely. Section 3.4 – Make reference to the need for an Urban Water Management Strategy to be required as a condition of subdivision in accordance with the WAPC's 'Better Urban Water Management' document. Figure 6: remove the vehicle access leg from the current blue road



reserve (between the indicative office and medical center); and by Including Lots 146 and part of lot 147 (excluding blue road reserve) as these lots form part of the Structure Plan area. Section 3.5 – delete the reference to ‘caps’.

7. Appendix 2 - Transport Assessment: Update the Transport Assessment in accordance with the comprehensive comments provided by the City of Cockburn’s Road Planning and Development Services team. The comprehensive list of comments is provided within Attachment 3 of this report (Schedule of Submissions). Please see the orange text under column 4 submission 8. The updated report is to be provided to the satisfaction of the City of Cockburn. Additionally, the ‘Transport Assessment’ is to be amended to address the following three points as raised by Main Roads Western Australia (‘MRWA’) during the Structure Plan advertising stage. (1) *“As Beelias Drive is a Restricted Access Vehicle (RAV) 4 network, Main Roads would request that all access to and from Beelias Drive, including the roundabout, is consistent with RAV 4 vehicles.”* (2) *“The internal layout of the proposed Structure Plan does not encourage pedestrian or cyclist movement. Proposed paths are narrow and limited and navigation of the parking areas on foot will be difficult.”* And (3) *“Provision should be made for a bus bay or bus drop-off point, possibly to the north of the Structure Plan area on Hammond or Yangebup Roads.”*

8. Appendix 3 – Retail Sustainability Assessment (‘RSA’): Update the ‘RSA’ in the following ways; under page 17 it mentions *‘...there is no District or Neighborhood centers located within 3.5km of the center...’* this is not correct. The ‘Lakes Neighborhood Centre’ is within 2km of the site. The ‘Beelias Neighborhood Centre’ is within the said 3.5km. The subject site is within proximity (within the said 3.5km) of various ‘mixed business’ areas. Please amend accordingly. The RSA should be updated with reference to the correct distances of the subject site to the sites. Page 17, paragraph 2. The phrase “produces immediate evidence” should be replaced with “supports the argument”. The reference to the ‘Local Commercial Strategy (City of Cockburn 2010)’ should be changed to ‘Local Commercial and Activity Centre Strategy 2012’ (‘LCACS’) this applies throughout the document. Typo on page 20; “9\$%” should be “9%” presumably.

- (2) endorse the Schedule of Submissions prepared in respect of the proposed Structure Plan (Attachment 3);
- (3) advise the proponent and those persons who made a submission of Council's recommendation; and
- (4) pursuant to Clause 22 (7) of the *Planning and Development (Local Planning Schemes) Regulations 2015* request that the Commission provides written notice of its decision to approve or to refuse to approve the Structure Plan.

COUNCIL DECISION

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

CARRIED 8/0

Background

Proposed Structure Plan was received by Council on 15 February 2016. It was prepared by Burgess Design Group on behalf of the Alessandrini family.

The Proposed Structure Plan relates to Pt Lot 802, Lots 1, 803, Yangebup Road, Lots 7, 99, 146, 147 Hammond Road and Lot 4308 Beeliar Drive, Cockburn Central ("subject site").

The subject site is approximately 7.5235 hectares in area with frontages to Beeliar Drive, Hammond Road and Yangebup Road. The western boundary abuts the Yangebup Lake 'Parks and Recreation' Regional Reserve which is also classified as 'Bush Forever' by the State Government and is of particular environmental significance.

'Tony Ale's Markets' has been operating on the eastern side of the subject site for a number of years. More recently 'West 'n' Fresh Fishmongers' and 'Madeley Outdoor Living Furniture' (previously 'Waldecks Nursery') have established and operate from separate buildings and in proximity to Tony Ale's. There are also three separate single dwellings located on the subject site. The majority and remainder of the subject site is vacant undeveloped land (refer to Attachment 1 of this report for a recent aerial photograph).



The subject site was previously the subject of Scheme Amendment No. 90 which was initiated by Council at the 8 March 2012 OCM (Item 14.3). Amendment No. 90 was later adopted for approval by Council on 9 August 2012 (Item 14.5) and later granted final approval on 24 September 2014 by the [then] Hon Minister for Planning. The Scheme Amendment resolved to rezone the subject site from 'Light and Service Industry' [the then predominant zone] and 'Local Centre' (approx. 8,774m²) to 'Development' and 'Development Area 35', the current zone. The purpose of the [then] scheme amendment was to set up the planning framework to enable the preparation of a comprehensive structure plan for the subject site.

The Proposed Structure Plan ('SP') aims to address the next stage of planning as prescribed by the abovementioned scheme amendment. The SP was advertised for a period of 28 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The purpose of this report is for Council to consider the proposed SP in light of the information received during the advertising process. In total the City received 26 submissions during the advertising period of which 24 support the proposal and the remaining 2 object to the proposal. The submissions are discussed in the 'Report' section below and elaborated on in detail under Attachment 3 of this report (schedule of submissions). Under Attachment 3, there are 27 submissions recorded (rather than 26) this is on the basis that one submission was a two part submission.

Submission

Burgess Design Group on behalf of the Alessandrini family has lodged a Structure Plan for the subject site.

Report

State Governments' strategic vision for future growth

'Directions 2031' is the current strategic plan which establishes the projected vision for future growth of the City of Cockburn and wider Metropolitan, Perth and Peel region.

Direction 2031 responds directly to several of the tasks identified in the WAPC Statement of Planning Policy No. 1 'State Planning Framework Policy'; including detailing the metropolitan structure, determining local population housing and job targets, managing growth and developing the activity centre concept.



It is imperative to be cognisant that the 'vision' is not a final blueprint, but the latest in an evolving series of plans which evolve and make assumptions about how Perth will change into the future.

A key difference between Directions 2031 and earlier metropolitan spatial planning is the way in which activity centres are conceptualised. Previous plans and policies focused primarily on the retail function of centres; however Directions 2031, the current policy, recognises that the most successful centres are those that offer a diverse range of services, activities and amenity to their catchment populations.

Directions 2031 promotes 'the way forward' by noting while some activity centres are predominantly 'shopping centres' for surrounding communities, such as Cockburn Central (secondary centre) for example, which cater to surrounding communities. Many other centres, such as the proposed SP, have the potential for economic diversification through new floor space to accommodate more business and services.

The strategic vision specifies existing industrial estates and associated buffers need to be protected from the increasing encroachment by inappropriate non-industrial uses and in some cases by residential encroachment. The subject site is surrounded by the 'Industry' and 'Mixed Business' zones to the north, which have established a series of 'offensive' or non-residentially compatible uses. On this basis the above recommendation, amongst other things, aims to appropriately restrict residential uses within the subject site.

Directions 2031 broadly outlines in 'the way forward' that urban planning policies should acknowledge the role of major economic infrastructure such as ports and airports, with the Jandakot Airport being identified as of particular relevance in this context.

The City of Cockburn Local Commercial and Activity Centres Strategy ('LCACS') identifies the subject site as falling within the 'Jandakot West Industrial Centre'. The LCACS vision for the subject site is explored in more detail later on in this report, from a broad state government perspective 'Specialised centres (Jandakot Airport)' are identified as places that have a strong specialised role. Many nearby business and smaller institutions relate to, or are expected to be supportive of the main institutions and are planned to provide opportunity to provide contribution to the specialised centres.

LCACS places the subject site within a 'strategic employment centre'. The subject site as an expanding 'centre' and is expected to *'support a high density of jobs such as large industrial areas including Jandakot Airport, Henderson, Bibra Lake, Jandakot East and Latitude 32'*.



It is estimated by 2031 the population of the south-west sub-region will have grown by 34% to 278,000. The sub-region is described in Directions 2031 as enjoying a relatively strong employment self-sufficiency rate of 60%; however with the intensification of the Latitude 32 industrial area, Directions 2031 expect the sub-region to increase its employment self-sufficiency rate to 70%, which will require 41,000 new jobs by 2031.

Planning Background

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Area 35 ("DA35").

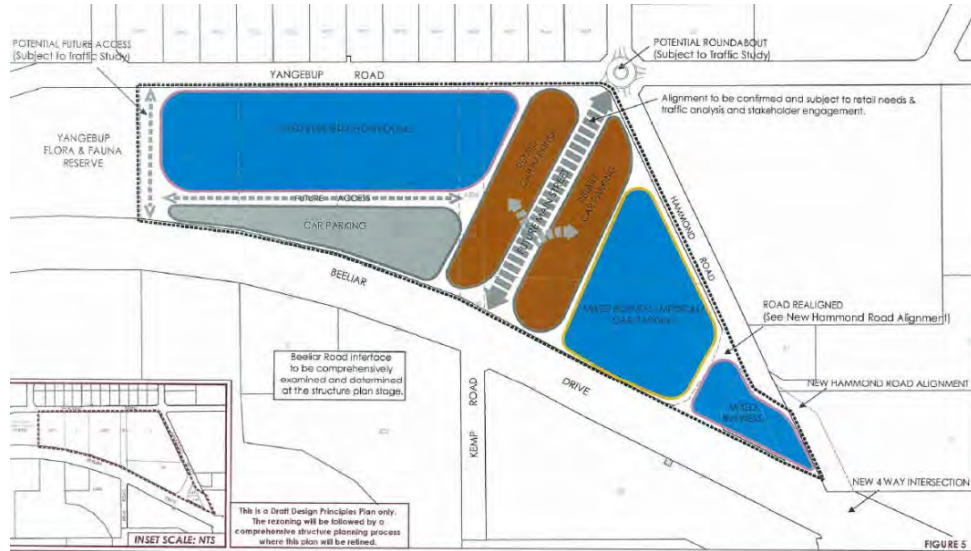
DA 35 provides six separate Development Area provisions. These are identified as follows;

1. *An approved Local Structure Plan adopted in accordance with Clause 6.2 of the Scheme shall apply to the land to guide subdivision, land use and development.*
2. *The Structure Plan is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy 4.2.*
3. *Land uses classified in the Structure Plan apply in accordance with clause 6.2.6.3.*
4. *All development shall be in accordance with Detailed Area Plans [now called Local Development Plans] and/or Design Guidelines prepared and approved by Council under clause 6.2.15 of the Scheme.*
5. *The adopted Local Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy.*
6. *The adopted Local Structure Plan must address and resolve the implementation and land swap arrangements as contained in the legal agreement and contract of sale between the proponent and City of Cockburn, signed 22 January 2001. (Note: this has been complied with).*



The abovementioned Structure Plan requirements were implemented into TPS No. 3 via Scheme Amendment 90, which Council adopted at its meeting on 9 August 2012. Attachment 4 of that report is provided below. This figure identifies the then agreed 'principles' which formed the basis of the assessment and agreed direction for the subject site.

Figure 1: Scheme Amendment No. 90 Principles Plan



The Figure 1 design principles have generally been reflected into the indicative concept of the proposed SP, as indicated below under Figure 2. The previous Scheme amendment and the current Structure Plan both give indicative guide as to how the site may develop. The general principle includes the creation of a 'main street' linking Beeljar Drive (near Kemp Road) and Hammond Road; and the concentration of retail uses such as the Tony Ale fruit and vegetable market along the 'main street' with Mixed Business and showrooms generally throughout the remainder of the site.

Figure 2: Structure Plan indicative development concept plan



The main street principle is maintained within the proposed SP concept design; however, the alignment has been shifted in more of a north south orientation. Both designs are generally considered appropriate.

It was emphasised within the 2012 plan that Structure Planning may depart from the principles plan (Figure 1) depending on the outcomes of investigations.

Access and Traffic

Beeliar Drive is classified as an Other Regional Road ('ORR') in the MRS and also as a primary freight route under State Planning Policy ('SPP') 5.4. The Department of Transport ('DoT') in their submission made mention, in their view, *'it is inappropriate to introduce a round-about [see Figure 2 above for details] with the associated delays and hazards for large vehicles unless it is absolutely essential for traffic reasons. In addition the light traffic from the intersecting roads will prevent the round-a-bout from operating properly.'*

With regards to the same roundabout, Main Roads WA is not opposed to the roundabout in principle but advises in their submission; *"the proposed location is considered to be too close to the signalised intersection. It is recommended, subject to more detailed modelling, that the roundabout is moved approximately 500m west of the signals connecting with the business to the south and a new road access through the structure plan north connecting with Yangebup Road. Kemp Road would benefit from the lower speeds due to the roundabout and gaps from the signals."*

The proposed roundabout in question has indicatively been supported by the PTA and MRWA at Scheme Amendment Stage. Neither the PTA nor MRWA rose the, then proposed, access through the centre of the subject site as an issue. The indicative design (see 'Figure 1' above) shows the intent for the 'future main street' to extend through to Beeliar Drive.

It is acknowledged though that the intersection treatment is not specifically shown as a roundabout on Figure 1 above. Notwithstanding the grey arrow on Figure 1 does show a continuation through the subject site through to Beeliar Drive/ Kemp Road.

Item 14.5 of the OCM report dated 9 August 2012 'Consideration to adopt scheme amendment No. 90' (page 40) indicates;

"The creation of a 'main street' linking Beeliar Drive (near Kemp Road) and Hammond Road with the alignment and extent to be determined through the structure planning process."



DA 35 of TPS No. 3, which applies to the subject site, specifies;

“The adopted Local Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy.”

City officers have reviewed the preliminary Transcore Transport Assessment dated October 2015, considered the roundabout in question in its current location and determined its location is satisfactory.

The DoT comment below is noted:

“It is inappropriate to introduce a round-a-bout with the associated delays and hazards for large vehicles unless it is absolutely essential for traffic reasons”.

MRWA comments below is noted:

“The proposed location is considered to be too close to the signalised intersection.”

City officers consider the introduction of the roundabout, in its current indicatively proposed location, to be absolutely essential for traffic reasons. It is recommended the SIDRA modelling of the roundabout is updated to reflect whether or not the proposed location of the roundabout is acceptable to the City of Cockburn. This has been recommended to the WAPC.

It is important to note the relocated intersection for the ‘new’ Hammond Road/ Beeliar Drive Intersection (See Figure 3 below) is considered by the City to be an unusual intersection, given a number of constraints.

‘Figure 3’ below provides recent aerial photographs for reference purposes. In relation to the proposed roundabout in question under Figure 2 above, the below intersection (see ‘Figure 3’) is located to the east of the proposed roundabout.

City officer’s view, in relation to this issue, is; given the unusual design of the below intersection, turning vehicle movements are significantly hindered given the unusual road geometry. It is the experience of a number of City officers that turning bound drivers utilising this intersection generally approach these movements with more caution than standard intersections of similar capacity.

It is found that turning vehicles travel slower through this intersection as a result of the unusual movements/ geometry and therefore fewer



vehicles are seen to pass through the intersection prior to the lights changing to red than would be traversing under similar normal intersections of this capacity.

It is considered this issue is even more profound for those vehicles heading north. The below aerial photographs shows the peculiar nature of the Hammond Road/ Beeliar Drive intersection.

Figure 3: Hammond Road/ Beeliar Drive intersection



It is the City officer's position that the proposed roundabout in question will improve the intersection function of the Hammond Road/ Beeliar Drive intersection. This is because the roundabout is expected to result in interruptions in east/ west vehicle movements which may allow additional turning vehicle movements (from east to north and from west to south).

City officers do not have any concern with regards to the location of the proposed roundabout and support the proposed location. It is noted though that the *"conceptual geometry of the indicative roundabout is potentially inadequate. The likely roundabout is likely to require road widening (truncations) from one or both properties on the south side of Beeliar Drive. The roundabout must be fully contained within the road reserve"*.

It is noted that "Angelo Luciano Alessandrini" is the owner of the property to the south west of Beeliar Drive, Lot 802 Beeliar Drive Success, (the property potentially required to offer a truncation to accommodate a roundabout). This property owner is also an owner of land within the subject site. It is assumed, given the same land ownership and that the land in question is undeveloped that a roundabout in this location is possible, subject to consent from the landowner/ applicant. .

Retail needs assessment and/ or retail sustainability assessment

Perron Group, who owns the Cockburn Gateway Shopping Centre (Cockburn Gateway) on Beeliar Drive; and Coles Group Property



Developments, who own the Beeliar Village neighbourhood centre, both provided submission with regard to the Retail Sustainability Assessment ('RSA').

