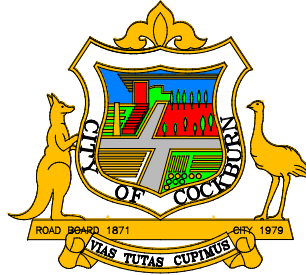


# CITY OF COCKBURN



## ORDINARY COUNCIL

## MINUTES

## FOR

**THURSDAY, 10 NOVEMBER 2016**

These Minutes are subject to Confirmation

Presiding Member's Signature

\_\_\_\_\_

Date: \_\_\_\_\_



# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 NOVEMBER 2016 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 NOVEMBER 2016 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Mrs L Sweetman	-	Councillor
Mr S Portelli	-	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 Management Co-ordinator
Ms A Santich	-	Media & Communications Officer
Ms M Waerea	-	PA to Mayor & Elected Members

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

He acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and paid respect to the Elders of the Nyungar Nation, both past and present and extended that respect to Indigenous Australians who were present on the night.

Before moving to the agenda proper, Mayor Howlett made the following announcements:



## **Local Government Advisory Board on the Greater Fremantle Proposal**

The City has been informally advised that the Greater Fremantle proposal has been briefed to the Local Government Advisory Board and an outcome is expected early December 2016.

## **Murphy High School Band – Mobile, Alabama, USA**

The Murphy High School Band visited the City from 25 to 31 October 2016 as a part of the cultural exchange between our sister city, Mobile, Alabama, USA. The band performed at a number of venues including a joint performance with the Lakeland Senior High School at the Cockburn Rotary Spring Fair. The band was accompanied by an Azalea Trail Maid, one of fifty high school seniors chosen yearly to serve as "Official Ambassadors" for the city of Mobile, Alabama. The Maids, wearing extravagant antebellum-style dresses meant to look like flowers, make appearances at many local, state, national and international events.

I record the City's thanks to Cassandra Cooper, Cultural Development Co-ordinator for organising the itinerary for the visiting group and for her care and attention to detail that ensured a very successful outcome, particularly for the students who were travelling outside the USA for the first time.

I also record the City's thanks for the assistance provided by Frank and Susie Williams, local residents who gave of their free time to show the accompanying parents and grandparent some aspects of Fremantle and Cockburn during their visit.

## **Western Australian Disability Enterprises - Certificate of Appreciation**

On 25 October 2016 the City received a 'Certificate of Appreciation' from Western Australian Disability Enterprises for delivering great results for the employment of people with disability and mental illness in WA.

## **Teddy Bears Picnic**

A record number of people attended the City's annual Teddy Bears Picnic with amazing feedback being received from those attending.

Congratulations to the events team, community development team and other staff members who organised the many activities for the children and their families.



### **Cockburn Rotary Spring Fair**

The Cockburn Rotary Spring Fair was held on Sunday 30 October 2016 amidst some fine spring weather. Congratulations to the Cockburn Rotary Club and Cassandra Cooper who represented the City on the organising committee.

### **Pinakarri Community - 25th Anniversary**

The Pinakarri Community celebrated their 25th Anniversary on Friday 4 November 2016. Located in Hamilton Hill they have and continue to make a sound contribution to our community.

### **Emergency Services Volunteers Recognition Dinner**

The City hosted its annual recognition dinner for its emergency services volunteers on Friday 4 November 2016. Members of the Cockburn State Emergency Services, Cockburn Sea, Search and Rescue, South Coogee Volunteer Bush Fire Brigade and the Jandakot Volunteer Bush Fire Brigade were in attendance together with representatives from the Department of Fire & Emergency Services, elected members and staff.

### **Get Connected Forum**

A very well attended Get Connected Forum was held at the City on Tuesday 8 November with representatives from the business and community groups coming together to share information and increase their network across the community.

Congratulations to staff from the City's Community Development, Recreation Services and Environmental Services teams for organising the event.

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

Nil.

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

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





**4 (OCM 10/11/2016) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

Clr Philip Eva - Impartiality Interest – Item 15.7

**5 (OCM 10/11/2016) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Chamonix Terblanche - Apology  
Clr Lee-Anne Smith - Apology

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

Nil

**7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**8 (OCM 10/11/2016) - PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA

**John Gavranic, Wattleup**

*Item 15.5 – Place of Worship (Worship, Cultural, Family, Education & Yoga Centre).*

As Mr Gavranic was not present at the meeting, responses to his written questions were provided in writing.

**Janice Stott, Cockburn Central**

*Item 15.7 – Success Fire Station Site On Portion Of Cooper Road Reserve 45447.*

Q1. Question regarding revegetation and distribution of funds to be provided by DFES, it is not clear where the \$156,000 is to be spent?



The report mentions planting street trees in the estate?? We already have trees planted when the estate was created, many residents removed them. Provision of trees near Cockburn Arc does NOT compensate for the loss of buffer at the North West end of our estate. Is there supplement planting of vegetation planned for the remaining buffer as there is plenty of room to supplement it?? The upgrade of the playground at the other end also does not compensate for the loss of buffer or supplement planting of vegetation of the buffer. This was suggested only by a 10 year old boy at the community meeting, no one else raised this concern, that is surely a separate issue. It is the Residents of the North Western section of LAKE RIDGE Private estate, The Crest and Ridge Rd that will suffer extreme loss of Buffer as in visual shielding of the proposed Fire station and heavy industrial views beyond, it is also a rising slope to Cooper Rd. My question is how much is being spent on this remaining front section of buffer re vegetating and shielding the residents as much as possible with trees and tall shrubbery? This should be the highest priority. This section of the Estate is the part affected by this proposal, you cannot rob Peter then pay to Paul. The estate adjacent to the buffer needs to utmost attention and care. Please consider the residents who face loss of value to their homes in this area, some residents at the other end do not care about what is happening down here at all. It is us facing years of hard work with mortgages to pay, we need to have our home values protected preferably to keep our buffer intact.

- A1. *The funds proposed to be provided by DFES are nominally identified to be utilised for the upgrade of the existing park, Lakreridge Reserve, however this would require further consultation with the local community to identify the upgrades that residents would like to see in this park. Funding will also be utilised for the provision of further street trees.*

*Additionally, the City would be seeking the retention of as much vegetation and in particularly mature trees, in the transition area between existing residences and the proposed fire station. This requirement would see the proposed fire station located as far north as possible in order to widen the "green edge" proposed adjacent to 5 Ridge Road and 21 The Crest. The City has suggested the retention of a line of trees along the western boundary of the site (between the fire station and Complete Steel). These items will not be funded from the DFES contribution. They would be conditioned as part of the development application and funded by DFES as part of the fire station development.*

*As part of the community consultation for the park upgrade the City's Parks and Recreation Services would consult with landowners prior to identifying a preferred tree species. It should be noted that street trees are important elements of streetscapes and the City strongly supports*



*their inclusion and contribution to tree coverage across the City.*

*The City will be seeking a balanced approach to the expenditure of the DFES financial contribution, with the funds used on the upgrade to Lakeside Park, the retention of bushland along the southern and western boundaries of the Reserve and the provision of new street trees. The exact cost of the works will depend on the outcomes of the community consultation.*

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

##### **Diane Bloomfield, Bibra Lake**

*Subdivision application on Site 34 Prout Way, Bibra Lake – Deferred in May 2016*

- Q1. A subdivision application was lodged via Carlton Surveys on March 15, 2016. It was deferred on 30 May for a noise and vibration study. Lloyd George Acoustics did the study, council has their report, but still no answer on the subdivision. Can you tell me when there will be a reply please? Subdivision on site 34 Prout Way, Bibra Lake.
- A1. *The City of Cockburn sent its recommendation for approval of the subdivision to the Western Australian Planning Commission (WAPC) on 31 October 2016. The City subsequently contacted the WAPC, who have advised that the application is likely to be determined within the next 1-2 weeks.*

*It should be noted the subdivision application was referred to the City by the WAPC on the 17 March 2016. On 31 May 2016 the WAPC advised that the application had been deferred until 14 August 2016 in order for noise, vibration and heritage issues being resolved. The noise and vibration report was received from the WAPC on 2 August 2016. An assessment of the report by an independent consultant raised concerns whether vibration amelioration is feasible for the future lots. Following consultation with the WAPC and the independent consultant it was determined that these concerns could be addressed through the imposition of a condition requiring a Local Development Plan. As a result the City has recommended to the WAPC that the subdivision application be approved.*

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

##### **Michael Separovich, Spearwood**

*Item 15.8 – Naming of Market Garden Swamps and Surrounding Reserve*

- Q1. Why can't we have both when it comes to the naming? Would it not



be slightly more beneficial just instead of having to replace one culture with another and all of the baggage comes along with that, simply to have dual signage with the names of the market garden swamp and then also to have indigenous naming alongside with it, because if you end up with a situation where you try to replace one culture with another, no one is going to win, as I think America learnt on the weekend.

- A1. *We have made some preliminary investigations with the Geographic Names Committee (GNC) and they have indicated that you cannot actually have the two names for the one feature or reserve, you need to give it a single name for it to be accepted.*

ITEMS NOT IN WRITING, NOT ON THE AGENDA

**Ray Woodcock, Spearwood**

*Coogee Beach Pontoon that have been reinstalled*

- Q1. Thank you for reinstalling the pontoon at Coogee Beach. My question is, when the pontoon situated at Coogee Beach was services, why wasn't the slide on the pontoon replaced as it has been for years? I noticed that there were slides on the pontoon in the shark enclosure area to encourage people to go and use that area and also at the surf club.

- A1. *Question to be taken on notice and a written response to be provided in writing.*

**9. CONFIRMATION OF MEETING**

**9.1 (MINUTE NO 5931) (OCM 10/11/2016) - ORDINARY COUNCIL MEETING  
- 13/10/2016**

**RECOMMENDATION**

That Council: confirm the minutes of the Ordinary Council Meeting held on Thursday 13 October, 2016, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 8/0**



**10 (OCM 10/11/2016) - DEPUTATIONS**

- Darren Klemm, Assistant Commissioner, Metropolitan Operations, DFES and Matthew Goodwin, Project Services Manager, DFES re: Item 15.7 – Success Fire Station Site on portion of Cooper Road Reserve 45447
- Kim Doepel, Doepel Marsh re: Item 15.4 – Reconsideration of Planning Application – Change of Use from Single House to Consultation Rooms (Dental Clinic) and Single House
- Nick Wyatt, Event Coordinator, Coogee Jetty to Jetty Swim re: Item 14.1 – Minutes of the Grants & Donations Committee Meeting – 25 October 2016
- Jan Stott and Jillian Whitwam, residents of Cockburn Central and landowners in Lake Ridge Estate re: Item 15.7 – Success Fire Station Site on portion of Cooper Road Reserve 45447

**11. PETITIONS**

Nil

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

Nil

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

Nil



**14 (OCM 10/11/2016) - COUNCIL MATTERS**

AT THIS POINT IN THE MEETING, THE TIME BEING 7.57 PM, THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL.

15.1	15.6	16.1	17.1	20.1
15.2	15.9		17.2	
15.3	15.11		17.4	
15.5	15.12		17.5	
			17.6	

**14.1 (MINUTE NO 5932) (OCM 10/11/2016) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 25 OCTOBER 2016 (162/003) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 25 October 2016 and adopt the recommendations contained therein.

**COUNCIL DECISION**

MOVED Cllr S Portelli SECONDED Cllr L Sweetman that the recommendation be adopted, subject to the withdrawal of items 10.1 and 10.2 (Minute no. 103) which are to be considered separately.

**CARRIED 8/0**

**Background**

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



## Submission

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

## Report

Council approved a budget for Grants and Donations for 2016/17 of \$1,300,000 to be distributed as grants, donations and sponsorship.

At its meeting of 21 July 2016, the Committee recommended a range of allocations which were duly adopted by Council on 11 August 2016.

The September 2016 round of grants, donations and sponsorship funding opportunities has now closed and the Committee, at its meeting of 25 October 2016, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.

The donations recommended to Council are as follows:

Citizens Advice Bureau of WA	\$5,000
St Vincent de Paul Society Yangebup Conference	\$5,000
Cockburn Volunteer Sea Search & Rescue	\$8,500
Assisting Your Life to Achieve (AYLA)	\$5,000
Constable Care Child Safety Foundation	\$12,000
Cockburn Community and Cultural Council	\$9,000
Returned and Services League - City of Cockburn	\$10,000
Meerilinga Young Children's Services	\$10,000
Cockburn Toy Library	\$6,000
Yangebup Family Centre	\$12,000
Cockburn Central YouthCARE Council	\$20,000
The Bump WA	\$20,000

The sponsorships recommended by the Committee are as follows:

Cockburn Masters Swimming Club	\$3,500
Southern Lions Rugby Union Football Club	\$10,000
Cockburn Ice Arena	\$4,500

## Review of Grants Programs and Adoption of Small Events Sponsorship Program

The Grants and Donations Committee also received a report on the Review of Grants Programs with a number of key findings and recommendations based on results of a Grants Feedback survey of



previous grant applicants. The recommendations are to improve the program and application process, which the Committee has recommended for adoption.

Secondly, a proposed Small Events Sponsorship Program to begin in early 2017 was presented to the Committee to offer up to \$2,000 to:

- encourage small scale neighbourhood events across Cockburn, such as movie nights, pop up events and cafés, Christmas carols, food swaps, suburb open days and small fetes;
- be run by organisations and in consultation with the City's Community Development team; and
- be open year-round providing flexibility to groups to access funding.

The Committee has also recommended this program and criteria for adoption by Council.

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

#### **Community, Lifestyle & Security**

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

#### **Economic, Social & Environmental Responsibility**

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

#### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes

### **Budget/Financial Implications**

Council approved a budget for Grants and Donations for 2016/17 of \$1,300,000.

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

Committed/Contractual Donations	\$520,000
Specific Grant Programs	\$480,000
Donations	\$200,000
Sponsorship	\$100,000
<b>Total</b>	<b>\$1,300,000</b>
Total Funds Available	\$1,300,000
<u>Less Total of Proposed Allocations</u>	<u>\$1,300,000</u>
Balance	\$0





These allocated funds are available to be drawn upon in response to grants, donations and sponsorship applications from organisations and individuals.

The next round of grants, donations and sponsorship funding will be advertised in mid-February/March and will close on 31 March 2017.

### **Legal Implications**

N/A

### **Community Consultation**

In the lead up to the September 2016 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised of:

- Three advertisements running in the Cockburn Gazette on 23/08/16, 06/09/16 and 27/09/16.
- Feature advertisement in the Cockburn Update September 2016 Email Newsletter.
- Advertisement in the August 2016 Soundings.
- Promotion to community groups through the Community Development Service Unit email networks and contacts.
- All members of the Cockburn Community Development Group have been encouraged to participate in the City's grants program, and it was promoted at their meeting on 14/09/16.
- Additional Advertising through Community Development Promotional Channels:
  - Community Development Calendar distributed to all NFP groups in Cockburn.
  - Community Development ENews September 2016 edition.
- Closing dates advertised in the 2016 City of Cockburn Calendar.
- Information available on the City of Cockburn website.
- Reminder email sent to regular applicants.

### **Risk Management Implications**

The Council allocates a significant amount of money to support individuals and groups through a range of funding programs. There are clear guidelines and criteria established to ensure that Council's intent for the allocation of funds are met. To ensure the integrity of the process there is an acquittal process for individuals and groups to ensure funds are used for the purpose they have been allocated.

The reputation of the City of Cockburn could be seriously compromised should funds allocated to individuals or groups not meet the criteria and



guidelines and/or did not use the funds for the purposes they were provided. Adherence to these requirements is essential.

**Attachment(s)**

1. Minutes of the Grants and Donations Committee Meeting on 25 October 2016.

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

Applicants have been advised that they will be notified of the outcome of their applications following the November 2016 Council Meeting.

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

Nil

**(MINUTE NO 5933) (OCM 10/11/2016) - GRANTS & DONATION COMMITTEE MEETING - 25 OCTOBER, 2016 - ITEM 10.1 - SPONSORSHIP OF FREMANTLE DOCKERS AFL WOMEN'S TEAM 2017**

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr K Allen Council not support the application from the Fremantle Dockers Football Club for sponsorship of the AFL Women's Team.

**MOTION LOST 3/5**

NOTE: Clr S Portelli requested to have all votes for the decision recorded.

Votes for the motion were – Clr S Portelli, Clr B Houwen, Clr K Allen.  
Votes against the motion were – Mayor L Howlett, Deputy Mayor C Reeve-Fowkes, Clr L Sweetman, Clr S Pratt, Clr P Eva

MOVED Clr L Sweetman SECONDED Clr P Eva that Council:

- (1) enter into a one-year sponsorship agreement with Fremantle Dockers Football Club to support its AFL Women's team in accordance with the key terms and conditions in the proposal attached to the agenda; and
- (2) allocate \$25,000 (ex. GST) from the 2016/17 Grants and Donations budget for this purpose.

**CARRIED 5/3**



### Reason for Decision

This is not about the Dockers suffering hardship. This is about the opportunities that the City has around bringing a highly respected Football Club, particularly on the cusp of women's AFL coming into Australia, which is a really big deal for women's sport. This is about the exposure the City will gain. This sort of sponsorship will bring in people, which is members into Cockburn ARC, which is a big gain to the City into Cockburn ARC. We need to make this work and this is a very positive way that that will happen. For all of the young girls that we have in the City of Cockburn, women's in sport are huge role models for the girls in our City and supporting the Fremantle Dockers Women's team, sends a really good message to the young girls in the City who might be looking at those sort of paths in the future.

**(MINUTE NO 5934) (OCM 10/11/2016) - GRANTS AND DONATIONS COMMITTEE MEETING - 25 OCTOBER, 2016 - ITEM 10.2 - GRANTS AND DONATIONS COMMITTEE RECOMMENDED ALLOCATIONS 2016/17 SUB-RECOMMENDATION (1) COCKBURN MASTERS SWIM CLUB**

**COUNCIL DECISION**

MOVED Cllr L Sweetman SECONDED Cllr K Allen Council provides \$12,000 sponsorship to the Cockburn Masters Swimming Club for the Coogee Jetty to Jetty Swim in 2017.

**CARRIED 8/0**

### Reason for Decision

In light of the additional information provided by the Cockburn Masters Swimming Club in relation to the sponsorship benefits on offer to the City should the city take on the role of Major Event Partner for the Jetty Swim event I am satisfied that the City is getting value for money and should continue to partner with this increasingly successful event in a significant way.

The club has indicated that as a Major Sponsor the City will receive above and beyond the benefits of Gold Sponsorship, including attaching the City's name to part of the event, such as the breakfast, as well as incorporating the City's logo as the Major Event Partner on stationery, print, social and other online media.



The exposure the City will gain in supporting an event that brings increasing numbers of people from all over the Perth metro area is significant and helps to further cement the City of Cockburn as a truly community-focused local government that supports and encourages its community groups and the proliferation of healthy and active lifestyles.

The Club has made it clear that it wishes to continue growing its relationship with the City and to reduce support at this time I believe would be a loss to the City and a huge detriment to an event from which so many benefit.

**14.2 (MINUTE NO 5935) (OCM 10/11/2016) - COMMUNITY POLL - ROE 8 (006/002; 007/008) (S SEYMOUR-EYLES)**

**RECOMMENDATION**

That Council:

- (1) undertake the Poll in relation to ratepayers position on Roe 8; and
- (2) approve an amount of \$7,200 +GST to conduct the Poll as outlined above.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr S Pratt that Council do not commission a poll on Roe 8.

**CARRIED BY CASTING VOTE OF PRESIDING MEMBER 4/4**

**Reason for Decision**

The poll question is worded to minimise support for Roe 8.

The poll was supposed to be about Roe 8, not Roe 9. Roe 8 will deliver the most benefits to Cockburn. Roe 9 is not proposed to be built as yet, as the design is not completed for review. So obviously the unknown will cause concern. Also, Roe 9 is more about servicing Fremantle Port and in the process would create a great dividing barrier in Hamilton Hill if it was a surface highway.



The poll is also moot as the contracts are signed and construction is to start within a month. So why waste \$7000? Why waste officers time collating results and reporting back to Council?

If such a poll was to be carried out, then we should have ensured a bigger sample (1800) and spread over Cockburn properly, that is, north central and south of each ward to give a total of 9 areas.

The question could be worded, "Do you support Roe 8 being constructed from Kwinana Freeway to Stock Road?" But it wasn't, because as it is worded, it will again attract more negative responses than positive.

If this poll was done properly several years ago we would have known our communities position. Scrambling at the 11th hour is like the other objections raised to frustrate the progress of this critical infrastructure.

But like the first time a presentation was done on Roe 8 by Main Roads it was triggered by my query; "has Council ever been briefed by Main Roads". Magically within 4 weeks we had a briefing where the presenters were not asked probing questions. They were just lambasted with negative comments.

If the Department of Transportation Services (DTS) of 2006 and 2013 were briefed in a timely manner to Council then some considered questions could have been asked. Even now Council has not been properly briefed on the 2013 DTS report. It has been merely alluded to in referencing on our Integrated Transport Strategy reports. Should we stop listening to information because it is not supportive of a particular stance? Council's stance or position should never negate a full and proper presentation of facts by our Officers to Council, whether they are positive or negative. This is just about due diligence.

## **Background**

Clr Kevin Allen requested under 'Matters to be Noted for Investigation, Without Debate at the September 2016 Ordinary Council Meeting for a report to be provided at a future Council Meeting on Council's ability to conduct a poll in the community in relation to rate payers position on Roe 8.

## **Submission**

N/A



## Report

The City of Cockburn can undertake an automated phone poll of residents and ratepayers. An automated phone poll of solely ratepayers is not practical as the research companies are unaware of the distinction between ratepayers and residents and indeed a high number of ratepayers do not live in the City of Cockburn. However, an automated phone poll of residents, which will include ratepayers, is easy to undertake via a research company.

A phone poll can be initiated and results made available within a week or less, except for during State and Federal election times.

The research companies could break the results down into Ward areas to determine if there is any difference in opinion between Wards. Breaking down the result by suburb would not give statistically viable results.

The State Government undertook a ReachTEL poll of 1700 West Australians (15 September 2016) which asked if people supported the construction of the Perth Freight Link, including Roe 8, between the Kwinana Freeway and Stirling Bridge. The poll results demonstrated that 44.9% were in favour of the proposed freeway with 31.1% against and 24% undecided.

In an editorial in the Sunday Times, Perth on 30 Oct 2016 it was reported that almost 9000 West Australians took part in the 'WA speaks survey in which West Australians are asked 50 questions on issues the newspaper considers of importance, particularly in the lead up to the election.

The newspaper reports that 59.8% of respondents support the Roe Highway extension through the Beeliar wetlands and the Perth Freight link to Fremantle. 10% of respondents said it was a waste of money and 30 per cent were unsure.

According to PerthNow October 30, 2016 12:00am the freight route had more support among people living in Perth than in the regions and those aged over 60 were the most sceptical.

These poll results are quite different and as Cockburn residents will be more affected by the construction of the Perth Freight Link/Roe 8 than many other West Australians, it is recommended that the City of Cockburn undertake their own poll of Cockburn residents.



It is recommended that the following question be asked:

*Do you oppose the construction of the Perth Freight Link/Roe 8 between Kwinana Freeway and Stirling Bridge?*

- *Yes*
- *No*
- *Don't know*
- *Don't care*

The cost to undertake the research would be \$7,200 for 1,500 people. This would give a margin of error of +/- 2.5% and if broken down in to three Wards, an approximate margin of error of +/-4.4%.

The margin of error would be higher and therefore not helpful if broken down in to age group or further broken down in to suburb.

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

#### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes

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

An amount of \$7,200 +GST will be required to undertake this Poll, which is not currently on the 2016/17 budget. This budget will require to be taken from the Community Consultation Budget – Account no. OP 114-9761

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

#### **Risk Management Implications**

Council has a position against the construction of Roe 8. This is based on general anecdotal evidence that the majority of the community is against the construction of Roe 8. Undertaking the survey may or may not support that position. There is little risk if the survey is not undertaken.



**Attachment(s)**

N/A

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

N/A

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

Nil.

