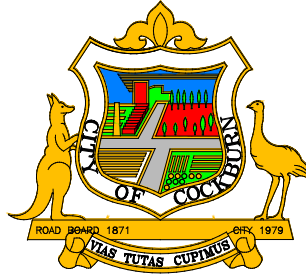


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 13 OCTOBER 2016

These Minutes are subject to Confirmation

Presiding Member's Signature

Date: 10 November 2016

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 OCTOBER 2016 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mrs L Sweetman	-	Councillor
Dr C Terblanche	-	Councillor (Left 9.04 pm)
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Ms A Santich	-	Media & Communications Officer
Ms M Nugent	-	Media & Communications Officer
Mrs B. Pinto	-	PA to Directors - Finance & Corporate Serv./Governance & Community Serv.

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02 pm.

He acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and 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.

Mayor Howlett made the following announcements:

He welcomed Michele Nugent, Media and Communications Officer to the City of Cockburn and to her first Council meeting.



QBE Country Week Soccer Carnival

Football West organised the QBE Country Week Soccer Carnival from 26 to 30 September 2016 at Beale Park, Spearwood. Over 800 soccer players from across the State competed each day culminating in an Awards ceremony on the Friday afternoon.

Congratulations go to the Cockburn City Soccer Club with special mention of Heidi Lazzaro, President of the Club, the Committee members and volunteers who help make the annual event so successful.

C Y O'Connor Beach Commemorative Horse Event – Unveiling of Plaque

Sunday 2 October 2016 saw the unveiling of a plaque at the C Y O'Connor Beach to commemorate the first horse race ever held in Western Australia in October 1833.

Congratulations go to Carmelo Amalfi and Terry Patterson who organised a very successful event that saw members of the horse racing fraternity enjoying the opportunity to catch up, share memories of times past and watch several members of the Kelmscott Pinjarra 10th Light Horse parading their horses along the beach.

Mayor Howlett stated that many people are totally unaware of the rich history that exists across our district starting from the Nyungar People through to now. More needs to happen to share that history.

Presentation to the Local Government Advisory Board on the Greater Fremantle Proposal

The City provided a comprehensive overview of the Greater Fremantle proposal to the Local Government Advisory Board (LGAB) when it met with them on Wednesday, 5 June 2016.

No stone was left unturned in responding to the Greater Fremantle proposal pointing out clear flaws in the documentation that they had submitted.

The City's submission is available on the City's website, the Administration Building and at the City's three Libraries.

Public submissions closed earlier today and on behalf of Council Mayor Howlett thanked the many members of the community, including the business community, who sent their thoughts to the LGAB on why the Greater Fremantle proposal should not be proceed.



Local Government Advisory Board Public Meeting – Greater Fremantle Proposal

The outpouring of emotion at the public meeting convened by the Local Government Advisory Board on Wednesday, 5 June 2016 was loud and clear with the community opposing the proposal.

300+ members of the City's community stood as one in delivering a resounding 'No' message to the Greater Fremantle proposal.

Congratulations to all those who attended and others who could not be there but expressed their support for the City.

One liners often have maximum impact – the following is a sample from the public meeting:

If they change the boundary when I get my rate notice from Fremantle I'll pay it to Cockburn.

I love going to the dump and the recycle shop in Cockburn.

I bet they (Fremantle) don't have tip passes

Our heartfelt thanks go out to every person who came and voiced their opinions in favour of staying with Cockburn. The events of that night will be written into the pages of history. They will stand alongside other forums and rallies held within Cockburn and on the steps of Parliament House where the voice of the people prevailed.

The City looks forward to the LGAB deliberations over coming weeks.

Club & Volunteer Sundowner

On Friday, 7 October 2016 the City hosted a sundowner for its Clubs and other volunteers. It was a great turnout and provided an opportunity for the City to thank those who continue to contribute at a grass roots level to the growth and development of its community.

It also provided a great opportunity for networking across the various clubs and community groups.

2016 Cancer Council Relay for Life Event

On Saturday, 8 October Mayor Howlett officially launched the inaugural Cancer Council Relay for Life South Metro event at the Success Sports and Community facility and cut the ribbon that commenced the Survivor's Walk.



The event raised over \$120,000 with more moneys still to be paid into the account.

Coogee Beach Surf Life Saving Club Open Day

The Coogee Beach Surf Life Saving Club's Open Day on Sunday, 9 October 2016 was a great success with a constant flow of members, potential members and visitors arriving at the Club. Congratulations to the Club and its members for their untiring efforts and engagement with the community.

Standing Orders

Mayor Howlett advised that the City's Standing Orders adopted by Council at its 8 September 2016 Council meeting were gazetted on Friday, 7 October 2016 and therefore came into effect as of that date.

The Standing Orders relate in general to the conduct of Council and Committee meetings.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (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 13/10/2016) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Clr Lyndsey Sweetman	-	Impartiality Interest - Item 15.1
Clr Steven Portelli	-	Impartiality Interest – Item 15.4

5 (OCM 13/10/2016) - APOLOGIES & LEAVE OF ABSENCE

Clr Kevin Allen	-	Apology
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6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

7 (OCM 13/10/2016) - RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

All written questions submitted at the previous Ordinary Council Meeting were responded to.

8 (OCM 13/10/2016) - PUBLIC QUESTION TIME

Michael Blesich, Beeliar

Agenda Item 15.3 – Lot 2 Fanstone Avenue – Consideration to Adopt Scheme Amendment No.110 and Structure Plan

Q1. The proposal suggests that the Tuart trees along McLaren Avenue are of significant importance to local residents, and that opportunities to retain the trees within articulated road reserves and Public Open Space is maximized. However the trees in question are currently 2-3m higher than the finished design level and none are in road reserves. My question is, are the before mentioned comments from the council moot, as unless the road design is changed or the Public Open Space is changed, the trees will be removed?

A1. Not all the mature trees are located along McLaren Avenue. It is also acknowledged that trees along McLaren Avenue are situated in an area that is higher than the existing road levels on McLaren Avenue. However, there are trees which are also significant mature trees that exist on the eastern and western sides to the property, where the actual topography of the land that is closer and more in line with the adjoining areas, so therefore there is greater opportunity to retain significant trees in those areas. Also within the site, whilst it is significantly revegetated material, there are opportunities to potentially retain some of that revegetated material within the proposed road reserves.

Q2. The Council also refers to potential soil contamination issues, in the agenda. However the environmental report commissioned by Cockburn Cement and provided in the community consultation states that the site is contaminated with kiln ash with further testing required, when referring to any safety data sheet (SDS) on kiln ash, it summarizes that a major portion of kiln ash is silica, which should not be inhaled as it is a carcinogen, my question to the Council does Cockburn Cement have a buffer around them to minimize airborne



pollutants from the manufacture of cement and the resulting kiln ash to local residents, however when the site is under construction to form the housing blocks and roads, this existing buried kiln ash will be disturbed beside residents houses, let alone any other contaminants buried in the landfill. Why is the kiln ash containing a known carcinogen allowed to be disturbed, I personally believe it is unacceptable for the council to say that this will be addressed at subdivision stage, where a detailed site investigation may be required, as the council has a duty of care to ratepayers in the locality not to expose them to a carcinogen.

A2. The contamination issues were specifically considered as part of the scheme amendment and structure plan. The Scheme Amendment and the structure plan both were formally referred to the Department of Environment Regulation who raised no objection to the proposal with the exception of assessment of potential soil contamination issues, which they state should be addressed at the subdivision stage. It should be noted that there would not be site disturbance or any clearing undertaken until subdivisional approval had been granted. It is at this stage where a more detailed assessment will be undertaken.

Q3. As the agenda refers to items being addressed at subdivision stage, I would like to know what transparency the residents will have prior to the construction works being undertaken, in particular the results of the environmental testing outcomes, the final design, the commencement of construction, the access and egress of earthmoving equipment being allowed on site, as the site already has a new subdivision beside it, I would expect that no construction equipment will be travelling along McLaren Avenue or L'Aquila Circle as these are residential streets to access and egress the site.

A3 In respect to the environmental issues, this will need to be addressed by the Department of Environment Regulation, and specifically their contaminated sites team which implement the Contaminated Sites Act and associated Regulations. The City's Environmental Health Team will also be involved in ensuring the appropriate response to all risks in accordance with the prevailing legislation.

In respect to potential impacts during construction period, on surrounding residents, these will be considered at the subdivision stage, where conditions will be considered to ensure impacts on surrounding residents are minimised. It should be noted that whilst the City can propose that conditions be imposed to ensure that during any subdivisional works the subdivider does not access the roads, they still will need to access the site which is likely to come from the main adjoining road to the site, which is McLaren Avenue.

Q4. The R40 development in the City of Cockburn can be up to 3 stories in



height, are there going to be any 3 story dwellings built which will be overlooking residents on L'Aquila Circle or Ameer Way?

- A4. All future residential development will be required to comply with the Residential Design Codes. Landowners will be permitted to develop in such a manner that meets the requirements under the Codes. In areas coded R40, normal residential development (single homes) is able to be developed to a two storey height. If a future owner considers apartments, development would generally be retained at 2 storeys unless a loft style 3rd storey in a roof space was proposed.
- Q5. The Department of Health in response to this proposal suggests that the City of Cockburn should minimize potential negative impacts of the development such as noise, odour, light, and other lifestyle activities to residents. The Department of Health further suggests the City of Cockburn could consider incorporate additional sound proofing/insulation, or design aspects related to location of air-conditioning units and other appropriate building/construction measures. I would like to know when a member of the Council will be available to address these measures with residents, preferably at our residences beside the proposed construction site?
- A5. In any subdivision process, the subdividers are required to lodge a construction management plan which also includes a Dust Management Plan and in those plans it would detail how the works will be conducted and what measures will be undertaken to minimise impacts such as dust. Those plans can be made available as public documents.
- Q6. The proposed entry road is not in alignment with the existing roads along McLaren Avenue, this will adversely affect the safety, security and privacy of my house as there will be cars heading directly into the side of my house, whereas the road design could be changed to align with existing roads and minimize these issues. How will my concerns be addressed if the entry road is not relocated?
- A6. It should be noted that the Local Structure Plan is an indicative plan of how the land could be developed. The City's Engineering Team has assessed the road design and determined the design meets all the applicable engineering standards. However, at subdivisional stage they will be able to undertake a more detailed assessment once the detailed engineering drawings are received to ensure that they fully comply with all engineering standards.



Ross Townson, Wattleup

Agenda Item 15.10 – Planning Application – Storage Yard with Hardstand (Caravans, Boats etc) No.59 Power Avenue, Wattleup

Agenda Item 15.11 – Planning Application – Retrospective Storage Yard (Caravans & Motorhomes No.27 Lorimer Road, Wattleup

Q1. How is it that caravan, boat or a storage yards have been permitted prior to Council approval?

A1 There were no planning approvals for the storage of caravans, motorhomes or boats on the subject site. Previous planning approvals were for rural storage only, which would typically be associated with rural activities occurring on the land.

Q2. Will the number of these facilities be capped or limited?

A2 Storage areas in the Rural zone are an ‘A’ use under Town Planning Scheme No.3, which means that they can be considered for approval (subject to advertising). Therefore each proposal would have to be assessed on its merits. Council do not have a policy or requirement that limits or caps these uses.

Jennifer Hinkley, Coolbellup

Q1. How did the Capital Works funding come to be allocated for Jarvis Park?

A1. An open space assessment was completed which identified the provision of POS in the suburb was of a good standard in terms of embellishment, presentation and attractiveness. However the assessment found a couple of parks required improvements in order to respond to the hierarchy established in the POS Strategy.

Jarvis Park was one of the parks identified based on the deficiencies identified and listed in the Parks 10yr CW program. With funding now listed in the budget a concept plan is being prepared and the appropriate consultation will happen well before any work on site.

Q2. Have any decisions been made on infrastructure works and purchases for Jarvis Park?

A2 The current budget allocation includes the following elements:



Jarvis Park	
Combine Playgrounds	\$150,000
Combined Basketball / Soccer Unit	\$80,000
Park Lighting	\$60,000
Drinking Fountain	\$10,000
BBQ's	\$20,000
Gazebo & Seating	\$40,000
Landscaping	\$40,000
TOTAL	\$400,000

- Q3. What community consultation is planned in relation to Jarvis Park?
- A3. Once the concept plan is completed, public consultation will take place with local residents and community groups prior to any construction works, expected January/February 2017.

Jodie Vennitti, Coolbellup

Agenda Item 17.2 – Food is Free Project

- Q1. What processes were put in place for the decision to run a trial?
- A1. Council Officers assessed the implications of the Food is Free Project against current Council Policies and rather than changing any Policies that would have City wide implications for the future, the City Officers' recommendation was that a trial was appropriate on a small scale to test some of the more practical aspects of the verge treatments based on applications that would be received by the City. At the end of the trial period Council can assess the results of the trial and any implications of any changes to Council Policies that would have City wide implications.
- Q2. Considering that this is a community driven, not a Council driven project, the residents will be expected to focus on objectives, location, funding, KPIs and timeframes etc that residents have to do. With this amount of energy being placed on implementing such a project, has the Council taken all this into consideration as to how this will affect those who put their time into this project?
- A2. Council Officers will be looking at these points. What Council would expect from the trial locations is for residents to make application to Council similar to what was discussed at the site meeting of what was actually intended on that particular verge for that particular location. City Officers will make the assessment, presuming Council will look favourably on the recommendation in the report. Based on that application for the individual property the residents will proceed with the project. Council Officers will observe the results of the project



during the trial period and assess implications for not just that property but for the rest of the local community as well.

Q3. Could you please explain why the resident's front yard needs to be assessed to use the verge space?

A3. It is not Council's intention to infringe on people's private individual properties. The intent of the trial is solely on looking at public land which is currently not used for the purposes other purposes.

Peter A Van Der Wedden, Banjup

Q1. Referring to the new locality of Treeby – going back to 11 August 2016 – Item 17.2 (2) it states 'invites the landowners to provide feedback to the City of Cockburn on the GNC proposal'. He advised he had not received any communication on this issue other than communication advising that the locality will now be called Treeby. He asked why did he not receive any correspondence so that he could have the opportunity to have his say in the matter?

A1. This proposal actually goes back to August 2015 at which time all residents of the affected area, currently Treeby, were advised of Council's intention and feedback was sought at that particular time. Since then there have been a number of developments. There has been a lot of correspondence between the City and the Geographic Names Committee (GNC) on this particular proposal. The most recent of one of those was in July 2016, which state that if Council wished to proceed with the proposal to implement the name Treeby in that particular area it would have to be done in conformity with the GNC's conditions and one of those conditions was that the area north of Jandakot Road be included in the Treeby suburb. This was non-negotiable and Council agreed to that.

Arie Hol, South Lake

Q1. Raised an issue on public safety which has been raised on a number of occasions at the Berrigan Drive Shopping Centre, Berrigan Drive, South Lake and nothing has been done about it. On Tuesday morning there were 4 semi-trailers parked half on the footpath and half on the road. In a space of 5 minutes there were 3 near misses. When is the Council going to do something about before there is fatality?

A1. The Council has been looking at designated truck bays at different locations. The City will be looking at this with some urgency.

There is a capital works item on the current budget for \$100,000 for



improvements to heavy vehicle parking at a number of locations. Investigations will need to be undertaken in relation to this particular location to see if it is on the Budget at the present time. This allocation was also going to extend to the next few financial years as well.

In terms of illegal parking the City's Rangers are constantly issuing infringements for those offences.

Q3. When a decision is made as to how this issue will be rectified could he receive correspondence to this effect?

A3. Yes.

Mayor Howlett thanked Mr Hol for bringing this matter to the Council's attention.

9. CONFIRMATION OF MINUTES

9.1 **(MINUTE NO 5901)** (OCM 13/10/2016) - MINUTES OF THE ORDINARY COUNCIL MEETING - 8/9/2016

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday, 8 September 2016 as a true and accurate record.

COUNCIL DECISION

MOVED Cllr L Sweetman SECONDED Cllr P Eva that the recommendation be adopted.

CARRIED 9/0

9.2 **(MINUTE NO 5902)** (OCM 13/10/2016) - MINUTES OF THE SPECIAL COUNCIL MEETING - 29/9/2016

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on Thursday, 29 September 2016, as a true and accurate record.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr S Portelli that Confirms the Minutes of the Special Council Meeting held on Thursday, 29 September 2016 as a true and accurate record, subject to amending Minute No.5899 – Local Government Advisory Board Submission on Hamilton Hill and North Coogee Proposed Boundary Change as follows:

- (1) include “(1)” prior to “-“ in sub-recommendation (1);
- (2) amend sub-recommendation (6) by deleting the word “West” in line three; and
- (3) deleting the word “West” in paragraph 4 of the Reason for Decision;

as shown in the attachment to the Minutes.

CARRIED 9/0

10 (OCM 13/10/2016) - DEPUTATIONS

The Presiding Member invited the following deputations:

- **Aaron Lohman, Manager, Planning – Rowe Group** in relation Item 15.3 – Scheme Amendment No.110 to Town Planning Scheme No.3 and Local Structure Plan – Lot 2 Fanstone Avenue, Beeliar.

The Presiding Member thanked the deputation for their presentation.

- **Gary Louis, General Manager – Property, Canci Group Holdings Pty Ltd** in relation to Item 15.4 – Planning Application - Medical Centre – Location: No.21 (Lot 6) Mell Road, Spearwood.

The Presiding Member thanked the deputation for their presentation.

11. PETITIONS

Nil

12. BUSINESS LEFT OVER FROM PREVIOUS MEETING (if adjourned)

Nil

12



13. DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Nil

14. COUNCIL MATTERS

AT THIS POINT IN THE MEETING, THE TIME BEING 8.03 PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

14.2	15.2	16.1	17.2	18.1	20.1
	15.5		17.5	18.2	
	15.6			18.3	
	15.7				
	15.9				
	15.10				
	15.12				

14.1 (MINUTE NO 5903) (OCM 13/10/2016) - LOCAL GOVERNMENTS AND PRAYER PROVISION AT COUNCIL MEETINGS (082/006) (JNGOROYEMOTO) (ATTACH)

RECOMMENDATION

That Council notes the information.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Deputy Mayor C Reeve-Fowkes that Council conduct an apolitical and non-denominational prayer before Council meetings.

MOTION LOST 2/7

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

CARRIED 8/1

Background

The Chief Executive Officer received an email from Clr Chamonix Terblanche dated 31 August 2016 requesting for research to be undertaken in regards to prayer provisions at local government Council Meetings, and for a report to be presented to Council.

Submission

N/A

Report

Prayer traditionally allows the devoted the opportunity to talk to their God. 138 Western Australian Local Governments were consulted to find out whether they conducted prayers at their Council meetings and 75 responded as follows:

- 67 do not conduct prayers
- 5 conduct prayers before Council meetings (adopted by resolution)
- 3 conduct prayers during Council meetings (part of Standing Orders)

The following local governments in Western Australia indicated in their responses that they conduct prayers:

- Kwinana
- Joondalup
- Wanneroo
- Perth
- Albany
- Victoria Park
- Stirling
- Busselton

A review of the Western Australian Local Government Association model Standing Orders Local Law was also conducted, and it is evident that there has been a trend away from incorporating an opening Prayer within a Council's Agenda as part of Standing Orders, with the City of Perth, Busselton and Albany the only Councils that retain such a prayer in their Standing Orders. The rest of the Councils that conduct prayers, decided to do so by Council resolution. The City of Kwinana cited long standing tradition as its reason, for conducting prayers. The City of Busselton invites churches of different denominations to say a prayer at each Council meeting. On the other hand, the City of Shark Bay has resolved through Council resolution not to conduct prayers, and the City of Greater Geraldton removed provision of prayers from their Standing Orders in 2007 when Geraldton merged with Greenough.



The decision on how to commence the meeting is entirely a decision of the elected Council members at the time and can be commenced or finalised at the discretion of the Council. However the eligibility criteria to be elected as a Council member is silent on the matter of religious or personal beliefs and as such the Council should be cognisant and respectful of individual Council member's beliefs and values. As there is no requirement under the Local Government Act 1995 for Council meetings to commence with an opening Prayer, most of the local governments that conduct a prayer, do so before the meeting starts, and have adopted this practice through a Council resolution.

A Council may open its meetings with a prayer if it chooses. This decision should be made after considering the religious beliefs and views of the Councillors and the community. Councillors have sworn to faithfully represent their entire community, and therefore should consider pledging allegiance to a faith that is shared by all its members. Non-Christian or non-religious Councillors should not be forced to partake in Christian rituals, as this could be considered as discriminatory.

.id – the population experts website outlines the following:

In the 2011 census nearly half of the population reported either being Catholic (25.3%) or having no religion (22.3%). In City of Cockburn, the number of Christians experienced the greatest change (+9,017) compared to the non-religious and non-Christians in 2011. City of Cockburn's religion statistics provide an indicator of cultural identity and ethnicity when observed in conjunction with other key variables. Religion data reveal the major concentrations of religions as well as revealing the proportion of people with no religious affiliation. There are a number of reasons for different religious compositions across areas including the country of birth and ethnic background of the population, the age of the population (belief in religion is generally stronger, the older the population) and changes in values and belief systems.

City of Cockburn's religion statistics should be analysed in conjunction with other ethnicity statistics such as Country of Birth data and Language Spoken data to assist in identifying specific cultural and ethnic groups. Analysis of the religious affiliation of the population of City of Cockburn in 2011 compared to Western Australia shows that there was a higher proportion of people who professed a religion and a lower proportion who stated they had no religion. Overall, 67.4% of the population nominated a religion, and 24.4% said they had no religion, compared with 63.9% and 25.5% respectively for Western Australia.



The largest single religion in City of Cockburn was Western (Roman) Catholic, with 32.9% of the population or 29,533 people as adherents.

The major differences between the religious affiliation for the population of City of Cockburn and Western Australia were:

- A larger percentage who nominated Western (Roman) Catholic (32.9% compared to 23.6%)*
- A smaller percentage who nominated Anglican (16.2% compared to 18.8%)*

The largest changes in the religious affiliation of the population in City of Cockburn between 2006 and 2011 were for those who nominated:

- Western (Roman) Catholic (+4,338 persons)*
- Anglican (+1,711 persons)*
- Christian, nfd (+1,187 persons)*
- Buddhism (+704 persons)*

In conclusion it would appear that the move away from an opening prayer by local governments is in response to the multicultural mix of a Council's local community. Council meetings are, by their nature, inclusive and should be focussed on achieving effective outcomes in the best interest of the community. If Council chooses the act of praying, it is recommended the prayer should be apolitical and non-denominational.

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

No consultation has been undertaken at this stage.



Risk Management Implications

There are no risks associated with the recommendation. However if Council chooses to have a prayer at Council meetings, there is a potential reputational risk, as Council might be perceived as not being inclusive to all its community members.

Attachment(s)

City of Cockburn Religion Statistics – Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011 – compiled and presented by .id, the population experts.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (MINUTE NO 5904) (OCM 13/10/2016) - REVIEW OF WARD BOUNDARIES AND COUNCILLOR REPRESENTATION (084/001) (R.AVARD) (ATTACH)

RECOMMENDATION

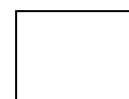
That Council in accordance with Clause 7 Schedule 2.2 of the Local Government Act, 1995:

- (1) gives public notice advising of the review of ward boundaries and Councillor numbers per Ward; and
- (2) invites submissions from the public in respect of the review for a period closing 1 December 2016.

COUNCIL DECISION

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

CARRIED 9/0



Background

The City has received a letter from the Chair of the Local Government Advisory Board dated 29 August 2016, requiring the City of Cockburn review its Ward representation across the City.

A review of the boundaries should be carried out each 8 years or more frequently should the Council find that the representation of Electors to each Councillor varies by more than plus or minus 10% across all Wards or is likely to do so before the next election.

It is a requirement of the act that the report to Council on consideration of ward boundaries and representation include a number of options and that there be no bias shown for or against any option prior to community consultation.

Submission

N/A

Report

The Council formally sought from the Minister for Local Government an amendment to Ward boundaries at the Ordinary Council meeting of 10 July 2008. The amendment to the boundaries was subsequently made.

There are a number of criteria that Council needs to consider when reviewing ward boundaries or choosing to not have wards at all.

- Extent to which a community of interest is represented.
- Physical and topographical features that assist in defining boundaries.
- Demographic trends in the district.
- Economic factors; and
- Importantly the ratio of councillors to electors in the various wards.

The City of Cockburn has for many years had a ward system rather than a non-ward system. The City covers a broad area of 167 sq.km. ranging from older residential areas in the north and north eastern areas of the City through to the more rapidly growing urban population in the eastern areas. The City is further divided east west by the Beeliar wetlands chain, conservation areas and several major roads. The industrial areas are concentrated in the south western coastal area and more centrally in the district. There is a steady decrease in the rural area in the farther eastern portion of the City and on the southern boundaries. These factors lead to a small number of clear options in relation to Ward size and boundaries. As is required by the Act a



number of options have been prepared for public comment and future consideration by Council. The use of the Ward system ensures representation from across the district which reflects the diversity of interests across the district.

An important consideration made by the Minister is the ratio of Electors per Councillor across the district which is referred to as the % ratio deviation per Ward. This is calculated by subtracting the Councillor/Elector ratio for a Ward from the average Councillor/Elector ratio for the whole City and multiplying by 100.

The City's Councillor to Elector ratios at the time of the October 2015 Elections were as follows:

WARD	2015 No. Councillors	2015 No. Electors	Ward Ratio Average	% Ratio Deviation
Central	3	20,892	6964	0.0
East	3	24,450	8150	-17.0%
West	3	17,364	5788	16.9%
Total	9	62,706	6967	

The Minister is unlikely to support any arrangement where the ratio is greater than + or - 10%. The % ratio deviation per Ward will be provided for each option. A – (negative) means that the Ward is under represented by Councillors compared to the rest of the Wards and a + (positive) means that the ward is over represented compared to the rest of the Wards.

Option 1 (3 Ward System)

Community of Interest:

This option clearly divides the City into East, Central and West Wards. West Ward includes the older well established suburbs of Hamilton hill and Spearwood and the more mixed residential areas of Coogee and Munster. The new residential areas of Spearwood, Coogee and North Coogee are included in the Ward as is the industrial strip on the southern coastal areas of the City. There are a range of Council services through the Ward that serve both the immediate area and the broader ward and City. Notable among these facilities are the Jean Willis Centre, Wally Hagen Stadium, Spearwood Library, Cockburn's Seniors Centre, Coogee Surf Club and a range of active sporting reserves. Not-for-profit Clubs such as the Cockburn Bowling Club and the Spearwood Dalmatinac Club also serve this Ward area. The Port Coogee Marina over time will become an entertainment and leisure focus for the Ward.



Central Ward progressively moves from the older suburbs such as Coolbellup and North Lake in the north to the newer suburbs such as Beeliar and to the industrial/ rural areas of Wattleup in the south of the Ward. The Bibra Lake industrial area is quite central in the Ward. This Ward has a distribution of local services to serve their local communities; generally people who require higher level services feed into the services provided in the adjoining Wards.

East Ward includes significant new residential areas and semi-rural areas in Banjup. The Ward includes the Jandakot Airport and the associated industrial/commercial areas. The Cockburn Central and Cockburn Shopping Centre is the service centre for the Ward. The Success Library and the new Cockburn ARC will be significant services offered in the Ward and to those who live outside of the Ward and the City.

Physical and topographical boundaries:

Stock Road being a major north south arterial link clearly separates the West Ward from the Central Ward.

The separation between the Central and East Ward is reasonably clear and acceptable as it skirts around the eastern side of the Beeliar wetlands chain. The boundary from south to north is along Frankland Avenue, Branch Circus, Hammond Road, Beeliar Drive and North Lake Road.

Demographic trends in the district/economic factors:

Population growth will occur primarily in North Coogee area of the West Ward and in the East Ward in the new locality of Treeby and in the south of the Ward in Hammond Park. There will be some population growth around the Cockburn Central Area in Central Ward. In relation to Electors the following is expected with 3 Councillors per Ward:

West Ward- year/electors/% ratio deviation

2016	19,745	-8.37%
2021	25,040	-3.01%
2026	29,500	-0.71%

Central Ward- year/electors/% ratio deviation

2016	22,713	+5.4%
2021	25,737	-0.32%
2026	28238	-4.96%



East Ward- year/electors/%ratio deviation

2016	22,189	+2.97%
2021	26,680	+3.33%
2026	31,395	+5.67%

Ratio of Councillors in the proposed Wards

This option retains the same number of Councillors as currently exist on Council. As can be seen this option improves the % Councillor/elector deviation over time while in the first year remaining within the accepted standard.

Option 1A (3 Ward System)

Community of Interest:

As can be seen from the attached map this option creates a West Ward which covers the older more established suburbs such as Hamilton Hill, Spearwood, Coogee and Coolbellup. There are new growth areas such as North Coogee and Munster. The older areas are seeing some urban infill which also improves the quality and density of the housing stock in the Ward. This area is the classic older Cockburn area.

South Ward is a large area which covers the newer residential suburbs such as Beeliar, Success, and Hammond Park which can be described as having a community of interest due to the new nature of these suburbs. The Ward also includes the industrial areas of Henderson and Wattleup.

East Ward would comprise a mix of medium age residential areas such as North Lake, Bibra Lake (east) and South Lake, Jandakot and Atwell. The Ward also includes the growth areas of Cockburn Central, Aubin Grove and the semi-rural area of Banjup.

Physical and topographical boundaries.

Option 1A boundaries are less clear separating West Ward and South Ward as can be seen on the attached plan.

The East Ward shares boundaries with South Ward and North Ward.

The Freeway is the boundary between east and south up to Beeliar Drive then the boundary becomes Beeliar Drive then Poletti and then North Lake Road separating East Ward from North Ward. For a 3 Councillors per Ward the following is anticipated to occur.



Demographic trends in the district/economic factors:

West Ward- year/electors/%deviation ratio

2016	21,902	+1.6%
2021	27,535	+6.7%
2026	32,002	+7.7%

South Ward- year/electors/% deviation ratio

2016	21,636	+0.4%
2021	26,377	+2.1%
2026	29,402	-1.0%

East Ward- year/electors/%deviation ratio

2016	21,107	-2.0%
2021	23,545	-8.8%
2026	27,727	-6.7%

Ratio of councillors in the proposed wards:

As can be seen from the % above this option is fairly even over the first few years but in later years East Ward became progressively under represented.

Option 2 (2 Ward System)*Community of Interest:*

This option clearly divides the City in two, the generally older west from the new residential areas of the east. Both areas have some industrial areas but they are primarily in the West Ward. Both have some semi-rural areas. The Council facilities are generally provided evenly to both West and East Wards. The East Ward has its concentration of civic and commercial around Cockburn Central and Cockburn Gateways. Cockburn Central will become even more significant over time as the ward 'centre'.

The Phoenix precinct will remain the primary civic and commercial centre for the West Ward with Port Coogee becoming an entertainment and leisure focal point.

Physical and topographical boundaries

The strongest physical division between the West and East Wards in this option is the Beclair wetland chain. The actual boundary is south to



north Hammond Road, Poletti Road and North Lake road. This is a simple and clear boundary between the two Wards.

Demographic trends in the district/economic factors.

This option sees a similar electorate growth rate between the East and West Wards with the West Ward starting from a higher base. With 5 Councillors each the following is expected.

West Ward- year/electors/%deviation ratio

2016	34,091	-2.54%
2021	40,927	-4.89%
2026	45,836	-7.44%

East Ward - year/electors/%deviation ratio

2016	30,345	+5.61%
2021	36,530	+6.11%
2026	43,296	+9.29%

Ratio of councillors in the proposed wards:

This option creates an ongoing and increasing under and over representation in the East Ward.

Option 3 (4 Ward System).

Community of Interest:

The West Ward includes the traditional and established urban areas of the City with the important coastal growth areas of North Coogee. There are a significant number of Council services in this Ward compared to that provided in for example the South ward.

South Ward is a mix of established residential and industrial and rural. While there are a number of local level Council recreation and community facilities in the area with some retail centres residents of this ward would generally need to move outside of the Ward to get services.

East Ward is primarily new urban areas and semi-rural in Banjup. Other than the Banjup area the majority of the electorate is homogeneous young families. This Ward has a number of local neighbourhood services and facilities with the Gateways Shopping Centre being the main service centre in the north of the Ward.

North Ward is also a mix of established residential but also includes the significant Jandakot Airport development and Cockburn Central. local services are well provided for but people need to go out of the district or go to the Cockburn Central area for more significant services.

Physical and topographical boundaries

Ward boundaries are generally along major arterial roads under the option other than the boundary between the West Ward and South Ward which is more difficult to follow.

Demographic trends in the district/economic factors.

This option creates 2 larger Wards west and East and 2 smaller North and South Wards with both groups having similar numbers of Electors. West Ward and East Ward would have 3 Councillors each and south Ward and North Ward would have 2 Councillors each.

West Ward- year/electors/% deviation ratio

2016	18,868	-2.7%
2021	24,194	+8.8%
2026	28,536	+6.7%

South Ward- year/electors/% deviation ratio

2016	15,434	+19.4%
2021	16,738	+8.1%
2026	17,305	-2.9%

North Ward- year/electors/% deviation ratio

2016	11,330	-12.4%
2021	13,979	-9.8%
2026	17,768	-0.1%

East Ward- year/electors/% deviation ratio

2016	19,014	-0.2%
2021	22,550	+0.15%
2026	17,768	-4.5%

Ratio of councillors in the proposed wards

This option creates a large disparity in the % ratio deviation across the City of Cockburn particularly in the South Ward who would be very



much over represented in the first few years but improve by 2026. The West Ward would then become over represented to some degree.

Conclusion

The submission of Council consideration of ward boundaries is required to be submitted to the Local Government Advisory Board by the 31st March 2017 so that they can come into effect for the October 2017 Council elections. There is a period of no less than 6 weeks for comment from the date of public notice. Should the Council agree to go out for public comment on the ward boundaries and representation at the Ordinary Council meeting of the 13 October 2016, it is proposed that the public submissions be closed on the 2 December 2016 and the report with public comment be submitted to the February 2017 meeting of Council for the recommendation to the Minister.

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

Any cost associated with this matter can be covered by existing budgets.

Legal Implications

The Council has a legal requirement to review its Ward boundaries and to address the requirements of the Local Government Advisory Board.

Community Consultation

The Act requires options on Wards to be advertised for public comment. There will also be consultation with the Community Associations/Committees.

Risk Management Implications

A fundamental principle of democratic institutions such as local government is that Electors have fair representation. Council's public reputation will seriously be compromised should it not recommend to the Minister a fair and just Ward system.



Attachment(s)

1. Option1 three (3) wards
2. Option 1A three (3) wards.
3. Option 2 two (2) wards.
4. Option 3 four (4) wards.
5. Current Ward Structure

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received a Declaration of Impartiality Interest from Clr Lyndsey Sweetman in relation to Item 15.1 – Planning Application – Medical Centre – No.21 (Lot 6) Mell Road, Spearwood. The nature of the interest being that her sister lives next to the development and has lodged a submission.

