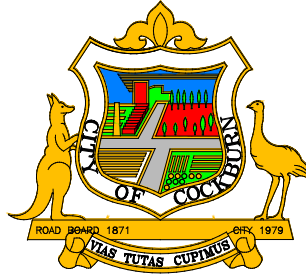


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 8 DECEMBER 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, 8 DECEMBER 2016 AT 7:00 PM

| | Page |
|---|------|
| 1. DECLARATION OF MEETING..... | 4 |
| 2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED) | 6 |
| 3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER)..... | 6 |
| 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)..... | 6 |
| 5 (OCM 8/12/2016) - APOLOGIES AND LEAVE OF ABSENCE | 6 |
| 6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE..... | 6 |
| 7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 6 |
| 8 (OCM 8/12/2016) - PUBLIC QUESTION TIME..... | 6 |
| 9. CONFIRMATION OF MEETING | 11 |
| 9.1 <u>(MINUTE NO 5961)</u> (OCM 8/12/2016) - MINUTES OF ORDINARY COUNCIL MEETING - 10/11/2016..... | 11 |
| 9.2 <u>(MINUTE NO 5962)</u> (OCM 8/12/2016) - MINUTES OF SPECIAL COUNCIL MEETING - 17/11/2016..... | 12 |
| 10 (OCM 8/12/2016) - DEPUTATIONS..... | 12 |
| 11 (OCM 8/12/2016) - PETITIONS..... | 13 |
| 12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) | 13 |
| 13. DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING | 13 |
| 14. COUNCIL MATTERS..... | 13 |
| 14.1 <u>(MINUTE NO 5963)</u> (OCM 8/12/2016) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 17 NOVEMBER 2016 (026/007) (N MAURICIO) (ATTACH)..... | 14 |
| 14.2 <u>(MINUTE NO 5964)</u> (OCM 8/12/2016) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 24 NOVEMBER 2016 (182/001; 182/002; 086/003) (B PINTO) (ATTACH) | 16 |
| 14.3 <u>(MINUTE NO 5965)</u> (OCM 8/12/2016) - ADOPTION OF THE 2015/16 ANNUAL REPORT (022/002) (S SEYMOUR-EYLES) (ATTACH)..... | 18 |
| 14.4 <u>(MINUTE NO 5966)</u> (OCM 8/12/2016) - PROPOSED AMENDMENT TO THE CITY OF COCKBURN STANDING ORDERS LOCAL LAW 2016 (025/001) (J NGOROYEMOTO) (ATTACH)..... | 20 |

| | | |
|------|--|-----|
| 15. | PLANNING AND DEVELOPMENT DIVISION ISSUES | 25 |
| 15.1 | <u>(MINUTE NO 5967)</u> (OCM 8/12/2016) - SUBDIVISION RETAINING WALLS - LOCATION: NO. 225 (LOT 23) HAMILTON ROAD, COOGEE - OWNER: GOLDBARREL CORPORATION PTY LTD - APPLICANT: GOLDBARREL CORPORATION PTY LTD (DA16/0578) (052/002) (D BOTHWELL) (ATTACH)..... | 25 |
| 15.2 | <u>(MINUTE NO 5968)</u> (OCM 8/12/2016) - TOWN PLANNING SCHEME NO. 3 – CONSIDER SUBMISSIONS AMENDMENT 117 REZONING OF LOT 1 GHOSTGUM AVE, TREEBY (109/053) (C CATHERWOOD) (ATTACH) | 37 |
| 15.3 | <u>(MINUTE NO 5969)</u> (OCM 8/12/2016) - CHANGE OF USE (SINGLE HOUSE TO CHILD CARE PREMISES) AND CAR PARK RECONFIGURATION – LOCATION: 196 & 198 (LOTS 152 & 153) LYON ROAD, AUBIN GROVE – OWNER: PATRICK WEE, CATHERINE WEE & FORTUNE HOLDINGS PTY LTD – APPLICANT: ASPIRE EARLY CHILDHOOD EDUCATION AND CARE SERVICES PTY LTD (DA16/0654) (052/002) (R TRINH) (ATTACH) | 44 |
| 15.4 | <u>(MINUTE NO 5970)</u> (OCM 8/12/2016) - PROPOSED STRUCTURE PLAN – LOTS 75-81 PRIZMIC STREET AND LOTS 84-90 WATSON ROAD, BEELIAR – OWNER: VARIOUS – APPLICANT: ROWE GROUP (110/161) (T VAN DER LINDE) (ATTACH)..... | 59 |
| 15.5 | <u>(MINUTE NO 5971)</u> (OCM 8/12/2016) - PROPOSED STRUCTURE PLAN – LOTS 22 AND 51 MAYOR ROAD, MUNSTER – OWNER: MICHAEL IVAN TOMASICH AND DANICA TOMASICH – APPLICANT: TPG TOWN PLANNING, URBAN DESIGN AND HERITAGE (110/150) (T VAN DER LINDE) (ATTACH)..... | 66 |
| | <u>(MINUTE NO 5972)</u> (OCM 8/12/2016) - EXTENSION OF TIME | 78 |
| 15.6 | <u>(MINUTE NO 5973)</u> (OCM 8/12/2016) - ADOPTION FOR FINAL APPROVAL – ROCKINGHAM ROAD UPGRADE CONCEPT PLAN (110/088 & 110/043) (D DI RENZO / A TROSIC) (ATTACH)..... | 78 |
| 16. | FINANCE AND CORPORATE SERVICES DIVISION ISSUES | 98 |
| 16.1 | <u>(MINUTE NO 5974)</u> (OCM 8/12/2016) - LIST OF CREDITORS PAID - OCTOBER 2016 (076/001) (N MAURICIO) (ATTACH) | 98 |
| 16.2 | <u>(MINUTE NO 5975)</u> (OCM 8/12/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - OCTOBER 2016 (071/001) (N MAURICIO) (ATTACH)..... | 100 |
| 16.3 | <u>(MINUTE NO 5976)</u> (OCM 8/12/2016) - EFFECTIVENESS & EFFICIENCY REPORT FOR ALL DIVISIONS WITHIN THE CITY (022/007) (S DOWNING)..... | 110 |
| 17. | ENGINEERING AND WORKS DIVISION ISSUES..... | 122 |
| 17.1 | <u>(MINUTE NO 5977)</u> (OCM 8/12/2016) - ROAD SAFETY AND TRAVELSMART REFERENCE GROUP COMMITTEE MEMBERS (027/012) (L JAKOVCEVIC & C SULLIVAN) (ATTACH)..... | 122 |
| 17.2 | <u>(MINUTE NO 5978)</u> (OCM 8/12/2016) - ESTABLISHMENT OF A BRAVERY GARDEN AT MANNING PARK UPDATE (146/002) (A LEES) (ATTACH)..... | 127 |

| | | |
|------|--|-----|
| 17.3 | <u>(MINUTE NO 5979)</u> (OCM 8/12/2016) - COOGEE BEACH SURF LIFESAVING CLUB CARPARK (164/002) (ALEES) (ATTACH) | 132 |
| 18. | COMMUNITY SERVICES DIVISION ISSUES..... | 138 |
| 18.1 | <u>(MINUTE NO 5980)</u> (OCM 8/12/2016) - COCKBURN LIGHTS EVENT PROPOSAL & PROJECT 3 COCKBURN LIGHTS CONCEPT REPORT (152/101) (M LA FRENAIS) (ATTACH)..... | 138 |
| 18.2 | <u>(MINUTE NO 5981)</u> (OCM 8/12/2016) - ADOPTION OF CULTURAL STRATEGY 2016-2020 (195/001) (S SEYMOUR-EYLES) (ATTACH) | 144 |
| 18.3 | <u>(MINUTE NO 5982)</u> (OCM 8/12/2016) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE - POPPY SYMBOL(S) ON STREET SIGNS - MAYOR HOWLETT (038/008; 157/007; 159/00) (D GREEN) (ATTACH)..... | 153 |
| 18.4 | <u>(MINUTE NO 5983)</u> (OCM 8/12/2016) - PROPOSAL TO DEVELOP A SPORTING WALL OF FAME AT COCKBURN ARC (036/004) (T MOORE) (ATTACH)..... | 157 |
| 18.5 | <u>(MINUTE NO 5984)</u> (OCM 8/12/2016) - DOG OFF LEAD AND DOG PROHIBITED COASTAL AREAS (144/003) (R AVARD) (ATTACH) | 160 |
| 18.6 | <u>(MINUTE NO 5985)</u> (OCM 8/12/2016) - DOGS OFF LEADS EXERCISE AREAS (144/003) (R AVARD) (ATTACH) | 168 |
| 19. | EXECUTIVE DIVISION ISSUES | 178 |
| 20. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... | 178 |
| 21. | NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING..... | 178 |
| 22. | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY MEMBERS OR OFFICERS | 178 |
| 22.1 | <u>(MINUTE NO 5986)</u> (OCM 8/12/2016) - COCKBURN ARC COMMERCIAL LEASES (154/006) (R AVARD) (ATTACH)..... | 178 |
| 22.2 | <u>(MINUTE NO 5987)</u> (OCM 8/12/2016) - FREMANTLE BUSINESS IMPROVEMENT DISTRICT AUSTRALIA DAY FIREWORKS SPONSORSHIP REQUESTS (152/010) (R AVARD) (ATTACH)..... | 185 |
| 23. | MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE..... | 189 |
| 24. | CONFIDENTIAL BUSINESS..... | 190 |
| 24.1 | <u>(MINUTE NO 5988)</u> (OCM 8/12/2016) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 22 NOVEMBER 2016..... | 190 |
| 25 | <u>(MINUTE NO 5989)</u> (OCM 8/12/2016) - RESOLUTION OF COMPLIANCE | 192 |
| 26 | (OCM 8/12/2016) - CLOSURE OF MEETING | 192 |

CITY OF COCKBURN

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

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

| | | |
|-------------------|---|---|
| Mr S. Cain | - | Chief Executive Officer |
| Mr D. Green | - | Director, Governance & Community Services |
| Mr S. Downing | - | Director, Finance & Corporate Services |
| Mr C. Sullivan | - | Director, Engineering & Works |
| Mr D. Arndt | - | Director, Planning & Development |
| Mr J Ngoroyemoto | - | Governance & Risk Management Co-ordinator |
| Ms M Nugent | - | Media & Communications Officer |
| Mrs L. Jakovcevic | - | PA to Directors - Planning & Development and Engineering & Works |

1. DECLARATION OF MEETING

The Presiding Member formally declared open the 8 December 2016 Ordinary meeting of Council and in so doing welcomed everyone to the meeting and made the following announcement.

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



Before moving to the agenda proper I wish to make the following statements:

Local Government Advisory Board on the Greater Fremantle Proposal

The City is expecting an outcome from the Local Government Advisory Board/Minister prior to the end of this calendar year.

National Growth Area Alliance

The City of Cockburn was the recipient of the “Building Connections” category for the recently opened Bibra Lake Regional Playground during the recent National Grow Area Alliance National Conference hosted by the City of Wanneroo.

The Bibra Lake Regional Playground has been an instant success with the community with hundreds of families enjoying themselves every day of the week.

The Cities of Kwinana and Gosnells were also recipients of national awards.

ABC Outside Broadcast

The ABC breakfast show outside broadcast was held at Coogee Beach on 1 December 2016 and provided a great opportunity for locals to have a chat with Peter Bell, the presenter, and of course to showcase many of the facilities available along the coast and other parts of Cockburn.

Inspirational Volunteer Awards – Dec 2016

The category winners for the City of Cockburn Inspirational Volunteer Awards for 2016 were announced on Sunday evening.

- Arts & Culture – Lynne Marshall
- Community – Corey Gaidzionis
- Indigenous – Caroline Kirk
- Environmental and Animal Protection – Pearl Kellar
- Sports & Recreation – South Lake Dolphins Swimming Club life member Nina Trapp and Nick Wyatt from Cockburn Masters Swimming Club were joint winners.
- Youth – Benjamin Gilbert (18)

Pear Kellar was announced as the City’s 2016 Inspirational Volunteer of the Year.



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. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5 (OCM 8/12/2016) - APOLOGIES AND LEAVE OF ABSENCE

Clr Stephen Portelli – Apology

6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8 (OCM 8/12/2016) - PUBLIC QUESTION TIME

ITEMS IN WRITING, ON THE AGENDA

Gordon Lee, East Fremantle

Item 15.1 – Subdivision Retaining Wall (Lot 22) Hamilton Road Coogee

Q1. *I own property adjacent to Lot 23 Hamilton Road. I am against this item, please withdraw this item for another time to enable me to speak. Because there are issues concerning Heights R-codes relaxation, Waste Removal, and public safety, could the matter be deferred until the Trustee and beneficial owner can be contacted to discuss a better solution.*



- A1. According to the statutory planning requirements, the City has 90 days to determine a development application from the date upon which it is received. Whilst the 90 day statutory timeframe period expired on 8 November 2016, the applicant has been prepared to allow the City time in order to allow the matter to be determined by Council tonight.

Under Clause 75 of the Planning Regulations, if the local government has not made a determination in the timeframes outlined above, the applicant can choose to consider the application as being deemed refused and lodge an appeal to the State Administrative Tribunal, seeking the tribunal determine the matter.

Nivio Madeira, Spearwood

Item 15.6 – Adoption for Final Approval - Rockingham Road Upgrade concept plan

- Q1.** *Is the Council going to stand by the modelling that demonstrates free flowing traffic of and guarantee to the rate payers there won't be congestion along Rockingham road or Kent Street after the upgrade and new development?*

- A1. The traffic modelling that has been undertaken demonstrates that the proposed road upgrade will not create traffic congestion. The slower traffic speeds, and the introduction of roundabouts to break traffic flow, will make it easier for vehicles to exit properties on Rockingham Road and improve pedestrian safety. It is recognised that Kent Street will accommodate additional traffic; however, its function as a local access street will not be exceeded by traffic volumes. It is noted that the City has a specific plan to consider traffic calming treatments for that section of Kent Street between Rockingham Road and Sussex Street in the 2017/18 budget under the annual traffic management allocation.

- Q2.** *I have done some traffic modelling myself. If the traffic modelling you say fails to demonstrates free flowing traffic what do we do then ?*

- A2. The City is confident that the professional traffic modelling indicates no issues of congestion will occur.

- Q3.** *I cannot believe that we are spending \$4M and we still do not have a solution on the south end of that whole development. We are spending that much money and it is still not safe. Can you guarantee it will be safe that I can cross that road and it will be safe for me and my two little children to cross. Every time I read something, it says its*



safe, safe, but it is not safe.

- A3. The design of the roundabout, like any roundabout, needs to carefully place the location of footpaths. For example, the Kent Street roundabout will orientate pedestrians back from the turning circle, such that car drivers are not considering their decision point of entering the roundabout, where pedestrians are crossing which will create a far safer environment than what exists at the moment.