**15. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**15.1 (MINUTE NO 5936) (OCM 10/11/2016) - ODOUR COMPLAINTS WATER CORPORATION WASTE WATER PUMPING STATION IN MUNSTER (139/004) (P OORJITHAM) (ATTACH)**

**RECOMMENDATION**

That Council receives the report.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

At the Ordinary Council meeting 8 September 2016 under Item 22 "Matters to be Noted for Investigation Without Debate", Clr Bart Houwen lodged the following notice:

*Provide a report to come back to the next Council meeting as a matter of urgency to explain the escalation over recent months the odours coming from the pump station on Mayor Road and measures to mitigate against that escalation of the smells.*

**Submission**

N/A





## Report

A search of the City's Health Services Database reveals no complaints received about the Water Corporation, Mayor Road Munster, pump station in 2016.

There were 2 complaints about odour from this facility in 2014 to 2015. Both were investigated and referred to the Water Corporation and resolved.

Recent enquiries undertaken with the Water Corporation as revealed that:

Water Corporation has received two calls about odours near the Munster No. 2 wastewater pump station (WWPS) on Mayor Road over the last three months, on 6 August 2016 and 30 August 2016. In response to this, the Water Corporation have re-sealed an access chamber cover and replaced the carbon in the odour control units at the site.

As background, the Munster No. 2. WWPS was decommissioned in 2012, as it is essentially an overflow basin for the Woodman Point Wastewater Treatment Plant (WWTP) and is no longer in use as a pump station.

A large wastewater main, known as the Bibra Lake Main Sewer, passes through the site, transporting wastewater to the WWTP. Four odour control units are installed at this site, to filter gases as they are released in a controlled manner to reduce pressure inside the main. The units treat the gases so they are odourless when released.

The carbon in the units is generally changed on an annual basis to ensure they are operating properly. The most recent carbon change occurring during the week of Monday, 5 September 2016 in response to the calls during August.

It is believed this matter is now resolved.

## Budget/Financial Implications

N/A

## Legal Implications

N/A



**Community Consultation**

N/A

**Risk Management Implications**

There is no risk associated with the recommendation.

**Attachment(s)**

E-mail from Water Corporation dated 28 September 2016.

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

N/A

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

Nil.

**15.2 (MINUTE NO 5937) (OCM 10/11/2016) - PROPOSAL TO AMEND THE BUILDING REGULATIONS 2012 (053/002) (J WEST)**

**RECOMMENDATION**

That Council

- (1) notes the processes required to seek to alter the Building Regulations 2012, to address building site waste and litter;
- (2) recognises the authority it has to address building waste and litter problems on building sites under the current City of Cockburn (Local Government Act) Local Laws 2000; and
- (3) with the support of suitably authorised officers, continue to pursue the issue of building waste and litter on building sites in accordance with current and new management practices to more effectively address the issue.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

At Council's Ordinary Meeting in February 2016, Mayor Logan Howlett requested *a report be prepared for a future Council meeting that considers recommending an amendment(s) to the WA Building Regulations that compels builders to provide skip bin(s) on all building sites to contain building and other waste.*

*Given that any amendment(s) would apply state-wide the matter, if adopted by Council, should be referred to the Western Australian Local Government Association for their consideration.*

## Submission

N/A

## Report

Comment has been sought from the Western Australian Local Government Association and Building Commission in regard to possible changes to the Building Regulations 2012.

### Western Australian Local Government Association - Comment

WALGA have advised that they are not aware that this is a significant issue for other Local Governments. Furthermore, given the wide diversity of communities across WA, together with the varied nature and form of development, it is likely that a mandated State-wide regulatory regime that sought to ensure skip bins are provided on all building sites would be problematic for many Local Governments and may generate some resistance.

The intention of the City's request for a report is a little unclear as it advocates for the method that should be used, rather than an outcome it seeks to achieve, it is assumed that the intention is to; contain material on site so it doesn't become wind-blown litter, and also to make building sites look tidy. If this is the intention, it is important to note that the provision of a skip bin on site does not necessarily equate to good waste management practices, nor is it always effective in reducing wind-blown litter. These issues can still persist, despite the presence of a skip bin.

Alternatively, there are a number of other approaches to waste management on building sites, which can achieve these outcomes. For example, there are cages which are used to capture some types of building waste.



There is an option in the Private Property Local Law (City's Local Law) about ensuring material is contained onsite.

#### Building Commission – Comment

The Building Commission assists the Minister for Commerce in the administration of the Building Act and Building Regulations; the Building Commission has a role in advising the Minister in relation to any proposed amendments to the Building Act and Building Regulations. However, there is also a level of rigour and involvement from others that forms part of the decision making and drafting process, and regulatory gate keeping.

Any change to the Building Regulations is a matter for the Minister for Commerce; the proponent would have to write to the Minister. The letter should clearly identify what the problem is that needs resolving, and set out the reasons why it is believed that a change to the Building Regulations is the way to deal with the matter.

It should also be noted that the State Government has some very specific regulatory gatekeeping requirements that must be followed in relation to any changes to legislation or regulation. In particular, before any decision can be taken to introduce additional regulation, or 'red tape', a regulatory impact assessment (which includes a process of broad public consultation) would need to be undertaken to ensure that the costs of introducing the additional regulation are sufficiently outweighed by the anticipated benefits, and to determine that regulation is the best way of dealing with the problem.

There are no requirements in the Building Regulations in relation to skip bins. The issue appears to be a construction site safety and health matter.

#### Current Legislative Processes - Comment

The City currently addresses rubbish on building sites by way of the City of Cockburn (Local Government Act) Local Laws 2000, Division 6—Litter Control on Construction Sites:

##### *5.20 Litter Control*

- (1) Upon commencement of construction works, the owner or occupier of any land, is required to implement one of the following measures to prevent building litter or rubbish of any kind whatsoever from being blown from the construction site:*
  - (a) provide a receptacle of a capacity not less than 4 m<sup>3</sup> fitted with a lid on site for the disposal of all rubbish; or*
  - (b) provide an equivalent wire enclosure on site with a lid for the disposal of all rubbish.*



- (2) *All rubbish and offensive matter on the construction site is to be placed in the receptacle.*
- (3) *The receptacle is to be maintained on the construction site for the duration of the construction work.*
- (4) *A lid is to be kept secure on the receptacle at all times.*

The remedies for not providing a suitable rubbish receptacle on a site are the issuance of a \$500 infringement notice or for not using such an available receptacle an \$80 infringement notice. Thereafter legal action can be initiated by the City.

The City's Rangers have delegation to pursue non-compliance with the above Local Law by way of issuing infringements and/or taking legal action in regard to such issues.

The City's building compliance officers have recently been designated as authorised officers to address these matters. The City's building compliance officers have also obtained a mobile device and printer to facilitate the issuance of on the spot infringement notices, where required. The City's Ranger Services continue to address the initial customer complaints regarding litter generally which includes litter on building sites.

It is intended with the new authorisation and equipment will enable a more effective implementation along the following procedures:

- Where after a complaint and an inspection by a Ranger it is noted that there is a problem in a general area, possibly due to a number of building sites not having rubbish receptacles, notification will be given to the City's Compliance Officers – Building. The Compliance Officers will then take a more structured and focussed response to an area that has more generalised issues with a view to issuing bulk infringement notices.
- Follow up enforcement and review of infringements that have been issued will continue to be carried out by the Ranger Services.

It is anticipated that the new equipment and authorisation of more officers will have a positive effect on management of the issue throughout the City.

## **Strategic Plan/Policy Implications**

### **City Growth**

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



**Economic, Social & Environmental Responsibility**

- Improve the appearance of streetscapes, especially with trees suitable for shade
- Improve water efficiency, energy efficiency and waste management within the City's buildings and facilities and more broadly in our community

**Leading & Listening**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

To not change the Building Regulations to address litter control on building sites will have minimal risk implications for the City. This is because all other municipalities operate under the same legislation.

The City however can further reduce risk and improve its brand reinforcement by better implementing the current City of Cockburn Local Laws in regard to litter control as explained in the Report. Otherwise, there is no risk to the City of Cockburn in adopting this recommendation.

**Attachment(s)**

N/A

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

N/A

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

Nil.



**15.3 (MINUTE NO 5938) (OCM 10/11/2016) - CLOSURE OF PORTION OF ORSINO BOULEVARD, NORTH COOGEE – LOCATION: ADJOINING LOT 9137 AND 9146 COCKBURN ROAD, NORTH COOGEE - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: MNG SURVEYORS (160/001) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) request that the Minister for Lands permanently close portion of Orsino Boulevard, North Coogee pursuant to Section 58 of the Land Administration Act 1997;
- (2) recommend that the portion of closed road be amalgamated with adjoining Lot 9137; and
- (3) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Planning for the Port Coogee area previously proposed Orsino Boulevard being extended north to facilitate the creation of the next stage of residential lots. A small section of this road extension was created with a recent subdivision within the Port Coogee Area.

In 2015 the applicant attempted to amend the Structure Plan, which among other things sought to abandon the northern extension of Orsino Boulevard and convert this land to public open space, adjoining a new subdivision layout. Despite the City of Cockburn not supporting these changes, they were recently approved by the WAPC.

As this small section of road reserve will not be required under the new Structure Plan, it is required to be formally closed under the requirements of the Land Administration Act 1997.



## **Submission**

McMullen Nolan Consulting Surveyors have written to the City of Cockburn with a request to close portion of Orsino Boulevard north of Lullworth Terrace, North Coogee.

## **Report**

The letter from McMullen Nolan points out that Orsino Boulevard north of Lullworth Terrace will not be extended and will be replaced by Public Open Space in a future subdivision. The plan provided by McMullen Nolan indicates the small section of road reserve that becomes redundant. On completion of the road closure process it is proposed that land be added to a future residential lot and Public Open Space.

The proposed road closure was deferred at Council meeting of 10 September 2015 pending resolution of the amended Port Coogee Structure Plan. Amendment to the structure plan has now been completed. Once closed, the land the subject of the closure will be acquired from the State of Western Australia by the adjoining land owner, Port Catherine Developments P/L. The City has no role in this process.

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

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

## **Strategic Plan/Policy Implications**

### **City Growth**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Section 58 of the Land Administration Act 1997





### Community Consultation

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

### Risk Management Implications

There are no risks if the recommendation is adopted by Council. The risk to Council if the recommendation is not adopted is that the future subdivision of the road closure land in association with land owned by Port Catherine Developments will not be as depicted on the structure plan.

### Attachment(s)

Location Plan

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2016 Council Meeting.

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

Nil.

**15.4 (MINUTE NO 5939) (OCM 10/11/2016) - RECONSIDERATION OF PLANNING APPLICATION - CHANGE OF USE FROM SINGLE HOUSE TO CONSULTING ROOMS (DENTAL CLINIC) AND SINGLE HOUSE – LOCATION: 282 (LOT 252) LYON ROAD, AUBIN GROVE – OWNER: VINCENZO FIGLIOMENI – APPLICANT: TAYLOR BURRELL BARNETT (6002929 & DA16/0143) (R TRINH) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), reconsider its previous decision of refusal;
- (2) grant planning approval for a Change of Use – Single House to Consulting Rooms (Dental Clinic) and Single House at No. 282 (Lot 252) Lyon Road, Aubin Grove, in accordance with the attached plans and subject to the following conditions and advice notes:



Conditions

1. 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 and/or tenancy. The approved development has approval to be used for 'Consulting Rooms' and 'Single House' only. In the event it is proposed to change the use of the tenancy, a further planning application needs to be made to the City for determination.
2. Prior to the commencement of the use (Consulting Rooms), arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for:
  - Aubin Grove (DCA 7).
3. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. All services 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.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
6. The car parking areas, access ways and landscaping located in front of the building shall be maintained to the satisfaction of the City, and shall not be used for storage of any type.
7. All works associated with this approval as shown on the approved plans shall be completed prior to occupation or use of the approved Consulting Rooms subject of this approval.
8. Prior to use of the building for Consulting Rooms, the 12 parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
9. Visitor bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible and suitably sign posted to the



satisfaction of the City of Cockburn.

10. The crossover shall be designed, located and constructed to the City's specifications. The redundant crossover (or portion of) shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s).
11. A detailed landscaping plan shall be submitted to and approved by the City, prior to the issue of a Building Permit for the fit out of the Consulting Rooms, and shall include the following:-
  - (1) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (2) any lawns to be established;
  - (3) any existing landscape areas to be retained;
  - (4) those areas to be reticulated or irrigated; and
  - (5) verge treatments.
12. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
13. The front fence within the primary street setback area shall be visually permeable 1.2 metres above natural ground level in accordance with the deemed to comply provisions of the Residential Design Codes of Western Australia.
14. Where a driveway and/or parking bay abuts a public street, associated walls, fences and/or adjacent landscaping areas shall be truncated within 1.5 metres thereof or limited in height to 0.75 metres.
15. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
16. A Construction Management Plan (CMP) shall be submitted to and approved by the City prior to the commencement of works. The CMP shall be implemented 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 City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition 2 will be deemed to have been complied with. The principles and administrative requirements for Developer Contribution Plans are set out in the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at [www.cockburn.wa.gov.au/communityinfrastructure](http://www.cockburn.wa.gov.au/communityinfrastructure).
3. Approval for the 'Consulting Rooms' is granted based on a maximum of two (2) practitioners working from the premises at any one time. Any increase in practitioners will generate the provision of additional parking spaces. This would require a revised development application to be submitted to and approved by the City which may not be supported.
4. The scale of the operation shall at all times be limited to the extent that sufficient parking is available. For the purpose of this condition, parking shall be determined at a rate of 5 bays per consulting room.
5. You are advised that a Sign Permit may be required in accordance with the City's Local Laws (2000) prior to the erection of the sign. A permit is obtainable from the City's Building Services Department.
6. A plan and description of any signage and advertising not exempt under Town Planning Scheme Schedule 5 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
7. With regards to Condition 8, the parking bay/s, driveway/s and points of ingress and egress shall be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1) and 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.



8. With regards to Condition 10, copies of crossover specifications are available from the City's Engineering Services and from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au).
9. With respect to Condition 13, visually permeable means vertical surface that has:
  - Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm. occupying at least one half of the face in aggregate as viewed directly from the street; or
  - A surface offering equal or lesser obstruction to view.
10. With respect to Condition 15, all stormwater drainage shall be designed in accordance with the Australian Standard, and the design shall be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event.
11. With regards to Condition 16, the Construction Management Plan shall address the following items:
  - 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.
12. The occupier of premises in which clinical waste is produced shall comply in all respects with the *Environmental Protection (Controlled Waste) Regulations 2004*. For further information please contact the Department of Environmental Regulation.
13. The development shall 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. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).

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

**COUNCIL DECISION**

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

**CARRIED 7/1**

NOTE: Cllr S Portelli requested to have his vote against the decision recorded.

**Background**

This proposal was previously refused by Council at its ordinary meeting held on the 9 June 2016 with the following resolution made:

*"That Council*

- (1) *refuse to grant approval for a Change of Use – Single House to Consulting Rooms (Dental Clinic) and Single House at No. 282 (Lot 252) Lyon Road, Aubin Grove, subject to the following reasons:*

1. *The proposed commercial use is incompatible with the surrounding residential area which does not constitute orderly and proper planning and is therefore inconsistent with the aims of Town Planning Scheme No. 3.*
2. *The proposed commercial use is likely to detract from the amenity of the area with regards to residential character.*
3. *The proposed commercial use is likely to have a detrimental impact on traffic flow and safety in the immediate vicinity.*
4. *The proposed signage associated with the commercial use is likely to have a detrimental impact on the visual amenity of the area and streetscape.*

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



Subsequent to Council's decision, the applicant exercised their right to apply for a review of the decision by the State Administrative Tribunal (SAT). The matter proceeded to an on-site mediation session held on 17 October 2016 between the applicant and their representative, several Elected Members and staff. The applicant's representative provided a copy of an indicative landscaping plan that includes additional trees to be planted along the front boundary included as Attachment 3. The indicative landscaping plan does not demonstrate the tree species.

The particulars of the application were discussed in further detail and it was highlighted that the occupants of the residential portion of the building would operate the dental practice. No changes to the operations or design of the building are proposed but a reconsideration of decision has been ordered by SAT. On the application heard before Member Rebecca Moore on 17 October 2016, the orders made by the SAT were as follows:

- (1) *'Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 10 November 2016.'*
- (2) *'The proceeding is adjourned to a further directions hearing at 12 pm on 18 November 2016 at 565 Hay Street, Perth, Western Australia in order to await the outcome of the reconsideration.'*

Therefore, based on the above SAT orders, Council is requested to reconsider its previous decision of refusal, based on the clarification of the details supplied in the initial proposal.

### **Submission**

N/A

### **Report**

#### Site Description

The subject site is 1177m<sup>2</sup> in area and is located at 282 Lyon Road, Aubin Grove. A single house is currently situated on the site which is used for residential purposes and comprises 3 bedrooms, 2 bathrooms, double garage and a large below ground swimming pool. The subject site is predominantly surrounded by single houses that are used for residential purposes. The site is approximately 310m from the Aubin Grove Shopping Centre on the corner of Lyon Road and Gaebler Road.

The lot is unique in that it is 1177m<sup>2</sup> in area with the existing dwelling setback 17.3m from the primary street. The uniqueness is because the



house was one of the original dwellings constructed prior to the area being rezoned to urban. The adjoining lot to the north is similar in size and setback and the lots located to the south before Radiata Promenade are approximately 700m<sup>2</sup> with lesser setbacks. Most other lots in the vicinity are approximately 500m<sup>2</sup> which demonstrates the uniqueness of the subject site.

### Proposal

The initial proposal has not changed, which is a change of use from 'Single House' to 'Consulting Rooms (Dental Clinic) and Single House'. The application seeks to make modifications to the existing dwelling to accommodate the dental clinic within the existing front portion of the dwelling (82.5m<sup>2</sup>) and retention of the rear portion of the dwelling for residential purposes (117.5m<sup>2</sup>) with the owner's intention to operate the dental clinic whilst residing at the property. No changes to the frontage of the dwelling, or signage are proposed. The proposal does however result in a modification to the existing raised garden bed to facilitate a new parking area and a new rear separate entrance for the residential component of the building.

The dental clinic proposes to operate Monday to Saturday between 8:00am and 6:00pm with a maximum of two (2) dentists, two (2) dental nurses and a receptionist operating from the subject site at any one time. The proposal includes 12 car parking bays (car bays 1 and 2 are in tandem).

The mediation process established an understanding for the applicant to the concerns expressed by Council which led to the refusal. In summary, the applicant and their representative made the following points:

- The proposal will not detract from the residential character of the area;
- The proposal will not cause a detrimental impact on the traffic flow due to the scale of the development (two consultants only);
- No signage is proposed and therefore it was established that the reason for refusal regarding signage is invalid;
- The reason for refusal regarding the incompatibility of the use was justified by the uniqueness of the larger lot size and setback that would be able to facilitate the use whilst complying with the requirements of the TPS 3; and
- Surrounding lots are likely to be incapable of similar commercial uses due to the smaller lot size and setbacks. This point was made to address Council's concerns about potentially creating an agglomeration of commercial uses along Lyon Road.





## Consultation

Further neighbour consultation has not been undertaken by the City as a result of the mediation process as the proposal has not changed.

When the proposal was first lodged and prior to the refusal by Council, the proposal was advertised to sixteen (16) nearby land owners in accordance with TPS 3 requirements and a total of five (5) submissions were received during the advertising period. One of the submissions indicated no objection and four objections were received. The main issues raised include:

- Danger to pedestrians;
- Increased noise and traffic;
- Inappropriate use for a residential area; and
- Verge parking.

## Statutory Framework

### *Metropolitan Region Scheme (MRS)*

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and the proposal is consistent with this zone.

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

The subject site is zoned 'Development Zone' under TPS 3 and is located within Development Area 11(Lyon Road) and Development Contribution Areas 7 and 13.

The objective of the 'Development' zone under TPS 3 is:

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

However, in this situation no structure plan has been adopted for this site. Development Area 11 requires a Structure Plan to guide subdivision, land use and development and is to provide for residential development. Clause 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

*'a decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that –*

- (a) *The proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*



- (b) *The proposed development or subdivision would not prejudice the overall development potential of the area.'*

Given that the area surrounding the subject site is zoned 'Residential-R20', the City is allowing further development of the site under the 'Residential-R20' zoning where Consulting Rooms is a discretionary use. Preparation of a Structure Plan for a single lot of this size is considered onerous and unnecessary considering the residential nature of the existing and proposed use in context with the surrounding land uses. The proposal clearly is consistent with orderly and proper planning and does not prejudice the future development potential of the area. It is therefore open to Council to approve the proposal in the absence of an approved structure plan over this lot.

The 'Single House' component is a 'P' use within a 'Residential' zone and is permitted by TPS 3 providing that it complies with the relevant development standards and requirements of TPS 3. The 'Consulting Rooms' is a 'D' use within a 'Residential' zone and is generally not permitted unless the local government has exercised its discretion by granting planning approval. The proposal is therefore capable of approval under TPS 3.

#### *Residential Design Codes (R-Codes)*

The proposed dwelling component of the development generally complies with the requirements of the R-Codes and does not impact the amenity of the surrounding area.

#### Other Planning Considerations

##### *Land Use Compatibility*

There were concerns raised by some Elected Members that approval of uses such as consulting rooms in residential areas could detract from planned commercial centres in the local area (such as Aubin Grove Shopping Centre) and also could lead to a proliferation of these type of uses along Lyon Road which would detract from the amenity of residents and the area. As stated above, the subject site is 1177m<sup>2</sup> in area which is more than twice the size of most of the residential lots along Lyon Road as the house was constructed well before the area was developed for housing circa 2005. It should be noted that there are only six of the original dwellings on larger sized lots remaining on Lyon Road. The majority of other dwellings are on lots approximately 500m<sup>2</sup> with 3-6m setbacks and conversion of those dwellings to commercial uses would be very unlikely due to an inability to provide car parking on-site.



### *Car parking, Access & Traffic*

The proposed development requires 10 car parking bays for the two consulting rooms in accordance with Table 3 of TPS 3 and two car parking bays for the dwelling in accordance with the requirements of the R-Codes.

A total of 12 car parking bays are proposed on the subject site and therefore no car parking bay shortfall is proposed. The applicant supplied supporting information regarding car parking as two car parking bays required for residents have not been accounted for when calculating the car parking requirement for the 'Consulting Rooms' component of the development. The residents of the dwelling on the subject site also intend to operate the dental clinic. This arrangement alleviates the strain on car parking and further supports that all car parking can be contained onsite.

Access to and from the property is proposed from a single crossover that is accessible from Lyon Road and allows vehicles to enter and exit in a forward gear. The single access point and manoeuvrability proposed on the subject site allows for safe access to and from the property and considers the residential nature of the locality.

Considering that Lyon Road is a Regional Distributor road, the increased traffic volumes caused by the proposed development are minor in context with the number of vehicles that traverse the road on a daily basis.

### *Landscaping*

TPS 3 requires a minimum of ten percent (10%) of the lot area to be set aside for landscaping or reduced to five percent (5%) if the street verge area is included to be maintained. Only six percent (6%) of the existing landscaping is proposed to be retained in front of the dwelling as part of this proposal and therefore landscaping of the verge will be maintained to increase the visual amenity and restrict vehicles from parking on the verge.

### *Noise*

Noise levels for the operations of the dental clinic are not expected to cause an amenity issue, however must comply with the *Environmental Protection (Noise) Regulations 1997*.



### *Visual Amenity*

The existing building will still appear as a dwelling and the relatively large setback to Lyon Road (17.3m) is considered to ensure that amenity for surrounding residents will be preserved.

### **Conclusion**

The proposal for to change the use of the dwelling to incorporate Consulting Rooms (Dental Clinic) in the front portion of the dwelling is supported as it complies with the provisions of TPS 3 and will not negatively impact on the amenity of neighbours or the streetscape. The proposal has addressed car parking and access issues and is visually consistent with surrounding residential dwellings.

It is therefore recommended that Council reconsider the decision made on Ordinary Council Meeting held on the 9 June 2016 and approve the application, subject to the conditions contained in the recommendation.

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

#### **Growing City**

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

#### **A Prosperous City**

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

### **Budget/Financial Implications**

Should Council refuse the application, it is likely that the matter will continue to progress through review of the State Administrative Tribunal. There may be costs involved in defending the decision, particularly if legal Counsel is engaged.