15. PLANNING & DEVELOPMENT DIVISION ISSUES

15.1 (MINUTE NO 5905) (OCM 13/10/2016) - PLANNING APPLICATION - MEDICAL CENTRE - LOCATION: NO. 21 (LOT 6) MELL ROAD, SPEARWOOD - OWNER: AD CANCI NOMINEES PTY LTD - APPLICANT: MEYER SHIRCORE & ASSOCIATES (DA16/0326 & 052/002) (D BOTHWELL) (ATTACH)

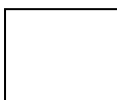
RECOMMENDATION

That Council

- (1) grant planning approval for a Medical Centre at 21 (Lot 6) Mell Road Spearwood, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. The Medical Centre is limited to the following maximum number of medical consultants/practitioners at any one time:
Tenancy 1 - 1 consultant
Tenancy 2 - 1 consultant
Tenancy 3 - 2 consultants
Tenancy 4 - 2 consultants



Tenancy 5 - 2 consultants

Tenancy 6 - 2 consultants

2. The hours of operation for all tenancies are restricted to between 7:00am and 7:00pm Monday to Friday, 9:00am-3:00pm Saturday and not at all on Sunday and Public Holidays.
3. Prior to the issue of a Building Permit, the owner/applicant shall:
 - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - submit to the City for approval an 'Application for Art Design'; and
 - enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City. The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.
4. Prior to the issue of a Building Permit, a detailed material, colour and finished schedule for the development shall be submitted to and approved by the City. The details of the schedule shall be implemented and maintained in the development thereafter.
5. Prior to the issue of a Building Permit, 4 bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3 within designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval.
6. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to and approved by the City and all measures identified in the plan shall be implemented during the construction phase to the satisfaction of the City.
7. Prior to the initial occupation of the development, the parking bays, driveways and points of ingress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City. Car



parking and access driveways shall be designed constructed and maintained to comply with Australian Standard 2890.1 to the satisfaction of the City.

8. Landscaping is to be installed and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
9. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
10. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres to the satisfaction of the City.
11. stormwater being contained and disposed of on-site to the satisfaction of the City.
12. All earthworks, cleared land and batters must be stabilised to prevent sand or dust blowing to the satisfaction of the City.
13. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours between the hours 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless prior written approval of the City is issued).
14. The external bin enclosure shall be of an adequate size to contain all waste bins, at least 1.8m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
15. Outdoor lighting, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
16. Prior to the issue of a Building Permit, details of the outdoor lighting for the development are to be provided to the satisfaction of the City.



17. A minimum of 75% of the linear frontage for tenancies 1 & 2 fronting Mell Road is required to contain unobscured, transparent glazing that is visually permeable to the satisfaction of the City.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building permit is required.
2. With regards to Condition 2, the art work shall be in accordance with Council's Local Planning Policy APD 80 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
3. With regards to Condition 6, the Construction Management Plan shall detail:
 - a. Access to and from the site;
 - b. Delivery of materials and equipment to the site;
 - c. Storage of materials and equipment on the site;
 - d. Parking arrangements for contractors and subcontractors;
 - e. Management of construction waste; and
 - f. Other matters likely to impact on the surrounding properties.
4. With regards to Conditions 7, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.



5. With regards to Condition 11, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
 6. The occupier of premises in which clinical waste is produced shall comply with in all respects with the Environmental Protection (Controlled Waste) Regulations 2004. For further information please contact the Department of Environment and Conservation.
 7. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 8. Any liquid waste disposal via the sewer shall be with approval of the Water Corporation, if sewer is not available, any on-site liquid waste disposal shall be with the approval of the Water Corporation.
 9. Any signage which is not exempt under Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 must be the subject of a separate development approval.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

- (1) refuse to grant planning approval for a Medical Centre at 21 (Lot 6) Mell Road, Spearwood for the following reasons:
 1. The proposal, if approved would detract from the amenity of nearby residents.
 2. The proposal, if approved would be inconsistent with the existing residential character of the area.
 3. Car parking provided in the proposal is insufficient in accordance with the requirements of Town Planning Scheme No.3 and if approved, is likely to result in a detrimental impact on traffic and road safety in the area.



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

CARRIED 9/0

Reason for Decision

There is an expectation that people residing in a residential area can enjoy the amenity of their home and neighbourhood without the undue interference of activities that can impact that amenity.

The planning application for a medical centre at 21 Mell road, Spearwood will create additional traffic within the locality with particular increases on adjoining roads such as Rigby Avenue which has been the subject of a previous petition to Council on that matter and continues to be a source of complaint.

The proposed hours of operation from 7.00am to 7.00pm Monday to Friday and 9.00am to 3.00pm on a Saturday will also contribute to the loss of amenity for neighbouring properties. The proposal is also short of the required parking bay numbers and this is unacceptable given the potential for cars being required to park in the street and thereby creating traffic flow and safety issues.

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R30 under the City of Cockburn's Town Planning Scheme No. 3 (TPS3) and is located within Development Area 1 (Packham). The proposed land use of 'Medical Centre' is an 'A' use under TPS meaning that: *'the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.'* It is noted that Clause 9.4 is in effect superseded by Clause 64 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* meaning the use is capable of approval under TPS3. While a Medical Centre is an 'A' use within a residential zone, meaning it can be considered on its merits subject to the application being advertised.

A petition with 27 objectors has been received by the City together with 5 others opposing the proposal and five for. It is clear that a large number of existing residents do not agree with the proposal and deem it not to be in line with its residential character.



Background

The subject site is located on the southern side of Mell Road in Spearwood, is 2059m² in area and contains an existing single storey house and outbuildings. There is a fall across the site of approximately 2m from north to south and approximately 1.5m from west to east. The site is adjacent to residential dwellings on all three boundaries and on the opposite side of Mell Road. The site is 50m from St Michaels and All Angel Anglican Church also on the southern side of Mell Road, 45m from the Aegis Amberley Aged Care Facility on the northern side of Mell Road and approximately 200m from the Coogee Plaza Local Centre on Hamilton Road.

A development application for 4 single storey grouped dwellings was conditionally approved under delegated authority from Council on 23 March 2007; however, this proposal did not proceed for reasons unknown.

The plans which are the subject of this report dated August 2016 were amended from the original plans submitted to the City (dated March 2016). Importantly, the amended plans include details of the internal layout of the medical centre showing how many consulting rooms are proposed for each tenancy which was requested by the City after the initial assessment.

The proposal is being referred to Council for determination due to objections that were received during consultation therefore removing staff delegation to determine the proposal.

Submission

N/A

Report

Proposal

This proposal is for a Medical Centre, specifically comprising:

- Demolition of the existing house and outbuildings;
- Construction of a 660m² single storey building consisting of separate tenancies as follows:
 - Tenancy 1 – 93m² in area with 1 medical consulting room
 - Tenancy 2 – 81m² in area with 1 medical consulting room with separate frontage to Mell Road
 - Tenancy 3 – 118m² in area with 2 medical consulting rooms
 - Tenancy 4 – 123m² in area with 2 medical consulting rooms
 - Tenancy 5 – 123m² in area with 2 medical consulting rooms
 - Tenancy 6 – 123m² in area with 2 medical consulting rooms



- 46 on-site car parking bays;
- Vehicle access from a 6m wide double-width crossover to Mell Road;
- Landscaping area including tree plantings at the front and side of the site;
- Building Setbacks and wall heights designed to suit the Residential Design Codes;
- Building frontage to Mell Road; and

Neighbour Consultation

The application was advertised in the following ways:

- Letters sent to 42 landowners on both the northern and southern sides of Mell Road as well as properties located to the rear of the site on Garden Road;
- The development application plans and accompanying information were placed at the front counter of the City's Administration building; and
- The development application plans and accompanying information were listed on the City's website during the consultation period.

A total of 10 submissions and a petition (attached) against the proposal (containing 27 signatures) were received in response to the advertising of the proposal. Five of the submissions raised objections to the proposal and five of the submissions were in support of the application. The petition (attached) was sent to the West Ward Elected Members on 7 September 2016 and contained signatures of landowners mainly in Mell Road.

Objections to the proposal can be summarised as follows:

- Concern over increased traffic from the development on an already busy street;
- Concern over potential decrease in property values;
- Concern over noise and security and the potential for the development to attract vandalism;
- Concern that the development is occurring in a residential area, not commercial;
- Concern over duplication of services in the area;
- Concern over visual sightlines;
- Comment that Mell Road needs to be classified as a busy road (like Rigby Avenue); and
- Request for landscaping along rear boundary in-lieu of large gum tree being removed on the lot.



Consultation with other Agencies or Consultants

Consultation with other agencies or consultants has not been necessary.

Planning Framework

Zoning and Use

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R30 under the City of Cockburn's Town Planning Scheme No. 3 (TPS3) and is located within Development Area 1 (Packham).

The proposed land use of 'Medical Centre' is an 'A' use under TPS3, meaning that:

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

It should be noted that Clause 9.4 is in effect superseded by Clause 64 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Therefore the use is capable of approval under TPS 3.

Planning Considerations

Land Use

There was some concern expressed that the proposed Medical Centre should not be permitted within a residential area. However, as discussed above, a Medical Centre is an 'A' use within a residential zone, meaning it can be considered on its merits subject to the application being advertised. In relation to concerns raised about a duplication of services in the area, this is not a valid planning matter with the demand for this type of use determined by the market. Council cannot limit the number of Medical Centres within its boundaries.

Building Siting and Design

Clause 5.9.1 – *Building Setbacks* of TPS3 requires:

'A building shall be setback from the boundaries or erected on boundaries so that the impact on the use and amenity of the adjoining buildings are minimised and the bulk and scale of the building is compatible with the streetscape.'

The proposed building is setback 5m from the primary street (Mell Road), 1.5m from the western boundary, 17m from the eastern



boundary and 11.5m from the southern (rear) boundary. The front and side setbacks are consistent with the deemed to comply provisions for a single storey residential dwelling in the area and other dwellings in Mell Road and are not expected to detract from the amenity of neighbouring properties.

Clause 5.9.3 (b) of TPS3 requires:

'Buildings shall be designed so that they are complementary with their surroundings and adjoining development in terms of their external appearance, design, height, scale and bulk.'

The building has been designed to complement its surroundings which is predominantly single storey residential dwellings. Due to the building being single storey and amount of open space on the site, the bulk and scale of the building is consistent with other residential dwellings in the street and will not appear out of context in the streetscape.

Some of the design elements incorporated into the proposal include:

- Feature colorbond metal pan façade;
- Colorbond metal deck roof at 20 degree pitch;
- Louvred screen wall to plant area;
- Angled sun louvres to glazing;
- Rendered masonry wall; &
- Awning extending over front and side of building.

The above design elements incorporated into the development are considered to provide an attractive development which has high levels of articulation on the respective elevations. The awning extending out over the front of the building and the covered walkway running down the eastern side of the building provides a pedestrian friendly environment with protection from weather elements.

One of the improvements with the amended plans (dated August 2016) the subject of this report is the active frontages to tenancies 1 and 2 fronting Mell Road. The previous plans dated March 2016 had just one large tenancy at the front of the building facing Mell Road with no entrance directly onto Mell Road. Following a meeting between the applicant and owner and an officer from the City, the plans were amended to include an additional tenancy with a separate entrance fronting Mell Road along with a number of other changes. The additional access fronting Mell Road, combined with the extensive glazing to the front elevation makes for an active and engaging street frontage. If Council resolve to approve the application, a condition should be imposed for tenancies 1 and 2 fronting Mell Road to contain transparent/visually permeable glazing for passive surveillance.



Car and Bicycle Parking

The proposed development requires a total of 50 car parking bays based on the proposed 10 practitioners/consulting rooms and the required car parking rate of five car bays for each consulting room as per TPS 3. The development proposes a total of 46 car bays which is a deficit of four bays (8%). The reduction of four car parking bays across the site is considered satisfactory based on the following:

- The site is within 200m of a high frequency bus route on Hamilton Road therefore the site is well located for public transport patronage.
- The site is within 45m of the Aegis Amberley Aged Care facility on the northern side of Mell Road (to the south-east) and it is expected that patients from this facility may walk to the site.
- Some patients may attend more than one of the tenancies in the same visit providing a joint use of facilities.
- The shortfall is relatively minor.

The proposal is also required to provide four bicycle parking spaces (likely to be used by staff) which are not shown on the plans. Should Council resolve to approve the application, a condition for the provision of bicycle parking facilities should be imposed.

Traffic

A Traffic Impact Assessment for the development prepared by Shawmac was submitted to the City as part of the application. Two of the conclusions of the traffic report were as follows:

- *The location of the proposed access is considered acceptable and no adverse impacts associated with the access were identified; and*
- *The adjacent intersection is expected to perform satisfactorily in both the AM peak and PM peak periods.*

The above findings of the traffic study indicate that there will be no undue impacts in terms of traffic generated from the development on the local road network. The City's Engineering services have advised that:

- Mell Road currently experiences 2234 vehicles per day with the Local Access Road designed to accommodate 3000 per day.
- The proposed development would not result in Mell Road exceeding the maximum capacity of 3000 vehicle movements per day and will not result in adverse traffic issues in the immediate locality.

Whilst the proposal will obviously generate more traffic than the existing single house, it will not result in an unreasonable level of traffic in the area at a level that would impact negatively on the amenity of residents.



In relation to the issue of visual sightlines, the proposal satisfies the requirements for visual sightlines/truncations with no fencing proposed close to the proposed crossover from Mell Road. The relatively wide road reserve adjoining the property with the absence of a footpath will also ensure there are safe and clear sightlines at the vehicular access point to the development.

Noise

The proposal is unlikely to generate a level of noise that would negatively impact on the amenity of neighbours and based on this, the City did not request any form of noise assessment from the applicant. Notwithstanding this, the development will be required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. In addition, should Council support the proposal, a condition restricting hours of operation should also be imposed given the residential setting.

Landscaping

The landscaping proposed satisfies the relevant requirements of TPS 3 Clause 5.9.2 – *Landscaping*. In accordance with Clause 5.9.2 (f) Shade Trees have generally been provided at a rate of one tree per ten car parking bays. There is also a row of trees proposed on the landscaping plan (attached) along the front of the property. These trees adjacent to the Mell Road reserve combined with the proposed new lawn in the verge area are considered to provide for an attractive street frontage to Mell Road.

In relation to the comment regarding the removal of the existing mature gum tree from the property, there is no legislation empowering local governments to prohibit the removal of trees within private land that are not listed on the City's Significant Tree register. The request that the rear boundary be landscaped along the rear boundary in-lieu of the Gum Tree being removed is noted. The Landscaping Plan submitted does show a portion of the rear boundary landscaped with trees screening the bin store in the south-east corner of the property; however, the majority of the tree planting proposed is along the front (northern) boundary and the eastern boundary. The majority of the rear boundary is occupied by car parking spaces required to satisfy the car parking requirement for the development.

Lighting and Security

Concern was identified in relation the development attracting vandals to the property. According to designing out crime principles, the best means of deterring this activity is through passive elements such as passive surveillance and lighting which will need to be provided as part



of the development. Lighting associated with the proposed development as well as security cameras are expected to assist in adequately deterring the potential for anti-social behaviour on or around the site.

Given the proposal does not include details of outdoor lighting, should Council support the proposal, a condition should be imposed requiring this detail prior to the issue of a building permit.

Other Considerations

Concern over the potential decrease in property values for surrounding residential properties was conveyed by some nearby landowners in the advertising period; however, this is not a planning consideration.

Conclusion

The proposed development will provide a well-articulated building that has an active and engaging street frontage to Mell Road. The proposed single storey building has been designed to be sympathetic to the existing streetscape with appropriate setbacks and open space similar to those required for residential development. The proposal is not considered to generate unreasonable levels of traffic congestion in the area or detract from the amenity of neighbours or the street.

The location of the site is considered suitable for use as a medical centre due to its close proximity to public transport, shops, aged care housing and other amenities that the area offers which will encourage non-car based transport to the site. The Medical Centre will provide an increase in medical services in the area which has a large and growing residential catchment. It is therefore recommended that Council approve the application subject to conditions and advice notes.

Strategic Plan/Policy Implications

City Growth

- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Increase local employment and career opportunities across a range of different employment areas through support for economic development



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

Should the applicant lodge a review of the decision with the State Administration Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

Attachments

1. Site & Ground Floor Plan
2. Elevations & Perspectives
3. Landscaping Plan
4. Location Plan
5. Petition

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 13 October 2016 Ordinary Council Meeting.

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

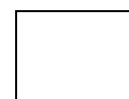
Nil.

15.2 (MINUTE NO 5906) (OCM 13/10/2016) - LOCAL GOVERNMENT INVENTORY (ADMINISTRATION SITE/SENIORS CENTRE/BOWLING CLUB) - ADDITIONAL INVENTORIES (148/004) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) include the 42 trees located on the City's Administration site / bowling club / seniors centre on the 'Significant Tree' list pursuant to the Local Government Inventory; and



- (2) receive a report at the next available Council meeting on the remedy actions that are available to the City to address the planning compliance issues and breach of restrictive covenant issues that the unlawful removal of the three trees located on Lot 121 Coleville Crescent.

COUNCIL DECISION

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

CARRIED 9/0

Background

At the 11 February 2016 Ordinary Council Meeting Deputy Mayor Carol Reeve-Fowkes raised the following matter for investigation:

“That a report be prepared and presented to Council on the mature trees on the Administration Site/Senior Centre/Bowling Club with a view to incorporating in the City’s Heritage Significant Tree Inventory”.

Subsequently staff undertook an inspection of the trees across the sites with the assistance of an Arboricultural consultant. This identified 45 tree species that were considered to meet Council’s criteria for ‘Significant Trees pursuant to the Local Government Inventory (“LGI”).

Each tree was assessed in accordance with the nomination criteria, photographed and mapped with GPS locations enabling loading into the City’s Intramaps layer.

At the Ordinary Meeting of Council of 14 July 2016 Council resolved to advertise the proposed inclusion of these 45 trees on the ‘Significant Tree’ list pursuant to the LGI.

The proposed inclusion of the trees was subsequently advertised for a period of 30 days, ending 2 September 2016.

Submission

N/A



Report

The purpose of this report is for Council to consider including the trees on the 'Significant Tree' list pursuant to the LGI.

Subject Land

The City's administration centre / senior centre/ bowling club are located on Lot 20 Coleville Crescent, Spearwood which is owned by the City in fee simple. It also includes Lot 121 Coleville Crescent, owned by the Department of Health, containing the Dental Clinic.

The land extends over 5.93 Ha, and in addition to the built infrastructure has a mature landscape reflecting the fluctuating topography and environmental constraints. The landscape is framed through a series of mature trees which have been strategically located throughout the site creating a unique character that can be admired and treasured by the community.

Removal of Trees 1-3

On the weekend of 10 September 2016 three of the trees on the proposed 'Significant Tree' list (Trees 1, 2 and 3) were removed without the consent of the Council.

These three trees were Eucalyptus cladocalyx (Sugar Gum), and were part of a corridor of ten of the species along Rockingham Road.

It was identified that these three trees were in fact located on Lot 121 (No. 1) Coleville Crescent, owned by the Department of Health, rather than the verge area of Rockingham Road.

By way of background, Lot 121 Coleville Crescent was subdivided by the Council and sold to the Department of Health in 2004 for the purposes of establishing a dental clinic.

From early in the process of creating this lot these three trees were identified for retention, as follows:

1. At the Ordinary Meeting of Council 17 September 2002 Council resolved to sell the portion of land. This report states that the placement of the buildings will need to ensure the protection of significant trees.
2. At the Ordinary Meeting of Council 17 June 2003 the proposed lot to be created was increased by 64sqm to 'allow for the preservation of significant trees'.



3. A condition of subdivision approval (WAPC No. 121255) to create Lot 121 Coleville Crescent was: *“Measures being taken to the satisfaction of the WAPC to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.”*
4. The development plans for the dental clinic show the trees specifically marked. In addition, further information was requested by the City prior to commencement to construction regarding how the trees would be protected, to which the following measures were advised: *“Footings for retaining walls were dug out by hand to ensure no root damage, and an arborist would be consulted to ensure minimal damage to tree health.”*
5. Critically, a restrictive covenant was imposed (dated 11 November 2004) for Lot 121 Coleville Crescent that prohibits the removal of vegetation.

The City therefore believes that removal of the trees was carried out in contravention of the Deed of Restrictive Covenant.

The City has engaged Paperbark Technologies Pty Ltd to undertake a Helliwell Valuation of the three trees removed, which identifies the average value of each tree as \$40,000.

On 14 September 2016 the City wrote to the Department of Health setting out these facts, and requesting a remedy and restitution to the value of the assets lost.

On 19 September 2016 the Department of Health (Dental Health Services) has advised that they are currently investigating the incident. Resolution of this matter is therefore still pending.

With regard to the three trees removed from Lot 121 Coleville Crescent, it is not recommended that the place records be included on the ‘Significant Tree’ list, given that the purpose of including the trees is to protect them.

However, should replacement trees be planted it is recommended that these be considered for inclusion on the ‘Significant Tree’ list at that time.

City of Cockburn Criteria for Significant Trees

In order for a tree to be considered for inclusion on the Significant Tree list pursuant to the City of Cockburn Local Government Inventory, a nomination form is required to be completed to enable consideration of



the trees location and status within the environment. A nomination form for each tree is included at Attachment 2.

The criteria are outlined below, however not all require addressing for the submission to be received and assessed.

Historical Significance

Tree(s) commemorating a particular occasion including plantings by notable people and/or having associations with an important event in local, state or national history. Tree(s) that possess a history specifically related to the City or its surrounding areas.

Horticultural Value

Tree(s) of outstanding horticultural or genetic value and that which could be an important source of propagating stock, including specimens particularly resistant to disease or exposure.

Rare or Localised

Tree/s species or variety rare or very localised in distribution, enhancing the diversification of the local urban forest.

Location or Context

Tree(s) that occur in a unique location or context so as to provide a major contribution to landscape and/or local place character. Includes outstanding aesthetic value which frame or screen views, or act as a landmark.

Exceptional Size, Age and Form

Tree(s) noted for particular age, size or irregular form relative to other normal mature tree species that currently reside within the City. Also includes curious forms, particularly abnormal outgrowths, fused branches or unusual root structures.

Indigenous Association

Tree/s that has a recognised association with Indigenous people, or that is valued for continuing and developing cultural traditions.

Site Evaluation

Although the subject land has a vast number of trees, an inspection by officers and the City's Arboricultural consultant identified 45 tree



species for consideration in the Local Government Inventory 'Significant Tree' list.

Each tree has been assessed in accordance with the nomination criteria, photographed and mapped with GPS locations enabling loading into the City's Intramaps layer. Typically these trees are valuable in terms of the exception size and age, have prominent canopies and are of good health and vitality. In addition they make a major contribution to the landscape character and are prominent within the immediate precinct.

Community Consultation

Clause 45 (4) of the *Heritage of Western Australia Act* requires that local governments compile a LGI with proper public consultation.

The proposed 'Significant Tree' listings were advertised for a period of 30 days, ending 2 September 2016.

An advertisement was included in the newspaper seeking comments on the proposal, and one submission of support was received.

Conclusion

It is recommended that Council include the 42 trees located on the City's Administration site / bowling club / seniors centre on the Local Government Inventory Significant Tree Registry.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health
- Further develop adaptation actions including planning; infrastructure and ecological management to reduce the adverse outcomes arising from climate change

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

Clause 45 (4) of the *Heritage of Western Australia Act* requires that local governments compile a LGI with proper public consultation.

An advertisement was included in the newspaper seeking comments on the proposal, and one submission was received supporting the proposed listings.

Risk Management Implications

The trees located within the administration site have been identified as significant and the City needs to minimise the risk of their removal and support the retention in perpetuity.

Attachment(s)

City of Cockburn Administration Site Significant Tree Map.

Advice to Proponent(s)/Submissioners

N/A

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

N/A.

15.3 **(MINUTE NO 5907) (OCM 13/10/2016) - LOT 2 FANSTONE AVENUE - CONSIDERATION TO ADOPT SCHEME AMENDMENT 110 AND STRUCTURE PLAN (109/046 & 110/133) (R PLEASANT) (ATTACH)**

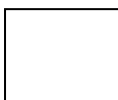
RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 110 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") and the proposed structure plan;
- (2) adopt Scheme Amendment No. 110 for final approval for the purposes of:
 1. Rezoning part of Lot 2 Fanstone Avenue, Beeliar from Special Use zone to Development zone; and
 2. Reserve part of Lot 2 Fanstone Avenue, Beeliar from 'Special Use zone to 'Local Reserve Lakes and Drainage'.
- (3) amend the Scheme map accordingly;



- (4) note the amendment referred to in resolution (2) above is a “standard amendment” as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:
- c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment; and*
 - e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*
- (5) ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning;
- (6) pursuant to Schedule 2, Part 4, Clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission the proposed Structure Plan for Lot 2 Fanstone Avenue, Beeliar, be approved, subject to the following modifications:
1. Part 1 of the Structure Plan be modified to include the following requirement in order to maximise tree retention as part of the future subdivision process:
 - i. GPS location of the significant trees
 - ii. Overlay this information with the levels plan
 - iii. Consider how road reserves can be adjusted to retain trees
 - iv. Consider how POS can be adjusted to retain trees
 - v. Ensure such is reflected in the subsequent subdivision application process.
 2. Recommend to the Western Australian Planning Commission the structure plan be updated as per the schedule of modifications identified within attachment 5 relating to the Traffic Impact Assessment.
- (7) advise those parties that made a submission of Council’s decision accordingly.



COUNCIL DECISION

MOVED Clr P Eva SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 110 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) and the proposed structure plan;
- (2) adopt Scheme Amendment No. 110 for final approval for the purposes of:
 1. Rezoning part of Lot 2 Fanstone Avenue, Beeliar from Special Use zone to Development zone; and
 2. Reserve part of Lot 2 Fanstone Avenue, Beeliar from ‘Special Use zone to ‘Local Reserve Lakes and Drainage’.
- (3) amend the Scheme map accordingly;
- (4) note the amendment referred to in resolution (2) above is a “standard amendment” as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:
 - c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment; and*
 - e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*
- (5) ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning;
- (6) pursuant to Schedule 2, Part 4, Clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission the proposed Structure Plan for Lot 2 Fanstone Avenue, Beeliar, be approved, subject to the following modifications:
 - a. Part 1 of the Structure Plan be modified to include the



following requirement in order to maximise tree retention as part of the future subdivision process:

- I. GPS location of the significant trees
- II. Overlay this information with the levels plan
- III. Consider how road reserves can be adjusted to retain trees
- IV. Consider how POS can be adjusted to retain trees
- V. Increase public open space provision to 15% of gross subdivision area
- VI. Ensure such is reflected in the subsequent subdivision application process.

- b. Recommend to the Western Australian Planning Commission the structure plan be updated as per the schedule of modifications identified within Attachment 5 relating to the Traffic Impact Assessment.

- (7) advise those parties that made a submission of Council's decision accordingly.

CARRIED 8/1

Reason for Decision

Modifying Part (6) of the officer recommendation to add a new modification to Part 1 of the Structure Plan to require the public open space provision be increased from 10% of gross subdivision area to 15% gross subdivision area will assist in the retention of further existing remnant vegetation.

Background

At the Ordinary Council Meeting of 8 October 2015, Council initiated Scheme Amendment No. 110 to the City of Cockburn Town Planning Scheme 3 (TPS3) to:

- Rezone the subject site from 'Special Use 11' to 'Development'.
- Reserving a portion as 'Local Reserve – Lakes & Drainage'.

The same resolution supported a draft Structure Plan to be advertised concurrently with the Scheme Amendment subject to modifications.



The purpose of this report is for Council to consider adopting Scheme Amendment No. 110 for final approval, and to consider making a recommendation on the Proposed Structure Plan, in light of the advertising process that has taken place.

Submission

N/A

Report

The site

The subject site is located to the North of the Cockburn Cement works area (refer to Attachment 1 for the Locality Plan) and is surrounded by residential development to the North, East and West.

The land was previously utilised as a quarry in keeping with the allowed uses of the zone until approximately the mid-1990s. Since this time the site has been subject to a rehabilitation program by Cockburn Cement that has resulted in an extensive replanting program. The applicant seeks to transition a portion of this land, of which is located outside of the Kwinana air quality buffer, to a residential use. This land is zoned urban under the Metropolitan Region Scheme, and is identified as suitable for urban development on the basis of both its zoning and location outside the Kwinana air quality buffer.

Figure 1: Views across the site illustrate the current site condition resulting from remediation work undertaken by Cockburn Cement.



Figure 2: The perimeter of the site remains relatively untouched by quarrying activities and as a result 57 advanced Tuart Trees are scattered around the sites edges.



The proposal - Scheme amendment 110

No changes are proposed to the Scheme amendment post Council's support for advertising. Attachment 2 illustrates the current and proposed Scheme amendment maps as advertised. The following provides a summary of the Scheme amendment proposal.

It is noted the subject land formed an amendment to the Metropolitan Region Scheme (MRS) in 1995 at which time the site was zoned from



Rural to Urban. In effect, the City is bringing its Scheme into consistency with the MRS.

Special Use 11 – Cockburn Cement

Special Use 11 encompasses approximately 3.5ha of land that was defined under the Cement Works (Cockburn Cement Limited) Agreement Act 1971. The Special Use relates to Cement Works and Conservation Areas linked to the manufacture of cement lime and associated products for use in the construction industry.

The subject site is the northern extremes of the Special Use 11 area.

The proposal to rezone to Development will allow for residential development to occur on the subject site. All proposed residential areas, as depicted on the draft Structure Plan, would fall outside the industrial buffer that applies to the land.

Local reserve - Lakes and Drainage

The area of Local Reserve – Lakes and Drainage sits to the south of the area to be rezoned. This area is anticipated to receive all run-off of water from the proposed subdivisional roads. This approach is considered beneficial as it will allow the 10% public open space requirement within the Development Area to be fully utilised as unrestricted Public Open Space, rather than be constrained partially by the need to accommodate drainage runoff. This Reserve will sit within the Cockburn Cement Industrial Buffer; however as it forms no function other than drainage this is considered appropriate.

Draft Structure Plan

As stated the Draft Structure Plan was advertised concurrently with the Scheme Amendment. The advertised structure plan is provided at Attachment 3, outlining a relatively formal street grid pattern with multiple connections to the existing road network and the provision of 2 Public Open Space (POS) areas. The POS is aligned in a frame like structure around the internal residential subdivision, recognising the opportunity associated with protecting the older growth trees that exist in this peripheral frame of the land.

The Draft Structure Plan proposes three different residential density codes (R20, R25 and R40) to facilitate residential development across the site. The proposal would see the structure plan reflect the pattern of residential development taking place around it.



Two POS areas are proposed in the southern corners of the structure plan area of which provide for the retention of 20 out of 57 advanced Tuart Trees.

With the exception of the 20 Tuarts, all vegetation is proposed to be cleared across the site. This is the common practice in contemporary residential development on the Swan Coastal Plan, with POS areas providing the only limited opportunity in which to retain and integrate remnant vegetation.

Community consultation

Amendment No. 110 was advertised for public comment from 5 July to 15 August and the structure plan was advertised from 19 July to 15 August 2016. Letters were sent to all affected landowners and residents explaining Amendment No. 110 and the structure plan.

A total of 38 submissions were received, of which included:

- 17 objections;
- 7 support of which 3 are subject to modifications, and;
- 13 from Government agencies and service providers not objecting to the proposal.

Of the 17 objections the key issues relate to; the loss of natural bush and loss of Black Cockatoo habitat (10), congestion, noise, odour and dust from Cockburn Cement, including loss of flora and fauna including black cockatoos (3), contaminated soils (2).

All of the submissions are outlined and addressed in Attachment 4.

Summary of response to key issues

Loss of natural bush and Carnaby Cockatoo habitat

A key concern raised by the objectors relates to loss of vegetation and the potential impact on the environment, local amenity and fauna habitat such as the Black Carnaby Cockatoo. In total 10 objections relating to this topic were received, with 2 further submissions of support subject to the retention of trees along McLaren Avenue.

Response

The only opportunity which comes with the protection of remnant vegetation once the decision has been made to urbanise an allotment is through the careful planning and provision of POS areas, and opportunities to carefully articulate road reserves to enable tree retention within such reserves. In terms of the concerns regarding



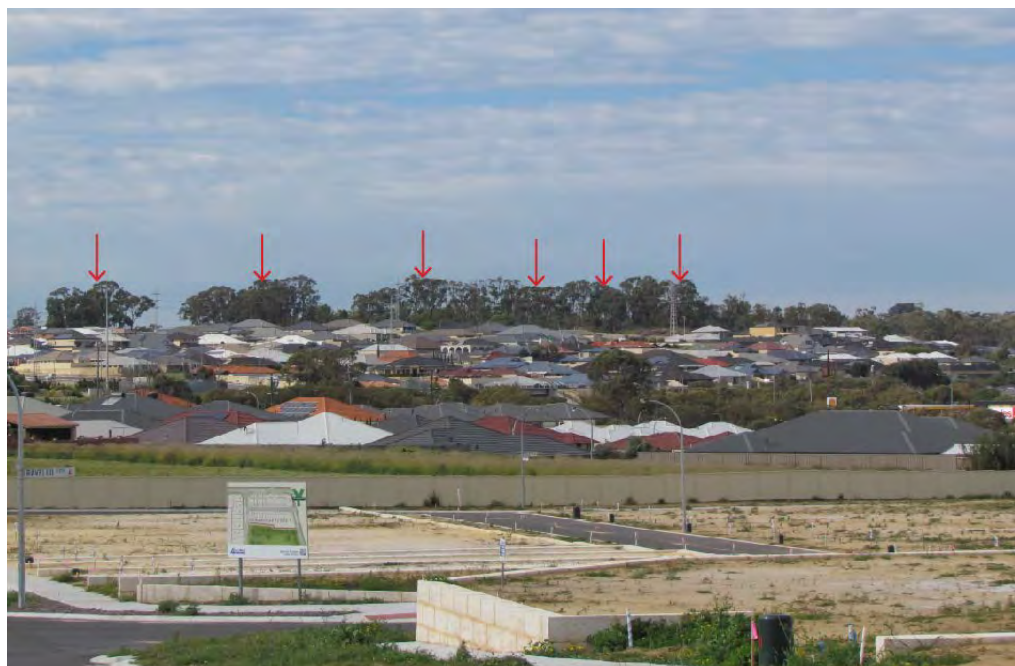
impacts on threatened fauna and loss of local bushland, the Federal Government's environmental assessment process, in addition to the State Government's environmental assessment process have deemed the proposal as acceptable from an environmental perspective.

The City would be familiar with the extensive clearing that has occurred as it has grown (and continues to grow) at significant rates. This clearing however follows a planning process which has occurred at the rezoning stages, whereby only environmentally acceptable proposals are successful in achieving an urban zoning for development to occur. As this land is already zoned urban under the MRS, the City is bringing its Scheme in to conformity with the MRS, and providing a framework to structure layout development on the site.

The key focus is placed upon the provision of open space, and protection of significant trees both within the POS areas and road reserves.

In addition to the abovementioned considerations, the Tuart trees, particularly those located along the prominent ridge line along Mc Laren Avenue, are considered to be locally significant given they form a cluster of remnant vegetation that provides a natural backdrop for the locality that can be viewed from multiple locations. This is shown in Figure 4 below.

Figure 4: The northern portion of the site (land located immediately to the South of, and running parallel with, McLaren Avenue is the location of a significant strand of trees, viewable from surrounding district views. Red arrows indicate the line of trees to be removed.



As a result, the various clusters of trees within the perimeter of the site need detailed examination at the subdivision stage so as to ensure any opportunity to retain trees either within articulated road reserves and POS areas is maximized. This should ensure the following:

1. GPS location of the significant trees
2. Overlay this information with the levels plan
3. Consider how road reserves can be adjusted to retain trees
4. Consider how POS can be adjusted to retain trees
5. Ensure such is reflected in the subsequent subdivision application process.