Perron Group provided in their second submission a letter prepared on their behalf by 'Urbis' (Director of Economics and Market Research – Melbourne). The information provided by Urbis was also referred to by Coles Group Property Developments. All three of these submissions, Perron Group, Urbis and Coles object to the proposal. The remaining 24 submissions within Attachment 3 of this report are in support of the proposed Structure Plan.

Provision 2 of DA 35 of TPS No. 3 as mentioned above, specifies:

"The Structure Plan is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy 4.2."

Under section 5.1 (2) of SPP 4.2 'Activity Centres for Perth and Peel', the responsible authority should not support structure plans that are likely to undermine the established and planned activity centre hierarchy. SPP 4.2 makes mention that SPs should be consistent with the centre's classification in the hierarchy. SPP 4.2 goes further to say *'the responsible authority should consider the main role/ function and typical characteristics for each centre type outlined in Table 3'* of SPP 4.2.

Under 5.1.2 of SPP 4.2 'Neighbourhood and Local Centres' are identified as playing an important role in providing walkable access to services and facilities for communities. These centres, as indicated by SPP 4.2, should be recognised in local planning strategies, and also in structure plans for new urban areas. Pursuant to Clause 6.4 (1) of SPP 4.2 'Activity Centre Structure Plans' are not required for neighbourhood or local centres. As indicated above, a standard Structure Plan is required for these smaller/ lower order centres.

Under the City's Local Commercial and Activities Centres Strategy document ('LCACS') the subject site is identified as falling within a 'Strategic Employment Centre' ('SEC'), namely the 'Jandakot West Industrial Centre'. These centres, which include the subject site, are intended to *'support a high density of jobs such as large industrial areas including Jandakot Airport, Henderson, Bibra Lake, Jandakot East and West and Latitude 32'*.

In addition to being classified as a SEC under the LCACS the subject site is also identified as being classified as a 'Mixed Business Centre' namely 'Beeliar Road'. Looking further at LCACS, it provides a



framework for increased development based upon Population Driven Demand Analysis, provided under Appendix 4. This is a guide as to how centres should consider evolving:

Ultimately the Strategy sets a need for between 700-1,167sqm, based on the 2016 measure.

	Tony Ales Local Centre			
	2011	2016	2021	2026
SHP	490-817	573-955	626-1,043	657-1,095
RET	103-172	127-212	145-241	151-252
OFF	0-0	0-0	0-0	0-0
ENT	0-0	0-0	0-0	0-0
Total	593-989	700-1,167	771-1,284	808-1,347

The above information from the LCACS indicates a lesser floor-space planned under the LCACS than what is proposed under the Structure Plan. Notwithstanding the above extracts are in relation to the 'Tony Ale's' Local Centre classification. It is important to note the subject site, as mentioned earlier also falls within the 'Strategic Employment Centre' classification under the LCACS. Under SPP 4.2 a RSA "*assesses the potential economic and related effects of a significant retail expansion on the network of activity centres in the locality*".

It addresses such effects from a local community access or benefit perspective, and is limited to considering potential loss of services, and any associated detriment caused by a proposed development. The RSA "*should consider overall costs and benefits of the proposal*". On this basis the floor-space of a centre and whether the centre operates more as a 'Local Centre' or a 'Neighbourhood Centre' is at the discretion of the Local Government and the Commission.

In this regard, the applicant identifies that the current Ales market '*clearly does not trade as a Local Centre*'. '*Its current mix, size and catchment do not support its position within the LCACS as a Local Centre*'. The planned business mix proposed within the SP aims to support its current function by introducing a higher level of complementary activity, higher amenity and employment diversity. The centre is currently considered by the applicant to be a '*supermarket based centre*'.

The LCASC acknowledges that Ales market would expand beyond its current size. This is supported with the above extracts where it is identified that all future retail uses allocated within the mixed business precinct is to be allocated to the Ales Local Centre. The subject site falls within the designated SEC including;



- Jandakot West Industrial Centre (47)
- North Lake Road (South) Mixed Business Area (52)
- Beeliar Drive Mixed Business Area (49)
- Tony Ales Local Centre (39)

On this basis and as per SPP 4.2 a floor-space increase is considered acceptable, subject to the RSA providing appropriate consideration of the potential economic and related effects on the network of activity centres in the locality.

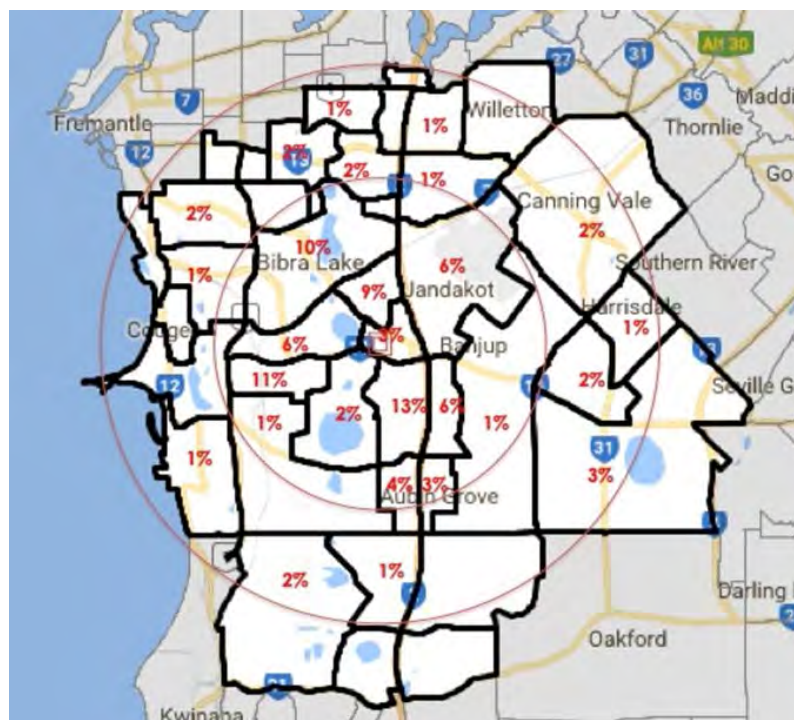
The objections assert that the 10km radius catchment determined by the RSA is too large and inappropriate for a local/ neighbourhood centre.

In response to the above, the applicant has indicated the catchment is a 'fact' of the historic trading position for the operator of the 'Tony Ales' centre. The RSA makes mention that the majority of sales will be derived from within a 5km radius and that there is a proportion derived from a 10km radius catchment. The applicant has recently provided commercial survey findings which support this position.

The following map shows the estimated sales contribution from each suburb within a 10km radius of the centre. The survey is derived from electronic transactions by customers from a single banking institution, namely Commonwealth Bank. It is understood this data is a 'snap-shot' and in reality the spending patterns could vary to that what is shown below.

Notwithstanding the above, the data is based on customers to the Ale store only, and was retrieved over a 3 month period from March to May 2016.

Figure 4: Tony Ales Store Sales Contribution by Suburb – 10km Radius
(Source: Commonwealth Bank 2016)



The findings show that 75% of the Ales store sales are derived from suburbs within a 5km radius of the centre. Further findings show that the majority of remaining sales at 22% are derived predominantly from 5-10km radius from the centre, with 3% of sales derived from outside this radius. These findings confirm that the catchment for the centre has a trading pattern that is larger than a 'Local Centre'.

The applicant concurs with the Urbis assertion that a typical corporate full line supermarket (Coles and Woolworths) have a typical catchment size of 1.5km- 2.5km. The applicant suggests that the catchment for a smaller IGA store, for example, could be much smaller in comparison and catchment size is generally a case-by-case basis, subject to a list of variables. It is agreed that catchment size and the 'rules' that should apply to its consideration is a difficult 'concept' to accurately 'define', particularly for Town Planning Staff who are not trained in this area.

The applicant argues that the larger corporate supermarkets in the retail environment have a high market share/ capture between them. It is the applicants' view that they achieve this by 'market saturation' with a high market share obtained from a smaller catchment.

The likes of Tony Ales or Spud Shed or perhaps Aldi, in the applicants view, rely on a lower market capture strategy, obtaining lower market share from a wider catchment to achieve the sales necessary to be sustainable. The applicant argues that these stores rely on attracting customers who are prepared to travel further to purchase the specific range of goods Tony Ales offers for sale.

It is understood the level and reason for attraction to the subject site, has in the past, and is likely to continue to vary between customers. The above analysis aims to suggest that Tony Ales represents an anomaly in the LCACS hierarchy. The applicant suggests that the proposed expansion intends to meet forecast growth in a manner which is consistent with its current function. This analysis is considered to be consistent with the discretionary floor-space increase consideration as the RSA provides appropriate consideration of the potential economic and related effects on the network of activity centres in the locality.

Analysis of a 5km radius from all existing classified Secondary Centres defined by SPP 4.2 shows that the 5km catchment for a Secondary Centre contains on average five full line supermarkets and eight smaller supermarkets. A similar analysis of the 5km radius from Cockburn Central reveals just two full line supermarkets and four smaller supermarkets, highlighting what the applicant describes as a limited supply of supermarket choice in the regions outside the



Cockburn Gateway Centre in comparison to other regions served by Secondary Centres.

Figure 5: Proximity of Supermarkets Within 5km of Secondary Centres
(Source: Coles/Woolworths/IGA store locator web sites)

Existing Secondary Centres	Centre Offer				within 5 km radius			
	Coles	WW	Supa IGA	IGA	Coles	WW	Supa IGA	IGA
Belmont	1	1	1	0	2	2	1	10
Booragoon	1	1	0	0	2	2	2	7
Victoria Park	1	1	0	1	5	3	3	12
Claremont	1	1	0	1	2	1	1	7
Ellenbrook	1	1	0	0	0	0	0	2
Karrinyup	0	1	0	0	4	1	1	9
Whitfords	1	1	0	0	2	4	1	8
Warwick	1	1	0	0	3	4	2	11
Wanneroo	1	0	1	0	3	4	1	5
Subiaco	1	1	0	0	4	4	2	10
Kwinana	0	1	0	0	2	1	0	2
Clarkson	1	1	0	0	1	0	2	2
Pinjarra	1	0	0	0	0	0	0	0
Leederville	1	0	0	1	5	6	2	10
Mirrabooka	1	1	0	0	4	5	2	12
Maddington	1	1	0	0	3	1	0	6
Average Secondary Centres	0.9	0.8	0.1	0.2	2.6	2.4	1.3	7.1
Cockburn	1	1	0	0	1	1	0	4

The Coles based Beelihar Village is located 5.5km away from the Secondary Centre and 4km away from the subject site. By the Urbis catchment assessment, and supported by the applicant, the Coles catchment can expect to trade comfortably to a 1.5km-2km catchment.

Harvest Lakes and Russell Road Centres are both located over 3km south of the Gateway Centre. The population within a 5km radius of the centre is estimated to grow by 30,000 residents over the next 15 years at a rate of approximately 2,000 residents per annum. The population growth within a 1.5km radius of the centre (suburbs of Cockburn central and Success) is estimated to increase by 14,000 residents over the next 15 years. These forecasts therefore support the demand for an additional full line supermarket within the catchment. The proposed development only intends to grow the current supermarket floor space by 1,400sqm (40% of a full line supermarket) from 1,900sqm to 3,300 sqm.

In the opinion of the applicant, *‘the annual Urbis national averages reports are industry accepted, widely used and reflect an average based on single developer driven neighbourhood supermarket shopping centres’*. These centres are predominantly based around Coles and Woolworths full line supermarkets in internalised mall environments. The national averages by their very nature therefore highlight that there will be significant variations in sales productivity between the various centres used to determine the database. It is also acknowledged by the applicant that supermarkets and shops in traditional main street and strip environments invariably result in significantly lower sales productivity levels than their modern internalised counter parts.



The sales productivity used in the RSA analysis represent averages of sales performance captured by main street operators and businesses across neighbourhood centres over ten years across Australia. The nature of the local and neighbourhood centres floor space proposed in and around the catchment is not likely to be developed to single operator standards and performance levels.

Notwithstanding this variation, utilising the Urbis averages (\$10,567/sqm p.a.) as a basis for determining the future demand for supermarket floor space within the catchment still shows a shortfall in supermarket floor space of 18,000sqm within the catchment. The proposed redevelopment of the subject site contributes 1,400sqm or 8% of the total increase in demand for supermarket floor space based on the Urbis averages.

The applicant acknowledges that the amount of specialty floor space is above the average for a neighbourhood supermarket based centre, however, this also represents the amount of floor space required to create the amenity associated with a 'main street' environment. The floor space amount allocated to the centre will be likely to also comprise non retail activity – however, the amount of retail along the street is critical to activation of the 'main street' desired within liveable neighbourhoods and SPP 4.2 principles for retail centres.

The additional retail area ('Local Centre' and 'Mixed Business' totalling 27,350sqm) proposed supports the provision of an existing local retailer to provide a more appropriate mix and amenity in and around its existing store.

It is recognised there is little acknowledgement or provision within SPP 4.2 to differentiate between the floor space (or retail area) required to generate a true 'main street' environment and the retail floor space (or retail area) limits for traditional 'box' local/ neighbourhood centre environments.

SPP 4.2 and the LCACS apply a square meter amount to 'centres' but do not acknowledge centres can proportion the floor-areas in many different ways including 'non-retail' spaces; such as car parking, local roads, drainage areas, landscaping areas, vehicle intersections and public transport facilities. This is considered to be a significant oversight of the Policy.

Lessons Learnt, Case Law, Key-Principles and Discretionary Decision Making

On 1 April 2008 the Statutory Planning Committee resolved to refuse to adopt a Structure Plan for the following reasons:



- (a) The Kingsway Shopping Centre is designated as a District Centre in [SPP 4.2] with a maximum floorspace limit of 15,000 square metres. The [Commission] is not prepared to support the increase in floorspace limit due to its inconsistency with [SPP 4.2].
- (b) The proposed increase in retail floorspace at Kingsway Shopping Centre would adversely affect the future development of adjacent Regional Centres, which have been identified as preferred locations for high level retail facilities [and] associated commercial and community activity which is associated with higher level retail activity.
- (c) The retail modelling submitted to support the proposed increase in retail floorspace at Kingsway Shopping Centre does not adequately demonstrate that the proposal will not result in an adverse impact on adjacent centres. The Western Australian Planning Commission is not prepared to approve an increase in retail floorspace without adequate demonstration that it will not negatively impact upon the other existing retail centres.
- (d) Approval of the proposal would create a precedent which would undermine the objectives and principles of [SPP 4.2] and Network City.'

This matter was later heard at the State Administrative Tribunal ('SAT') under **[2008] WASAT 227** where the application for refusal was upheld by SAT. This decision was subsequently appealed in the Supreme Court under **[2009] WASC 196** where upon detailed analysis of the planning matters, and matters of law, the application was remitted to the SAT with a direction that it be reconsidered by different members of the SAT. Subsequently, under **DR:164/2008** the above application for review was finally allowed and the application, as described above, was therefore approved.

This section of the report before Council aims to highlight a number of key points for consideration, from the application for the Kingsway Activity Centre Structure Plan area, which may be applied to this application to assist in discretionary decision making.

It is important to note the application which applied to the Kingsway Shopping Centre is a different application, which was assessed under a different planning framework, at a different point in time and by a different Local Government. Whilst this analysis does not aim to compare a like-for-like, it does seek to highlight a number of key principles that can be applied to the discretionary decision making to be applied to this application at this point in time. It is important to note there are inherent differences in each application and that each component of this case law should be reviewed and considered on its



own merits. Notwithstanding, these important points are considered to be of particular relevance and provided as follows;

How should we apply SPP 4.2 in this context as decision makers?:

1. The Tribunal erred in law, in the view of the Supreme Court, in that the Tribunal (at [121] to [126]) in substance regarded itself as 'bound' by State Planning Policy No. 4.2 and inflexibly applied SPP 4.2 and had more than '*due-regard*' to SPP 4.2, contrary to s241(1)(a) of the *Planning and Development Act 2005 (WA)*.

The existence of State Planning Policy is not intended to replace the discretion of the Commission (or planning decision makers) in the sense that it is to be inflexibly applied regardless of the merits of the particular case before it.