### **Legal Implications**

N/A

### **Community Consultation**

See Consultation section of the report above.



### **Risk Management Implications**

Should Council refuse the application, it is likely the matter will continue to progress through review of the State Administrative Tribunal. There may be costs involved in defending the decision, particularly if legal Counsel is engaged.

### **Attachment(s)**

1. Location Plan
2. Site Plan, Floor Plan & Elevations
3. Proposed Indicative Landscaping Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2016 Council Meeting.

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

Nil.

**15.5 (MINUTE NO 5940) (OCM 10/11/2016) - PLACE OF WORSHIP (WORSHIP, CULTURAL, FAMILY, EDUCATION & YOGA CENTRE) - LOCATION: 69L WATTLEUP ROAD, WATTLEUP- OWNER: PROPERTYNET PTY LTD – APPLICANT: PROPERTYNET PTY LTD – (DA16/0112 & 052/002) (D J VAN RENSBURG) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) grant planning approval for a Place of Worship (Worship, Cultural, Family, Education & Yoga Centre) at Lot 69 Wattleup Road, Wattleup subject to the following conditions and advice notes:

#### Conditions

1. 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 Place of Worship purposes only. In the event it is proposed to change the use of the site, a further application needs to be made to the City for determination.



2. 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';
  - 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.

3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
4. The car park (excluding overflow car park) and access road shall be designed, constructed, sealed and kerbed and thereafter maintained to comply with the requirements of AS2890 and to the City's satisfaction. Details of this shall be submitted to the City for approval prior to the issue of a Building Permit.
5. A minimum of 6 bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building. Details of the bicycle parking shall be provided prior to the issue of the Building Occupancy Permit.
6. Hours of operation shall be restricted to 7am – 9pm Mondays to Sundays inclusive.
7. The Place of Worship premises shall be limited to the following maximum numbers people being present on site at the various times:
  - Monday – Friday (am): 10 – 15 people
  - Monday – Thursday (pm): 25 people
  - Friday (pm) (family get-togethers): 200 people
  - Saturday & Sunday (am and pm): 50 people
  - Yearly 3 – 4 festival days like Diwali, Pongal, Australia Day, New Year etc. will be celebrated at school holiday times, expecting 600 people.



8. A Traffic Management Plan (TMP) shall be submitted to and approved by the City prior to occupation of the development. The approved TMP shall be implemented thereafter to the satisfaction of the City.
9. All on-site paths shall have a minimum width of 2m metres and be designed and constructed to the satisfaction of the City.
10. Crossovers shall be located and constructed in accordance with the City's requirements and be located no closer than 0.5m from any side boundary or street pole.
11. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
12. No bunting shall be erected on the site (bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
13. The property is not connected to mains sewerage. Therefore an application to install an onsite effluent disposal system shall be lodged with the City's Health Service and/or the Department of Health at the time that a Building Permit Application for the premises is lodged with the City.
14. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
15. A detailed landscaping plan shall be submitted prior to the commencement of works associated with this approval and must show the location, quantity, type and maturity of all proposed plants. The planting shall include at minimum semi-mature trees with adequate foliage to provide screening to the satisfaction of the City.
16. The landscaping as detailed in the landscaping plan required by Condition 15 shall include vegetation screening along the fire break adjacent to the boundary and shall be implemented prior to occupation of the building to the satisfaction of the City.
17. A schedule of the materials, finishes and colours shall be submitted to and approved by the City prior to the issue of a Building Permit. The schedule shall include details of the type of materials proposed to be used, including their colour



and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.

18. The Fauna Relocation Plan dated September 2016 prepared by Western Wildlife shall be implemented to the satisfaction of the City prior to the commencement of any works related to this approval.

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 or with the requirements of any external agency. Prior to the commencement of any works associated with the development, a Building Occupancy Permit is required.
2. With respect to Condition 1, the approved use for the subject lot is for Place of Worship; however, if this changes, an application for change of use must be submitted to the City for determination. Place of Worship is defined under the City's Town Planning Scheme No. 3 and means "premises used for religious activities such as a church, chapel, mosque, synagogue or temple."
3. With regards to Condition 2, the art work shall be in accordance with Council's Local Planning Policy LPP 5.13 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.
4. With respect to Condition 4, the applicant is to liaise with the City's Traffic Engineers to address matters including but not limited to:
  - Types and frequency of speed humps and how they will be treated with traffic signs and pavement markings.
  - Bollards the shared spaces adjacent to the accessible parking bays.
  - Pedestrian ramps connecting accessible parking bays to the adjacent footpath.
  - The traffic islands at the end of the parking aisles to be





widened to provide safe sight lines. Also, no details have been provided about the type of speed humps proposed to be used and how they will be treated with traffic signs and pavement markings.

5. Access and facilities for people with disabilities is to be provided in accordance with the Building Code of Australia.
6. With regard to Condition 11, the City requires the onsite storage capacity be designed to contain a 1 in 100 year storm.
7. This development has been defined as a public building and shall comply with the relevant provisions of the Health Act 1911 (as amended), and the Health (Public Buildings) Regulations 1992.
8. With regards to Condition 8, the TMP shall address any potential traffic/safety issues during major events (private functions and/or festivals etc.) with more than 200 people. The TMP shall be reviewed and approved by the City prior to occupation of the development and implemented for these events to the City's satisfaction. An annual review of the ongoing need for the implementation of the TMP shall be done by the applicant, in consultation with the City, and the ongoing need to implement the TMP shall be waived if the City considers that temporary traffic management for major events is not warranted.
9. The development shall 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. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the Environmental Protection (Noise) Regulations 1997 (as amended).
10. Clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from Department of Environment Regulation, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
11. All food businesses shall comply with the Food Act 2008

and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant shall obtain prior approval for the construction or amendment of the food business premises.

An Application to Construct or Alter a Food Premises shall be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans are to include details of:

- (a) the structural finishes of all floors, walls and ceilings;
- (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
- (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

These plans are to be separate to those submitted to obtain a Building Permit.

12. All food handling operations shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant shall complete and lodge a Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.

13. The proponent is advised to contact the Australian Regional & Fire Management Services Division Government Department of the Environment and Energy for information regarding the assessment of environmental impacts.

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



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The subject site is 2.832 hectares in area and is located on the northern side of Wattleup Road, Wattleup. The area is zoned 'Rural' and this zone sits between a development zone to the east which has been identified as a future urban area and the Latitude 32 future industrial area to the west (east of Pearse Road).

The site is relatively flat, is densely vegetated with native species and contains no buildings or development. The site abuts a Regional Reserve – Parks and Recreation to the north and Wattleup Road to the south. Land south of Wattleup Road has a similar rural zoning. The site to the east has been cleared and operates as a market garden (including a dwelling) and the site to the west is partially cleared for market gardening (including a dwelling), but contains a large amount of dense vegetation similar to the subject site.

**Submission**

N/A

**Report**Proposal

Application is made for a Place of Worship and associated uses. The development is proposed to be located towards the rear of the subject site and will comprise:

- Hindu Amman Worship Cultural Family Education & Yoga Centre (709.37m<sup>2</sup>);
- Multi-purpose Hall (414.8m<sup>2</sup>);
- Toilet, Kitchen & Caretakers Office;
- Store & Shed;
- 128 sealed car parking bays, including 4 accessible bays;
- A grassed area with overflow parking for 80 cars (for events); and



- A 268m long, 6m wide access way separated 1.5m from the site's eastern boundary and which provides access from Wattleup Road to the north of the site.

The proposed hours of operation are 7 days per week from 7am – 12pm and 6pm – 9pm. The number of people proposed to attend is:

- Monday – Friday mornings: 10 – 15 people
- Monday – Thursday evenings: 25 people
- Friday evenings (family get-togethers): 200 people
- Saturday & Sunday for both morning & evening: 50 people
- Yearly 3 – 4 festival days like Diwali, Pongal, Australia Day, New Year etc. will be celebrated at school holiday times, expecting 600 people.

The applicant states that:

*“The primary goal of the proposal is to follow peace and humanity in this mechanical world, this can be attained by gaining wisdom, this can also be done by practising Yoga, the centre also provides opportunity to learn & understand the ancient Hindu culture, along with ancient meditation inculcated with yoga practices...” and “As the centre also provides yoga practice in order to have a healthy living, to attain this we all provide healthy authentic vegetarian & herbal food by our charity, to all visitors and also to needy people.”*

There is a site being used by the same organisation on Mandogolup Road in Mandogolup within the City of Kwinana which also sits within a rural setting.

### Consultation

#### *Neighbour Consultation*

The application was advertised to 46 adjoining and nearby owners. Ten submissions were received. Of these, eight were objections, one non-objection and one letter of support. The objections can be summarised as follows:

#### Land Use

- Concerns that this area is not the right place for this use and uses should remain rural and that the use is inconsistent with the objectives of the rural zone;
- There is already another temple very close to the site;
- A market garden and a temple are not uses that are complimentary to each other. The noise of farm machinery and application of fertiliser and manure would not be conducive to quiet contemplation and religious ceremonies;



- The close proximity of car parking to neighbouring land will create a difficult situation in which parked cars will be within metres of rural activities, creating a hazardous environment. Any development that potentially impedes land management should be reconsidered.

#### Traffic

- Concerns about the impact of the proposal on traffic in the area;
- Increased levels of traffic will destroy the quiet amenity of the area which also conflicts with the current rural/residential zoning;

#### Car Parking

- Concerns that there is insufficient parking for the festival events;

#### Amenity

- Concerns that the proposal will negatively impact on the amenity of the area which is currently quiet and peaceful;
- This is still a surprisingly peaceful part of Perth. The amenity of those who live there, enjoy, and try to maintain this peaceful coexistence with nature will be destroyed;
- Tourist destinations are not quiet tranquil locations, by their very nature, they thrive on high visitations which contradicts the claim the development will be quiet;
- There is no restriction on the number of people and vehicles the site is allowed to accommodate;
- There is nothing on the drawings to indicate a sealed driveway to the building will be provided;

#### Bulk and Scale

- Concerns that the proposal has a bulk and scale that is not consistent with the current area, is likely to create an eyesore and will not be adequately screened through landscaping;

#### Privacy

- Concerns about the privacy of adjoining residents;
- It would be more appropriate that some natural banksia bushland remains to act as a barrier between the parking bays and adjoining land, say a 5m barrier to minimise intrusion on privacy. Preserving as much as possible the natural banksia environment between properties not only significantly lessens the impact on adjoining owner's privacy, but it also serves in keeping the rural atmosphere of the area. This is especially desirable, since the properties in the area borders Harry Warring Reserve, a Bush Forever zone;

#### Environmental

- Concerns about the amount of clearing required and as much bushland should be retained as possible;



- Concerns that the clearance of more native bushland will destroy the habitat of many local species. Many species both day & night live throughout this local bush and feed on the native plants & animals so any natural bush becomes even more critical for the survival of these species that are of great value to local ecosystems The location provides a North/South corridor for wildlife that is lined up with the chain of reserves;

#### Safety and Security

- The upkeep of firebreaks invariably creates hazards such as excess dust and flying debris. Maintaining fire breaks without creating an environment which is a hazardous to nearby parked cars is a serious concern. Everyday activities (for example driving tractors, chain-sawing and brush-cutting may cause harm to parked cars. With over 130 meters of car parking nearby, it will create a situation which could seriously hinder the ability to do the essential upkeep of neighbouring land. This is an important issue as Wattleup is an area which has become increasingly prone to bushfires, in particular with the surrounding land being adjacent to Harry Warring Reserve, which only recently suffered severe bushfires. Some bush land barrier between properties will be the appropriate solution in which necessary land management can be pursued without the concern for multiple parked cars within metres rural activities;
- Security issues relating to potential theft of produce from neighbouring properties;
- The parked cars will be within metres of adjoining properties - with 134 metres of open parking bays to be situated on the border, physical access to adjoining properties would be unconstrained;

#### Sewer

- Concerns that there is no sewerage in the area;

#### Other

- The sand in this area is quite liquid in a way and transmits vibrations extremely easily therefore adjoining houses are very vulnerable to large scale earthworks/construction such as is proposed; and
- Will reduce market value of adjoining properties.

#### *External Agency Consultation*

As the subject site abuts a Regional Reserve for Parks and Recreation to its north, it was referred to the Department of Parks and Wildlife (DPAW) for comment.



DPAW advised as follows:

*“The native vegetation within the subject site may provide suitable habitat for Carnaby’s cockatoo (Calyptorhynchus latirostris), listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Western Australia’s Wildlife Conservation Act 1950 (WC Act). The proponent should contact the Australian Regional & Fire Management Services Division Government Department of the Environment and Energy for information regarding the assessment of impacts.*

*The proponent should be advised that clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from Department of Environment Regulation, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004.”*

### Planning Framework

#### *Zoning and Use*

The site is zoned ‘Rural’ under Town Planning Scheme No. 3 (TPS 3) and 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.”*

The proposed use is defined as ‘Place of Worship’ as the proposed activities are all religious in nature. ‘Place of Worship’ is defined in TPS 3 as:

*‘...premises used for religious activities such as a church, chapel, mosque, synagogue or temple.’*

Under the ‘Rural’ zone, ‘Place of Worship’ is an ‘A’ use in accordance with 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*).

Given the proposal has been advertised, it is therefore capable of approval by Council.



## Planning Considerations

### *Rural Character and Amenity*

The proposed development, including the two structures of 14.4m and 12.8m high respectively are proposed to be set back more than 270m from Wattleup Road so it unlikely to detract from the visual amenity of the area. The majority of the dense vegetation will be retained to provide adequate screening. In addition, if approved, the City would be expecting that the majority of buildings to use materials and be painted in colours that complement the rural setting (for example neutral, earthy tones).

The proponent has indicated that he aims to: *"...preserve the bush land, where ever it's possible. We are very eager to maintain the quality of the natural environment since this centre needs quietness, privacy, tranquillity and solitude and be one with the natural surroundings."*

With regards to the use of the site, it is considered that this type of use will operate in harmony within a quiet rural setting. Day to day, the site will be attended by those seeking to pray, undertake yoga and other peaceful activities which would be well suited in this area. It is acknowledged however that during the 3-4 festival days per year when up to 600 persons will attend the site, that there may be an impact on the amenity of neighbours. However, given the infrequency of the events, it is not expected to be unreasonable and the setback to adjoining residents and vegetation screening is expected to provide a suitable buffer.

### *Noise*

The nature of the proposal for worship purposes is not anticipated to cause noise issues in the area. There is no 'call to prayer' as part of this faith and no amplified music or other noise. The only potential for noise may be when events are held (3-4 times per year), however these events are likely to require separate approval from the City's Environmental Health unit and noise will be managed through that process.

### *Traffic*

A Traffic Statement was provided with the application that concludes that there is sufficient capacity in the surrounding road network to accommodate the anticipated increase in traffic volumes and the development will not adversely impact the level of service along Wattleup Road. The report further notes that there are clear sight





lines in both directions from the proposed access location and there are no anticipated safety issues.

The City's Traffic Engineer has reviewed the Traffic Statement and has indicated the following (in summary):

- There is a number of non-critical detailed design issues associated with the access way, parking bays, footpaths and traffic islands. These issues can be addressed prior to a building permit when further detailed plans can be submitted to the City to confirm compliance with AS2890. Should Council support the proposal, an appropriate conditions can be imposed to address this;
- Traffic movements during events need to be further considered as volumes used in the Traffic Statement are based on day to day operations. In this instance, it is recommended that should Council approve the proposal, a condition is imposed requiring the lodgement of a Traffic Management Plan for the proposal to cater for event traffic.

Overall, provided that the internal design is revised to comply with AS2890 and a Traffic Management Plan is lodged and approved by the City and implemented during events, traffic generation from the site is not considered to detrimentally impact the amenity of the area.

### *Car Parking*

The applicant advised that on 3 to 4 occasions throughout the year festivals are held, and that there will be private functions of up to 600 people. The parking requirements for these events, calculated at a rate of 1 bay per 4 persons as per the requirements of TPS 3 for 'Place of Worship' will require the provision of 150 bays, which can be accommodated with the proposed sealed parking of 128 bays, and an additional 80 overflow spaces provided on a grassed area to the south of the Multipurpose Hall. It should be noted that given there are no public transport connections in the vicinity, the majority of patrons will be accessing the site by private vehicle, but that many families would travel together.

The required car parking provision is in accordance with the City of Cockburn Town Planning Scheme No. 3 and the proposed parking provision of 128 on-site bays and 80 overflow bays is considered to be sufficient to service the proposed development as well as larger functions on a limited number of occasions throughout the year.



### *Environment & Conservation*

A Flora and Vegetation Report was provided with the application that confirms that no declared rare or priority flora species or ecological communities were observed during an on-site inspection.

The City's Environment Manager has advised that the amount of clearing proposed is unlikely to impact the Carnaby Cockatoo or its food source. With regards to fauna on the site, the applicant (at the City's request) provided a Fauna Relocation Plan which will have to be implemented prior to any clearing occurring on site should Council support the proposal.

In addition, as discussed above, it is likely that the applicant will need to obtain a clearing permit from the DER prior to undertaking any clearing.

### *Privacy*

There is currently no privacy fencing between the subject site and neighbouring properties which is typical of a rural area and this proposal does not propose to erect privacy fencing. Car parking is provided to the rear of the subject property whilst dwellings on adjoining properties are located towards the front of the respective properties. It is acknowledged that residents of both adjoining properties currently enjoy maximum privacy as the lot is undeveloped with bushland. This would obviously be slightly diminished if the proposal is approved as the proposed driveway runs along the eastern boundary. However should Council approve the proposal, a condition requiring vegetation screening next to the fire break adjacent to the boundary could be imposed to address this issue.

The separation from adjoining dwellings which, together with the screening trees as shown on the site plan to the east and south-east of the proposed Hindu Amman worship Cultural Family Education & Yoga building, should provide adequate privacy. As such, it is not considered that the proposal will unreasonably impact on the privacy of neighbours. The proposed development is compliant with the setback requirements of the zone which is 20 metres for the front boundary and 10 metres for all other boundaries.

To retain the rural character of the area, it is considered that any fencing between the subject site and neighbouring properties remains open (such as rural style post and rail or similar).



### *Safety and Security*

The applicant has modified the site plan by providing additional fire breaks as requested by the Department of Fire and Emergency Services. The fire break running parallel along the western boundary of the property will be considered trafficable to 2WD vehicles, as an alternative exit.

Although a 'Place of Worship' does not require that a Bushfire Attack Level (BAL) assessment be done for planning approval purposes, the applicant has provided a BAL assessment that came out with an overall BAL rating of BAL 19, which is deemed acceptable even for residential development.

Some concerns were raised during the advertising period that the proposal may result in anti-social behaviour in the area. Given the use as a place of worship, it is very unlikely that the proposal would attract antisocial behaviour.

### *Sewer*

The City's Environmental Health Services Unit requested that the proponent submit an application for an onsite effluent disposal system prior to any consideration being made from a planning or any other perspective to ensure that the site can accommodate the proposed number of people. As a result, the applicant has submitted such an application and the Department of Health WA has confirmed that the estimated daily wastewater loadings as submitted by the proponent will comply with the Government Sewerage Policy requirements for the subject site and that the amended septic system as proposed will be adequate to treat and dispose of the effluent. The site can therefore accommodate the proposal with regards to effluent disposal.

### *Other*

Other matters raised by objectors such as the soil type that easily transmits vibrations and the possible reduction in value of neighbouring properties is not considered to be valid objections based on planning grounds.

### Conclusion

The proposed development is supported on the following grounds:

- It is considered to be compliant with all relevant provisions and requirements of TPS 3;
- The development is not expected to have a detrimental impact on the amenity of neighbours or the area in terms of noise, visual



appearance, traffic volumes, environmental, safety, or otherwise; and

- The proposed development is well set back from Wattleup Road and will be adequately screened with both new and existing mature vegetation.

On the basis of the above it is considered that the application is consistent with the objectives of the zone and accordingly approval is recommended.

### **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 14 April 2016. Ten submissions were received during this period, eight 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.



**Attachment(s)**

1. Location Plan
2. Aerial Plan
3. Site Plan
4. Plans: Proposed Development
5. Traffic Statement

**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 10 November 2016 Council Meeting.

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

Nil.

**15.6 (MINUTE NO 5941) (OCM 10/11/2016) - COCKBURN CENTRAL PUBLIC ART PLAN AND ASSOCIATED PERCENT FOR ART LOCAL PLANNING POLICY - SEEKING SUPPORT FOR FINAL APPROVAL (182/001) (R PLEASANT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) in accordance with Clause 4(3) of the Deemed Provisions of the Local Planning Scheme resolve to proceed with adoption of the policy without modification.
- (2) publish notice of its decision in accordance with Clause 4(4) of the Deemed Provisions; and
- (3) advise those who have made a submission of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

Public art can promote civic, community, and cultural identity, improve visual amenity and space legibility, increase local distinctiveness and improve the interpretation of cultural, environmental and built heritage. Public art is known to promote community reflection, inspiration, celebration and wellbeing. Additionally, it has a measurable effect on local economies by attracting visitors and contributing to property value appreciation.

A key mechanism for increasing public art is the introduction of a percent for art local planning policy, which requires the provision of artworks by developers of eligible proposals, as defined by the policy. Percent for art local planning policies provide an opportunity to enhance development, increase artistic elements currently incorporated into the built environment, improve visual amenity, and contribute to local identity.

The City of Cockburn Local Planning Policy LPP 5.13 'Percent for Art Local Planning Policy' (LPP 5.13) was first adopted 11 December 2014, and applies across the City.

LPP 5.13 introduced the requirement for developers to provide a contribution for artworks for certain types of major developments, as follows:

1. *All development proposals for commercial (excluding industrial uses), civic, institutional, educational projects or public works of a value greater than \$1 million (one million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artworks on the subject land which reflect the place, locality and/or community.*
2. *All development proposals for multiple dwellings of a value greater than \$2 million (two million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artworks on the subject land which reflect the place, locality and/or community.*

Clause 1(4) of the Local Planning Policy states:

*Where a development proposal is located within an area that is subject to a location-based Public Art Master Plan (or equivalent) and an associated percent for art local planning policy for that area the requirements of that specific policy shall prevail.*

The City currently has one adopted location specific percent for art policy and associated Public Art Plan – that being for Cockburn Coast. Now the City has identified the need to prepare a Public Art Plan to



coordinate public art within Cockburn Central. Essentially the Public Art Plan seeks to coordinate Public Art across the emerging mixed-use precincts.

The draft policy and public art plan was adopted by Council for the purposes of advertising at the 11 August 2016 Council meeting.

The draft policy and public art plan was advertised for public comment for 21 days from 6 September to 26 September 2016.

### **Submission**

N/A

### **Report**

#### The Public Art Plan

The draft Public Art Plan at **Attachment 1** –

- Sets out relevant contextual information to inform artworks in Cockburn Central;
- Identifies themes and narratives for artists to explore, and;
- Highlights elements (landmarks, gateway points for example) to inform public art locations.

The draft Public Art Plan can be used by:

- Developers and their artists in Cockburn to inform artwork designs and locations;
- The City to coordinate the design and location of artworks as funding and various opportunities become available, and;
- To guide future developments, for example future local structure plans including the next stage of development for Gateways Shopping City should use this Public Art Plan to inform a public art project.

The draft Public Art Plan identifies 2 overarching opportunities for developers and their artists to explore:

#### Opportunity 1: Regional Connections

This concept relates to commissioning artists to create artworks that relate to Cockburn Central's regional narratives associated with *Natural*, *Historic* and *Transport connections*. These narratives are promoted within the alignment shown in Figure 1. These stories will promote Cockburn Central's:



- Close proximity and connections to naturally significant areas including the Beeliar Wetlands.
- Local history including indigenous heritage.
- Regional transport connections, noting the presence of the Cockburn Central Train Station and the Town Centres urban character, including street naming referencing transport elements.

Site specific opportunities

The draft Public Art Plan recognises the need and desire for the Memorial Walk Trail. Two known site specific opportunities are identified within the draft Public Art Plan including -

1. Midgegooroo Avenue and Yandi Park for obvious locations for public art relating to indigenous history given the presence of the wetland and the street reference to Midgegooroo.
2. Remembrance Avenue being a suitable location for public artwork for the Memorial walk Trail to honour our Veterans, including indigenous veterans involved in war time efforts.