There are a number of local precedents where this has occurred, a notable one being Wellard Village. As shown in the image below, it is both viable and achievable that significant trees can be safely and securely protected as part of an area developing.



Proximity to Cockburn Cement

Submissions received also relate to the negative impact resulting from proximity to Cockburn Cement. Concerns relate to existing residents – stating that dust and pollution is likely to increase as a result of tree loss. Also of concern is the amenity for future residents within the subject site.

In response the City notes the Environmental Protection Authority's (EPA) Environmental Protection Guidance Statement No.3: Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement No.3) prescribes generic separation distances between industrial and sensitive land uses.

In respect to the quarry to the south of the subject site, Guidance Statement No.3 requires a separation distance of 300 to 500 metres for



a sand and limestone extraction. A separation distance of approximately 580 metres is achieved between the Structure Plan Area and the quarry.

The Structure Plan Area is also located outside of the northern boundary of Area B of the Environmental Protection (Atmospheric Wastes Kwinana) Policy 1992 and as a result it is considered that the Structure Plan Area is suitable for residential development.

Furthermore, adjoining land to the east and west of the subject site has already been approved for residential development abutting the boundary of Area B of the Environmental Protection (Atmospheric Wastes Kwinana) Policy 1992.

With regard to ongoing resident issues resulting from the Cockburn Cement operation, a process is in place whereby the Department of Environment and Regulation undertake a monitoring role of Cockburn Cement and are responsible for monitoring complaints. The Scheme Amendment and the structure plan were formally referred to the DER and no objection was raised to the proposal with the exception of potential soil contamination issues of which is stated as being able to be addressed at the subdivision stage.

On the above basis, the Scheme amendment and Structure Plan are recommended for adoption and recommendation to the Western Australian Planning Commission.

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

Economic, Social & Environmental Responsibility

- Improve the appearance of streetscapes, especially with trees suitable for shade

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

Amendment No. 110 was advertised for public comment from 5 July to 15 August and the structure plan was advertised from 19 July to 15 August 2016. Letters were sent to all affected landowners and residents explaining Amendment No. 110 and the structure plan.

Risk Management Implications

Should the structure plan proceed without further investigation of retention opportunities for vegetation, a missed opportunity will exist to protect a significant piece of local bushland. This is addressed as part of the recommended text modification.

Attachment(s)

- 1 Locality Plan
- 2 Current and proposed scheme amendment
- 3 Advertised structure plan
- 4 Schedule of submissions
- 5 Schedule of modifications – Traffic Impact Assessment

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 13 October 2016 Council Meeting.

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

Nil.

DECLARATION OF INTEREST

The Presiding Member advised the meeting he had received a Declaration of Impartiality Interest from Clr Steven Portelli in relation to Item 15.4 - Proposed Structure Plan – Part Lot 22 and Lot 51 Mayor Road, Munster. The nature of the interest being that his employer Plunket Homes is lodging a planning application over the adjacent Lot (22).



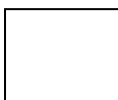
15.4 (MINUTE NO 5908) (OCM 13/10/2016) - PROPOSED STRUCTURE PLAN - LOCATION: PART LOT 22 AND LOT 51 MAYOR ROAD, MUNSTER - OWNER: MICHAEL IVAN TOMASICH AND DANICA TOMASICH - APPLICANT: TPG TOWN PLANNING, URBAN DESIGN AND HERITAGE (110/150) (T VAN DER LINDE) (ATTACH)

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 Structure Plan’ 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) *“On street visitor parking is to be provided within the northern verge of proposed Road 2 as well as within the southern verge adjacent to the POS to service the proposed grouped dwelling sites.”*
 - c) *“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).”*
 - d) *“Pedestrian paths shall be provided along all subdivisional roads to the satisfaction of the City.”*
 - e) *“A shared path shall be provided along proposed Road 1.”*
 - f) *“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.”

- g) *“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, modify 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 9 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 Beeliam 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 10g) 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; and
- (4) advise the proponent and those persons who made a submission of Council's decision.

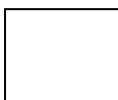
COUNCIL DECISION

MOVED Cllr B Houwen SECONDED Cllr S Portelli 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, note the Schedule of Submissions prepared in respect of the proposed part Lot 22 and Lot 51 Mayor Road Structure Plan ("Structure Plan") and recommend to the Commission the approval of the Structure Plan subject to the following modifications:



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. The Executive summary table include *Estimated Population* as per the Planning and Development Regulations Structure Plan Framework and this be referenced in section 3.3 of Part Two.
3. Part one, section 4.3, notification 1 and 2 being updated as per the modifications listed in recommendation (2) below.
4. 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.”*
5. 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) *On street visitor parking is to be provided within the northern verge of proposed Road 2 as well as within the southern verge adjacent to the POS to service the proposed grouped dwelling sites.”*
 - c) *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).”*
 - d) *Pedestrian paths shall be provided along all subdivisional roads to the satisfaction of the City.”*
 - e) *A shared path shall be provided along proposed Road 1.”*



- f) *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.*
- g) *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.
6. Part One, section 5, modify reference to date of BMP following modifications to the BMP in accordance with recommendation (2) below.
7. 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.'*
8. 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.
9. 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.
10. Amend the Plan 1 and Figure 3 Legend title "*Region Scheme Reserves*" to "*Local Scheme Reserves*".
11. 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.

12. Rename the Plan 1 and Figure 3 Legend title "*Other*" to "*Other Categories*" in accordance with the City's Scheme maps.
13. 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.
14. 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 9 above.
15. 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).
16. 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.
17. 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.*"
18. 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.
19. 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.
20. Part Two, section 3.4, paragraph 2 should be removed.
21. 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.
22. Part Two, section 3.4, final sentence to state "*Pedestrian paths shall be provided on all road reservations within the proposed subdivision.*"
 23. 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.
 24. Amend Figure 4 to illustrate temporary cul-de-sacs referred to in modification 10g) above.
 25. Include indicative bin pad locations on Figure 5, particularly for the R60 grouped site fronting Mayor Road.
 26. 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:
5. 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").
 6. 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.
 7. 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.

8. 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; and
- (4) advise the proponent and those persons who made a submission of Council's decision.; and
- (5) pursuant to Schedule 2, Part 4, Clause 22(7) of the deemed provisions 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.

MOTION LOST 1/8

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

CARRIED 8/1

DURING DISCUSSION OF THE ABOVE ITEM CLR PORTELLI LEFT THE MEETING AT 8.29 PM AND RETURNED AT 8.30 PM

DURING DISCUSSION OF THE ABOVE ITEM CLR EVA LEFT THE MEETING AT 8.29 PM AND RETURNED AT 8.32 PM



Background

The proposed Structure Plan (Attachment 1) was previously considered at the 8 September 2016 Ordinary Council Meeting (OCM), whereby Council resolved:

To defer consideration of the item to allow further investigation into the Structure Plan and further discussions with the applicant.

The purpose of this report is to present the findings of these further investigations and allow Council the opportunity to reconsider the proposal and the recommendation provided to Council.

This report is supplementary to the previous report presented at the September OCM (Item 14.1) and should be read in conjunction with this report.

Following the September OCM, the City sought to meet with the applicant and landowner to negotiate the design issues and discuss a potential redesign. However the applicant, under the client's instruction, refused to meet with the City as the client is not willing to make any changes to the Structure Plan design. The applicant also advised on behalf of their client that they are not willing to agree to a deferral to the WAPC. To correct the client, it is not their decision on whether an extension is permitted. This is the decision of the WAPC.

As per the previous Council report, the current design of the Proposed Structure Plan is unacceptable, through setting out a fragmented and inadequately design layout of structural elements particularly associated with public open space and road layout.

The City has continually advised the applicant of these issues, and that given the changes associated with the modifications will require readvertising of the proposal.

Submission

N/A

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.

Additional Comments Post 8 September 2016 OCM

Since the September OCM, the City has further investigated the proposed subdivision of the two existing dwellings from Lot 22, as well as the alternate Structure Plan layout proposed by the City (Attachment 2) in terms of POS and road layout. The outcomes of these investigations and additional comments addressing these issues are provided below and are to be considered supplementary to the report presented to Council at the September OCM.

These additional comments are solely in response to the deputation presented by the landowner at the September OCM and cannot address any further correspondence between the City and the landowner since the landowner was not willing to meet with the City to discuss the concerns raised.

Subdivision of Existing Dwellings from Lot 22

The following comments are supplementary to those provided within the September OCM report under the heading 'Design and Density'.

Schedule 2, Part 4, Clause 15(a)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that a structure plan may be prepared over an area if the area is identified in the Scheme as requiring a structure plan to be prepared before any future



subdivision or development is undertaken. Since the subject land is located within Development Area 5 and zoned 'Development' under the Scheme, a structure plan is required to be prepared over this land prior to subdivision or development of the land.

Furthermore, as per clause 5.2.2 of the Scheme, subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land. Thus, as per the provisions of the Scheme, the City cannot favourably consider a subdivision proposal over this land that does not yet have an approved Structure Plan prepared over the land to inform subdivision and development.

Such will also provide an inadequate/insufficient amount of public open space, as well as an ad hoc approach to development given the need to coordinate subdivision across the entire of Lot 22 in order to remove direct vehicle access to Mayor Rd once it is redeveloped as an upgraded Beeliar Drive extension. Effectively, by advancing the Proposed Structure Plan and these subdivision applications in a completely uncoordinated way, the City faces serious risks in not being able to deliver upon effective planning and particularly the 17/18 road project to upgrade Beeliar Drive through to Fawcett Road. This difficulty is avoided if the redesign that the City had previously communicated was instead adopted.

POS Location and Layout

The following comments are supplementary to those provided within the September OCM report under the heading 'Public Open Space (POS)'.

The Department of Planning's *Liveable Neighbourhoods* states the following objectives for Public Parkland:

"To provide public open space that is safe and overlooked by nearby buildings"; and

"To ensure that public open space is integrated into the urban structure to produce both land use efficiency and long-term sustainability."

The proposed POS layout does not achieve these objectives as the configuration of the POS 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. In addition, none of the proposed lots are fronting or overlooking the POS. Instead, one side lot boundary is proposed to be adjacent to the north of the POS, which is a poor outcome from an



amenity and safety perspective. The image below (Figure 1) is an example of the poor outcome of side lot boundaries adjacent to POS. These unobserved areas may be subject to graffiti and vandalism.



Figure 1 Poor visual and passive surveillance outcome as a result of side lot boundaries adjacent to POS

The current layout also limits options available for landscaping of the POS and is more difficult to maintain since it is of an irregular shape. In regards to local parks of up to 3,000m², Liveable Neighbourhoods specifically mentions that lot, street and landscape layout should provide good visual supervision of POS and provides the below image as an example (Figure 2). The POS is shown to be overlooked by numerous dwellings, consistent with the City's Alternate Structure Plan at Attachment 2 which shows a number of lots directly overlooking the POS. Design requirements to ensure habitable room frontage to both the POS and proposed Road 1 can be enforced via a Local Development Plan which will be required to be prepared for these lots as per Part 1 of the Structure Plan.



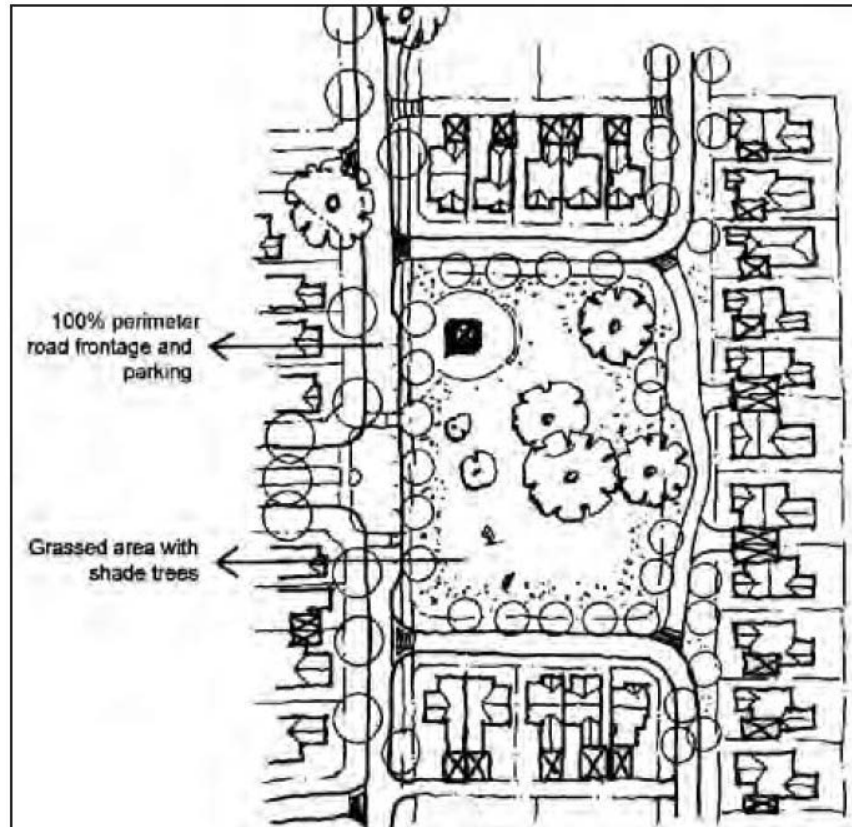


Figure 2 Liveable Neighbourhoods example of a local park fronted by numerous dwellings

An example of where direct frontage of lots to POS has resulted in good passive surveillance and amenity outcomes is provided below (Figure 3). Low and permeable fencing ensure there are no obstructions to sight lines from habitable rooms and outdoor living areas fronting the POS.

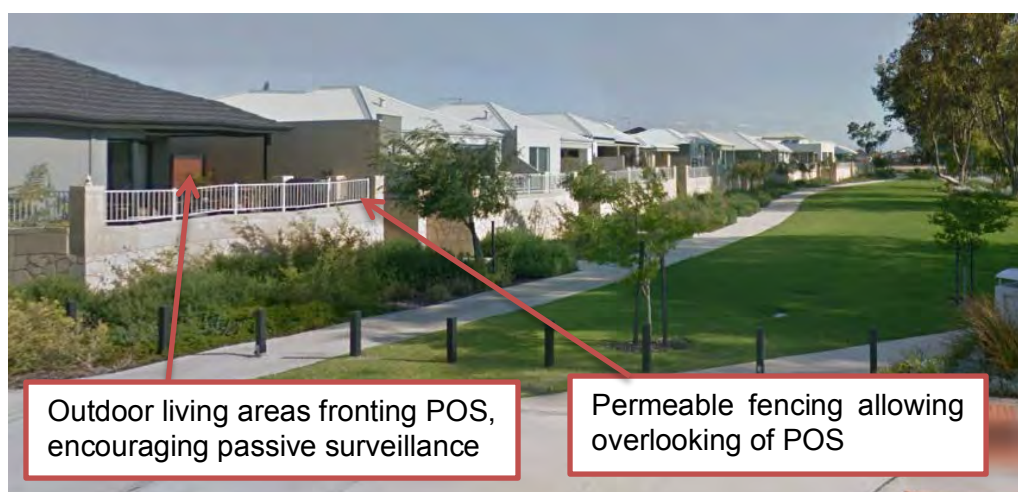


Figure 3 Good example of passive surveillance from dwellings directly fronting POS



The current POS layout would also result in the narrow strip of POS proposed along the western boundary of Lot 21 Rockingham Road being isolated and too narrow to be an effective and useable space. This narrow strip would also ultimately be fronted by dwellings on both sides which would result in the space becoming closed in and potentially appearing privatised. The relocation of the POS over Lot 51 creates a larger, more open and useable space which is not so closely confined by adjacent dwellings (Attachment 3). A larger, consolidated area of POS also provides more options in terms of landscaping as there is more room to establish larger trees.

Road Layout

The following comments are supplementary to those provided within the September OCM report under the heading 'Roads, Traffic and Access'.

The road layout as per the current Structure Plan design is not workable from an engineering and safety perspective. The location of the POS is not acceptable to the City and is required to be relocated in accordance with the City's Alternate Structure Plan. Relocating the POS without changing the design of the road layout results in dwellings located on a right angle corner at the south-east of Lot 51, hindering sight lines for vehicles navigating this right angle bend and thus resulting in an unsafe road layout. This has been an issue along Brushfoot Boulevard, Success where a right angle bend in the road has resulted in a number of incidents and complaints, resulting in the City needing to spend ratepayer funds to provide signage and road markings to attempt to create a safer environment (Figure 4).



Figure 4 Right angle bend along Brushfoot Boulevard, Success



The suggested road layout proposed by the City's Alternate Structure Plan is a far safer option that responds to the location of the POS along the eastern boundary of Lot 51. The layout is also acceptable from an engineering point of view and will provide a more efficient path of travel for residents moving east-west through Lot 51. It does not propose any right angles and allows for clear sight lines in all directions at the T-junction of proposed Road 1 and Road 3. It is a more optimal design in this regard, and will prevent safety issues associated with the current design.

Lot Configuration and Size

The City's Alternate Structure Plan proposes lots along the western boundary of Lot 51 to have a depth of 25m, which at an R30 coding require a frontage of 12m to meet average lot area requirements. The applicant has expressed concerns regarding the dimensions of these lots, referring to these as "squat" lots and claiming that there is no appetite in the market for lots of this size. They have also stated that standard dwelling designs do not fit lots of these dimensions.

However, lots of this size exist elsewhere within the City of Cockburn, many of which have been recently subdivided and/or developed such as those within Calleya Estate, Lakeside Success, Packham Estate and to the west of the Structure Plan area along Wading Place. The basis of market acceptance of such lots is therefore not supported by the local evidence.

Furthermore, lots of the same dimensions have in fact been proposed by the applicant elsewhere within the Structure Plan area according to the Development Concept Plan submitted with the Structure Plan.

The City has also investigated dwelling designs that would fit lots of this size and has received advice from Perth-based residential building companies that there are popular standard house designs available for lots of these dimensions. Thus, the City does not accept that the proposed lot sizes are not viable. In fact, the City believes that such lots with an outlook to open space will sell potentially at a premium compared with non-open space fronting lots.

Parking

The City has concerns regarding the provision of parking and visitor parking for the proposed R40 and R60 coded lots within the Structure Plan some of which is likely to be developed as grouped dwellings or potentially multiple dwellings. These higher densities result in a greater number of dwellings within a smaller area, and thus an increased number of residents and potential visitors seeking parking.



Direct vehicle access and parking to Mayor Road is prohibited as Mayor Road is reserved 'Other Regional Road' under the MRS. The easternmost R60 coded land also has narrow frontage to proposed Road 2, further limiting parking options for residents and visitors of these lots. Thus, it is appropriate for parking to be provided within the road reserve of proposed Road 2 to avoid visitors and residents parking directly on the street and causing congestion or safety issues. This is addressed under recommendation 10b) above.

Critically, the applicant needs to recognise that no subdivision which relies upon frontage to a future Beeliar Drive extension is possible. Accordingly, this shows how the current subdivision application would jeopardise the City's committed project for 17/18 to extend Beeliar Drive.

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).

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

Budget/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 and the previous report discussed at the 8 September OCM. The recommended officer 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. It would also result in a situation that potentially prevents the future extension of Beeliar Drive due to lots front Mayor Rd. 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. Applicant's Structure Plan
2. City's Alternate Structure Plan
3. City's Alternate 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 13 October 2016 Council Meeting.

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

Nil.



15.5 (MINUTE NO 5909) (OCM 13/10/2016) - INITIATION OF PROPOSED SCHEME AMENDMENT NO. 120 - LOCATION: PORTION OF LOT 9501 BARTRAM ROAD, SUCCESS - OWNER: ALLVIVID PTY LTD – APPLICANT: PLANNING SOLUTIONS / JOHN CHAPMAN TOWN PLANNING CONSULTANT (109/121) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005* (“Act”), initiate Amendment No. 120 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) for the purposes of:
1. Reclassifying a portion of Lot 9501 Bartram Road from ‘Residential R40’ to ‘Local Road’ as depicted on the Scheme Amendment Map.
 2. Reclassifying a portion of Lot 9501 Bartram Road from ‘Local Road’ to ‘Residential R30’ as depicted on the Scheme Amendment Map.
 3. Amending the Scheme Map in accordance with recommendation (1) 1 and 2 above.
- (2) note the amendment referred to in resolution (1) above is a ‘standard amendment’ as it satisfies the following criteria of Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (“Regulations”):
- “(e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment*”; and
- “(f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*”
- (3) upon preparation of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (“Regulations”) and the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations.



COUNCIL DECISION

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

CARRIED 9/0

Background

The subject land is bound by Bartram Road to the south, Wentworth Parade to the east, Hanbury Loop to the west and land reserved for Parks and Recreation to the north (Attachment 1 – Location Plan refers).

The site is currently vacant of any development.

The subject land was previously included within Development Area 14 and coded 'Residential R20'. In February 2016, under Scheme Amendment No. 106, the subject land was removed from Development Area 14 and rezoned to 'Residential R30', 'Residential R40' and 'Residential R60' codings, as well as 'Local Roads' and 'Parks and Recreation' reserves.

Proposed Amendment No. 120 now seeks to relocate a portion of road reserve within the subject land to achieve a more desirable design outcome and to facilitate subdivision.

Submission

N/A

Report

The subject land is 4.2982 hectares and is zoned 'Urban' under the Metropolitan Region Scheme ("MRS"), with portions zoned Residential R30, R40 and R60 and reserved for 'Parks and Recreation' and 'Local Road' under the City's Town Planning Scheme No.3 as depicted in the Existing Zoning figure at Attachment 2.

The proposed Scheme Amendment seeks to relocate a portion of road reserve within the subject land to allow for additional, regular shaped R30 lots and a single row of R40 lots fronting Bartram Road. This arrangement requires a portion of 'Residential R40' coded land to be reclassified to 'Local Road', which is to provide rear access to the R40 lots, and a portion of 'Local Road' reserve to be reclassified to 'Residential R30' as depicted in the 'Proposed Zoning' figure at Attachment 2. The Amendment affects a relatively small portion of the



subject land area. A concept Plan of Subdivision depicting lot location and access is included at Attachment 3.

Roads and Access

The portion of Bartram Road adjacent to the subject land is reserved as 'Primary Regional Road' under the MRS and thus direct lot access is not permitted from the subject land onto Bartram Road. The proposed amendment seeks to provide rear access to the R40 lots fronting Bartram Road by relocating the road reserve directly behind these lots.

The proposed Amendment is unlikely to have any impact on existing residents within the locality in terms of traffic or streetscape amenity, and all other road reserves within the subject land providing future access to the surrounding road network will remain unchanged.

Conclusion

In summary it is recommended that the City initiate the proposed Scheme Amendment No.120.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets

Moving Around

- Improve connectivity of transport infrastructure

Budget/Financial Implications

The Scheme Amendment fee for this proposal has been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

The subject land is located within Developer Contribution Area 1 (DCA 1) – Success North, which requires contributions towards the widening and upgrading of Hammond Road, between Beeliar Drive and Bartram Road. This contribution is required to be paid on a per hectare basis at the development stage.

Legal Implications

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No. 3



Planning and Development (Local Planning Schemes) Regulations 2015

Community Consultation

As per Part 5 of the Regulations, there several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

As a standard amendment, this proposal is required in accordance with the Regulations to be advertised for a minimum of 42 days, following local government initiation of the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable.

Risk Management Implications

The officer's recommendation takes in to consideration all the relevant planning factors associated with this proposal and is appropriate in recognition of making the most appropriate planning decision. There is minimal risk to the City if the amendment is initiated for advertising as it will not have any impact on existing landowners or residents in the locality and is thus considered minor.

If the Scheme Amendment is not progressed, the R40 portion of land fronting Bartram Road will be too wide to develop as a single row of lots. Since direct access from lots onto Bartram Road is not permitted, rear access will be necessary between the two rows of R40 lots to service those adjacent to Bartram Road, which could be provided via a laneway. However, this would result in these lots either fronting a laneway or fronting Bartram Road with its high volumes of traffic, neither of which are desirable streetscape amenity outcomes for residents. The Scheme Amendment thus allows for a more desirable option in terms of access to the R40 coded land.

Attachment(s)

1. Location Plan
2. Scheme Amendment Map – Existing and Proposed
3. Concept Plan of Subdivision

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 13 October 2016 Council Meeting.



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

N/A.

15.6 (MINUTE NO 5910) (OCM 13/10/2016) - PROPOSED RE- NAMING OF PUBLIC OPEN SPACE RESERVE 47410 (RESERVE FOR PUBLIC USE & RECREATION) - LOT 4881 (20) RAVELLO VISTA, YANGEBUP - (6000808) OWNER: STATE OF WA (MGT ORDER: CITY OF COCKBURN) (147/001) (A KHAN/ A TROSIC) (ATTACH)**RECOMMENDATION**

That Council

- (1) advise the applicant that, according to the policy requirements of the Geographic Naming Committee, it supports the renaming request; and
- (2) writes to the GNC seeking their formal approval for the renaming of Ravello Reserve to Dropulich Reserve.

COUNCIL DECISION

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

CARRIED 9/0**Background**

The City received a request to rename Ravello Reserve to become Dropulich Reseve. Rovello Reserve is specifically Reserve 47410, and is located at No. 20 (Lot 4881) Ravello Vista, Yangebup. The Reserve is only now being formalised, as it has been made up of components of previous subdivisions of land

The renaming request is to rename Ravello Reserve to Dropulich Reserve, for the entire open space area as shown following:





The matter was previously reported to Council in August 2016, whereby the item was deferred to enable further community consultation to take place. The purpose of this report is to consider the matter in light of the further community consultation that has taken place.

Submission

The City received a request for the renaming of the public open space reserve from Ravello Reserve to Dropulich Reserve from Mate and Senka Dropulich, owners of 28 Shallcross Street, Yangebup .

Report

By way of background, Ravello Reserve was chosen by following the Policy set out by the City and Geographical Naming Committee (GNC). This being to name reserves after their adjoining street. In this case, 'Ravello' was chosen for the reserve due to this being the name of the adjoining road. This name was formally approved by the GNC on 20 June 2013.

The name Ravello is from the historic town of Ravello, on the Amalfi Coast which is a well-known tourist destination. It generally reflects the southern European which is a common naming theme in Cockburn.

The rename to Dropulich Reserve, has been proposed by the applicant to recognise the contribution of the Dropulich family to the broader Cockburn community. The name Dropulich also reflects the surrounding Southern European Theme which is evident through



much of Spearwood, Munster and western parts of Yangebup. The background letter submitted by the applicant is provided at Attachment 1.

On the basis of the initial public consultation that took place, there were a number of objections to the renaming received, and officers were not in a position to support the renaming request. GNC Policy guides that renaming be considered as an absolute exception, and only if clear community support can be demonstrated. This was not able to be shown through the first round of community consultation that occurred.

At the August Council meeting the matter was deferred to enable further community consultation, requested by Council, to take place. In accordance with Council's decision, further community consultation was undertaken through letters being sent to surrounding landowners on 18 August 2016, with a close off date of 8 September to make a submission. An important consideration that is taken in respect of any renaming request, noting that reserve names are meant to be enduring, is the community sentiment to such a proposal. The community consultation results are described following.

Community Consultation

All of the submissions that were received are set out in the Schedule of Submissions (Attachment 2). A total of 17 additional submissions were received, as well as a petition containing 58 signatures in support of the renaming.

Of the submissions received,

- eleven submissions marked support
- three submissions objected
- one submission was neutral, just wanted the park to be established so her family could make use of it
- one submission preferred the name change as it recognised Croatian Heritage
- one submission fully supported the change

Officer Comment

It is important to consider the State Government Policy Guidance given in respect of renaming of reserves. This assists the City in considering what a fair and reasonable response to this request needs to take in to account. The relevant sections of the GNC Policy are extracted following:



5.4 Naming amendments

Official local park or recreational reserve names are expected to be enduring. Landgate discourages any changes to official names without good reason, however such proposals will be considered on an individual basis, and the merits of each case will be carefully evaluated.

Reasons that may be considered in support of a name change are:

- *changes made to bring official usage into agreement with well-established local usage;*
- *proposals to eliminate naming issues such as derogatory names, duplication or those previously approved on the basis of incorrect information; and*
- *proposals previously made at the request of persons or organisations (public or private) for commemorative or other reasons important to the proposer.*

Where a change to the name of a local park or recreational reserve is proposed, clear justification outlining sufficient reasons for consideration is required. As names are meant to be enduring, the current name has already been in use within the public domain. The proposed new name selected shall conform to all the necessary naming policies and standards.

It is clearly evident that renaming of parks is discouraged. This reflects the logic that park names are meant to be enduring, and that renaming requests start to undermine the significance once a park is named. In the case of this request, it is also proposed to be a Personal (family) name. The GNC guidelines provide the following additional advice in this respect:

1.4.2 Use of personal names

Requests to approve names that commemorate, or that may be construed to commemorate, living persons will not be considered. Community attitudes and opinions may change over time and as a result any requirement to rename may lead to confusion and be costly to process.

The approval of a name to commemorate an individual will only be considered if:

- *such application is in the public interest*
- *there is evidence of broad community support for the proposal*
- *the person has been deceased for at least two (2) years*
- *the applicant requesting the new name is not an immediate relative, written permission of the family should be obtained*
- *the person being honoured by the naming has had either some*



direct and long-term association, twenty (20) or more years, with the feature

- *has made a significant contribution to the area in which it is located*
- *the proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located.*

The following will not be considered as appropriate grounds for a commemorative naming request:

- *current or recent ownership of the land*
- *precedence of existing names*
- *recent or ongoing public service within all levels of government*
- *no direct association with the area.*

The naming request has been to recognise the contribution of the Dropulich name to the growth of Cockburn community over many years. Officers have had a number of discussions with the applicant, and understand how significant this issue is for the family. It is not specific to her family, but the immigrants and decedents that share the Dropulich name and who have contributed to Cockburn's growth. Given the extent of community support, mainly evidenced through the petition of surrounding residents containing signatures from 58 properties. it is considered that there is now community sentiment that supports the renaming request.

It is uncertain as to how the GNC will view this recommendation of the City, however officers are satisfied that it does now meet the policy guidance.

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

Budget/Financial Implications

Nil

Legal Implications

Nil



Community Consultation

Public consultation was undertaken as per Council policy and the GNC guidelines. The proposal was advertised from 16 August to 8 September 2016, including letters to landowners in the area.

Risk Management Implications

The key risk for Council is in making a decision which may upset a broader community who indicate support to the proposal.

Attachment(s)

1. Background letter
2. Schedule of submission
3. Petition

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 14 October 2016 Ordinary Council Meeting.

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

Nil.

15.7 (MINUTE NO 5911) (OCM 13/10/2016) - PROPOSED SCHEME AMENDMENT NO. 121 - LOT 100 PORT KEMBLA DRIVE AND LOT 4 GEELONG COURT, BIBRA LAKE - APPLICANT: MW URBAN PLANNING & DEVELOPMENT CONSULTANTS (109/122) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

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

Rezoning Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake from 'Local Centre' to 'Mixed Business'.
- (2) note the amendment referred to in resolution (1) above is a 'standard amendment' as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:



an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

any other amendment that is not a complex or basic amendment.

- (3) upon preparation of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations.

COUNCIL DECISION

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

CARRIED 9/0

Background

A request has been received to rezone Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from ‘Local Centre’ to ‘Mixed Business’.

The subject land comprises two adjoining sites fronting Port Kembla Drive, Spearwood Avenue and Geelong Court in the Bibra Lake Industrial Area (see Attachment 1).



The land is located on the north-eastern corner of the intersection of Spearwood Avenue and Port Kembla Drive, with Geelong Court forming the northern boundary.

Lot 100 Port Kembla Drive is currently occupied by a tavern and drive-through bottle shop, which have recently ceased trading. Lot 4 Geelong Court is located on the south-east corner of the intersection of Port Kembla Drive and Geelong Court, and is currently occupied by two motor vehicle repair and parts premises.

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme, and 'Local Centre' pursuant to City of Cockburn Town Planning Scheme No. 3 ("the Scheme") (shown in Attachment 1).

Submission

N/A

Report

The purpose of this report is for Council to consider initiating proposed Amendment No. 121 to City of Cockburn Town Planning Scheme No. 3 ("the Scheme").

The Amendment proposes to rezone Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'.

The following justification for the proposed rezoning has been provided by the proponent:

- * *The proposed rezoning of the two subject sites from 'Local Centre' to 'Mixed Business' will match the zoning of all other properties in the western part of the Bibra Lake industrial area bounded by Spearwood Avenue, Stock Road and Phoenix Road.*
- * *The Mixed Business Zone is a type of industrial zone that will facilitate land uses and development that complement existing development in the locality. As such, the proposal is consistent with the relevant State and local planning frameworks. State planning strategies, including the draft Perth and Peel@3.5 Million documents and the Economic and Employment Lands Strategy, seek to maintain and protect the Bibra Lake industrial precinct.*
- * *The City's Local Planning Strategy includes the land within the 'Bibra Lake Industrial' precinct and also aims to consolidate this*



and other industrial precincts, due to the employment benefits for the local and regional communities. The land is located within the Bibra Lake Industrial Centre in the Local Commercial and Activity Centre Strategy; it is not identified as one of the 32 'Local Centres'.

- * *The proposed rezoning will complement the existing Mixed Business zoning within the western part of the Bibra Lake industrial area, consistent with the relevant State and local planning frameworks. The Mixed Business Zone is a type of industrial zone that will facilitate land uses and development that complement existing development in the locality. Further, the Scheme Amendment will correct an existing zoning anomaly in TPS 3 by ensuring the permissible uses for the subject land are more appropriate for its location within an industrial precinct.*

Zoning History

Under City of Cockburn Town Planning Scheme No. 1 ("TPS 1") Lot 100 Port Kembla Drive was zoned 'Special Use - Tavern', and Lot 4 Geelong Court was zoned 'Special Use - Service Station', and the surrounding area was zoned 'General Industry'. TPS 1 was characterised by a large number of zones, including numerous 'Special Use' zones that reflected a range of very specific uses.

Under City of Cockburn Town Planning Scheme No. 2 ("TPS 2") there was a reduction in the number of zones within the Scheme, and both lots were then zoned 'Commercial', presumably to reflect the uses facilitated under TPS 1 for the site. The surrounding area was zoned 'General Industry' at that time, and was later zoned 'Mixed Business'.

The introduction of TPS 3 saw a further reduction in the number of zones, and a shift towards broader, more general zones. Under TPS 3 the subject land was zoned 'Local Centre'. This would have been the most comparable zoning to 'Business', which is not a specified zone under TPS 3.

Based on this examination of the history of the site it is not considered that there is any specific purpose for the current 'Local Centre' zoning of the subject land.

It is likely that this zoning merely reflects an evolution of the original zoning of the land under TPS 1, which was put in place to accommodate some specific businesses at the time, rather than any specific intent to facilitate a local centre in this location.

This is supported by the fact that it was not identified as a local centre' in the original City of Cockburn Local Commercial Strategy (1996), nor



subsequently in the current Local Commercial and Activity Centre Strategy, discussed further in this report.

Furthermore, it is not considered that the subject land has ever fulfilled a 'local centre' function. On this basis, there is not considered to be a specific reason to retain the 'Local Centre' zoning in this location.

Objectives of the 'Local Centre' and 'Mixed Business' zones

The Scheme sets out objectives for each zone, and the objective of the 'Local Centre' is as follows:

Local Centre Zone: To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.