Shirley Lee, East Fremantle

Item 15.1 – Subdivision Retaining Walls – No. 225 (Lot 23) Hamilton Road Coogee

- Q1. *I am a land owner adjacent to lot 23 Hamilton Road Coogee. The developer is asking for a relaxation of the rules of good planning. If the rules are relaxed, it will impact on neighbouring properties. Why the developer should be allowed to have a plan passed that is not sympathetic to the street scape and will also have an eternal negative impact on neighbouring properties.*

- A1. The nine lot subdivision was conditionally approved by the Western Australian Planning Commission on 10 February 2016, as the Commission determined that proposed subdivision was consistent with the approved local structure plan for the area and the respective residential density requirements. As outlined in the officer's report contained within tonight's agenda the application for the retaining walls are in order to facilitate the subdivision that was approved by the Commission. It should be noted that at this stage there is no plans for any residential dwellings on any of the proposed lots and therefore the City is unable to comment on whether the development in that area is sympathetic to the streetscape until such time as we do have a development application.

Carina Abraham

Item 22.2 Fremantle Business Improvement District Australia Day Fireworks Sponsorship Request

- Q1. *How can the City of Cockburn Council override decisions or put upon the aboriginal community decisions or to come up with a decision one day. I received an email from Manager Community Services in regards to the \$20,000 that the COC would like to put forward to a Fremantle business group which is on the side of the City of Fremantle. With the \$20,000 the City of Cockburn always contributes to the City of Fremantle Sky show, which has been cancelled due to what Australia Day means to us as aboriginal Australians.*

Australia Day began in 1994 and onwards so I believe Councillors should take *note of when this day began but take note of seriously*



think of what this means to us as aboriginal Australians first nations people to this country and what happened in 1788 and what followed from 1788.

I acknowledge that we need to come together in unity, but days throughout anywhere else in the world such as Columbus Day in America first nations people have boycotted due to the devastation that colonisation began in their country but please note and understand what this means to us a first nations people not just people that reside and live within in the City of Cockburn. The majority and there is written documentation and evidence that the majority of aboriginal people residing within the City of Cockburn do not agree with celebrating Australia day. We have been a part of this for many years since 1994, but this brings devastation to us. We see this as survival day for my people and survival day for my ancestors. Please respect the flight my ancestors fought because we respect the flight that our Anzac's fought.

Please think clearly before supporting Fremantle in the Australian Day Fireworks or Council putting on an Australian Day Celebration and think what this means to us as first nations people of this country.

John Cunai, Spearwood

Item 14.4 – Proposed Amendment to the City of Cockburn Standing Orders Local Law 2016

Q1. *There is something in this item regarding petitioning to Councils and petitions. Can someone enlighten me as to what will the changes are or will be and will they be major changes.*

A1. The Council's Standing Orders Local Laws that control the business at Council Meetings and that went through a process for six months. There was a working group internally that went through the old Standing Orders Local Laws. There was a new block of Standing Orders that went through the Council process and was adopted by Council. From there, it goes to a Parliamentary sub-committee for their oversight. That Parliamentary sub-committee came back with a couple of matters that they considered were inappropriate and they have asked Council to commit to removing those inappropriate clauses from the Local Laws. They are fairly minor, relating to operations of this chamber, so from my perspective I have recommended to Council that we do receive their request and we do act on that and have those clauses removed.

The one that you are talking about specifically to do with the petitioning is that there was a requirement for a Councillor who received a petition to be tabled at a Council Meeting from a resident or ratepayer to familiarise themselves with the petition itself to ensure that it did not contain anything inappropriate. The government sub-



committee thought this was inappropriate; and in a big picture; it is fairly minor.

Q2. *It is the content of the petitioning you are altering, not so much the petitioning process, but the content material in the petition that has been put forward to Council tonight, is that right.*

A2. It is really a matter of Council removing those requirements currently in our Local Law that is to do with the actual way the petitions are presented and the requirement from the Elected Member to have to familiarise themselves with the language that is used in the presentation of the petition. What the committee is saying is that this is an administration function and it should not be on the onus of the Councillor or Elected Member to provide that so they are saying that it is the role of the administration to ensure that.

Q3. *So, as a resident I want to raise a petition, I come up with the wording and as long as it is not using foul language or in a foul manner and above board, I can present this petition to Council at Ordinary Council Meetings or does one of our Elected Members needs to hand it in at these Council Meetings.*

A3 You can do either; you can present it to an EM to present at a meeting or you can present it through the normal process by bringing it to the building and it will be passed on.

Q4. *Myself and some residents a week ago had a meeting with some of our EM and the Mayor to do with this Spearwood Avenue fencing. There were petitions handed in on the day at that meeting. The petitions were handed to Charles Sullivan. I am assuming these petitions made their way to the administration. Principally it is just the wording that is being changed not the process of the petitioning.*

The CoC has not got a proper template in relation to a petition. Therefore, if a resident wants to present a petition to the City of Cockburn, there are no actual templates on the website. If you have a look at other local government websites, like the Town of Vincent, Town of Victoria Park, Gosnells etc; they have templates on their websites that you can download and you can formally petition that particular Council. I notice the CoC has not got a template on their website. Maybe this is something Council may want to consider in the future.

In relation to the Phoenix Revitalisation plan and the proposed upgrade, if I can urge Councillors to have a good look at this. The idea in principle is great. I think this has been talked about for nearly two decades, but I think a financial compromise on this is not a welcome outcome. I think studies need to be done properly and the



modelling be done properly and there needs to be appropriate money put into this. This is going to be a legacy for a lot of people into the future, so if we screw this up there will be a lot of unhappy people and I think there are already some unhappy people here tonight by the sounds of it. I urge Councillors to look at this property, and if it needs to be deferred, so be it.

ITEMS NOT ON THE AGENDA

Lee Graham, Bibra Lake

- Q1. *Is Council aware of the known proposed NBN installation in the Bibra Lake area.*
- A1. Yes, NBN notified the Council some time ago about their program of works in the years to come; Bibra Lake area being one of them.
- Q2. *Has the Council submitted any plans for public review for the NBN installations?*
- A2. No we have not because it is not our project. NBN have a system in contact of their own which they administer themselves in relation to their own projects.
- Q3. *Has Council issued building permits for the NBN installation infrastructure services on Council's property.*
- A3. As the works are considered to be public works, they are exempt from obtaining a building licence.

9. CONFIRMATION OF MEETING

9.1 **(MINUTE NO 5961) (OCM 8/12/2016) - MINUTES OF ORDINARY COUNCIL MEETING - 10/11/2016**

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday, 10 November 2016, as a true and accurate record subject to the addition of the following to Minute No.5933 – Grants and Donations Committee held on 25 October 2016:

- (3) require the 200 tickets to AFL games be made available to Cockburn community members only.



COUNCIL DECISION

MOVED Clr B Houwen SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 9/0

Reason for Decision

It was intended that the motion carried at the Council Meeting reflect the recommendation of the Committee.

9.2 (MINUTE NO 5962) (OCM 8/12/2016) - MINUTES OF SPECIAL COUNCIL MEETING - 17/11/2016

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on Thursday, 17 November 2016, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 9/0

10 (OCM 8/12/2016) - DEPUTATIONS

- Asanka Wallace and Lachlan James Wallace representing the applicant company (Aspire Early Childhood Education and Care Services Pty Ltd & Yong Hur appointed architect – Item 15.3 Change of use (single house to child care premises and car park reconfiguration).
- Mike Davis from TPG – representing the owners of Phoenix Shopping Centre – Item 15.6 Adoption for Final Approval - Rockingham Road Upgrade Concept Plan



- Mark Read from Planning Solutions – representing McDonald’s Australia and Terry Creasey, the proprietors of McDonalds Spearwood – Item 15.6 Adoption for Final Approval - Rockingham Road Upgrade Concept Plan.

- Ian Bradstreet & Victor Marcelino from Terranovis representing the landowners – Item 15.1 – Subdivision Retaining Walls – Lot 23 (No. 225) Hamilton Road Coogee.

- Simon Calvert – Item 15.1 Subdivision Retaining Walls – No. 225 (Lot 23) Hamilton Road Coogee.

11 (OCM 8/12/2016) - PETITIONS

Mayor Howlett presented the following petition from Mr Joe Falzon of Leaside Way Spearwood.

“That the Spearwood Avenue fencing proposal survey/report passed by Council at the September 20165 Ordinary Council Meeting (Minute No. 5890) be re-investigated, with a particular focus on the fencing option which we believe was supported by the majority of impacted residents per the signatures below”.

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. COUNCIL MATTERS

AT THIS POINT IN THE MEETING, THE TIME BEING 8.17 PM, THE FOLLOWING ITEMS WERE CARRIED BY ‘EN BLOC’ RESOLUTION OF COUNCIL.

| | | | | | | |
|------|------|------|------|------|------|------|
| 14.4 | 15.4 | 16.1 | 17.3 | 18.3 | 22.1 | 24.1 |
| | 15.5 | | | | | |



14.1 (MINUTE NO 5963) (OCM 8/12/2016) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 17 NOVEMBER 2016 (026/007) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 17 November 2016, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 21 July 2016.

Submission

N/A

Report

The Audit and Strategic Finance Committee received and considered the following items:

1. Chief Executive Officer's Bi-Ennial Review for Risk, Legislative Compliance and Internal Controls.
2. Risk Management Information Report.
3. Legal Proceedings between Council and Other Parties.
4. Appointment of External Auditor for the 2016/17 Financial Year.
5. Annual Performance Review of Monetary and Non-Monetary Investments for the Financial Year 2015/16.
6. 2015/16 Financial Statement and External Audit Report



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

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Risk Management Implications

The Audit and Strategic Finance Committee is a formally appointed Committee of Council and is responsible to that body. The Audit and Strategic Finance Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit and Strategic Finance Committee does not have any management functions and is therefore independent of management.

Therefore, if any Committee recommendations of the Audit and Strategic Finance Committee are not adopted or deferred by Council, officers will be unable to proceed to action the recommendations contained within the Minutes.

Attachment(s)

Minutes of the Audit & Strategic Finance Committee Meeting - 21 July 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.2 (MINUTE NO 5964) (OCM 8/12/2016) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 24 NOVEMBER 2016 (182/001; 182/002; 086/003) (B PINTO) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 24 November 2016, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 24 November 2016. The Minutes of the meeting are required to be presented.

Submission

N/A

Report

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



Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Risk Management Implications

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

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 24 November 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.3 (MINUTE NO 5965) (OCM 8/12/2016) - ADOPTION OF THE 2015/16 ANNUAL REPORT (022/002) (S SEYMOUR-EYLES) (ATTACH)

RECOMMENDATION

That Council adopts the 2015/16 Annual Report, in accordance with Section 5.54(1) of the Local Government Act, 1995, as shown in the attachment to the Agenda, subject to any minor information and typographical amendments being included in the final document.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Council is required to accept the 2015/16 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 7 February 2017. The Local Government Act 1995 ('the Act') requires Council to accept the report no later than 31 December each year. Elected Members were provided with the Financial Report and Auditor's Report at the Audit and Strategic Finance Committee Meeting on 17 November 2016, the Minutes of which are presented at this Council Meeting. This report now being presented to Council will be consolidated with the Concise Financial Report in time for the Annual Electors Meeting. The full financial report will be available on the City's website.

Submission

N/A

Report

The 2015/16 Annual Report is provided in conformity with the requirements of the Act and contains:



1. Mayoral Report
2. Chief Executive Officer's Report
3. Measurement of performance data
4. Overview of Planning for the Future of the District in accordance with Section 5.56 of the Act.
5. Report in relation to the Complaints Register subject to Section 5.121 of the Act
6. Report required under Section 29(2) of the Disabilities Services Act 1993
7. Divisional Reports
8. Financial Statements (Summary)
9. Auditor's Report
10. Remuneration of Senior Employees

To comply with minimum compliance requirements of the State Records Commission Standard 2, the report also contains an update on the efficiency and effectiveness of the City's recordkeeping system; the City's recordkeeping training program; evidence that the efficiency and effectiveness of the City's recordkeeping training program is reviewed from time to time; that the organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes.

Budget/Financial Implications

The cost of producing 100 copies of the Report is provided for in Council's Municipal Budget.

Legal Implications

Sc. 5.54 of the Local Government Act 1995, refers.

Community Consultation

The Report will be available for public access at the Annual Electors Meeting to be held on 7 February 2017.

Risk Management Implications

The Local Government Act 1995 ('the Act') requires Council to accept the report no later than 31 December each year. The implication of not



doing so is being non-compliant with the Local government Act which will result in a breach.

Attachment(s)

2015/16 Annual Report.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.4 (MINUTE NO 5966) (OCM 8/12/2016) - PROPOSED AMENDMENT TO THE CITY OF COCKBURN STANDING ORDERS LOCAL LAW 2016 (025/001) (J NGOROYEMOTO) (ATTACH)

| |
|---|
| <p>RECOMMENDATION</p> <p>That Council</p> <p>(1) advise the Joint Standing Committee on Delegated Legislation (JSCDL) of its undertaking to:</p> <ol style="list-style-type: none">1. In subclause 4.4 (3(1), after the words ‘no bad language’; delete the words “argument or expression of opinion”.2. In subclause 4.6(1) after the words ‘by a member’; delete the words “who shall acquaint himself or herself with the contents thereof and ascertain that it does not contain language disrespectful to the local government”.3. Not enforce the Local Law contrary to the undertaking.4. Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertaking.5. Where the local law is made publicly available by the City of Cockburn, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>(2) undertake State-wide public advertising to amend the Local Law, in accordance with Sec. 3.12 of the Local Government Act, 1995; and</p> |
|---|



- (3) provide a copy of the undertaking and notice to the Minister for Local Government.

COUNCIL DECISION

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

CARRIED 9/0

Background

Council at its meeting of 8 September 2016 resolved to adopt the City of Cockburn Standing Orders Local Law 2016. All local laws are forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL) following gazettal for their information and scrutiny.

The City adopted the City of Cockburn Standing Orders Local Law 2016 based on consultation with the Standing Orders Reference Group, which comprised of Elected Members and City of Cockburn officers, established specifically for the purpose of reviewing its Standing Orders Local Law.

Sub-clause 4.4(3(1) on public questions and Subclause 4.6(1) on petitions are considered by JSCDL as a disproportionate exercise of the power provided to local government to make laws. Both subclauses are not consistent with the Committee Term of Reference 10.6(a) in that "it is not within power of that contemplated by the Local Government 1995."

These subclauses are invalid and not authorised by the empowering enactment and the JSCDL requires an undertaking from Council to ensure that these subclauses are amended and not enforced in the meantime. In the Interim, where the local law is made publicly available by the City of Cockburn, whether in electronic or hard copy form, it is to be accompanied by a copy of the undertakings.

Submission

N/A



Report

Council resolved to adopt the City of Cockburn Standing Orders Local Law 2016 in its final form at its meeting of 8 September 2016. The local law was gazetted on 22 September 2016 and came into force on 7 October 2016. The City received advice on 17 November 2016 from the JSCDL that the City of Cockburn Standing Orders Local Law 2016 contains Subclauses that are considered unreasonable and a disproportionate exercise of the power provided to local government to make laws.