In addition to designating a route for the memorial walk, the draft Public Art Plan provides benchmark images to inform artwork procurement and design by the City.

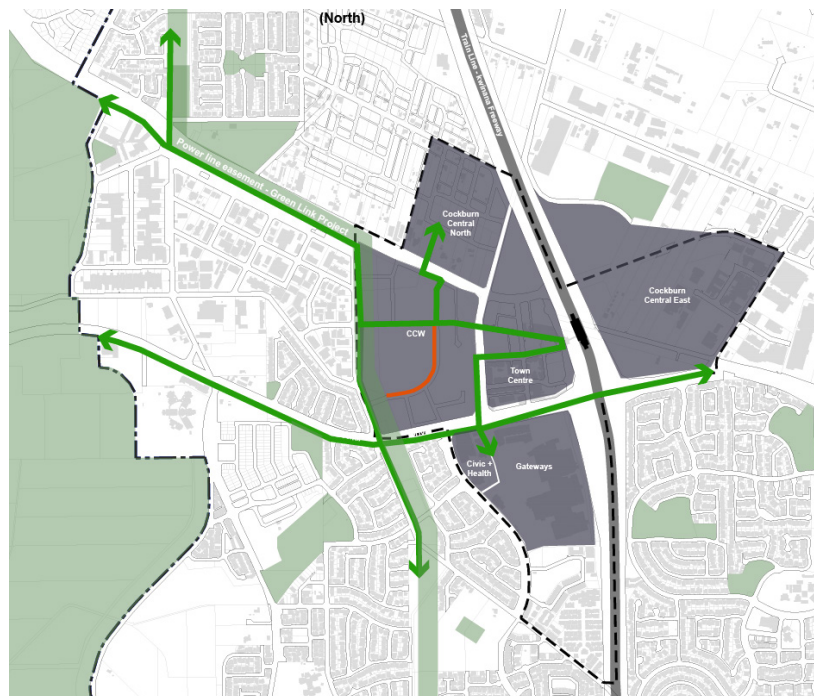


Figure 1: Regional connections theme alignment (green) and site specific artwork for Remembrance Avenue (orange).





## Opportunity 2: Community

This theme relates to a series of artworks that promote concepts relating to the local community and future desires for the Activity Centre, including:

- the Neighbourhood,
- Diversity,
- Innovation, and
- Recreation.

A key outcome sought is to promote local identity, culture, and a sense of place for residents, workers and visitors relevant for vibrant urban centre – not a suburban centre.



Figure 2: Community theme (Blue).

## The Policy

The draft Policy is provided at Attachment 2.

The Policy adopts the same structure as the Cockburn coast Percent for Art Policy in that the key differences between LPP 5.13 and the proposed Cockburn Central Percent for Art Policy are:

- Proposed inclusion of a cash-in-lieu contribution option.
- Allowance for artworks to be located on public land where consistent with the Cockburn Central Public Art Plan.



The draft Policy applies to developments in Cockburn Central West and those remaining lots to be developed in the Town Centre precinct.

### Eligible Proposals

It is proposed that the types of eligible proposals for the Cockburn Central percent for art contribution remain the same as the current applicable City-wide LPP 5.13, as follows:

1. *All development proposals for commercial (excluding industrial uses), civic, institutional, educational projects or public works of a value greater than \$1 million (one million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artwork which reflects the themes set out in the Cockburn Coast Place Making Strategy.*
2. *All development proposals for multiple dwellings of a value greater than \$2 million (two million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artwork which reflects the themes set out in the Cockburn Coast Place Making Strategy.*

The built form of these types of major developments over \$1,000,000 has a significant impact upon the amenity of the surrounding public realm. Thus it is considered appropriate to request a Percent for Art contribution from major developments. The amount, or at least value of the art is generally proportionate to the scale of the development, and the cost of the art is proportionately minor in the context of the overall development.

However for multiple dwellings it is recommended that developments over \$2,000,000 be required to contribute, as developments of \$1,000,000 would only be around eight dwelling units, and not of a scale to warrant inclusion of artworks.

### Eligible Artworks

Consistent with LPP 5.13, suitable artworks pursuant to the Policy may include:

- building features and enhancements such as bicycle racks, gates, benches, fountains, or shade structures which are unique and produced by a professional artist;
- landscape art enhancements such as walkways or art features within a garden;



- murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials;
- sculpture which can be freestanding or wall-supported in durable materials suitable for the site;
- fibreworks, neon or glass art works, photographs, prints.

The following art projects are not considered suitable:

- business logos;
- directional elements such as supergraphics, signage or colour coding;
- "art objects" which are mass produced such as fountains, statuary or playground equipment;
- "off-the-shelf" art and/or reproductions; and
- landscaping or architectural elements which would normally be associated with the project.

Consistent with LPP5.13 the Policy will require the artwork to be designed and produced by a professional artist, as defined by the Policy. To provide further clarification, it is also proposed that the Policy specifically state that artwork or architectural features designed by an architect, building designer or town planner are not considered suitable. This is because percent for art policies are specifically seeking the creative input and contribution of professional artists to complement the work undertaken by architects, town planners and other professionals.

#### Ownership and Maintenance of Artworks

Ownership of Public Art commissioned under this Policy will depend upon the location of the Public Art as follows:

- (a) Where situated on private property, the artwork is owned and maintained by the Owner.
- (b) Where situated on public property, the artwork is owned and maintained by the City, regardless of who coordinated the project.

#### Implementation process

The draft Public Art Plan adopts the same implementation process as the Cockburn Coast Public Art Strategy, as follows –

- Step 1 - Condition imposed on development approval
- Step 2 – Engage and artists prior to buildings licence
- Step 3 – Formal project approval



Step 4 – Fabrication and installation.

Further details are provided on page 20 of the draft Public Art Plan (Attachment 1).

#### Community consultation

The draft policy and public art plan was advertised for public comment for 21 days from 6 September to 26 September 2016.

All land owners in the precincts of Cockburn Central town centre and Cockburn Central West were sent a letter explaining the draft Policy and Plan and inviting comments.

One submission was formally received from Landcorp providing support for the plan and associated Local Planning Policy and providing two suggestions relating to certainty for developers to select the location of public art when the public realm option is selected and for a mandatory portion of contribution to be provided towards public realm public art.

In response the Public Art plan does state that at the application stage the City will discuss with landowners a suitable location. The intent is for developers to choose to decide where they would like their contribution to be spent. Secondly it is viewed that landowners should be given the option of providing public art on their lot or within the public realm however there is merit to review this option in the future once public art proposals have been delivered and when the plan and associated LPP is reviewed.

While not a formal submission, one community member contacted the City during the submission period expressing concern that the ANZAC theme for Cockburn Central was not being clearly expressed enough. The City notes that the draft Public Art Master Plan clarifies the intention clearly in respect of themes dealing with the honour of Australia's veterans and other service men and women.

The intent of this section of the draft Public Art Plan seeks to coordinate public artwork to honour our Veterans, including Aboriginal Veterans involved in war time efforts. These works are to be located along Remembrance Avenue as illustrated with an orange line in Figure 3. The provision of Benchmark images is to provide examples of works to generate ideas for future artists. The provision of temporary artworks can tend to have a greater impact and stronger message and there are several examples internationally of temporary installation to commemorate war time efforts.





**Figure 3:** Extract from the draft Cockburn Central Public Art Plan – Remembrance Avenue (shown in orange) identified as suitable location for public art relating to “ANZAC SPIRIT and aboriginal persons involved in war time efforts.”

### Conclusion

The Cockburn Central Percent for Art Policy and associated Public Art Plan will assist in the delivery of artworks in Cockburn Central.

The criteria for eligible proposals and the percentage contribution are proposed to remain the same as LPP5.13, with the key difference being the option for a cash-in-lieu contribution; and the possible location of artworks coordinated by the owner/applicant on adjacent public land where consistent with the Cockburn Central Public Art Plan.

It is therefore recommended that Council adopt the Cockburn Central Percent for Art Policy and the Cockburn Central Public Art Plan with as included at **Attachment 1** and **Attachment 2** for final approval.

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

#### **City Growth**

- Ensure growing high density living is balanced with the provision of open space and social spaces



### **Community, Lifestyle & Security**

- 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

### **Economic, Social & Environmental Responsibility**

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

### **Budget/Financial Implications**

Public Art in Cockburn Central will be funded by private developers, and municipal funds as they become available. DCP 13 will fund \$124,600 towards the Memorial Walk Trail with any further funding required to be provided through municipal funds.

### **Legal Implications**

N/A

### **Community Consultation**

Following Council's adoption, a notice of its decision in accordance with Clause 4(4) of Deemed Provisions was published in the local newspaper. One specific submission was received, as well as one approach to staff at the City. These have been addressed under the report section above.

### **Risk Management Implications**

Should a draft Local Planning Policy 'Cockburn Central Percent for Art' and associated Cockburn Central Public Art Plan not be prepared a lost opportunity will exist to coordinate public art in Cockburn Central.

### **Attachment(s)**

1. Draft Cockburn Central Public Art Plan
2. Draft Local Planning Policy 'Cockburn Central Percent for Art'
3. Schedule of Submissions

### **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 Cllr Philip Eva in relation to Item 15.7 – Success Fire Station Site – Cooper Road – Reserve 45447.

The nature of the interest being that he had been involved in meetings between his employer, Fran Logan, MLA and an affected resident who has lodged a submission on the proposal.

**15.7 (MINUTE NO 5942) (OCM 10/11/2016) - SUCCESS FIRE STATION SITE ON PORTION OF COOPER ROAD RESERVE 45447 (110/148) (R PLEASANT) (ATTACH)**

**RECOMMENDATION**

That Council resolves to support the proposal for a new Success Fire Station site on portion of Reserve 45447 Cooper Road, Cockburn Central subject to the following:

- (1) the site being 6,840sqm and located on the northern portion of Reserve 45447;
- (2) a land swap occur between the whole of Lot 727 Hammond Road, Success (existing fire station site) and the 6,840sqm northern portion of Reserve 45447;
- (3) the Fire Station building and all associated improvements on Lot 727 Hammond Road be removed first at the cost of the Department of Fire and Emergency Services (“DFES”). Site preparation will be limited to remediation involving the removal and disposal of all structures, soft and hard landscaping elements, and services to reach a greenfield state where the site is returned to either natural ground levels or modified ground levels if altered by perimeter retaining walls;
- (4) Lot 727 Hammond Road then being returned to the Crown as a reserve for recreation, and included in the adjoining Success Reserve (Reserve No. 7756) at no cost to the City of Cockburn;



- (5) DFES providing a monetary contribution to the City of Cockburn to upgrade the balance of the 1,899sqm of Reserve 45447. This being calculated as follows:
- Development costs..... \$142,000  
(\$75.00m2 x 1889m2)
  - Maintenance cost for 2 years ..... \$9,500  
(\$2.50m2 p.a. x 1899m2)
  - Water meter installation ..... \$5,000
  - Total = ..... \$156,500**
- (6) future development of a fire station have due regard for the following factors:
1. A flora and fauna level 1 survey and a flora and fauna relocation plan at the development assessment stage.
  2. The creation of a transition area between residences and the fire station that will seek to retain a green buffer through the retention of trees. This requirement will see the fire station be located as far north as possible seeking to thicken the “green edge” proposed adjacent to 5 Ridge Road and 21 The Crest.
  3. Retention of a line of trees along the western boundary of the site (between the fire station and Complete Steel).
- (7) DFES completing to the satisfaction of the Department of Lands and at the cost of DFES all actions required to achieve the necessary land transfer between portion of Reserve 45447 and Lot 727 Hammond Road;
- (8) That Council advise those who have made a submission of Council’s decision accordingly.

**COUNCIL DECISION**  
 MOVED Clr K Allen SECONDED Clr P Eva that Council:

- (1) resolves not to support the proposal for a new Success Fire Station site on portion of Reserve 45447 Cooper Road, Cockburn Central; and
- (2) advise those who lodged a submission of Council’s decision.

**CARRIED 7/1**





### **Reason for Decision**

Clearly the local community is strongly opposed to losing its natural bush public open space buffer. As their elected representatives, we should be supporting that. In approximately 1996/97 the officers of the City with the Lake Ridge Estate that came before council, in their report to Council it advocated and argued that in fact, there should have been a greater public open space that is currently in place due to it having a greater buffer and the importance of a buffer.

Residents have long had endure the noise issues of this site and the removal of bushland will only hamper this further. Trees absorb noise. If an existing neighbourhood park needs improvement, then these should be planned for and financed through our normal budgeting processes. I'm sure the irony of ratepayers rates being raised through the emergency services levy and then being used by DFES to purchase their own public open space off them is not lost on the ratepayers.

### **Background**

#### Purpose of this report

At the 14 April 2016 Ordinary Council Meeting, Council acknowledged a request from the Department of Fire and Emergency Services ("DFES") to explore the potential of a relocation of the Success Career Fire and Rescue Service facility to Reserve 45447 Cooper Road, Cockburn Central.

Council agreed to (without prejudice) support the initiative, subject to the following minimum requirements:

- The Fire Station building and all associated improvements at Lot 727 Hammond Road, Success be removed;
- Lot 727 Hammond Road Success be rendered suitable for netball courts and car parking;
- Lot 727 Hammond Road, Success then be returned to the Crown as a reserve for recreation, and included in the broader Success Reserve (Reserve No. 7756);
- The balance portion of Reserve 45447 be landscaped to a standard acceptable to the immediate community and at DFES cost.

Given the Cooper Road reserve represents Public Open Space (POS) the City is required to consult with its community on this proposal as per Government Lands Operational Policy 4.1.5 – Section 152.

The formal agreement from DFES to the above terms which the City set out (without prejudice) was received, enabling the City to undertake



community engagement. As a result this report now provides a report back to Council in order to make a final decision on the proposal.

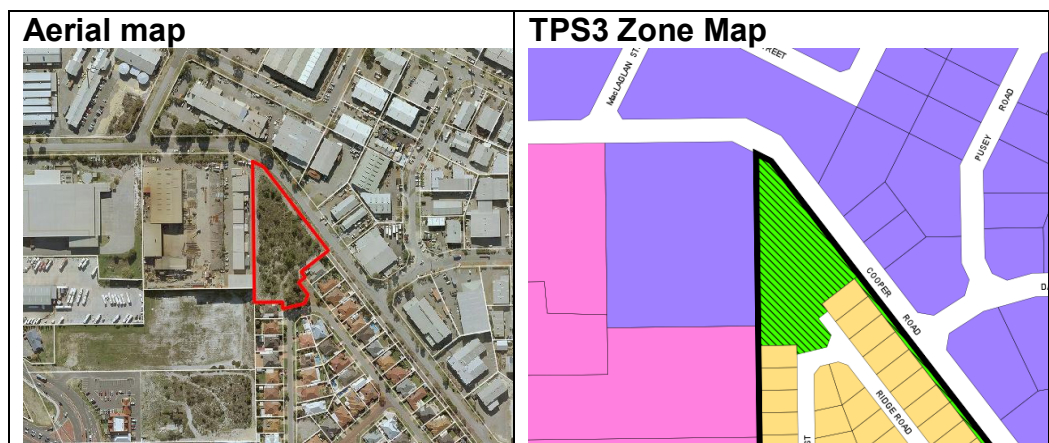
### Submission

N/A

### Report

#### The site

In respect of the proposal at hand, Reserve 45447 was created when the land bounded by Cooper and Poletti Road, Beeliar Drive and the industrial area on the western boundary was approved for a 118 lot residential subdivision in 1997. This created the estate and associated public open space areas, with Reserve 45447 (the topic of this report) highlighted in red in Figure 1.



**Figure 1:** reserve 45447 is located between residential developments (South) and light industrial (East and North). Complete steel, a sandblasting company is located adjoining (West).

With the exception of a footpath providing access from Cooper Road to Ridge Road, the reserve is mostly undeveloped bushland as shown in Figure 2.

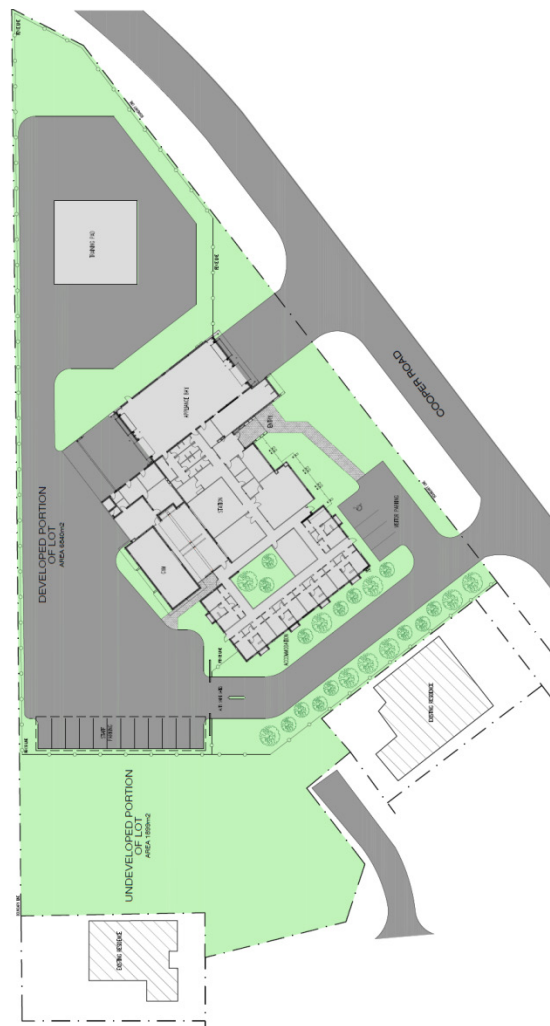


**Figure 2:** Current provision of bushland on Cooper Road reserve and a sealed footpath providing access for residents through to Cooper Road (45447).

### The proposal

This proposal relates to the proposal to establish the new Success fire station site on portion of Reserve 45447. This proposal is limited to the proposal for a site, rather than the actual physical development of a station. However to inform community engagement DFES produced an initial concept plan (Figure 3) to indicate how the development could be configured on the site.

It is likely that under this scenario, all vegetation would require clearing with the exception of the area identified as “undeveloped portion of lot” within the concept plan, immediately adjacent to residences and in the southern portion of the Reserve.



**Figure 3:** Concept plan illustrating an example building and development footprint.



It is noted the concept plan does not form part of this assessment, nor is the plan being presented for approval. Should support be provided at the state level for the proposal, DFES would then be required to submit a development application for the fire station development. The City would provide comment on this proposal however the development application would ultimately be approved by to the Western Australian Planning Commission.

### Community consultation

Given the subject land relates to a local reserve, the proposal is required to meet the requirements of the Department of Land's Operational Policy 4.1.5 'Section 152 Public Recreation Reserves'. The Department of Lands policy stipulates that where it is contemplated that a public recreation reserve be cancelled or substantially reduced that the proposal be signposted at the reserve location, advertised in a local newspaper and that nearby landholders are canvassed by mail. These actions are designed to gauge the level of ratepayer support for the proposal.

As a result the proposal was advertised for 28 days from 13 September to 10 October 2016 with an advertisement appearing within the Cockburn Gazette. Additionally, the proposal was signposted on the reserve. Letters were sent to surrounding land owners and residents (See attachment 3 for mail out map) encouraging a submission on the proposal and the opportunity to attend a briefing on the fire station.

A briefing was held half way through the consultation period on the 28 September 2016. While the City facilitated the evening, the intent was to provide DFES an opportunity to present the proposal and allow stakeholders to ask questions. A summary of the briefing night is provided at attachment 1 and a copy of the DFES presentation is provided at attachment 2.

The key issues raised by residents on the evening include:

- The land should remain a buffer between the industrial and residential area. Residents expressed the need to retain vegetation including trees;
- Concern generally of loss of trees and native habitat;
- Noise from both the fire station and from existing surrounding businesses impacts on residents, and;
- Public Open Space (POS) facilities proposed, questioning whether the local park to the South will receive an upgrade. Further suggesting the retention of trees on the southern portion of Cooper Road reserve with the funds used for the upgrade of the existing POS to the south.



### Submissions received during advertising

In total 26 submissions were received, of which included 20 objections. 6 provided support of which one requested modifications.

Comments received relate to the following (number of times raised within all submissions):

- Loss of vegetation/bushland (20)
- The fire station will result in the loss of a buffer (9)
- Potential noise from fire station (6)
- Financial impact on adjoining properties (5)
- Loss of POS (10) and POS redesign (3)
- Impact on views/amenity (4)
- Negative impact on health (4)

Attachment 4 provides a detailed response to all of the submissions received. The following provides a response to the key concerns raised.

### Potential noise from the fire station

Generally there are two key considerations with regard to concerns relating to noise for residents. Those relating to concerns that the function of the fire station, including the fire trucks will further exacerbate noise in the area. The second relates to the view that the reserve provides a buffer between the residential area and the industrial area, further stating that the loss of bushland will remove the buffer.

In response DFES have provided information to suggest that while they reserve the right to turn on sirens when exiting the station, this is kept to a minimum. This is achieved by only turning sirens on once they hit an external intersection (rather than as they exit their site) however in some emergencies the issue is so great that sirens on immediately are sometimes required.

It is noted the routes into and out of the site do not require a thoroughfare through the residential area. Rather access is provided by Cooper and Poletti Roads and Hammond Road depending on the call out location.

DFES further advise that while the fire station is manned 24 hours a day, most of the onsite activities are carried out throughout the day. Fire trucks are required to be turned on and hoses checked each morning however DFES state this is no noisier than a car or truck idling for 10 minutes. Some training is expected to occur in the evening so that fire fighters are able to respond to emergencies in the dark



however DFES state that all activities are completed before 10pm. In addition DFES have demonstrated within the concept plan that activities are to be carried out in the “training pad” area of which proposed for the northern edge of the site – the area of the lot located furthest from the residential area.

#### Loss of buffer impact on noise

Unfortunately the greatest impact of noise is generated by Complete Steel and impacts residents located to the south, adjoining the western boundary of Lakeview Estate. The Cooper Road reserve is unlikely to serve any purpose as a buffer with regard to this issue.

Regardless, whether the reserve is retained as bushland or whether the fire station with the inclusion of landscaping and tree retention is located on the reserve. The reserve will still act as a transition zone between residential uses and light and general industrial uses to the north.

It is noted that a fire station does not present the same interface issues as is generally seen from uses that are permitted within the “Light and Service Industry” zone. Rather given the function of the fire station does not include the use and storage of any toxic materials, does not pose noise issues for example, it is considered appropriate within a mixed use environment of which residential uses are located and provides for a transition area/use. It is suggested a separation area will still be retained.

#### Loss of vegetation

The City however agrees that loss of vegetation in this area is important and as a result requires the DEFS proposal to retain as many trees as possible on the site including:

- The creation of a transition area between residences and the fire station that will seek to retain trees. This requirement will see the fire station be located as far north as possible seeking to thicken the “green edge” proposed adjacent to 5 Ridge Road and 21 The Crest;
- Retention of a line of trees along the western boundary of the site (between the fire station and Complete Steel);
- Instead of the provision of a play area in the southern portion of the reserve, trees are to be retained in this area. The funds provided by DFES that were to be used for the upgrade this area are proposed to be used towards the upgrade of:
  - The existing POS to the south (this will require further community consultation);



- The provision of more street trees within residential streets within the Lakeview Estate with a particular focus on the upgrade of Ridge Road given it provides access for a number of lots to the public access way (PAW) leading to Cockburn Central West of which in the very immediate future will provide high levels of recreation facilities and formal and passive open space.

DFES will also be required to submit a flora and fauna site survey and flora and fauna relocation plan at development assessment stage.

## **Strategic Plan/Policy Implications**

### **Community, Lifestyle & Security**

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

### **Leading & Listening**

- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

### **Budget/Financial Implications**

There are administrative costs associated with considering this request that will be met by internal resources.

### **Legal Implications**

Department of Land's Operational Policy 4.1.5 'Section 152 Public Recreation Reserves'.

### **Community Consultation**

Further community consultation is required to identify public open space upgrade preferences for the existing reserve in Lakelands Estate.