The subject site does not, and has not in the past contained uses that are specifically consistent with this objective. The historical use of the site and the current uses are more consistent with the objectives of the 'Mixed Business' zone as follows:

Mixed Business Zone: To provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.

Permissible Uses

In assessing the proposed Amendment it is important to consider the range of uses permissible under the current 'Local Centre' zone, and those permissible under the proposed 'Mixed Business' zone.

Attachment 2 provides a comparison of the permissibility of uses for each zone.

Of particular note, 'Grouped' and 'Multiple' dwellings are 'P' uses in the 'Local Centre' zone. Given the adjacent 'Mixed Business' zoning, and the fact that the subject land is located within an industrial area, it is considered undesirable to have dwellings as a 'P' use, and more appropriate to have them as a 'D' use, as they are in the 'Mixed Business' zone.

By having grouped and multiple dwellings as 'D' uses this allows the City/Council to consider whether grouped and multiple dwellings are appropriate for the site should they be proposed, having regard for the amenity impacts of the established industrial/commercial uses in the surrounding industrial precinct.



In terms of commercial uses, there are a greater range and number of permissible commercial uses under the 'Mixed Business' zone than the 'Local Centre' zone. For example, 'Light Industry', 'Service Industry' and 'Cottage Industry' are not permissible in the current 'Local Centre' zone, and are permissible ('D' uses) under the 'Mixed Business' zone. Given that the subject land is located in an industrial area, surrounded by 'Mixed Business' zoned land, it is considered appropriate that such uses are permissible.

The proposed 'Mixed Business' zone is therefore considered to facilitate a more appropriate range of uses for the subject land, compatible with the surrounding area.

The 'Mixed Business' zone will give landowners a greater range of permissible commercial land uses, while providing Council with greater control over possible development of grouped and multiple dwellings on the subject land.

There are some uses that are currently permissible under the 'Local Centre' zone, that will not be permissible under the proposed 'Mixed Business' zone. For example, under the 'Mixed Business' zone 'shop' uses will not be permissible (currently permissible in the 'Local Centre' zone), however 'showroom' uses will be permissible.

The current uses on the subject land will be permissible uses under the 'Mixed Business' zone, and will more closely align with the objectives of the 'Mixed Business' zone than the 'Local Centre' zone.

City of Cockburn Local Commercial and Activity Centre Strategy

While currently zoned 'Local Centre', the subject land is not identified as one of the 32 local centres in the City of Cockburn Local Commercial and Activity Centre Strategy ("LCACS").

It is also noted that it was not previously identified as a local centre in the now superseded City of Cockburn Local Commercial Strategy (1996), where it was identified as being within the Bibra Lake 'Mixed Business' area.

The LCACS identifies the subject land as being within the Bibra Lake Industrial Centre, which is a Strategic Employment Centre.

The performance of the Bibra Lake Industrial Centre as a whole has been measured in the LCACS across three key principles - Intensity; Diversity and Employment. The possible impact of the proposed rezoning on each of these principles is outlined and discussed below:



Intensity: Intensity is the measure of the ratio of floor space to total land area. The proposed rezoning will not negatively impact on this potential ratio, and in increasing the range of possible uses for the subject land it will increase floor area potential.

Diversity: Diversity seeks co-location of complementary activity which can yield positive externality benefits. The proposed rezoning is not considered to negatively impact diversity of the centre, as the majority of uses that will no longer be permissible are not considered to be appropriate, complementary uses in the area. In addition, the proposed rezoning increases the number of commercial uses that would be permissible, and therefore may facilitate increased diversity.

Employment: In terms of employment opportunities within the Bibra Lake Industrial Centre, the proposed rezoning is not considered to detrimentally impact this performance. It will even assist in ensuring the residential development of the land (which is possible under the current zoning) does not reduce the employment generating potential of the subject land.

It is therefore considered that the proposed rezoning of the subject land to 'Mixed Business' is consistent with the LCACS, and will provide greater flexibility that could impact positively on the three key principles used to measure the performance of the Bibra Lake Industrial Centre.

State Planning Context

In May 2015, the Western Australian Planning Commission ("WAPC") released the draft Perth and Peel@3.5 Million documents, which include strategies for accommodating an expected population of 3.5 million by 2050. The Spatial Plan shows the subject land as 'Industrial Zoned – Existing', with no change proposed.

The Strategy is supported by four draft sub-regional planning frameworks. The subject land is located within the draft South Metropolitan Peel Sub-Regional Planning Framework, which identifies the area as 'Industrial'.

Therefore the proposal to rezone the land from 'Local Centre' to 'Mixed Business' is considered to be consistent with the draft strategies, and will not prejudice any objectives in respect to commercial/industrial land.

Conclusion

To summarise, it is recommended that the proposal to rezone the subject land from 'Local Centre' to 'Mixed Business' be initiated by Council for the following reasons:



- * The proposal is consistent with the MRS zoning and will provide a zoning that matches the surrounding area.
- * It is not considered that there is a specific purpose for the current 'Local Centre' zoning, given that the subject land is not identified in the LCACS as a local centre (including the superseded Local Commercial Strategy), and it has never functioned as a local centre.
- * The range of permissible uses, and the permissibility of uses under a 'Mixed Business' zoning is more appropriate for the area given it is located within the Bibra Lake Industrial area, and will provide greater control over possible residential uses.
- * The range of permissible uses under a 'Mixed Business' zoning will assist in achieving the targets set out in LCACS for the Bibra Lake Industrial area, given it will provide more flexibility for commercial uses.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Increase local employment and career opportunities across a range of different employment areas through support for economic development

Budget/Financial Implications

The Scheme Amendment fee has been calculated by the City and has been paid by the applicant.

Legal Implications

Nil.

Community Consultation

As per Part 5 of the Planning and Development (Local Planning Schemes) Regulations, there are three amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

A standard amendment (such as this) requires 42 days consultation.



If initiated by Council the Amendment will be referred to the Environmental Protection Authority (“EPA”) prior to advertising pursuant to section 48A of the *Environmental Protection Act*. If the Amendment is deemed to be ‘not assessed’ the Amendment will be advertised for 42 days.

This will include an advertisement in the newspaper, and letters to adjoining landowners seeking comments. Letters will also be sent to landowners and tenants of the subject land.

Risk Management Implications

The officer’s recommendation takes in to consideration all the relevant planning factors associated with this proposal. It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision.

It is important for the landowners to understand the implications of the proposed zoning changes, in that there will a number of land uses currently permissible under the ‘Local Centre’ zone, that would no longer be permissible under the proposed ‘Mixed Business’ zone.

In this regard the City’s consultation will encourage the landowners and tenants of the subject land and adjacent landowners to consider how these changes may impact their future plans for their property. A copy of the land use table comparing the permissibility of uses will be sent with all consultation letters.

Attachment(s)

1. Location Plan
2. Scheme Amendment

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 13 October 2016 Council Meeting.

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

Nil.



15.8 (MINUTE NO 5912) (OCM 13/10/2016) - ACQUISITION OF RESERVE 45009 LOT 2102 GARSTON WAY, NORTH COOGEE (041/001) (L GATT) (ATTACH)

RECOMMENDATION

That Council

- (1) consent to purchase Reserve 45009, Lot 2102 Garston Way North Coogee (Reserve 45009) for the purchase price of \$390,000.00 ex-GST;
- (2) consents to transfer a total amount of \$400,000 ex-GST from the Land Development and Community Infrastructure Reserve to cover the costs of purchase and associated transactions (surveying and settlement); and
- (3) amend the 2016/17 Municipal Budget by transferring a total amount of \$400,000 ex-GST from the Land Development and Investment Reserve to fund the purchase of Lot 2102 Garston Way, North Coogee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

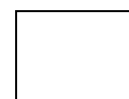
CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The City was granted the Management Order for Reserve 45009 on 25 August 1997 for the purpose of a drainage sump.

Reserve 45009 is currently a stormwater drainage storage basin designed and constructed to accommodate stormwater collected from the road pavement upstream.

The drainage sump will become redundant in the future as all stormwater is to be redirected to other drainage treatment areas as part of the redevelopment within the Cockburn Coast Robb Jetty Local Structure Plan.



This has provided the opportunity for the City to consider purchasing the land from the State at a value, less the costs for the remediation of the land. The recommendation is to purchase the land, with the view to holding it as a long term redevelopment opportunity.

Submission

A letter of offer has been received from the Department of Lands detailing the purchase price for Reserve 45009 the letter can be viewed at Attachment 1.

Report

Reserve 45009 is situated in the Cockburn Coast Redevelopment Area and is contained within the Robb Jetty Local Structure Plan.

The subdivision and redevelopment of the Cockburn Coast area will provide an alternative stormwater collection basin constructed to the south of Reserve 45009 which will see the current drainage reserve become redundant. This will provide the opportunity for the City to consider the future use of Reserve 45009 land as it will no longer be required for drainage. The land is identified for residential development according to the Structure Plan, at a density of R80.

The City has undertaken a valuation by a Licensed Valuer with the valuation based on it being suitable for residential development (R80).

The valuation considers the estimated development costs and the irregular shape of the land and concurs that the rounded market value of the land is \$390,000 or \$279/m². An extract from the City's intramaps can be viewed at Attachment 2.

It is noted that the Perth real estate market has suffered from an oversupply and the building of new houses has slowed. Apartments are now very plentiful in the market, and as this site would be destined for apartment development, it is necessary that any purchase contemplation be with the view of a long term hold. Remediation of the land has an associated cost of at least \$300,000, and its shape also means some form of boundary adjustment would need to occur in order to create a more logically shaped lot. Such boundary adjustment would likely be in partnership with Landcorp, who own a similarly irregular shaped lot to the immediate east.

As Reserve 45009 land and the surrounding land is zoned R80 (high density residential), the purchase of this land provides an opportunity to land bank the lot for future sale or development when the market improves. This may be long term, beyond 10 years for example. Such long term perspective helps to reduce risk that would otherwise be



associated with taking a short term perspective when the current property market is weak especially in respect of development sites for apartments.

The Department of Lands Offer to purchase details a purchase price of \$390,000.00 ex GST. The offer takes into account the costs associated with the earthworks and includes an allowance to remove the existing sewer water main running through the lot.

The offer from the Department of Lands is in line with the valuation from the City's Licensed Valuer therefore it is requested that Council consent to the purchase of Reserve 45009 for the purpose of land banking the lot until the market improves, for a purchase price of \$390,000.00 ex GST.

Strategic Plan/Policy Implications

City Growth

- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types

Leading & Listening

- Ensure sound long term financial management and deliver value for money

Budget/Financial Implications

Transfer \$400,000.00 ex GST from the Land Development and Investment Reserve to cover the purchase of the land, pay for legal, settlement, valuation, surveying and sub-division costs.

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

The risks to be considered are:

If Council does not support the recommendation to purchase the land.



It is likely that either adjoining landowner (of which one is Landcorp) would apply to the Department of Lands to purchase the land. The only risk to the City in doing this would be the opportunity cost if, in the future, the market recovers and the land becomes more valuable compared to the purchase cost, and adjustments to account for the time value of money equation.

As an example, in 10 years' time a present value of \$390,000, taking account of a cost of capital to the City of 2.5%, would need to appreciate to at least \$499,232 to make this venture a worthwhile one. It is reasonable to consider over an extended timeframe like 10 years, that the land has the ability to appreciate in that value given the development that will occur in the surrounding precinct.

Attachment(s)

1. Location Plan
2. Valuation Report - McGees

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 13 October 2016 Ordinary Council Meeting.

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

Nil.

15.9 (MINUTE NO 5913) (OCM 13/10/2016) - CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 119 TO DELETE LOCAL PLANNING POLICY 1.13 'BUSHFIRE PRONE AREAS' - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (109/119) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 75 of the *Planning and Development Act 2005* ('the Act') resolve to initiate the proposed scheme amendment, to the City of Cockburn Town Planning Scheme No. 3 ("Scheme"), by deleting the following Scheme text under section 5 of the Scheme and renumbering the remaining Clause numbers where appropriate:

Bushfire Vulnerability Area, being all land in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone.



Bushfire Vulnerability Area.

The purpose of the Bushfire Vulnerability Area special control area is to -

- (a) implement State Planning Policy 3.7 Planning for Bushfire Risk Management and Guidelines;*
- (b) identify land that is subject, or likely to be subject, to bushfire hazard;*
- (c) ensure that development effectively addresses the level of bushfire hazard applying to the land; and*
- (d) in accordance with the Building Code of Australia activate Australian Standard 3959 which is construction of buildings in bush fire prone areas.*

For the purposes of this clause, a Bushfire Prone Area means any area located in the Bushfire Vulnerability Area special control area and shown on a Bushfire Hazard Assessment Map as bushfire prone.

A Bushfire Hazard Assessment Map shall indicate bushfire prone areas.

If a Local Government resolves to prepare a Bushfire Hazard Assessment Map, the Local Government—

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

After the expiry of the period within which a submission may be made, the local government is to:

- (a) review the proposed Bushfire Hazard Assessment Map in light of any submission made; and*
- (b) resolve to adopt the Bushfire Hazard Assessment Map with or without modification.*

If the local government resolves to adopt the Bushfire Hazard



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

The Bushfire Hazard Assessment Map has effect on publication of a notice under clause [5.6.6].

A copy of the Bushfire Hazard Assessment Map, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

A land owner may dispute the classification of their land as set out on the Bushfire Hazard Assessment Map in writing to the local government for consideration.

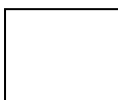
In addition to development which otherwise requires approval under the Scheme, planning approval is required for any development within a bushfire prone area, that does not comply with an approved bushfire hazard assessment undertaken as part of the structure planning or subdivision of an area or is inconsistent with the WAPC's and FESA's Planning for Bush Fire Protection Guidelines (Latest Edition).

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

- (a) the provision of fire-fighting water supply.*
- (b) the provision of fire services access.*
- (c) the preparation of a fire management plan in accordance with the Planning for Bush Fire Protection Guidelines (Latest Edition) and implementation of specific fire protection measures set out in the plan, including any requirement for buildings to be constructed in accordance with A3959;*
- (d) the requirement to register a notification under section 70A Transfer of Land Act 1893 on the certificate of titles giving notice of the bushfire hazard and any restrictions and/or protective measures required to be maintained at the landowner's cost.*

An application for development approval must be accompanied by:

- (a) a bushfire attack level assessment carried out in accordance with the methodology contained in the Planning for Bush Fire Protection Guidelines (Latest Edition);*



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

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

Notwithstanding the exemptions to the need for development approval set out in Part 7 of the deemed provisions and this scheme, development approval is required where the following development is included in a Bush Fire Prone Area, as defined by clause 5.6.2 of the Scheme:

- a) The erection or extension of a single house;*
- b) The erection or extension of an ancillary dwelling;*
- c) The erection or extension of a grouped dwelling*

- (2) amending the Scheme maps and legend by deleting the *Bushfire Vulnerability Area ('BVA')* Special Control Area as indicated in Attachment 1 of this report;
- (3) revoke '*Local Planning Policy 1.13 – Bushfire Prone Areas*' pursuant to Part 3 Schedule 2 Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as this policy is an incidental policy to the above mentioned Scheme provisions as described under point (1) above. On this basis the deletion of the BVA must include the Revocation of LPP 1.13 (see Point 10 below regarding Advertising and further details);
- (4) note the amendment referred to in resolution (1) above falls within the definition of a 'basic amendment' as per Part 5 Division 1 Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:
 - 1. *an amendment to correct an administrative error;*
 - 2. *an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;*
 - 3. *an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in*



Schedule 2;

4. *an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;*
5. *an amendment to the scheme so that it is consistent with a State planning policy;*
6. *an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;*
7. *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;*
8. *an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;*
9. *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area.*

Pursuant to Regulation 35(2), note the proposed amendment satisfies (c) and (e) of the above criteria. In particular, since the introduction of the *Planning in Bushfire Prone Areas* amendment to the Regulations on 7 December 2015; and the adoption of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* ('SPP 3.7') the above mentioned scheme provisions regarding the Schemes' BVA are now superseded.

- (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 *Environmental Protection Act 1986* in relation to the proposed Scheme amendment;
- (6) pursuant to Part 5 Division 4 Regulation 58; within 21 days of initiation of this amendment as described above, provide the formal amendment document and this Council report to the Commission for their information;
- (7) pursuant to Part 5 Division 4 Regulation 60, note unless the Commission makes direction under Regulation 59, the Commission must, within 42 days of receiving the above mentioned documents;
 - (a) *consider the documents;*
 - (b) *make any recommendations to the Minister in respect of the amendment that the Commission considers*



- appropriate; and*
- (c) *submit the documents and the recommendations to the Minister in accordance with section 87(1) of the Act.*
- (8) note 'basic amendments' (as defined under point (4) above) are generally not required to be advertised to the Community, government agencies and service providers. Notwithstanding under Regulation 61 the Minister or an authorised person may direct the City of Cockburn to advertise a 'basic amendment' to the local planning scheme if the Minister or authorised person is of the opinion that the amendment is significant. Should the Minister direct the City of Cockburn to advertise this amendment, the amendment will under that scenario be advertised accordingly;
- (9) pursuant to Regulation 64 should the Minister approve the proposed amendment the Commission must provide to the City of Cockburn a copy of the notice of the amendment to the Scheme published in the Gazette under section 87(3) of the Act. As per 64(2) the City of Cockburn must, at that point;
- (a) *publish a copy of the notice in a newspaper circulating in the district where the land the subject of the local planning scheme is situated; and*
- (b) *should submissions be received, notify each person who made a submission in relation to the amendment to the local planning scheme—*
- i. that the amendment has been approved; and*
- ii where a copy of the approved amendment can be obtained.*
- (10) should the Amendment be approved by the Hon. Minister as per point (9) above, the notice in a newspaper as described above under 9(a) and any potential notification under 9(b) will include a notice regarding the incidental revocation of 'Local Planning Policy 1.13 – Bushfire Prone Areas' as described above under point (3). This is in accordance with the requirements as prescribed under Schedule 2 Part 3 Clause 6 (b) (ii) of the Regulations.

COUNCIL DECISION

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

CARRIED 9/0



Background

The report titled *“A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review”* was commissioned by the Western Australian Government in response to the Perth Hills Bushfire. The fire occurred on 6 February 2011 in the Roleystone-Kelmscott area of the Perth hills, destroying 71 homes and damaging a further 39.

The report was prepared by Mr Mick Keelty AO, and contains 55 recommendations which were endorsed by the Government in principle, subject to further analysis and consideration by relevant government agencies and other key stakeholders. The report was tabled by the Premier in Parliament on 17 August 2011.

Recommendation 3 under the Keelty Report response table specified; *“the Western Australian Planning Commission should urgently assess those areas that should be declared bushfire prone”*. Incidental to this was Recommendation 4 which specified *“the State Government [is to] give legislative effect to the Planning for Bush Fire Protection Guidelines [or relevant equivalent/ updates]”*.

On 12 April 2012 Council initiated the then draft Scheme Amendment No. 92 under item 14.1 which was described as; *“Bushfire prone areas and endorsement of methodology for identification of bushfire prone areas”*.

Later, on 9 May 2013 Council resolved to adopt the final Scheme Amendment No. 92 for final approval and to prepare a Local Planning Policy to; *“help guide development within designated Bushfire Prone Areas to provide consistency to officers, landowners and developers”*.

The [then/ previous] Hon. Minister for Planning approved Amendment No. 92 on 4 March 2015 and on 13 March 2015 Amendment No. 92 was formally Gazetted and included into the Scheme.

From 13 March 2015 up-until 7 December 2015; the BVA, LPP 1.13 and the additional Scheme provisions associated with Amendment No. 92 have resulted in the City of Cockburn’s proactive implementation of AS 3959-2009 prior to the implementation of the States’ bushfire mapping. The City’s proactive formulation and implementation of Amendment No. 92 is in accordance with good-governance principles and the principles described within the abovementioned ‘Shared Responsibility’ Report.

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide that in the States’ designated bushfire prone areas, the requirements imposed by the deemed provisions apply in addition to the provisions or requirements of a Special Control Area relating to bushfire. Effectively, the City’s Scheme, through it being very proactive



on the issue of bushfire protection through the planning and building system, now has a replicated version of essentially the same provisions for bushfire protection in place.

This amendment seeks to address this, by deleting the City's provisions that were introduced through Amendment 92 as they now replicate the planning system of the State Government.

Submission

N/A

Report

The Proposed Scheme Amendment was prepared by the City of Cockburn. The amendment aims to delete the final Gazetted outcome of Amendment No. 92, including Bushfire Scheme text resultant upon by the Gazettal of Amendment No. 111 (Clause 5.1.2) and subsequently revoke LPP 1.13, as described above.

The function of Amendment No. 92 and the Schemes BVA has since been superseded by the subsequent State governments' range of legislative changes including, but not limited to;

1. The implementation of the State Governments' Designated Bushfire Prone Area Map (DFES),
2. Adoption of the Planning in Bushfire Prone Areas amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. The introduction of SPP 3.7 'Planning in Bushfire Prone Areas'.
4. The adoption of the incidental Guidelines for Planning in Bushfire Prone Areas (December 2015),

The amendment is considered to fall within the definition of a 'basic amendment' as per Part 5 Division 1 Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment;

- *Aims to delete provisions that have been superseded by the deemed provisions in Schedule 2; and*

The amendment is consistent with State planning policy 3.7.

What is the Scheme's BVA?

The *Bushfire Vulnerability Area special control area* spatially identifies the 'Bushfire Prone Area' ('BPA'). Under the Building Code of Australia a '*Designated Bushfire Prone Area*' means "*land which has been designated under a power of legislation as being subject, or likely to be subject, to bushfires*".



Essentially the Schemes BVA/ Bushfire Prone area is a trigger mechanism which establishes when to apply AS 3959-2009, construction of buildings in bushfire prone areas, with respect to applications for residential development. The scheme BVA as identified under Attachment 1 of this report is an appropriate 'head of power' for the purposes of implementing AS 3959-2009 under an application to construct a 'residential' building or structure in accordance with the Building Code of Australia ('BCA').

The bushfire construction requirements of the BCA only apply to Class 1, 2 or 3 buildings or associated Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in designated bushfire prone areas.

Class 1, 2, 3 and 10a buildings are generally speaking 'residential' buildings such as, but not necessarily limited to; single dwellings, town houses or villa units, guest houses, hostels, backpackers accommodation, accommodation for the aged, children or people with disabilities. Included are buildings or structures which are not necessarily 'residential' buildings but generally associated with residential developments, including; a private garage, carport shed or the like.

The Schemes' 'BVA' is a trigger mechanism which helps developers, landowners, decision makers and the development industry determine when it is appropriate to implement AS 3959-2009. This is generally in areas that are within or adjacent to areas of native bushland.

Figure 1: Example of the Schemes' Bushfire Prone Area/ Bushfire Hazard Assessment Map/ BVA

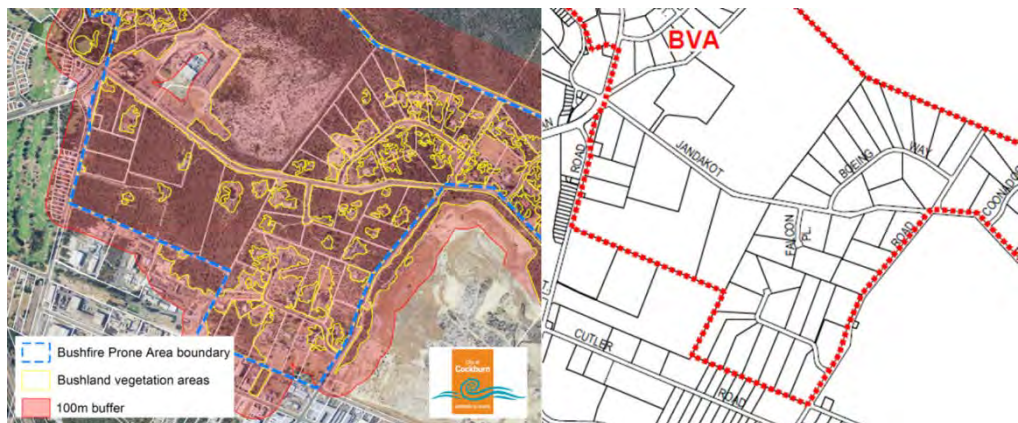


Figure 1 above identifies an example of the Schemes' mapping for a part of the locality of Jandakot. In summary the Schemes BVA identifies land which is subject, or likely to be subject, to bushfires. Applications for the construction of 'residential' buildings or structures in the BVA are conditioned, as an outcome of a formal application, to



comply with the relevant aspects of AS 3959-2009 relating to the specifics of the proposed development. This can vary between applications based on proximity of the proposed development to classified vegetation, the classification of vegetation and the slope of the land beneath the vegetation.

Why does the Scheme have a BVA?

As mentioned in the 2011 State Government endorsed 'Keelty report' and its description of a 'shared responsibility', the following two actions resulted which are of significant relevance to this report, those being;

- *“the Western Australian Planning Commission should urgently assess those areas that should be declared bushfire prone”, and*
- *“the State Government [is to] give legislative effect to the Planning for Bush Fire Protection Guidelines [or relevant equivalent/ updates]”.*

On 12 April 2012 Council initiated the then draft Scheme Amendment No. 92 under item 14.1 which was described as *'bushfire prone areas and endorsement of methodology for identification of bushfire prone areas'*.

Later on 9 May 2013 Council resolved to adopt the final Scheme Amendment No. 92 for final approval and to prepare a Local Planning Policy to *'help guide development within designated Bushfire Prone Areas to provide consistency to officers, landowners and developers'*.

The then/ previous Hon. Minister for Planning approved Amendment No. 92 on 4 March 2015 and on 13 March 2015 Amendment No. 92 was formally Gazetted and included into the Scheme.

The City of Cockburn embraced the above two mentioned principles of the 'shared responsibility' by implementing the BVA as at the time the WAPC was still working towards the finalisation and implementation of the State's BPA. The Schemes BVA was Gazetted and came into effect in March 2015, 9 months before the States mapping was implemented.

In summary it was determined in WA that a BPA was required in 2011 to implement AS 3959-2009 in areas within proximity to 'classifiable' vegetation. The City of Cockburn managed to implement a local level version of the BPA under the Scheme in the interim period prior to the State governments state wide BPA. This allowed proposed residential buildings or structures within the Schemes BVA following March 2015 to be made to comply with AS 3959-2009.



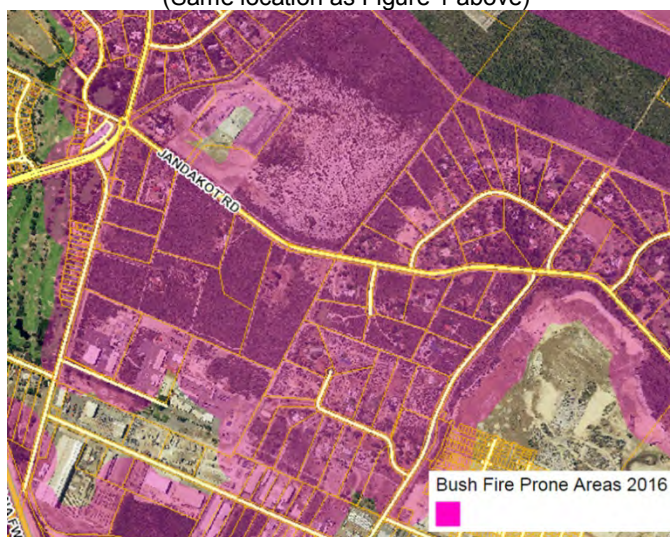
What is the State governments' BVA equivalent?

Areas within Western Australia have now been designated as bushfire prone by the FES Commissioner. This order was gazetted in tandem with the Planning and Development (Local Planning Scheme) Amendment Regulations 2015 and the new *State Planning Policy 3.7: Planning in Bushfire Prone Areas* ('SPP 3.7') which together form part of the State Government's bushfire planning reforms.

The Map of Bush Fire Prone Areas identifies the parts of the State that are designated as bushfire prone and came into effect in December 2015.

SPP 3.7 provides the foundation for land use planning decisions in designated bushfire prone areas and as such all local governments, including the City of Cockburn, need to give due regard to the policy provisions.

Figure 2: DFES/ State Map of Bushfire Prone Areas
(Same location as Figure 1 above)



What is the difference between the States Designated BPA Map and the Schemes BVA?

State Map - BPA:

Recommendation three of the Keely Report proposed the transfer of responsibility for designating bushfire prone areas to the State, through the WAPC, to improve consistency in the application of bushfire planning and building controls.

The Fire and Emergency Services Act 1998 was identified as the appropriate legislation to contain designation provisions and following



the passage of the Fire and Emergency Services Amendment Act 2015 in August 2015, the FES Commissioner is responsible for designating areas of the State as bushfire prone by order published in the Gazette.

The Office of Bushfire Risk Management ('OBRM') is responsible for the development of the Map that identifies designated bushfire prone areas of WA, working with local governments and partner agencies and with technical support from Landgate.

OBRM is an independent office within DFES reporting directly to the FES Commissioner. The OBRM Charter provides for the development and promotion of standards, including the establishment of a mapping standard for bush fire prone areas.

The OBRM vegetation data and mapping establishes a consolidated, single entity controlled whole of government approach. The vegetation data used to develop the Map was sourced from the Department of Agriculture and Food WA, the Forrest Products Commission and PF Olsen. This includes reviews in consultation with DFES and the Department of Parks and Wildlife to help determine which types of vegetation contained in the data are prone to bushfire.

As per Section 6 of the standard, local government and the Botanic Gardens and Parks Authority are provided with the opportunity to review the bushfire prone vegetation data for their administrative areas on an annual basis.

The state mapping standards are identified by the FFES, OBRM 'Mapping Standards December 2015'. Inbuilt to the standards is the notion of the 'precautionary principle'. Where it is uncertain whether an area of vegetation meets the criteria a precautionary approach ensures decision makers identify the vegetation as bushfire prone. Any reviews to the mapping are guided by the standards whereby the process is inclusive of the advice of local governments.

It is important to note the standards, for determining bushfire prone areas, is said to be reviewed every five years or as appropriate to maintain its currency. The review process will be managed by OBRM, in consultation with state and local government stakeholders.

Scheme Map - BVA/ BHAM:

Unlike the abovementioned whole of government collaborative mapping process, the Bushfire Hazard Assessment Map within the BVA is prepared solely by the City of Cockburn. The Scheme specifies however that the City of Cockburn, in preparing the mapping, *'may carry out such other consultation as the City considers appropriate'*.



Under the Scheme, the City of Cockburn is the decision making authority with respect to the preparation, consultation and adoption of the Schemes mapping. Incidentally the City is required to keep a copy of the mapping and make it available for public inspection during business hours at the administrative offices.

Under the State mapping there is no landowner dispute process once the State map is finalised. Under the Scheme, a Landowner may dispute the finalised version of the Local map. It is important to note the mapping is essentially a trigger mechanism of when to consider bushfire issues and at times may be where an applicant provides justification as to why AS 3959-2009 may not be required. This is based on the precautionary principle and is therefore not always an accurate representation of the bushfire risk for a particular property.

Under LPP 1.13, which is an incidental component of the above mentioned Scheme provisions, it makes mention *'for the purpose of the identification of Bushfire Prone Areas on a Bushfire Hazard Assessment Map [under the Scheme] the methodology as applied in Section 7 of the [OBRM standard] shall be applied'*.

What are the merits in maintaining local government legislative bushfire planning guidance and control in addition to the States' new bushfire planning legislation, policy and guidelines?

It is important to note, the requirements imposed by the 'deemed provisions' under the Regulations apply in addition to the requirements of the Schemes Special Control Area relating to bushfire.

A development site under the State BPA is subject, or likely to be subject, to bushfires when it is referred to as being in a bushfire prone area if the development site is land designated by an order made under the *Fire and Emergency Services Act 1998 section 18P* as a bushfire prone area. The OBRM is responsible for the state map working with local governments and partner agencies as a whole of government approach.

OBRMs current process for review of the states mapping is identified by the details prescribed within section 6.1 of the OBRM mapping standards. The City of Cockburn's Local level mapping follows similar methodology, referring to the OBRM standards, however under the Scheme the BVA applies only to land in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone.

The Scheme requires the City to publish a notice of a decision to adopt the BVA Map in the newspaper. This applies to 1039 lots and differs from the OBRM process, in that regard.



The State map and the local map should be similar in their classifications as they follow similar processes and methodology. In this respect in most areas the maps represents a replicated trigger mechanism. Please refer above to an example illustrated by figures 1 and 2 of this report which apply to the same area of Jandakot. The City's mapping is similar and generally a replication of the States' mapping however the City's map applies only to rural land. The City's mapping is controlled within the red BVA boundary.

In consideration of the scheme text, as opposed to mapping as described above, the Scheme provisions relating to refusing or conditioning applications are addressed separately under the new planning framework as at 7 December 2015. This clause, see above within the resolution section for details, is therefore considered a replication in that regard.

The Scheme specifies the ability to 'refuse' or impose conditions on applications relating to bushfire. The element of 'refusal' is addressed also under section 5.4.1 of the new State Government comprehensive guidelines. The guidelines address this as follows:

"The precautionary principle remains applicable to minor development applications. It may be that some sites have poor access, inadequate water supply, are in a remote location or on sloping topography which would pose an unacceptable risk even if the development was constructed to AS 3959-2009. In these instances, there is a strong argument for refusal of the proposal even when it meets the definition of minor development. However, each case will be assessed on its merit."

Attachment 2 of this report explores the intricacies of the Scheme text in the context of the new State Bushfire controls. This attachment provides a technical officer level review of the text which reflects the above discussions. In this regard it is expected that the Community will not be exposed to increased bushfire risk as a result of the potential Gazettal of the proposed Amendment.

Conclusion

Since the introduction of State government bushfire controls, the City's local level bushfire controls and incidental LPP 1.13 are now redundant.

This amendment proposes to delete the above mentioned Scheme text and the BVA Special Control Area Map. Should this amendment be supported, the incidental LPP 1.13 is proposed to be revoked simultaneously.



In light of the above mentioned review inclusive of Attachment 2 of this report, there is no added benefit in having a local and a State legislative control for the issue of bushfire planning.

It is considered within the interests of proper and orderly planning to streamline the planning process. The proposed outcome is considered to result in no additional risk to the community regarding bushfire.

The proposed outcome is likely to reduce the levels of liability associated with maintaining the Scheme maps, where they relate to bushfire mapping. This is on the basis that the Schemes Maps are currently required to be updated on an ongoing basis by the City. The process for formulating and maintaining the States' maps is comprehensive and more appropriately suited to informing planning and building decisions.

On this basis it is recommended Council support the proposed 'basic amendment' (as defined by the Regulations) in accordance with the above recommended resolution.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

The required fee was not calculated as the City of Cockburn is the proponent. There are no other direct financial implications associated with the scheme amendment proposal.

Legal Implications

Nil

Community Consultation

'Basic amendments' (as defined under the Regulations) are generally not required to be advertised to the community, government agencies and service providers. Notwithstanding under Regulation 61 the Minister or an authorised person may direct the City of Cockburn to advertise a 'basic amendment' to the local planning scheme if the Minister or authorised person is of the opinion that the amendment is 'significant'.



The amendment falls within the definition of a basic amendment as the amendment complies with the following two criteria;

- *an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*
- *an amendment to the scheme so that it is consistent with a State planning policy.*

On this basis it is unlikely that the Minister or an authorised person would direct the City of Cockburn to advertise the proposed 'basic amendment' to the local planning scheme pursuant to Regulation 61.