The relevant consideration in many applications will be why the policy should not be applied or '*why the planning principles that find expression in the "policy" are not relevant to the particular application*'. In this regard it is noted as mentioned above, the LCACS categorisation of the Tony Ales site as a 'Local Centre', is not appropriate given its current performance which exceeds the catchment of generic 'Local Centres'.

It must be accepted, as counsel for the Minister submitted, that Ministerial policy is not to be construed and applied with the nicety of a statute. "*Policies are not statutory instruments*". They prescribe guidelines in general, and not always very precise, language. *To apply them with statutory nicety is to misunderstand their function.*

It is important to note SPP 4.2 does not accurately predict population growth and therefore the assumptions in that regard may not always be representative of the future outcomes:

2. The Tribunal erred in law in finding that SPP 4.2 'reflects anticipated growth across the region' (at [99]) when there was no evidence that such was the case as at the date of the policy or the time of the application to the Tribunal.

The Tribunal erred in law in finding that there was no evidence that the existing centre would not be able to adequately serve as the district centre for the likely increased population (at [99] and [125]) in that there was evidence of the matter and, by reason of the finding the Tribunal failed to have due regard to a material consideration, namely the under-supply of retail services to an increasing population in the vicinity.



There is no evidence in relation to whether the size of a centre in the 'Framework' corresponds to a contemplated or intended level of activity for the centre on the site, there was considered to be an error of law with thinking to the contrary. The 'Framework' can quite easily extend to include the LCACS and its inaccurate classification of the Tony Ales site as Local Centre. Noting however it does form part of a higher order SEC.

Is 'competition' a valid planning consideration?

3. Pursuant to section 6.5 of SPP 4.2 and *Kentucky Fried Chicken Pty Ltd v Gantidis* [1979] HCA 20; (1979) 140 CLR 675 "*Competition between businesses of itself is not considered a relevant planning consideration*".

Conclusion

The subject site was predominantly zoned 'Light and Service Industry' with 8,774sqm zoned 'Local Centre' prior to Scheme Amendment No. 90. Council on 9 August 2012, under Amendment No. 90, resolved to rezone the subject site to 'Development' with specific DA 35 provisions provided to guide future Structure Planning for the site.

From a broad State government perspective the overarching planning perspective is one which takes into account a growing population. This is derived specifically from Directions 2031 and SPP No. 1. The population growth vision as set by the state is not a final blueprint. The current policies recognise that the most successful centres are those that offer a diverse range of services, activities and amenity to their catchment populations.

The proposed centre offers the potential for economic diversification through new floor-space under the 'main street' principle. This is expected to accommodate diversity of services, which will inherently benefit the current and future local community.

Directions 2031 and the LCACS broadly outline that urban planning decision making, with regards to this application, should acknowledge the role of major economic infrastructure; such as Jandakot Airport, and contribute to its economic viability and provide general support. The subject site is ideally located within the 'Jandakot West Industrial Centre' (Strategic Employment Centre) under the LCACS.

The agreed principles of Scheme Amendment No. 90 are identified above under Figure 1. This design promotes a central 'main street' dissecting a retail precinct and linking Beeliar Drive (near Kemp Road) and Hammond Road. The design promotes the concentration of retail uses such as the Tony Ale fruit and vegetable market along the 'main



street' with Mixed Business and showrooms generally throughout the remainder of the site. This concept has been followed through into the Structure Plan's indicative design under Figure 2 above.

Main Roads Western Australia and the Department of Transport have raised concern with the associated roundabout which is required to facilitate the main-street. It is noted neither of these government agencies raised these concerns at Scheme Amendment Stage. It is City officer's position that the proposed roundabout in question will improve the intersection function of the Hammond Road/ Beeliar Drive intersection. This is because the roundabout is expected to result in interruptions in east/ west vehicle movements which may allow additional turning vehicle movements (from east to north and from west to south). This is considered the optimal outcome.

City officers do not have any concern with regards to the location of the proposed roundabout. City officers support the proposed location but note that the *"conceptual geometry of the indicative roundabout is potentially inadequate. The likely roundabout is likely to require road widening (truncations) from one or both properties on the south side of Beeliar Drive. The roundabout must be fully contained within the road reserve"*.

Perron Group (Cockburn Gateway Shopping Centre) and Coles (Beeliar Drive) object to the proposal on the basis of the Retail Needs Assessment. Following a comprehensive review of the LCACS, SPP 4.2, the applicants recent sales data, secondary shopping centre analysis, and case law namely [2009] WASC 196; the proposal is considered to be consistent with the principles of proper and orderly planning. As such approval is recommended, subject to the above-mentioned conditions.

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

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. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

As a result of the City of Cockburn's officer assessments the City requested, amongst other things, that the applicant provide an updated '*Retail Sustainability Assessment*' and also an updated '*Transport Assessment*'.

These documents were requested on the basis of providing further justification and clarification with regards to this proposal.

The applicant later advised City of Cockburn staff that the respective sub-consultants (retail and traffic) required an extension of time, than what is afforded by the planning regulations, to prepare their respective report updates.

On this basis the applicant formally requested three separate and subsequent 'time' extensions pursuant to Clause 20 (1) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Under the above mentioned clause the City's final assessment (this Council report), is required to be provided to the Commission no longer than 60 days following the most recent time extension date. The Commission has given an extension for this report to be provided no later than 15 September 2016.

Under Clause 20 (1) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* an extension of time can only be granted by the Commission. This should be noted should Council seek to defer the determination of this application.

Community Consultation

Public consultation was undertaken for a period of 28 days. The advertising period commenced 1 April 2016 and concluded on 29 April 2016.

Advertising included a notice in the Cockburn Gazette, advertising on the City's webpage, letters to selected landowners and business operators within the Structure Plan area as well as letters to State Government agencies and service providers.



In total the City received 26 submissions during the advertising period one of which was a two part submission. On this basis there are 27 submissions recorded in Attachment 3 'Schedule of Submissions'. The first of the two part submission was received from Perron Group who owns the Cockburn Gateway Shopping Centre (Cockburn Gateway) on Beeliar Drive.

Perron Group provided in their second submission a letter prepared on their behalf by 'Urbis' (Director of Economics and Market Research – Melbourne). The information provided by Urbis was also referred to by Coles Group Property Developments. All three of these submissions, Perron Group, Urbis and Coles object to the proposal. The remaining 23 submissions are in support of the proposed structure plan. The final submission within the Schedule of submissions was provided by Taktics4, the authors of the Retail Sustainability Assessment. This submission is in support of the proposal and responds directly to the objections raised.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions. See *Attachment 3* for details.

Risk Management Implications

The officer's recommendation takes into consideration all the relevant planning factors associated with this proposal including what is considered to be relevant case law as identified by [2009] WASC 196.

It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision. This includes the notion transcribed within SPP 4.2 whereby '*competition between businesses of itself is not considered a relevant planning consideration*'. This extract within SPP 4.2 relates specifically to the objections received during the advertising process of this application.

The recommendation to the Commission is provided subject to a number of report updates including the 'Transport Assessment' and the 'RSA'. The 'Transport Assessment' requires a considerable number of updates. The potential approval of the Proposed Structure Plan by the Commission which fails to achieve these updates is a potential risk to the City and its residents.

It would be preferred if the application was referred to the Commission following receipt and final approval of the soon to be submitted 'Transport Assessment'. As mentioned above however this is not possible, Under Clause 20 (1) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* an extension of time can only be granted by the Commission. This should be noted should



Council seek to defer the determination of this application. On this basis the City is bound under the regulations to forward this application to the WAPC by no later than 15 September 2016. If these timeframes are exceeded, this places the City of Cockburn in a position of non-compliance with these regulations.

It is noted though; the Department of Transport ('DoT') and Main Roads Western Australia ('MRWA') provided comment with regards to the need for an updated 'Transport Assessment'. These comments are outlined under *Attachment 3* of this report (Schedule of Submissions). On this basis, the risk of the Commission approving this Structure Plan with the absence of appropriate conditions reflecting the City comments is minimal.

Attachment(s)

1. Location Plan and Aerial Photograph
2. Proposed Structure Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2016 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 5888) (OCM 8/9/2016) - LIST OF CREDITORS PAID - JULY 2016 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for July 2016, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 8/0



Background

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

Submission

N/A

Report

The list of accounts for July 2016 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**

- Deliver sustainable governance through transparent and robust policy and processes
- Listen to and engage with our residents, business community and ratepayers with greater use of social media

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

The report reflects the fact that the payments covered in the attachment are historic in nature. The non-acceptance of this report would place the City in breach of the Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Attachment(s)

List of Creditors Paid – July 2016



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 5889) (OCM 8/9/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2016 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council

- (1) adopt the Statement of Financial Activity and associated reports, as attached to the Agenda; and
- (2) amend the 2016/17 Municipal Budget in accordance with the detailed schedule in the report as follows:

Revenue Adjustments	Decrease	\$7,027,490
Expenditure Adjustments	Decrease	\$8,594,601
TF from Reserve Adjustments	Decrease	\$1,565,011
Net change to Municipal Budget Closing Funds	Increase	\$2,100

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

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



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

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

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

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

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 variances within monthly financial reporting. Council adopted a materiality threshold of \$200,000 for the 2015/16 financial year and it is recommended that Council continue with this level for 2016/17.

Detailed analysis of all budget variances is an ongoing exercise, with necessary budget amendments submitted to Council each month where applicable. This also helps to inform the City's mid-year budget review.

Submission

N/A



Report

Opening Funds

The opening funds (representing closing funds brought forward from 2015/16) are currently reported at \$8.89M, which is \$1.61M less than the \$10.5M forecast in the adopted budget. This includes the municipal funding for carried forward projects of \$5.88M (versus \$7.5M in adopted budget), leaving \$3.01M of uncommitted surplus funds (versus \$3.0M in adopted budget). Due to ongoing end of financial year (EOFY) processing, these opening funds are not final and subject to external audit.

The finalised closing funds for 2015/16 will be reported to the November 2016 Council meeting, along with the associated list of carried forward projects and a finalised June statement of financial activity. The 2016/17 budget will be amended at that time to reflect the revised opening funds brought forward.

Closing Funds

The City's closing funds for July of \$96.17M are currently \$6.23M higher than the budget forecast of \$89.94M. This result comprises net favourable cash flow variances across the operating and capital programs (as detailed in this report), as well as the \$1.61M variance from the opening funds.

The 2016/17 revised budget is showing an EOFY surplus of \$0.30M, unchanged from the adopted budget.

Operating Revenue

Consolidated operating revenue of \$100.68M was over the YTD annual budget target by \$0.67M.

The following table shows the operating revenue budget performance by nature and type:

Nature or Type Classification	Actual Revenue \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Rates	93.37	92.98	0.39	95.70
Specified Area Rates	0.31	0.33	(0.02)	0.33
Fees & Charges	4.98	4.63	0.35	24.37
Service Charges	0.44	0.44	0.00	0.45
Operating Grants & Subsidies	1.16	1.18	(0.02)	9.46
Contributions, Donations,	0.03	0.05	(0.02)	0.64



Nature or Type Classification	Actual Revenue \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Reimbursements				
Interest Earnings	0.39	0.40	(0.01)	4.77
Total	100.68	100.00	0.67	135.72

The significant variances at month end were:

- Rates – budget cash flow timing out by \$0.39M, will be rectified in August.
- Fees & Charges – marina pen fees \$0.22M ahead of cash flow budget; annual food licences ahead of cash flow budget by \$0.20M

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$8.78M was under the YTD budget of \$11.48M by \$2.70M.

The following table shows the operating expenditure budget variance at the 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 Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	3.18	3.20	0.02	47.51
Employee Costs - Indirect	0.02	0.08	0.05	1.40
Materials and Contracts	1.19	3.50	2.31	40.20
Utilities	0.23	0.38	0.15	4.68
Interest Expenses	0.00	0.00	0.00	0.93
Insurances	1.21	1.28	0.07	2.24
Other Expenses	0.93	0.95	0.01	8.99
Depreciation (non-cash)	2.22	2.30	0.07	27.54
Internal Recharging-CAPEX	(0.21)	(0.21)	0.00	(2.23)
Total	8.78	11.48	2.70	131.27

The significant variances at month end were:

- Material and Contracts were \$2.31M under the YTD budget with the main contributors being Waste Collection (\$0.41M), Parks Maintenance (\$0.33M), Facilities Maintenance (\$0.26M) and IT Services (\$0.23M).

Capital Expenditure

The City's total capital spend at the end of the month was \$2.23M, representing an under-spend of \$1.44M against the YTD budget of \$3.67M.

The following table details the budget variance by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Roads Infrastructure	0.50	0.74	0.24	17.20	1.20
Drainage	0.01	0.12	0.11	1.71	0.03
Footpaths	0.01	0.21	0.20	1.18	0.00
Parks Hard Infrastructure	0.71	0.86	0.15	9.10	1.74
Parks Soft Infrastructure	0.02	0.18	0.16	1.19	0.19
Landfill Infrastructure	0.00	0.02	0.02	0.39	0.03
Freehold Land	0.00	0.28	0.28	1.18	0.00
Buildings	0.89	1.11	0.22	60.79	7.84
Furniture & Equipment	0.00	0.01	0.01	0.05	0.01
Computers	0.00	0.13	0.13	1.20	0.03
Plant & Machinery	0.10	0.01	(0.08)	8.21	0.02
Total	2.23	3.67	1.44	102.20	11.09

These results included the following significant project variances:

- Roads Infrastructure - Berrigan Drive [Kwinana Fwy to Jandakot Rd] under by \$0.33M
- Footpath Infrastructure – the footpath construction program was collectively \$0.20M behind the cash flow budget, mainly due to the \$0.12M not yet spent on renewing the bitumen path at C.Y. O'Connor Beach.
- Freehold Land – various land development projects were collectively \$0.28M behind the YTD cash flow budget

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 \$0.77M ahead of the cash flow budget mainly due to the timing of restricted road grants transferred from reserve to the Berrigan Drive project.



- Proceeds from sale of land were \$3.72M behind the YTD budget due to several as yet unrealised land lot sales on Beeliar Drive.

Transfers to Reserve

Transfers to financial reserves were \$6.29M behind the YTD budget, mainly due to delayed land sales (\$3.72M) and not yet receiving the waterways management contribution for Port Coogee Marina (\$2.1M).

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$134.67M, well down from \$156.25M the previous month. This was due to the high value of creditor payments during the month, whilst very little income was received. \$134.18M of this balance represents the amount held for the City's cash/investment backed financial reserves. Considerable rates receipts will come in during August to boost the cash balance and liquidity.

Investment Performance, Ratings and Maturity

The City's investment portfolio made a weighted annualised return of 3.05% for the month, slightly down from 3.06% the previous two months. This result compares quite favourably against the UBS Bank Bill Index (2.27%) and has been achieved through diligent investing at optimum rates and investment terms. The cash rate was reduced another 25bp to 1.50% at the August meeting of the Reserve Bank of Australia and this reduction is already impacting the investment rates achieved for new deposits (2.50% to 2.75%).

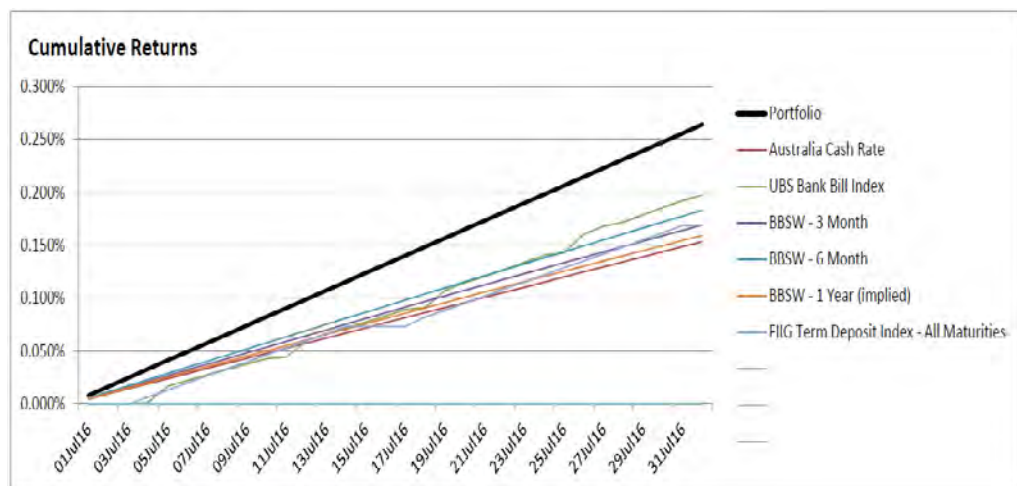


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian and foreign owned banks. These are



invested for terms ranging from three to twelve months. All investments comply with the Council's Investment Policy other than those made under previous statutory provisions and grandfathered by the new ones.