Public Questions Subclause 4.4(3(1))

The Committee is of the view that the whole scheme of the Local Government Act and its regulations codifies the right for members of the public to ask questions of the council, in a manner which is conducive to the proper conduct of a council meeting. The Local Government Act balances this public right, by providing councils authority to refuse to answer a question in certain circumstances.

Subclause 4.4 (3) (1) is not within the scope of what the Parliament intended when enacting the empowering statute. The Committee finds it is unreasonable for a local law to restrict the arguments and opinions, from which legitimate questions will always spring, by members of the public in a democratic society.

Petitions Subclause 4.6(1)

The Committee is of the view that the administrative arm of a local government should determine whether a petition is "effective" similar to how in the Parliament Procedure Office staff determine if a petition is effective before a Member of Parliament presents it. The Committee finds that the City provided an implied authorisation in the Local Law for a Councillor to complete an administrative duty pursuant to regulation 9(1) of the Local Government (Rules of Conduct) Regulations 2007. This is an inappropriate authorisation.

Whereas subclause 4.6(1) of the Local Law imposes a duty or obligation on communications between a petitioner and the 'petition presenting Councillor', the Local Government Act, prescribes the role as that of a facilitator. The whole scheme of the Local Government Act is for a Councillor to represent the interest of electors by exercising their own judgment. Councillors know when they are elected that they need to understand the issues in order to represent their constituents. How they exercise their role is for them and their judgment. It is inappropriate for a local law to prescribe the role of a Councillor in the presenting of an effective petition. If that is needed, the Governor would make a regulation. Further, subclause 4.6(1) is unreasonable



because it mandates that a Councillor undertake what is essentially an administrative role. A touchstone of reasonableness is implied in all empowering provisions, in this case - section 3.5 of the Act (the power to make local laws). In mandating that it is "incumbent" on a democratically and validly elected Councillor to do something, is contrary to the theory of democratic representative government upon which local government is based. It is reasonable to expect that an adult, democratically elected Councillor will determine how they exercise their duty when presenting a petition.

The City has been requested by the JSCDL to undertake the following, by Friday, 16 December 2016:

1. Delete the words "argument or expression of opinion", in subclause 4.4 (3(1), after the words 'no bad language'.
2. Delete the words "who shall acquaint himself or herself with the contents thereof and ascertain that it does not contain language disrespectful to the local government", in subclause 4.6(1) after the words 'by a member'
3. Not enforce the Local Law contrary to the undertaking.
4. Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertaking; and
5. Where the local law is made publicly available by the City of Cockburn, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

In accordance with the Act, the following additional information related to the necessary amendments is provided:

Purpose: To amend the City of Cockburn Standing Orders Local Law 2016 subclauses relating to petitions and public questions, to provide clarity, and ensure that empowering enactments prevail

Effect: To make The City of Cockburn Standing Orders Local Law 2016 consistent with the Local Government Act 1995, and proportionate to the exercise of power provided to local government to make laws.

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes.



Budget/Financial Implications

N/A

Legal Implications

Section 3.7 of the Local Government Act refers;
Section 3.8 of the Local Government Act refers;
Section 43(1) of the Interpretation Act 1943 refers; and
Section 3.12 of the Local Government Act refers

Community Consultation

Once Council resolves to proceed with this matter, an advertisement will be placed in the 'West Australian' newspaper giving notice of Councils' intention to adopt the proposed amendment local law. Interested parties will be able to inspect a copy of the proposed amendment or obtain a copy from Council or from one of the City's Libraries, as mentioned in the advertisement and may make a representation to Council in response to the proposed amendments to the current local laws. The submission period for representations is 42 days from the date of the advertisement.

Risk Management Implications

Failure to adopt the recommendations may result in the Standing Orders being disallowed. In the next Parliament, there will be a newly constituted Joint Standing Committee on Delegated Legislation. The Committee may place a Notice of Motion to disallow the local law, if it deems necessary, depending on the City's response to the Committee's concerns outlined in the undertaking.

Attachment(s)

Proposed City of Cockburn Standing Orders Amendment Local Law 2016.

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 5967) (OCM 8/12/2016) - SUBDIVISION RETAINING WALLS - LOCATION: NO. 225 (LOT 23) HAMILTON ROAD, COOGEE - OWNER: GOLDBARREL CORPORATION PTY LTD - APPLICANT: GOLDBARREL CORPORATION PTY LTD (DA16/0578) (052/002) (D BOTHWELL) (ATTACH)**

RECOMMENDATION

That Council

- (1) grant Planning Approval for the subdivision retaining walls, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. No construction activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. Prior to commencement of the any development works hereby approved, a detailed Dust Management Plan shall be submitted to and approved by the City of Cockburn (Health Services) and implemented thereafter.
4. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit obtained prior to construction.
5. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
6. 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. 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

Other matters likely to impact on the surrounding properties.

Footnotes

- 1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
 - 2. With respect to condition 4, the detailed Dust Management Plan shall comply with the City's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn".
 - 3. 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* (as amended).
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

- (1) defer consideration of this proposal until the Ordinary Council Meeting in February 2017; and
- (2) arrange a meeting between Council officers, elected members, the applicant(s), the owner(s) of lot 23 Hamilton Road and affected residents of Cedron Rise and adjacent properties, to discuss the potential for an alternative design solution which would reduce the impact on the residential amenity of residents on Cedron Rise.

MOTION LOST 4/5



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

CARRIED 5/4

Note: Deputy Mayor Carol Reeve-Fowkes requested that all the votes be recorded.

For: Mayor Logan Howlett
 Cr Bart Houwen
 Cr Stephen Pratt
 Cr Lee-Anne Smith
 Cr Chamonix Terblanche

Against: Deputy Mayor Carol Reeve-Fowkes
 Cr Lyndsey Sweetman
 Cr Kevin Allen
 Cr Phil Eva

Background

The subject site at 225 (Lot 23) Hamilton Road Coogee is 4047m² in area and backs on to Rotary Reserve. The site is largely vacant with the exception of an existing single house which fronts Hamilton Road. The site slopes sharply downwards from west to east by approximately 14.32m.

The subject site forms part of the Ocean Road Estate, and has been left vacant as the landowner(s) who were initially involved in the overall subdivision of the land with the other adjoining properties to the north had to pull out due to financial reasons.

On 14 March 2016, the Western Australian Planning Commission (WAPC) resolved to approve the Ocean Crest Local Structure Plan (LSP) with the subject property No. 225 (Lot 23) Hamilton Road Coogee situated on the local structure plan area's southern boundary.

At its ordinary meeting held on 25 May 1999, Council resolved to adopt the Packham Structure Plan which incorporates the adjoining lots to the south of the subject property which were developed for housing.

On 10 February 2016, the WAPC resolved to conditionally approve an application to subdivide the subject site into nine lots as shown on the plans the subject of this approval for retaining walls and associated levels. One of the conditions of the subdivision approval was for a



Local Development Plan (LDP) to be approved by the City. The LDP (attached) was subsequently submitted to and approved by the City.

Due to the extreme fall across the site, the proposed lots were problematic for waste collection in that four of the lots created between Cedron Rise and Da Silva Place would be required to wheel their bins 40 metres on a steep path to the cul-de-sac head of Da Silva Place.

This proposal would not only have been challenging for the residents, but would result in the concentration of eight bins presented around the cul-de-sac head of Da Silva Place. These bins would have been placed so that they did not obstruct the crossovers to the adjacent properties to cul-de-sac. The owner of the lot adjacent to the cul-de-sac bulb at Lot 11 DaSilva Place objected to the proposed bin placements and the City's Waste Manager advised that it was difficult to collect multiple bins in a cul-de-sac head without the waste truck reversing (which is not a preferred option).

In order to resolve the issue and to eliminate the need for the City's waste trucks to reverse, the City's Waste Manager recommended that the access way join Cedron Rise and DaSilva Place to become a trafficable nib road in which the City's Waste Truck can traverse once a week. The nib road would provide road connectivity for waste trucks only with lockable bollards to be installed to prohibit general traffic which is intended for Sumich Gardens to the east.

The engineering drawings for the subject site were approved on 30 June 2016. The City's Engineering Department have advised that the plans took some time to approve as they had reservations about the driveway and crossover gradients as well as the bin pad locations as outlined above.

The engineering drawings originally had a steeper design for the crossovers and driveways which did not meet the City's requirements and the applicants were made to amend the drawings. The City's Engineering department had to ensure that the drawings correlated with the approved LSP and to ensure that there was adequate road infrastructure for the waste truck. As mentioned above, to prevent the City's waste trucks from having to reverse, the Engineering department agreed on upgrading the footpath to become a nib road so that only waste trucks can access it.

The Engineering department has advised that as the adjacent areas have already been developed and there is a steep gradient difference across the subject lot, the levels of the access way were designed to tie into the current level of Cedron Rise. Sumich Gardens has similar lot levels and road levels which made it easier for the road connecting through to be designed. The Engineering department have advised that



if the lot levels adjacent to the access way were lower than the adjacent road there would be on-site drainage issues with the lots having to accommodate drainage for a 1 in 100 year storm which would be problematic on lots of this relatively small size.

The application is being referred to Council for determination as objections were received from adjoining landowners, removing delegation from the City's administration staff.

Submission

N/A

Report

Proposal

This proposal is for subdivision retaining walls, specifically comprising:

- Retaining walls to facilitate the levels of the nine new lots.
- Retaining walls proposed on the northern, western and southern boundaries of the existing Lot 23.
- Retaining wall heights on the respective side boundaries ranging from 1.09m – 4.42m.
- Temporary safety fencing to the top of all exposed wall heights of 1m or greater.

Neighbour Consultation

The application has been the subject of public consultation and was advertised in the following ways:

- Letters sent to all adjoining landowners on the northern and southern sides of the subject property; and
- The development application plans and accompanying information were placed at the front counter of the City's Administration building.

A total of 4 objections were received during the advertising period with one of the submissions received from the landowners of both Nos. 4 and 6 Cedron Rise. Objections and comments for the proposal are summarised as follows:

- Objection to heights of retaining walls and sand pads;
- Proposal not in-keeping with natural streetscape and would create "closed in feeling" to adjoining properties;



- Proposal not in-keeping with R-Codes in terms of overshadowing, solar penetration, overlooking, privacy, overall height from natural ground level, streetscape and building wall heights;
- Suggestion that lots 906 and 907 should be amalgamated with a 20m frontage with garage to be located on the northern side of the lot with the levels of the lot to be cut-in to the land; and
- Suggestion that planning should only allow a single storey dwelling on lots 906/907.

The City's comments in relation to the submissions received are discussed in greater details in the *other* section of this report.

Consultation with other Agencies or Consultants

Consultation with other agencies or consultants was not required as the proposal does not impact other services.

Planning Framework

Zoning and Use

The site is zoned 'Development' and is affected by the DA31 provisions of TPS3 which requires the following:

1. *Structure Plan adopted in accordance with Clause 6.2 of the Scheme to guide subdivision, land use and development.*
2. *To provide for residential development and compatible land uses.*
3. *The provisions of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clauses 6.2, 6.3.*
4. *Each subdivision and development application in the Development Area shall achieve at least 85% of the potential number of dwellings achievable under the R-Code designated for the application area in the endorsed Structure Plan.*

The Ocean Crest Local Structure Plan indicates that the land is zoned R20, R25 and R30.

Local Planning Policy 5.12 – Retaining Walls

It is noted that the development has been assessed against and is consistent with Local Planning Policy 5.12 (LPP 5.12). Clause (4) of LPP 5.12 stated that planning approval is required for subdivision retaining walls that exceed 0.5m in height above natural ground level which abut existing residential development outside the subdivision area. In accordance with the policy, planning approval is sought for the retaining walls exceeding 0.5m in height abutting existing residential development.



Proposed Lot 908 and 909 levels

The proposed levels for lots 908 and 909 were constrained by the existing retaining walls on the on the southern side of these lots and the level of the existing access road from Da Silva Place. The applicant looked closely into the possibility of lowering the proposed levels for lots 908 and 909. However, this would have resulted in an undue impact on the adjoining properties (Lots 162 and 163) with the potential for the instability of the existing wall and above structures. The applicant has advised that the following issues would have been experienced if the proposed levels of lots 908 and 909 were reduced:

- Not obtaining written consent of each of the landowners of the adjoining properties to conduct work under the existing retaining wall foundations on Lots 162 and 163.
- Substantial excavation below the current property foundation level would be required with existing development and structures on lots 162 and 163 considered significant assets.
- Substantial grout injection underneath existing properties at lots 162 and 163 to reinforce the property foundations would be required to mitigate risk of damage, but commitment that no structural damages would occur could not be made by the applicant.
- The option of sheet piling being economically unviable and would result in unacceptable noise and an unsatisfactory level of damage risk to the adjoining properties.

Essentially the potential risk of damage to the adjoining properties of the established dwellings at lots 162 and 163 and the complexities of obtaining consent from the affected landowners to undermine their properties and guarantee no structural damage, would be too high to pursue and very unlikely to be mutually attainable.

Levels of Access Way (Nib Road)

The applicant advised that the level of the nib road between Cedron Rise and DaSilva Place has been set as low as possible, as determined by the levels of lots 908 and 909 as discussed above and to provide a trafficable connection to DaSilva Place for the City's waste truck. The access grades from the nib road to these lots are already at a maximum and accordingly the levels of the nib road cannot be reduced.

Proposed Lots 906 and 907 Levels

There were a number of elements to be taken into account when the levels of the Lots 906 and 907 were being considered, one of which



was stormwater drainage. Setting the levels of Lot 906 and 907 below the nib road level would result in significant drainage issues for the lots. Stormwater drainage for a 1:100 year event would be required to be contained within lots 906 and 907 respectively with these lots having limited areas to accommodate the significant drainage infrastructure required.

Retaining Walls

The height of the retaining walls proposed varies from 1.09m at the lowest to 4.42m at the highest point. Given the subject property is located on the crest of a hill and surrounding by established properties, some which have incorporated fill into their finished lot levels, it is considered necessary for there to be relatively high retaining walls. It is noted that within the Ocean Road Estate, it is not uncommon to see examples of high retaining walls with significant level differences between properties due to the natural topography on the area.

The proposed retaining walls on the respective lot boundaries to facilitate the fill proposed on the site has been depicted on the attached retaining wall layout plan which shows the top and bottom and retaining wall heights which have been highlighted in yellow and pink respectively with the height of the respective retaining walls on the respective lot boundaries shown in red. The top of retaining walls generally match the levels of the adjoining properties with the exception of lots 906 and 907.