Should the Minister direct the City of Cockburn to advertise this amendment, the amendment will under that scenario be advertised accordingly.

Pursuant to Regulation 64 should the Minister approve the proposed amendment the Commission must provide to the City of Cockburn a copy of the notice of the amendment to the Scheme published in the Gazette under section 87(3) of the Act. As per 64(2) the City of Cockburn must, at that point;

- (a) *publish a copy of the notice in a newspaper circulating in the district where the land the subject of the local planning scheme is situated; and*
- (b) *should submissions be received, notify each person who made a submission in relation to the amendment to the local planning scheme —*
 - i. *that the amendment has been approved;*
 - ii. *and where a copy of the approved amendment can be obtained.*

Should the Amendment be approved by the Hon. Minister the notice in a newspaper as described above under (a) and any potential notification under (b) will include a notice regarding the incidental revocation of 'Local Planning Policy 1.13 – Bushfire Prone Areas'. This is in accordance with the requirements as prescribed under Schedule 2 Part 3 Clause 6 (b) (ii) of the Regulations

Risk Management Implications

Should the amendment not be initiated, the City's Town Planning Scheme No. 3 and Local Planning Policy 1.13 'Bushfire Prone Areas' will continue to result in a duplicated trigger mechanism with regards to bushfire planning.



The proposed amendment is more appropriately consistent with the notion of a necessary administrative task rather than with the consideration of a major 'risk'.

Notwithstanding the above, it is noted the Scheme specifies a copy of the BHA Map is to be kept and made available for public inspection during business hours. Additionally the Scheme specifies a land owner may dispute the classification of their land as set out on the Bushfire Hazard Assessment Map in writing to the City of Cockburn for consideration.

The two abovementioned administrative tasks are a potential resource allocation risk to the City on the basis the States' mapping provides a more comprehensive map which covers the area under the Schemes BVA. The City is not required to maintain the State Map, only provide advice as to its acceptability. The City is also not required to manage any disputes regarding the States mapping. On this basis maintaining a local BVA/ BHA map and entertaining any disputes regarding the Schemes' BVA, are considered to be unnecessary administrative tasks and liabilities.

It is expected though; the likelihood of either of these scenarios occurring is minimal. This amendment is considered as a basic amendment on the basis that it meets the following criteria;

- *an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*
- *an amendment to the scheme so that it is consistent with a State planning policy.*

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

Attachment(s)

1. Existing Bushfire Vulnerability Areas to be deleted.
2. Bushfire Planning Post 7 December 2015 Comprehensive officer level Review Table – Refer to this attachment for further details regarding the Scheme text analysis.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.10 (MINUTE NO 5914) (OCM 13/10/2016) - PLANNING APPLICATION - STORAGE YARD WITH HARDSTAND (CARAVANS, BOATS ETC) - LOCATION: NO. 59 (LOT 46) POWER AVENUE, WATTLEUP - OWNER: G HIGGS & R WINDON (DA16/0519 & 052/002) (D J VAN RENSBURG) (ATTACH)

RECOMMENDATION

That Council

- (1) refuses the application for a storage yard (caravans, boats, etc.) for the following reasons:

Reasons

1. The proposed use of an open storage yard (caravans, boats, etc.) is not in line with the objective of the zone, which is to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.
 2. The proposed use of an open storage yard (caravans, boats, etc.) is not in line with the City's strategic vision of future rural land uses for the area.
 3. Approval of the proposed use of an open storage yard (caravans, boats, etc.) will erode the area's ability to effectively serve as a buffer between the Industrial uses to its west and the central wetlands system to its east.
 4. Approval of commercial uses of this scale and nature in the area will change the rural nature of the area irreversibly and lead to increased pressure to allow commercial/industrial uses in this location.
 5. Secondary impacts associated with large hardstand and/or roofed areas in this location will result in increased water runoff and adversely impact on the environmental corridor.
- (2) notifies the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 9/0



Background

The subject site is 1.0547 hectares in area; is zoned rural and located on Power Avenue in Wattleup. The site is relatively flat and has frontages to both Collis Road and Power Avenue. Several mature trees are scattered throughout the site. There are no previous approvals on record, but the property is occupied by what appears to be two dwellings (one fronting Collis Road and the other fronting Power Avenue) with several outbuildings on the site.

The rural zone provides an interface between the future Latitude 32 industrial area to its west and the central wetlands system to its east. The subject site is generally surrounded by land occupied by rural residences with outbuildings. Some of these properties are largely cleared from vegetation whilst others are sparsely vegetated with scattered trees or are densely vegetated with large patches of mature vegetation.

Submission

N/A

Report

Proposal

The proposal comprises the following:

- 1700m² hardstand area on the eastern portion of the site behind the existing dwelling fronting Power Avenue;
- Hardstand Storage for 21 Caravans with 18 units stored in Hardstand and 3 stored in existing shed;
- Caravans dropped off and picked up during daylight hours;
- Hardstand area consisting of road base; and
- Entry to the site from the existing crossover of Power Avenue.

Neighbour Consultation

Given Storage Yard is an 'A'-use, the application was advertised to neighbouring properties in accordance with the requirements of Town Planning Scheme No.3. A total of three submissions were received, all three of them were non-objections.



Zoning and Use

The site is located within the 'Rural' zone in TPS 3, the objective of which is:

'to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.'

Under the 'Rural' zone Storage Yard is listed as an 'A' use in accordance with clause 4.3.2 of TPS 3 under Table 1 – Zoning Table, which means the City is not to grant approval unless it was advertised in accordance with clause 9.4.3 of TPS3 (now superseded by Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

Storage Yard is defined as:

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

The land to the north, east and south of the property is also zoned 'Rural'. Land to the west is within the *Hope Valley Wattleup Redevelopment Act 2000* (Latitude 32) area. The predominant nature of adjoining land uses are residential dwellings on large rural lots that operate what can generally be described as typical rural uses.

Strategic Planning Context

In 2015, the WAPC released the draft *Perth and Peel @3.5 million* set of documents that includes planning for 3.5 million people up to the year 2050. The documents provide a snapshot of where we are now and where we might be in the future; and a set of subregional planning frameworks. Once finalised, the frameworks is set to become sub-regional structure plans that will be used by state agencies and local governments to guide development. Landowner and developer expectations will also be guided by these documents.

In this regard, the rural interface between the future Latitude 32 industrial area and the central wetlands system was identified in the aforementioned documents for 'industrial investigation'.

In regards to its submission in relation to the draft *Perth and Peel @ 3.5 Million* released by the WAPC, Council, at its Ordinary Meeting Held on 9 July 2016, inter alia resolved as follows:

"The area shown as 'Industrial Investigation' between the future Latitude 32 and central wetlands change is not supported. To indicate this land as such is completely inconsistent with the City's



planning framework and the long held State planning framework which indicates the majority of this area should remain rural in the long term. This is in order to not only protect significant environmental features of our city, but to enable more resilience in the face of climate change and reduced rainfall;

From the above it is clear that the proposed use of Storage Yard (caravans, boats, etc. is not in line with the City's strategic vision of future rural land uses for the area.

Although it is widely accepted that precedence is not a valid planning consideration, it is also accepted that the City should be consistent in its consideration of applications. Based on this, approval of applications such as this might well lead to expectations being created amongst land owners in the area and increased pressure to allow businesses in the area that are not of a typical rural nature and thereby posing a real threat to the rural character of the area.

Planning Considerations

Visual Amenity and Character

The 18 caravans/boats that are proposed to be parked outside the sheds in the open storage yard area will have a major impact on the amenity of the neighbourhood and is not supported in this rural location. As discussed above, the objective of the rural zone is to preserve the rural character and amenity of the locality. Large cleared areas of hardstand with no vegetation pose a real threat to the rural amenity and character of the area. If similar uses are developed throughout the area, rural amenity will almost certainly be affected. It should be noted that City Officers are working diligently within this area to address other unapproved hardstand and storage yards.

Dust

Large hardstand areas constructed with road base have the potential to generate dust when trafficable. This is another unwanted amenity issue that would negatively impact on the amenity of the area.

Conclusion

The application for an open Storage Yard is not supported as the proposed use does not accord with the objective of the zone, which is to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality. Approval of commercial uses of this scale and nature in the area (particularly if replicated throughout the area) will change the rural



nature of the area irreversibly and lead to increased pressure to allow commercial/industrial uses in this location.

Furthermore, the proposed use is not considered to be in sync with the City's strategic vision of future rural land uses for the area. There can be little doubt that approval of the proposed use of Storage Yard will erode the area's ability to effectively serve as a buffer between the Industrial uses to its west and the central wetlands system to its east.

Based on the above, the application for Storage Yard (caravans, boats, etc.) is not supported and recommended for refusal.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development

Budget/Financial Implications

There is a right of review by the State Administrative Tribunal under Part 14 of the Planning and Development Act 2005 that will incur costs by the City.

Legal Implications

N/A

Community Consultation

Refer to the Neighbour consultation section of the report.

Risk Management Implications

Should Council resolve to refuse the application, there is a right of review by the State Administrative Tribunal under Part 14 of the Planning and Development Act 2005 that will incur costs by the City.

Should Council resolve to approve the application, this might create expectations amongst land owners in the area and that will evolve into increased pressure to allow businesses in the area that are not of a typical rural nature.



Attachment(s)

1. Location Plan
2. Site Plan: Proposed Development

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 13 October 2016 Ordinary Council Meeting.

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

Nil.

15.11 (MINUTE NO 5915) (OCM 13/10/2016) - PLANNING APPLICATION - RETROSPECTIVE STORAGE YARD (CARAVANS & MOTOR HOMES) - LOCATION: NO. 27 (LOT 13) LORIMER ROAD, WATTLEUP - OWNER/APPLICANT: C & M MURPHY (DA16/0506 & 052/002) (D J VAN RENSBURG) (ATTACH)

RECOMMENDATION

That Council

- (1) refuses the application for a retrospective storage yard (caravans and motor homes) at 27 (Lot 13) Lorimer Road, Wattleup for the following reasons:

Reasons:

1. The proposed use of Storage Yard (caravans & motor homes) is not in line with the objective of the zone, which is to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality;
2. The proposed use of Storage Yard (caravans & motor homes) is not in line with the City's strategic vision of future rural land uses for the area;
3. Approval of the proposed use of Storage Yard (caravans & motor homes) will erode the area's ability to effectively serve as a buffer between the industrial uses to its west and the central wetlands system to its east.
4. Approval of commercial uses of this scale and nature in the area will change the rural nature of the area irreversibly and lead to increased pressure to allow



commercial/industrial uses in this location.

5. Secondary impacts associated with large hardstand and/or roofed areas in this location will result in increased water runoff and adversely impact on the environmental corridor.
- (2) notifies the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Cllr P Eva SECONDED Cllr L Smith that Council:

- (1) approves the application for a retrospective storage yard (caravans and motor homes) at 27 (Lot 13) Lorimer Road Wattleup subject to the following conditions and advice notes:

Conditions:

1. This approval is valid for a period of 12 months from the date of this approval. Upon expiry, the use shall be ceased unless a further planning approval for the use is issued by the City.
2. Caravan, boat, trailer and motor home drop offs and collections shall be arranged by appointment only and shall be restricted to between 8:00am and 4:00pm on any day and there shall be a minimum of 30 minutes between each appointment.
3. Caravan and motorhome storage is restricted to 30 vehicles and all caravan and motorhome storage shall be contained within the existing approved sheds. No caravan or motorhome vehicles shall be stored outside the existing approved sheds.
4. This approval is for the storage of caravans, boats, trailers and motor homes only and does not permit any person to be accommodated in any of the items stored on-site at any time.
5. Customer access for the storage of caravans, boats, trailers and motor homes shall occur from Collis Road with no customer access from Lorimer Road.



6. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
7. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The approved development has approval to be used for 'Storage Yard' purposes only. In the event it is propose to change the use of the subject site, a further application needs to be made to the City for determination.
8. Besides those residing in the dwelling, no other employees are permitted in association with the 'Storage Yard' use.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
 2. The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environment Protection (Noise) Regulations 1997.
 3. In relation to Condition 4, it is noted that the primary use of the development hereby approved is 'Storage Yard'. Storage is defined in the City of Cockburn Town Planning Scheme No. 3 as "premises used for the storage of goods, equipment, plant or materials". In the event that the owner/tenant of the premises intends to utilise the development hereby approved for purposes which do not constitute the above definition, an application for a change of use must be submitted to, and approved by the City.
- (2) notifies the applicant and those who made a submission of Council's decision.

CARRIED 7/2

CLR STEVEN PORTELLI REQUESTED HIS VOTE AGAINST THE MOTION TO BE RECORDED



Reason for Decision

This Premise has been used as a storage facility since 2006 for various machinery.

The sheds have been approved by Council and considering that the caravan and motor homes will be stored undercover with conditions, it should be passed.

Background

The subject site is 1.0674 hectares in area and is located within the rural zone at No. 27 (Lot 13) Lorimer Road in Wattleup. The site contains an existing single house fronting Lorimer Road, a number of outbuildings towards the centre of the site and a horse paddock and vegetated area on the western portion. The site has frontages to both Lorimer Road (to the east) and Collis Road (to the west) and is relatively flat.

The area provides an interface between the future Latitude 32 industrial area to its west and the central wetlands system to its east. The subject site is generally surrounded by land occupied by rural residences with outbuildings. Some of these properties are largely cleared from vegetation whilst others are sparsely vegetated with scattered trees or densely vegetated with large patches of mature vegetation.

According to City records, the following approvals were previously granted relating to the subject site:

- 16 January 1974: Single House;
- 15 October 1977: Garage/Pergola;
- 16 September 1977: Stables – 192m²;
- 10 August 1987: Steel Rural Shed (farm equipment storage) – 302m²; and
- 8 November 1989: Colourbond Steel Shed – 324m²

The 1989 plan was approved showing a new 324m² shed plus 2 additional sheds (approximately 530m² and 302m² respectively), in other locations on-site. The aforementioned plan that was approved by the City depicts a total outbuilding area of around 1156m².

The site is currently being used for residential purposes and for the storage of approximately 31 caravans and motorhomes in and around the existing shed buildings. According to aerial imagery, storage of caravans and motorhomes on the property dates back to 2006 and



there is no record of approval for this. The applicant is of the opinion that the original shed approvals (one of which was for farm storage) meant that further approvals to use the property for a caravan storage business was not required.

It is noted that several of the sheds appear to have been extended beyond what was originally approved, however this is a separate compliance matter.

Submission

N/A

Report

Proposal

Application is made retrospectively to allow the operation of a storage yard for 31 caravans and 4 motor homes to be stored in and around the existing shed buildings. The owners will continue to reside in the existing dwelling on site and manage the caravan storage business.

The owners further advise that:

- most caravans are stored inside two of the existing sheds, with approximately 8 stored in what is referred and shown on the site plan as 'overflow' areas (approximately 300m²);
- They do not store anything that cannot be moved and that they have the keys to the motor homes so that it can be moved in case of emergency. In addition, no servicing of the vehicles occurs on site;
- Vans are dropped off and picked up between 8:00am and 4:00pm Monday to Friday only and gains access off Collis Road at the rear of the property; and
- The entrance is constructed mainly of road base and there is no formally constructed crossover.

Neighbour Consultation

The proposal was advertised to neighbouring properties in accordance with the requirements of Town Planning Scheme No.3 (TPS 3). A total of six submissions were received consisting of three objections and three non-objections.

In summary, the objections raised can be summarised as follows:

- The size of the sheds contravenes Council Policy of 'bringing the area back' to rural. Major intrusion into rural lifestyle of immediate



neighbours, strangers drive up and down the property boundary with neighbours and large number of caravans stored around the perimeter (up to 22 counted). Unsightly, but if approved, it is expected that a two metre brick fence be erected along the boundary as screening;

- The massive sheds are a major eyesore and exceeds the 300m² limit set by Council. It is believed that the building envelope is exceeded;
- There is already another caravan storage facility in the area, no need for another. Other businesses in the area have been ordered to move into a commercial area, so should this one. Lease and sale of caravans will be hard to police. Rural zoning should not include any form of Industrial use. Approval of this application 'will open the flood gates' for anyone else to operate storage facilities; and
- Currently caravans and motor homes are collected all hours of the day and weekends so based on current procedure any restriction on drop off and pick up times will not be adhered to. Currently caravans and motor homes are dropped off and picked up from both Collis and Lorimer Road so it is anticipated that the current procedures will continue.

Planning Framework

Zoning and Use

The site is zoned 'Rural' in Town Planning Scheme No.3 (TPS 3). The objective of the zone is:

'To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.'

Under the 'Rural' zone Storage Yard is listed as an 'A' use in accordance with clause 4.3.2 of TPS 3 under Table 1 – Zoning Table, which means the City is not to grant approval unless it was advertised in accordance with clause 9.4.3 of TPS3 (now superseded by Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

Storage Yard is defined as:

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

The proposal is therefore capable of approval by Council.



Local Planning Policy 2.4 – Outbuildings

The City's Local Planning Policy related to Outbuildings (LPP 2.4) provides guidance about the maximum floor area for outbuildings in rural zoned properties. The policy provides a maximum of 300m² of floor area which is considered to be sufficient for domestic rural purposes. Clearly the already approved sheds on-site greatly exceed 300m² and were approved prior to Council adopting a policy guiding outbuildings.

Strategic Planning

In 2015, the WAPC released the draft *Perth and Peel@3.5 million* set of documents that includes planning for 3.5 million people up to the year 2050. The documents provide a snapshot of where we are now and where we might be in the future; and a set of subregional planning frameworks. Once finalised, the frameworks is set to become sub-regional structure plans that will be used by state agencies and local governments to guide development. Landowner and developer expectations will also be guided by these documents.

In this regard, the rural interface between the future Latitude 32 industrial area and the central wetlands system was identified in the aforementioned documents for 'industrial investigation'.

In regards to its submission in relation to the draft *Perth and Peel @ 3.5 Million* released by the WAPC, Council, at its Ordinary Meeting Held on 9 July 2016, inter alia resolved as follows:

"The area shown as 'Industrial Investigation' between the future Latitude 32 and central wetlands change is not supported. To indicate this land as such is completely inconsistent with the City's planning framework and the long held State planning framework which indicates the majority of this area should remain rural in the long term. This is in order to not only protect significant environmental features of our city, but to enable more resilience in the face of climate change and reduced rainfall;

From the above it is clear that the proposed use of Storage Yard (caravans & motor homes) is not in line with the City's strategic vision of future rural land uses for the area.

Although it is widely accepted that precedence is not a valid planning consideration, it is also accepted that the City should be consistent in its consideration of applications. Based on this, approval of applications such as this might well lead to expectations being created amongst land owners in the area and increased pressure to allow businesses in



the area that are not of a typical rural nature and thereby posing a real threat to the rural character of the area.

Planning Considerations

Amenity

Most of the objections received during the advertising expressed concern about the detrimental impact on the amenity caused by the size of the sheds as well as the caravans parked outside the sheds. As noted elsewhere in this report, sheds with a combined area exceeding the maximum 300sqm permissible under Local Planning Policy 2.4 had been approved by the City as early as 1989. Given approval has already been issued for the sheds, the size of the existing sheds cannot be questioned, however the use of the sheds and area around the sheds should be controlled to ensure compatibility with the area and the preservation of rural amenity.

Vehicle Movements

Another major impact on the amenity identified by neighbours is the picking up and dropping off of caravans at various times. As the application is retrospective, it can be accepted that the objectors are actually currently experiencing these impacts first-hand. If Council resolves to approve this application, a condition should be included that regulates the times of drop offs and collections, preferably by appointment only and with 30 minute intervals.

It is noted that none of the objectors in their submissions raised the issue of the impact of the additional traffic on the road system specifically, but rather the general impact on the rural amenity.

Conclusion

The application for Storage Yard is not supported as the proposed use of Storage Yard (caravans & motor homes) is not in line with the objective of the zone, which is to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality. Approval of commercial uses of this scale and nature in the area will change the rural nature of the area irreversibly and lead to increased pressure to allow commercial/industrial uses in this location.

Furthermore, the proposed use is not considered to be in sync with the City's strategic vision of future rural land uses for the area. There can be little doubt that approval of the proposed use of Storage Yard will erode the area's ability to effectively serve as a buffer between the Industrial uses to its west and the central wetlands system to its east;



Based on the above, the application for Storage Yard (caravans and motor homes) is not supported and recommended for refusal.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The application was advertised to neighbouring properties for a minimum period of 21 days until 25 August 2016. Six submissions were received during this period, three of which were objections.

Risk Management Implications

Should Council resolve to refuse the application, there is a right of review by the State Administrative Tribunal under Part 14 of the *Planning and Development Act 2005* that will incur costs by the City.

Should Council resolve to approve the application, this might create expectations amongst land owners in the area and that will evolve into increased pressure to allow businesses in the area that are not of a typical rural nature.

Attachment(s)

1. Location Plan
2. Aerial Plan
3. Site Plan: previously approved sheds
4. Site Plan: Proposed Development



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 13 October 2016 Council Meeting.

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

Nil.

(MINUTE NO 5916) (OCM 13/10/2016) - EXTENSION OF TIME**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that pursuant to Clause 4.14 of Council's Standing Orders, the time being 8.56 pm the meeting be extended by an hour to enable the business of the meeting which remains unresolved to be considered.

CARRIED 9/0

15.12 (MINUTE NO 5917) (OCM 13/10/2016) - PLANNING APPLICATION - 32 MULTIPLE DWELLINGS - LOCATION: 23 (LOT 118) O'CONNOR CLOSE, NORTH COOGEE - OWNER: GRACEVALE PTY LTD - APPLICANT: GMPM CONSULTING PTY LTD (052/002 & DA16/0213) (G ALLIEX) (ATTACH)

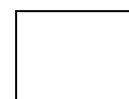
RECOMMENDATION

That Council

- (1) grant planning approval for 32 Multiple Dwellings at 23 (Lot 118) O'Connor Close North Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

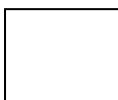
Conditions

1. Prior to the issue of a Building Permit, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for: Community Infrastructure (DCA 13).
2. Prior to the issue of a Building Permit, a public open space development plan for the 15m wide open space reservation adjacent to the railway being submitted to and approved in writing by the City.



3. The works required by the public open space development plan the subject of Condition 2 shall be implemented by the applicant/owner prior to the occupation of the development to the satisfaction of the City. The cost of these works shall be fully borne by the applicant/owner.
4. The 15m wide reserve identified as public open space adjacent to the railway reserve on the approved South Beach Village Structure Plan being shown on any future Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the City.
5. Prior to the issue of a Building Permit, details of the car stacker system are to be provided demonstrating the operations, mechanics and maintenance, including at times of emergency, power failure or other potential obstruction to its operations to the satisfaction of the City. The car stacker system is to be fully installed and operational prior to occupation of the dwellings or strata-titling, whichever occurs first.
6. Prior to initial occupation of the dwellings, a Notification, pursuant to section 165 of the *Planning and Development Act 2005* shall be placed on the Certificates of Title of the future lots advising of the existence of a hazard or other factor, prior to the commencement of development. The notification to state as follows:

"This lot or dwelling is within 50m of an operating freight rail line servicing the Port of Fremantle and industrial areas and operates 24 hours a day, 7 days a week. Residential amenity may be affected by noise and vibration and other impacts from freight rail traffic using the rail line."
7. Prior to the issue of a Building Permit, the owner/applicant shall:
 - submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the



development;

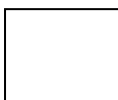
- submit to the City for approval an Application for Art Work Design; and
- enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

8. A further Acoustic Report shall be submitted to and approved by the City, prior to the issue of a Building Permit, and implemented thereafter, to the satisfaction of the City.
9. Written confirmation from a recognised acoustic consultant that all recommendations made in the Acoustic Report prepared by Herring Storer Acoustics (Ref 20215-2-16025; dated 22 February 2016) and the further Acoustic Report required under condition 9 have been incorporated into the proposed development, shall be submitted to the City at the time of lodgement of the Building Permit Application.
10. The builder shall provide written confirmation that the requirements of Acoustic Report prepared by Herring Storer Acoustics (Ref 20215-2-16025; dated 22 February 2016) and the further Acoustic Report required under condition 9 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
11. Prior to the issue of a Building Permit, the applicant is to provide the City with a report from a suitably qualified and experienced specialist acoustic consultant, demonstrating that ground-borne vibration levels have been measured following clearing and compaction of the development site and identifying that the proposed design and construction methods will ensure that occupants of the development are not exposed to an unacceptable level of vibration.
12. The Building Permit Application is to be accompanied by a report from a recognised acoustic consultant confirming that all recommendations made in the Vibration Report referred to in condition 12 have been incorporated into the proposed development.



13. The builder shall provide written confirmation that the requirements of the Vibration Report referred to in condition 12 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
14. Prior to the issue of a Building Permit application, details of the selected intercom system which will allow visiting vehicles behind the security gate to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
15. The allocation of any of the car parking bays to specific dwellings shall be reflected on any strata plan for the subject property to the City's satisfaction.
16. Bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3 within designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to the lodgement of a Building Permit application for new buildings.
17. Prior to the initial occupation of the dwellings hereby approved, the at grade parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City. All car parking and access driveways shall be designed and constructed to comply AS2890.1.
18. Prior to initial occupation of the dwellings, the approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bona fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.
19. Outdoor lighting is to be provided to pathways, communal open space and car-parking areas, the details of which are to be shown on the plans submitted for building permit



approval to the satisfaction of the City.

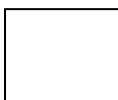
20. All stormwater being contained and disposed of on-site to the satisfaction of the City.
21. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
22. Prior to the initial occupation of the dwellings, the approved development must clearly display the street number/s.
23. The Crossover shall be located and constructed to the City's specifications. Copies of specifications are available from the City's Engineering Services.
24. Prior to the issue of a Building Permit, a material and colour schedule shall be submitted to and approved by the City and implemented to the City's satisfaction.
25. Prior to the issue of a Building Permit, a Construction Management shall be submitted to and approved by the City. The CMP shall be implemented at all times during construction to the satisfaction of the City.
26. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 21 April 2016, which include recycling measures and management of residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
27. All earthworks, cleared land and batters shall be stabilised to prevent sand or dust blowing to the satisfaction of the City.
28. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
29. Prior to the submission of a Building Permit application, the following amendments shall be made to the plans:
 - Screening to air conditioner units shall be shown on levels 3,4 and 5 for all units;
 - The provision of a screened clothes drying area for each apartment (on balcony);



- The word 'optional' shall be removed from elevation 1 in relation to the sliding aluminium sun screens ; and
- The aluminium fencing on the western side of the lot between the future POS and the car stackers shall be increased in height in to at least 4m.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. With regard to Condition 18, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
3. With regard to Condition 21, requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.
4. With regard to Condition 26, the Construction Management Plan shall detail:
 - a. Access to and from the site;
 - b. Delivery of materials and equipment to the site;
 - c. Storage of materials and equipment on the site;
 - d. Parking arrangements for contractors and subcontractors;
 - e. Management of construction waste; and
 - f. Other matters likely to impact on the surrounding properties.
5. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282- 1997: 'Control of the Obtrusive of Outdoor Lighting.
6. All toilets, ensuites and kitchen facilities in the



development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.

7. All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, the Health Act (Laundries and Bathrooms) Regulations 1971 and the City of Cockburn Health Local Laws 2000.
 8. Appropriate separation must be provided between the laundry and kitchen facilities within the apartments, as required by the Health Act (Laundries and Bathrooms) Regulations 1971 and the City of Cockburn Health Local Laws 2000.
 9. The development and all equipment installations including air conditioning is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 10. If dust is detected at adjacent premises and is deemed to be a nuisance by an Environmental Health Officer, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City's Manager of Health Services.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 9/0



Background

The subject site is 2252m² in area and is located on the western side of O'Connor Close in North Coogee in the South Beach Village Estate. The site is bound by O'Connor Close to the east, a vacant lot to the south, a railway reserve to the west and an existing multiple dwelling development to the north. The site is relatively flat and almost entirely covered with bitumen and concrete hardstand which remains from a former industrial building which was demolished in 2008.

Two planning approvals have been granted in the past which have since expired and never been developed. The first approval was issued on 5 November 2007 (DA06/0835) for 15 Multiple Dwellings and the second approval was issued on 20 October 2010 (DA10/0487) for 18 Multiple Dwellings.

An application for 35 Multiple Dwellings was initially proposed by the applicant as part of this application however it was evident through the assessment process that the City was unable to support this. The applicant therefore made a number of changes to the proposal including a reduction in dwellings from 35 to 32. The proposal is being referred to Council for determination based on the nature of objections received during the neighbour consultation period.

Submission

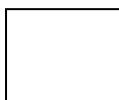
N/A

Report

Proposal

The proposal is for 32 Multiple Dwellings, specifically consisting of:

1. Three two storey, three bedroom 'Townhouse' dwellings fronting O'Connor Close.
2. One three storey, three bedroom 'Townhouse' Dwelling fronting O'Connor Close.
3. 28 apartments within a six storey building at a height of 21.0m above the natural ground level comprising a total of six one bedroom units, 20 two bedroom units and two three bedroom units.
4. One vehicle access point for the whole development from O'Connor Close.
5. Eight at-grade parking bays provided at the rear of the 'Townhouse' dwellings and 36 car stackers provided for residents of the apartment dwellings.
6. Eight at-grade visitor parking bays provided on site;



7. Four on-street in-verge car parking bays on O'Connor Close;
8. Rear 15m of the lot to be ceded and developed for public open space (POS) linking to the existing POS.
9. A mix of materials and colours provided including rendered masonry, cladding, brick, louvre windows, glass, masonry and metal balustrading, feature pergolas, manual operable aluminium fins and sliding aluminium sunscreens.

Neighbour Consultation

The original application (for 35 dwellings) that was lodged with the City was advertised to adjoining and nearby landowners due to a number of variations to the deemed-to-comply provisions of the R-Codes and the approved Local Development Plan being sought. Most notably increased plot ratio and reduced on-site visitor car parking. During the initial advertising period 41 submissions were received (1 non-objection and 40 objections). The objections were predominantly concerned about a lack of visitor car parking causing overflow parking in the street, increased traffic generated by the development, a general overdevelopment of the site, minor overlooking and concerns about precedent for future proposals in the area.

In response to the concerns raised during the consultation period, the applicant lodged amended plans which were received by the City on 29 August 2016 and sent out for comment on 2 September 2016. The amended plans have been summarised in the above 'Proposal' section of this report. The main changes include a reduction of dwellings from 35 to 32 (and reduction in plot ratio) and an increase in on-site visitor parking.

The amended proposal generally complies with the provisions of the LDP and R-Codes. However some variations are still proposed, notably plot ratio and the nil setback to the third floor of Dwelling No.1. All other variations that were initially proposed are no longer being sought.

The amended plans were sent to the same recipients as the original plans and within this period 3 objections were received by the City. All three objections are in relation to the development not being supported due to non-compliance with the relevant regulations. One of the objections goes into detail on the parking impacts however given the number of the parking bays on site complies, this is deemed to be an irrelevant concern. The South Beach Estate Traffic Action Group was included as part of the process and although 1 objection was received from the group (this is included as part of the 3 objections as noted above), 23 positive submissions were received. The positive submissions received are in relation to the amended plans predominantly complying with the relevant regulations and the negligible impact of the few variations still proposed.



Consultation with Other Agencies

The application was referred to the Public Transport Authority (PTA) for comment due to the proximity of the lot to the adjacent freight rail line. A response was received on 30 May 2016 indicating that the PTA do not support residential development in close proximity to an operating rail. This is discussed further in the Noise and Vibration section of the report below.

Metropolitan Region Scheme - Clause 32 Resolution 'Coastal Buildings above Specified Heights'

As per the Clause 32 Resolution 'Coastal Buildings Above Specified Heights', certain applications are to be referred to the WAPC for determination for residential, office and hotel purposes above specified heights on land within 300m of the horizontal setback datum of the coast, as defined in the State Coastal Planning Policy (Statement of Planning Policy 2.6), as follows:

- I. Where no building height is set out in the operative local government town planning scheme, development applications for the purposes indicated (or any combination of those purposes) exceeding five storeys and 21 metres in height; or
- II. Where the operative local government town planning scheme sets out a building height limitation of eight storeys or above in respect of the area, developments for the purposes indicates (or any combinations of those purposes) exceeding eight storeys and 32 metres in height.

Given the LDP stipulates a maximum height of 21 metres for the subject site and the proposal does not exceed this maximum height, referral to the WAPC for determination was not required in this instance.

Planning Framework

Zoning and Use

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Development' in Town Planning Scheme No.3 (TPS 3). The site is subject to Development Area 16 provisions of the TPS3 which require the adoption of a Local Structure Plan to guide subdivision, land use and development. The South Beach Village Local Structure Plan (LSP) (approved by Council 14 October 2010) identifies the site as a 'Mixed Business/ Residential' with a density coding of R60 – R80. The R80 coding has been utilised for this application. Multiple



Dwellings are a 'D' or discretionary use within the Residential Zone pursuant to TPS3. The proposal is therefore consistent with the zoning of the site.

The LSP details general planning considerations in the areas of: land use, density of development in the case of residential land use, and anticipated built forms. It is noted that the LSP requires that the rear 15m of the lots abutting the railway reserve (including this lot) be ceded to the Crown free of cost as public open space. Should Council support this proposal, a condition should be imposed in relation to the ceding of the 15m wide reserve adjacent to the railway as per the LSP requirements.

An amended Local Development Plan (LDP) was approved for the subject site (and adjoining lots) on 17 September 2014 (DAP14/15) which provides a number of acceptable variations to the deemed-to-comply provisions of the R-Codes.

Planning Considerations

The proposal is generally compliant with the deemed-to-comply provisions of the R-Codes and LDP provisions with the exception of the following:

Lot Boundary Setbacks

The approved LDP contains a provision requiring a 3m setback above two storeys for side (northern and southern) boundary (parapet) walls. The purpose of this provision in the LDP was to break up the building bulk and prevent wall to wall development for apartment buildings. Dwelling No.1 (Townhouse) fronting O'Connor Close includes a third storey with a nil setback to the southern side boundary which is 10.395m above the natural ground level. Whilst this does represent a variation to the LDP provision, the reduced setback to this wall is considered acceptable as the larger apartment building sitting to the rear of this dwelling provides the minimum setback to achieve the intent of the provision as discussed above. Three level dwellings have been developed on other sites within the South Beach Estate and so this dwelling will not appear out of place.

The third level of Dwelling No.1 (Townhouse) adds an element of interest to the front façade, as viewed from O'Connor Close, given the three other dwellings fronting O'Connor Close are two storey. Further to this the third level of Dwelling No.1 is partly used as a terrace for the front portion and therefore the feature pergola can be seen from O'Connor Close, adding another interesting element to the built form. The reduced setback for this dwelling does not result in a negative design outcome by way of overshadowing or loss of view corridors but



rather improves the streetscape as outlined and achieves the intent of LDP.

Plot Ratio

The R-Codes deemed-to-comply provision for Plot Ratio (Clause 6.1.1) for R80 is 1:1 which equates to 2252m². The proposed plot ratio is 2614m² which equates to 1:16 (362m² variation). The Design principle 6.1.1 (P1) of the R-Codes for 'Building Size' states that:

'Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality'.

The subject proposal is of high quality with appealing streetscape features and a bulk and scale consistent with the existing developments on the western side of O'Connor Close. The proposal is aligned with the LDP requirements in terms of height and also with the R-Code requirements in terms of overshadowing, overlooking and car parking.