### **Risk Management Implications**

All relevant risks have been taken in to account in generating this report and recommendation to Council. A key community risk will be the delay in replenishing a new fire station for the district. The current arrangements whereby the Success fire station is sharing temporarily the City's volunteer bushfire fighting and SES HQ cannot continue forever, and must be addressed by way of a new station asap.



**Attachment(s)**

1. Summary of community briefing night
2. DFES presentation to community.
3. Map of residences that were sent a letter regarding advertising.
4. Schedule of Submissions

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

DFES have been advised of the report going to the Ordinary Council Meeting 10 November 2016.

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

Nil.

**15.8 (MINUTE NO 5943) (OCM 10/11/2016) - NAMING OF MARKET GARDEN SWAMPS AND SURROUNDING RESERVE (147/001) (A TROSIC/ A KHAN) (ATTACH)**

**RECOMMENDATION**

That Council adopt the names Market Garden Swamp Lake / Market Garden Swamp Reserve, Boodjar Mooliny Lake / Boodjar Mooliny Reserve and Binjar Lake / Binjar Reserve as feature names and reserve names respectively and submit to Geographic Names Committee for approval.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr S Portelli that Council:

- (1) adopt the names Market Garden Swamp Lake / Market Garden Swamp Reserve, Boodjar Mooliny Lake / Boodjar Mooliny Reserve and Binjar Lake / Binjar Reserve as feature names and reserve names respectively and submit to Geographic Names Committee for approval;
- (2) in consultation with the Aboriginal Reference Group identify a suitable number of interpretative signs or other methods of displaying the significance of the locality to the Nyungar People;





- (3) conduct the necessary research to identify the names of pioneering families that had land holdings in the vicinity of the aforementioned areas in order to create a plaque on a suitable piece of granite or the like (similar to the recently upgraded plaque naming pioneering families of the North Lake and Bibra Lake locality that was unveiled on Sunday 6 November 2016) to reflect the contribution of migrants who developed the locality for market gardens and other purposes; and
- (4) includes on the 2017/18 budget, the cost of the above initiatives for the consideration of Council.

**CARRIED 8/0**

### **Reason for Decision**

The initial step to naming of the Market Garden Swamps and surrounding reserve is an important action by the City. However for the community to fully value and appreciate this unique locality the provision of appropriate interpretative signage and/or plaques needs to occur. The necessary research and consultation required to determine the appropriate manner of recognition will take some time and therefore the recommendation for the matter to be considered by the Council in its 2017/18 budget deliberations will be timely.

### **Background**

Three lakes and reserves located in Spearwood and Munster need to be named, and are known informally as Market Garden Swamps 1, 2 and 3, although have never been formally named. They are deserving of more recognition than simply 1, 2 and 3 to signify them, and accordingly this report recommends naming of the reserves and their features uniquely.

The northernmost lake/reserve is bounded by Garden Road, Pennlake Drive and Troode Street, Spearwood. (See Attachment 2 and 5).

The central lake/reserve is bounded by Gumina Place, Troode Street, Leschenault Boulevard, Musulin Rise and Mayor Road, Munster. (See Attachment 3 and 6).

The southernmost lake/reserve is bounded by Riverina Parade, Preston Drive and Fawcett Road, Munster. (See Attachment 4 and 7).



In accordance with Council policy and delegation, the naming request is to be considered according to Council Policy PSPD20 (Naming of Parks and Reserves) and the Geographic Names Committee ("GNC") Principles, Guidelines and Procedures document.

### **Submission**

N/A

### **Report**

The naming of "Market Garden Swamps" was initially advertised in the newspaper for public comment from 30 August 2016 for 21 days. A further letter was sent to nearby landowners and residents on 16 September 2016, seeking comments until 6 October 2016.

A total of 25 submissions were received, which included:

- 13 objections;
- 1 petition (with 203 signatures) objecting;
- 11 support and;
- 1 supported and objected

Of the 13 objections the key issues relate to wanting the lake/reserve names to be of migrant European backgrounds, named after market gardeners and/or their family.

Of the submissions received, 3 suggested a plaque/signage on the property to acknowledge the market gardeners and support the Indigenous names.

One petition was received with a total of 203 signatures. The petition was to retain the commonly used title of "The Market Garden Swamp" keeping with the historical significance of the market garden swamps and the contribution of market gardeners and the surrounding community have made to the City of Cockburn. They have also requested, due to the presence of an aboriginal heritage site (#20866) situated over the southernmost lake/reserve, the City consider using any of the 3 names recommended by the Aboriginal Reference Group.

They also request that the City give consideration to similar names to "The Market Garden Swamp", such as "Market Garden Wetlands", "Market Garden Lakes" or "Market Garden Reserve".

All of the submissions are outlined in Attachment 8 and the petition is included as Attachment 9



It has been brought to Council to name the areas and natural features known informally as Market Garden Swamps 1, 2 and 3. There are 3 options available to Council being:

1. Name all three lakes/reserves with indigenous names;
2. Name the northernmost and central lake/reserve as North Market Garden Swamp and South Market Garden Swamp respectively and the southernmost lake/reserve with an indigenous name; or
3. Name the northernmost lake/reserve as Market Garden Swamp and the other two with indigenous names.

The original proposal supported by Council was the first, being all three reserves be named with indigenous names. This was also supported by the City's Aboriginal Reference Group.

In light of the community consultation that occurred however, it appears an option which also recognises the European contribution associated with market gardening in the vicinity of the swamps is worthy of recognition. To this end, staff consider that Option 3 above recommends the most optimal way forward, being to name the northernmost lake/reserve as Market Garden Swamp and the central and southernmost lakes/reserves after indigenous names.

In respect of the northernmost lake/reserve, the historical aerial photos, for example the one below from 1981, shows very clearly the association with market gardening:



Naming this as Market Garden Swamp Lake / Reserve is considered appropriate. With the natural feature carrying the Lake name, and the surrounding reserve land carrying the Reserve name.

This leaves the central and southernmost areas, to be named after Nyungar names as was originally proposed and consistent with the policy guidance of the Geographic Names Committee.

Section 4 of these provide as follows:

*4. Recognition and Use of Indigenous Names*

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

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

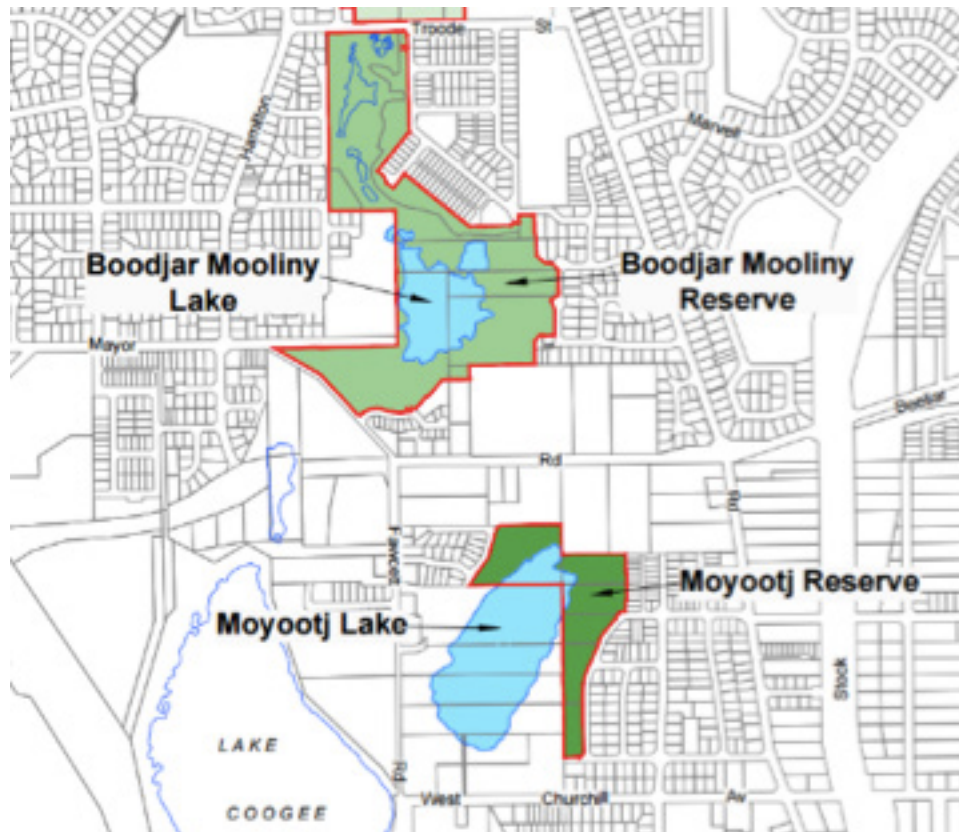
It is also worth noting that Council’s 2013-2016 Reconciliation Action Plan (under Action 12) seeks to encourage the use of Aboriginal names for, inter alia, Cockburn sites and reserves. Specifically it states:

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

Naming the central and southernmost lakes and reserves after indigenous names would be an achievement of the above actions.

The recommended two names are for Boodjar Mooliny Lake / Reserve and Binjar Lake / Reserve. This is shown following:





Naming in this way will give the City the opportunity to create some unique interpretive information going forward that captures the story of these areas. Both for the northernmost market garden swamp name and the southern indigenous names.

It has also been acknowledged that the southernmost lake/reserve is situated over an Aboriginal Heritage Site (#20866) therefore will require a Nyungar name regardless. Further information regarding the site can be found on Attachment 10

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

#### **Community, Lifestyle & Security**

- Create and maintain recreational, social and sports facilities and regional open space

#### **Economic, Social & Environmental Responsibility**

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

### **Budget/Financial Implications**

N/A



### **Legal Implications**

N/A

### **Community Consultation**

Public consultation was initially undertaken for 21 days commencing on 30 August 2016, extended until 6 October 2016.

Advertising included a notice in the Cockburn Gazette and on the City's website, as well as letters to 1391 landowners within and surrounding the lakes/reserves.

Twenty-five (25) submissions were received during the advertising period of which thirteen (13) objected and eleven (11) supported the proposal.

### **Risk Management Implications**

The key risk in not naming the reserves is that the City is left with an unimaginative naming of the reserve, which is not deserving of the truly important environmental and natural qualities which they hold

### **Attachment(s)**

1. Location map
2. Location of lake No. 1
3. Location of lake No. 2
4. Location of lake No. 3
5. Location of reserve No. 1
6. Location of reserve No. 2
7. Location of reserve No. 3
8. Submission Table
9. Petition

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2016 Council Meeting

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

Nil.



**15.9 (MINUTE NO 5944) (OCM 10/11/2016) - COMMENTS ON DRAFT STATE PLANNING POLICY 3.6 DEVELOPMENT CONTRIBUTIONS FOR INFRASTRUCTURE (105/001) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Schedule of Comments (Attachment 1) on the Draft State Planning Policy 3.6 Development Contributions for Infrastructure suite of documents;
- (2) refer the Schedule of Comments to the Department of Planning for their consideration; and
- (3) request the Department of Planning to address the following concerns which arise from advertising of these draft documents:
  1. How existing DCPs will be treated in circumstances such as:
    - replacement of local planning schemes; and
    - amendment to other aspects of a current DCP
  2. If there is an expectation to reconfigure existing DCPs to align to these documents, such as inserting scope of items directly into the scheme text.
  3. How existing DCP items, if they are no longer supported by these draft documents, will be subject to deletion.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

On 20 November 2009, the Western Australian Planning Commission (WAPC) gazetted State Planning Policy 3.6 (the Policy) and Planning Bulletin 100 which sets out the principles underlying contributions from developers for infrastructure including community facilities and the form, content, and process for the preparation of development contribution plans (DCPs).

The Policy was intended to be reviewed within three years of gazettal, which has now passed. In the meantime, it has continued to be used to assess scheme amendments by a number of local governments, including Cockburn. Comments are now being sought on the following:

- Draft State Planning Policy 3.6 – Development Contributions for Infrastructure;
- Draft Guidelines to accompany State Planning Policy 3.6 – Development Contributions for Infrastructure; and
- Draft Scheme text provisions for comment - State Planning Policy 3.6 – Development Contributions for Infrastructure.

The Policy provides that a contribution can be sought from developers for new items of infrastructure, the upgrade in standard of an existing item of infrastructure, an extension to existing infrastructure and the total replacement of infrastructure once it has reached the end of its economic life. It also includes other costs associated with the preparation, implementation and administration of a DCP.

The draft Policy is largely unchanged from the current SPP, with the exception of removing several of the appendices into separate documents. Most have been incorporated into a set of guidelines, which largely repeat the content of the SPP but also set out categorisation of different types of facilities and whether they are appropriate in a DCP or not.

The other aspect is the scheme provisions. Originally attached as 'model' provisions, they are now set out in a separate document together with draft regulation provisions to be inserted into the Planning and Development (Local Planning Schemes) Regulations 2015. The most important question with the provisions is whether they should be 'model' or 'deemed' provisions.

### **Submission**

N/A

### **Report**

Detailed comments have been set out in Attachment One under the following subheadings:

- draft State Planning Policy 3.6 – Development Contributions for Infrastructure;
- draft Guidelines to accompany State Planning Policy 3.6 – Development Contributions for Infrastructure; and





- draft Scheme text provisions for comment - State Planning Policy 3.6 – Development Contributions for Infrastructure.

However there is a need in this report to emphasise the issues which particularly impact potentially for the City of Cockburn. These are set out below.

#### Model versus deemed provisions

The City has fourteen operational DCPs, most of these were introduced before the current SPP and have additional scheme clauses to ensure they operate as intended, particularly regarding vital matters such as land valuation methodology.

It is critical the scheme provisions be 'model' not 'deemed' provisions so that they do not automatically become part of the City's scheme and change the operation of current DCPs. Having them as 'model' would require a scheme amendment allowing proper consideration of the complexities of any current DCPs and contemplating of any supplemental provisions specific to the City to enable the existing DCPs to continue to operate as intended.

#### Impact of operation of Development Contribution Plan 13 (or other DCP)

There are a number of matters which are unclear in terms of whether any new requirements will need to be applied to existing DCPs. In all likelihood, they would not. The existing DCPs were accommodated when the current SPP was introduced. They have also since been through a consolidation process which was approved by the Minister in 2015.

To obtain clarity on the matter now, it is suggested the following questions are raised; which are set out in the officer recommendation:

How will existing DCPs be treated in circumstances such as:

- replacement of local planning schemes; and
- amendment to other aspects of a current DCP?

Will there be an expectation to reconfigure existing DCPs to align to these documents, such as inserting scope of items directly into the scheme text?

Will existing DCP items, if they are no longer supported by these draft documents be subject to deletion?

A response to these questions, before the draft documents are finalised will provide certainty for the City and if necessary allow for the



planning of any work generated if the existing DCP need reconfiguration.

### State level infrastructure

These documents have continued with the notion of including state level infrastructure within DCPs. The City of Cockburn has a long standing position to avoid including state agency infrastructure items in its DCPs wherever possible. This is primarily to do with the notion of reducing risk to our organisation, which assumes the shortfall costs.

However, it is worth noting the current SPP (as well as these draft documents) still continue to place an (impossible to meet) onus on the local government for delivery and capital expenditure planning commitments for state agency infrastructure. This must be corrected. The onus must be on those state agencies to provide and honour commitments to items which are DCP items. They must assume the shortfall for these items also given the local government has no control over the item's delivery, planning, procurement or design.

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

#### **City Growth**

- Ensure planning facilitates a desirable living environment and meets growth targets
- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types
- Ensure growing high density living is balanced with the provision of open space and social spaces

#### **Community, Lifestyle & Security**

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



**Leading & Listening**

- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

**Budget/Financial Implications**

At this stage, there are no known implications at this stage.

**Legal Implications**

The draft documents are considered to be 'seriously entertained'. Effectively, the City would need to take the draft SPP into account if we were to undertake a scheme amendment relating to development contributions.

Currently there are no pending scheme amendments which relate to development contributions.

**Community Consultation**

The Department of Planning is advertising the documents until 25 November 2016.

**Risk Management Implications**

The unknown matter is how the draft scheme provisions will be treated. As outlined earlier in this report, it is critical they be 'model' not 'deemed' provisions so that they do not automatically become part of the City's scheme and change the operation of current DCPs. Having them as 'model' would require a scheme amendment allowing proper consideration of the complexities of any current DCPs and contemplating of any supplemental provisions specific to the City to enable the existing DCPs to continue to operate as intended.

**Attachment(s)**

Schedule of Comments

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

N/A

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

Nil.



**15.10 (MINUTE NO 5945) (OCM 10/11/2016) - ACQUISITION OF RESERVE 48212 LOT 8001 RIVERINA PARADE, MUNSTER (041/001) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) accept the offer from the Department of Lands to purchase Reserve 48212, Lot 8001 Riverina Parade Munster (Reserve 48212) for the purchase price of \$180,000.00 inclusive of GST;
- (2) consents to transfer a total amount of \$180,000 incl. GST from the Land Development and Community Infrastructure Reserve to cover the costs of purchase ; and
- (3) amend the 2016/17 Municipal Budget by transferring a total amount of \$180,000 incl. GST from the Land Development and Investment Reserve to fund the purchase of Lot 8001 Riverina Parade, Munster.

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

**COUNCIL DECISION**

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

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

**Background**

The City was granted the Management Order for Reserve 48212 on 10 June 2005 for the purpose of drainage.

Reserve 48212 although used in the past as a drainage sump has been filled and compacted and is suitable for residential development.

Stormwater that was being stored at this location has been redirected to alternative storage systems located on the west side of Riverina Parade and being within Reserve 48213.

The construction of the alternative storm water infrastructure has provided the opportunity for the City to consider purchasing the Lot



8001 from the State at a value that takes into account the costs of the remediation of the land and establishment of the alternative storage facility. The recommendation is to purchase the land, with the view to on selling the Lot 8001 to recoup funds spent on the alternative infrastructure.

### **Submission**

N/A

### **Report**

Works were undertaken to re locate the drainage sump on Lot 8001 Riverina commenced in October 2014.

It was anticipated that the costs associated with the relocation of the drainage sump on Lot 8001 Riverina Parade by constructing an alternative underground tank drainage system on the other side of Riverina Parade would be offset by the sale of Lot 8001.

Early in the project it was pointed out that Lot 8001 is a crown reserve and not a freehold lot. The lot would need to be purchased by the City of Cockburn through the agency of the Department of Lands and then on sold.

A valuation was obtained from McGees Licensed Valuers that took into account the estimated civil costs for the project. This valuation used estimated civil costs of \$173,000 and determined the value of Lot 8001 at \$132,000 as at 18 November 2014.

A letter was sent to the Department of Lands with a copy of the valuation report seeking a purchase price in early 2015. The Department of Lands in December 2015 asked for a copy of the actual costs associated with the civil works. By now the project was complete and all costs available. The actual costs were \$211,903.

This month two appraisals on the selling price of the land have been provided by two local real estate agents. They average \$400,000 which would be incl GST. A minimum price of \$400,000 would therefore only be acceptable.

It can be seen that with costs to rehabilitate the site at \$211,903 plus a purchase price of \$163,636 plus \$16,364 GST a sale at \$400,000 only just covers the cost of the project. The project does improve the amenity of the area with the removal of an ugly fenced steep sided drainage sump. The lot when sold will generate rates.



Officer experience when dealing with the Department of Lands is that there is no option to negotiate better terms when purchasing crown land.

It is recommended that Lot 8001 be purchased from the Department of Lands at \$ 180,000 inc GST and that options to on sell the land be considered at a future Council meeting.

This proposal is reflective of the City's Land Management Strategy, whereby the key objectives include:

- To facilitate the effective management of the City's land portfolio;
- To establish open and accountable processes for dealing with the City's land, particularly ensuring that all land dealings are undertaken in accordance with legislative requirements;
- To identify City owned land that has the potential to be sold in the short to medium term (rolling five year timeframe), in conjunction with the demand for such funds.

Through processes of value adding, this project not only delivers a return on the City's drainage works but provides ongoing rateable income for the City.

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

#### **City Growth**

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

#### **Economic, Social & Environmental Responsibility**

- Improve the appearance of streetscapes, especially with trees suitable for shade
- Improve water efficiency, energy efficiency and waste management within the City's buildings and facilities and more broadly in our community

### **Budget/Financial Implications**

The adopted 2016/17 Municipal Budget will be required to be amended to facilitate the abovementioned land purchase. The amendment will need to transfer \$180,000 from the Land Development and Investment Reserve to fund the purchase of Lot 8001 Riverina Parade, Munster.

### **Legal Implications**

N/A



**Community Consultation**

N/A

**Risk Management Implications**

The Risk to the City if the recommendation is not followed is that Lot 8001 will remain as is which is an untidy vacant block of land. The City will still be responsible for the maintenance of the land. Eventually the Department of Lands or another state government agency will sell the land at full market value and the City will lose its ability to at least recover the development costs.

The risk to the City if the recommendation is followed is that the expenditure that has been outlaid will take some time to recover in the form of a future sale. The risk to the City if the recommendation is deferred is that the Department of Lands could reconsider the purchase price. They are not obliged to take into consideration to monies already spent on the land associated with the civil works.

**Attachment(s)**

Location Plan of Lot 8001 Riverina Parade Munster

**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 10 November 2016 Ordinary Council Meeting.

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

Nil.



**15.11 (MINUTE NO 5946) (OCM 10/11/2016) - DEMOLITION OF EXISTING OUTBUILDING (HERITAGE PLACE 43 – JANDAKOT HOTEL (FMR)) - LOCATION: 34 (LOT 2017) PROUT WAY, BIBRA LAKE- OWNER: DIANE MARGARET BLOOMFIELD - APPLICANT: DIANE MARGARET BLOOMFIELD. (DA16/0603) (A VAN BUTZELAAR) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant planning approval for the demolition of the existing outbuilding (Heritage Place 43 - Jandakot Hotel (fmr)) at 34 (Lot 207) Prout Way, Bibra Lake WA 6163, in accordance with the following conditions and advice notes:

Conditions

1. Prior to the demolition of the outbuilding the applicant/landowner shall prepare and submit an archival place record 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 City, or the requirements of any other external agency.
2. A demolition permit is required to be obtained from the City's Building Department prior to the commencement of demolition works.
3. With regards to Condition 1, the archival place record is to be prepared in accordance with the minimum requirements for a photographic record as stipulated in the State Heritage Office's *Guide to Preparing an Archival Record*.

- (2) notify the applicant of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 8/0**





## Background

In April 2016 the applicant/landowner received correspondence from the Public Transport Authority (PTA) advising her that the subject outbuilding encroached into the rail corridor which is an illegal offence. In the same correspondence the PTA requested the landowner/applicant to arrange for the outbuilding to be relocated so it was contained entirely within the lot boundaries of her freehold lot.

Since receiving the above mentioned correspondence from the PTA the applicant/landowner has lodged this planning application for demolition of the outbuilding as the option of relocation was not determined to be feasible or desirable.

The outbuilding is situated on the south eastern corner of a 2858m<sup>2</sup> lot at 34 Prout Way, Bibra Lake. The lot contains the outbuilding, a garage and the Jandakot Hotel (fmr) which has been converted into a private residence. The lot is bound by the rail corridor to the south, Prout Way to the east, Hatch Place to the west and two private residences to the north.

As the outbuilding is contained within the lot boundaries of a place contained within the City of Cockburn Heritage List (Jandakot Hotel (fmr)), demolition of the outbuilding requires planning approval. The proposal for demolition is being presented to Council for determination as there is no delegation for staff to approve demolition of a heritage place.

## Submission

N/A

## Report

### Proposal

The proposal is for the demolition of the existing outbuilding at 34 (Lot 207) Prout Way, Bibra Lake. The outbuilding is contained within the same lot as the Jandakot Hotel (fmr) which is included on the City of Cockburn Local Government Inventory and Heritage List (Heritage Place 43).

The outbuilding is currently being used for domestic storage purposes and is constructed primarily of brick with a metal sheeting roof and timber beams. The external surface of the brickwork has been rendered light grey and a newly installed roof is maroon in appearance (see Attachment 3).



The outbuilding is located adjacent to the southern lot boundary of 34 Prout Way, Bibra Lake which abuts the rail corridor (see Attachment 1 and 2). Approximately 12m<sup>2</sup> of the north eastern corner of the outbuilding projects beyond the freehold lot boundary and encroaches into the rail corridor.