It is to be noted that this retaining wall layout plan (attached) was based on the levels on the original plans submitted. The applicant then submitted amended plans with a reduction of lots 906 and 907 as discussed below. It should be noted the retaining wall heights in relation to adjoining sites are as follows:

- Lot 22 – 1.09m
- Lot 158 – 1.09m
- Lot 160 – 2.36-3.26m
- Lot 161 – 1.41m
- Lot 780 – 2.2-4.42m
- Lot 783 – 2.52m
- Lot 795 – 1.11-1.83m
- Lot 699 – 1.09m

Amended Plans

In response to the outcome of the advertising period where concerns were raised in relation to the levels of lots 906 and 907 from adjoining landowners, the applicant submitted amended plans which are the subject of this report (attached). As outlined above, there were a



number of constraints in terms of drainage and matching the levels of the nib road which had to be considered by the applicant's engineering team when looking to reduce the levels of these two respective lots.

As per the attached plan which has been marked up showing the changes in red from the originally submitted site plan, the levels of lots 906 and 907 have been lowered by one course (370mm). Although 370mm does not seem to be a particularly large reduction, given the constraints it is a reasonable compromise solution. The outcome of the amended plans result in a slight reduction to the exposed retaining wall faces to lots 160, 161 and 783 as well as a reduction of the wall at the rear of these respective lots.

Submitted with the amended plans was also an overshadowing diagram (attached) which depicts the extent of shadow cast on the southern adjoining properties if a single storey or two storey dwelling is constructed on lot 906. The impacts of this and assessment against the relevant design principles is provided in the *R-Code Provisions* section of this report below.

R-Code Provisions

The following variations are proposed to the deemed-to-comply provisions of the R-Codes:

- 5.3.7 – Site Works; and
- 5.3.8 – Retaining Walls.

With regards to Site Works, the deemed-to-comply provisions state the following:

C7.2 – all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.

The R-Codes are written in such a way that if there is a variation proposed to the deemed-to-comply requirements, the proposal must satisfy the relevant design principles. The design principles relating to site works is as follows:

P7.1 – Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

P7.2 – Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.



The proposal is considered to satisfy the relevant design principles for the following reasons:

- The proposed levels and associated retaining walls consider and respond to the natural topography of the site which slopes downwards sharply from west to east by approximately 14.32 metres.
- The proposed levels for the respective lots respond to the levels of the access way which connects Cedron Rise and DaSilva Place and the levels of the established dwellings on lots 162 and 163.
- The proposed levels respect the natural ground level at the respective lot boundaries of the site as viewed from DaSilva Place to the north, Cedron Rise to the south, the access way (nib road), and Sumich Gardens and Hammond Road to the east.

With regards to clause 5.3.8 of the R-Codes, the deemed-to-comply provisions of the R-Codes require the following:

C8.1 Retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1.

Given the proposed retaining wall heights of between 1.09 – 4.42m, table 1 requires a setback for the proposed retaining walls from the respective lot boundaries of between 1 – 1.1m. The proposed retaining walls are located up to the respective adjoining lot boundaries and as such a variation to the deemed-to-comply provisions is proposed.

The relevant design principles of clause 5.3.8 states the following:

P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

The proposed retaining walls are considered to satisfy the relevant design principles for the following reasons:

- The proposed retaining walls have been designed and engineered to be sympathetic to the levels of the existing adjoining properties with the top of retaining wall heights for lots 901, 902, 903, 904, 905, 908 and 909 generally in accordance with the levels of the adjoining lots.
- The proposed retaining wall have been designed and engineered to respond to the natural features of the site as viewed from the respective surrounding streets.
- A 1.8m dividing fence will be erected on top of all retaining walls consistent with the rest of Ocean Road Estate with the dividing fence limiting any overlooking in accordance with clause 5.4.1 of



the R-Codes which requires a minimum screening device of 1.6m in height.

Other

The comments received during the advertising period that have not already been addressed above have been categorised and discussed below:

Proposal not in-keeping with R-Codes in terms of overshadowing, solar penetration, overlooking, privacy, overall height from natural ground level, streetscape and building wall heights

In relation to overshadowing, the applicant has prepared an overshadowing diagram (attached) which shows the potential shadow cast from the future development at lot 906. The deemed-to-comply provisions of the R-Codes relating to Solar access to adjoining sites - clause 5.4.2 (C2.1) requires that no more than 35% of lot area of neighbouring properties which are zoned R30 are overshadowed. As per the overshadowing diagram, 82m² or 13% of the lot 161 Cedron Rise would be overshadowed if a single storey dwelling was constructed on the lot and 145m² or 23% of the lot would be overshadowed at midday 21 June if a two storey dwelling was constructed on lot 906. In regards to the extent of overshadowing of the neighbouring property at lot 160, a single storey dwellings constructed on lot 906 would result in 74m² or 11% of shadow cast on this property with 114m² or 18% of shadow cast on lot 160 Cedron Rise if a two storey dwelling was constructed on lot 906.

With regards to solar penetration and ventilation, as the neighbouring dwellings on lots 160 and 161 have relatively large rear setbacks of approximately 3.5-4.0m, it is considered that sufficient levels of solar access and ventilation can be achieved to the respective dwellings at lots 160 and 161 Cedron Rise to meet the relevant requirements of the Building Code of Australia.

Suggestion that lots 906 and 907 should be amalgamated with a 20m frontage with garage to be located on the northern side of the lot with the levels of the lot to be cut-in to the land

The suggestion that lots 906 and 907 should be amalgamated to create a single lot has been put forward to the applicant who has advised that they object to this proposal. Under the relevant LSP, the residential density of lots 906 and 907 is R30, meaning that if the lot was amalgamated it would have the potential for two grouped dwellings to be put on the lot given the lot density requirements for R30. The WAPC has granted subdivision approval for the subject lots, with the City is not in a position to force the applicants to amalgamate the lots at the



request of the adjoining landowners. Cutting into the land is not considered a viable option for the reasons outlined above.

Suggestion that planning should only allow a single storey dwelling on lots 906 and 907

The zoning of the lots at 906 and 907 allows for a maximum building height of two stories. The City is not in a position to put a caveat on two storey development and only allow for a single storey dwelling to be constructed on the subject property.

Conclusion

The retaining wall and levels of the proposed lots are generally consistent with the respective adjoining lot levels to the east and west. For the reasons outlined in the report, the levels of lots 906 and 907 could not be completely sympathetic to adjoining properties however it is considered that the amended plan provided by the applicant is a suitable compromise. The proposed variations to site works and retaining walls are considered to satisfy the relevant design principles of the R-Codes.

It is therefore recommended that the applicant be approved subject to appropriate conditions and advice notes.

Strategic Plan/Policy Implications

City Growth

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal was advertised to adjoining landowners for comment. A total of 4 objections were received during the advertising period with one of the submissions received from the landowners of both Nos. 4 and 6 Cedron Rise. Further information about the outcomes of the consultation is contained in the Neighbour Consultation section of the report above.



Risk Management Implications

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

Attachments

1. Revised Engineering Earthworks Plan
2. Retaining Wall Layout Plan
3. Overshadowing diagram
4. Summary of Objections

Advice to Proponent(s)/Submissioners

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

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

Nil.

15.2 (MINUTE NO 5968) (OCM 8/12/2016) - TOWN PLANNING SCHEME NO. 3 – CONSIDER SUBMISSIONS AMENDMENT 117 REZONING OF LOT 1 GHOSTGUM AVE, TREEBY (109/053) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 109 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”);
- (2) adopt Scheme Amendment No. 117 for final approval for the purposes of:
 1. Including a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Treeby, as shown on the ‘Proposed Zoning Plan’ within the ‘Development’ Zone.
 2. Including a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Treeby, as shown on the ‘Proposed Zoning Plan’, within the boundaries of ‘Development Area No. 37’.



3. Removing a portion of Ghostgum Avenue from Local Reserve – Local Road.
 4. Amending the Scheme map accordingly.
- (3) note the amendment referred to in resolution (2) above is a ‘standard amendment’ as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:
- an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- any other amendment that is not a complex or basic amendment.*
- (4) ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning; and
 - (5) advise those parties that made a submission of Council’s decision accordingly.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr C Terblanche that Council:

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 117 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”); and
- (2) – (5) as recommended.

CARRIED 9/0



Reason for Decision

To correct the reference to amendment 117, this is the correct amendment number for this item.

Background

The subject land is approximately 20ha in size and has frontages on Armadale Road and Ghostgum Avenue (formerly part of Fraser Road), Treeby. (refer to Attachment 1 location plan).

The subject site is currently vacant and has been extensively cleared and excavated as part of a previous quarrying operation. The subject site abuts the existing Treeby urban locality to the west, rural landholdings to the east, a 'Parks and Recreation' reservation to the north and Armadale Road (a 'Primary Regional Road') to the south.

The site was the subject of a Metropolitan Region Scheme (MRS) Amendment (1289/57) to rezone the land from 'Rural Water Protection Zone' to 'Urban Zone' and 'Primary Regional Roads Reservation'. This MRS amendment was advertised for public submissions from 6 October to 11 December 2015 and was subsequently reviewed and the WA Planning Commission recommended that the Minister for Planning grant approval.

The Minister for Planning, after considering the amendment, approved the amendment and it came into effect on publication in the Government Gazette on 20 May 2016.

Under Part 9 of the Planning and Development Act 2005, there are obligations on the local government to bring their town planning scheme into line with the MRS, which is the purpose of this amendment.

Submission

Rowe Group, on behalf of the landowner the Department of Housing, has submitted a request for Town Planning Scheme No. 3 ("TPS3") to be amended to reflect the recent Metropolitan Region Scheme Amendment which zoned this lot 'Urban'.

The proposed amendment to the TPS3 is to:

- Include a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Treeby within the 'Development' Zone.



- Include a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Treeby within the boundaries of 'Development Area No. 37'.
- Remove a portion of Ghostgum Avenue from Local Reserve – Local Road.
- Amend the Scheme map accordingly.

The reason only 'a portion of' the lot is proposed to be rezoned is in deference to the Primary Regional Road reservation (for Armadale Road widening) which exists along the southern portion of the lot.

Report

The purpose of this scheme amendment is to assist in the proper and orderly planning of the site through the implementation of a 'Development' zone across the entire site, to reflect the change to the MRS and also extend the current 'Development Area 37' which covers the adjacent 'Calleya' development.

The 'Development' zone will replace the existing 'Resource' zone and establishes the need for a structure plan. Bringing the land into the existing 'Development Area 37' that identifies residential development, community and educational facilities, pedestrian connections and land uses will provide guidance for future land use designations. It is the local structure plan that will guide subdivision and development of the land.

Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 11 August 2016. It was advertised for public comment for a period of 42 days from 11 October to 21 November 2016. Twelve submissions were received, mostly from government agencies. This is not considered unusual given the administrative nature of this amendment. Those submissions are discussed in further detail in the Community Consultation section of this report.

A response to the referral to the Environmental Protection Authority ('EPA') was received which included the following recommendation:

"The EPA recommends the City of Cockburn Town Planning Scheme 3 Schedule 11 Development Area 37 (DA 37) text provisions be modified to include the requirement for future structure plans to retain the remnant native vegetation corridor within Lot 1 Ghostgum Avenue, for conservation purposes.

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through the preparation of future local



planning scheme provisions for structure plans to manage and protect Caladenia huegelii and its habitat”.

A copy of the recommendation will be provided to the WA Planning Commission.

Consideration should be given to whether a modification to this amendment should be made before adopting this scheme amendment. City officers do not feel this would be appropriate for several reasons:

- The text provisions related to DA37 are very simple. They do not set out an extensive range of matters and it would be peculiar to change them simply to elevate one element of consideration above all others.
- The Structure Plan Framework guides a number of matters which need to be considered in assessing structure plans, including the assessment of environmental matters.
- At this stage, it could be viewed as presumptuous to include a specific requirement in DA37 when there is yet to be a flora assessment carried out.
- Schedule 11 relating to Development Areas in TPS3 has been amended recently by Amendment 111 and in response to the Planning and Development (Local Planning Schemes) Regulations 2015. It now takes the role of a Schedule 1, clause 33 table which sets out ‘additional requirements’ that apply to the land as a result of a structure plan. No structure plan has been done at this stage for Lot 1 Ghostgum Avenue, Treeby.
- DA37 already exists and covers other landholdings, most of which are already covered by a structure plan. To add a requirement to DA37, could impact that structure plan which also has areas of remnant vegetation containing *Caladenia huegelii*.

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

The applicant has paid an application fee calculated in accordance with Schedule 3 of the *Planning and Development Regulations 2009*.



Legal Implications

Planning and Development Act 2005, specifically Section 124(2) which reads:

If a region planning scheme is inconsistent with a local planning scheme, the local government of the district in which the land directly affected is situated is to, not later than 90 days after the day on which the region planning scheme has effect, resolve to prepare –

- a. a local planning scheme which is consistent with the region planning scheme; or*
- b. an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme,*

and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.

MRS Amendment 1289/57 was gazetted 20 May 2016 and the City resolved to prepare the amendment. There are now prescribed time frames to deal with the submissions on this amendment and provide a recommendation to the Minister for Planning. This is a 60 day period from the close of submissions (which would be 21 January 2017). With no Council meeting in January, there is no ability to defer a decision on this amendment proposal without creating a compliance issue for the City.

Community Consultation

The Amendment was advertised for public comment for a period of 42 days from 11 October to 21 November 2016. Twelve submissions were received, with all but three being from a government agency.

All submissions supported the content of the proposed amendment.

One submission, from the local resident group acknowledged the amendment was necessary but wanted a delay in progressing the amendment until a number of road upgrades were undertaken. These upgrades are already secured by legal agreement with an adjacent developer, Stockland. Notwithstanding this, the City is obliged to amend its TPS3 within 90 days of the MRS zoning the land 'Urban'.

Two of the submissions were from landowners directly affected by DA37; Stockland and the Department of Housing. These submissions raised concerns with the EPA advice, in particular the notion the



scheme provision changes proposed by the EPA. City officers agree the EPA changes would not be appropriate in the scheme text. They are of course raising important matters; however, the most appropriate planning tool to address these matters would be through structure plans.

The submission received from the Department of Fire and Emergency Services ('DFES') advised of the recently gazetted State Planning Policy 3.7 Planning in Bushfire Prone Areas ('SPP3.7') and the need for hazard assessment to be undertaken. City officers acknowledge that SPP3.7 would consider this a 'strategic planning proposal' which would require the level of hazard to be assessed and demonstration provided the hazard was able to be dealt with in later planning stages.

It is noted that a 'strategic planning proposal' includes both rezoning under the Metropolitan Region Scheme ('MRS') and the local planning scheme. It also includes structure plans.

It is noted that SPP3.7 neglects to discuss the situation where a development moves through the various layers of 'strategic planning proposals' that in some instances (such as from MRS to TPS rezoning) there is no further information which would inform a proposal than at the last stage.

With the TPS rezoning, there is no additional information available since the MRS consideration (no plan has been designed). In its simplest form it would involve matching a TPS zone to the new MRS zone applicable. In this case, it also includes the designation of a Development Area which comes with scheme text to require a structure plan. There is nothing further that could be gleaned by doing another bushfire hazard assessment to support this amendment. One was produced when the MRS amendment was considered and was to the satisfaction of DFES. A copy of that bushfire assessment can be appended to the TPS amendment before it is referred to the WAPC. This should be satisfactory to all parties and be consistent with the intent of SPP3.7.