In terms of the existing character of the area, developments to the south of the subject site at 13 O'Connor Close, 9 O'Connor Close and 52 Rollinson Road are 7 storeys, 6 storeys and 8 storeys high respectively. This provides some context as to the existing bulk and scale of buildings within the R60 – R80 Mixed Business/Residential coded land along O'Connor Close. The proposed development is similar in height as it is 6 storeys high and has similar number of dwellings to the above mentioned lots and therefore is consistent with the existing character of the area.

The objections received regarding the plot ratio, did not provide detail other than suggesting that the subject development should be made to comply with the deemed-to-comply plot ratio requirement of the R-Codes. It should be noted that deemed-to-comply is only one of the two methods of compliance with the R-Codes (the other being the performance based design principles which is discussed above). Non-compliance with the deemed-to-comply provisions of the R-Codes cannot be a reason in itself not to support a proposal.

Bicycle Parking Bays

The deemed-to-comply provision of Part 6.3.3 (C3.2) of the R-Codes requires 1 bicycle space for each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors, designed in accordance with AS2890.3. The development therefore requires 11 bicycle spaces for residents and 4 bicycles spaces for visitors.



The proposal includes 4 visitor bicycle spaces and 5 resident bicycle spaces on the ground floor and 26 bicycle parking spaces on the first floor. Although the number of bicycle parking bays complies with the R-Codes, the location of the bays does not comply as the wording in the Australian Standards AS 2890.3:2015 implies that the bicycle parking spaces should be accessible from a road, driveway or footpath and as such the bike bays on the first floor do not technically comply.

However, the design principle for bicycle parking spaces states that they should be located on site and secure for the user. The first floor bicycle parking spaces which are for residents are secured and it would be reasonable for cyclists to utilise the lift with bikes to access to this area. The location of the first floor bicycle spaces is therefore supported.

Visitor Parking Bays

The deemed-to-comply provisions of the R-Codes in relation to the location of visitor parking bays (Part 6.3.4 C4.2) states that:

'Visitor car parking spaces:

- *Marked and clearly signposted as dedicated for visitor use only, and located close to or visible from the point of entry to the development and outside and security barrier; and*
- *Provide an accessible path of travel for people with disabilities.'*

The proposal provides 8 visitor car parking bays (which is the required number) however they are located to the rear of the site behind security gates and therefore this element of the proposal does not meet the deemed-to-comply provision.

The design principle for the design of car parking spaces (Part 6.3.4 P4) states that:

'Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with streetscape and appropriately manage stormwater to protect the environment.'

The ground floor car park includes a gate to resident and visitor parking bays which requires visitors to approach the gate and dial the number of the unit that the resident is living within so that they can be provided access into the secure parking area. The location of the visitor parking bays behind a secure barrier will ensure that only visitors to the complex use the bays as opposed to anyone else in the street. Further to this, the proposal includes four additional on-street visitor parking bays which will provide overflow visitor parking bays, should



this be needed. Should Council support the proposal, appropriate conditions should be imposed regarding the visitor parking bays being appropriately sign posted for use by visitors only and details on the intercom system should be provided to the City. A condition can also be imposed preventing any of the visitor bays being allocated exclusively to residents.

Other Considerations

Car Stackers

The proposal incorporates the use of 36 car stackers for use by residents only to meet car parking requirements. Car stackers have not been developed elsewhere within the City of Cockburn and the City does not have a policy or guiding document regarding the use or appropriateness of car stackers. However it is noted that car stackers have been routinely approved and developed in other Local Government Areas, especially in inner urban areas such as the Cities of Perth, Vincent and Subiaco.

The car stacker design involves an empty bay that is automatically returned to ground level which means that an empty bay would be immediately accessible for vehicles entering the car parking area whenever an empty bay is available. To collect a car parked on the upper level, the platforms at the entrance level first moves to one side to provide an empty space into which the required platform is lowered. Car stackers 1-14 and 15-28 operate using the empty space method and therefore do not rely on other vehicles to move. Car stackers 29-36 are dependant parking stackers in that the lower car has to be removed in order to use the upper platform. The applicant has noted that car stackers 29/30, 31/32, 33/34 and 35/36 will be allocated to one unit each. Use of car stackers is considered to be an innovative method of containing vehicle parking on site and appears to be a much more efficient use of space. Clearly, car stackers have to be well maintained to reduce the potential of failure however this is no different to other critical infrastructure in apartment developments.

Should Council approve proposal, it is recommended that appropriate conditions in relation to the functioning and management of the car stackers be included. In addition, a condition should be imposed requiring a notification being lodged on titles notifying proprietors and/or prospective purchasers of the car stacker arrangement and obligations of the strata body.



Utilities & Facilities

Part 6.4.6 (C6.3) of the R-Codes requires:

‘Clothes drying areas screened from the primary or secondary street.’

No clothes drying areas are proposed for the apartments however it is noted on the plans that a dryer will be provided to all units. This can be problematic as often apartment building residents do wish to hang clothes outside and many other apartment developments include a screened area on the balcony containing a small clothes hoist. Some developments propose a louvered cupboard that provides for this and screening of an air conditioning condenser unit which works well. Should Council approve the development, a condition should be included in relation to provision of a screened portion of the balcony for clothes drying purposes. This will be more sustainable and affordable for residents than the use of an electric dryer, particularly in warmer months.

Waste

The City’s Waste Manager has reviewed the revised Waste Management Plan and has subsequently approved it on 21 April 2016. Should Council approve the proposal, a condition should be imposed requiring the approved Waste Management Plan be implemented as part of the planning approval.

Percent for Art

The City’s Local Planning Policy 5.13 – Percent for Art aims to improve the attractiveness of the City’s built environment. The policy applies to multiple dwelling developments in excess of \$2 million and therefore is applicable to the subject development. It is envisaged that the rear ground floor elevation of the apartment building fronting the POS would be a suitable location for an art installation. Should Council approve the subject proposal, a condition in relation to artwork being provided should be imposed in accordance with the policy.

Landscaping of Public Open Space

The LSP for the site states that the POS and landscaping within the South Beach Development will provide a series of spaces that function as a linear park system creating strong open space links through the development. The applicant was under the impression that the City had an approved landscaping plan for the POS for the portion of land to be ceded for POS hence did not submit a detailed landscaping plan with



the application. Should Council approve the development, a condition requiring a detailed landscaping plan should be imposed.

Traffic and Access

The applicant has provided a traffic report (accompanying the application) which suggests that traffic generation from the proposed development will have no significant impact on the operations of the adjacent road network. The City's Traffic Engineer has reviewed the report and concurs with the findings.

The City's Traffic Engineer has also commented on the internal parking layout noting that in some areas the parking bays do not comply with AS2890.1 and therefore will be difficult to use. There are some instances where columns appear to encroach in the required design envelope thereby making it difficult to access the bays such as car stacker 15/16. Should Council approve the development, a condition in relation to compliance with AS2890.1 should be imposed in order to ensure the parking bays can be conveniently used by residents and visitors.

Bushfire Requirements

The subject site is 'Bushfire Prone' under the State Government's bushfire mapping which was released recently. The bushfire hazard is from the coastal dune system to the west of the site. Therefore, the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Bushfire Attack Level (BAL) assessment for proposals that involve a habitable dwelling on a lot more than 1,100m². A BAL assessment was provided to the City on 19 May 2016 by Smith Consulting Bushfire Consultants. The BAL assessment provided to the City was done using Method 1 and is in accordance with AS 3959. The determined Bushfire Attack Level (highest BAL) for the subject site/proposed development is BAL12.5. A condition is not required to be imposed in relation to this as it will be dealt with through the Building Permit process.

Noise and Vibration

State Planning Policy 5.4 (SPP5.4) '*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*' addresses transport and freight impacts including noise and vibration on sensitive land uses. As discussed above, PTA objected to the residential development due to its close proximity to an operating rail. It is noted however that the noise and vibration impacts of the railway on future development were addressed as part of the structure planning process for South Beach Village and a detailed Noise Management Plan (NMP) forms an addendum to the LSP.



A requirement of the NMP is that all lots within 50m of the railway provide a noise and vibration report as part of any submission. An acoustic report (not addressing vibration) was provided by Herring Storer Acoustics with the application for this proposal. This report has been reviewed by the City's Environmental Health Services who have indicated that it is satisfactory subject to conditions requiring compliance with the recommendations and a post-construction assessment to ensure all of the recommendations have been incorporated prior to occupation.

A vibration report was not provided with the application and as such the City's Environmental Health Services have requested that it be lodged with the Building Permit application and that a post construction assessment is undertaken to ensure the development complies. Should Council approve the proposal, a condition requiring a Notification being lodged on the title of the lot regarding the proximity and impact of the freight rail should be imposed. This will ensure that prospective purchasers are aware of this issue, as recommended by PTA. Other appropriate standard conditions in relation to Acoustic and Vibration reports should also be imposed if the development is approved by Council.

Conclusion

The proposed development is generally compliant with the planning controls applicable to the site and will contribute to the area in the following ways:

- The proposal will provide an interesting streetscape with on-site parking screened from the public domain.
- Two and three storey 'townhouses' fronting O'Connor Close minimises the impact of the larger apartment building at the rear of the lot and provides a good interface to dwellings on the eastern side of O'Connor Close.
- The proposal provides a mix of dwelling types and sizes including one, two and three bedroom dwellings which is likely to bring a diversity of residents to the area.
- The proposal will offer good passive surveillance over the future POS to the west and O'Connor Close to the east.
- The proposal is complimentary to the existing development in the area in relation to bulk, scale and aesthetics.



The proposal is not anticipated to detract from the amenity of the streetscape or nearby residents. It is therefore recommended that Council resolve to approve the proposal subject to conditions.

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

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal was advertised to nearby and surrounding landowners, see 'Consultation' section of the report above.

Risk Management Implications

Should the applicant lodge a review of the decision with the State Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged. Should Council approve the proposal as recommended, it is possible that the existing parking issues as identified by the Coogee Beach Association may be exacerbated.

Attachment(s)

1. Site Plan
2. Context Images & 3D Views
3. Ground & Basement Floor Plan
4. Level 1 Plan



5. Level 2 Plan
6. Level 3 & Level 4 Plan
7. Level 5 Plan
8. Elevations 1
9. Elevations 2

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 13 October 2016 Ordinary Council Meeting.

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

Nil.

16. FINANCE & CORPORATE SERVICES DIVISION ISSUES

16.1 (MINUTE NO 5918) (OCM 13/10/2016) - LIST OF CREDITORS PAID - AUGUST 2016 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 9/0

Background

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

Submission

N/A



Report

The list of accounts for August 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 – August 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16.2 (MINUTE NO 5919) (OCM 13/10/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2016 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

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

Revenue Adjustments	Increase	\$1,190,228
Expenditure Adjustments	Increase	\$1,229,865
TF from Reserve Adjustments	Increase	\$181,818
TF to Reserve Adjustments	Increase	\$96,000
Net change to Municipal Budget Closing Funds	Increase	\$46,181

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) explanation for each material variance identified between YTD budgets and actuals; and



- (c) any other supporting information considered relevant by the local government.

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

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

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

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

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variances within monthly financial reporting. At its August meeting, Council adopted to continue with a materiality threshold of \$200,000 for the 2016/17 financial year.

Detailed analysis of budget variances is an ongoing exercise, with any required budget amendments submitted to Council each month in this report or included in the City's mid-year budget review as considered appropriate

Submission

N/A

Report

The opening funds (representing closing funds brought forward from 2015/16) are currently reported at \$9.6M, which is \$0.9M less than the \$10.5M forecast in the adopted budget. This includes the municipal funding for carried forward projects of \$6.7M (versus the \$7.5M forecast in the adopted budget), leaving \$2.9M of uncommitted surplus funds (versus the \$3.0M forecast in the adopted budget). Due to ongoing end of financial year (EOFY) processing, these opening funds are not final and subject to external audit (scheduled for early October).

The finalised closing funds for 2015/16 will now 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 also be amended to reflect the revised opening funds brought forward.

Closing Funds

The City's closing funds for August of \$91.75M are currently \$8.7M higher than the budget forecast of \$83.05M. This result comprises net favourable cash flow variances across the operating and capital programs (as detailed in this report), as well as the \$0.9M shortfall in the opening funds.

The 2016/17 revised budget is showing an EOFY surplus of \$0.35M, up slightly from the \$0.30M in the adopted budget.

Operating Revenue

Consolidated operating revenue of \$102.70M was over the YTD annual budget target by \$0.31M.

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	(91.44)	(91.64)	(0.19)	(95.70)
Specified Area Rates	(0.31)	(0.33)	(0.02)	(0.33)
Fees & Charges	(7.06)	(7.26)	(0.20)	(24.37)
Service Charges	(0.44)	(0.44)	(0.00)	(0.45)
Operating Grants & Subsidies	(2.40)	(1.82)	0.59	(9.66)
Contributions, Donations, Reimbursements	(0.08)	(0.11)	(0.02)	(0.64)
Interest Earnings	(0.96)	(0.80)	0.16	(4.77)
Total	(102.70)	(102.39)	0.31	(135.92)

The significant variances at month end were:

- Rates – \$1.91M of rates paid in advance as at 30 June 2016 was recognised as income in the 2015/16 FY (as prescribed by accounting standards). As a result, an offsetting adjustment was required in 2016/17, reducing the YTD rates income by this same amount. However, the revised YTD budget has been adjusted to reflect this and it is expected that the City will have a similar amount of rates paid in advance at 30 June 2017 to rebalance the rates income.



- Family Day Care and In-Home Care subsidies received were collectively \$0.22M ahead of budget. These are offset by higher payments to the care givers.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$18.9M was under the YTD budget by \$2.5M.

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	6.85	6.85	0.00	48.09
Employee Costs - Indirect	0.20	0.15	(0.05)	1.40
Materials and Contracts	4.54	6.65	2.12	39.84
Utilities	0.67	0.76	0.09	4.68
Interest Expenses	0.00	0.00	0.00	0.93
Insurances	1.24	1.28	0.04	2.24
Other Expenses	1.41	1.56	0.15	8.97
Depreciation (non-cash)	4.44	4.59	0.15	27.54
Internal Recharging-CAPEX	(0.41)	(0.42)	(0.01)	(2.23)
Total	18.95	21.43	2.48	131.47

The significant variances at month end were:

- Material and Contracts was \$2.12M under the YTD budget with the main contributors being Parks Maintenance (\$0.41M), Recreation Services (\$0.27M mainly Cockburn ARC commissioning costs) and IT Services (\$0.26M).

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	1.25	1.56	0.31	15.43	7.81
Drainage	0.01	0.39	0.38	1.71	0.05



Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Footpaths	0.01	0.30	0.29	1.18	0.12
Parks Infrastructure	1.75	1.41	(0.34)	10.28	2.13
Landfill Infrastructure	0.03	0.04	0.01	0.39	0.04
Freehold Land	0.25	0.53	0.28	1.36	0.01
Buildings	9.48	8.92	(0.56)	58.28	25.56
Furniture & Equipment	0.00	0.45	0.45	2.56	0.07
Information Technology	0.02	0.25	0.23	1.33	0.07
Plant & Machinery	0.44	0.85	0.41	8.21	3.30
Total	13.22	14.68	1.46	100.73	39.17

These results included the following significant project variances:

- Roads Infrastructure - Berrigan Drive Jandakot Improvement Works were under YTD budget by \$0.21M
- Drainage Infrastructure – was collectively \$0.38M behind the YTD budget with very little expenditure and commitments to date.
- Footpath Infrastructure – the footpath construction program was collectively \$0.29M 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.
- Parks Infrastructure – was ahead of the YTD budget by \$0.34M primarily due to the Bibra Lake Adventure Playground.
- Freehold Land – various land development projects were collectively \$0.28M behind the YTD cash flow budget
- Buildings – Cockburn ARC was \$1.22M ahead of the YTD budget, with all other projects collectively \$0.66M under YTD budget.
- Furniture & Equipment – is underspent by \$0.45M due to the Cockburn ARC project (budget will be reallocated to second half of 2016/17 FY).
- Information Technology – was collectively \$0.23M under YTD budget due to a number of software and website projects.
- Plant & Machinery – replacement program was behind YTD budget by \$0.41M

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:

- Developer contributions were \$1.29M ahead of the YTD budget mainly due to the receipt of \$1M towards Berrigan Drive road works (timing issue) and DCP 13 (community infrastructure) contributions ahead of budget by \$0.47M.
- Capital grants were \$0.36M ahead of YTD budget mainly due to Roads to Recovery funds of \$0.51M received for the Beeliar Drive duplication project (timing issue).
- Transfers from financial reserves were \$1.61M ahead of the cash flow budget (timing issue).
- Proceeds from sale of land were \$3.72M behind the YTD budget primarily due to several unrealised lot sales on Beeliar Drive.

Transfers to Reserve

Transfers to financial reserves were \$6.13M behind the YTD budget, mainly due to delayed land sales (\$3.72M) and not yet transferring the waterways management contribution received for the Port Coogee Marina (\$2.16M). Transfers of DCP 13 contributions to reserve (\$1.3M) were \$0.47M ahead of YTD budget in line with receipts.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$156.78M, well up from \$134.67M the previous month. This resulted mainly from the payment of the first instalment or full amount of rates owing, which fell due on the 2nd September. \$124.65M of this balance represents the current amount held for the City's cash/investment backed financial reserves. The balance comprises \$5.9M held for deposit and bond liabilities and \$26.2M to meet liquidity needs.

Investment Performance, Ratings and Maturity

The City's investment portfolio made a weighted annualised return of 3.01% for the month, slightly down from 3.05% and 3.06% the previous two months. This result compares quite favourably against the UBS Bank Bill Index (2.29%) 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 impacting the investment rates achieved for new deposits (2.50% to 2.75%). The annualised return will continue to fall as a consequence over the next several months.



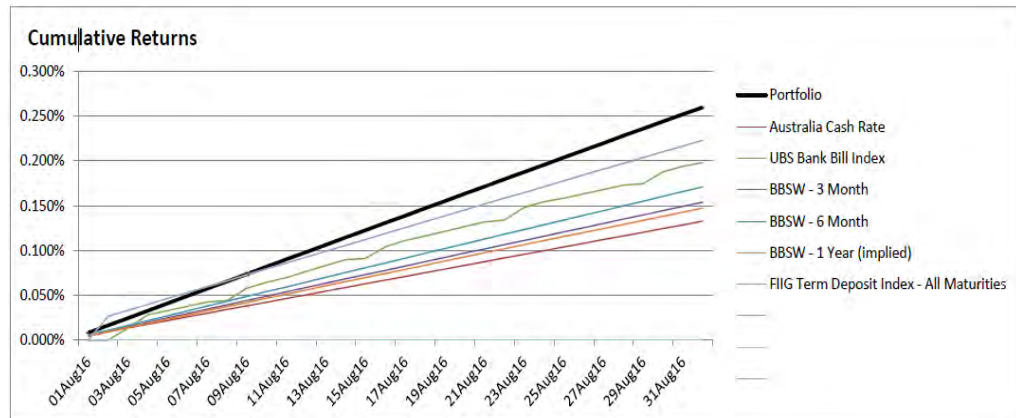


Figure 1: COC Portfolio Returns vs. Benchmarks

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. The A-1+ holding has increased from 38% to 46% during the month:

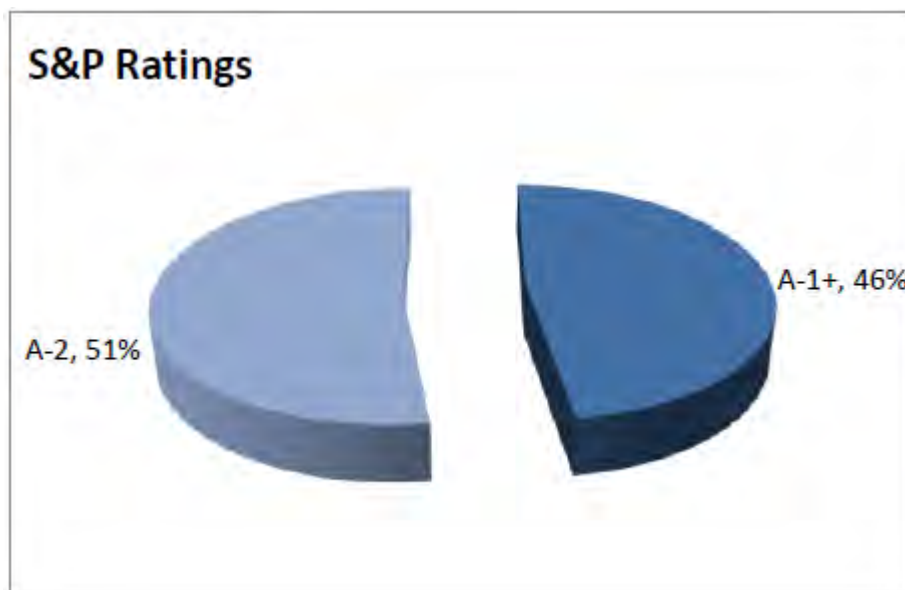


Figure 2: Council Investment Ratings Mix

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 4-12 month investment terms.



The City's TD investment portfolio currently has an average duration of 169 days or 5.6 months (up from 144 days the previous month) with the maturity profile graphically depicted below:

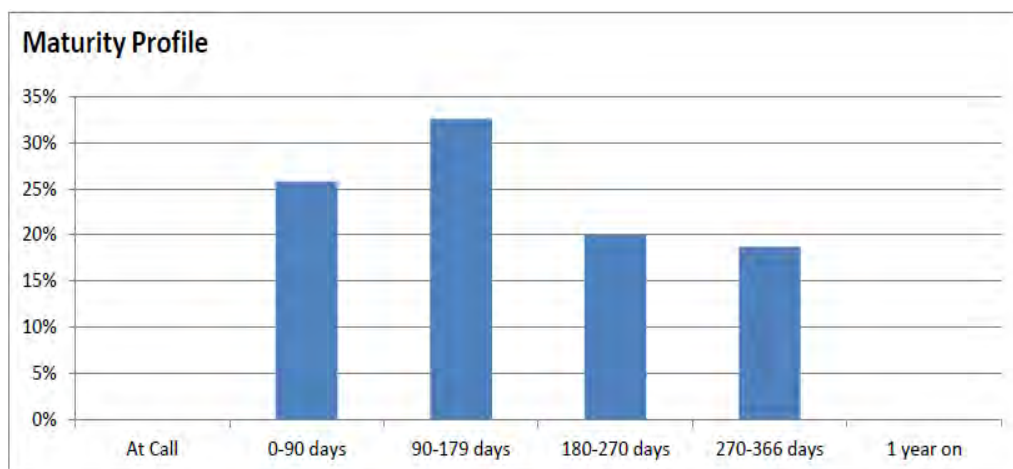


Figure 3: Council Investment Maturity Profile

Investment in Fossil Fuel Free Banks

At month end, the City held 51% (\$77.18M) of its TD investment portfolio with banks deemed as free from funding fossil fuel related industries. This was down from 61% the previous month due to new fund placement being restricted by Council policy limits to A-1+ institutions, most of which (invested in by the City) are not deemed as fossil fuel free.

Budget Revisions

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

PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+/-)		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI \$
Purchase 136 Belladonna Drv Yangebup (POS cash in lieu)	181,818		-181,818		
Increase recovery of admin charges for NDIS program	-46,181				46,181
Aboriginal Elders/Roe 8 Highway (from contingency)	2,000				-2,000
EM Budget Contingency Fund	-2,000				2,000
AP automation software (from C/Fwd Reserve)	-50,000		50,000		
Business Intelligence software	50,000		-50,000		



PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+/-)		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI \$
Increase in HACCC grant due to indexation	159,228			-159,228	
Cockburn Central CCTV (funded by WA Police)	175,000			-175,000	
MRRG received for North Lake Road	760,000			-760,000	
Bond refunded from POS Lot 300 Clontarf Rd, Hamilton Hill		96,000		-96,000	
	1,229,865	96,000	-181,818	-1,190,228	46,181

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 \$46,181 to \$347,330 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 – August 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. ENGINEERING & WORKS DIVISION ISSUES

17.1 (MINUTE NO 5920) (OCM 13/10/2016) - TRAFFIC MANAGEMENT - KNOCK PLACE, JANDAKOT (163/001 (C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council

- (1) authorises inclusion of the Knock Place and Solomon Road intersection minor widening project into the 2016/17 financial year with a budget adjustment of \$140,000 to the Capital Works budget; and
- (2) amend the 2016/17 by creating a new capital works project – Knock Place & Solomon Road minor widening for \$140,000.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/1

Background

The exit from the PTA car parking areas on the east side of Cockburn Central Station from Knock Place to Solomon Road has caused congestion and lengthy delays for some years, in particular the afternoon peak period on week days. The City implemented a trial in December 2015 of a temporary traffic control to divert traffic along Solomon Road and then towards Verde Drive and access to Armadale Road at the traffic signals of the Verde/Armadale intersection.

The trial received positive responses from the patrons of the PTA car parking areas and less than positive from the businesses in the local area. Subsequent to the trial, complaints and concerns are still being expressed by the travelling public about the congestion and delays in exiting Knock Place and this report proposes a project for Council's consideration to improve the traffic delays in this location.

Submission

N/A

Report

The afternoon peak time on week days is still a major congestion and delay issue for vehicles wishing to exit Knock Place onto Solomon Road from the PTA car parks. Vehicles turning right out of Knock Place face lengthy delays due to the short storage space on Solomon Road from Armadale Road intersection. Vehicles wishing to make a left turn out of Knock Place onto Solomon Road can be accommodated and hence improve the overall congestion at this intersection by the construction of a dedicated left turn lane onto Solomon Road.

City officers have carried out survey and concept design of this left turn lane and a copy is included for reference as Attachment 1. Consultation with the service authorities has been carried out and a cost estimate of the project produced which is \$140,000 excluding GST. A copy of the cost estimate is included as Attachment 2. While not being the total solution to the congestion problem, the construction of the left turn slip lane will alleviate some of the lengthy delays faced



by motorists until such time as the major road works in the area are carried out in the future (i.e. the proposed extension of Armadale Road over the Kwinana Freeway to connect to North lake Road with the access points to the local precincts).

Following the traffic diversion trial in December 2015, the City made a proposal to the Main Roads WA for the installation of temporary signage to continue the traffic diversion during the afternoon peak period on week days for an extended trial period of six months. This proposal was refused. City officers have subsequently investigated the control of traffic movements at the intersection by the use of traffic wardens during the period from 3.00 pm to 6.00 pm on week days with one of the City's panel of traffic control service providers. A cost estimate of \$780.00 per day (excluding GST) was calculated, for the staff time only. There would also be costs for the temporary signage and traffic control devices as well as the necessary public consultation, similar to the December 2015 trial.

In view of the opening of the Aubin Grove Rail Station in early 2017 which should alleviate some of the parking demand at Cockburn Central Station, it is proposed to implement the left turn slip lane as a permanent improvement to Knock Place and reassess the situation after the opening of the Aubin Grove Rail Station.

Strategic Plan/Policy Implications

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres
- Improve parking facilities, especially close to public transport links and the Cockburn town centre

Budget/Financial Implications

Budget adjustment of \$140,000 for the minor widening of the Knock Place/Solomon Road intersection would be required should Council resolve to implement the project in the 2016/17 capital works program.

Funds would be sourced from the Road and Drainage Reserve.

Legal Implications

N/A



Community Consultation

Should Council approve the implementation of the slip lane to Knock Place, notification of the project to the local property owners, traders, the PTA and the car park patrons would be carried out as well as advertising on the City website and media outlets.

Risk Management Implications

If the Council is not seen to be making some effort to improve the traffic congestion in the exit from Knock Place during the afternoon peak times, continuing complaints and reputational damage will result.

Attachment(s)

- 1 Knock Place and Solomon Road Intersection Minor Widening Concept Plan.
2. Knock Place and Solomon Road Intersection Minor Widening Cost Estimate.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.2 **(MINUTE NO 5921) (OCM 13/10/2016) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE - FOOD IS FREE PROJECT (144/005) (A LEES) (ATTACH)**

RECOMMENDATION

That Council

- (1) receive the report;
- (2) allows a trial on a limited number of properties, based on applications being made to the City under the Street Verge Improvements Policy AEW1, to test the viability of the project; and
- (3) assess the results of such trials based on a further report to Council prior to making any Policy changes.



COUNCIL DECISION

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

CARRIED 9/0

Background

At the Delegated Authorities, Policies & Position Statements Committee Meeting held on Thursday 25 August 2016 Clr Pratt raised the following Matter to be Noted for Investigation Without Debate.

“A report to be prepared and presented to the October Council Meeting on the ‘Food is Free Project’. The City to investigate how this initiative currently emerging elsewhere would impact Council’s existing Policy AEW1 ‘Street Verge Improvements’ and any other policy impacts should Council decide to allow a trial in the City area.”

Submission

N/A

Report

The “Food is Free Project” is a community building and garden movement that was launched in January 2012 in Austin, Texas, USA. The project is a not for profit organisation that teaches people how to connect with their neighbours and line the streets with community gardens in the front yards enabling free produce to anyone.

The project encourages the use of recycled products to build gardens along with simple methods for growing organic food with minimal work and ongoing maintenance. The projects advocates for residents to “...take back our food and meet new neighbours. Invite your friends to join the mission. Transform your own neighbourhood by planting a community garden in your front yard” (<http://foodisfreeproject.org>)

The project provides a guide for prospective individuals and encourages tailoring initiatives to fit the community where you live. The guide, attached, outlines a five step approach to starting a “Food is Free Project” in the individuals front yard. It also provides advice on how to garner support of friends and neighbours and encourages individuals to express the virtues of the project and share progress through the myriad of social media platforms.



The website promotes a model for the growing of food in unused public spaces however makes no reference to seeking approvals from either local or state government agencies. This lack of detail has the potential to create environments where materials, new or recycled, are installed on public land, including verges, which could contradict policy or legislation.

Street Verge Improvements Policy AEW1

The Street Verge Improvements Policy provides a framework that encourages residents to maintain and improve the verge adjacent to their property. The policy draws on the environmental benefits that could be achieved by planting a WaterWise native garden and the potential for increase to property values should regular maintenance be achieved.

The policy provides criteria for shrub and groundcover heights and an exclusion zone of 1.5 m from the kerb to enable a safe refuge for the public when the road becomes busy. The policy is cognisant of the increase in urban density with the enabling of paving, subject to the planting of a tree, to house more vehicles on the verge and a list of non-permissible treatments to mitigate the City's risk of injury to the public.

Establishment of Community Gardens Policy AEW7

The Establishment of Community Gardens Policy provides a framework for the establishment of community gardens, an approval process and guidelines to manage the allocated site. The guidelines outline the different models for community gardens with the establishment on verges not encouraged due to a number of potentially negative impacts that require addressing, including security, sight distance issues, installation of infrastructure, control of vermin, potential congregation of large groups on small verges.

Analysis

In order to facilitate a trial of the "Food is Free" Project" the City would need to address the residents' current front yard allotment and capacity to create food production prior to proceeding to the verge. The extension of the project into the verge will require the development of a submission in conjunction with the property owners in order to comply with criteria expressed in policy AEW1 and the procedures for the established of a Community Garden Policy AEW7.

To allow the project to be implemented at any property across the City would need the creation of a well-defined set of criteria focused on the objectives, locations, funding (grant or municipal), timeframes, KPI's



and a reporting framework that Council can consider for continued implementation or cessation. The implementation of a “Food is Free Project” trial would require the appointment of a dedicated staff resource on a part time basis to liaise with residents, assist with submissions, community engagement, ongoing analysis and administration duties.

As the City 2016/17 Annual Business Plan has not identified this initiative or made appropriate resourcing available in the annual budget process, such an initiative would unduly impact on current programs and is therefore not considered feasible in 2016/17. To determine if the project would have a community wide benefit, a trial or test case would be needed for making such an assessment.

Conclusion

The above commentary details the issues of the project in relation to existing City policy and procedure requirements, even though the project may have merit. It is not recommended to implement any changes to City policy due to the potential City wide impacts mentioned above without testing the practical effect of the project on a small scale first.

The Council could consider allowing a trial on a single property or a limited number of properties as a test case, based on an application being made to the City under the Street Verge Improvements Policy AEW1 for each property proposed. This would be a one off situation and not to be construed as setting any precedent or variation to any of the existing City Policies, to allow assessment of all the practical details and community impacts before Council makes any further decisions or makes any Policy changes that would impact the whole City. A period of twelve months would be appropriate to gauge the impact of the trial in terms of seasonal variations, impact on the verges and community interest.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health
- Improve the appearance of streetscapes, especially with trees suitable for shade

Budget/Financial Implications

N/A



Legal Implications

N/A

Community Consultation

Consultation with the local resident groups or associations in the area of any property participating in the trail would be necessary to keep local residents informed on progress.

Risk Management Implications

The City's risks are increased through residents addressing the verge with food producing plants that will be in contravention of the policies, which have the potential for insurance claims, and large working groups congregating within the verge environment.

Attachment(s)

Food is Free Brochure

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.3 (MINUTE NO 5922) (OCM 13/10/2016) - COOGEE BEACH SURF LIFESAVING CLUB CARPARK UPDATE AND OPTION 1 COST ESTIMATE (164/002) (ALEES) (ATTACH)

RECOMMENDATION

That Council receive the report.

COUNCIL DECISION

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

- (1) receive the Report;
- (2) arrange a meeting/briefing between representatives from the Surf Club, Council Officers, West Ward and other Elected



Members and any other relevant stakeholders as soon as possible to discuss options; and

- (3) request for a report to be presented to the November or December Ordinary Council Meeting with a recommendation for a plan to move forward.

CARRIED 9/0

Reason for Decision

The overflow car park was initially discussed about 18 months ago and we are facing another Summer with very little progress. A meeting with stakeholders will encourage resolution.

Background

At the 10 March 2016 OCM Council considered a report under item 19.1 Notice of Motion (Cr Allen) Coogee Beach Surf Life Saving Club Car Parking (Minute No 5750) and resolved to endorse the recommendation in the officer's report which was:

- 1) *endorses the actions of City officers to continue with the resolution of the land tenure of Lot 193 on Plan 20550 Cockburn Road with the Public Transport Authority, and*
- 2) *does not proceed with the construction of a car park in the area currently licenced by the City from the Public Transport Authority (shown as Option 1 on the attachment) until the land tenure issue is resolved.*

Council further resolved to include an additional part to the recommendation:

“proceed to prepare a detail design and costings of the car park in the area currently licensed by the City, including the clearing and offset costs to enable an earlier start and completion schedule once approval to the City is granted by the state government”

City officers were due to report back to Council at the October 2016 OCM on the progress of this project, in particular the land tenure and vegetation clearing requirements. For reference, a copy of the proposed car park layouts for Option 1 (referred to above as the land the City leases from the Public Transport Authority) and Option 2 (the



layout approved by Council at the June 2015 OCM) have been included as Attachments to this report.

Submission

N/A

Report

Since February 2016, the Department of Environmental Regulation (DER) has been assessing the City's application to clear the vegetation to support the construction of a carpark in accordance with the recommendation of the June 2015 OCM report (Option 2). A response was received by the City dated 13 June 2016 (attached) requesting further information in support of the application, which was provided to the DER on 12 July 2016.

The DER's latest correspondence dated 9 August 2016 (attached) has requested still further information to support the suitability of the offset proposal in accordance with the City's application to clear 0.512 Ha of native vegetation for the Option 2 carpark at Coogee SLSC.