### Consultation

This proposal was not subject to a formal advertising period as the outbuilding is setback approximately 15m from the closest residential properties located to the north of the site. As such this proposal will have no adverse impact on the amenity of adjoining landowners. Furthermore, the demolition of the outbuilding does not affect the social significance of the former hotel and will not affect the City's built heritage. Community interest in an ancillary outbuilding to a heritage place is limited.

### Planning Framework

*Metropolitan Region Scheme, City of Cockburn Town Planning Scheme No.3 and Planning and Development (Local Planning Schemes) Regulations 2015.*

The lot on which the outbuilding is located is zoned Urban under the Metropolitan Region Scheme and Residential-R25 under the City of Cockburn Town Planning Scheme No. 3 (Scheme). Under Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015 development approval is required for the demolition of an outbuilding which is included on a heritage list prepared in accordance with the Scheme.

As the outbuilding is contained within the lot boundaries of a place contained within the Heritage List, demolition of the outbuilding requires planning approval. The proposal for demolition is being presented to Council for determination as there is no delegation for staff to approve demolition of a heritage place.

### *Local Government Inventory and City of Cockburn Heritage List*

The outbuilding is contained within the same lot as the Jandakot Hotel (fmr) which is included on the City of Cockburn Local Government Inventory (LGI) as a 'Management Category B' Place, and is included on the Heritage List (Heritage Place 43) pursuant to Scheme.

The Statement of Significance for this heritage place, set out in the LGI Place record is: "*Jandakot Hotel (fmr) has social significance as a former hotel which retains some of the original fabric.*" It is not known what the outbuilding was used for, however, it is not considered to



contribute significantly to the heritage significance of the place as a former hotel, nor is it considered to be 'significant fabric'.

The demolition of the outbuilding would not distort or obscure the social significance of the former Jandakot Hotel or detract from its interpretation and appreciation.

*Local Planning Policy LPP4.4 'Heritage Conservation Design Guidelines'.*

The City's Local Planning Policy LPP4.4 – *Heritage Conservation Design Guidelines* (LPP4.4) states that “*demolition of ancillary buildings or structures that do not relate to the heritage significance of the place will generally be acceptable*”. The outbuilding is considered to be an ancillary building to the former hotel as it is detached and considerably setback from the former hotel. Furthermore, the outbuilding does not significantly contribute to the social significance of the former hotel as it does not embrace the qualities for which the former hotel became a social focus of the local community (e.g. age, beauty, artistry, or association with a significant person or event).

The outbuilding is setback approximately 27m from the former hotel and as such is not considered to contribute to the setting of the heritage listed building. The original entrance of the former hotel which is a distinctive characteristic of the turn of the century architecture is actually obscured by the outbuilding when viewed from Prout Way. Given the distance of the outbuilding from the former hotel the demolition of the outbuilding will not result in the disturbance of the area or the significant fabric of the former hotel itself.

LPP4.4 further states that consideration of a demolition proposal will be based on the “*the feasibility of restoring or adapting it, or incorporating it into new development*”. There is little opportunity to adapt or incorporate the outbuilding into a new development given it encroaches into the rail corridor.

In accordance with LPP4.4 Council should support the demolition of the outbuilding. An archival record will be required as a condition of development approval, to be prepared in accordance with the State Heritage Office's *Guide to Preparing an Archival Record*.

### Conclusion

The proposal for the demolition of the outbuilding is supported for the following reasons:

1. It does not contribute significantly to the heritage significance of the Jandakot Hotel (fmr), nor is it considered to be 'significant fabric'.



2. Given its distance from the former hotel it does not contribute to the setting of the Jandakot Hotel (fmr), nor is it within the visual catchment.
3. LPP 4.4 Heritage Conservation Guidelines includes provisions for demolition of Management Category A and B Places, and Clause 1(5)(f) states that demolition of ancillary buildings or structures that do not relate to the heritage significance of the place will generally be acceptable.
4. It is not considered feasible to retain and incorporate the outbuilding into a new development (a consideration set out in clause 1(5)(b) of LPP 4.4 for demolition), particularly given its location partially within the rail corridor.
5. The removal of the outbuilding would not be detrimental to the heritage significance of the Jandakot Hotel (fmr) as a former hotel.

It is therefore recommended that demolition of the outbuilding be supported, subject to a condition of development approval that stipulates the preparation and submission of an archival place record to the satisfaction of the City. The archival record will be required to be prepared in accordance with the minimum requirements for a photographic record as stipulated in the State Heritage Office's *Guide to Preparing an Archival Record*. The archival record will but is not limited to a location plan, site plan, floor plan, elevations and photographs.

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

#### **Economic, Social & Environmental Responsibility**

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

#### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes

#### **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 Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

### **Attachment(s)**

1. Location Plan
2. Land Survey
3. Photos of Outbuilding

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

The Proponent has been advised that this matter is to be considered at the 10 November 2016 Ordinary Council Meeting.

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

Nil.

## **15.12 (MINUTE NO 5947) (OCM 10/11/2016) - OLD COOGEE HOTEL AND POST OFFICE PARTNERSHIP AND FUNDING OPPORTUNITIES INVESTIGATION (148/004) (D DI RENZO)**

### **RECOMMENDATION**

That Council receives the report in respect of the Old Coogee Hotel and Post Office.

### **COUNCIL DECISION**

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

**CARRIED 8/0**

### **Background**

At the 14 July 2016 Ordinary Meeting of Council Deputy Mayor Carol Reeve-Fowkes raised the following matter for investigation:



- “1. In conjunction with the National Trust of Australia (WA) investigate the feasibility of purchasing the Old Hotel and Post Office sites from Main Roads WA with the intention of establishing a community historical precinct for these buildings.*
- 2. Seek external funding opportunities through LotteryWest and any other heritage or historical based agencies which may be interested in partnering with the City of Cockburn in pursuing this outcome.”*

Subsequently staff have met with the National Trust, and have investigated possible opportunities for partnerships in relation to the Old Coogee Hotel and Post Office sites.

### **Submission**

N/A

### **Report**

#### National Trust Partnership Opportunities

The City met with the National Trust to discuss the feasibility of purchasing the Old Coogee Hotel and Post Office site from Main Roads WA with the intention of establishing a community historical precinct for these buildings.

The National Trust advised that they do not have the funding to purchase sites at market value in this manner, even in a partnership arrangement.

Most of the sites that they own and/or manage have been transferred to the National Trust, and they have not purchased at market value.

For example, Old Farm, Strawberry Hill in Albany lay derelict for many years until purchased by the Federal Government in 1956, and it was then vested in the National Trust of Australia in 1964.

In other cases the sites are transferred free of cost from another government agency, such as Samson House in Fremantle, which was transferred to the National Trust from the Western Australian Museum.

The National Trust expressed support for the proposed Structure Plan which they consider to be based on sound heritage principles.



They also commended the Heritage Council's role in restoring the heritage buildings, which will greatly assist in achieving the adaptive reuse of the buildings.

They reiterated the importance of having an adaptive reuse to ensure the long term conservation of heritage buildings, rather than housing a museum or community use for which there is no demonstrated need.

#### Funding Opportunities

LotteryWest offer grants for cultural heritage projects, which focus on conservation and restoration works as follows:

*Conservation of cultural heritage: Grants are provided for conservation work on places or objects of significant heritage value. A Lotterywest grant may support conservation plans, 'moveable' museum items, and building preservation for broader community use.*

Given that the buildings have already been restored, and there is also a Conservation Plan in place, it is not considered there is scope for funding to be sought to purchase the site.

Lotterywest also offer 'Community and Workspace' grants which apply to fit-out and/or renovations to buildings that house organisations delivering services to the community or services such as community meeting places; and purchase of a building or additions/renovations to an existing building to co-locate multiple community services.

However, there is no identified community need for the buildings that would justify seeking such a grant which would require the purchase of the entire site.

The Heritage Council have a Heritage Grants Program, however this could not be utilised given that is only available up to a value of \$100,000 where owners match the funding, and is not open to local governments.

It should also be noted that restoration of the buildings has already been undertaken using government funding, and that this will greatly assist in making the adaptive reuse of the building viable and successful.

Given that the land is not within the City's ownership, there are not considered to be any other partnership opportunities for the purposes of a community use.



## **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**

Community consultation was undertaken in relation to the Structure Plan whereby the community's views were considered.

### **Risk Management Implications**

The recommendation to Council recognises that the most effective solution in which to preserve the heritage values of the place is through having a planning framework which is robust enough in order to provide for an ongoing viable use of the buildings to be found. This also provides for appropriate development of land outside the curtilage of the buildings such that a vibrant and attractive outcome can be achieved.

### **Attachment(s)**

N/A

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

N/A

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

Nil.





**16. FINANCE AND CORPORATE SERVICES DIVISION ISSUES****16.1 (MINUTE NO 5948) (OCM 10/11/2016) - LIST OF CREDITORS PAID - SEPTEMBER 2016 (076/001) (N MAURICIO) (ATTACH)****RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for September 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 – September 2016.

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

N/A

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

Nil.



**16.2 (MINUTE NO 5949) (OCM 10/11/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - SEPTEMBER 2016 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council

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

Revenue Adjustments	Reduce	855,816
Expenditure Adjustments	Increase	1,652,312
TF from Reserve Adjustments	Increase	450,000
TF to Reserve Adjustments	Reduce	2,050,000
<b>Net change to Municipal Budget Closing Funds</b>	<b>Reduce</b>	<b>8,128</b>

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

**COUNCIL DECISION**

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

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

**Background**

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets);



- (b) explanation for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

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

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

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

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

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variances within monthly financial reporting. 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**

#### *Opening Funds*

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 \$6.147M (versus the \$7.5M forecast in the adopted budget), leaving \$3.12M 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 September of \$84.13M are currently \$6.33M higher than the budget forecast of \$77.80M. This result comprises net favourable cash flow variances across the operating and capital programs (as detailed in this report), as well as the \$0.91M shortfall in the opening funds.

The 2016/17 revised budget is showing an EOFY surplus of \$0.34M, up slightly from the \$0.30M in the adopted budget and down slightly from \$0.35M last month (on account of \$8k Council contribution towards financial counselling service).

### *Operating Revenue*

Consolidated operating revenue of \$105.05M was under the YTD annual budget target by \$0.42M.

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	91.38	91.85	0.47	95.70
Specified Area Rates	0.30	0.33	0.03	0.33
Fees & Charges	8.49	8.97	0.47	24.37
Service Charges	0.44	0.44	0.00	0.45
Operating Grants & Subsidies	2.70	2.53	(0.17)	9.86
Contributions, Donations, Reimbursements	0.13	0.15	0.02	0.64
Interest Earnings	1.59	1.19	(0.40)	4.77
<b>Total</b>	<b>105.05</b>	<b>105.47</b>	<b>0.42</b>	<b>136.12</b>

The significant variances at month end were:

- Rates – down \$0.47M against YTD budget due to a delay in processing interim rates whilst the team focused on issuing the annual rates and collection.
- Interest Earnings – were up \$0.40M due to earning rates remaining higher than forecast in the budget, as well as maintaining a higher than budgeted investment balance.
- HWRP landfill fees – were down \$0.30M (17.8%) against YTD budget.
- Family Day Care and In-Home Care subsidies received were collectively \$0.33M ahead of budget. These are offset by higher payments to the care givers.

### *Operating Expenditure*

Reported operating expenditure (including asset depreciation) of \$30.35M was under the YTD budget by \$1.40M.

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	10.63	10.58	(0.05)	48.11
Employee Costs - Indirect	0.30	0.22	(0.08)	1.40
Materials and Contracts	8.45	9.90	1.46	40.03
Utilities	1.11	1.14	0.03	4.68
Interest Expenses	0.00	0.00	0.00	0.93
Insurances	1.24	1.28	0.04	2.24
Other Expenses	2.46	2.31	(0.16)	8.97
Depreciation (non-cash)	6.66	6.89	0.22	27.54
Internal Recharging-CAPEX	(0.51)	(0.57)	(0.06)	(2.23)
<b>Total</b>	<b>30.35</b>	<b>31.75</b>	<b>1.40</b>	<b>131.68</b>

The significant variances at month end were:

- Material and Contracts - were \$1.46M under the YTD budget with the significant contributors to this result being:
  - Recreation Services under by \$0.39M (mainly Cockburn ARC commissioning costs),
  - Maintenance of parks and reserves under by \$0.28M
  - Facilities Maintenance under by \$0.23M,
  - Waste collection under by \$0.22M,



- Family Day Care and In-Home Care caregiver payments over by \$0.34M.

### *Capital Expenditure*

The City's total capital spend at the end of the month was \$22.7M, representing an under-spend of \$10.6M against the YTD budget of \$33.3M.

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	2.0	8.5	6.5	22.2	7.8
Drainage	0.0	0.7	0.7	1.7	0.1
Footpaths	0.0	0.5	0.4	1.2	0.1
Parks Infrastructure	2.4	3.1	0.7	10.3	2.1
Landfill Infrastructure	0.0	0.1	0.0	0.4	0.0
Freehold Land	0.2	0.5	0.2	1.2	0.0
Buildings	17.3	17.2	(0.1)	58.3	23.9
Furniture & Equipment	0.0	0.0	(0.0)	2.6	0.1
Information Technology	0.1	0.4	0.3	1.3	0.1
Plant & Machinery	0.6	2.4	1.9	8.2	3.6
<b>Total</b>	<b>22.7</b>	<b>33.3</b>	<b>10.6</b>	<b>107.3</b>	<b>37.9</b>

These results included the following significant project variances:

- Roads Infrastructure - Berrigan Drive Jandakot Improvement Works were under the YTD budget by \$5.74M and North Lake Rd (Hammond to Kentucky) was under by \$0.26M.
- Drainage Infrastructure – was collectively \$0.66M behind the YTD budget with very little expenditure and commitments to date.
- Footpath Infrastructure – the footpath construction program was collectively \$0.42M behind the YTD budget.
- Parks Infrastructure – was behind YTD budget by \$0.68M.
- Freehold Land – various land development projects were collectively \$0.23M 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.
- Information Technology – was collectively \$0.32M under YTD budget representing a number of software and website projects.



- Plant & Machinery – replacement program was behind YTD budget by \$1.85M, mainly due to undelivered major plant (\$3.6M on order).

#### *Capital Funding*

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

Significant variances for the month included:

- Transfers from financial reserves were \$4.26M behind the YTD budget due to the under spend within the capital budget (primarily roads and plant).
- Proceeds from sale of plant were \$0.3M behind the YTD budget, correlating to the under budget plant replacement program.
- The land sales program contributed a \$0.25M shortfall YTD budget variance.

#### *Transfers to Reserve*

Transfers to financial reserves were \$0.83M behind the YTD budget, but \$0.90M relates to waste reserve transfers that will only happen at the end of the year (this will be adjusted next month).

#### *Cash & Investments*

The closing cash and financial investment holding at month's end totalled \$173.09M, up from \$156.78M the previous month. This increase resulted mainly from the payment of rates, which fell due on the 2<sup>nd</sup> September. \$118.73M of this balance represents the current amount held for the City's cash/investment backed financial reserves. The balance comprises \$5.77M held for deposit and bond liabilities and \$48.59M to cover the City's liquidity requirements.

#### *Investment Performance, Ratings and Maturity*

The City's investment portfolio made a weighted annualised return of 2.87% for the month, well down from 3.01% and 3.05% the previous two months. However, this still compares quite favourably against the UBS Bank Bill Index (1.98%) 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 has impacted 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.





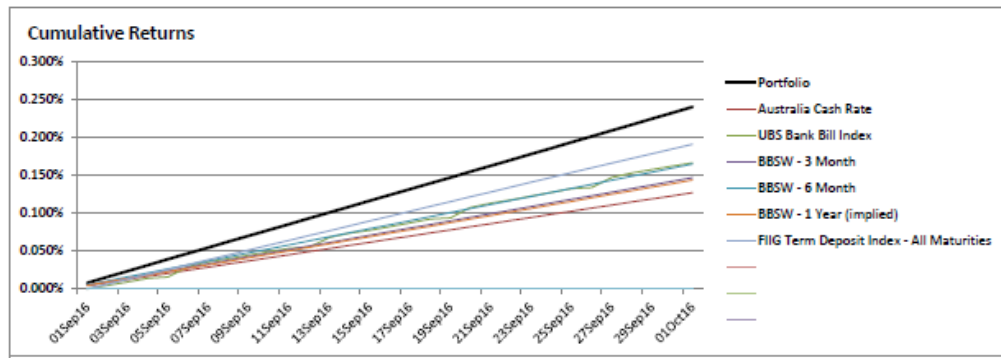


Figure 1: COC Portfolio Returns vs. Benchmarks

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-2 holding of 53% is well within policy limits of 60%.

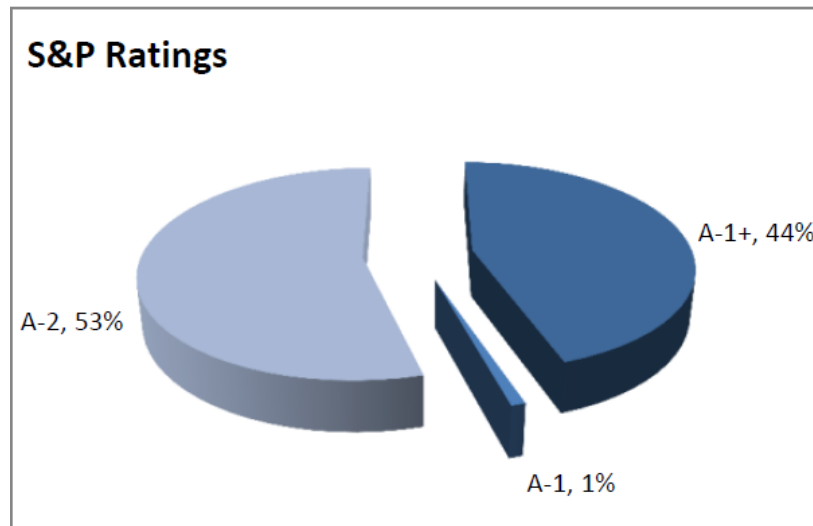


Figure 2: Council Investment Ratings Mix

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.



The City's TD investment portfolio currently has an average duration of 182 days or 6.0 months (up from 169 days the previous month) with the maturity profile graphically depicted below showing an even spread of funds maturing across the next 12 months:

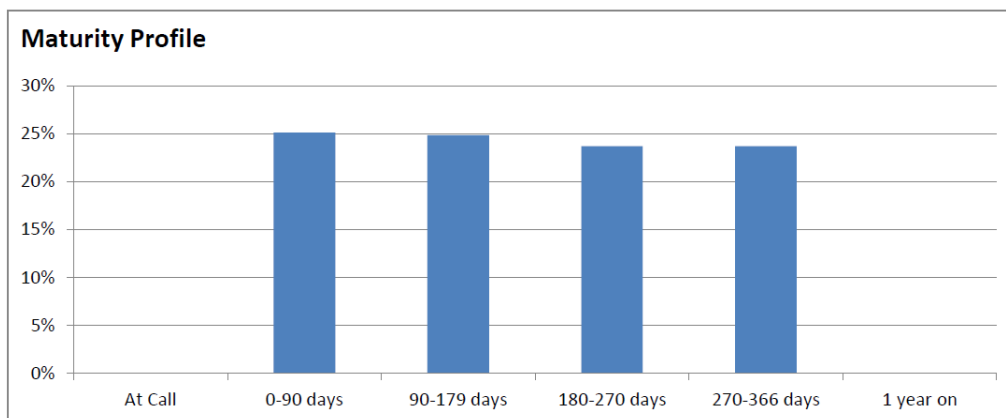


Figure 3: Council Investment Maturity Profile

*Investment in Fossil Fuel Free Banks*

At month end, the City held 55% (\$94.7M) of its TD investment portfolio with banks deemed as free from funding fossil fuel related industries. This was up from 51% (\$77.2M) the previous month.

*Budget Revisions*

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

PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+/-)		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI \$
Financial Counselling Service – Council contribution	8,128				-8,128
Youth Diversion grant funding	194,184			(194,184)	
Bibra Lake Playground – additional DCP13 funding	600,000		(600,000)		
Berrigan Drive duplication - JAH funding	1,000,000			(1,000,000)	
Lot 80 Beeliar Drive Subdivision – reduced costs and sale proceeds	(150,000)	(250,000)	150,000	250,000	
Lot 805 Beeliar Drive S/E Subdivision – no sale due to poor market conditions		(1,800,000)		1,800,000	
<b>Totals</b>	<b>1,652,312</b>	<b>(2,050,000)</b>	<b>(450,000)</b>	<b>855,816</b>	<b>-8,128</b>



### *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 reduced by \$8,128 to \$339,202 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 – September 2016.

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

N/A

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

Nil.

**16.3 (MINUTE NO 5950) (OCM 10/11/2016) - CARRIED FORWARD WORKS & PROJECTS - 2015/16 INTO 2016/17 & CLOSING MUNICIPAL FUNDS (071/002) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) amend the 2016/17 Municipal Budget by including the Carried Forward Works and Projects 2016/17 as set out in the schedule attached to the Agenda and summarised in the following table:

Capital Expenditure	\$23,926,438
Operating Expenditure	\$692,428
Transfers to Reserves (from land sales)	\$14,890,000
<b>Total Expenditure/TF to Reserves</b>	<b>\$39,508,866</b>
<b>Funded By:</b>	
Capital Income – Sale of Assets	(\$15,310,000)
Grants & Contributions	(\$1,606,001)
Prior Year grants held in Reserves	(\$1,618,179)
Transfers from Reserves	(\$11,273,681)
Municipal Funding (held in C/FWD Projects Reserve)	(\$9,701,005)
<b>Total Funding/TF from Reserves</b>	<b>\$39,508,866</b>



- (2) amend the 2016/17 Municipal Budget by adjusting the opening municipal funds brought forward as follows:

Reduce opening Municipal funds brought forward from \$10,500,000 to \$9,267,511 into 2016/17 adopted Municipal budget	(\$1,232,489)
Reduce Transfer of Municipal funds brought forward into Carried Forward Projects Reserve from \$7,500,000 to \$6,147,183	\$1,352,817
Increase 2015/16 unallocated Municipal funds from \$3,000,000 to \$3,120,328 and Transfer to Major Buildings Refurbishment Reserve	\$120,328

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

**COUNCIL DECISION**

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

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

**Background**

When Council adopted its Budget for the 2016/17 financial year (FY) at the June meeting, detailed carried forward works and projects were not included as these were uncertain at the time. However, an estimated closing municipal position for 2015/16 of \$10.5M was included in the opening funds for the 2016/17 adopted budget, with \$7.5M of this then transferred into the C/FWD Projects Reserve. This reserve was established for the purpose of funding the municipal component of carried forward works and projects each year.

The audit of the 2015/16 annual accounts has now been finalised, allowing for the closing municipal position and value of carried forward works and projects to be determined together with any required budget adjustments.

**Submission**

N/A



## Report

The interim Statement of Financial Activity for June 2016 presented to the August Council meeting reported closing municipal funds of \$10,839,669. With the completion of end of financial year processing, the closing funds have reduced to \$9,267,511 (a net decrease of \$1,572,158). A final Statement of Financial Activity for June 2016 is attached to the Agenda.

In the 2016/17 adopted budget, the City forecast an opening municipal position of \$10,500,000, with \$7,500,000 forecast for carried forward projects and \$3,000,000 of free surplus. The actual result of \$9,267,511 has come in \$1,232,489 less than budget. However, the amount required for carried forward projects is also less by \$1,352,817, down from the budgeted \$7,500,000 to \$6,147,183. This results in a net additional \$120,328 of free surplus available to be transferred into the City's financial reserves as per Council's budget management policy SC34. It is recommended that this be transferred into the Major Buildings Refurbishment Reserve.

The carried forward works and projects include capital and operating expenditure totalling \$24,618,866. These are funded from a mix of financial reserves, grants and contributions, in addition to the municipal funding previously mentioned.

Also carried forward are outstanding land sales totalling \$14,890,000, which once realised, will be transferred into the Land Development and Investment Fund Reserve as per Council's Land Development Strategy. The main outstanding sales are several lots on Beeliar Drive totalling \$14.6M.