The City's TD investments fall within the following Standard and Poor's short term risk rating categories:

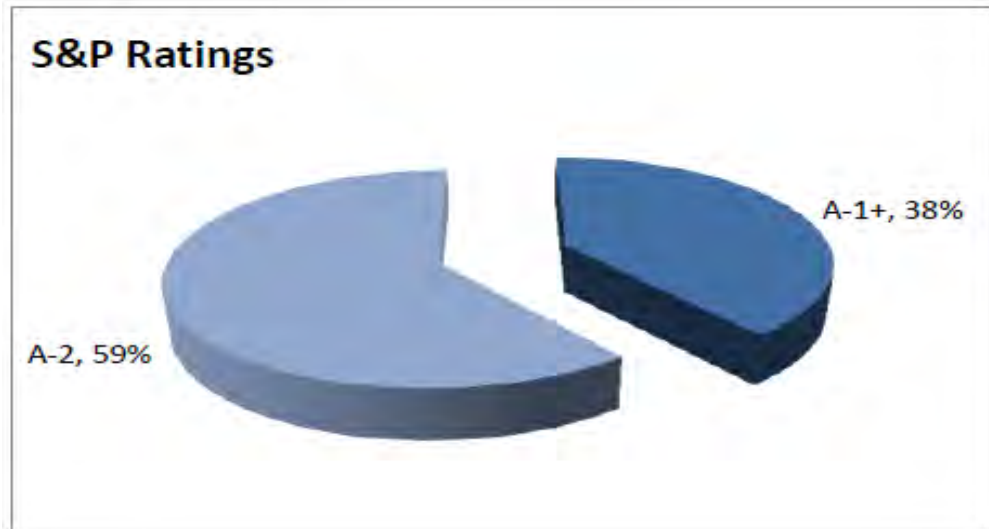


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the highest possible rate on offer over the longest duration (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within the 4-12 month investment terms.

The City's TD investment portfolio currently has an average duration of 144 days or 4.7 months (up slightly from 141 days the previous month) with the maturity profile graphically depicted below:

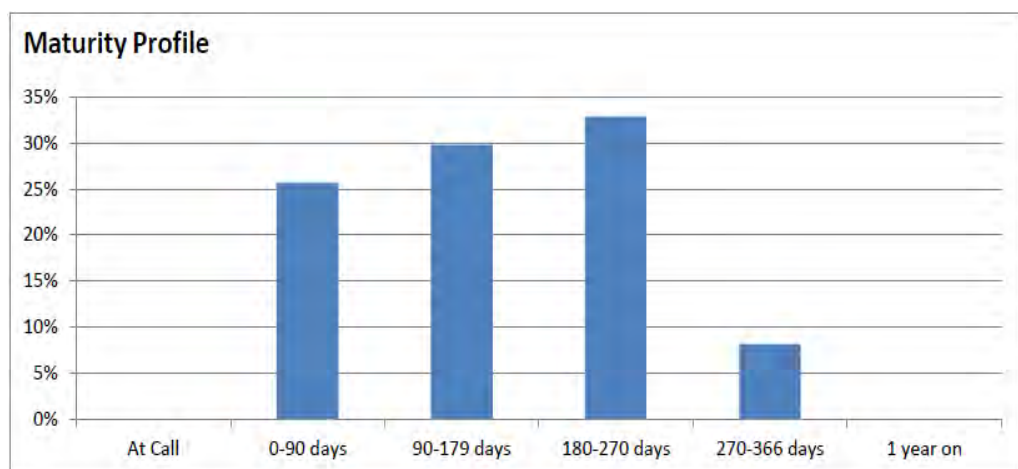


Figure 3: Council Investment Maturity Profile



Investment in Fossil Fuel Free Banks

At month end, the City held 61% (\$78.38M) of its TD investment portfolio with banks deemed as free from funding fossil fuel related industries. This was up from 58% the previous month.

Budget Revisions

Several budget amendments were processed in July as per the following schedule:

PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+/-)		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI IMPAC T \$
Community Health Transport Costs – not needed	-2,100				2,100
Youth Services Salaries – new position for 2015/16 (funded from new staff contingency)	85,444		-85,444		
Bibra Lake Skatepark concept plan (funded from contingency)	40,000				-40,000
Coleville carpark LED & PV Battery trial (cancelled)	-170,000		170,000		
Cockburn ARC Legal and other fees	100,000				100,000
Cockburn ARC Capital Budget adjustment – based on 2015/16 actuals paid	-8,422,501		1,395,011	7,027,490	
New Staff Contingency	-85,444		85,444		
EM Budget Contingency	-140,000				140,000
	-8,594,601	0	1,565,011	7,027,490	2,100

The Cockburn ARC construction budget was fully reconciled to the end of June 2016, following receipt and processing of the June progress claim late July. As a consequence, the 2016/17 adopted budget needed to be revised downwards by \$8.42M with appropriate adjustments made to external revenue and cash reserves funding. The total construction budget across all financial years remains at \$109M.

Description of Graphs & Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a 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

- Deliver sustainable governance through transparent and robust policy and processes
- Ensure sound long term financial management and deliver value for money

Budget/Financial Implications

The City's closing Municipal Budget position has increased by \$2,100 to \$301,149 as a result of the net budget amendments.

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

Council's budget for revenue, expenditure and closing financial position will be misrepresented if the recommendation amending the budget is not adopted.



Attachment(s)

Statement of Financial Activity and associated reports – July 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 5890) (OCM 8/9/2016) - SPEARWOOD AVENUE FENCING PROPOSAL - CONSULTATION OUTCOMES (146/002) (A LEES) (ATTACH)

RECOMMENDATION

That Council

- (1) note the results of the consultation;
- (2) continue the landscaping of Spearwood Avenue in accordance with the Sister City project; and
- (3) advise all property owners and residents in writing of Council's decision.

COUNCIL DECISION

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

- (1) note the results of the consultation;
- (2) the existing budget allocation CW5790 be changed by renaming the project from Spearwood Avenue Fencing Replacement to Spearwood Avenue Street Beautification Program to ensure a planting regime that provides an effect screen to the fencing types along that section of Spearwood Avenue;
- (3) continue the landscaping of Spearwood Avenue in accordance with the Sister City project and the project outlined at Point 2 above; and



- (4) advise all property owners and residents in writing of Council's decision.

CARRIED 8/0

Reason for Decision

The street scape can be further beautified in accordance with the intention of Council's decision through the further beautification of the locality with a variety of vegetation options that complement the Sister City project already undertaken.

Background

At the February 2016 Ordinary Council Meeting a matter to be noted for investigation without debate on the beautification of Spearwood Avenue was presented with the following alternative recommendation:

- (1) *continue with the Friendship Way Landscaping Program;*
- (2) *consider placing funds in the 2016/17 Municipal Budget based on a detailed cost estimate to be provided by City Officers for the colorbond fencing or concrete panels option with or without the removal of existing fences; and*
- (3) *authorises City officers to consult with affected property owners on the colorbond fencing option prior to the completion of the 2016/17 budget.*

The purpose of this report is to present the submissions received during the consultation period with the affected property owners, an analysis of the fencing options and to recommend a resolution that ensures the best investment for the City.

Submission

N/A

Report

Correspondence was distributed to 65 residents and property owners directly impacted by the proposal on 10 March 2016 seeking feedback by 31 March 2016. The letter (included as Attachment 1) outlined Councils proposal to remove the existing fibro fence and replace with a



colorbond panel fence, except for properties where a brick fence is currently in existence.

Property owners who have rear access to Spearwood Ave through a pedestrian or vehicle gate were requested to consider the ongoing use of this amenity and the appetite for removal. Property owners were advised that the cost of the upgrades would be borne by the City with all future maintenance and renewal costs following installation becoming their responsibility.

Consultation Outcomes

A total of 20 submissions were received with 13 responses in the affirmative and seven negative. For this proposal, this is considered to be a low rate of response (30%). During the feedback period, calls were received seeking clarity on specific aspects which were resolved and requested to be included in their submission. The submissions are set out in the attached schedule (Attachment 2).

The 13 responses supporting the proposal confirmed the installation of a colorbond fence with one submission raising the increase in vehicle noise along this section of Spearwood Avenue. Although this aspect was not a component of the consultation it has been forwarded to the City's engineering services for comment. Three of the 13 submissions requested the retention of their pedestrian access to Spearwood Ave, with one resident requiring a gate to facilitate access to a crossover. In addition, one owner has requested the City reimburse him as they have already installed a colorbond fence, or alternatively enter into a lease.

The seven opposed responses were received from a total of three property owners with five submission from the owner of a unit complex, representing a number of residents. The principal element raised by this owner is that the City should not be involved in the removal or replacement of private residential housing boundary fences. The remaining two property owners identified the pedestrian and vehicle access as key elements to their current uses and any changes would impede the future development opportunities of their lots.

Fence Option 1

The option to install a new fence directly abutting the existing property fence has a number of constraints and elements of risk during delivery of the project and ongoing management. Essentially the fence would encroach into the City's road reservation and be in proximity and crossing existing underground services requiring approval from the relevant service providers.



The alignment of existing crossovers and pedestrian gates would result in complexities in the opening and closing of back to back gates and ownership and management of padlocks to the City's infrastructure. In addition, the void between the fences would result in the accumulation of rubbish, be difficult to maintain and subject to the width between fences due to footing size, could cause the entrapment of undesirables.

Fence Option 2

The option to remove the existing fence and replace it eliminates the majority of constraints identified in Option 1. The fence would not be encroaching on the City's road reservation, avoids pedestrian and crossover conflicts, eliminates the void created by two fences back to back and avoids the risk of damage to the existing fence during installation.

It should be noted that under the Dividing Fences Act 1961 the Crown is not bound by the Act, so where the adjoining land is owned by Commonwealth, State or local government and used for public purposes, there is no requirement to contribute to the costs of erecting or maintaining fences. Any decision to proceed with the project will require agreements with each property owner in order to override the provisions of the Act.

The City would not be able to replace the fences for any property owners who do not grant consent and hence the result would be a variety of new and existing fences along the road frontage, which would be unsightly and not the objective of the project.

Friendship Way Landscape Proposal Option 3

As outlined in the report to the February 2016 OCM, the City has a Sister City arrangement whereby sections along Spearwood Avenue have been landscaped to reflect the relationship. The section of Spearwood Avenue between Hamilton Rd and Rockingham Rd is defined as the Peace section, which is dedicated to commemorating world peace. The landscaping proposal for this section has commenced with the planting of ornamental almonds which will provide an attractive streetscape that will change in foliage and flower through the seasons.

The opportunity to further advance this streetscape through the installation of decorative fence panels combined with planting of low shrubs and ground covers to the verges would provide the screen to ameliorate the impacts of the existing private residential fences. Additional landscaping treatments to the median island and the roundabout at Hamilton Rd, including associated side entry verges, would assist to improve the overall street environment, creating a fully



comprehensive space that reflects the dedication to the Peace section of the Sister City program. The landscaping option includes the construction of a new bore and associated electrical infrastructure at Peace Park which will enable the future development of this park.

Cost Estimates

The various fencing cost options and landscaping treatments outlined in the report presented to the February 2016 Ordinary Council Meeting have been reviewed and remain valid with the asbestos removal costs being slightly lower than anticipated. A summary of the costs for each option identified is outlined below.

Table 1 Cost Summary of Options

Options	Development Cost
Fence Option 1	\$75,000
Fence Option 2	\$105,000
Landscape Option 3	\$200,000

Conclusion

The consultation with affected property owners does not show a high level of support for the option to remove the existing variety of fence panels and replace with colorbond fencing. Although there are a number of owners that support the initiative, it is predicated on the retention of access gates to Spearwood Avenue which could be facilitated but would impact on the objectives of the project. The reticence of the property owners to accept changes to the current access arrangements is a key element in determining the viability of the project and has future implications for the City if this project proceeded.

Based on the consultation and the Dividing Fences Act 1961 it is recommended not to proceed with the removal of the asbestos fencing and installation of new fencing to the properties adjacent to Spearwood Avenue between Rockingham Road and Hamilton Road.

In order to facilitate the Council's original request (September 2015 OCM) for the provision of appropriate screening to the assortment of back fences along Spearwood Avenue, it is recommended the City continue the landscaping of Spearwood Avenue in accordance with the Sister City project. The landscape treatment will create a streetscape appearance reflective of the Peace section of the Sister City program and provide a visually attractive screen to the existing fences.



Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

An allocation of \$200,000 has been listed in the Parks Service Units 2016/17 Capital Works for the Spearwood Avenue Fencing Replacement project. The proposed landscaping treatment can be delivered within the allocation.

Legal Implications

N/A

Community Consultation

As per the report

Risk Management Implications

Replacing residential fencing will set a precedent for future fencing requests by individuals or community groups adjacent to Public Access Ways, Public Open Space or land owned by the City and also has the potential for backlash by community representatives.

In addition, replacing fence panels has a number of significant risks including the process for the removal and disposal of asbestos fencing, preventing access to properties during the project period, damage to private infrastructure and unknown costs to alleviate differential lot levels and damage to the existing landscape.

The continuation of the landscaping to Spearwood Avenue has minor risks by comparison, associated with the construction of a bore and planting of the median island and verges.

The risk to council by not approving the recommendation will result in the further delays to implementation schedule identified for the Friendship Sister City project.

Attachment(s)

1. Correspondence letter template
2. Spearwood Avenue consultation responses



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2016 Council Meeting.

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

Nil.

CLR STEVE PORTELLI LEFT THE MEETING AT THIS POINT, THE TIME BEING 8.15 PM

DECLARATION OF INTEREST

The Presiding Member advised the Meeting that he had received a declaration of interest from Clr Steve Portelli in relation to Item 16.2 “Bartram Road Bridge” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is that the Atwell Community College Board of which I am a member has circulated a letter to Elected Members advocating on this matter.

16.2 (MINUTE NO 5891) (OCM 8/9/2016) - BARTRAM ROAD BRIDGE (159/020) (C SULLIVAN) (ATTACH)

RECOMMENDATION
That Council

- (1) note the report; and
- (2) provide information to the local resident associations on the content of the report.

NOTE:
DURING DISCUSSION OF THIS ITEM AND PRIOR TO THE VOTE CLR L SMITH LEFT THE MEETING, THE TIME BEING 8.20PM AND RETURNED 8.21PM.

COUNCIL DECISION
MOVED Clr L Smith SECONDED Clr K Allen that Council:

- (1) note the report;



- (2) amend the current Regional and Major Roadworks 2016-2030 included in the Corporate Business Plan adopted by Council at the Ordinary Council Meeting of June 2016, to show project 48 Bartram Road as a vehicle & pedestrian bridge in 2030/31 at an estimated cost of \$30M; and
- (3) inform the Atwell Community College local resident's groups, the community, and key stakeholders that it will continue to lobby the state government to achieve delivery of this project within the timeline.

CARRIED 6/1

Reason for Decision

The Main Roads WA has indicated that the project will not be funded before the 2030 horizon and perhaps not even in the 2050 plan.

It is not our intention that we reduce the road network infrastructure that should be financed by Main Roads WA but rather that we move ahead with the foot bridge in the mean-time.

The other reason is that we should also take every opportunity to lobby Main Roads to build this bridge as a matter of urgency. It is not just the future that needs it, the City that needs this now.

Background

At the Ordinary Council Meeting held 25 August 2016, Council moved that the item be deferred until the September Ordinary Council Meeting to further allow this matter to be considered.

At the Ordinary Council Meeting held 14 July 2016, Cr Portelli provided the following Notice of Motion:

“Receive a report for the August 2016 Ordinary Meeting of Council on the reasoning for the administrative recommendation adopted by Council at the Special Council meeting held on 23 June 2016 where the 2016/2017 budget was adopted whereby the proposed Bartram Road bridge be downgraded from a vehicular bridge to a pedestrian/cyclist bridge.