The proposed offset area of 3.28Ha (6:1 ratio) is currently being negotiated with the Department of Parks and Wildlife (DPaW) however at the time of writing this report no confirmed resolution had been reached. Following receipt of the DER's final assessment, a further report will be presented to Council with updated cost estimates, including offset costs, and proposed implementation plan.

In parallel to the City's DER application for Option 2, City officers have been in discussions with the Perth Transport Authority (PTA) on the development proposal for Lot 193 on Plan 20550 Cockburn Road in order to progress Option 1 should Option 2 be unsuccessful. To that end, a meeting was held with PTA representatives (Land and Property Services Section) on 9 June 2016 to discuss the possible acquisition of the PTA land (disused rail reserve) by the City for the purpose of constructing the Option 1 car park.

The PTA has advised that Lot 193 will be divided into parcels with the section on the former rail corridor, adjacent to Cockburn Rd, placed for tender on the open market. This process is likely to take several years and be subject to a significant consultation process and a number of planning approvals. In the interim, the PTA have confirmed an offer to extend the current period of licence to 2022 based on the existing conditions, including the six month break clause and reinstatement of the land to its original condition when the licence terminates.



The City officers proposed acquiring the area required for the car park of Option 1 as a government to government transaction without a public tender process, which was refused. The City proposal to grant the extension of the lease to 2022 without the six month break clause to allow Council some confidence in expending substantial funds on the car park construction was also refused. The PTA officers confirmed their advice by e-mail dated 13 June 2016; a copy is attached for reference.

The Council needs to be cognisant of the risks should development proceed within the Option 1 car park area. Detailed designs will be progressed should Option 2 become untenable due to cost or an unsuccessful clearing permit application.

A revised cost estimate (attached) for Option 1 has been carried out based on the concept design, in accordance with the recommendation endorsed by Council at the March 2016 OCM. The cost estimate is subject to the details of the vegetation clearing permit and reinstatement should the six month break clause be invoked or the licence ceases. The costs are reflective of current year labour, material, contract costs and a vegetation offset cost based on a two to one ratio due to the already degraded state of the vegetation in that area.

Strategic Plan/Policy Implications

Moving Around

- Improve parking facilities, especially close to public transport links and the Cockburn town centre

Community, Lifestyle & Security

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

Leading & Listening

- Ensure sound long term financial management and deliver value for money

Budget/Financial Implications

The revised cost estimate for Option 1 is \$932,907 which would have to be staged over the 16/17 and 17/18 financial years to stay within budget constraints. This is entirely dependent on the outcome of the vegetation clearing application for the Option 2 car park.

Legal Implications

N/A



Community Consultation

N/A

Risk Management Implications

The report provides an update to the status of the additional parking project for the Coogee Beach SLSC and presents no risk to the City should the recommendation be accepted.

Attachment(s)

1. Poore Grove Car Park Option 1_8/9/16
2. Poore Grove Car Park Option 2_8/9/16
3. Department of Environment Regulation correspondence dated 9/8/16
4. E-mail from PTA dated 13/6/16
5. Department of Environment Regulation correspondence dated 13/6/216
6. Updated Cost estimate of Option 1

Advice to Proponent(s)/Submissioners

N/A

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

N/A

17.4 (MINUTE NO 5923) (OCM 13/10/2016) - TRANSPORT @ 3.5MILLION SUBMISSION (110/046) (C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council

- (1) authorises the City to lodge its submission in accordance with the officer report to the Department of Transport; and
- (2) seeks participation from the Cities of Fremantle, Kwinana, Rockingham and Town of East Fremantle on a regional advocacy campaign which seeks to generate public information about the need to prioritise the delivery of the Fremantle Outer Harbour instead of the Perth Freight Link and its focus on the Fremantle Inner Harbour.



COUNCIL DECISION

MOVED Clr P Eva SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 8/1

CLR STEVEN PORTELLI REQUESTED HIS VOTE AGAINST THE MOTION TO BE RECORDED

Background

The Minister for Transport released the Perth Transport Plan (PTP) for 3.5 Million and Beyond on 29 July 2016. The period for receiving commentary on the PTP closes on 28 October 2016. Following the release of the PTP, the Department of Transport provided a briefing session to local government on 10 August 2016, which was attended by a number of City officers.

The PTP comprises a number of transport components being:

- Public Transport Plan
- Road Network Plan
- Cycling Network Plan
- Travel Demand Management Plan
- Perth Freight Network Plan

A study on Mass Rapid Transit for the Perth and Peel Region for the 3.5 Million population horizon was also carried out and provided input into the PTP. The projects and needs assessed in the PTP were based on three population and time horizons as follows:

- By 2.7 million population (approx. 2031)
- By 3.5 million population (approx. 2050)
- Beyond 3.5 million population (beyond 2050)

The PTP and its supporting technical documents are substantial and the entire group of documents are available on the Department of Transport website. Of the documents comprising of the PTP mentioned above, summary plans area provided as attachments. These are:

The Road Network Plan is very significant for the City of Cockburn and projects proposed in the City area. Attachment 2 includes a copy of three figures extracted from this report as follows:

- Attachment 1 - Public Transport Rail Network Plan 19
- Attachment 2 - Public Transport On-Road Network Plan 23
- Attachment 3 - Freeway Network Plan 29
- Attachment 4 - Cycling Network Plan 34



Attachment 5 - Freight Network Plan

The City has identified significant issues, which are documented in the following report. It is recommended that these form the basis of the City's submission. It is also recommended that an urgent advocacy campaign begin on a regional basis (involving the local governments of Fremantle, Kwinana, Rockingham and East Fremantle) in order to inform the public on why the Fremantle Outer Harbour and associated access provides a far more logical project compared to any further expansion of the Perth Freight Link west of the Kwinana Freeway.

Submission

N/A

Report

The purpose of this report is to present to the City officers assessment of the various aspects of the PTP, as it relates to the requirements of the City and provide the proposed submission in response to the PTP for Council's consideration prior to the submission date.

The Department of Transport requires submissions from organisations to be made based on a template, which is included as Attachment 6, completed in draft form for Council's information. This will be in addition to the full detail contained in this report.

The officer's report reviews the PTP in respect to both a planning and engineering context. The sections referred to in the planning commentary refer to the section headings in the PTP - For Consultation document, which summarises the results of all the technical studies and analysis. This document was distributed at the Department of Transport briefing and is available online via the website.

The engineering context discusses the project specific elements of the PTP and compares the proposed projects and timeframes to the City's assessment of the transport needs into the future. The population prediction at 3.5 million features over 50% of growth south of the Swan River. The PTP overall focusses on transport connections and access to the Perth CBD, and fundamentally appears to direct a significant amount of investment away from where it is needed in key growth areas of the southern metropolitan region.

It is considered that the PTP maintains a central city focus, whereas future planning for Perth focuses on the decentralisation of activity and employment close to where people and businesses exist based upon the Smart Cities formula now the priority of the re-elected Federal Liberal Government. This is the idea of a city being made up of



strategic activity centres, with everyone having the ability to access a centre within 20 to 30 minutes of where they live. In maintaining its central city focus, the PTP does not direct towards achieving the Smart Cities initiative.

Planning Context

Executive Summary Comments

The vision of the document states “emphasise use of existing networks” which appears to accentuate what is regarded as a flawed city centric form that will further prolong the challenges of decentralisation for Perth, and indeed the City of Cockburn. The objective stated for a free flowing freeway also does not recognise the role that congestion plays in helping create a higher value proposition associated with public transit and active transit. It is unrealistic to expect Perth to have free flowing freeways in modern times.

The Public Transport section mentions high frequency services connecting strategic activity centres. This should be expressed as also creating activity corridors between such activity centres, in order to have development take leverage from such public transport provision. Public transport provision is notoriously focussed on limiting the time penalty, which often means communities along high quality transit services are denied local access through under-provision of stations and interchanges. This is well known to the City of Cockburn, with the planned stations of the Perth to Mandurah railway at South Lake and Hammond Park unlikely to be delivered, despite their initial planning.

From a road perspective, the discussion about Roe Hwy creating a ring around the central subregion needs to be further explained once the design uncertainties of the route west of Stock Rd are resolved, together with the question about what happens once the link meets Stirling Hwy at High Street. That is, to suggest a ring will be created by extending the Perth Freight Link west of the Freeway, including Roe 8 and 9, appears misleading.

Transport pricing needs to be approached carefully. Research has proven this to have a regressive impact especially on low wage earners who generally lack flexibility in respect of work times, which means that imposing pricing at peak travel times will likely impact these vulnerable communities to a greater extent.

The future trends talk simply about those associated with private transportation - in other words still focussing on the need to private travel. The focus for the future needs to be more on how technology will reduce the need for private transport. The delivery of the NBN as a starting point should be a focus for State Government action about



considering how the digital commute could be embraced. Given the size of the public sector and its concentration within the City centre, digital opportunities to reduce reliance on a physical setting for the workplace needs exploration.

Introduction Comments

There is some repetition of the key objectives - optimisation of the existing network which is based upon a city form that requires changing (from centralisation to decentralisation) and the notion of a free flowing freeway and arterial road system. As previously indicated this ignores the role of congestion (time and cost penalty) in driving behaviour change.

Managing congestion should be through:

- the redirection of freight from road to rail
- creation of a new outer harbour
- intermodal facilities to improve efficiency of freight handling.

The concept of spreading the peak should also be extended to freight movements. Currently there is the lack of coordination with the loading and unloading of ships, such as ensuring trucks coming to collect containers also bring containers coordinated for departure thus reducing empty truck trips. This could immediately represent a 50% reduction in truck traffic, if empty trucks were all replaced with cargo thus eliminating two trips in to one trip.

In the section which mentions connecting activity centres, this should emphasise the role of creating activity corridors between such centres which provide for local accessibility and development response to such transit infrastructure.

A clear decision is also required in respect of timing of the outer harbour and associated freight handling facilities. Planning based upon the primacy of the inner harbour has shaped road investment which will create a lasting legacy that will not be optimal for the ongoing development of the south west corridor. This is discussed in greater length under the freight section below.

Public Transport Network Comments

There is a significant gap in the provision of infrastructure investment for the entire south west corridor. Considering the strategic importance associated with the Western Trade Coast and Latitude 32, which is expected to deliver the industrial and enterprise land needs for Perth to 2050, it is alarming to note the absence of strategic transit provision in the south west growth corridor.



The lack of provision for public transit to the Cockburn Coast (beyond 3.5 million or 2050) will frustrate the implementation of the Structure Plans for this area. A significant focus was placed upon constraining parking within Cockburn Coast together with extensive densities in order to secure the early delivery of bus rapid transit. As this is now shown as beyond 2050, planning will be forced to largely abandon the objectives held for high quality, dense, transit orientated development in Cockburn Coast.

Public Transport Network Principle 4 requires new technology to extend to rolling stock, through the setting of maximum permissible operating noise levels, in order to stop the current practice of allowing older, noisier freight trains being retired in the eastern states to be re-used in WA due to only the eastern states having noise limits for freight trains in place.

As new technologies advance, there should also be greater emphasis placed upon sharing freight and public rail reserves. The espoused public transit principles continue to ignore the gap associated with industrial, enterprise and employment lands, and the current norm that such areas cannot be effectively serviced by public transport.

The linking of the rail line between Cockburn Central and Thornlie by 2.7 million (2031) is an effective response in creating the much sought after link between south east and south west growth corridors. Passenger rail should also be considered for extension south of Fremantle through to Cockburn Central, where a sufficient freight reserve exists together with a disused reserve through the Bibra Lake Industrial Area and along the edges of North Lake Road, coinciding with the available land beneath the power line easement.

Bus rapid transit investment beyond 2050 is shown from Cockburn Coast to Fremantle. A significant amount of demand will emerge between Cockburn Coast to Cockburn Central, in order to access this activity centre and the heavy passenger rail service. Accordingly, it is recommended that Cockburn Coast to Fremantle be designated as a high priority public transit corridor (which reflects the current infrastructure provision) and the higher emphasis placed upon Cockburn Coast to Cockburn Central as Bus Rapid Transit or Light Rail link before 3.5 million or 2050.

This infrastructure investment stands to deliver a higher return on investment in respect of kilometres travelled given the population catchments that a Cockburn Coast to Cockburn Central achieves.

Cockburn Central provides the opportunity for the long term connection of Perth and Bunbury via VFT (very fast train technologies). The current service enters Perth Central Station via the Armadale Line -



adopting a more regional based terminus at Cockburn Central provides for greater capacity for passengers to access all parts of the regional transport system, and also for train sizes to be accommodated through the availabilities of train platform length.

Cockburn Central then becomes the logical emphasis for a regional train terminus which:

- Connects with Bunbury through VFT;
- Provides nonstop service to the City and beyond to Whitford (northern corridor)
- Provides connections to the services of the South East corridor via Thornlie, which is the only available station to do this;
- Connects with the orbital Murdoch to Stirling line, which again provides comprehensive breadth of service compared with reliance on the current South East corridor route alone.

Road Network Comments

There is a complete absence of detailed discussion for the delivery of the Armadale Road deviation / proposed North Lake Road freeway interchange. The Cities of Cockburn and Armadale recently collaborated with the State Government (MRWA, Department of Planning and Department of Transport) to secure a new regional road / freeway interchange design in order to fast track the delivery of this regional level infrastructure to service the enterprise arc that runs between the Western Trade Coast and the communities of Cockburn and Armadale.

The strong community support for such is evidenced through the Community Connect South initiative, which provided the evidence basis of the business and community level support for this infrastructure. The failure to identify this as a specific item of infrastructure spend, given timing is required as soon as possible for delivery, is of significant concern to the City.

Acceptable levels of service should be expected in non-peak times rather than peak times. Peak times require some unacceptable level of service in order to create the mode shift from private to public and active transport options. Principle 2 should mention the preference of roundabouts over traffic controlled intersections, as evidenced by the current practice of MRWA.

The proposed Stock Road tunnel should be contemplated for tunnelling from South Street, to enable the protection of local accessibility into the O'Connor industrial area. Should this not occur, conversion of the section of Stock Rd between South Street and Leach Hwy to a freeway standard will create a significant impact upon established businesses



and employment areas which rely on exposure and direct access from Stock Road.

The Western Trade Coast is severely limited in its east-west accessibility. In respect of the movement of industrial goods, particularly to intrastate and interstate markets, there needs to be the prioritisation of an east-west Freeway standard link as has been proposed by an upgraded Rowley Road for a number of years. This east-west connection would provide access to both Kwinana Freeway and Tonkin Highway.

Spatially it is evident that the south west corridor, and particularly the targeted employment and enterprise lands of the Western Trade Coast, will be inadequately serviced by the current proposed layout. Planning is behind in respect of the Rowley Road link east of the freeway, whereby the City has provided previous advice that no reservation exists and that these communities have not be made aware of the potential for a highway standard link to replace the current rural standard that Rowley Road east of the freeway represents.

Active Transit Network Comments

There are clearly apparent gaps in the provision of the regional (off road) cycling network. In the south west corridor, gaps such as along the section of Indian Ocean beachfront between Freemantle and Henderson should be logically connected.

The South West Group of Local Authorities (Rockingham, Kwinana, Cockburn) have been working on a regional transit project associated with the alignment of the historic Baldivis tram way. This runs as a dedicated route between Baldivis in Rockingham and Success in Cockburn. This would deliver a regional cycling network which has the capacity to continue northwards to Bibra Lake and thus helping to fill the gaps to which the south west corridor is observed as having in respect of the regional cycling network.

The City believes that should the Roe Highway not be extended west of Kwinana Freeway, the opportunity should be taken to repurpose the Roe Highway road reservation to a regional green movement corridor, emphasising particularly opportunity for cycling and running. This will support objectives laid out in the Green Growth Plan in terms of providing the only dedicated east-west flora and fauna connection between the inland lakes vegetation complexes and the coastal vegetation complexes of the City.



Freight Network Comments

The provision of road planning for Rowley Road is required to be elevated to a freeway standard, rather than simply a freight standard. This is critical in respect of providing a dedicated connection to service the Western Trade Coast, which extends beyond simply freight traffic to also include significant demand by employees many of who live within the south east corridor.

The removal of the level crossings needs to also be prioritised at Rockingham Road and Barrington Road, Spearwood as well as at North Lake Road, Bibra Lake. For the future development of the Cockburn Coast area, level crossing removal needs to be budgeted for the McTaggart Cove and Rollinson Road crossings at North Coogee. The future development of Russell Road as a major east-west link will be constrained until the level crossing is also grade separated at Munster.

Fremantle Outer Harbour Development

The Fremantle Inner Harbour was not designed to handle the freight demand levels being asked of it in the PTP, hence the whole of government support to cap the level of activity on the inner harbour and transition to a new outer harbour located central to the Western Trade Coast and supported by a new integrated intermodal terminal facility, providing both integrated freight rail and road freight access.

Under the PTP, the planned cap and transition of the inner harbour is not reflected. What should occur is the planned capping and transition of the bulk of freight to the new outer harbour, which would see the freight emphasis (and associated infrastructure requirement) focused appropriately on the outer harbour and supporting industrial precinct lands - being Latitude 32. This removes the need to contemplate the Perth Freight Link being extended west of the Kwinana Freeway, and rather enables this infrastructure to be delivered via a fast tracked Outer Harbour, Intermodal Terminal and associated Rowley Road connection all the way out to Tonkin Highway.

The current emphasis on the inner harbour will create a more ineffective movement network through exceeding the associated access capacity of the movement network and delaying the necessary cap and transition of the inner harbour to the outer harbour. The Perth Freight Link is not a solution to this, given the clear knowledge that once a tunnel has been delivered to Stirling Highway and High Street, there is no physical capacity to extend the road link north in order to actually deliver freight traffic to the inner harbour. The Perth community faces a significant infrastructure investment being misdirected from where it needs to be for the future freight needs of the City.



Given the magnitude of this issue, it is separately recommended that Council seek participation from the Cities of Fremantle, Kwinana, Rockingham and Town of East Fremantle on a regional advocacy campaign which seeks to generate public information about the need to prioritise the delivery of the Fremantle Outer Harbour instead of the Perth Freight Link and its focus on the Fremantle Inner Harbour.

Engineering Context

Projects from the PTP that directly relate to the City of Cockburn have been identified and are listed below:

Project	Time frame
Bus rapid transit / light rail	
Fremantle to Henderson, via Cockburn Coast	Beyond 3.5 Million
Murdoch Station to the Cockburn Coast	Beyond 3.5 Million
High Priority Public Transit Corridors	
Fremantle to Armadale via Spearwood and Cockburn Central and Jandakot Airport to Murdoch	Not specified
Rail	
Cockburn Central to Thornlie Line	By 2.7 Million
Active Transport	
Expansion of the off-road cycling network from 172 kms to 850 kms including end of trip facilities at major activity centres	Staged - By 3.5 Million
Road	
Perth Freight Link including extension to Fremantle Harbour	By 2.7 Million
Fremantle-Rockingham Highway (freeway standard road from Leach Highway to Kwinana Freeway at Mundijong Road)	By 3.5 Million
Freight Network	
Grade separated rail crossing at North Lake Road, Bibra Lake	By 2.7 Million
Rowley Road (four lane divided standard road linking Tonkin Highway to Fremantle-Rockingham Highway and future outer harbour)	By 3.5 Million
Establish Latitude 32 intermodal logistics centre	By 3.5 Million

Projects that are not included in the PTP but important for the City as identified in City planning (all prior to 2030) are:

- Connection of Armadale Road over the Kwinana Freeway to North Lake Road - this project is a critical infrastructure link to alleviate



congestion in the Cockburn Central area on a critical east-west link between the Cities of Cockburn and Armadale. It is not specifically mentioned or funded in the Road Network Plan.

- Bus Rapid Transit or Light Rail from Cockburn Central to Cockburn Coast
- Freight Rail Grade Separations at Rockingham Road, Barrington Road, Russell Road and North Lake Road

The City as part of the Corporate Business Plan process recently reviewed the City Regional and Major Road Works 2016-2030 and this Plan has been compared to the Road Network Plan of the PTP. Some points of difference should be noted as shown below:

1. Russell Road - Hammond to Rockingham (2020/2028) upgrade to four lanes - The PTP still shows Russell Road as a two lane road at 2030 which is not recognising traffic volumes increasing currently. The PTP shows four lanes at 2050 which is too far in the future. Russell Road should not be designated for freight traffic, given its passage through sensitive wetland areas and the communities of Success and Hammond Park.
2. Rowley Road - Kwinana Freeway to west of Hammond Road (2019/2021) two lanes constructed - the PTP shows a four lane road all the way to Rockingham Road and further to the coast at 2030. This assessment needs to be reviewed for timing as well as funding requirements. The City long term financial plan does not include duplication of Rowley Road prior to 2030.
3. Jandakot Road - Berrigan Drive to Warton Road (2017/2022) four lanes constructed - the PTP shows two lanes at 2030 and four lanes at 2050. The development activity in the area and current traffic volumes indicate four lanes required well in advance of 2030 as in the City plan so the PTP assessment needs to be reviewed.
4. Beeliar Drive west of Stock Road - the PTP shows the existing Mayor Road continuing to take all traffic west of Stock Road at both 2030 and 2050 horizons. Mayor Road is congested now so the PTP needs to be reviewed to include the extension of Beeliar Drive west of Stock Road to Cockburn Road in the 2030 horizon to remove congestion from local streets, especially with the future development of the Cockburn Coast area.
5. Spearwood Avenue from Barrington Road to Beeliar Drive - shown on both the 2030 and 2050 horizons as two lanes. The traffic congestion currently led to the City making a submission for Federal funding in 2017/18 to duplicate Spearwood Avenue in this section so the PTP needs to be amended to show four lanes at



2030. This upgrade is now becoming urgent, including the widening of the existing bridge over the freight rail line.

All these major projects represent very substantial funding requirements. The current prediction of State funding is mentioned in the PTP as being \$2 billion per annum into the future based on the 2016/17 budget and Forward Estimates. Until more investigation and planning is carried out to provide at least concept cost estimates, the adequacy of the future State funding prediction remains unknown and in any case is subject to decisions by future governments. More detail and more certainty of funding are required in order to provide any kind of confidence in timeframes.

Another point is that the Road Network Plan refers to the Main Roads WA reviewing the criteria for the classification of roads in the road hierarchy. While the PTP proposes extensive improvements or augmentations of roads in the network, what is not clearly defined is the upgrade or duplication of local authority roads and whether these roads need to be transferred to the State network and the required funding. All these road duplication or new road projects will need land acquisition to be funded by the State.

Conclusion

The regional and subregional planning strategy expressed by the Department of Planning in the Directions 2031 and Beyond is based on decentralisation in the Perth and Peel region with the creation of activity centres. The PTP is focussed on the Perth CBD with not enough emphasis on development of transport links to activity centres which is not supporting the decentralisation strategy.

The south west corridor, especially the south metropolitan region, is predicted by the modelling to be a major generator of population and employment in the future to 2050 and beyond. With the focus in the PTP on connections and access to the Perth CBD, more transport investment is needed to support economic development and employment south of the Swan River. The PTP shows substantial investment in projects in the central/northern regions of Perth when the focus should be in the southern metropolitan region, linking the proposed activity centres.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets



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
- Continue advocacy for a better solution to regional freight movement
- Advocate for improvements to public transport, especially bus transport

Leading & Listening

Strengthen our regional collaboration to achieve sustainable economic outcomes and ensure advocacy for funding and promote a unified position on regional strategic projects

Budget/Financial Implications

Nil for this submission, but relates to very significant future investment by all three levels of government.

Legal Implications

N/A

Community Consultation

The City has recently been through public consultation for the Strategic Community Plan that clearly identified traffic congestion as a major issue of concern for both residents and businesses in the City. The public comment period of the Transport @3.5 Million plan is the opportunity for the City to make representation to the Department of Transport of projects essential to the development of the City, on behalf of the residents and businesses.

The South West Metropolitan Region is a critical future population and employment corridor in the Perth and Peel Region, so consultation has been held with the South West Group (of which the City of Cockburn is a member) to coordinate the City submission with the South West Group submission to ensure a consistent response is made to the Department of Transport.



Risk Management Implications

Should Council choose not to make the submission on the Transport @3.5 Million plan, an opportunity will be lost to get recognition of the future projects that are important for the improvement of the City transport system. After this review period, the next review of Transport @3.5 Million will not be for another five years.

Attachment(s)

1. Public Transport Rail Network Plan 19
2. Public Transport On-Road Network Plan 23
3. Freeway Network Plan 29
4. Network Plan 34
5. Freight Network Plan
6. PTP Submission Template

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.5 (MINUTE NO 5924) (OCM 13/10/2016) - TENDER NO. (C100341) RFT 09/2016 - TREE MANAGEMENT SERVICES (RFT 09/2016) (A WATERS) (ATTACH)

RECOMMENDATION

That Council accepts the tender submission for Tender No. RFT 09/2016 – Tree Management Services from Beaver Tree Services Australia Pty Ltd over the Three (3) Year Contract Period at the schedule of rates submitted in the Confidential attachments.

COUNCIL DECISION

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

CARRIED 9/0



Background

The Parks Service Unit (PSU) in 2013 engaged the services of an Arborist Consultancy Company to undertake a comprehensive street tree audit of all the suburbs within the City of Cockburn, 36,000 trees have been assessed, photographed, valued (using the Helliwell method), mapped and uploaded to the City's Inramap System. This data provides the basis to enable a more structured approach to programming and budgeting for the City's tree management obligations, with regards to the following:

Management of approximately 11,000 street trees that require pruning to prevent interference with overhead powerlines and other essential services as defined under section 54 of the Energy Operators (Powers) Act 1979.

- Facilitate structured tree pruning programs based on the Street Tree data asset information, allowing Contractors to focus on specific precinct works providing a more efficient service and a value for money outcome for the City.
- Undertake programmed and reactive tree works throughout the City's parks, reserves, streetscapes and natural areas, including emergency after hour's works, tree removals, stump grinding and tree root management.

Beaver Tree Services Australia Pty Ltd currently performs the entire tree maintenance works throughout the City. The current contract expires on 30 September 2016 so a contract extension has been granted to allow for the time required in the award of this Contract.

Tender Number RFT 09/2016 Tree Management Services was advertised on Wednesday 27 July 2016 in the Local Government Tenders section of "The West Australian" newspaper. The Tender was also displayed on the City's E-Tendering website between Wednesday 27 July and Thursday 11 August 2016.

The tender called for submissions from suitably qualified tree management companies for a period of three (3) years with Principal instigated options to extend the period for a subsequent one (1) year period and up to an additional twelve (12) months after that to a maximum of five (5) years.

Submissions

Tenders closed at 2:00 p.m. (AWST) on Thursday 11 August 2016 and six (6) tender submissions were received from:



1. Beaver Tree Services Australia Pty Ltd
2. Dependable Tree Services
3. Trees Need Tree Surgeons
4. Tree Care WA Pty Ltd
5. WA Tree Works
6. Riverside Tree Services

Report

a. Compliance Criteria

Criteria Ref.	Description
A	Compliance with the Conditions of Tendering (Part 1) of this Request.
B	Compliance with the Specification (Part 2) contained in this Request.
C	Compliance with Insurance Requirements and completion of Clause 3.2.7.
D	Compliance with the Qualitative Criteria Requirements and completion of Section 3.3.2.
E	Compliance with Fixed Price and completion of Clause 3.4.2.
F	Compliance with and completion of the Price Schedule in the format provided in Part 4 (Refer to Clause 1.10.2).
G	Compliance with ACCC Requirements and completion of Appendix A.
H	Compliance with Subcontractors (proposed) and completion of Clause 3.5.
I	Compliance with Operators and Sub Contractors Qualification Requirements and completion of Clauses 3.6 and 3.7.

b. Compliant Tenderers

A compliance check was undertaken by Procurement Services and Five (5) Tenderers were deemed compliant and evaluated.

Riverside Tree Services bid did not comply with the Conditions of Tendering due to the failure in submitting the required documentation and therefore has not been assessed.

c. Evaluation Criteria

Tenderers were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	20%
Key Personnel Skills and Experience	20%
Tenderer's Resources	15%



Evaluation Criteria	Weighting Percentage
Sustainability	5%
Tendered Price – Schedule of Rates	40%
TOTAL	100%

d. Tender Intent/ Requirements

The purpose of this Tender is to select an experienced, competent and reliable tree management company to perform the tree pruning, removal, stump grinding, root chasing, root barrier and mulching services within the City of Cockburn.

Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn Officers with a Procurement Services representative attended in a probity role.

1. Alison Waters (Chair) – Parks Operations Coordinator
2. Andrew Lefort (SBMG Rep) – Manager Statutory Planning
3. Logan Vickers – Streetscape Supervisor
4. Caron Peasant – Contracts Officer (Probity role only)

e. Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
Beaver Tree Services**	47.90%	36.32%	84.22%
Tree Care WA	38.37%	40.00%	78.37%
Dependable Tree Services	32.53%	36.30%	68.84%
WA Tree Works	37.97%	30.67%	68.64%
Trees Need Tree Surgeons	38.25%	22.52%	60.77%

** Recommended Submission

Evaluation Criteria Assessment

Demonstrated Experience

Beaver Tree Services scored highest in this criterion demonstrating to the panel of their extensive experience in performing tree pruning and removal works, stump grinding, mulching and after hours call outs for a number of local government authorities, state government authorities and private enterprises. Although the remaining tenderers had local government experience they were not in the same detail. All Tenderers



provided details of works specifically project scope, key outcomes, year conducted, references and price value of previous contracts.

Key Personal Skills and Experience

Beaver Tree Services scored highest in this criterion followed by Trees Need Tree Surgeons and then Tree Care WA. All demonstrated to the panel that they have qualified and experienced staff to deliver the services outlined in the tender. In addition these three companies have implemented organisational structures and systems to conduct the logistics of the tree management services. The submission by Dependable Tree Services and WA Tree Works did not furnish the panel with enough details which is reflected in their score.

Tenderer's Resources

All tenderers have the necessary plant and equipment available to conduct the required works as specified in the document. The resource details supplied in each submission demonstrated the commitment to maintaining a fleet that meets the industry's safety standards. Beaver Tree Services received a higher score as they provided the most comprehensive response regarding contingency plans. All tenderers demonstrated the capacity and processes to meet the City's requirements of conducting pruning of a minimum of 50 trees per day to a combined total of 250 trees per week.

Beaver Tree Services ranked higher in this category as they were the only tenderer to have implemented a Web Based works scheduling software. The platform allows the uploading of images to enable improved accuracy of location and works to be completed in the tree. As the system is real time, it provides a visual profile allowing officers to view work status per tree which can be relayed to a customer.

Sustainability Experience

Beaver Tree Services and WA Tree Works achieved higher scores due to their attainment of AS/NZS ISO 14001 Environmental Management System accreditation. Beaver Tree Services provided the most comprehensive response regarding sustainability principles. Due to the nature of the works, none of the Tenderers were recognised as a social procurement enterprise however they all demonstrated understanding of social procurement principles.

Tender Price

The price schedule provided by each tenderer was benchmarked against a set volume of work that is anticipated to be completed over one year of the contract. A nominal figure was applied to the Schedule



of Rates for general pruning, low voltage underwire pruning and high voltage under wire pruning to calculate the estimated annual lump sum. Tree Care WA provided the lowest price over the schedule of works with Beaver Tree Services coming in second.

References

Reference checks were conducted regarding Beaver Tree Services performance. High scores were received from referees particularly regarding qualified staff, availability, serviceability of plant and machinery and delivery of work schedules.

Summation

Beaver Tree Services provided the most advantageous submission when assessed against the selection criteria and demonstrated to the Panel that they have the plant and qualified labour available to conduct the works. Beaver Tree Services have demonstrated that they can meet the City's requirement of minimum tree pruning numbers per week and they have contingency plans in place to meet the City's tree management service level requirements. Beaver Tree Services are a Quality Assured organisation and were the only Tenderer to have existing Web Based Work scheduling software.

Based on achieving the highest overall score, together with positive referee comments the Evaluation Panel recommends that Council accept Beaver Tree Services' submission for RFT09/2016 - Tree Management Services over the Three (3) Year Contract Period at the schedule of rates submitted and additional services.

Strategic Plan/Policy Implications

City Growth

- Maintain service levels across all programs and areas

Economic, Social & Environmental Responsibility

- Improve the appearance of streetscapes, especially with trees suitable for shade

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

Tree management expenditure fluctuates each year, as outlined in the table below, due to environmental factors, customer requests and the remediation of infrastructure to ensure the retention of trees.



Additionally the requirement to comply with the Bush Fires Act 1954 pertaining to vegetation clearing on road verges and reserves throughout the City was the main contributor to the 2013/14 expenditure. There has been an increase in root barrier installation and root chasing in the past five years due to maturing trees in suburbs such as Atwell and Spearwood.

Expenditure Table – GST Inclusive	
Financial Year	Contract Pruning (\$)
2012 / 2013	\$539,000
2013 / 2014	\$760,000
2014 / 2015	\$483,000
2015 / 2016	\$515,000

Powerline tree pruning is currently conducted on a reactive basis and it is envisaged over the next two years a detailed proactive program will be implemented to improve efficiencies along with tree condition audits and processing tree requests through Beaver's Web Based work scheduling software.

The first two months of the 2016/17 Financial Year tree expenditure has totalled \$91,000 leaving a remaining amended budget balance of \$409,000 across Sub Activity accounts (166, 176, 174, & 175). As the new rates are more competitive than current rates, it is anticipated the proposed tree works can be accommodated within the remaining budget.

For the purposes of tender assessment and comparison, an indicative volume of activities was priced by the tenderers based on their submitted unit rates. For these quantities, the tender price from Beaver Tree Services Australia Pty Ltd for the three year contract period totalled \$1,719,000 excluding GST (\$1,890,900 including GST). Over the next three years, the budget allocation will vary depending on priorities but is envisaged to be approximately \$1,500,000 plus CPI (excluding GST). The actual costs of the contract works will be varied to suit the City budgets and the contract terms and conditions allow this under a Schedule of Rates contract.

Legal Implications

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



Community Consultation

N/A

Risk Management Implications

If Council does not support the recommendation this would result in non-compliance with the City's Procurement Policy as the, current contract will have expired along with the associated cost and time for re-advertising and re-tendering. Furthermore the City would be working in conflict with the requirements as outlined in the Energy Operators (Powers) Act 1979 which could result in additional costs and unscheduled tree pruning works for powerline clearance.

Due to the value of the Contract (\$1m +) an independent financial risk assessment was undertaken by Corporate Scorecard on Beaver Tree Services, the results were very good and indicated they have a strong financial capacity to undertake the Contract.

Attachment(s)

The following confidential attachments are provided under a separate cover:

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

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 13 October 2016 Ordinary Council Meeting.

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

Nil.

18. COMMUNITY SERVICES DIVISION ISSUES

- 18.1 (MINUTE NO 5925) (OCM 13/10/2016) - REQUEST FOR TENDER NO. RFT14/2016 (M900003) - HEALTH CLUB EQUIPMENT (COCKBURN ARC) - 31 VETERANS PARADE, COCKBURN CENTRAL (078/002; 154/006) (B.MCEWIN) (ATTACH)**

RECOMMENDATION

That Council

- (1) accept the Tender submission from Technogym Australia Pty



Ltd for RFT 14/2016– Health Club Equipment - Cockburn Aquatic and Recreation Centre to supply, install, test, commission and maintain Health Club Equipment (Cardio, Pin loaded, Plate Loaded, Point of Difference and Fitness Management System) for the total lump-sum contract value of \$658,573.00 GST exclusive of which \$204,337.00 is to be purchased outright and \$454,236.00 is to be leased;

- (2) approve the leasing through Alleasing Pty Ltd for the total estimated cost of \$471,577.20 GST exclusive which includes interest charges of \$17,341.20 for the following:
 1. Cardio equipment for 3 years for the total estimated contract value of \$361,228.20 (GST exclusive).
 2. Pin loaded equipment for 5 years for the total estimated contract value of \$110,349.00 (GST exclusive).
- (3) accept the Tender submission from Hillbrick Bicycles Pty Ltd and L J Smith (Body Bike Australia) for RFT 14/2016– Health Club Equipment - Cockburn Aquatic and Recreation Centre for the outright purchase to supply, install, test, commission and maintain Health Club Equipment (Spin Bikes) for the total lump-sum contract value of \$109,395.00 GST exclusive.