There are 142 projects carried forward this year compared to 122 last year. 26 of these projects are for more than \$0.1M each and total \$19.9M or 81% of the total carried forward project expenditure. There are five projects with more than \$1M carried forward, totalling \$14.73M:

Operations Centre - New Op Centre Building	6,745,098
Berrigan Dr – Dean Rd to Jandakot Airport	3,058,639
Bibra Lake MP Adventure Playground	2,312,685
Berrigan Dr 2 <sup>nd</sup> carriageway – Kwinana Fwy to Jandakot	1,306,207
Beeliar Drive - Spearwood - Stock	1,305,645
<b>Total</b>	<b>14,728,274</b>



## **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

Policy SC34 'Budget Management' refers.

### **Budget/Financial Implications**

The 2016/17 Municipal Budget will be amended to reflect \$9,267,511 of opening funds brought forward from the 2015/16 FY (a decrease of \$1,232,489) and to include carried forward works and projects with expenditure and transfers to reserves totalling \$39,508,866, with a municipal funding requirement of \$6,147,183 (a reduction of \$1,352,817 on the amount forecast in the 2016/17 annual budget).

The net additional free surplus amount of \$120,328 will be transferred into the Major Buildings Refurbishment Reserve in accordance with Council's budget management policy SC34.

### **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)**

1. City of Cockburn - Carry Forward 2016/17.
2. Statement of Financial Activity – 30 June 2016 (Final)

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

N/A



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

Nil.

**17. ENGINEERING AND WORKS DIVISION ISSUES**

**17.1 (MINUTE NO 5951) (OCM 10/11/2016) - STATE OF SUSTAINABILITY REPORT 2015-16 (064/009) (M BAINBRIDGE) (ATTACH)**

**RECOMMENDATION**

That Council adopt the State of Sustainability Report 2015-16.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn's sixth annual *State of Sustainability Report* is a snapshot of the City's collective efforts in working towards a sustainable future for the 2015-16 financial year.

The State of Sustainability report uses the traffic light symbols to provide a visual snapshot of progress towards achieving a particular KPI.

Green indicates that the City is on track in achieving its stated KPI; Amber indicates that while the City is making progress, more work is needed; and Red indicates that the City is yet to make progress in achieving a particular KPI.

This reporting tool enables the City to publicly report against four key areas: Governance, Economy, Environment and Society.

The State of Sustainability report is aligned to the City's Strategic Community Plan, Sustainability Policy and Sustainability Strategy.





## Submission

N/A

## Report

For this reporting period, the City addressed 79 indicators for sustainability across the organisation.

There has been a significant improvement in the number of Key Performance Indicators (KPIs) achieved during 2015-16, with over 90% of indicators either complete or significantly progressed.

Only two of the 79 indicators monitored were not progressed, and these were due to change in internal funding allocation and resourcing.

The City's programs across the environmental, social, economic and governance principles have continued to deliver positive outcomes for the community and the natural environment.

A summary of the highlights of KPI's achieved over the past reporting year are outlined below.

**Governance:** The City identified 22 KPIs to measure its progress towards achieving Governance Excellence. 82% of governance KPIs were achieved in 2015-16, with a further 18% significantly progressed (compared to 73% in 2014-15).

Highlights include:

- Development of a Draft Coastal Adaptation Plan covering the City of Cockburn coastline. The content of the report will be used for the preparation through 2016/17 of a Coastal Management Strategy that addresses erosion and inundation threats to the City's coastline.
- Incorporation of social procurement principles into the procurement policy, increasing application of sustainability weighting to 10% in all tender processes.
- Increased opportunity for cycling through the City by completing the Progress Drive shared path from Adventure World to Bibra Drive and constructing an on road cycle lane and new off road shared path along Beeliar Drive between Spearwood Avenue and Stock Road.

## Environment

The City identified 17 KPIs to measure progress toward achieving best practice in Environmental Management. 71% of the environmental KPIs were achieved in 2015-16, with a further 24% significantly progressed (compared to 48% in 2014-15).



Highlights include:

- 34,351 plants planted to revegetate 1.29 hectares of degraded land with a further 5.55 hectares of infill planting completed and given that infill planting equates to revegetating 1.8 hectares of degraded land the annual revegetation target of 2.5 hectares per year was exceeded.
- Mapping in October 2015 indicates that the percentage of bushland in good or better condition is now 82.57%.
- Delivery of more than 50 environmental and sustainability events, including the Sustainable Living Series, revegetation projects, sustainability grants and various rebates and subsidy programs.
- Retained Waterwise Council Status for 2015 / 16 reporting year.

### Society

The City identified 22 KPIs to measure progress towards achieving a more socially equitable, diverse and inclusive community. 77% of the society KPIs were achieved in 2015-16, with a further 18% significantly progressed (compared to 74% in 2014-15).

Highlights include:

- Coogee Maritime Dive Trail, installed at the Omeo Wreck, incorporating underwater signage, artworks and artificial reefs and foreshore landscaping, 80% complete and due to be launched in February 2017.
- Review of the City's Residential Development Policy to incorporate enhanced sustainability provisions.
- Council has supported the establishment of a new Design Review Panel to commence operation in early 2017, to include sustainable building design advice.
- Three bin system successfully trialed in Hamilton Hill to establish the framework for the full rollout of garden (green) waste bins across the City with intensive waste education to improve recovery rates from all bins.
- The Bike and Walk Cockburn team are currently developing a comprehensive Bike and Walk Cockburn Plan 2016-2021.

### Economy

The City identified 18 key performance indicators (KPIs) to measure progress towards achieving best practice financial management. 61% of the economy KPIs were achieved in 2015-16, with a further 39% significantly progressed (compared to 48% in 2014-15).



Highlights include:

- Tender awarded for the installation of an additional 148 kW of rooftop mounted photovoltaic systems across eight of the City's sites.
- Advertising and recommendation to award a contract to install an approximate 1MW PV system on the City's Cockburn ARC in 2016/17.
- The City continues to provide support and accommodation to the Melville Cockburn Chamber of Commerce to support strong and sustainable economic activity in the region.
- Construction of the Bibra Lake Regional Playground is underway and due for completion in November 2016.

## **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

### **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

### **Economic, Social & Environmental Responsibility**

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health
- Improve water efficiency, energy efficiency and waste management within the City's buildings and facilities and more broadly in our community
- 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**

N/A

**Risk Management Implications**

This report represents the sixth consecutive year of sustainability reporting for the City of Cockburn, and has established high levels of communication and service provision around sustainability initiatives within a designated reporting timeframe.

If the report should not be endorsed / adopted, Council risks not meeting established reporting deadlines and potentially not meeting staff and community expectations around sustainability communication.

**Attachment(s)**

State of Sustainability Report 2015-16

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

N/A

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

Nil.



**17.2 (MINUTE NO 5952) (OCM 10/11/2016) - WATER EFFICIENCY ACTION PLAN 2016 (064/017) (C DUNN) (ATTACH)**

**RECOMMENDATION**

That Council adopt the City of Cockburn Water Efficiency Action Plan fulfilling all of the criteria for the City to retain its Waterwise Council accreditation.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Australia is the driest inhabited continent in the world, yet our domestic per capita water consumption is amongst the highest in the world.

Reduced rainfall, rapid population growth and increasing groundwater extraction are putting significant demands on the quality and availability of our water resources. Continuing declines in rainfall and streamflow to dams have been experienced over Western Australia's South West in recent years. Unless we take strong measures to limit our water use and increase water efficiency we will encounter significant impacts on our lifestyle and environment.

As a local government authority experiencing a period of high growth, water efficiency measures play a vital role in preserving water supplies into the future, whilst ensuring current standards of living and environmental preservation.

Water Corporation and the Department of Water launched the Waterwise Council Program in 2009 to build a cooperative working relationship with local governments to improve water use efficiency in local government and their communities. The City of Cockburn was officially endorsed as a Waterwise Council in 2013.

**Submission**

N/A



## Report

Under the Water Corporations Waterwise Council Program the City has been required to fulfil the following criteria to remain a Waterwise Council:

Criteria 1 – Sign a MOU to participate in the Waterwise Council Program

The City completed Criteria 1 in 2016 and a signed MOU was received by the Water Corporation. Three employee positions were nominated as a point of contact for the program and a water management team was established.

Criteria 2: Review Council water consumption and create a Water Efficiency Action Plan (WEAP) for potable and non-potable water sources for all Council operations and the community. The WEAP must be formally adopted by Council

Council water consumption for the past three years has been reviewed and the top water using buildings and grounds owned by Council have been identified. The WEAP objectives are to:

- Assess current water across Council operations and the community
- Identify inefficiencies and potential water savings
- Set goals and benchmarks to improve water use
- Prepare an action plan and implement water efficiency actions to progress towards the target
- Provide a process for annual reporting on implementation of water efficiency actions

The plan will be valid for a period of five (5) years and will form the basis of annual reporting requirements. The WEAP (attached) has been developed with the following goals to improve water efficiency.

1. Corporate Water Efficiency Goal – Non potable water use

To improve efficiency in corporate groundwater use by reducing consumption to 6,750 kL per hectare by 2020

To investigate and implement opportunities for alternative sources of non-potable water and limit any increase from 2016 licenced allocations of 2.8 GL/year to less than 5% in 2020



The City currently holds nine (9) groundwater licences (GWL 49535, GWL 49549, GWL 110703, GWL 62672, GWL 99188, GWL 99722, GWL 49545, GWL 181661 and GWL 151752) for irrigation of Public Open Space, Streetscapes and Community Facilities. The licenses are located in the Department of Water's Cockburn, Jandakot and Perth Groundwater areas and allow the City to draw a total of 2,799,348 kL/year.

The City has made significant progress in improving groundwater use efficiency and continues to work hard in this area although the target of 6,750 kL/hectare/year has not yet been achieved. The City's overall groundwater consumption was 7,318 kL/hectare/year in 2014/15, which is below the Department of Water allocation of 7,500 kL/hectare/year.

The City of Cockburn is expected to continue to grow and it is therefore not reasonable to expect no increase in groundwater use overall. Non-potable demand is likely to increase by as much as 50% in the next 20 years. However, there are opportunities for alternative non-potable sources to be considered including harvesting rainwater from large buildings, stormwater from significant drainage assets and wastewater recycling.

In order to provide a driver for the City to continue implementing groundwater efficiency measures and investigate and implement alternative water sources the above goals have been proposed.

## 2. Corporate Water Efficiency Goal – Potable water use

To reduce corporate potable water consumption by 5 percent below 2007/08 levels (70,824kL/year) by 2020.

The City has failed to achieve the target of 5% below 2007/08 levels and in fact corporate potable water use has increased to 76,420kL/year in 2014/15. However, this can be justified by the dramatic increase in population and the associated increase in demand on community facilities.

Considering the City's water use in relation to the population served provides a better measure of the water efficiency performance of the City in delivering services to the growing community. In 2007/08 the City's corporate potable water use was 0.90 kL/head of population, this has fallen to 0.70 kL/head of population in 2014/15 which is a reduction of approximately 20%.

In order to recognise the City's expected continued growth but encourage continued implementation of water efficiency measures the above goal has been proposed.



### 3. Community Water Efficiency Goal

To maintain per capita residential water use below 100 kL/person/year

To influence other community sectors to reduce their water consumption by 5% below 2014/15 levels by 2020

The City has limited ability to influence community water use but continues to support the Water Corporation's water efficiency education campaigns through its own activities.

Potable water use by the City of Cockburn community has increased substantially since 2012 consistent with a rapid growth in population of approximately 3% per year over the past five (5) years.

Per person potable water use has fluctuated slightly during this time and was 118 kL/person in 2015, the second highest consumption rate in the last five (5) years. In order to recognise the City's expected continued growth and limited influence in this area but encourage continued implementation of water efficiency measures the above goals have been proposed.

Criteria 3 – Ensure appropriate staff complete Waterwise training.

A number of officers within the Parks & Environment business unit have completed the Garden and Irrigation Training and Water Auditing Training. This training provides valuable knowledge and skills to ensure water management is delivered with due diligence and applied consistently across the business. More staff will have the opportunity to complete this training in order to improve the disciplines of water management across the City.

Criteria 4 – No breaches of groundwater licence terms or conditions set by the Department of Water, and no breaches of scheme water usage issued by Water Corporation in the past 12 months. (This includes permanent water efficiency measures)

No breaches of groundwater licence terms or conditions set by the Department of Water have occurred in the last 12 months as advised by Department of Water. In addition, no breaches of scheme water usage issued by Water Corporation have occurred in the past 12 months as advised by Water Corporation.





Criteria 5 – Report annually to retain endorsement.

An annual report will continue to be provided to Water Corporation demonstrating the City's ongoing commitment to water efficiency. The report will include progress on actions to date under the Water Efficiency Action Plan.

### Future Actions

Following the adoption of the Water Efficiency Action Plan, the City's water management team will work towards ensuring goals and targets laid out in the WEAP are achieved. This group will meet regularly to review the progress of the program in Council. The priority actions over the next year include:

- Review of the City's Residential Verge Design Guide and Verge Improvements Policy thus to become eligible for Water Corporation's Waterwise Verge Incentive Grant Scheme
- Carry out water audits for the City's top five (5) water using sites to then develop and implement better efficiency
- Installation of a data logger as necessary at the new Cockburn ARC facility

It should be noted that the City of Cockburn Water Efficiency Action Plan is intended to be an evolving document that will be reviewed on an annual basis and adapted to ensure it remains current and relevant. Ongoing reviews will ensure the plan stays up to date with changes in policy and new technology. This process will also help to monitor progress towards goals, assess the effectiveness of implemented actions and assist in the preparation of annual budgets.

### **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 water efficiency, energy efficiency and waste management within the City's buildings and facilities and more broadly in our community
- Further develop adaptation actions including planning; infrastructure and ecological management to reduce the adverse outcomes arising from climate change



**Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes

**Budget/Financial Implications**

Funding to undertake the actions identified within the Water Efficiency Action Plan will be sought from Council through the normal budget process.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

Should the Water Efficiency Action Plan not be accepted by Council it is likely that the City of Cockburn would lose its Waterwise Council accreditation. As well as losing this prestigious accreditation it would also mean that the City would not have Water Corporation support or access to their resources to implement many of the actions identified within the report to minimise water use and improve water quality.

**Attachment(s)**

Water Efficiency Action Plan

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

N/A

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

Nil.



**17.3 (MINUTE NO 5953) (OCM 10/11/2016) - BAN ON PLASTIC BAGS (178/006) (C SULLIVAN) (ATTACH)**

**RECOMMENDATION**

That Council supports the Western Australian Local Government Association and Municipal Waste Advisory Council advocacy for a state wide ban on plastic bags.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr P Eva that Council advises the Western Australian Local Government Association (WALGA), that Council would support the banning of all non-biodegradable plastic shopping bags in its municipal area.

**CARRIED 7/1**

**Reason for Decision**

The majority of plastic bag litter is from shopping bags so by the introduction of biodegradable bags the litter in the waste stream would be much reduced. Some retailers and traders are already using biodegradable or recyclable materials for their bags so the proposed local law should focus on elimination of the plastic bags.

**Background**

An approach has been received by the City from Western Australian Local Government Association (WALGA) with the support of Municipal Waste Advisory Council (MWAC) to determine the City of Cockburn position on the prevention of plastic pollution entering the environment, particularly litter in the form of plastic bags.

A number of local governments in WA have expressed an interest to WALGA in the implementation of local laws to ban plastic bags in their municipal areas.

A Discussion Paper has been prepared by WALGA and is attached to the correspondence, which explains recent research on a range of issues associated with plastic pollution and plastic bags in particular.



A recent Commonwealth Scientific and Industrial Research Organisation (CSIRO) study found that about 75% of litter along the Australian coastline is plastic and most floating debris in coastal waters is plastic. WALGA and MWAC are seeking to get feedback from local authorities across WA in order to determine the appropriate advocacy for this issue.

The feedback requested from local authorities is based around four fundamental questions:

- Is plastic pollution and litter an issue for your local government?
- What actions is your local government taking to address littering and prevent plastic entering the environment?
- Does your local authority support a state wide plastic bag ban?
- Would your local authority introduce a local law to ban plastic bags?

City officers can provide answers to the first two questions and this report seeks to determine the Council's position on the last two questions which require a policy decision.

### **Submission**

WALGA correspondence dated 11 October 2016 (included as Attachment 1).

### **Report**

A number of points can be made about the WALGA initiative on this matter:

1. By acting collectively, WALGA believes that an advocacy network will be created which will have one of two outcomes. It will either encourage the State to endorse the laws 'en bloc', and not to move motions of disallowance, or it will encourage the State to consider enacting its own legal framework around banning single use plastic bags. Either outcome would be a positive step.
2. The purpose of implementing a local law mandating plastic bag reduction would be to make provisions to significantly reduce the use of plastic shopping bags within the City of Cockburn.
3. By prohibiting retailers from providing to customers single-use, disposable plastic bags made of material which is not biodegradable this local law will drastically reduce the quantity of plastic bags entering the waste and litter streams in Cockburn and have commensurate environmental and waste management benefits.



4. Plastic bags, while they might seem a convenience, have become a huge part of our waste management process and present major litter issues. As a society we have become conditioned to believe that we can continue to dispose of single-use disposable items into our natural environment without this having an adverse environmental consequence. These throwaway items have a major negative impact on our environment.
5. While it is clear that many community members have been working towards reducing their use of plastic bags, Australians still use over four billion plastic checkout bags a year – all of them made from non-renewable fossil fuels. These bags are often only used once or twice, but can take hundreds of years to break down in landfill, and often end up polluting our natural environment and posing a major threat to wildlife.
6. Marine wildlife in particular is affected by plastic bags. Within the marine environment, wildlife can mistake bags for jellyfish and other food sources. The World Wide Fund for Nature has estimated that over 100,000 whales, seals, and turtles die every year as a result of eating or being trapped by plastic bags. As a City with a beautiful coastline, which is one of the City's primary tourism features, it is critical to ensure that the coastal and marine environment is protected.
7. Polyethylene plastic bags are made from non-renewable fossil fuels, which contribute to greenhouse gas emissions in our environment. The City of Cockburn has a commitment to emissions reduction as part of its strategies and policies.
8. The Town of East Fremantle Council has resolved unanimously to develop a local law banning single use plastic bags in July 2016, to follow the City of Fremantle's attempts, so Cockburn would be joining its neighbouring Councils in making a firm commitment to sustainability and waste reduction, should Council decide to support the initiative.
9. The City of Fremantle is also about to start the process of submitting the local law again. This time they are asking for support from other local governments, not in the form of letters or media support, but in the form of local laws, submitted to the Joint Standing Committee on Delegated Legislation.

## Summary

In summary, City officers believe that Council should support the advocacy by WALGA/MWAC on this issue due to:



1. Plastic bags present a major environmental impact, particularly in coastal environments where they impact particularly on our marine wildlife.
2. Large volumes of plastic bags end up in Henderson landfill each day.
3. Two States and two Territories are moving away from plastic bags, and have state legislation mandating this (ACT, Northern Territory, South Australia and Tasmania).
4. Plastic bags have also been banned in many major cities and countries around the world.

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

#### **Leading & Listening**

- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

#### **Community, Lifestyle & Security**

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

#### **Economic, Social & Environmental Responsibility**

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

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

No budget or financial implications for the City at this time, pending further developments on this issue.

#### **Legal Implications**

Should Council decide to do so, the implementation of a local law requires a procedure to be followed with the State Joint Standing Committee on Delegated Legislation.

#### **Community Consultation**

Community consultation would be required should Council decide at some future time to progress to the establishment of a local law banning plastic bags in the City.



**Risk Management Implications**

Should Council decide not to support the WALGA/MWAC initiative, an opportunity may be lost to make a positive step in the reduction of plastic pollution in the City, particularly along the coastal strip.

**Attachment**

WALGA correspondence dated 11 October 2016

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

N/A

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

Nil.

- 17.4 **(MINUTE NO 5954)** (OCM 10/11/2016) - TENDER NO. RFT 16/2016 (C100368) - CIVIL WORKS - NEW SEWER MAIN CONNECTION - FROM NEWTON STREET, SPEARWOOD TO OPERATIONS CENTRE, BIBRA LAKE 52 - 54 WELLARD STREET (RFT 16/2016) (P MCCULLAGH) (ATTACH)

**RECOMMENDATION**

That Council accept the tender submitted by Rob Carr Pty Ltd, for Tender No. RFT16/2016 – Civil Works – New Sewer Main Connection – From Newton Street, Spearwood to Operations Centre, Bibra Lake for the total lump sum value of \$1,149,191.81 GST exclusive (\$1,264,110.99 GST inclusive) and schedule of rates for additional services and determining variations.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## **Background**

Due to proposed upgrades to the City of Cockburn's Wellard Street Works Depot, including construction of a new two-storey operations building and Animal Facility, a new gravity sewer main is required to service the increased wastewater flows from the site. The current infrastructure is serviced by a septic tank system.

The upgrade will involve the construction of a new 225mm diameter gravity sewer main to connect the Operations Centre's infrastructure in Bibra Lake to the Water Corporation's existing Wastewater Pumping Station at the eastern end of Newton Street, Spearwood.

As a large proportion of the Bibra Lake Industrial Park is un-sewered and serviced only by septic tank systems; this sewer provision is also seen as a unique opportunity to provide gravity sewer provision to the larger catchment, therefore allowing greater flexibility to private land owners to further develop their sites.

Initially there was a preferred alignment selected which was seen to have the least impact on private owners and existing services. Through community consultation; resistance was experienced from one property owner affected and a revised alignment has been selected. In-Principle agreement has been gained from the owners of the properties along and in vicinity of the new alignment and agency approvals have been received from the Water Corporation, Main Roads, Western Power and the Public Transport Authority (PTA)/Brookfield Rail (the new sewer line needs to pass under the freight rail line and Stock Road). Further construction approvals related to the works near or through the associated agency properties and assets are to follow once the contract is awarded.

Tender Number RFT 16/2016 Civil Works – New Sewer Main Connection – From Newton Street, Spearwood to Operations Centre, Bibra Lake was advertised on Wednesday 17 August 2016 in the Local Government Tenders section of the West Australian newspaper. It was also displayed and available on the City's Tenderlink System between Wednesday 17 August and Thursday 8 September 2016.

A mandatory tender briefing was held at 9:30am (AWST) on Wednesday 24 August 2016.

## **Submission**

Tenders closed at 2:00 p.m. (AWST) on Thursday 8 September 2016 and five (5) tender submissions were received from:





1. DB Cunningham Pty Ltd – T/As Advantearing Civil Engineers
2. DJ MacCormick Contractors Pty Ltd
3. Rob Carr Pty Ltd
4. Tracc Civil Pty Ltd
5. Bluetrend Investments Pty Ltd and D&S Behsman Pty Ltd – T/As WA Plumbing Solutions and Minpex Civil & Drainage.

## Report

### Compliant Tenderers

A Compliance Criteria check was undertaken by Procurement Services, the initial compliance assessment deemed four (4) of the Tenderers and their four (4) submissions compliant and were evaluated.

DJ MacCormick Contractors was deemed non-compliant due to their failure to complete any of the Qualitative Criteria in the format provided (A series of generic attachments and certificates only were attached). DJ MacCormick Contractors submission was excluded from the evaluation.

### Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	15%
Tenderer's Resources	10%
Methodology	20%
Sustainability Experience	5%
Tendered Price – Lump Sum	50%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent/ Requirements

The City of Cockburn requires the services of a suitably qualified and experienced Civil Works Contractor to undertake the construction of a new gravity sewer main connection from the existing Newton Street Wastewater Pumping Station (WWPS), Spearwood to the Principal's Operations Centre, 52-54 (Lots 50, 51 and 52) Wellard Street, Bibra Lake WA.

It is the Principal's expectation that all construction approvals are obtained from the relevant agencies and that works will be completed within twelve (12) weeks of commencement on site.