The report to include:

1. *The extent of consultation with Main Roads WA and who is ultimately responsible for delivering the bridge in whatever format.*



2. *The indicative costs involved (for both options) and the community engagement process that will be adopted with ratepayers/residents in Atwell and Success to explain the change.”*

Submission

N/A

Report

Background

As part of the revision of the Strategic Community Plan 2016-2026, the Corporate Business Plan 2016/17-2019/20 and the Long Term Financial Plan 2016/17-2025/26, City officers reviewed and updated the Regional and Major Road Works Plan 2016-2030. A copy is provided for reference as Attachment 1.

The section of Bartram Road Reserve extending over and covering either side of the Kwinana Freeway is designated under the MRS as a Primary Regional Road and hence the responsibility of the State through Main Roads Western Australia (MRWA). A Location Map is provided as Attachment 2.

Historically, the original planning for Atwell included a road connection across the Kwinana Freeway at Bartram Road. This was intended to provide for bus, car and pedestrian use. Correspondence from the Departments of Planning in 1995 (Attachment 3) shows an indicative structure plan for this area. However, when this planning was undertaken there was no contemplation of there being bus/train interchanges at Russell Road, or of the road connectivity required to service that station. As can be seen, there has been a considerable change to this area from what was first envisaged as the probable landscape.

Correspondence from the MRWA received October and November 1999 and Minister for Transport received May 2000 (Attachment 4),, also demonstrates how the State continues to review its network and reschedule (defer) projects to future timescales. In this case the advice received showed the earliest the bridge would be considered was a decade later in 2011.

The South Western Metropolitan Railway Master plan (released April 2000) showed an indicative station at Aubin Grove (Success), however, it wasn't until 2012 that the then Minister for Transport announced \$80M in funding for the project. At that time, this did not include the duplication of Russell Road, something that the City had advised was critical if congestion problems, similar to Cockburn



Station, were to be avoided. Successful lobbying by the City saw an additional \$38M allocated for that part of the project announced in the 2015 State Budget.

With the duplication of Russell Road and the City also advocating for construction of the North Lake / Armadale Road Bridge, as part of its *Community Connect South* initiative; the need for another bridge at Bartram road did not feature in MRWA's network planning.

The City's staff look for guidance on what projects MRWA is proposing in documents, such as Directions 2031, however, the specific details for which projects are to be delivered can only be found in their four year plan, Infrastructure Delivery Plan (last published February 2016). The Bartram Road bridge does not appear in either of these documents.

Until the release of the Perth and Peel @3.5 Million Transport Plan, there has not been a published long-term asset plan from MRWA. This document has time horizons of 2031 and 2050, but within these horizons there are no specific dates for any of the individual projects listed.

MRWA Network Planning

With the duplication of the Russell Road Bridge and planning for of the North Lake / Armadale Road bridge, the MRWA network planning does not foresee a need for the Bartram Road bridge. MRWA wants to see how the traffic flows develop in the years to come around the Cockburn Central area including the proposals for connector/distributor roads along the Freeway.

On 22 July 2016, City officers met with MRWA staff and made representation that the project should be included in the Perth and Peel @3.5 Million Plan, at the least within the 2050 planning horizon; with traffic modelling of the link included. Advice at that time was that the bridge was not contemplated by MRWA, with this being formally confirmed in the release of that plan on 29 July 2016. MRWA do not foresee this connection is needed up to 2050 and possibly beyond that date.

In terms of project delivery, the extent of the MRS Primary Regional Road boundary is such that the proposed bridge and its immediate environs (that is, the section of road either side of the bridge to link to the local road network) would be the responsibility of the Main Roads WA to deliver and fund. However, MRWA does not usually object if local governments want to fund this infrastructure without the State having to contribute.



The approximate cost of a single lane bridge and associated road sections would be of the order of \$25M - \$30M, based on recent works being carried out for bridge projects managed by the Main Roads WA at Beeliar Drive (Armadale Road) and Russell Road. This order of magnitude of funding is beyond the City's means and external funding from either State or Federal funds would be required to construct the bridge.

The City's Regional and Major Road works Plan has a 2030 horizon (i.e. medium term). Rather than remove the project from the plan entirely, City officers included the pedestrian/cyclist bridge as a link between the communities on either side of the Freeway, similar to the pedestrian/cyclist bridges over the Leach Highway and the Tonkin Highway. External funding would still be required to deliver such an option from either State or Federal programs.

The cost of the pedestrian link has been estimated at \$8M; this estimate is based on similar structures and is not derived from a detailed design. MRWA have indicated that they would potentially allow the pedestrian bridge to be constructed, though entirely at the City's cost.

Advice to Community

As the road reservation is not impacted, the City can resurrect the Bartram Road bridge concept at a future date. However, along with many projects shown as potential future roads, such as the Cockburn Coastal Highway, the reality is that they may never be needed or constructed.

The primary focus for the City has been about creating the strategic road links at Russell Road and North Lake / Armadale Roads. With the former project being delivered now, lobbying for the other project will continue through the forthcoming State election.

The best advice that could be given to the community would be to present on the City's road projects to the local resident groups. As the primary beneficiary of a connection is the community of Atwell, this group should be approached first.

Strategic Plan/Policy Implications

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres
- Identify gaps and take action toward extending the coverage of the cycle way, footpath and trails network



- Improve connectivity of transport infrastructure
- Advocate for improvements to public transport, especially bus transport

Budget/Financial Implications

The indicative cost estimates in this report of the two bridge options are based on the unit rates per square metre currently used by the Main Roads WA and current MRWA construction projects. It is not proposed that the City fund either bridge option.

Legal Implications

N/A

Community Consultation

In accordance with the City's community engagement framework, details of known projects are communicated to resident's groups and the community at large. There is no specific project to be communicated, so broad scale advertising is not recommended. It would be better to present on the traffic network issue at a future meeting of the Atwell and Success Resident Associations, starting with the former.

Risk Management Implications

There are no specific risks associated with this item.

Attachment(s)

1. Regional and Major Road Works Plan 2016-2030
2. Location Map
3. Letter from Department of Planning received 27 Nov 95
4. Letters from MRWA Oct and Nov 99 and Minister for Transport May 2000

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



CLR STEVE PORTELLI RETURNED TO THE MEETING THE TIME BEING 8.23 PM.

THE PRESIDING MEMBER ADVISED CLR PORTELLI OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5892) (OCM 8/9/2016) - DRAFT CITY OF COCKBURN COASTAL ACTIVITIES GUIDE (036/004) (T MOORE) (ATTACH)

RECOMMENDATION
That Council

- (1) receives the community feedback report on the Draft City of Cockburn Coastal Activities Guide as per Attachment 1; and
- (2) adopts the Draft City of Cockburn Coastal Activities Guide as per Attachment 2.

COUNCIL DECISION
MOVED Clr L Sweetman SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 8/0

Background

The City is responsible for the management of 15km of coastline within the City's boundaries including the beach and an area 200m from the low watermark. With the increasing population on the coastal hinterland there has been a greatly increased usage of the coastal areas by the general public. There have also been a number of approaches by business seeking to set up on the coast. The nature of some of these businesses is that they impact on other beaches users, for example kite surfing whereas others such as standup paddle board are far more benign. This plan provides a rational guide to where various types of activities can take place safely while maximizing the amenity of other beach users.

To ensure the effective management of this area the City of Cockburn Coastal Activities Guide has been prepared which outlines the



parameters by which activities are permitted to occur along the coastline.

A copy of the draft City of Cockburn Coastal Activities Guide (*Attachment 1*) was provided to Elected Members in July 2016 and was subsequently advertised to the community for a 28 day period of public comment during July/August.

Submission

N/A

Report

As part of a comprehensive public consultation process, local residents and key stakeholders were invited through, email, newspaper advertisements, social media and the City's website to go to Cockburn Comment and respond to a series of questions in relation to the Draft City of Cockburn Coastal Activities Guide.

In total, 77 submissions were received during the public comment period.

The survey asked a total of 8 questions, with 4 questions relating to activities which people undertake at the beach and the remaining 4 questions specific to the contents of the draft Guide.

A summary of the key responses received is outlined in *Attachment 2*.

Largely, the responses received indicate a level of support for the proposed management controls included within the Draft Guide.

The City of Cockburn Coastal Activities Guide aims to outline the framework by which the City manages the activities which are permitted to occur along the coastline.

The Guide has been informed by the Department of Transport South Metro Aquatic Use Review which was recently gazetted in May 2016. The Review considered coastline from Fremantle to Mandurah and considered issues such as boat speeds and designated areas for activities such as water skiing.

The Draft City of Cockburn Coastal Activities Guide categorises activities into the following:

- High Impact
- Medium Impact
- Low Impact



These categories have then determined the types of controls proposed to be implemented in effectively managing the various activities occurring along the coastline.

These controls include designated exclusion and activity zones, signage and the development of an information brochure.

In summary, given the level of support received for the Draft Guide, it is recommended that Council endorse the Draft City of Cockburn Coastal Activities Guide as per *Attachment 1*.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner
- Provide safe places and activities for residents and visitors to relax and socialise
- Create and maintain recreational, social and sports facilities and regional open space

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health

Budget/Financial Implications

The implementation of the various management measures such as signage and brochure development are estimated to be approximately \$7,000.

It is proposed that these costs will be absorbed within the existing 2016/17 City of Cockburn budgets.

Legal Implications

The City of Cockburn Coastal Activities Guide has no statutory authority but never the less it provides a basis on which decisions can be based.

Community Consultation

A comprehensive community consultation process was undertaken whereby the community was invited to provide feedback on the draft



Guide over a 28 day period of public comment in from Friday 22 July until Friday, 19 August 2016.

This process included:

- Direct mail-out to key stakeholders
- Website Local newspapers
- Social media.

From this process, 77 submissions were received during the public comment period.

Risk Management Implications

A number of the activities identified as high risk, have the potential to cause injury to participants unless suitable controls are put in place.

The Draft City of Cockburn Coastal Activities Guide outlines a number of controls to limit the potential for injury i.e. exclusion zones, signage and printed educational materials.

Should the Guide not be supported, the above controls would not be implemented, and therefore the risk of injury would remain high.

Attachment(s)

1. Draft City of Cockburn Coastal Activities Guide.
2. Summary of Community feedback received.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.2 (MINUTE NO 5893) (OCM 8/9/2016) - DOG EXERCISE AREAS AND DOG PROHIBITED AREAS (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council in accordance with amendments to Section 31 of the *Dog Act 1976* advertise for public comment for a period of no less than 28 days.

(1) The following current dog off leads exercise areas:

1. Reserve 44060 – 59 Bibra Drive, Bibra Lake - Lot 50



- Bibra Drive, Bibra Lake.
2. Southwell Park – 56 Southwell Crescent, Hamilton Hill - Lots 146, 210 and 518 Southwell Crescent, Hamilton Hill.
 3. Bavich Park – 4 MacMorris Way, Spearwood - Lot 61 and 112 MacMorris Way, Spearwood.
 4. Macfaull Park -60 Fallstaff Crescent, Spearwood - Lots 1, 54 and 113 Falstaff Crescent, Spearwood - Lots 69 and 116 Melun Street, Spearwood - Lot 23 Pomfret Road, Spearwood.
 5. Catherine Point Reserve – Part Lot 2161 McTaggart Cove, North Coogee extending approximately 250 metres southwards from Reserve 24787.
 6. Ferres Reserve - Reserve 37783 – 16 Lachlan Way, Bibra Lake - Lot 2981 Lachlan Way, Bibra Lake.
 7. Ramsay Park - Reserve 35933 – 77 Parkway Road, Bibra Lake - Lot 493 Parkway Road, Bibra Lake.
 8. Powell Reserve - Reserve 38676 – 14 Parakeet Way, Coogee - Lot 2771 Parakeet Way, Coogee.
 9. Mamillius Park - Reserve 38760 – 2 Mamillius Street, Coolbellup - Lot 2777 Mamillius Park, Coolbellup.
 10. Rinaldo Park - Reserve 30992 – 32 Rinaldo Crescent, Coolbellup - Lot 2194 Rinaldo Crescent, Coolbellup.
 11. Jarvis Park - Reserve 38587 – 2 Hawkes Street, Coolbellup - Lot 2759 Hawkes Street, Coolbellup.
 12. Dixon Park - Reserve 24550 – 9 Starling Street, Hamilton Hill - Lot 4381 Starling Street, Hamilton Hill.
 13. Reserve 26337 – Lot 1975 Hyam Street, Hamilton Hill and Reserve 27960 – Lot 2075 Wheeler Road, Hamilton Hill.
 14. Isted Reserve - Reserve 32870 – 1 Isted Ave, Hamilton Hill - Lot 2310 Isted Ave, Hamilton Hill.
 15. Monaco Park - Reserve 36349 – 10 Palmerose Court, North Lake - Lot 2595 Palmerose Court, North Lake.



16. Bassett Reserve - Reserve 38463 – 19 Rossetti Court, North Lake - Lot 2745 Rossetti Drive, North Lake.
17. Bishop Park - Reserve 35232 – 9 Huxley Place, Spearwood - Lot 2518 Huxley Place, Spearwood.
18. Hagan Park - Reserve 35541- Lot 2518 Fenimore Avenue, Munster.
19. Glen Mia - Reserve 39554 – Lot 2851 Glenbawn Drive, South Lake.
20. Matilda Birkett Reserve - Reserve 39817 – 14 Whitmore Place, Coolbellup - Lot 2881 Whitmore Place, Coolbellup.
21. Levi Park - Reserve 39774 – 97 Plover Drive, Yangebup - Lot 585 Plover Drive, Yangebup.
22. CY O'Connor Reserve - Reserve 24787 – Lot 1957 McTaggart Cove, North Coogee (westwards from the breakwater for approximately 700 metres).
23. Purslane Park - Reserve 48290 – 22 Charnley Bend, Success - Lot 50 Charnley Bend Success, Reserve 49069 – Lot 457 Russell Road, Success and Part Reserve 2054 - Lot 457 Russell Road, Success.
24. Pipeline Reserve - Reserve 45990 – 150 Brenchley Drive, Atwell - Lot 776 Brenchley Drive, Atwell and Reserve 44875 – Lot 711 Folland Parade, Atwell.
25. Hargreaves Park – Reserve 29602 – Lot 2141 Hargreaves Road, Coolbellup.
26. Yarra Vista Park – Reserve 45308 – 83 Dean Road, Jandakot - Lot 703 Dean Road, Jandakot.
27. Jubilee Park – Reserve 42975 – 5 Jubilee Ave, Success - Lot 651 Jubilee Ave, Success.
28. Steiner Park – Reserve 45917 – 24 Steiner Ave, Success - Lot 4542 Steiner Ave, Success.
29. Srdarov Reserve – Reserve 27968 – 10 Miro Street, Wattleup - Lot 2076 Miro Street, Wattleup.
30. Jerviose Bay Cove, Coogee (Woodman Point, southern beach).



- (2) the following proposed new dog exercise areas:
1. Hobbs Park - Reserve 37399 – Lot 2651 Longson Street, Hamilton Hill.
 2. Princeton Park - Reserve 49085 – Lot 204 Princeton Circuit, Aubin Grove.
 3. SEC Transmission Line – Property 5514414- Lot 50 South Lake Drive, South Lake.
 4. Milgun Reserve – Reserve 40452 – Lot 591 Yangebup Road, Yangebup.
 5. Costa Park – Reserve 48066 – Lot 320 Bluebush Ave, Beeliar.
- (3) the following reserve be declared a dogs prohibited area:
1. Ngarkal Beach - Reserve 51313 – 25 Medina Parade, North Coogee. Lot 8029 Medina Parade, North Coogee.

COUNCIL DECISION

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

CARRIED 8/0

Background

Establishment of dog exercise areas or prohibition of dogs absolutely from areas was previously dealt with in Local Laws following the process set under section 3.12 of the *Local Government Act 1995*. The amendment to the *Dog Act 1976*, saw Section 31 of the *Dog Act 1976* being amended to permit a Local Government to make an absolute majority decision to specify dog exercise areas and places where dogs are prohibited.

As for now, if Council wish to establish exercise areas or specify places where dogs are prohibited, Council must now do so via a council resolution (by absolute majority) in accordance with amended section 31 of the *Dog Act 1976* rather than through a Local Law. In this



process Council are required to give 28 days' notice of the intention to specify dog prohibited areas or dog exercise areas. Once resolution has passed, the public should be informed via appropriate signage in relevant places, website and noticeboards.