Risk Management Implications

Should the amendment not be adopted there is a certain probability, the City's Town Planning No. 3 will not be consistent with the Metropolitan Region Scheme.

The risk if this occurs would be the Minister for Planning may direct the local government to amend its scheme. This would be a compliance matter for the local government.



Attachment(s)

1. Locality Plan
2. Existing and Proposed Zoning Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent and Submissioners have been advised that this matter is to be considered at the 8 December Ordinary Council Meeting.

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

Nil.

- 15.3 (MINUTE NO 5969) (OCM 8/12/2016) - CHANGE OF USE (SINGLE HOUSE TO CHILD CARE PREMISES) AND CAR PARK RECONFIGURATION – LOCATION: 196 & 198 (LOTS 152 & 153) LYON ROAD, AUBIN GROVE – OWNER: PATRICK WEE, CATHERINE WEE & FORTUNE HOLDINGS PTY LTD – APPLICANT: ASPIRE EARLY CHILDHOOD EDUCATION AND CARE SERVICES PTY LTD (DA16/0654) (052/002) (R TRINH) (ATTACH)**

RECOMMENDATION

That Council

- (1) grant Planning Approval for a Change of Use from Single House to Child Care Premises and Car Park Reconfiguration at No. 196 & 198 (Lots 152 & 153) 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 'Child Care Premises' 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. This approval varies the previous approval DA07/0576 issued on 13 September 2007 to the extent of the works shown on the development plans hereby approved only. The conditions of DA07/0576 remain valid and continue to have effect.



3. The Child Care Premises is restricted to a maximum of 9 employees working from the premises and 40 children at any one time.
4. The hours of operation of the Child Care Premises are restricted to between 7:00am and 6:00pm, Monday to Friday. The hours of operation of the Consulting Rooms are restricted to between 8:00am and 5:00pm, Monday to Friday.
5. 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.
6. 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.
7. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
8. The car parking areas on Lots 152 and 153, 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.
9. All works associated with this approval as shown on the approved plans shall be completed prior to occupation or use of the approved 'Child Care Premises' subject of this approval.
10. Prior to use of the building for 'Child Care Premises', the 25 car parking bays (13 allocated to the Child Care Premises on Lot 152 and 10 allocated to the Consulting Rooms on Lot 153), 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.
11. Customer car parking bays for the approved Childcare Premises available on Lot 153 shall be suitably sign posted to the satisfaction of the City of Cockburn.
12. Tandem staff parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by staff of the property, be clearly visible and suitably sign



posted to the satisfaction of the City of Cockburn.

13. Crossovers shall be designed, located and constructed to the City's specifications.
14. 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 Child Care Premises, and shall include the following:-
 - a) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - b) any lawns to be established;
 - c) any existing landscape areas to be retained;
 - d) those areas to be reticulated or irrigated; and
 - e) verge treatments.
15. 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.
16. Front walls and fences 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.
17. 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.
18. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
19. 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.
20. Prior to the submission of a Building Permit Application for the development, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise



emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.

21. Written confirmation from a recognised acoustic consultant that all recommendations made in the Acoustic Report prepared by Gabriels Environmental Design (dated 11 August 2016) and the further Acoustic Report required under Condition 18 have been incorporated into the proposed development, shall be submitted to the City at the time of lodgement of the Building Permit Application.
22. Prior to occupation of the development, the builder shall provide written confirmation that the requirements of the Acoustic Report referred to in Condition 21 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
23. All waste and recycling materials shall be contained within bins to be stored in the bin enclosure.
24. Prior to the occupation of the Childcare Premises building hereby approved, the owner of Lot 152 and 153 Lyon Road, Aubin Grove ("the Owner") shall enter into an agreement with the City of Cockburn ("the City") to ensure that an easement is created over Lot 153 for the benefit of Lot 152 for car parking purposes in accordance with the specifications of and to the satisfaction of the City. The agreement shall be prepared by the City's solicitors to the satisfaction of the City. The Owner shall be responsible to pay all costs of and incidental to the preparation of (including all drafts) and stamping of the agreement and lodgement of the absolute caveat at Landgate.

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. 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.
3. A plan and description of any signage and advertising not exempt under Local Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
4. 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.
5. With regards to Condition 13, copies of crossover specifications are available from the City's Engineering Services and from the City's website www.cockburn.wa.gov.au.
6. With respect to Condition 16, 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.
7. With respect to Condition 18, 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.
8. With regards to Condition 19, 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.
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. With regard to Condition 20 above, the Noise Management Plan shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended) and the City of Cockburn Noise Attenuation Policy (LPP 1.12).

The Noise Management Plan is to include:

- a) Predictions of anticipated noise emissions associated with activities, plant or equipment (such as bin areas, air-conditioners, refrigeration or pools);
 - b) Predictions of anticipated break out noise levels;
 - c) Sound proofing measures proposed to mitigate noise;
 - d) Control measures to be undertaken (including monitoring procedures); and
 - e) A complaint response procedure.
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, coolrooms, 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 return the enclosed 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. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensating clothes dryers installed.

- 14. With regards to Condition 23, bins shall be stored in the external enclosure located and constructed to the satisfaction of the City. This information shall be submitted to and approved by the City prior to the issue of a Building Permit.

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

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr P Eva that Council refuse planning approval for a (single house to child care premises) and car



park configuration at 196 and 198 (Lots 152 and 153) Lyon Road Aubin Grove due to the negative amenity impact on the immediate and adjoining neighbours.

CARRIED 5/4

Reason for Decision

This is not the right location for a Childcare centre; a commercial area would be better suited with a larger block where neighbours will not be affected.

Background

The subject site consists of 196 (Lot 152) and 198 (Lot 153) Lyon Road, Aubin Grove and is on the corner of Lyon Road and Vienna Link. The site is approximately 430m north of the Aubin Grove Shopping Centre (corner of Lyon and Gaebler Roads) and 700m south of the Harvest Lakes Shopping Centre at the intersection of Lyon Road and Gibbs Road. The site is also approximately 800m from the future Aubin Grove Rail Station (under construction).

Lot 152, which is proposed to be converted into a Childcare Premises is 928m² in area and contains an existing single storey brick and tile dwelling comprising 4 bedrooms, 2 bathrooms and a double garage. The dwelling is well setback from the street (10m). Lot 153 was also originally developed with a single dwelling but was converted to (and approved) for use as 'Consulting Rooms' (Skin Check WA) in 2007. The business operates with two practitioners and contains 12 car parking spaces.

Both lots are relatively unique to the area in that they are significantly larger in area than the typical residential lots in the area as the original dwellings were constructed prior to the area being rezoned from 'Rural' to 'Urban' well before the area was developed for housing. Most other residential lots in the vicinity are approximately 600m² (or less) with lesser setbacks.

The proposed development is being referred to Council for determination as objections were received during the public consultation period.



Submission

N/A

Report

Proposal

The application proposes a change of use of the existing dwelling on Lot 152 from 'Single House' to 'Child Care Premises' and seeks to modify the car parking layout on Lot 153 that currently operates as 'Consulting Rooms'. The specific details include:

- A maximum of 40 children.
- A maximum of 8 educators and 1 cook (total of 9 staff).
- Operating hours are between 7:00am and 6:00pm, Monday to Friday (no weekends or public holidays).
- Limiting operating hours of the Consulting Rooms on Lot 153 between 8:00am and 5:00pm, Monday to Friday.
- Modifications to the dwelling on Lot 152 to convert the double garage into an additional room, including the garage doors being replaced with a low brick wall and windows along the front elevation to match the existing dwelling.
- Modifications to the front yard to include eight car parking spaces;
- Reconfiguration of car parking on Lot 153 including one existing car parking space and a portion of the dividing fence being replaced with four car parking spaces and a pedestrian walkway and changes to the western and southern portions of the car park to include additional bays.
- Internal modifications to the floor plan of Lot 152 which would not be visible from the street.

Consultation

The proposal was advertised to 49 nearby land owners potentially affected by the proposal in accordance with the requirements of Local Planning Scheme No.3 (LPS 3). A total of 11 submissions were received, three indicating no objection and eight objecting to the proposal.

The main issues and concerns raised during consultation include:

- Increased noise generated by the proposal;
- Increased traffic and traffic congestion generated by the proposal;
- Unauthorised parking occurring in and around the site;
- Pedestrian safety issues resulting from the proposal; and
- Unsuitable and inappropriate use for a residential area.



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.

Local Planning Scheme No. 3 (LPS 3)

The subject site is zoned 'Development' under LPS 3 and is located within Development Area 11 (Lyon Road) and Development Contribution Areas 7 and 13. A Local Structure Plan (Lots 14, 2-4 Lyon Road Aubin Grove) has been approved over the subject property that shows a 'Residential-R20' zoning over the subject site.

The objective of the 'Residential' zone under LPS 3 is:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes'

LPS 3 defines a 'Child Care Premises' as:

'Has the same meaning as in the Community Services (Child Care) Regulations 1988.'

Under the *Community Services (Child Care) Regulations 1988*, the definition is:

'premises specified in a licence or permit as premises in which a child care service may be provided.'

A 'Child Care Premises' is an 'A' use (discretionary subject to advertising) within the 'Residential' zone and is generally not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Residential Design Codes (R-Codes)

The proposed development, if approved would remain compliant with the Residential Design Codes (R-Codes) with regards to setbacks, open space, wall heights etc. and will still appear as a single house when viewed from the street.



Local Planning Policy 3.1 – Child Care Centres

The proposed Child Care Premises is generally consistent with the provisions of Local Planning Policy 3.1 – Child Care Centres (LPP 3.1) with the exception of:

- The proposed outdoor play area is located adjacent to the residential dwellings to the north and west of the site which does not accord with this policy provision and has the potential to negatively impact on the amenity of neighbours. Further discussion about noise is contained in the noise section of the report below;
- The lot area of 952m² in lieu of 1000m² required by LPP 3.1.
- The proposal includes a 1.6m landscaping strip in lieu of 2m outlined in the policy.

Planning Considerations

Noise

Noise was raised as the key concern for neighbours during the consultation period. An acoustic report was supplied with the application and assessed by the City's Environmental Health officers against the *Environmental Protection (Noise) Regulations 1997 (as amended)*. The report recommended the following measures:

- 2.4m fencing along the northern and western sides of the outdoor play areas;
- No more than 28 children permitted in the outdoor play areas at any one time;
- Staff arriving before 7am are to park on the left (southern) side of the driveway of Lot 152;
- Amplified music is not permitted within outdoor areas;
- Amplified music within indoor areas is limited to 73dB(A) and windows and doors must be kept shut whilst music is played;
- Existing condensing units will comply with the 'Assigned Levels'; and
- New toilet exhaust fans to achieve a sound power level of 71 dB(A) or less (51 dB(A) at 3m.

The Acoustic Report also recommended that a Noise Management Plan be prepared and implemented to comply with the permitted noise levels. It is considered that restricting the number of children in the outdoor area to no more than 28 at any one time together with new fencing around the play areas, sufficient landscaping along the northern and western boundaries should satisfactorily ameliorate noise for adjoining neighbours.



Should Council support the proposal, compliance with the Acoustic Report would be imposed as a condition to ensure that the recommendations made in the Acoustic Report are incorporated into the development.

Car parking and Access & Traffic

Under LPS 3 provisions, one car parking bay is required for each employee and one bay for every 10 children accommodated. The proposed development generates a requirement of 13 car parking bays. Only eight bays are proposed on Lot 152 with the remaining five bays required are proposed on the adjacent Lot 153. The applicant seeks to achieve this by modifying the car park on the adjacent Lot 153 by removing 1 car parking bay and replacing it with 4 car parking spaces.

The existing parking on the western side of Lot 153 is proposed to be reconfigured and replaced with six parallel parking bays and a tandem bay is proposed on the southern side of the lot. This will then create a total of 25 car parking spaces across both lots and is a two car parking bay in addition to the requirements for both uses LPS 3. In order for this to occur, the lots would either need to be amalgamated or a legal agreement between the owner of Lot 153 and the owner of Lot 152 will need to be signed and joined with the City as a party to the agreement as a condition if approved by Council.

Whilst the number of bays technically complies with LPS 3 across the two sites, it should be noted that:

- Two of the 13 car parking bays required are in tandem on Lot 152 which are only appropriate for staff. This leaves only four parking bays available on Lot 152 for parent drop-off and pick up and one of those is for persons with disabilities;
- The remaining seven bays required for the use and that would most likely be used by parents for pick up and drop off are contained mostly on Lot 153 which is accessed from a separate crossover. If those located next to Lyon Road are used by the consulting room customers, the other bays are at the rear of Lot 153 which is inconvenient to the Childcare Centre entrance;
- A reversing bay has been included on Lot 152 to cater for a scenario where a vehicle enters the site when all parking bays are being used, they can still exit the site in forward gear and not have to reverse on to Lyon Road;



- There would be no ability for street parking on Lyon Road or Vienna Link if bays are not available.

The proposed parking layout is a compromise as a result of converting the existing dwelling rather than a purpose built building.

Access to and from Lot 152 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 Lot 152 allows for safe access to and from the property and considers the residential nature of the locality. Access to and from Lot 153 will remain the same with an entry point on Lyon Road and exit via Vienna Link with a one-way driveway through the site.

Should Council support the proposal, signage designating staff and visitor parking will be required as a condition of approval to clearly delineate that the tandem car parking bays are to be used for staff only and other bays designated for visitor and disabled parking. The signage will also make childcare premises customers aware of the car parking available on the adjoining site, requirements for staff parking and advising customers about the parking arrangements.

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

Hours of Operation

The proposed operating hours are between 7:00am and 6:00pm, Monday to Friday which are consistent with the hours of operation recommended under LPP 3.1. The applicant has advised that peak hours of operation with regards to drop-off and pick-up are envisaged from 7:00am to 8:00am and sporadically from 3:00pm to 6:00pm.

The hours of operation for the consulting rooms on Lot 153 are proposed to be restricted to 8:00am to 5:00pm to ensure that no substantial overlap in car parking would occur. Should Council support the proposal, the hours of operation on Lot 153 should be restricted to 8:00am to 5:00pm as a condition of approval and the owner (who owns both lots) has indicated that they are satisfied with this.

No advertising signage is proposed as part of this application. Any future signage for this proposal will require further planning and building approvals prior to erection. However, it should be noted that given that the proposal is in a residential area, any signage proposed would have to be relatively modest and ensure that it does not detract from the amenity of the area.