Evaluation Panel

The tender submissions were evaluated by:

1. Peter McCullagh(Chair) – Infrastructure Project Manager
2. Anton Lees(SBMG) – Manager Parks and Environment
3. Rui Ho – Project Engineer Infrastructure
4. Aidan Potter – Aurecon(Civil Engineer)
5. Mark Cavaney – Aurecon(Senior Water Engineer – Advisory Role Only)
6. Gary Ridgway – Contracts Specialist – Probity Role Only

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	50%	50%	100%
<b>Rob Carr Pty Ltd**</b>	<b>37.68%</b>	<b>46.90%</b>	<b>84.57%</b>
Tracc Civil Pty Ltd	33.60%	50.00%	83.60%
WA Plumbing Solutions	27.78%	46.21%	73.98%
DB Cunningham Pty Ltd	29.48%	38.91%	68.39%

**\*\* Recommended Submission**

Evaluation Criteria Assessment

Experience and expertise in sewer construction is particularly important as the successful tenderer is required to construct a sewer line directly under Western Power assets (transmission towers and transmission line), directly under an industrial railway line and past two high pressurised BP oil pipelines with a restrictive clearance and a significant main road. The project requires several major service agency approvals (Western Power, PTA, Brookfield Rail, Water Corporation, BP) whilst the sewer asset upon completion will be taken over by the Water Corporation as it is a local distributor line.

Demonstrated Experience

Rob Carr Pty Ltd provided relevant examples and demonstrated a vast amount of experience in completing large infrastructure projects for the Water Corporation within brown field sites and varying soil conditions, using both open cut trenching and tunnelling. They were also the only



Tenderer to provide details of their experience of tunnelling under a heavy railway line in a “Live Rail” situation.

Tracc Civil provided examples that demonstrated their capability in providing infrastructure into brown field sites but not with the same level of technical difficulty as required by the Operations Centre’s new sewer.

WA Plumbing Solutions provided examples that were not a true comparison. These were of low value and therefore not relevant to the difficulties of the project.

DB Cunningham provided examples that were not comparable, with most of their experience being in the construction of roads and stormwater drainage.

### Key Personnel Skills and Experience

Rob Carr Pty Ltd submitted detail on key personnel with notable experience in the completion of several large scale sewer projects and are predominately qualified engineers.

Tracc Civil key personnel have many years of experience and are Certificate qualified. However, only two personnel in managing projects with these complexities. This may become a risk with stakeholder management in the areas requiring specific technical knowledge.

WA Plumbing Solutions have proposed a joint venture with Minpex Civil to combine resources for the project.

DB Cunningham’s personnel are mainly experienced in road construction.

### Tenderer’s Resources

Rob Carr Pty Ltd has extensive civil plant and equipment as well as in-house tunnelling plant.

Tracc Civil, WA Plumbing Solutions and DB Cunningham require a form of subcontracting to satisfy the tunnelling requirements of the project.

### Methodology

All Tenderers’ submitted a methodology with merit and ranged from significant amount of boring to a combination of open excavation / internal boring capacity.



Rob Carr Pty Ltd and Tracc Civil proposed a combination of boring and open excavation to install the sewer line. However, Tracc Civil intended to work from both ends of the sewer line at the same time. Working both ends requires significant monitoring of levels and tolerance management to ensure there is no discrepancy.

### Summation

Rob Carr Pty Ltd and Tracc Civil are considered to have the necessary capacity to meet the City's requirements as detailed in the specifications and compliant with the General and Special Conditions of Contract as stated in the tender document.

Rob Carr Pty Ltd further demonstrated that they have extensive sewer line installation experience for the Water Corporation of WA. They also have excellent internal resources, both personnel and plant to undertake and complete this project.

The evaluation panel recommends that Council accept the submission from Rob Carr Pty Ltd as being the most advantageous tenderer to undertake the works. Reference checks were undertaken and feedback confirms the evaluation panel's selection. An independent financial risk assessment was undertaken with the report places the company in a strong financial position to carry out the works.

The recommendation is based on;

- Well demonstrated and extensive experience in performing similar work;
- A range of personnel that have experience in managing the works associated with the requirements of the contract;
- Having the required resources and contingency measures to undertake the works; and
- The best value for money.

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

#### **Community, Lifestyle & Security**

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

#### **Economic, Social & Environmental Responsibility**

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Improve water efficiency, energy efficiency and waste management within the City's buildings and facilities and more broadly in our community



**Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes
- Ensure sound long term financial management and deliver value for money
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

**Budget/Financial Implications**

The budget account that will be used for the recommended tender price of \$1,149,191.81 is WC00003/CW4385. This account is the current account for the construction of the new Operations Centre.

The recommended tender price is well within the expected project cost and the nominated budget account has sufficient funding to cover the cost of these works.

**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**

During the development of the design a Notice of Proposal has been submitted to the following agencies and the responded agencies have been catered for in principle within the design documentation.

- BP Refinery
- Brookfield Rail
- Main Roads Western Australia
- ATCO Gas Australia
- Western Power Corporation
- Telstra
- Water Corporation

Discussions have been conducted with the companies affected by the installation of the sewer line and fundamental acceptance of the proposed works has been received by formal letter or email.



### **Risk Management Implications**

In accordance to the City's Risk Policy in the context of Council deferring or not supporting or taking no action in regards to this recommendation, the Operations Centre infrastructure will be unable to connect to the Water Corporation sewer line. The following risks will apply due to the lack of provisions for waste disposal:

- Occupation of the newly constructed Operations Centre building and Animal Facility will be delayed or will not occur; and
- The planned benefits of the newly constructed buildings will be unable to be utilised.

It is undesirable to have septic tanks or a site waste disposal treatment plant as an alternative to the sewer line. The addition of an Animal Facility and the potential number of users is comparatively significant and would be proven as an ineffective solution.

An independent financial risk assessment was undertaken by Corporate Scorecard of Rob Carr Pty Ltd and the report places the company in a strong financial position to carry out the works.

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

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

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the Council Meeting held on 10 November 2016 .

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

Nil.



**17.5 (MINUTE NO 5955) (OCM 10/11/2016) - TENDER NO. RFT 21/2016 (C100380) - GRAFFITI REMOVAL SERVICES (RFT 21/2016) (C MACMILLAN) (ATTACH)**

**RECOMMENDATION**

That Council accepts the tender submission for Tender No. RFT 21/2016 – Graffiti Removal Services from Graffiti Systems Australia for the estimated total contract value of \$984,294 GST exclusive (\$1,082,723 GST inclusive), for the three (3) year contract period, based on the Schedule of Rates as submitted for additional services and determining variations.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (Principal) is seeking a Contractor to carry out graffiti removal services on a wide range of surfaces from the Principal's properties; as well as other government and privately owned buildings throughout its municipal area. These services include the supply and application of sealant and non-sacrificial anti-graffiti coatings as directed by the Principal. The Contractor will be required to provide all labour, plant, equipment, supervision, materials and all other items as required necessary for the services.

The current Graffiti Services contract expires on 13 January 2017. Tender documents were prepared for submissions from suitably qualified Contractors 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.

Tender Number RFT 21/2016 Graffiti Removal Services was advertised on Saturday, 11 October in the Local Government Tenders section of The West Australian newspaper.



The Tender was also displayed on the City's E-Tendering website between Saturday, 11 October and Tuesday, 25 October 2016 inclusive.

### Submissions

Tenders closed at 2:00 p.m. (AWST) on Tuesday, 25 October 2016 and eleven (11) tender submissions were received from:

1. Firma Industries
2. Houston Corporation Pty Ltd T/ as Nauticlean
3. The Pressure King
4. John Christopher Martin T/as DJL Services Pty Ltd
5. Quality Marine Coating Systems Pty Ltd
6. Kleenit Pty Ltd
7. Pure Coat Pty Ltd
8. TBH industrial Solutions
9. Graffiti Systems Australia
10. Primas Pty Ltd
11. Burnett-Dwyer Pty Ltd T/as Advance Cleaning Environmental Solutions

### Report

#### a. Compliance Criteria

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

Criteria Ref.	Description
A	Compliance with the Conditions of Tendering – Part 1 of this Request.
B	Compliance with the Specification – Part 2 contained in the Request.
C	Completion and submission of Form of Tender – Clause 3.1
D	Compliance with Insurance Requirements (Clause 1.8.3) and completion of Clause 3.3.7
E	Compliance with Fixed Price (Clause 1.8.1) and completion of Clause 3.5.2
F	Compliance with Sub-Contractors Requirements and completion of Clause 3.6
G	Compliance with and completion of the separate Excel Price Schedule (including Breakdown of Lump Sum within PART 4) in the format provided in this Request.
H	Compliance with ACCC Requirements and completion of





	Appendix A.
I	Acknowledgement of any Addenda / Clarification issued.

b. Compliant Tenderers

A compliance check was undertaken by Procurement Services and ten (10) submissions were deemed compliant and evaluated.

Firma Industries 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:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	20%
Key Personnel Skills and Experience	15%
Tenderer's Resources	15%
Sustainability	10%
Tendered Price – Schedule of Rates	40%
<b>TOTAL</b>	<b>100%</b>

d. Tender Intent/ Requirements

The City of Cockburn (Principal) is seeking the services of suitably qualified and experienced Contractor(s) to carry out provision of Graffiti Removal Services on a wide range of surfaces from the Principal's buildings and properties; as well as other government and privately owned buildings and properties throughout its municipal area.

These services also include the supply and application of sealant and non-sacrificial anti-graffiti coatings as directed by the Principal. The Contractor will be required to provide all labour, plant, equipment, supervision, materials and all other items as required necessary for the services.

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. Colin MacMillan (Chair) – Works Coordinator (Roads)
2. Cliff McKinley (SBMG Rep) – Manager Human Resources
3. Ben Roser – Facilities and Plant Manager
4. Stephen White – Contracts Officer (Probity role only)

e. Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Graffiti Systems Australia**</b>	38.80	39.99	78.79
Kleenit Pty Ltd	35.90	40.00	75.90
The Pressure King	35.43	38.67	74.10
Quality Marine Coating Systems Pty Ltd	30.83	39.21	70.04
Pure Coat Pty Ltd	32.20	36.38	68.58
TBH industrial Solutions	21.10	34.33	55.43
John Christopher Martin T/as DJL Services Pty Ltd	22.80	35.13	57.93
Houston Corporation Pty Ltd T/ as Nauticlean	7.33	36.89	44.22
Burnett-Dwyer Pty Ltd T/as Advance Cleaning Environmental Solutions.	10.90	26.14	37.04
Primas Pty Ltd	32.07	1.51	33.58

**\*\* Recommended Submission**

Evaluation Criteria Assessment

Demonstrated Experience

Graffiti Systems Australia scored highest in this criterion demonstrating to the panel of their extensive experience in Graffiti Removal and after-hours call-outs for a number of local government authorities. The Pressure King and Kleenit performed well in this criterion with demonstrated local government experience.



### Key Personal Skills and Experience

The Pressure King scored highest in this criterion followed by Graffiti Systems Australia and Kleenit. These contractors demonstrated to the panel that they have qualified and experienced staff to deliver the services outlined in the tender.

In addition these companies have implemented organisational structures and systems to meet the contract requirements for Graffiti Removal services.

### Tenderer's Resources

Kleenit scored highest in this criterion followed by Graffiti Systems Australia, then The Pressure King ranked third. The equipment listed by each of these tenderers was deemed to be appropriate to undertake the Graffiti Removal contract.

### Sustainability Experience

Graffiti Systems Australia achieved higher scores due to their Environmental Management Policy. Graffiti Systems Australia also provided the most comprehensive response regarding sustainability principles and demonstrated understanding of social procurement principles. Within this criterion Kleenit ranked fourth (4) and The Pressure King ranked seventh (7).

### Summation

Overall, the Evaluation Panel found that Graffiti Systems Australia 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.

Reference checks were conducted regarding Graffiti Systems Australia performance. Positive comments were received from referees particularly regarding qualified staff, availability, serviceability of plant and machinery and delivery of work schedules.

The Evaluation Panel recommends that the Council accepts the highest overall score, together with positive referee comments the Graffiti Systems Australia submission for RFT 21/2016 – Graffiti Removal Services based on an acceptable independent financial risk assessment being undertaken on the financial capacity to undertake the Contract.



## Strategic Plan/Policy Implications

### Infrastructure

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

### Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.

## Budget/Financial Implications

Graffiti Removal services expenditure fluctuates each year, as outlined in the table below, due to social factors and customer requests

Financial Year	Indicative Turnover
2010/2011	\$203,000
2011/2012	\$358,766
2012/2013	\$448,102
2013/2014	\$453,041
2014/2015	\$546,072
2015/2016	\$517,315

The indicative Contract estimate of \$328,098 (Ex GST) per annum for the provision of Graffiti Removal Services; can be managed within the 2016/2017 Operational Works Project OP-8568.

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. Estimated square meters were applied to each rate to calculate a three (3) year estimate.

The rates submitted are slightly higher than the current contracted rate. Graffiti Systems Australia demonstrated a competitive value for money (VFM) assessment against the other tenderers.

An independent financial risk assessment of Graffiti Systems Australia has been requested from Corporate Scorecard.



### **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**

The risk if this recommendation is not approved is that unsightly and offensive graffiti will not be removed in accordance with the requirements Council position statements PSEW10 and PSCS15.

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

4. Compliance Assessment
5. Consolidated Score Sheet
6. 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 10 November 2016 Council Meeting.

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

Nil.



**17.6 (MINUTE NO 5956) (OCM 10/11/2016) - TENDER NO. RFT 22/2016 (C100376) - HOT ASPHALT ROAD SURFACING (RFT 22/2016) (C MACMILLAN) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Downer EDI Work Pty Ltd, for Tender No. RFT 22/2016 – Hot Asphalt Road Surfacing for an estimated total contract value of \$3,240,678 GST exclusive (\$3,564,745 GST inclusive), for the three (3) year contract period, based on the Schedule of Rates submitted and additional schedule of rates for determining variations and additional services.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn (Principal) is seeking a Contractor for the supply and placing of hot asphalt road surfacing, and includes new works as well as road resurfacing works, at locations throughout the City. These materials are also required on a supply only basis, to be collected by the Principal from the Contractor's nominated manufacturing plant that shall be within a reasonable distance from the City.

The Contractor will be required to provide all labour, plant, tools and equipment, materials, chemicals, transportation/cartage, administrative costs, travelling expenses etc. and anything else necessary for the completion of the proposed Contract.

The current contract comes to an end on 30<sup>th</sup> November 2016 (panel of two suppliers, Boral Resources WA and Asphalt Surfaces). As the result of an amendment to the Local Government Functions & General regulations in October 2015, the City is required to comply with new requirements associated with a panel of pre-qualified suppliers. This resulted in the current panel of suppliers for Hot Asphalt Road Surfacing under contract RFT 11/2012 to be re-tendered at the first extension period. The proposed Contract shall be in place for a period of three (3) years from the date of award; 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.

RFT 22/2016 Hot Asphalt Road Surfacing was advertised on Wednesday 21 September 2016 in the Local Government Tender Section of The West Australian newspaper.

The Tender was also displayed on the City of Cockburn's E-tendering website from Wednesday 21 September to Thursday 6 October 2016 inclusive.

No Elected Member has requested that this tender be submitted to Council for acceptance.

### Submission

Tenders closed at 2:00 p.m. (AWST) on Thursday 6 October 2016; tender submissions were received from the following four (4) companies:

	<b>Tenderer Name</b>	<b>Trading Name</b>
1	Fulton Hogan Industries Pty Ltd	Fulton Hogan Industries Pty Ltd
2	Downer EDI Work Pty Ltd	Downer EDI Work Pty Ltd
3	Boral Resources WA	Boral Asphalt WA
4	BGC (Australia) Pty Ltd	BGC Asphalt

### Report

#### Compliance Criteria

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

	<b>Compliance Criteria</b>
(a)	Compliance with the Conditions of Tendering ( <b>Part 1</b> ) of this Request.
(b)	Compliance with the Specification ( <b>Part 2</b> ) contained in the Request.
(c)	Completion and submission of Form of Tender – <b>Clause 3.1</b> .
(d)	Compliance with Insurance Requirements and completion of <b>Clause 3.2.7</b> .



	<b>Compliance Criteria</b>
(e)	Compliance with Qualitative Criteria requirements and completion of <b>Section 3.3.2</b> .
(f)	Compliance with Price Basis and completion of <b>Section 3.4.2</b> .
(g)	Compliance with and completion of the Price Schedule in the format provided in <b>Part 4</b> .
(h)	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .
(i)	Compliance with Subcontractors (Proposed) and completion of Clause <b>3.5</b> .
(j)	Acknowledgement of any Addenda issued.

### Compliant Tenderers

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

### Evaluation Criteria

Tenderers were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	20%
Key Personnel Skills and Experience	20%
Tenderers Resources	15%
Sustainability	5%
Tendered Prices	40%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent/ Requirements

The purpose of the tender is to select an experienced contractor for the supply and placing of hot asphalt road surfacing that includes new works as well as road resurfacing works, at locations throughout the City. These materials are also required on a supply only basis, to be collected by the Principal from the Contractor's nominated manufacturing plant that shall be within a reasonable distance from the City.

The Contractor will be required to provide all labour, plant, tools and equipment, materials, chemicals, transportation/cartage, administrative costs, travelling expenses etc. and anything else necessary for the completion of the proposed Contract.





The proposed Contract shall be in place for a period of three (3) years from the date of award 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.

### Evaluation Panel

The tender submissions were evaluated by:

1. Colin Macmillan – Works Coordinator – Roads (Chair);
2. Keith Fitzpatrick – Manager, Information Services (SBMG);
3. Lyall Davieson – Waste Manager – Waste Services; and
4. Nabin Paudel – Engineering Technical Officer - Roads

### Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>**Downer EDI Work Pty Ltd</b>	<b>46.45</b>	<b>39.90</b>	<b>86.35</b>
BGC Asphalt	39.33	40.00	79.33
Fulton Hogan Industries Pty Ltd	47.19	31.53	78.72
Boral Asphalt WA	43.20	35.05	78.25

**\*\* Recommended Submission**

### Evaluation Criteria Assessment

All submissions were evaluated by nominated panel members.

#### Demonstrated Experience

Downer EDI scored highest in this criterion as they are currently servicing five local Councils and undertaking works for Main Roads WA, including Aubin Grove Train Station. They provided all necessary information including recent awards in line with the City requirements. Referees (three) were consulted and advised Downer EDI had the relevant experience to complete our requirements.

Fulton Hogan's scored second with three current contracts including two from other Councils. Their submission was complete and detailed.



Boral Asphalt and BGC submissions were not detailed in particular relating to issues that arose, OSH Policy and management systems.

#### Key Personnel Skills and Experience

All tenderers provided sufficient key personnel with the required experience to fulfil the City's requirements, which reflected scores in this criterion. Fulton Hogan and Downer EDI received slightly higher scores due to their experience in relevant projects.

#### Tenderers Resources

All tenderers demonstrated the necessary contingency measures, plant and equipment resources required, which was reflected in the scores.

Fulton Hogan and Downer EDI scored well in this criterion as they both provided comprehensive detail on contingency measures and back up of resources. Both detailed multiple crews with a capability to produce sufficient tonnages of asphalt to meet the City's requirements.

#### Sustainability Experience

Fulton Hogan and Downer EDI addressed all criteria within this section, detailing ISO 14001 – EMS Certification, Environmental and Sustainability policies. Fulton Hogan provided examples of Bio diesel for both EZ Street and Coldmix plus the use of recycled asphalt (RAP) and recycle glass to reduce their carbon footprint.

Downer EDI recognises the importance of reducing the amount of waste going to landfill considering the impact on a non-renewable resource. They provided examples of Reclaimed Asphalt Pavement from recycled material as well as the use of other products to replace mineral fillers.

Other tenderers provided sufficient Policy information, without demonstrating ISO 14001 – EMS Certification.

#### Summation

Downer EDI Work Pty Ltd achieved the best overall score for both cost and non-cost assessment criteria. They demonstrated the necessary experience and resources to provide the services required.

The panel received strong and positive feedback from referees, demonstrating competent provision of hot asphalt supply and lay.



The Evaluation Panel recommends that the Council accept the submission from Downer EDI Work Pty Ltd as being the advantageous tender based on an acceptable independent financial risk assessment being undertaken on the financial capacity to undertake the Contract.

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

#### **City Growth**

- Maintain service levels across all programs and areas.

#### **Economic, Social & Environmental Responsibility**

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

#### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes.

### **Budget/Financial Implications**

Hot Asphalt Road Surfacing will be funded from the Council's 2016/17 capital works and operational budget for Roads Maintenance (OP8512). The estimated expenditure for Hot Asphalt Surfacing based on the submitted Schedule of Rates, for an indicative cost of \$1,080,226 per year. There is a no price increase from the previous contract for either planned or unplanned works.

Due to the value of the Contract (\$1m +) an independent financial risk assessment will need to be undertaken by Corporate Scorecard on Downer EDI Work Pty Ltd as noted in the summation of this report.

### **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 was not to support the recommendation, the risk would be that the Council's capital works projects major and minor road construction, resurfacing and MRRG rehab projects could not be completed. With no contract in place Council would be required to use



quotations to comply with its Procurement Policy with a potential an increase in operating costs.

**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Assessment;
2. Consolidated Evaluation 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 10 November 2016 Ordinary Council Meeting.

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

Nil.

**18. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**19. EXECUTIVE DIVISION ISSUES**

Nil



**20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****20.1 (MINUTE NO 5957) (OCM 10/11/2016) - REQUEST OF THE WESTERN AUSTRALIAN PLANNING COMMISSION TO REZONE VACANT CROWN LAND ADJOINING THE COOGEE BEACH FORESHORE AREA (108/001) (D ARNDT) (ATTACH)****RECOMMENDATION**

That Council requests the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme rezoning those portions of vacant crown land, abutting Cockburn Road, between Port Coogee and the Coogee Beach Surf Life Saving Facility from 'Regional Reserve – Railway' to 'Regional Reserve - Parks and Recreation'.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Cr Allen has submitted the following Notice of Motion for the forthcoming Council meeting:

*“That Council requests the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme rezoning those portions of vacant crown land, abutting Cockburn Road, between Port Coogee and the Coogee Beach Surf Life Saving Facility from ‘Regional Reserve – Railway’ to ‘Regional Reserve - Parks and Recreation’”*

This report deals with that notice of motion.

**Submission**

N/A



## Report

The notice of motion seeks to have the State Government held land adjoining the Coogee Beach foreshore reserve appropriately zoned to match that of the surrounding reserves. The subject land is currently owned by the Public Transport Authority, and is reserved as 'Railways' under the Metropolitan Region Scheme (MRS).

The following map depicts the land in question.



The subject land is vacant crown land adjoining the Coogee Beach foreshore reserve. This vacant crown land was formally associated with the railway servicing the explosives reserve and magazine jetty at Woodman Point, and extended beyond this towards Rockingham. As the railway line has long since been removed, its current 'Railways' reservation under the MRS is no longer applicable.

The proposal to have the zoning amended to 'Parks and Recreation' reserve, in order to reflect how the adjoining land which forms part of the foreshore reserve is supported by the City.

The City has recently received correspondence on behalf of the PTA, offering to lease the entire portion of land to the City. As the City is seeking to construct a car park in order to address the increasing demand by the general public accessing the foreshore reserve and



intends to lease the land for that purpose, it is recommended that its reservation under the MRS be amended to 'Regional Reserve - Parks and Recreation'.

The subject land currently provides for a range of environmental, public, tourism and coastal amenities. The land also contains a number of pieces of significant infrastructure, including formalised beach access paths, coastal paths and various utilities and services.

It is recommended that the Council seeks to have the land appropriately reserved as Parks and Recreation under the Metropolitan Region Scheme to reflect and ensure it is retained as such.

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

#### **Community, Lifestyle & Security**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

The proposed rezoning seeks to achieve a more appropriate reservation under the Metropolitan Region Scheme. Once changed, the reservation will automatically be shown in the City's Local Planning Scheme, by virtue of the requirements of the Planning and Development Act 2005.

### **Community Consultation**

Any consultation will be required to be undertaken by the WAPC, should they decide to initiate an amendment to the MRS.

### **Risk Management Implications**

The key community risk will be that if the rezoning does not occur, the State Government may seek to zone it in a way, which restricts its use for private purpose and restrict public access. As this land is a critical part of the foreshore reserve, it is required to be protected for public purposes.

### **Attachment(s)**

Nil



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

N/A

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

Nil

**24. CONFIDENTIAL BUSINESS**

Nil





25 **(MINUTE NO 5958)** (OCM 10/11/2016) - **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 P Eva the recommendation be adopted.

**CARRIED 8/0**

26. **CLOSURE OF MEETING**

Meeting closed at 8.48PM