Submission

N/A

Report

Amendments to Local Laws related to dogs were previously covered by Section 3.12 of the *Local Government Act 1995* which required extensive advertising and Ministerial approval. The regulations have been amended such that matters related to the control of dogs are no longer in local laws but instead powers are provided to Council under the *Dog Act 1976* to make amendments. The *Dog Act 1976* requires that Council decisions are by absolute majority for these dog related matters.

As most of the reserves in the City that allow dogs off leads or where dogs are not permitted on a reserve are still embedded in the City of Cockburn Local laws. These designated areas need to be reconsidered by Council advertised for public comment for 28 days then reconsidered by Council for determination to comply with the *Dog Act 1976*.

There are several suburbs in the City that have no or a limited number of dogs off leads exercise areas. It is proposed that Council consider additional dog exercise areas for these suburbs at this time.

The current dogs off leads reserves within the City of Cockburn are as follows:

1. Reserve 44060 Bibra Drive, Bibra Lake:
2. Lots 146, 210 and 518 Southwell Crescent, Hamilton Hill.
3. Macfaull Park
 - Lots 60 and 112 MacMorris Way, Spearwood Lots 54, 67 and 113 Falstaff Crescent, Spearwood
 - Lots 23, 69 and 116 Melun Street, Spearwood
 - Lot 124 Pomfret Road, Spearwood
4. Part Lot 2161 McTaggart Cove, North Coogee extending approximately 250metres southwards from Reserve 24787 (Catherine Point Reserve).



5. Reserve 37783 Lachlan Way, Bibra Lake (known as Ferris Park).
6. Reserve 35933 Parkway Road, Bibra Lake (known as Ramsay Park).
7. Reserve 38676 Amity Boulevard, Coogee (known as Powell Reserve).
8. Reserve 38760 Archidamus Road, Coolbellup (known as Hargreaves Park).
9. Reserve 30992 Rinaldo Crescent, Coolbellup (Rinaldo Park).
10. Reserve 38587 Simons Street, Coolbellup (known as Jarvis Park).
11. Reserve 24550 Hurford Street, Hamilton Hill (known as Dixon Park).
12. Reserve 26337 and 27960 Hyam Street, Hamilton Hill.
13. Reserve 32870 Packham Road, Hamilton Hill (known as Isted Reserve).
14. Reserve 97996 Arnold Crescent, North Lake (known as Monaco Park).
15. Reserve 38463 Progress Drive, North Lake (known as Bassett Reserve).
16. Reserve 35232 Huxley Place, Spearwood (known as Bishop Park).
17. Reserve 35541 Fenimore Avenue, Munster (known as Hagan Park).
18. Reserve 395554 Glenbawn Drive, South Lake (known as Glen Mia Park).
19. Reserve 39817 Wella Court, Coolbellup (known as Matilda Birkett Reserve).
20. Reserve 39774 Plave Drive, Yangebup (known as Levi Park.)
21. Reserve 27968 Miro Street, Wattleup (known as Srdarov Reserve).



22. Reserve 24787 Cnr McTaggart Cove and Robb Road, North Coogee (Caterine Point Reserve) northward from the breakwater for approximately 700 metres.
23. Reserve 48290, Reserve 49069 and Part Reserve 2054 corner Hammond Road and Russell Road, Success (known as Purslane Park).
24. Reserve 45990 and Reserve 44875 Brenchley Drive, Atwell (Pipeline Reserve).

Given that Reserve 27968 in Miro Street Wattleup, (known as Srdarov Reserve) is within the latitude 32 industrial area with no nearby residents, it is proposed that this be taken off the list of dogs off leads exercise areas.

As can be seen from the above list and the plan attached to the agenda there are no or few dogs off leads areas in the following areas:

1. Northern portion of Hamilton Hill
2. Aubin Grove
3. Yangebup
4. South Lake
5. Beeliar
6. Hammond Park

A review of all the parks in these suburbs has been undertaken. It is proposed that a community consultation be put in place seeking comment on the following reserves to be designated as dogs off leads areas:

1. Hobbs Park reserve 37399
The Hamilton Hill Community Association has requested that Enright Reserve be designated a dogs off leads area. This Reserve is however used for Softball and cricket which use clashes with dogs off leads as owners do not always remove dog faeces. A more suitable alternative is nearby Hobbs Reserve as it has water, trees and good exposure from Stock Road.
2. Princeton Park Reserve 49085
There are very few parks in Aubin Grove that are not used for active sports, have other community use infrastructure such as barbecues and play equipment. Other pocket parks are of insufficient size for a 'dogs off leads' exercise area. Princeton Park is small at 0.41hectares but the best of the parks available in the area for a 'dogs off leads' exercise area. It is proposed that this park be designated as a dogs off leads exercise area and be considered as a site for a future fenced dog exercise area.



3. Milgun Reserve 40452
The area is in effect an extension of the Perena Rocchi Reserve which has some sensitive wetland areas and housing close by. Milgun Reserve is on the south side of Yangebup Road with a large grassed area that would be most suitable for a future fenced dog exercise area. A proposal for a fenced dog exercise area on Milgun reserve will be considered by Council at another time.
4. Berrigan Lake Reserve/Transmission Lines (Property 5514414-Lot 50 South Lake Drive, South Lake).
There is a long reserve under the transmission lines that runs from Elderberry Drive down to South Lake Drive in South Lake that is grassed and very suitable as a dogs off lead exercise area for South Lake. A petition signed by 350 people has requested an additional 'dogs off leads' exercise area to Glen Mia Park be provided in South Lake. The area proposed under the power lines is in general agreement with the request.
5. Costa Park (Reserve 48066).
Beeliar Reserve is the only large reserve in the suburb of Beeliar; however, it is the main active reserve for the area and is also shared with the primary school so is unsuitable for a 'dogs off leads' exercise area. Costa Park is quite small but the only reserve in the area that is at all suitable as a 'dogs off leads' exercise area. In the future it could become a fenced dog exercise area.

The proposal on the Council agenda to have a fenced dog exercise area on Jan Hammond Reserve in Hammond Park will address the immediate need in this suburb.

There are several areas where dogs are currently not allowed in the City of Cockburn Local Laws:

1. Portion of Coogee Beach Reserve 24306, Reserve 46664 and adjoin beaches and the Coogee Jetty.
2. Part lot 1261 McTaggart Cove, North Coogee and reserve 43701 Robb Road, North Coogee, being the area of reclaimed beach extending approximately 400 metres northwards from Caledonia Loop.

The Council decision on the matter of Coogee Beach Reserve of the 14 July 2016 was in compliance with the new regulations and does not require reconsideration.



It is proposed that the prohibition of dogs as described in 2 above be lifted and the default position will then be that dogs will be permitted on leads in this area. This will allow persons to park their cars in the carpark on Caledonia Loop and walk their dogs along the beach on a lead until they reach the dogs off leads beach area north of the power station groyne. A number of people have illegally been walking their dogs on a lead or have the dogs off lead on this section of beach to get to the dogs off lead beach area further north.

It is proposed that a new dog prohibited area be established on Ngarkal Beach Reserve 51313 which is a very popular family picnic and protected beach area within the Port Coogee development.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide safe places and activities for residents and visitors to relax and socialise.
- Create and maintain recreational, social and sports facilities and regional open space.

Leading & Listening

- Listen to and engage with our residents, business community and ratepayers with greater use of social media.

Budget/Financial Implications

Costs for any actions related to this item are minor and can be covered within existing budget allocations.

Legal Implications

Section 31 of the *Dog Act 1976* requires the Council of the City of Cockburn to consider matters related to the control of dogs in the district.

The *Disability Discrimination Act 1992* (Commonwealth) section 9 (2) provides that assistance animals are exempt from these Council resolutions on dogs.

Community Consultation

There is no change to the majority of reserves that are considered in this agenda items related to dogs. Those reserves where the status quo is maintained will be advertised through the local media and on the City website. The following reserves where there will be a change to



the status quo will be advertised in the media and signs will be erected on the site to advertise of the proposed change:

- Hobbs Park Reserve 37399
- Princeton Park Reserve 49085
- Milgun Reserve 40452
- Berrigan Lake Reserve/Transmission Lines
- Costa Park

Risk Management Implications

Failure to adopt the recommendation will create a compliance risk in accordance with section 31 of the *Dog Act 1976* advertising provisions. This will ultimately leave all dog exercise areas and prohibited areas inoperative, as all the clauses which establish dog exercise areas, or prohibit dogs absolutely from areas contained in our local laws will be inoperative.

Attachment(s)

Copies of maps of the following parks:

1. Hobbs Park
2. Princeton Park
3. SEC Transmission Line
4. Milgun Reserve
5. Costa Park
6. Ngarkal Beach
7. Dog Exercise Area

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.3 (MINUTE NO 5894) (OCM 8/9/2016) - FENCED DOG EXERCISE AREA (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) approves the construction of a fenced dog exercise area in 2016/17; on a portion of Jan Hammond Park, Success (Reserve 46857);



- (2) advise the Coogee Beach Progress Association and the general community that Council will not proceed with the development of a fenced dog exercise area on Powell Reserve, Coogee; and
- (3) consider a fenced dog exercise area as part of the Manning Park Master Plan being developed in 2016/17.

TO BE CARRIED BY AN ABSOLUTE MAJORITY

COUNCIL DECISION

MOVED Cllr L Sweetman SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its meeting of 10 March 2016 resolved as follows:

- (1) *seek public comment on the establishment of a dog park on the areas identified in the attached plans for the following parks:*
 1. *Jan Hammond Reserve, Success*
 2. *Powell Reserve, Coogee*
- (2) *provide the results of the public comment received to Council for determination of a location(s) for an enclosed dog park(s) during the budget deliberations for 2016/17;*
- (3) *allocate \$80,000 in the 2016/17 budget for consideration of an enclosed dog park;*
- (4) *require potential areas to be identified for a dog park to be established for the following parks:*
 1. *Perena Rocchi Reserve, Yangebup*
 2. *Manning Park, Hamilton Hill*
- (5) *provide plans identifying the potential areas for a dog park in these reserves back to Council for further consideration; and*



- (6) *consider the allocation of funding for identified dog parks in the Long Term Financial Plan and future budgets.*

To allow the development of the fenced dog exercise area this report has been brought to Council on the results of the community consultation to allow the first fenced dog exercise area to be developed.

Submission

N/A

Report

Currently the City of Cockburn has a fenced dog exercise area at Yarra Vista Park in Jandakot that includes specific areas for small and large dogs. The park is well utilised and the public feedback has generally been very positive from the dog owners who use the facility because it provides a safe environment for dogs and assists owners to keep their dogs within the designated dog exercise area.

In new residential areas there are a limited number of reserves that are suitable for dog off lead exercise areas for a number of reasons including being too small, used as active sporting fields and having high conservation values. Fenced dog exercise areas are a good option in these new residential areas with limited suitable reserves.

Powell Reserve

Powell Reserve (R 38676) is on the corner of Amity Boulevard and Parakeet Way and Cockburn Road in Coogee. This reserve is already a dog exercise area.

In response to the community consultation process there was a total 113 submissions with 92 of the submissions coming from the following suburbs:

Coogee	66
Beeliar.....	11
Spearwood.....	7
Hammond Park.....	4
Munster.....	4

Out of the 113 submissions received on the matter of a fenced dog exercise area on Powell reserve:

- 33 submissions supported a fenced dog exercise area on Powell Reserve.
- 75 submissions did not support a fenced dog exercise area on Powell Reserve.
- 5 submissions maybe supported a fenced dog exercise area on Powell Reserve.

Jan Hammond Park

Jan Hammond Park (Reserve 46857) is surrounded by Bartram and Banning Roads, Success.

There were a total of 69 submissions to the community consultation to establish a fenced dog exercise area on Jan Hammond Reserve, of these:

- 57 submissions supported a fenced dog exercise area on Jan Hammond Park.
- 11 submissions did not support a fenced dog exercise area on Jan Hammond Park.
- 1 submission maybe supported a fenced dog exercise area on Jan Hammond Park.

As a result of these consultation findings there appears to be general opposition to the placement of a fenced dog off leash area on Powell Reserve, Coogee however there is strong support for a dog off leash fenced area to be built at Jan Hammond Park, Success. It is proposed that outside of the fenced area dogs must remain on the lead as there is playground and picnic facilities on the reserve.

The recommendation therefore is that Council approve the development of a fenced dog off leash exercise area to be built at Jan Hammond Park, Success.

Council also resolved to consider fenced dog exercise areas on Manning Park in Spearwood and Perena Rocchi Reserve in Yangebup.

The Perena Pocchi Reserve has significant conservation areas and housing in close proximity whereas the abutting Milgun Reserve has a large area with a greater distance from housing. It is proposed that public comment be sort on a fenced dog exercise area on Milgun Reserve as per the attached indicative plan.

A master plan is being prepared for the future development of Manning Park and it is recommended that Council consider the location of a fenced dog exercise area within this plan.



Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services
- Provide safe places and activities for residents and visitors to relax and socialise

Budget/Financial Implications

\$80,000 has been allocated in the 2016-2017 for the development of the proposed fenced dog exercise area as approved by Council.

Legal Implications

Any parks and reserves declared as dog exercise areas require approval by absolute majority, from Council as specified within Section 31 of Dog Act 1976 (as mended) and Section 1.7 of the Local Government Act 1995.

Community Consultation

Advisory signage was placed on both parks beginning 9 May 2016, advising all park users, and nearby residents, of the proposed Dog Off Leads enclosed park areas.

Additional information was also placed on the City's website, Facebook page and the Community Development E-News publications during the period 10 May to 10 June, 2016.

Similar information was also listed in the Cockburn Gazette newspaper on 26 May 2016; informing City's residents of the proposals and directing them to a specific website address where any party could provide comment on the proposal www.comment@cockburn.wa.gov.au

The City 's Ranger Services area, sent mail to nearby residents in close proximity of both parks, informing residents of the proposals on offer which included an aerial map illustrating the location on these enclosed areas on the parks in question and an email link to list their support or objections to the proposal.

Risk Management Implications

There is community expectation that there be a range of options available for people to exercise their dogs. A fenced dog exercise area



is also a safe place for dogs and their owners as dogs cannot escape onto surrounding roads and conservation areas.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.4 (MINUTE NO 5895) (OCM 8/9/2016) - FREMANTLE HOCKEY CLUB AND MINOR SPORTS FACILITIES PROVISION ON LAKELANDS RESERVE, SOUTH LAKE CSRFF APPLICATION (154/003) (R AVARD)

RECOMMENDATION

That Council

- (1) submit an application to the State Government's *Community Sporting and Recreation Facilities Fund* (CSRFF) for the construction of club facilities for the Fremantle Hockey Club and minor sports and a Synthetic Hockey Turf on Lakelands Reserve, South Lake; and
- (2) contribute \$4,032,068 (ex. GST) from the Municipal Fund towards the construction of the facilities in (1) above should the CSRFF application be successful.

COUNCIL DECISION

MOVED C/r L Sweetman SECONDED C/r S Portelli that the recommendation be adopted.

CARRIED 8/0



Background

At the Ordinary Council Meeting of 10 March 2016 Council resolved as follows:

- (1) *endorse a joint National Stronger Regions Fund (NSRF) application with Hockey WA (HWA) for the construction of the Lakelands Reserve Synthetic Hockey Turf; and*
- (2) *endorse a contribution of \$3.5m from Council sources towards the construction of the proposed clubrooms at Lakelands Reserve, South Lake, comprising \$2.5m for minor sports and \$1m for hockey; to support the proposed relocation of the Fremantle Hockey Club (FHC) and minor sports to Lakelands Reserve.*
- (3) *encourage the Hockey Club to apply to the Department of Sport and Recreation for a grant for additional funding to support the capacity of the organisation in terms of strategic planning, business plan, policies and procedures and an operational budget.*

An NSRF joint application with Hockey WA was subsequently submitted on 15 March 2016; however, the outcome of that application is not likely to be known until late September 2016. To ensure the proposed project has the best possible chance of grant funding support it is necessary to prepare and submit applications for all available large grants in the event the NRSF application is not successful.

Furthermore, on 20 June 2016, the Australian Government announced a re-focus of the NSRF. The new fund, to be known as the *Building Better Regions Fund*, will be eligible only to regional, rural and remote Australia, therefore this project will be ineligible for funding from this pool in future, so the CSRFF is a necessary contingency plan.