Lot Area

The lot area is below that recommended in LPP 3.1 which stipulates a minimum of 1000m². The minimum lot size was included in LPP 3.1 in accordance with the Western Australian Planning Commission's Planning Bulletin 72/2009 'Childcare Centres'. The minimum lot size is to ensure that sites are of a sufficient size to accommodate the development, including buildings and structures, parking for staff and parents, outdoor play areas and landscaping. Generally, the larger the site, the greater separation between outdoor play areas and adjoining neighbours, which assists in protecting the amenity of neighbours.

Landscaping

A semi-mature tree (bottlebrush) is proposed to be removed to accommodate parking within the front setback area. More than 5% of the site area is proposed as landscaping and is in front of the building. A landscaping plan was supplied that demonstrates high quality landscaping in front of the building and within the verge that includes a mixture of ground based cover, small trees and a large tree to cover the landscaping area. Should Council support the proposal, a condition should be imposed to require an amended detailed landscaping plan from the applicant that also includes high quality landscaping of the verge on the northern side of the crossover on Lot 152 that will prohibit verge parking.

Conclusion

The proposal to change the use of the dwelling to Child Care Premises is supported as it generally complies with the provisions of LPS 3 and will not negatively impact on the amenity of neighbours or the streetscape. The proposal, which is relatively small scale, has addressed car parking, access, noise, landscaping and safety issues and will remain consistent with the surrounding residential dwellings. It is therefore recommended that Council approve the application subject to the conditions contained in the recommendation.

Strategic Plan/Policy Implications**City Growth**

- Ensure planning facilitates a desirable living environment and meets growth targets
- Maintain service levels across all programs and areas



Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

As discussed in the Consultation section of the report above, the proposal was advertised to 49 nearby land owners potentially affected by the proposal in accordance with the requirements of Local Planning Scheme No.3 (LPS 3). A total of 11 submissions were received, three indicating no objection and eight objecting to the proposal.

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. Site Demolition Plan
3. Site Plan
4. Internal Demolition Plan
5. Floor Plan
6. Elevations Demolition Plan
7. Elevations
8. Elevations 2
9. Outdoor Area Plan
10. 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 8 December 2016 Council Meeting.

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

Nil.



15.4 (MINUTE NO 5970) (OCM 8/12/2016) - PROPOSED STRUCTURE PLAN – LOTS 75-81 PRIZMIC STREET AND LOTS 84-90 WATSON ROAD, BEELIAR – OWNER: VARIOUS – APPLICANT: ROWE GROUP (110/161) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to *Schedule 2, Part 4, clause 20(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommend to the Commission that the proposed Structure Plan for Lots 75-81 Prizmic Street and Lots 84-90 Watson Road, Beeliar (“Structure Plan”) be approved subject to the following modifications:
 1. Part One, include a section 4.7 titled “Other Requirements” and include the following text:

“An Urban Water Management Plan (UWMP) and landscaping plan is to be prepared and implemented at the time of subdivision.

A Geotechnical Investigation is to be prepared at the time of subdivision to determine the permeability values of the site to the satisfaction of the City of Cockburn.”
- (2) adopts the Schedule of Submissions prepared in respect of the proposed Structure Plan (Attachment 4);
- (3) endorse the Bushfire Management Plan prepared by Bushfire Prone Planning in respect of the proposed Structure Plan and dated 8 September 2016, Plan Version V1.3 (reference: 168384-1); and
- (4) advise the proponent and those persons who made a submission on the Structure Plan of Council’s recommendation.

COUNCIL DECISION

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

CARRIED 9/0



Background

The proposed Structure Plan applies to 5.7 hectares of vacant land, namely Lots 75-81 Prizmic Street and Lots 84-90 Watson Road, Beeliar (“subject land”). It is bound by existing residential development to the north and south, Watson Road to the east, the unconstructed Prizmic Street road reserve to the west, and Stock Road 130m further west (see Attachment 1). The Structure Plan was received on 21 September 2016 and a copy of the Structure Plan Map is included at Attachment 2.

The purpose of this report is for Council to consider this Structure Plan proposal in light of the information received during the advertising process and discussed below.

Submission

N/A

Report

Background

The Structure Plan was prepared and lodged by Rowe Group on behalf of the landowners of the subject land.

The subject land is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”) and ‘Development’ under City of Cockburn Town Planning Scheme No. 3 (“Scheme”). The subject land is located within Development Area 4 (“DA4”) and Development Contribution Areas No. 13 (“DCA13”) and No. 4 (“DCA4”).

Pursuant to clause 15(a)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a Structure Plan is required to be prepared and adopted to guide future subdivision and development.

A similar Structure Plan prepared over the same lots was previously lodged with the City in October 2015 and advertised for public comment from 24 November 2015 until 18 December 2015. The proposal was put to Council at the 11 February 2016 OCM and recommended for approval subject to only one modification: preparation of a Bushfire Hazard Level Assessment and/or a Bushfire Management Plan.

Following the February OCM, the City was contacted by the proponent and advised that the proponent was proposing to make some design modifications to the Structure Plan. The proponent requested the Structure Plan be put on hold and not be forwarded through to the WAPC for final determination due to the potential redesign.



The City met with the proponent on two occasions to discuss the proposed modifications and ultimately advised that due to the nature of the modifications and the fact that the Structure Plan had not been forwarded to or finally endorsed by the WAPC, a new Structure Plan incorporating the proposed modifications would need to be lodged with the City. This Structure Plan application has now been lodged and includes a Bushfire Management Plan, traffic Technical Note and a Landscape Concept Plan in addition to other technical reports previously lodged and reviewed by the City as part of the old Structure Plan, which has now been discontinued. A copy of the previous Structure Plan is included at Attachment 3.

Proposal

The Structure Plan is in a strategic location being in close proximity to the major transport routes of Stock Road and Beeliar Drive, Beeliar Village and South Coogee Primary School, 6km west of Cockburn Central, 1km south of Cockburn Commercial Park and opposite Radonich Park. Thus, the subject land offers a high level of services and employment opportunities for future residents.

The Structure Plan proposes residential development over the subject land of R30, R35, R40, R60 and R80 densities. Generally densities increase from south to north with R80 densities being located to the north-east of the subject land adjacent to Public Open Space (POS). The gradual increase in densities provides an appropriate interface to R20 development south of the subject land while dwellings to the north are coded R40 and more appropriately located in proximity to R60 and R80 development.

The structure plan proposes the creation of two public open space areas, one being the continuation of the existing open space between Firbank Road and Desertpea Road, and a new open space along the western boundary of the subject land, adjoining Watson Road. The structure plan is discussed in more detail following.

Residential Development

Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods (“LN”) promote 15 dwellings per hectare, as the standard density for new greenfield development in urban areas, and an overall target of 47% of all new dwellings as infill development. This percentage equates to 154 000 of the required 328 000 dwellings future dwellings for Perth forecast growth to 2031, being located within existing zoned areas.



This proposal will assist in ensuring that the residential targets are reached while providing additional housing diversity to the area. The proposed Structure Plan provides for a range of residential densities from R30 to R80, including laneway lot product. This meets the objects set within Liveable Neighbourhoods, seeking for a range of residential densities to translate into a range of future household types.

The proposed density meets the State Government density targets as well as providing for additional housing diversity in the locality. The subject land is also well connected to public transport, and benefits from close proximity to the growing Beeliar Village comprising South Coogee Primary School and retail / commercial facilities.

Public Open Space

The Structure Plan proposes 5674m² of Public Open Space ("POS") which amounts to 10% of the Structure Plan area. The POS is divided into two distinct areas. In the north of the subject area it is proposed to extend the existing park between Desertpea Road and Firkbank Road by an area of 663m². This will further extend the useability of this park, as there is no expectation that drainage from the subject area will be piped to this area. Further, this will create an increased buffer between the existing residential developments to the north and those likely to occur on the subject land.

A second area of POS is proposed along the eastern boundary of the subject area, adjoining Watson Road. This proposed area of POS totals 5,011m² and will fulfil local recreational needs as well as providing for drainage of the subject area. Much of the proposed R80 development overlooks this area of POS providing passive surveillance of the park. R80 lots directly abutting the park are to include habitable rooms and outdoor living spaces overlooking the park and will be provided with pedestrian access directly to this park in accordance with the Landscape Concept Plan provided within the Structure Plan.

Overall the provision of POS within the proposed Structure Plan is consistent with Liveable Neighbourhoods. It provides for the creation of a new neighbourhood park, the continuation of an existing open space and provides excellent utility and proximity for future residential development.

Roads, Access and Parking

The proposed road network is typified by permeable short street blocks in a grid network. Such designs are strongly supported by modern planning principles and will encourage walkability.



The majority of the road network consists of Access Street C roads with appropriate width reservations provided for on the Structure Plan map. The proposed street network provides multiple access points onto the existing street network, providing a more equitable distribution of future traffic volumes.

As part of the development of the subject land it will be required that the future subdivider will make good, to the City's standard, the existing unconstructed Prizmic Road reservation.

The Structure Plan also proposes three (3) laneways providing access to the rear of the proposed R80 lots. Both north-south aligned laneways are the standard 6m width, whilst the east-west laneway along the northern boundary of the subject land is 9m to provide for laneway parking, landscaping and safer and easier manoeuvrability of the laneways by the City's refuse vehicles. On street parking is also proposed in front of R80 laneway lots and along Watson Road adjacent to the proposed POS.

An east-west 10m wide local road is provided to the rear of the R80 lots directly fronting the proposed POS to provide vehicle access to these dwellings. There is no development proposed to front this 10m road and thus a wider streetscape is not necessary from an amenity point of view. All necessary services are capable of being provided within this 10m road reserve and it is of an appropriate width to allow the City's refuse vehicles to enter the intersecting 6m laneway safely as demonstrated within the Traffic Technical Note supporting the Structure Plan.

The subject land is a short walk to Beelias Drive which is classified as a high frequency bus route, further to this the 531 bus runs along Watson Road adjacent to the subject land.

The subject land is approximately 400m from both the Beelias Village Neighbourhood Centre and South Coogee Primary School. As such the subject land has strong walkable characteristics that will assist in reducing car dependency.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets
- Ensure growing high density living is balanced with the provision of open space and social spaces



- Ensure a variation in housing density and housing type is available to residents

Leading & Listening

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

Budget/Financial Implications

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

Legal Implications

Clause 20 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the City to prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days following advertising.

Community Consultation

Due to the many similarities with the previous Structure Plan and minimal impacts the modifications are expected to have on surrounding landowners, the City believed it was only necessary to advertise the Structure Plan for 14 days in accordance with clause 18(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The advertising period commenced on 18 October 2016 and concluded on 1 November 2016. Advertising included a notice in the Cockburn Gazette and on the City's webpage, letters to selected landowners surrounding the Structure Plan area potentially affected by the proposed changes to the previously advertised Structure Plan, as well as a letter to the Department of Environment Regulation (DER) who provided no objection.

In total the City received two submissions from landowners. One submission supported the proposal and one submission objected to the proposal due to the potential for increased traffic congestion as a result of future development. This objection to the proposal is not considered to raise issues that are not overcome by the Structure Plan. As indicated previously, the subject land is zoned "Development" under City of Cockburn Town Planning Scheme No. 3 and is thus intended for development in accordance with a Proposed Structure Plan. The proposed local road network provides permeability through the site and a number of connections to the existing road network, dispersing traffic



and allowing future residents and visitors to easily access major roads in the vicinity of the Structure Plan area. The City's Engineering team have assessed the Structure Plan and deem it to be acceptable from a traffic access and safety viewpoint.

Submissions are detailed within the attached Schedule of Submissions. See Attachment 4 for details.

Risk Management Implications

If the Structure Plan is not supported, there will be no planning structure over the subject land to guide future subdivision and development. The subject land is in a strategic location, close to major transport routes, Beeliar Village and South Coogee Primary School, 6km west of Cockburn Central, 1km south of Cockburn Commercial Park offering a wide range of employment opportunities, and opposite Radonich Park. Due to the vacant site's proximity to a significant number of community facilities, services and employment opportunities, it is appropriate to develop the site at a higher residential density which also assists in achieving dwelling targets specified within Perth and Peel@3.5million.

Thus, if the Structure Plan is not adopted, there will be a missed opportunity to develop this land for residential dwellings to assist in meeting density targets and capitalise on the strategic location of the subject land.

Attachment(s)

1. Location Plan
2. Structure Plan Map
3. Previous/Discontinued Structure Plan Map
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

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

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

Nil.



15.5 (MINUTE NO 5971) (OCM 8/12/2016) - PROPOSED STRUCTURE PLAN – LOTS 22 AND 51 MAYOR ROAD, MUNSTER – OWNER: MICHAEL IVAN TOMASICH AND DANICA TOMASICH – APPLICANT: TPG TOWN PLANNING, URBAN DESIGN AND HERITAGE (110/150) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to *Schedule 2, Part 4, clause 20(2)(e) of the deemed provisions* recommend to the Commission the approval of the proposed Lot 22 and Lot 51 Mayor Road Structure Plan (“Structure Plan”) subject to the following modifications:
 2. Change all “LSP” and “Local Structure Plan” references to “Structure Plan”, including the title of Plan 1, to be consistent with the deemed provisions.
 3. Amend Plan 1 to include the whole of Lot 22 Mayor Road within the Structure Plan area. Designate an R60 coding over the portion of Lot 22 on the corner of Rockingham and Mayor Road and an R40 coding over the other portion of Lot 22. Amend Figures 1-5 accordingly.
 4. Executive summary, paragraph 1 is to refer to Lot 22 in its entirety and refer to the total site area as 2.1615 hectares in accordance with modification 2 above. Amend the Executive Summary table and section 1.2.2 of Part Two to reflect this larger area.
 5. Executive summary table, amend the *Total estimated lot yield, Estimated number of dwellings* and *Estimated residential site density*, as well as section 3.3 of Part Two to reflect updated Structure Plan map in accordance with modification 2 above. Calculations for dwellings per gross hectare and dwellings per site hectare should be rounded down.
 6. Executive summary table, amend the *Estimated area and percentage of public open space* to read “0.2162 ha, representing 10% of the gross subdivisible area”. Reflect this change in section 3.2 of Part Two.
 7. Executive summary table, include *Estimated Population* as per the Planning and Development Regulations Structure Plan Framework and reference this in section 3.3 of Part Two.