COUNCIL DECISION

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

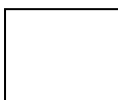
CARRIED 9/0

Background

The Health Club consists of an 800 sq.m. gym, two group fitness of 250 sq.m. and an 111 sq.m. respectively, a personal training room of 36 sq.m. and a Spin (Bike) room of 103 sq.m..

Submission

The Request for Tender closed at 2:00pm (AWST) Wednesday, 17 August 2016. Six (6) submissions were received from the following companies:



Respondent's Name:	Registered Business Name
Gymcare	Surestar Investments Pty Lts AFTF Drisacoll Family Trust and Somach Fitness Pty Ltd ATFT Alderman Family Trust
Body Bike Australia	Hillbrick Bicycles Pty Ltd and LJ Smith
Fleet Commercial Gymnasiums Pty Ltd	Fleet Commercial Gymnasiums Pty Ltd
Precor Australia	Amer Sports Australia Pty Ltd
Technogym Australia Pty Ltd	Technogym Australia Pty Ltd
Nordic Fitness Equipment	D'Agostino Investments (WA) Pty Ltd

Note:

Body Bike Australia's tender submission was for the Spin Bikes only.

Report**(a) Compliance Criteria**

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

Description of Compliance Criteria		
A	Compliance with the Conditions of Tendering (Part 1).	Yes / No
B	Compliance with the Specification (Part 2) contained in this Request.	Yes / No
C	Completion of Section 3.1 – Form of Tender	Yes / No
D	Completion of Section 3.2 – Tenderer's Contact Person	Yes / No
C	Compliance with Sub-Contractors requirements and completion of Section 3.3.3 .	Yes / No
D	Compliance with Financial Position requirements and completion of Section 3.3.5 .	Yes / No
E	Compliance with Insurance Requirements and completion of Section 3.3.6 .	Yes / No
F	Compliance with Qualitative Criteria and completion of Section 3.4.2 .	Yes / No
G	Compliance with Fixed Price and completion of Section 3.5.2 .	Yes / No



Description of Compliance Criteria		
H	Compliance with and completion of the Price Schedule (including Breakdown of Lump Sum) in the format provided in Part 4 .	Yes / No
I	Compliance with ACCC Requirements and completion of Appendix A .	Yes / No
J	Acknowledgement of any Addenda issued.	Yes / No

(b) Compliant Submissions

A Compliance Criteria check was undertaken by Procurement Services. All submissions were deemed compliant and were evaluated accordingly.

(c) Evaluation Criteria

Submitted Proposals were assessed against the following criteria:

	Criteria	Weighting
A	Demonstrated Experience	10%
B	Technical Specifications	35%
C	Tenderer's Resources	10%
D	Sustainability Experience	5%
	Tendered Price	40%
	Total Weighting:	100%

RFT Intent / Requirements

The Request for Tender was structured so as to enable the selection of multi-suppliers that would provide the best fit for purpose equipment suited to increase the members experience through the use of the latest equipment and technology as well as providing greater selection equipment for disability access and use.

Tenderers were asked where possible to provide information on a suitable Fitness Management System that could assist members and Cockburn ARC Fitness staff in tracking members workouts; set and track programs; provide a marketing function; a system that enables the City to run challenges and provide reporting for retention of members; ability to connect to multiple devices; provide entertainment on demand along with Point of



Difference pieces of equipment that the supplier feels would provide additional marketing benefits in attracting members.

For either capital purchase or operating lease options selected by the City the selected contractor will undertake a detailed design and selection of equipment with the City's SME (subject matter expert).

Evaluation Panel

Tenders were evaluated by the following City of Cockburn officers. The Procurement Services representative attended in a probity role only.

Name	Position & Organisation
Mr Brett McEwin (Chair)	Cockburn Aquatic and Recreation Centre Manager
Mr Andrew Trosic (SBMG Representative)	Manager Strategic Planning Strategic Planning Services
Mr Justin Brown	Fitness Coordinator South Lake Leisure Centre
<u>Probity Role Only</u>	
Ms Tammy Chappel	Contracts Performance Officer

(d) Scoring Table

The assessment panel individually evaluated the Qualitative Criteria of the tenderers in the absence of the tendered prices (two-envelope system) and then the scores were consolidated.

It was determined that ranking the tenders received were based solely on the Qualitative details submitted which was insufficient and identified the need for the panel to complete on-site equipment reviews of at least three short listed tenderers to assess the finish/quality, functionality, technology along with the end user experience. The three tenderers shortlisted were Technogym Australia, Precor and Body Bike Australia.

Technogym Australia and Precor were assessed on the cardio, pin loaded and plate loaded equipment. Body Bike Australia and Technogym Australia were assessed on the Spin Bikes only.

To enable a like comparison on equipment, two assessments were completed:



- (1) Cardio, Pin Loaded and Plate loaded with the exclusion of the Spin Bikes, Point of Difference (Cardio & Plate Loaded equipment) and Fitness Management Systems.
- (2) Cardio – Spin Bikes only.

Post equipment reviews - the panel agreed on the preferred equipment by group (Cardio, Spin Bikes, Pin Loaded and Plate Loaded equipment).

Outright Purchase – General Gym Equipment Excluding Spin Bikes			
Respondent's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
Technogym Australia Pty Ltd**	48.23%	32.46%	80.72%
Nordic Fitness Equipment	35.87%	40.00%	75.87%
Precor	45.17%	29.19%	74.36%
Matrix	41.22%	25.30%	66.52%
Gymcare	36.80%	24.87%	61.67%

***Recommended Submission*

Outright Purchase – Spin Bikes only			
Respondent's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
Technogym Australia Pty Ltd	48.26%	38.43%	86.69%
Precor	45.17%	40.00%	85.17%
Body Bike Australia**	39.50%	38.29%	77.79%
Matrix	41.22%	36.13%	77.35%
Gymcare	36.80%	36.36%	73.16%



Nordic Fitness Equipment	35.87%	17.73%	53.60%
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Evaluation Criteria Assessment

Demonstrated Experience

Technogym Australia provided examples of several recent installations similar to the City's requirements. The range of projects similar in size and value demonstrated to the Panel that they had significant experience in meeting the City's requirements. The company demonstrated extensive experience providing similar equipment and services to the Cities of Joondalup and Kalgoorlie in Western Australia and Glen Eira City Council in Victoria.

Precor also provided examples of several recent installations similar to the City's requirements, the most impressive being Aquapulse a recent installation of approximately \$900K in value. The Company demonstrated extensive experience providing services for Venues West and the Shire of Dardanup in Western Australia.

Body Bike Australia provided examples of several recent spin bike installations similar to the City's requirements. Body Bike has been in Australia since 2008 and has supplied over 600 bikes to various Local Governments and private facilities within Australia. The Company demonstrated experience providing similar equipment and services to the Cities of Subiaco and Joondalup in WA and Glen Eira City Council in Victoria.

Nordic Fitness, Gymcare and Matrix demonstrated satisfactory experience in providing similar equipment and services to the City's requirements including demonstrative experience fitting out and maintaining various 24/7 health clubs and local government owned and operated facilities.

Technical Specifications

Technogym Australia scored the highest in this criteria and the Panel were confident with their ability to meet the requirements. The Company provided a comprehensive implementation schedule, outlining the supply, delivery and installation of equipment. Comprehensive warranty details including parts, labour and servicing were provided.

Precor met the technical specification requirements and the Panel were confident with the tenderer. The Company outlined key personnel located in Western Australia. Warranty details were provided including a comprehensive warranty ranging from 3 to 5 years.



Body Bike provided a detailed overview of the features and specifications of their new spin bike, Body Bike Smart. Quarterly servicing details were provided as well as the installation and commissioning process. Comprehensive warranty details including parts, labour and servicing were provided.

Nordic Fitness, Gymcare and Matrix demonstrated satisfactory compliance with the technical specifications. All companies estimated a 12 week supply and installation timeframe and provided warranties ranging from 3 to 5 years.

Tenderer's Resources

Technogym Australia were assessed as having a greater depth of personnel and experienced staff within the Company, back-up personnel were identified, as was a high degree of knowledge and capabilities within their resource pool and their capacity to undertake the supply and installation requirements in respect to concurrent commitments.

Precor were assessed as having acceptable resources and experienced personnel within the company. Key personnel were identified within WA and the Company has the skills and experience to provide end user training to the City's employees.

Body Bike Australia was assessed as having suitable resources and experience personnel within the company and WA.

Nordic Fitness, Gymcare and Matrix demonstrated satisfactory resources, providing qualifications and experience of key personnel located within WA.

Sustainability Experience

Sustainability experience is centred on the Company's current level of Environmental Management System certification and degree of focus on sustainability across their organisation. All tenderers rated satisfactorily for this criterion, each company provided various environmental practices and policies in place and other sound sustainability practices.

Summation and Recommendation

Gym Equipment excluding Spin Bikes

Technogym Australia Pty Ltd ranked the highest on total score, scored highest in regard to the key non-price criteria including experience,



resources and technical specifications and second highest in regards to tender price.

A referee check was undertaken on Technogym Australia Pty Ltd, where the key referees who were contacted responded with a positive view of Technogym's installation process, organisation systems, ongoing support and personnel.

Spin Bikes

Precor nominated Body Bike as their primary offer along with two (2) Point of Difference options. The primary spin bike offered by Precor will be superseded by a newly released model in October 2016.

Precor point of difference alternatives and Matrix spin bikes were considered to be of a lesser quality to that of the Body Bike and Technogym equipment.

Onsite presentations of the Technogym and Body Bike equipment were conducted as part of the evaluation process. The presentation by Technogym covered the technological aspects of their equipment which included the unity control system, member engagement and fitness tracking system. Body Bike Australia conducted a video presentation which detailed new design and features specific to the company's new model which included an improved member engagement and fitness tracking system with the ability to charge portable devices via USB using power that is generated from the equipment.

End user testing of the Body Bike and Technogym Spin Bikes was conducted by the City's indoor cycle instructors as part of the evaluation process. Feedback received from the instructors confirmed Body Bike was the preferred bike for indoor cycle classes. The selection was based on the ergonomics, ease of adjustment, weight of the equipment and suitability for use with les mills programs.

Body Bike Australia ranked third on total score, key non-price criteria including experience, resources and technical specifications and third in regards to tender price. However, following onsite presentations and extensive end user testing this established Body Bike Australia as the recommended supplier for Spin Bikes.

A referee check was undertaken on Body Bike Australia, where the referee contacted responded with a positive view of Body Bike Australia's equipment installation, training, professional development and ongoing support and personnel.



Funding Options

Recommendation 1

An Operating Lease for the acquisition of Cardio and Pin loaded equipment is recommended in comparison to outright purchase due to the ever-changing technology and exercise interest resulting in equipment becoming obsolete within 3 to 5 years. The Operating Lease provides the ability to upgrade equipment or replace pieces as new technology emerges, providing a competitive edge over competitors and keeping members contented with up-to-date equipment. Maintenance costs and down-time will be low. The interest rate is 1.698%.

Recommendation 2

The outright purchase of the Spin Bikes, Plate loaded equipment, Point of Difference items and Fitness Management System supply, installation with the inclusion of a three (3) years preventative maintenance arrangement (inclusive of all parts and labour) is recommended in comparison to an operating lease due to new equipment being released less frequently.

Based on their extensive demonstrated experience, resources and capability, understanding of the equipment and services to be provided and positive referee comments, the evaluation panel recommends that Council accept:

- Technogym Australia Pty Ltd for the supply of gym equipment, Point of Difference equipment and Fitness Management System excluding spin bikes and ;
- Body Bike Australia (owned by Hillbrick Bicycles Pty Ltd and L J Smith) for the supply of spin bikes

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services
- Create and maintain recreational, social and sports facilities and regional open space



Budget/Financial Implications

The Health Club Equipment outright purchase of \$313,732 will be funded from the Council's 2016/17 Cockburn ARC Furniture Fitout and Equipment budget (number CW-4661).

The operating lease will cost \$142,479.20 per annum and will be included when preparing Cockburn ARC's operating budget for 2017/18.

The first quarterly payment of \$35,619.80 is to be funded from Cockburn ARC's 2016/17 operating budget contained in GL 329-6266.

The existing health club equipment located at South Lake Leisure Centre leased for \$6,057.73 per quarter is to be extended to coincide with the decommissioning of the SLLC in accordance with the terms of the operating lease.

Legal Implications

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

Community Consultation

Request for Tender No. RFT 14/2016 – Health Club Equipment – Cockburn Regional Physical Activity and Education Centre was advertised on Saturday, 23 July 2016 in the Local Government Tenders section of "The West Australian" newspaper.

The RFT was also displayed on the City's E-Tendering website between Saturday 23 July 2016 and Wednesday 17 August 2016.

Risk Management Implications

The risk for Council not proceeding to award the contract for the supply and installation of health club equipment for Cockburn ARC at this time in the project may result in potential supply and delivery delays, given the equipment is shipped from overseas with an estimated 12 week delivery timeframe.



Attachment(s)

The following Confidential attachments are provided under separate cover:

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

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 13 October 2016 Council Meeting.

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

Nil.

18.2 (MINUTE NO 5926) (OCM 13/10/2016) - ADOPTION OF COMMUNITY DEVELOPMENT STRATEGY 2016-2020 (021/004) (G BOWMAN) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Community Development Strategy 2016-2020, 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 C Terblanche SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

Background

In 2003 the City adopted its first Community Development Strategy which produced 15 suburb-based Actions Plans involving 44 Community Groups and more than 1500 individuals. It supported the development of the Alcoa Cockburn Community Projects Fund which



provided a 50:50 contribution arrangement to deliver the action plan projects identified.

In 2010 this Strategy was reviewed and a more community-led approach, providing some capacity-building initiatives, as well as leaving flexibility for emergent community-led ideas and projects was adopted. This strategy worked towards the development and promotion of community and business partnerships, allowing for mutually beneficial outcomes. Additionally the document saw the broadening of Community Development to include Community Engagement, and the development and implementation of the Community Engagement Framework 2014

Submission

N/A

Report

The Community Development Strategic Plan 2010-2014, has assisted the City to achieve positive community outcomes and provided direction for the community development team as well as identifying Community Engagement as a gap area within the City. As a result, a Community Engagement Policy and Framework was developed and a new Community Engagement position has commenced. The Policy and Framework have been used to consult with Cockburn Community groups on the development of the vision, and the five strategic themes.

The consultation and strategy was also guided by the 5 domains of the Asset Based Community Development model. These domains are:

- Connected Neighbourhoods
- Advocacy and Engagement
- Support & Networking for Not-for-Profit's
- Empowering Community
- Safety and Sustainability

This Strategy was also informed by the vision, values, aspirations and priorities identified in the Strategic Community Plan 2016-2026, other strategies, research and resourcing capabilities, and consultation with 775 residents and stakeholders.

Priority themes include:

- Succession planning continues to be a concern for volunteer-led community groups and highlights a need for growing new community leaders



- The community recognises the importance for creating opportunities for social interaction at a neighbourhood and street level
- The community wants the opportunity to advocate for what they believe is important, and to be listened to
- Continued support by the City to community groups to improve their own community through a range of initiatives
- Community safety
- The Community wants opportunities to participate in community activities as a means of meeting new people and making new friends

These priorities are reflected in an Implementation Plan which contains 5 outcomes and a total of 69 actions. If adopted the Community Development Strategy 2016-2020 will guide the City's considerations regarding the needs of the community for the next four years. The actions will be reviewed 6 monthly with the next major strategy review scheduled for 2020. Additionally, the Community Development team will continue to seek opportunities to support and implement new and emerging community needs and wishes into the future.

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

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 four year period it is estimated that \$101,000 of additional municipal resources will be required to implement the Community Development Strategy actions. This figure includes \$6,000 over 4 years for one-on-one officer support to build capacity and develop sustainability in an identified problem area. The remaining \$95,000 is required to implement other actions over the four year period including:

- funding of additional community signs
- creation and implementation of a leadership program
- a feasibility study for a community hub and coffee facility



- implementation of community safety initiatives
- a part-time additional community development officer

The other 65 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

Community Development initiatives, have strong links with the Strategic Community Plan (SCP), both informing the plan, and using information gathered to inform the Community Development Strategy 2016-2020. As a result, much of the important community consultation information from the SCP was used in the development of this strategic plan. Additional to this in-depth secondary consultation data, qualitative primary research with key stakeholders was also used to inform the plan.

Consultations to review the Community Development Strategy were undertaken between May 2015 and April 2016. The approaches included presentations, workshops and focus groups.

A summary of the consultations undertaken is outlined in Table 1 below.

Table 1 - Summary of consultations

	Approach	Description	Numbers engaged
GENERAL			
1.	Community Conversations	Community members attend a workshop	50
2.	Community groups	Workshop	25
3.	City of Cockburn staff	Workshop	10
4.	Cockburn Inspirational Volunteer Awards	Interviews	450
5.	Cockburn Community Roadshows	Interviews	240
TOTAL			775



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 growing population into the future.

Attachment(s)

1. Draft Community Development Strategy 2016-2020, including a draft Implementation Plan.
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 13 October 2016 Council Meeting.

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

Nil.

18.3 (MINUTE NO 5927) (OCM 13/10/2016) - COCKBURN AQUATIC AND RECREATION CENTRE FOUNDATION MEMBERSHIP FEES AND CHARGES - APPROVAL (154/006) (B MCEWIN)

RECOMMENDATION

That Council in accordance with Section 6.19 of the Local Government Act advertise the Cockburn Aquatic and Recreation Centre foundation membership fees and charges and incentives, as detailed in the report.

COUNCIL DECISION

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

CARRIED 9/0



Background

Construction of the Cockburn Aquatic and Recreation Centre (ARC) commenced in July 2015 and the project has reached the 75% completion milestone. The facility is scheduled to open in early 2017 and therefore Council needs to provide the current South Lake Leisure Centre (SLLC) members with some certainty of their membership status. There are approximately 800 members at the SLLC who are a loyal group to become foundation members of the new Cockburn ARC.

Submission

N/A

Report

At its Ordinary Council meeting held on 12 December 2015, Council endorsed a detailed Business Operations and Management Plan (BOMP) prepared by Warren Green Consultancy for Cockburn ARC. The objective of the plan was to provide the City with a detailed account of management considerations, financial forecasts and proposed fees and charges, all critical information that will inform the future management of the facility with a detailed road map to ensure the facility is managed in an efficient and financially sustainable manner.

A key strategic outcome of the Business Operations and Management Plan was to establish a business model and appropriate fee structure to ensure Cockburn ARC operations were self-sufficient and met all operating costs.

The City's philosophy on pricing relating to Cockburn ARC is to set prices that are competitive in the industry yet allow for the Centre to operate with minimal subsidy from the City's ratepayers. At an operational level the Cockburn ARC will focus on promoting the value, benefits and quality of the programs and services offered, rather than competing solely on price alone.

Following the appointment of the Manager, Cockburn ARC, as part of the City's own due diligence process, officers have conducted a detailed competitor analysis to inform the recommended price point specific to memberships and the exclusive foundation membership offer.

A review of all fees and charges that apply to the City's Leisure Centre is currently in progress. The next stage of foundation and ongoing membership fees and charges will be considered by Council at its December 2016 Ordinary Council meeting.



Foundation Membership

Cockburn ARC will be running a comprehensive pre-opening foundation membership campaign from November 2016 until the facility opens in early 2017. The purpose of a foundation membership campaign is to create a sense of urgency within the community to purchase a membership in advance of opening and to ensure a solid membership base upon opening of the facility.

The first priority is to establish a foundation membership fee for the current SLLC members. It is proposed that the fee schedule for those SLLC members who were members as of the 1 November 2016 be offered the following full membership fee (inclusive of the gymnasium and pools):

SLLC Foundation member/per week	Year	Start-up fee	Contract period
\$14.95	1	none	6 months
\$16.95	2		6 months
\$18.95	3		6 months

The membership fee will increase from the Year 3 level in accordance with the % increase in fees each year for the same membership type.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

A detailed operational budget will be required to be included in the 2017/18 proposed budget.



Legal Implications

Section 6.16 to 6.19 of the Local Government Act 1995 refers.

Community Consultation

N/A

Risk Management Implications

The risk to the City of Cockburn in considering fees and charges is to set prices that are competitive in the industry yet allow the Centre to operate with minimal subsidy from the City's residents and ratepayers.

Fees and charges need to be set at a level to enable strong levels of community participation while providing sustainable operations to the City of Cockburn.

If there is a lack of certainty for the current SLLC members they may not renew their membership or join another club.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

19. EXECUTIVE DIVISION ISSUES

Nil

20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**20.1 (MINUTE NO 5928) (OCM 13/10/2016) - BUSINESS FORUMS (059/004) (S SEYMOUR-EYLES)****RECOMMENDATION**

That Council

- (1) undertakes discussion with each of the following bodies to determine the best means of City engagement:



- Business Foundations
- Melville Cockburn Chamber of Commerce (MCCC)
- Australian Defence Industry Network
- Jandakot Airport
- Chamber of Commerce
- Marine WA
- AMC Business Owners Association AMC Management

(2) consider at a future meeting, the best means for the Council to engage with the range of businesses that operate within the district.

COUNCIL DECISION

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

CARRIED 9/0

Background

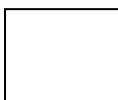
Mayor Logan Howlett provided a Notice of motion at the 8 September 2016 meeting of Council as follows:

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.”

The City of Cockburn has a widespread industrial and commercial base that covers a broad spectrum of industries and types. While the City has progressively improved its contact with the business community, this remains an evolving task.



Submission

N/A

Report

The Australia Business Register reports that there were 7,168 businesses registered in the City of Cockburn in 2015. As shown in Economy ID, the City's dedicated economic database (<http://economy.id.com.au/cockburn>), spatially these are distributed across the whole of the District. There are, however, major concentrations in Success (10%), Henderson (8%), Bibra Lake / Spearwood (8%) and Jandakot/Atwell (14%). Additionally there are emerging locations, such as Jandakot Airport / City (2%) that will become more significant over time.

These businesses engage in a wide variety of industries, with construction (23%), real estate/rental and hiring (10%) and professional services (10%) the major employment types. However, while these groupings represent close to half of the total number of businesses, there is no direct correlation between the type of business activity and the business location.

Representation and Support

Where businesses have come together to form representative groups, the nature of these has focussed generally on geography or some other form of commonality for example small to medium size or industry specific. Over time the City has had formal and informal engagement with the following industry representative/support organisations:

- Business Foundations: provides services to the small business sector
- Marine WA: provides advocacy for the marine industry
- Melville Cockburn Chamber of Commerce: provides advocacy and networking for small to medium businesses
- Jandakot Airport Chamber of Commerce: provides advocacy for businesses located in the airport precinct. [The JACC is also represented on the Jandakot Airport Consultative Committee]
- The AMC Business Owners Association: an affiliation of local businesses located in the Australian Marine Complex
- Australian Industry Defence Network: an affiliation of businesses servicing the defence industry in Western Australia

The interests, needs and roles of each of these bodies vary enormously. Some businesses have cross memberships; however,



many of Cockburn's businesses have no affiliation with the above groups at all.

At present the City has concentrated on providing support to industry through the following mechanisms:

- Financial support: sponsorship to Business Foundations, MCCC and Marine WA
- Function support: annual events with AIDN and MCCC industry/community networking event [Get Connected]
- Needs analysis: annual Perceptions survey of 100 businesses used to inform City's planning and policies

While the City has conducted a number of other forums, including ad hoc events for Marine WA and two briefings for the MCCC during Local Government Reform, these had limited attendance. The City has also provided speakers to events organised by others, including the AMC management networking events. As has been seen from past events organised by the City there has been appeal to a limited number of businesses and individuals. The level of interest in City events is unlikely to improve unless the City tailors the events to the needs of the business community.

Given the disparate range of industries across the City and the range of representative groups a level of consultation needs to be undertaken with these groups to determine the best means by which the Council can engage with these industries. Of equal importance is to gain an understanding of what the industry groups seek from Council. It is proposed that a report be prepared for consideration by Council that includes:

- Review the internal mechanisms the groups currently have for liaison with their members, such as meetings, newsletters, industry forums etc.
- Gain an understanding of what the groups want from the City, what are their needs.
- Assessment of what other local authorities have in place for engagement with industries in their area.
- Relevance of the Economic Development Strategy to the findings of the industry engagement proposal.

A recommendation on an industry engagement to be provided.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development



- Increase local employment and career opportunities across a range of different employment areas through support for economic development

Budget/Financial Implications

The budget implications will be determined when the nature and scope of the engagement process is agreed.

Legal Implications

N/A

Community Consultation

Reference to Business Perceptions Survey results 2016.

Risk Management Implications

Key corporate objectives are to achieve an economically sustainable future and be accountable and engaged with our community. Council support and assistance to local businesses will enhance their economic sustainability and ensure the City remains a place of significant employment in the Perth metropolitan area. The risks to Council of not engaging with its business community will have long term impacts of reduced capacity.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

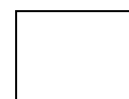
Implications of Section 3.18(3) Local Government Act, 1995

Nil.

20.2 (MINUTE NO 5929) (OCM 13/10/2016) - POWELL ROAD RESERVE - DOGS PROHIBITED (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council allow dogs on leads on the portion of Powell Road Reserve, as shown on the hatched yellow area on the attached Plan.



COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr L Sweetman that Council:

- (1) declares the portion of the Powell Road reserve, as shown as the hatched area on the attachment plan a dog prohibited area;
- (2) erects signage on the limestone wall abutting the prohibited area advising it is a dog prohibited area;
- (3) provide a 3 m long steel rail mounted on piers in the grassed area immediately north of the Café Alfresco; to the City of Cockburn's satisfaction and expense;
- (4) declares the portion of beach coast south of the Surf Life Saving Club as a dog prohibited but not including the Woodman Point dog gazetted beach; and
- (5) erect signage for people accessing the beach from the Surf Club and to public access points to Coogee Beach south to Woodman Point advising it is a dog prohibited area.

CARRIED 8/0

DURING DISCUSSION OF THE ABOVE ITEM CLR CHAMONIX TERBLANCHE LEFT THE MEETING AT 9.04 PM AND DID NOT RETURN

Reason for Decision

To provide dog free access to the south side Cafe entrance from the Powell Road Reserve. To keep dogs off all Coogee beach excluding the gazetted Woodman Point Dog exercise Beach.

This is a fair and reasonable response to those who want to access the café without having to come into contact with dogs. People with dogs are catered for on the north side, as already resolved by Council. It also addresses anomalies raised and has the majority of community support as evidenced with community engagement to make Coogee Beach dog free. Council has already gazetted approximately 20% of its beach's along the coast to allow dog exercising with a further significant amount of Coastal Beach allowing dogs on leads. Please refer to map attached. This allows the healthy pursuit of people with dogs to exercise and walk with a fair balance for people to enjoy the beach without dogs.



Background

Councilor Portelli submitted a Notice of Motion of which previous notice had been given for consideration on 6 October 2016, as follows;

That Council

- (1) *declares the portion of the Powell Road reserve, as shown as the hatched area on the attachment plan a dog prohibited area; and*
- (2) *erects signage on the limestone wall abutting the prohibited area advising it is a dog prohibited area.*

Reason for Decision

To provide dog - free access to the south side Cafe entrance from the Powell Road Reserve. This is a fair and reasonable response to those who want to access the café without having to come into contact with dogs. People with dogs are catered for on the north side, as already resolved by Council.

Submission

N/A

Report

At its meeting of the 14 July 2016 Council resolved as follows:

Council prohibits dogs on all of reserve 24306 and reserve 46664 (known as Coogee Beach Reserve) including all beaches, dunes, picnicking areas and the jetty adjoining the reserves pursuant to section 31 of the Dog Act 1976 other than:

1. *Allow dogs on leads on the portion of reserve 24306 north of Powell Road Coogee shown on the plan, as attached to the Minutes.*
2. *Allow dogs on leads in the Coogee Beach cafe lease grassed al fresco area at the discretion of the lessee and in accordance with the requirements of the Food Act 2008.*
3. *Allow dogs on leads in the Coogee Beach Surf Club Café al fresco area at the discretion of the Coogee Beach Surf Life Saving Club (Inc) and in accordance with the requirements of the Food Act 2008.”*



Reason for Decision

Many people currently walk their dogs on the many paths and walkways in the Coogee and Woodman Point area and enjoy the opportunity to have refreshments at the Coogee Beach café and the Surf Club café. It is one of Council's goals to encourage active and healthy lifestyles for our residents and ratepayers and we even have a number of employees solely dedicated to developing healthy pursuits for residents and ratepayers. Limiting opportunities for healthy activities, such as dog walking, seems extremely counterproductive to Council's community health goals. Legally the Food Act permits dogs within both of the café's alfresco areas.

The Coogee Beach café and the Coogee Beach Surf Life Saving Club (Inc) each lease their building from the City of Cockburn. Under the terms of their leases they are permitted the discretion to allow certain activities which with this amendment can now include dogs on leads.

The plan of the area approved by Council shows the Powell Road Reserve including the area on the south side of the café, as being a dog on lead area. The wording of the resolution of Council is silent on the matter of dogs being allowed on or not allowed on the Powell Road Reserve.

The Coogee Beach Reserve had been a dog prohibited area for many years. Council resolved on the 14th July 2016 that it would allow dogs on leads in a restricted area around the café to allow those with dogs to enter the area to purchase from the café.

The entrance to the café is on the south side and accessed from the yellow area as shown on the attached plan. Currently people can walk their dogs into this area tie their dogs up and enter the café for the purchase. Should Council agree to prohibit dogs on the Powell Road Reserve area (as shown in the yellow area) people with dogs on leads would be required to leave their dogs in the carpark/road area or on the alfresco area to access the café. It would be possible to install places for dogs to be tied up in the alfresco area but this could mean that people would not have sight of their dogs tied up when they enter the café.

There have been a very small number of individuals who do not want dogs on leads on the area of Powell Reserve on the south side of the café. Most people have accepted the decision of Council. It is proposed that the access to this area remain as per the decision of Council of the



14 July 2016. The officer recommendation clarifies the area where dogs on lead are permitted by including the hatched yellow area of Powell reserve, as indicated on the attached, as a dogs on lead area.

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

- 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

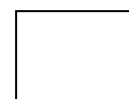
There was a period of community consultation on the proposal to allow dogs on leads the results of which were considered at the 14th July 2016 meeting of Council.

Risk Management Implications

There is no significant risk to the City other than some reputational risk for Council revisiting the matter. Conversely there could be some reputational risk for Council if it was not to clarify the situation of areas where dogs can be on leads on the Powell Road Reserve.

Attachment(s)

1. Notice of Motion (as amended) from Clr Portelli.
2. Plan of dog prohibited and dog of lead areas on Coogee Beach Reserve areas as per the Council decision of 14 July 2016.
3. Plan of alternative for dogs prohibited area near café.



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 13 October 2016 Council Meeting.

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

Nil.

21. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

22. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY MEMBERS OR OFFICERS

Nil

23 (OCM 13/10/2016) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Mayor Howlett requested a report to be provided to the December 2016 Ordinary Meeting of Council on the introduction of a poppy symbol(s) on street signs within the district where they (the streets) have been named after a person, family or a war or peace keeping effort or some other related activity or commemorative event. The report to address the opportunity for this to be a state-wide initiative for all local governments.

24. CONFIDENTIAL BUSINESS

Nil

25 (MINUTE NO 5930) (OCM 13/10/2016) - RESOLUTION OF COMPLIANCE

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 L Smith the recommendation be adopted.

CARRIED 8/0

26 (OCM 13/10/2016) - CLOSURE OF MEETING

9.08 pm.



9. COUNCIL MATTERS

9.1 **(MINUTE NO 5899) (SCM20160929) - LOCAL GOVERNMENT ADVISORY BOARD SUBMISSION ON HAMILTON HILL AND NORTH COOGEE PROPOSED BOUNDARY CHANGE(089/004) (S CAIN) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopts the attached submission and forwards it to the Local Government Advisory Board (LGAB);
- (2) makes copies of the submission available in the City's libraries, Seniors and Administration centres; and
- (3) acknowledges the support received from groups that have provided a submission to the LGAB seeking the retention of the suburbs of Hamilton Hill and North Coogee within the district of Cockburn.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr P Eva that Council

- (1) (1) – (2) as recommended;
- (3) acknowledges and thanks the support received from individuals, community and residents groups, sporting clubs, cultural and service organisations, advisory groups, businesses and our strong volunteer base who have provided a submission to the LGAB seeking the retention of the suburbs of Hamilton Hill and North Coogee within the district of Cockburn;
- (4) acknowledges and thanks the CEO and his staff for the preparation and presentation of a very high quality, easily understood, extremely comprehensive, submission/report;
- (5) has the CEO submit copies of the council resolution and the attached report to the President of WALGA, the CEO of WALGA, the chairs of all WALGA zones, the Minister for Local Government and Communities, the Director General of the Department of Local Government and Communities (DLGC) and all upper and lower house members of the WA State Parliament, whose constituencies take in part, or all of

Cockburn; and

- (6) has the CEO endeavour to arrange face to face meetings, with all of the people mentioned in point 5 above, and attended by the Mayor, the Deputy Mayor and West-Ward Councillors, to discuss the issue of boundary reform and the huge costs incurred by Local Governments defending, spurious or vexatious attempts of ill thought out boundary reform.

CARRIED 7/1

Reason for Decision

A very large amount of staff time has had to go into the production of the above Council submission and its attached report, and sadly all of this work has to be paid for by Cockburn ratepayers and this substantial cost impost has become necessary from a petition of about 250 residents/ratepayers, some of whom could not be confirmed as residents/ratepayers.

Reading the report, it appears to have taken at least 5 months to gather a little over 250 signatures, this number of signatures on a petition could normally be gathered in just a couple of hours on a Saturday morning at a local shopping centre, I mention this only because it was obviously a struggle, to gather the prerequisite number of signatures on the petition, and thus proves lackluster support for it, as further proven by our Reachtel polling, yet, it has still been able to impose a huge financial and stressful cost on the City and its residents/employees.

Given all of the above, it is obvious that in a city of over 100,000 residents, 250 names on a petition is an extremely small amount, to launch such an arduous, time consuming and expensive process, so I strongly believe we must lobby WALGA, the DLGC and our Members of Parliament, with a view to having the legislation reviewed and amended so that a petition for boundary reform must contain an amount, at the very least equal to 10% of affected residents.

I am recommending that the Mayor, Deputy Mayor and West-Ward Councillors be involved in this lobbying process, for I believe it is something we should approach for the good of our Community and given that many of us have different stresses on our diaries, I am endeavouring to make it easier for the CEO to set up these meetings and if at least 3 of the 5 of us can make any of these meetings, then they should go ahead, before any more of these weak petitions come