The Department of Sport and Recreation funded a study into the strategic location of Hockey Infrastructure across Metropolitan Perth which included detailed analysis of the feasibility of the Fremantle Hockey Club moving to Lakelands Reserve. This superseded the requirement for the club to seek additional funding from the Department of Sport and Recreation as resolved by Council.

Submission

N/A



Report

An opportunity exists for the City of Cockburn to apply to the *Community Sporting and Recreation Facilities Fund* (CSRFF), administered by the Department of Sport and Recreation (DSR), for funding towards the construction of the Lakelands Reserve Synthetic Hockey Turf. Applications close on 16 September 2016.

To ensure that an application is submitted on time, and to be compliant, a decision of Council committing to the project is required. The previous financial commitment for the NSRF was less than that required for the CSRFF (\$3.5m rather than \$4.032m). Should the recently submitted NSRF application be successful, the CSRFF application will be reviewed.

The project budget for a CSRFF application would estimate the capital cost of the new facility at \$6.532m (ex. GST). This demonstrates a small increase on the overall budget submitted with the recent NSRF application (\$6.529m) due to DSR's mandated \$3,000 for project signage. A CSRFF application would propose the capital cost is shared among the City of Cockburn, Fremantle Hockey Club and DSR.

The construction of this synthetic turf facility, two grass fields and clubrooms at Lakelands Reserve and the FHC relocation would align with the stated objectives of Hockey WA, the City of Cockburn and FHC. The facility would also fill a key gap in the Department of Education's schools hockey program, providing a joint use facility in the south metropolitan area.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner
- Create and maintain recreational, social and sports facilities and regional open space
- Foster a greater sense of community identity by developing Cockburn Central as our regional centre whilst ensuring that there are sufficient local facilities across our community

Budget/Financial Implications

The independent cost estimates for the synthetic turf (\$2.87 million) and clubrooms and associated works (\$3.65 million) at Lakelands Reserve total \$6.53 million, with proposed contributions as follows:



CSRFF grant application.....	\$2 million
Fremantle Hockey Club	\$0.5 million
<u>City of Cockburn</u>	<u>\$4.03 million</u>
Total.....	\$6.53 million

It is proposed the City's contribution of \$4.032m is comprised of \$1.7m from Developer Contribution Plan (DCP) 13 funds and \$2.33m from municipal funds.

As the facility will be managed by the City, the minor sports intended for this reserve - cricket, ultimate frisbee, lacrosse and Gaelic football - as prescribed by the DCP 13 (adopted by Council) will be offered use of the reserve. This will ensure the DCP 13 contribution of \$1.7m for the project is forthcoming.

Funding for any further variations to the clubrooms or increases in functionality will be sought from Lotterywest.

Legal Implications

N/A

Community Consultation

The Fremantle Hockey Club has met previously with the Connecting South Lake Group, who is in support of the project. The Fremantle Hockey Club – Lakelands Reserve Master Plan has been developed in consultation with representatives of the Fremantle Hockey Club, Hockey WA, Department of Sport and Recreation, Department of Education and City of Cockburn.

Risk Management Implications

Should Council decide not to support the CSRFF application and the NSRF application turns out to be unsuccessful, Council may be required to contribute or source approximately \$6m in order for the project to proceed.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

Fremantle Hockey Club and Hockey WA have been advised this matter is to be considered at the Council Meeting to be held on 8 September 2016.



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

Nil

17.5 (MINUTE NO 5896) (OCM 8/9/2016) - ADOPTION OF CHILDREN AND FAMILIES STRATEGY 2016-2021 (021/015) (G BOWMAN) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the City of Cockburn Children and Families Strategy 2016-2021, as attached to the Agenda; and
- (2) include the financial requirements from the Strategy for consideration in future annual budgets and corporate planning documents.

COUNCIL DECISION

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

CARRIED 8/0

Background

In 2000 the City adopted its first Children's Strategic Plan which outlined community services, and identified current and future needs for children living within the Cockburn District.

In 2010 the Children's Plan 2010-2015 was reviewed and adopted by Council with actions contained in the report being implemented where resources were allocated.

Submission

N/A

Report

The City contracted AndMe consulting services to assist with review of the Children's Plan 2010-15.



This framework was also informed by the demographic trends, City of Cockburn Strategic Community Plan 2016, previous Children's Strategic Plans, an understanding of existing services and facilities as well as consultation with 1448 Cockburn children, families, residents and stakeholders.

Outcomes from these previous strategic planning processes were reviewed and include:

1. Building Bibra Lake Regional Playground; and regularly upgrading shade sails, and playgrounds across the district.
2. Providing the well-attended *Froggy's Fun on the Green* initiative with over 3200 parents and children attending per annum.
3. Delivering programs to support families of young children, such as Cockburn Early Years, Cockburn Family Support Service, *MyTime* and the *Family Dance* with over 3536 families attending per annum.
4. *Co-ordinating 409,710 hours of Child Care Service to over 528 families per annum.*
5. Coordinating a Children's Reference Group to involve children in planning and decision-making.
6. Developing an integrated service model at the Cockburn Health and Community facility.
7. Investing in the new early years collective impact initiative – *Connecting Community for Kids*.

The City's achievements attracted two key awards during this period:

- 2013 The Children's Environment & Health Local Government Report Card Project – Best in WA and winner of four category awards (Childcare design and placement, Smoke-free environment, Prevention of Disease and Child Health and Development)
- 2014 The Children's Environment & Health Report Card Project – Winner of the Childcare Centre Design and Placement category and three commendable awards (Aboriginal Child Health, Healthy Eating, Shade in Public Spaces).

Even though there are significant achievements the City needs to continue to strategically plan for its growing children and families demographic.

An examination of demographic data showed that approximately 3,500 additional children and their families will require services by the completion of the new plan and that a fifth of the current households in the City are couples with young children (under age 15). The data



showed that the number of Cockburn residents born overseas is increasing and approximately 3% of the population speak English not well or at all; this is backed up by anecdotal evidence from City staff who reported a sharp increase in the number of families from culturally and linguistically diverse (CALD) backgrounds accessing services. Recent Australian Early Development Census (AEDC) data revealed that whilst the majority (80%) of children starting school in Cockburn are on track there has been a significant increase in the number of children struggling with social competence. Children living in Coolbellup are currently the most vulnerable.

To inform the development of the strategy, the City spoke with and listened to 381 children, 1,027 parents/caregivers, 10 community groups, and 30 City staff.

Children told us that they enjoy playing with their friends and outdoor spaces and child-friendly facilities are important to them; they want them to be affordable, exciting and well-maintained. Caring for the environment is important to children, as is technology. Parents and caregivers also told us that outdoors spaces are important and they specifically want more nature playgrounds with improved shade, toilet facilities and fences. Parents and caregivers want safe, crime-free communities with a reduction in traffic congestion. They want communities that are connected, and that they can contribute to and want a greater focus on local spaces and events. Parents and caregivers also want better access to affordable, quality child care, including occasional care. Community groups informed us that isolation was a big issue for parents and highlighted particular children and families in the community who may need specific attention or support to access services or activities such as families from a Culturally and Linguistically Diverse Background.

The demographic data, background research and consultation information supported the development of the vision; outcomes; strategies and 65 actions.

Our vision for Cockburn is that children and families enjoy safe and equitable access to places, activities and support which enable them to thrive. We have identified four outcomes that we want to achieve in the City to move us towards this vision:

1. Cockburn has family-friendly facilities and environments which support healthy child development and family/community connectivity.
2. Children and families in Cockburn have access to services, programs, activities, and events that support their health, wellbeing, and quality family time.



3. Children and families in Cockburn are well-informed, valued, and involved in decision-making.
4. The City of Cockburn is informed of current and best practice research and collaborates effectively to identify and respond to the emerging needs of children and families.

A full implementation plan has been developed to achieve the four outcomes in the strategy with 65 actions and eight priority actions:

Top 8 Priority Actions

1. Investigate the development of a City-wide play space strategy (which includes planning for shade and toilet facilities)
2. Review the options for pre-school aged children during the school holidays.
3. Plan more collaboratively for City programs and events for children and families.
4. Provide more localised events that draw families and communities together
5. Advocate for a Multicultural Officer position at the City to address the unique needs of families from multicultural backgrounds
6. Develop a whole of community action plan to improve AEDC results in targeted suburbs.
7. Consult with children in the development of new play spaces
8. Continue provision of existing services for families including Children's Development, Early Years, Child Care, Cockburn Support Service, Children's Services, Financial Counselling and Library services

These priorities are reflected in an Implementation Plan which contains eight priority actions and a total of 65 actions. If adopted the Children and Families Strategy 2016-2021 will guide the City's considerations regarding the needs of children and families for the next five years. The actions will be reviewed annually with the next major strategy review scheduled for 2021.

Additionally, the City will continue to seek opportunities for the increased provision of its current services and programs to the Cockburn community into the future



Strategic Plan/Policy Implications

City Growth

- Maintain service levels across all programs and areas

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services

Leading & Listening

- Listen to and engage with our residents, business community and ratepayers with greater use of social media

Budget/Financial Implications

As contained in the plan, and in the attached Budget Implications Report. Over the five year period it is estimated that \$268,000 of additional municipal resources will be required to implement the Strategy actions listed below:

- Pop-up Nature Play activities
- Play Spaces Plan
- Pilot Street Play Program
- Children with disadvantage or disability subsidy for non-sporting activities
- Feasibility Study and program for Junior Blissco service for 6 to 9 year olds
- Pop up vulnerable children early years activities
- Additional children and family programs in Spearwood Library
- Family Week Event
- Harmony Week Event
- Additional weekly Froggy's Fun On the Green Play Session per term
- Family services customer satisfaction survey
- Multicultural families programs
- Early years AEDC targeted services

The other 52 actions contained within the plan can be undertaken within existing operational resources.

It is recommended that all actions which require additional Municipal resources be considered by Council through Council's strategic and annual budget process.

Legal Implications

N/A



Community Consultation

Extensive community consultation was undertaken with 381 children, 1,027 parents/caregivers, 10 community groups, and 30 City staff. A total of 1448 people were heard from.

Consultations to review the Children's Plan were undertaken between February and May, 2016. The approaches included on-line and hard copy surveys, presentations, workshops and focus groups.

A summary of the consultations undertaken is outlined in the table below.

Summary of consultations

Group	Method	Number	When
Children	Workshops (six held)	114	2016
	Art competition	98	2016
	Postcard	116	2016
	CRG survey	53	2015
	TOTAL	381	-
Parents/caregivers	Postcard	225	2016
	Online survey	137	2016
	Key questions in public spaces	179	2016
	Case studies	4	2016
	Focus groups (three held)	19	2016
	Individual correspondence	5	2016
	Facebook posts	32	2016
	Parent survey	431	2015
	TOTAL	1,027	-
Community groups or businesses	Meetings	2	2016
	Survey	8	2016
	TOTAL	10	-
City of Cockburn staff	Meetings (12 held)	30	2016
Total		1446	

Risk Management Implications

If the plan is adopted as recommended the financial implications for each of the actions contained in the Plan will need to be considered by Council in the relevant financial year and included in the Long Term Financial Plan.

If the plan is not adopted by Council the community and other stakeholders will be informed in accordance with the Community Engagement Policy and there will be an increased risk of reputation damage. If the Plan is not adopted by Council there is also a risk that the City will not allocate sufficient resources to accommodate the



needs of the significant children and families demographic into the future.

Attachment(s)

1. Draft Children and Families Strategy 2016-2021.
2. Budget Implications Report

Advice to Proponent(s)/Submissioners

Stakeholders consulted in the preparation of the Plan have been advised that this matter is to be considered at the September 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

19.1 (MINUTE NO 5897) (OCM 8/9/2016) - HUMPHREYS PARK SIGNAGE (146/004) (C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council

- (1) authorise the erection of two signs to identify Humphreys Park, Coolbellup on Hargreaves Road and Ebert Street, Coolbellup; and
- (2) authorise City officers to organise an appropriate event to mark the occasion.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0



Reason for Decision

The name 'Humphreys Park' was approved in 2013 and is located on the corner of Hargreaves Road and Ebert Street, Coolbellup (see diagram below). Humphreys Park remains the only park within the City without appropriate signage. This needs to be corrected immediately out of respect for the late Mr Laurie Humphreys JP (former Councillor) and his family.

Background

Mayor Howlett submitted the following Notice of Motion of which previous notice has been given for consideration at the Ordinary Council Meeting 8 September 2016.

RECOMMENDATION

That Council:

1. immediately erect two signs identifying Humphreys Park, Coolbellup;
2. place the signs on Hargreaves Road and Ebert Street, Coolbellup; and
3. organise an appropriate event to mark the occasion.



Submission

N/A

Report

City officers have investigated the recommendation and funds are available in the 2016/17 budget to erect the signage. The naming of the park is consistent with the City's Position Statement PSPD20 'Naming of Parks and Reserves', a copy of which is included for reference as attachment.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner.
- Create and maintain recreational, social and sports facilities and regional open space.

Budget/Financial Implications

The estimated cost of the signage is expected to be of the order of \$3000.00. Funds are available under budget item CW5773 City Wide Park Signs.

Legal Implications

While approval by the Minister for Lands is not required, Landgate must be advised of the naming of the park.

Community Consultation

The family of the late Mr Laurie Humphreys and the local community groups will be advised of the proposed signage and the event to mark the occasion of the naming of the park.

Risk Management Implications

Should Council not endorse the recommendation, a significant contributor to the local area will not be recognised which may lead to negative perception of Council in the local community.

Attachment(s)

Position Statement PSPD20 'Naming of Parks and Reserves'



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

19.2 (MINUTE NO 5898) (OCM 8/9/2016) - BRUSHFOOT BOULEVARD, SUCCESS RECLASSIFICATION (163/010 & 157/008) (C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council authorise City officers to make a submission to Main Roads WA for the reclassification of Brushfoot Boulevard Success from a Local Distributor to Access Road in the section from Caterpillar Road to Wentworth Parade.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Reason for Decision

At the Ordinary Council meeting held on 9 August 2012 the classification of Brushfoot Boulevard was changed from Access Road to Local Distributor. The result of this classification change has contributed to increased traffic flow that is impacting on the safety and amenity of residents in the locality. Drivers are also using this road as a through road and this needs to be discouraged.

Background

Mayor Howlett submitted the following Notice of Motion of which previous notice had been given for consideration at the 8 September 2016 Ordinary Meeting of Council.



RECOMMENDATION

That the classification of Brushfoot Boulevard (Road Number 1031684), Success be amended from Local Distributor to Access Road.