8. Part one, section 1, paragraph 1 needs to be amended to refer to the Structure Plan encompassing all of Lot 22 and Lot 51 Mayor Road as per modification 2 above.
9. Part one, section 4.3, notification 1 and 2 are subject to the BMP being updated as per the modifications listed in recommendation (2) below.
10. Include additional Notifications on Title within Part One, section 4.3 as follows:
 - a) *“3. This land may be affected by midge from nearby lakes and/or wetlands. Enquiries can be made with the City of Cockburn Environmental Services.”; and*
 - b) *“4. This lot is in close proximity to Munster Pump Station No. 1 and 2 waste water treatment plants and may be adversely affected by virtue of odour emissions from that facility.”*
11. Include additional Subdivision and Development Requirements within Part 1, section 4 table of Structure Plan report stating:
 - a) *“No direct access to Mayor Road is permitted, and applications will also need to facilitate access from existing dwellings to proposed Road 2 rather than via Mayor Road.”*
 - b) *“On street visitor parking is to be provided within the northern verge of proposed Road 2 as well as within the southern verge adjacent to the POS to service the proposed grouped dwelling sites.”*
 - c) *“The proposed POS is to be maintained in perpetuity at the standard prescribed for the Building Protection Zone by the Bushfire Management Plan prepared by FirePlan WA and dated January 2016 (or as updated).”*
 - d) *“Pedestrian paths shall be provided along all subdivisional roads to the satisfaction of the City.”*
 - e) *“A shared path shall be provided along proposed Road 1.”*
 - f) *“Detailed intersection analysis and assessment of the Mayor Road/Road 1 intersection will need to be undertaken to determine the form of the intersection treatment and geometric requirements as part of any subdivision application.”*
 - g) *“In the event development is not yet completed over Lot 20 and 21 Rockingham Road and Lot 50 Mayor Road, temporary cul-de-sacs of 18m diameter are to be provided at the eastern termination of proposed Road 2 and at the intersection of proposed Road 1*

and 3 as illustrated at Figure 4, and maintained until such time that the roads are extended.” Update Figure 4 to show this.

12. Part One, section 5, modify reference to date of BMP following modifications to the BMP in accordance with recommendation (2) below.
13. Part One, section 5, include additional requirements for Local Development Plans as follows:
 - a) *‘3. The R60 lot gaining battleaxe access from proposed Road 2 as well as the two lots adjoining the battleaxe driveway for the purposes of appropriate bin pad locations and vehicular access and egress.’*
 - b) *‘4. Lots sharing a boundary with Mayor Road for the purpose of appropriate vehicular access and egress to proposed Road 2.’*
14. Amend Plan 1 to be consistent with the City’s preferred design concept at Attachment 2 particularly with regards to road layout and location of POS. Amend Figures 3-5 accordingly.
15. Increase the battle-axe driveway width providing access from Road 2 to the R60 site in the north-east to 8m.
16. Erie Lane to the south of Lot 51 is to be shown on Plan 1 as intersecting with and being accessible via proposed Road 1.
17. Amend Plan 1 to ensure that the north-eastern corner of Lot 22 at the intersection of Mayor Road and Rockingham Road is truncated appropriately.
18. Amend Plan 1 to ensure the POS to the south-west of the Structure Plan area is truncated appropriately in order to accommodate future services and road infrastructure within standard road reserves so that it does not compromise the POS.
19. Amend the Plan 1 and Figure 3 Legend title “*Region Scheme Reserves*” to “*Local Scheme Reserves*”.
20. Add “*Local Roads*” under the abovementioned “*Local Scheme Reserves*” title within the Plan 1 and Figure 3 Legend and colour white in accordance with the City’s Scheme maps.



21. Rename the Plan 1 and Figure 3 Legend title "*Other*" to "*Other Categories*" in accordance with the City's Scheme maps.
22. Reword the Plan 1 and Figure 3 Legend item referring to 2m widening of Mayor Road to "*Land to be set aside as a separate lot to be ceded by the WAPC for Metropolitan Region Scheme 'Other Regional Road' Reserve*" and include under the "*Other Categories*" title;
23. Rename the Plan 1 and Figure 3 Legend title "*Local Planning Scheme Zones*" to "*Local Scheme Zones*" in accordance with the City's Scheme maps.
24. Include an additional section within Part Two referencing the Munster Pump Station No. 1 and 2 for the purposes of description and context of notification 4 required under modification 9 above.
25. Part Two, section 1.1, paragraph 3 should refer to the entirety of Lots 22 and 51 Mayor Road.
26. Part Two, section 1.2.1, paragraph 1 should refer to the entirety of Lots 22 and 51 Mayor Road.
27. Bus routes referred to in part two, section 1.2.1, paragraph 3 are not high frequency as it is defined under the Residential Design Codes (R-Codes).
28. Part Two, section 1.2.2, paragraph 1 should refer to the entirety of Lots 22 and 51 Mayor Road and the total Structure Plan area should be amended to 21,615m².
29. Remove reference within Part Two, section 1.2.2, paragraph 2 to existing dwellings being excluded from the Structure Plan area and remove the last sentence regarding a subdivision application.
30. Part Two, section 1.2.3 table should refer to the area of Lot 22 as 7,453m² and not 5,138m².
31. Part Two, section 1.2.3, paragraph 2 should be amended to state "*There is a caveat listed on the Certificate of Title for Lot 22 in favour of Ivanka Angela Gryska and Mark John Gryska, as to portion only, being the existing dwelling to the west of Lot 22.*" A copy of this caveat is to be provided within the documentation.



32. Part Two, section 1.3.1, first paragraph, last sentence should read "*As part of a future application for subdivision approval, this MRS reserved portion of the Site will be ceded for 'Other Regional Road' reserve and as part of the subdivision clearance process receive credit against the Development Contribution Area (DCA 6) liability for these properties.*"
33. Part Two, section 1.3.1, last sentence should read "*The Site is subject to Development Contribution Area 13 (DCA 13), which establishes a developer contribution arrangement for the upgrade of local and regional recreational and landscape facilities within the whole of the City of Cockburn and Development Contribution Area 6 (DCA6), which establishes a developer contribution arrangement specifically for the Munster locality, in particular for a proportional upgrading of Beeliam Drive (Mayor Rd) between Stock and Cockburn Roads.*"
34. The policy numbers referred to in Part Two, section 1.3.3.2 should be updated to be consistent with the City's new policy numbering on the City's website.
35. Part Two, section 3.1, paragraph 3 should be reworded to "*The Structure Plan identifies two (2) separate 'Parks and Recreation' reserves along the southern and eastern boundaries of Lot 51 Mayor Road, which will provide local community recreation spaces for the structure plan area.*"
36. The 1.2207ha of residential area referred to in Part Two, section 3.1, paragraph 4, needs to be amended in accordance with modification 2 above.
37. Part Two, section 3.2, paragraph 2 should be updated to reflect the revised POS layout as per Attachment 2 and refer to the combined area of POS as 2161.5m², being 10% of the land area of Lots 51 and 22 Mayor Road.
38. Part Two, section 3.3 should include reference to the dwellings per gross hectare to ensure consistency with the *estimated residential site density* section of the Executive Summary table.
39. Part Two, section 3.3, paragraph 2 and 4 should be amended to take into consideration the two additional portions of Lot 22 as per modification 2 above.
40. Part Two, section 3.4, paragraph 2 should be removed.



41. Part Two, section 3.4 should refer to the City's requirement that two 2x18m diameter temporary cul-de-sac heads are constructed where proposed Road 3 intersects with proposed Road 1 and at the eastern end of proposed Road 2 where it is to be extended through Lot 21, for the purpose of waste truck movements as per Attachment 2.
 42. Part Two, section 3.4, final sentence to state "*Pedestrian paths shall be provided on all road reservations within the proposed subdivision.*"
 43. Part Two, section 3.5 needs to be updated to accord with the approved LWMS dated July 2016 (Rev B). Ensure repetition within the table against SW1 of "Manner in which compliance is achieved" is remedied.
 44. Amend Figure 4 to illustrate temporary cul-de-sacs referred to in modification 10g) above.
 45. The POS calculations included in the tables on Figures 3 and 5 are to be amended in accordance with modification 2 and 36 above.
 46. Include indicative bin pad locations on Figure 5, particularly for the R60 grouped site fronting Mayor Road.
 47. Amend the Local Water Management Strategy (LWMS) at Appendix B to reflect the modifications to the proposed Structure Plan over Lots 22 and 51 Mayor Road as per the advice provided by the Department of Water included in the attached Schedule of Submissions (Attachment 3).
 48. If required, update the Civil Engineering Servicing Report at Appendix D to address the concerns previously raised by the Water Corporation regarding gravity sewer and filling of Lot 51.
- (2) acknowledge that the Bushfire Management Plan (BMP) prepared by FirePlan WA in respect of the proposed Structure Plan dated January 2016 cannot be adopted in its current state due to the schedule of modifications seeking a redesign of the proposed Structure Plan. Following determination of the proposed Structure Plan, the BMP to be updated and adopted to the satisfaction of the City in order to reflect the decision of the WAPC. As part of updating the BMP once the WAPC have determined the Structure Plan, the following modifications will be required in addition to what the WAPC decides:



1. Update to reflect the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* ("SPP 3.7") and the *Guidelines for Planning and Bushfire Prone Areas* ("the Guidelines").
 2. Include at least two geo-referenced photographs to support the Bushfire Hazard Level (BHL) Assessment vegetation classification. Should any discrepancies arise between the classified vegetation referred to in the report and the actual vegetation types on site, the BMP will need to be updated to the satisfaction of the City in consultation with the WAPC.
 3. Update the BHL Assessment in accordance with the methodology set out in the Guidelines (Appendix 2, page 50-51). The bushfire hazard should be mapped as per Figure 10, page 52 of the Guidelines. Areas that are assessed as low hazard, but are within 100 metres of a moderate or extreme bushfire hazard are to adopt a moderate bushfire hazard within that 100 metres.
 4. Figure 5 *Indicative BAL RATINGS and Building Protection Zone* is to be included at a size that allows it to be printed to scale in order to validate the distances from proposed lots to the classified vegetation. Should any discrepancies arise, section 5.7 of the BMP will need to be amended to the satisfaction of the City of Cockburn in consultation with the WAPC. The boundary of the Open Forest Extreme hazard as per Figure 3 needs to be shown on Figure 5.
- (3) pursuant to clause 20(1)(b) of the *deemed provisions* provide to the Commission the 8 September, 13 October and 8 December OCM reports and attachments on the proposed Structure Plan and modifications, once the outstanding assessment fee payment of \$2,516.54 has been made by the applicant to the City;
 - (4) endorse the Schedule of Submissions prepared in respect of the proposed modifications to the Structure Plan (as above);
 - (5) advise the proponent and those persons who made a submission of Council's decision; and
 - (6) pursuant to clause 22(7) of the *deemed provisions* request that the Commission provides written notice of its decision to approve or to refuse to approve the Structure PI.



COUNCIL DECISION

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

CARRIED 9/0

Background

The proposed Structure Plan (Attachment 1) was lodged in February 2016 and advertised in July 2016. Following advertising, the Structure Plan was considered at the 8 September 2016 Ordinary Council Meeting (OCM) (Item 14.1), whereby Council resolved to defer consideration of the item to allow further investigation by the City into the Structure Plan design.

Following these further investigations, the Structure Plan was reconsidered at the 13 October 2016 OCM (Item 15.4) whereby Council resolved to advertise modifications to the Structure Plan in accordance with cl 19(1)(d) of the Deemed Provisions. The modified Structure Plan (refer Attachment 2) was advertised for 28 days from 25 October until 22 November 2016.

The purpose of this report is to consider the proposed modifications to the Structure Plan in light of the responses received from advertising of the modifications.

Submission

N/A

Report

The two previous reports considered by Council at the 8 September (Item 14.1) and 13 October 2016 (Item 15.4) OCMs provide the background and detailed explanation of the objections the City has with the original Structure Plan design. These particularly concern the fragmented layout of open space, the exclusion of two portions of Lot 22 from the Structure Plan area, and the unsafe movement network comprising a series of right angle bends. This report follows on from these previous reports and is prepared as a result of the Council decision at the 13 October OCM to advertise modifications to the original Structure Plan, which aim to address the unsatisfactory elements of the original Structure Plan.



The modified Structure Plan (refer Attachment 2) addresses the City's concerns with the Structure Plan design and provide an alternate solution. The proposed modifications provide a more consolidated and useable area of POS, a more safe and efficient road layout that does not incorporate right angle bends, and includes the whole of Lot 22 in the Structure Plan area to ensure there is an appropriate planning structure to guide subdivision and development of these two portions of land. The modified Structure Plan is considered an acceptable design for the land, and particularly addresses the problems associated with the original Structure Plan proposal.

Due to the modified Structure Plan proposing a relocation and reconfiguration of POS and residential land use over the site, the Bushfire Management Plan (BMP) prepared in support of the application cannot be adopted since it does not reflect the location of proposed lots and Building Protection Zones. Thus, the bushfire risk of the proposed residential zones as per the modified Structure Plan are likely to be different to that identified in the BMP and the BMP will need to be updated to reflect the modified design before it can be adopted. This requirement has been included in the recommendation above (recommendation (2)).

Community Consultation Outcomes

The proposed modifications to the Structure Plan were advertised for a period of 28 days from 25 October 2016 until 22 November 2016 in accordance with Council's resolution and the Deemed Provisions. A total of twenty submissions were received, with eleven being from government agencies, ten of which raised no objections to the proposal.

The submission by the Department of Water, whilst raising no objection, requires the LWMS to be amended to address the modifications to the Structure Plan. This requirement has been included in the recommendation above (recommendation (1)46). The amended LWMS will be required to be approved by the Department of Water and the City of Cockburn.

The submission by the Department of Fire and Emergency Services raised objections to the proposal on the grounds that the BMP cannot be validated given it does not respond to the modified Structure Plan design as well as a number of other required modifications. Until such a time as the BMP is updated, detailed comment cannot be provided and the fire risk impact on future development cannot be determined. This requirement has been addressed in recommendation (2) above.

Nine submissions were received from or on behalf of nearby landowners with one submission being from the proponent of the



original Structure Plan. Eight of these submissions, including the one from the proponent, provided very similar objections regarding the proposed location of POS along the eastern boundary of Lot 51, the proposed change in the road network and intersection of Road 1 and 3, and the proposed depth of the lots proposed by the Structure Plan. These submissions closely reflect the objections previously raised by the landowner which were addressed in detail in the two previous reports to Council on the 8 September (Item 14.1) and 13 October (Item 15.4). In this regard, the City has already responded to these objections. These responses are the basis of the modified design, in order to create an acceptable and logical layout of open space, road design and the like. These objections raise issues that have already been addressed and overcome in respect of the original Proposed Structure Plan that was not acceptable in terms of its design. Responses to these submissions reiterating the City's previously communicated stance on these matters has been included in the Schedule of Submissions at Attachment 3.

The objections regarding inconsistencies between the LWMS, the BMP and the modified Structure Plan design have been addressed previously in this report and the recommendation above. Both the LWMS and BMP will be required to be updated in accordance with the modified Structure Plan design.

One submission objected to the proposal on the grounds that the connection of the subject land road network with the existing Monger Road would result in increased traffic along Monger Road. This objection is not supported as the intention has always been to extend Monger Road into the subject land, providing an important connection for landowners in the vicinity to access Rockingham Road via Yindi Way. Closing off this connection would impact the permeability of the area for vehicles and place further pressures on other local roads.

The submission that did not object to the proposal was lodged on behalf of the landowner of Lot 21 and proposes a realignment of proposed Road 2. This realignment is not supported as it is not necessary for the functionality of Road 2 as further detailed in the Schedule of Submissions.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3).