Submission

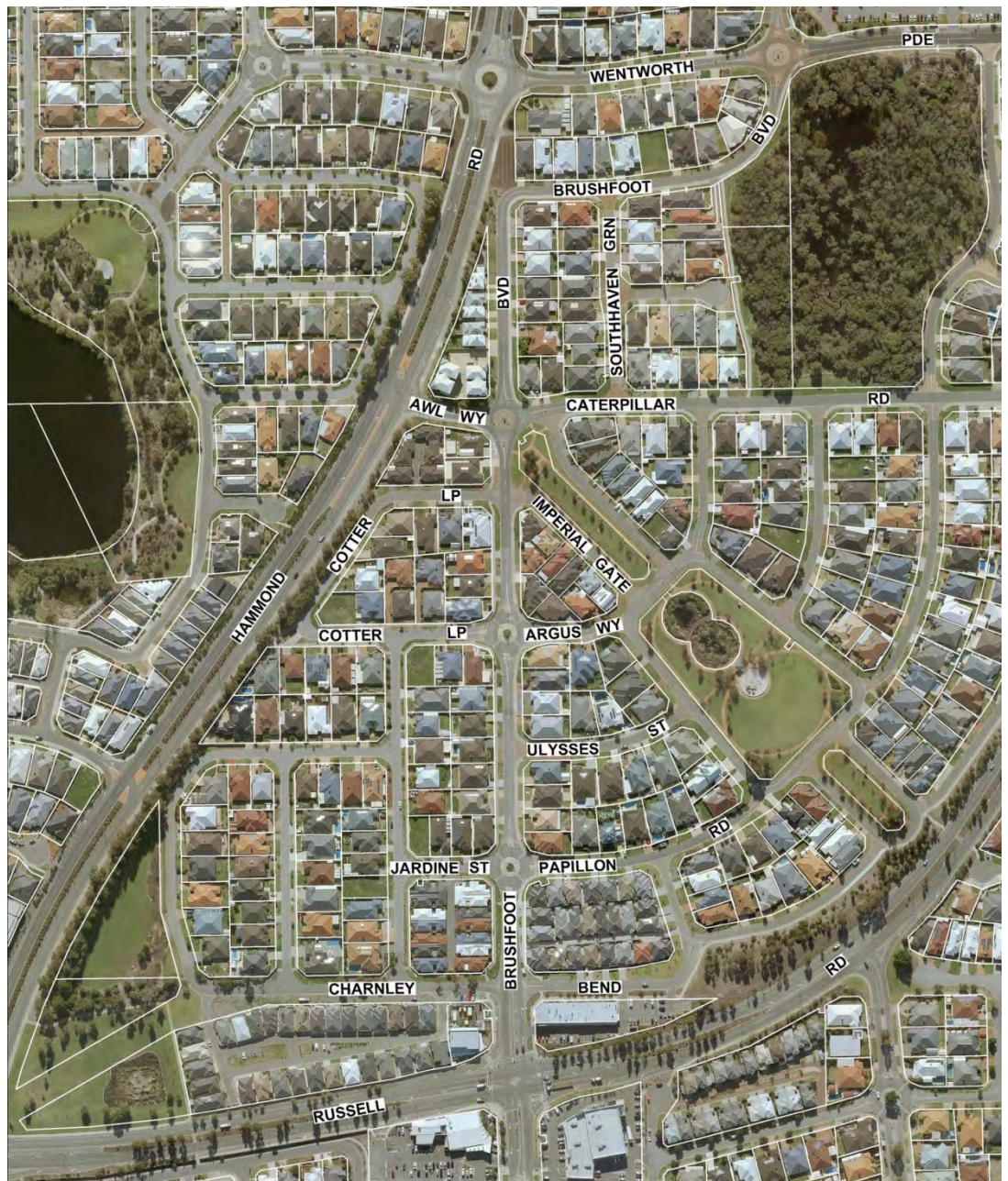
N/A

Report

Boulevard, Success had been classified as a Local Distributor in the general review of road classifications in the City approved by Council at the August 2012 Ordinary Meeting of Council (Agenda Item 16.3). The proposed classifications were subsequently approved by the Main Roads WA who has the jurisdiction on road hierarchy in Western Australia.

Since 2012, the introduction of the Aubin Grove Rail Station project has resulted in reassessment of the traffic movements in the local area. A traffic study was carried out by the Public Transport Authority as part of the Development Approval of the rail station project and the City carried out a number of speed/volume counts in the area bounded by Russel Road, Hammond Road and Wentworth Parade. The area is shown on the aerial photograph extract below:





The most recent traffic count on Brushfoot Boulevard in the section between Caterpillar Road and Wentworth Parade were in August 2016 and the result was an Average Weekday volume of 2361 vpd with an 85th percentile speed of 49 kph. The most recent count in the section between Caterpillar Road and Russell Road was also in August 2016 near the intersection with Jardine Street, which showed the AWD volume was 5177 vpd with an 85 percentile speed of 44 kph.

Clearly, excessive speeding is not indicated by the speed/volume counts so the other criteria including road function and safety must be considered. The section of Brushfoot Boulevard between Caterpillar Road and Wentworth Parade has been the subject of many resident complaints regarding speeding vehicles, motor cycles and pedestrian



safety. In the road hierarchy criteria, access roads in built up areas typically have an AWD count of less than 3000 vpd, which is consistent with the most recent traffic count.

The proximity of the two sharp bends close together in this section along with the narrow kerb to kerb dimension (under 6.0m) indicates the function of an access road rather than a distributor road. Recognising the intersection with Wentworth Parade at the north end of this section, this section of road serves a total of 31 properties with direct road frontage which is also consistent with an access road function.

The section of Brushfoot from Russell Road to Caterpillar Road has a traffic volume consistent with a local distributor road (up to 6000 vpd) and also provides a distribution function from Brushfoot Boulevard to the local streets to the east. This section of Brushfoot Boulevard provides a link from Russell Road to Hammond Road, which is the function that needs to be emphasised rather than the link from the Brushfoot/Caterpillar intersection to the Wentworth/Brushfoot intersection. This section of road has a kerb to kerb dimension of 7.5m which is also consistent with the function of a local distributor.

In summary, it would be appropriate to reclassify the section of Brushfoot Boulevard between Caterpillar Road and Wentworth Parade as an access road with the rest of Brushfoot Boulevard remaining as a Local Distributor.

Strategic Plan/Policy Implications

Moving Around

- Improve connectivity of transport infrastructure

Budget/Financial Implications

Nil. In 2016/17 but there may be future road improvements in future budgets for Brushfoot Boulevard.

Legal Implications

Nil

Community Consultation

Consultation must be carried out to inform the Success Residents Association and any other stakeholders of the proposed reclassification, pending approval by the Main Roads WA along with public notification in the usual media outlets utilised by the City.



Risk Management Implications

While the classification of a road in the road hierarchy has little or no impact on the actual use of the road by the different size vehicles and pedestrians, the classification allows the local authority to better plan road improvements or controls in the area. If Council endorses the recommendation in this report, safety improvements can be investigated along the section of Brushfoot Boulevard in question.

Attachment(s)

Main Roads WA Road Hierarchy for Western Australia – Road Types and Criteria.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

19.3 (MINUTE NO 5899) (OCM 8/9/2016) - BRUSHFOOT BOULEVARD TEMPORARY CLOSURE (163/010 & 157/008) (C SULLIVAN)

RECOMMENDATION

That Council

- (1) initiates a two stage review to the temporary closure of Brushfoot Boulevard at the intersection with Wentworth Parade which is carried out in the period from now until the time when the Aubin Grove Rail Station becomes operational after which the traffic movements in the local area will be reviewed and any further actions considered;
- (2) authorises the City officers to implement Stage 1 of the trial based on the closure of the left turn access into Brushfoot Boulevard from Wentworth Parade heading south at the existing roundabout, with the necessary direction and warning signage implemented based on an approved traffic management plan and public notification procedure in accordance with the Local Government Act 1995 as amended and the Road Traffic Act 2000 as amended;
- (3) before any further modifications are considered that would result in the complete closure of traffic access into and out of Brushfoot Boulevard from Wentworth Parade, detail modelling of the impact on waste collection services, land clearing and any other traffic redesign required to accommodate this change is



presented to the impacted community and Council; and

- (4) receives a report from City officers following the completion of the Aubin Grove Rail Station project on the traffic movements in the local area for further consideration on future actions or traffic safety measures.

COUNCIL DECISION

MOVED C/r S Portelli SECONDED C/r L Smith that the recommendation be adopted.

CARRIED 8/0

Background

Cr. Portelli raised a Notice of Motion to be considered at the 8 September Ordinary Meeting of Council as follows:

RECOMMENDATION

That Council:

- (1) *implements a two stage approach to the temporary closure of Brushfoot Boulevard at the intersection with Wentworth Parade which is carried out in the period from now until the time when the Aubin Grove Rail Station becomes operational after which the traffic movements in the local area will be reviewed and any further actions considered;*
- (2) *authorises the City officers to implement Stage 1 of the trial based on the closure of the left turn access into Brushfoot Boulevard from Wentworth Parade at the existing roundabout, with the necessary direction and warning signage implemented based on an approved traffic management plan and public notification procedure in accordance with the Local Government Act 1995 as amended and the Road Traffic Act 2000 as amended;*
- (3) *depending on the results of the Stage 1 trial on the traffic movements and safety along the northern sector of Brushfoot Boulevard after a reasonable trial period, authorises City officers to implement Stage 2 of the trial with the complete closure of traffic access into and out of Brushfoot Boulevard from Wentworth Parade; and*



- (4) receives a report from City officers following the completion of the Aubin Grove Rail Station project on the traffic movements in the local area for further consideration on future actions or traffic safety measures

REASON

The Aubin Grove Rail Station project at Success has reached the stage of the closure of Lamar Court at the intersection with Russell Road, as approved in the Development Application for the project. While the closure was publically advertised and signposted in the area by the PTA and advertised by the City, the closure on 26 August 2016 caused major concerns to be expressed by the residents of Brushfoot Boulevard and the Success Residents Association. Increased traffic on Brushfoot Boulevard and the associated safety concerns for pedestrians and property owners were cited at a meeting on 28 August 2016. The City has installed temporary traffic control signage to assist in managing the traffic flows but this is a short term activity prior to the opening of the rail station. The Council should look at the permanent closure of Brushfoot Boulevard at the intersection with Wentworth Parade to decrease the volume of traffic along Brushfoot Boulevard for the future, in particular the section between Wentworth Parade and Caterpillar Road which is a narrow pavement with a curvilinear alignment more suited for low traffic volumes and slow speed.

Submission

N/A

Report

The northern section of Brushfoot Boulevard, Success is shown on the extract of the aerial photograph below.





City officers have investigated the recommendation and reviewed the requirements of implementation under the current legislation for temporary closure, either partial or complete, of Brushfoot Boulevard at the intersection with Wentworth Parade. There are two aspects to consider, the procedural and the practical.

Under the Local Government Act 1995 (as amended), if a local authority decides to close a thoroughfare to vehicles either wholly or partially for a period exceeding four weeks then the following extract of from section 3.50 details the procedure:

- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
 - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
 - (b) give written notice to each person who —
 - (i) is prescribed for the purposes of this section;
 - or



- (ii) owns land that is prescribed for the purposes of this section; and
- (c) allow a reasonable time for submissions to be made and consider any submissions made.

The duration of a reasonable period of notice is not specified but precedent in the City has been two weeks. The legislation also requires the Commissioner of Main Roads to be notified who has final approval of the proposed closure, either partial or complete.

The practical requirements for a partial closure based on closing the movement south into Brushfoot Boulevard from Wentworth Parade are not difficult – signage on the approaches to the roundabout and temporary water filled barriers will implement the partial closure. An electronic message board would assist in the first few weeks to assist in driver understanding. The waste collection vehicle can still collect the bins from the properties on the west side of Brushfoot Boulevard and exit onto Wentworth Parade by turning left at the roundabout. This is Stage 1 of the temporary closure until the Aubin Grove Rail station comes into operation, which is expected to be February 2017.

The practical requirements for a full closure of Brushfoot Boulevard as noted in Stage 2 of the temporary closure (should it be necessary) are more difficult to implement. Apart from the impact on traffic movements, the waste vehicle would need to make a complete turn at the north end of Brushfoot Boulevard after collecting the bins from the properties on the western side opposite Boronia Park. Current safety practice for waste vehicles in the City is that all movements must be forward as reversing waste vehicles causes dangerous situations.

A turning circle of 18m diameter is required for the waste collection vehicles. A temporary pavement area would have to be constructed adjacent to the existing pavement to allow for this movement, which would encroach into Boronia Park. Boronia Park is owned by the State of WA, with a Management Order in favour of the City. Any such temporary works would need to be removed and the area reinstated at the end of the trial. There are no underground services on the western side of Boronia Park. While no cost estimate has been carried out on such temporary works, the cost would be substantial. Some nearby vegetation may also be impacted.

In summary, the partial temporary closure of Brushfoot Boulevard at the intersection with Wentworth Parade can be implemented rapidly and at small cost providing the assent of the Commissioner of Main Roads is obtained. Temporary full closure would be more expensive and have more repercussions on local traffic movements, should it become necessary depending on the reassessment of traffic movements after the rail station project is completed.



Strategic Plan/Policy Implications

Moving Around

- Improve connectivity of transport infrastructure.

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner.

Budget/Financial Implications

The temporary closure of the left turn lane into Brushfoot Boulevard from Wentworth Parade is expected to cost about \$3000.00 for the barriers, signage and the necessary advertising and consultation. Funds are available in the Roads maintenance budget in 2016/17 for such purpose. The temporary full closure of Brushfoot Boulevard at this location would be more expensive and subject to a future cost estimate, should the closure be necessary post rail station opening.

Legal Implications

The temporary closure (full or partial) of a public road must be carried out in accordance with the requirements of the Local Government Act 1995 (as amended) section 3.50 and the Road Traffic Act 2000 (as amended).

Community Consultation

Public advertisement in both electronic and newspaper outlets is required along with notification to the emergency services, WA Police and the Main Roads WA.

Risk Management Implications

While the risk cannot be quantified at this time, if Council does not endorse the recommendation then the resident concerns will continue. Anecdotal evidence from local residents suggests a higher number of crashes than has been reported in the past at this location.

Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

20 (OCM 8/9/2016) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

20.1 Mayor Howlett requests:

That Council develop a series of business forums that provide for the flow of information between the City, small to medium enterprises and Industry.

REASON

The proposed business forums will provide for an exchange of information and ideas between the City and the business sector. Business trends, investment opportunities and how the City can facilitate growth in the sector will lead to more jobs and career opportunities with a focus on local jobs for local people. This will also improve the ratio of people working where they live versus having to travel outside the district .It is important that the City demonstrates leadership and commitment to engaging with the business sector.

20.2 Mayor Howlett requests:

1. That an online efficiency and effectiveness table be provided to inform elected members and the community on 'improvements' being made by the City's Administration throughout the financial year.
2. The table to describe by each division of the City's Administration the efficiency and effectiveness improvement outcomes, the dollar value (where applicable) of savings or service delivery improvements achieved and any explanatory comments.

REASON

The City's Administration regularly produce efficiency and effectiveness improvements in each of the divisions providing positive outcomes in terms of dollar value and/or customer service delivery. The provision of online information is another way of informing elected members and our community of what is being achieved and how this leads to capacity building within the organisation, improving transparency around business activities and minimising future rate increases.



21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS

21.1 (MINUTE NO 5900) (OCM 8/9/2016) - DONATION TO SAVE BEELIAR WETLANDS (INC)

RECOMMENDATION

That Council

- (1) allocate from the Grants and Donations account the sum of \$25,000 to the Save Beeliar Wetlands (Inc) to assist the group in its legal action in relation to the proposed Roe 8 extension; and
- (2) provides the funds on the condition that the group gains leave to appeal to the High Court of Australia on the matter.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/1

NOTE: Cllr Portelli asked that all the votes be recorded.

For: Mayor Howlett, Deputy Mayor Reeve-Fowkes, Cr Smith, Cr Wetton, Cr Houwen, Cr Allen, Cr Pratt.

Against: Cr Portelli

Reason for Decision

The Save Beeliar Wetland (Inc) is a community association established to Save the Beeliar Wetlands and more specifically to stop the proposed Roe 8 Extension proceeding. The group relies on crowd funding and other donations to pursue its objectives.

Council at its meeting of the 14 May 2015 reiterated its strong opposition to the proposed Perth Freight Link, incorporating Roe Highway Stage 8. A donation to the group furthers the Council objective to prevent the Roe 8 extension proceeding.



22 (OCM 8/9/2016) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

- 22.1** Mayor Howlett - Provide a report to the December 2016 Ordinary Meeting of Council in order to update elected members on the establishment of a Bravery Garden in Manning Park.

The report to take into account Council's decision of 9 August 2012 and include potential sources of funding.

- 22.2** Mayor Howlett - Provide a report to the December 2016 Ordinary Meeting of Council on the potential to establish either a 'Sporting Walk of Fame' or a 'Sporting Wall of Fame' at Cockburn ARC, including the opportunity to have an interactive design concept that allows the story of those persons and their sporting achievements to be told.

- 22.3** Clr Bart Houwen – Provide a report to come back to the next Council meeting as a matter of urgency to explain the escalation over recent months the odours coming from the pump station on Mayor Road and measures to mitigate against that escalation of the smells.

- 22.4** Clr Kevin Allen – A report be provided to a future Council Meeting on Council's ability to conduct a poll in the community in relation to ratepayers position on Roe 8.

23. CONFIDENTIAL BUSINESS

Nil

24 (MINUTE NO 5901) (OCM 8/9/2016) - 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 Deputy Mayor C Reeve-Fowkes SECONDED Cllr S Portelli that the recommendation be adopted.

CARRIED 7/1

25 (OCM 8/9/2016) - CLOSURE OF THE MEETING

The meeting closed at 8.48 p.m.