It is recommended the Structure Plan be modified as per the advertised modifications, and be approved by the WAPC based upon such taking place. The full suite of final modifications is contained within the officer's recommendation.



Strategic Plan/Policy Implications

City Growth

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

Community, Lifestyle & Security

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

Budget/Financial Implications

The required Structure Plan application fee has been calculated and paid by the proponent. It is noted that an additional fee of \$2,516.54 remains outstanding, and will need to be paid prior to sending of the Structure Plan to the Commission. This additional fee is costs incurred by the City in advertising the modifications to the original Proposed Structure Plan. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

Pursuant to *Schedule 2, Part 4, clause 19(3) of the deemed provisions*, modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

Pursuant to *Schedule 2, Part 4, clause 20(1)(b) of the deemed*, the City must provide a report on the structure plan to the Commission no later than 60 days after the last day for making submissions after proposed modifications to a structure plan are advertised. Since advertising closed on 22 November, a report to the Commission is required to be provided by 21 January 2016 unless a request is made to the Commission and granted under clause 20(1)(c) of the Regulations.



Community Consultation

Pursuant to *Schedule 2, Part 4, clause 19(2) of the deemed provisions*, the proposed modifications to the Structure Plan were advertised from 25 October 2016 until 22 November 2016.

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

Twenty submissions were received during the advertising period of which eleven were received from government agencies and nine from or on behalf of landowners in the vicinity of the Structure Plan. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

Risk Management Implications

The Structure Plan proposes a design that the City has raised a number of concerns over as discussed in detail in both the 8 September 2016 and 13 October 2016 OCM reports. The proposed modifications to the Structure Plan address these concerns and thus if these modifications are not supported, the result would be a Structure Plan that does not appropriately provide the coordination of key infrastructure or public amenity. It would also result in a situation that potentially prevents the future extension of Beelias Drive due to lots front Mayor Rd. The Structure Plan design is not consistent with orderly and proper planning and would not provide future residents with a safe and efficient local road network or sufficient and useable POS.

Attachment(s)

1. Applicant's Structure Plan
2. Modified Structure Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

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

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

Nil.



(MINUTE NO 5972) (OCM 8/12/2016) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr K Allen that Council extends the meeting for one hour, the time being 9.00p.m. in accordance with Council's Standing Orders Local Law Clause 14.4.

CARRIED 9/0

15.6 (MINUTE NO 5973) (OCM 8/12/2016) - ADOPTION FOR FINAL APPROVAL – ROCKINGHAM ROAD UPGRADE CONCEPT PLAN (110/088 & 110/043) (D DI RENZO / A TROSIC) (ATTACH)

RECOMMENDATION

That Council adopt the Rockingham Road concept plan to progress further detailed design and feasibility work subject to the following:

1. Inclusion of a full movement vehicle access to the driveway just south of the McDonalds restaurant not being supported unless a comprehensive plan is submitted by the Phoenix Shopping Centre demonstrating to the satisfaction of the City the following works to be implemented by the Phoenix Shopping Centre, at their cost:
 - a. Façade treatments to the corner opposite Kent Street and western façade areas which improve the appearance of the servicing area, and improve the Shopping Centre's frontage to Rockingham Road.
 - b. Improvements to the general appearance of the Coles servicing area (area depicted in Attachment 3), including maximising opportunities for additional significant landscaping.
 - c. Embellishment of the amenity space as depicted on the City of Cockburn Draft Concept Plan, including as a minimum landscaping and seating.
 - d. Improvements to pedestrian connectivity in this area.
2. In the event that (1) above is not achieved by 13 January 2017, the City shall redesign the proposed Kent Street and Rockingham Road roundabout as a three-leg intersection without direct access to the Phoenix Shopping Centre, including:



- a. Deletion of the proposed relocated southern access to the Phoenix Shopping Centre from Rockingham Road, and retention of the internal current accessway alignment.
 - b. A continuous median that restricts right turning movements to the southern Phoenix Shopping Centre access, modifying this entry as left-in, left-out only.
 - c. Advice of the above provided to the Phoenix Shopping Centre as soon as possible of such redesign.
3. Inclusion of a new 4-leg roundabout on the concept plan between Lancaster Street and Phoenix Road to provide a point of full movement vehicle access to both sides of the road north of Lancaster Street for the purposes of investigating its feasibility (traffic operation and cost).
 4. Refinements to the modified entry to the Lot 16 Rockingham Road at the proposed new Lancaster Road roundabout in consultation with the landowner.
 5. Review and any associated modification to improve access from Phoenix Road to the car park entry behind Hungry Jacks and BP such that it is safer and more legible for cars to utilise this access point.
 6. Request City officers to present the final design and cost estimates to the March 2017 OCM.
 7. Request an extension from the Western Australian Planning Commission to the timeframe that the proposed Phoenix Activity Centre Structure Plan report is to be presented to them until after the February 2017 Ordinary Meeting of Council when this matter is proposed to be considered.

COUNCIL DECISION

MOVED C/r K Allen SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (1) defer consideration of this item until the March 2017 Ordinary Council Meeting;



- (2) arranges a briefing, prior to the March 2017 Ordinary Council Meeting, from the shopping centre owners on their future plans and timing for centre upgrades and from the City's officers on the potential traffic impacts on surrounding roads, should Rockingham Road be reduced to one lane;
- (3) advises the owner of the Phoenix Shopping Centre and other significantly impacted local businesses that it is prepared to consider additional information pertaining to the future development of their properties however all such information will need to be submitted to the City prior to 17 February 2017; and
- (4) seeks an extension of time, from the WA Planning Commission, to allow the proposed structure plan matter to be considered at the March 2017 Ordinary Council meeting.

CARRIED 9/0

Reason for Decision

We all want better activation and a safer pedestrian environment on and along Rockingham Road.

The new shopping centre owners are committed to being co-operative with Council and endorse Council objectives for the Rockingham Rd upgrade.

They are committed to both keeping the enhancing shopping centre and seeing it continuing to operate providing employment to Cockburn ratepayers and ensuring the right outcome for all.

The issue is that refinement with other centre plans takes time and the review period hasn't given the shopping centre owners sufficient time to finalise or cost their plans.

They are looking at a larger master plan of the centre over and above what Council officers have suggested to date. They have the intent and agree with the principles of the council upgrading idea.

The report mentions that they are not committed to removing carparks at the southern end to accommodate landscaping; this is not correct, the shopping centre has legal binding tenancy agreements capturing the car parks and they can't lose these without extensive negotiation with the major tenants.



There are also financial considerations; they are losing land for Council to build the roundabout without any financial compensation. If we were to agree to the officers recommendation and the shopping centre couldn't activate the January deadline, all we have done is condemn the shopping centre to a slow death; traffic movement to the shopping centre would be impacted leading to its death and our ratepayers losing out and their employment.

Any upgrade, needs to be cost effective; they need to get tenants on board. They and Council need to engage the community of the plans and conduct focus group meetings. There will be impacts on residents living on the streets and streets impacted and they are yet to be consulted.

We can't just push this through, there needs to be more consideration of the issues. This can only be done by Council receiving a briefing from the owners. We need to be looking at a long term strategy, not just a short term fix. There are potential impacts on the ratepayers and business owners and if we don't get this right. We need to be doing this once and doing it correctly. Rushing the project will not achieve the best solution should be looking to do this once and to do it properly rushing the project won't achieve the best solution.

We need to be fully briefed on the traffic studies that have been carried out, to determine the potentially huge impacts that could occur on roads such as Hamilton Road, Doolette St, Gerald St, Kent St and Phoenix Road to name just a few. We must also give full consideration to traffic flow impacts on local businesses. If it is going to go ahead, let's make sure it is done correctly. If a delay needs to go ahead to get more information from the owners and the master plan, I believe it is not going to impact this project.

Background

At the OCM of 9 June 2016 Council adopted the draft Phoenix Activity Centre Structure Plan, Local Planning Policy Design Guidelines and draft concept plan for major upgrades to Rockingham Road for the purposes of community consultation. The focus of this report is on one of these three components, being the Rockingham Road upgrade concept plan.

The Rockingham Road upgrade was identified as a key action as part of the Phoenix Central Revitalisation Strategy. This identified an upgrade to Rockingham Road in order to:

- Improve the amenity of the public realm.



- Improve connectivity for various transport modes including pedestrians and cyclists.
- Enhance bus stop facilities.
- Promote mixed use development along the western side of Rockingham Road.
- Enhance the streetscape.
- Reduce the negative impact of excessive signage along Rockingham Road.
- Reduce the negative impact of excessive car parking and crossovers along Rockingham Road.

At the 14 August 2014 OCM, Council endorsed the commencement of a multidisciplinary internal workgroup represented by Strategic Planning, Parks Services and Engineering Services. The purpose of this was to advance concept planning for Rockingham Road.

The work group identified key objectives and preliminary concept plan options for the revitalisation of Rockingham Road. This first step was necessary to understand the future desired form and function of the road before preparing guidelines for adjoining built form.

The workgroup identified four options and these were presented to Porter Consulting Engineers to review. The outcomes of their review and further investigation eliminated three of the options and resulted in one viable option that is considered to meet the original objectives of the project. This option was developed into a draft considered suitable for community consultation.

Following consultation on that option, the purpose of this report is to consider for Council adoption a revised Rockingham Road upgrade concept, in order to progress further detailed design and cost estimates.

Submission

N/A.

Report

There were a large number of complex submissions received during the advertising period, and a variety of matters rose which require thorough assessment and consideration. Therefore to enable careful consideration of these matters, the draft Activity Centre Structure Plan and Local Planning Policy Design Guidelines will be presented to Council at a future Ordinary Meeting of Council, proposed for March 2017.



The purpose of this report is therefore for Council to consider adopting the Concept Plan for Rockingham Road only at this stage in light of the outcomes of community consultation.

Rockingham Road Upgrade Concept Plan

The following key objectives underpin the Rockingham Road upgrade concept, in line with the Revitalisation Strategy:

1. To promote pedestrian use across and along Rockingham Road, through the provision of a safe and attractive environment.
2. To improve the amenity around bus stops and encourage the use of buses by giving priority to the bus service.
3. To create a visual identity which reassures and welcomes people to the town centre by conveying its sense of place.
4. To create safe and legible vehicle access arrangements which serves the town centre as a destination.

In practical terms, the proposal seeks to achieve the following:

- * Minimise land acquisition requirements.
- * Create maximum opportunities for landscaping to beautify the road.
- * Reduce the number of crossovers to Rockingham Road while facilitating access to businesses through a 'roundabout system'.
- * Reduce traffic speeds through new 50km speed limits (subject to Main Roads), and a narrowing of the road that will slow traffic.

The Draft Concept Plan that was adopted by Council for community consultation is included at Attachment 1 and proposes the following key features:

- * Reduction of Rockingham Road to two lanes between Coleville Crescent and Phoenix Road to slow traffic and improve safety and amenity for pedestrians and cyclists. This will allow the introduction of bike lanes and landscaping on Rockingham Road, which would not be possible within the current 4-lane configuration because of the narrow road reservation.
- * Introduction of an almost continuous median strip to reduce the number of unsafe vehicle right hand turning movements, and to provide the opportunity for street trees, given this is very limited either side of the road because of the narrow road reserve; services; and powerlines.



- * Replacement of the traffic signals at Lancaster Street with a new roundabout; and a new proposed roundabout at Kent Street which also includes a new relocated southern entry to the Phoenix Shopping Centre from the roundabout. These two roundabouts provide a U-turn system which allows for the introduction of the median whilst still providing good access to both sides of the road.
- * Creation of an amenity space in the area to the north east of the proposed Kent Street roundabout in the area that is currently the southern entry to the Phoenix Shopping Centre. This area will provide a more attractive pedestrian entry to the shopping centre; provide a space for visitors and staff to use; and critically it will provide the opportunity for an improved interface with Rockingham Road; and will help create a visual identity to the centre that will improve legibility.
- * Reduction in the number of crossovers to Rockingham Road to improve safety for vehicles, and improve the pedestrian environment, given that crossovers interrupt pedestrian movement and comfort, and reduce safety for cyclists.

Outcomes of Community Consultation

The draft Activity Centre Structure Plan, Local Planning Policy Design Guidelines and Concept Plan for Rockingham Road have undergone an extensive community consultation process.

In the first instance, the City undertook preliminary consultation with key affected stakeholders, writing to all adjacent landowners in May 2016 advising them of the proposed project, and inviting them to arrange a meeting with staff to explain the plans and how they may be affected. This was intended to ensure that landowners had the opportunity to meet one-on-one with staff who could explain the impact that the proposed changes would have on them.

The City met with approximately fifteen landowners/business owners and residents, and had telephone discussions with a number of other landowners at this time.

Over the past twelve months the Phoenix Working Group, comprised of community members, and on occasion affected landowners, also met on four occasions to discuss the plan.

Subsequently the plan was adopted by Council for advertising at the 9 June 2016 OCM, and was formally advertised for 60 days, ending on



22 October 2016. This was extended from the normal 28 days to allow the Phoenix Shopping Centre sufficient time to consider the proposal.

This included letters to landowners in the area, letters to government agencies, and a display at the Phoenix Shopping Centre.

A total of 37 formal submissions were received, with ten submissions supporting the proposed Rockingham Road upgrade and Phoenix Activity Centre Structure Plan concept.

There were 17 objections received, with submitters primarily concerned with the reduction to one lane, perceiving it to be a downgrade that will create traffic congestion.

All submissions are included and addressed in Attachment 4.

There were four specific submissions received from businesses/landowners on Rockingham Road presenting alternative plans which will be discussed in the following section.

Consultation with Phoenix Shopping Centre and McDonalds

The Phoenix Shopping Centre is a major stakeholder in this project, and for this reason the City has undertaken early and extensive consultation with them on the project.

This commenced on 10 February 2016 when the City advised the Phoenix Shopping Centre owners, Rockworth that plans were being developed for the upgrade and beautification of Rockingham Road, and that one favoured option had been prepared by David Porter Engineering after consideration of a number of alternative options.

Rockworth were advised that this option involved the introduction of new roundabouts on Rockingham Road to slow traffic and improve accessibility. They were advised that this included the introduction of a new roundabout at the intersection of Kent Street and Rockingham Road which would provide the opportunity for a new relocated southern entry to the Phoenix Shopping Centre.

The City invited Rockworth (and their urban design and/or engineering consultants) to meet to discuss the project and this option in particular in further detail.

On 23 March 2016 they were provided with draft copies of the plan to enable them to have sufficient time to consider the implications of the plan for their own site master planning process.



Throughout the year the City has met on five occasions with representatives from the Phoenix Shopping Centre and their consultants. City officers have also met on two occasions with representatives from McDonalds.

The Fratelle Group (on behalf of the Phoenix Shopping Centre) requested an extended advertising period of 60 days (extended from the normal 28 days) at the June 2016 OCM when adoption of the draft Rockingham Road Upgrade Concept Plan and Draft Phoenix Activity Centre Structure Plan was considered by Council.

This was requested to allow sufficient time to undertake site master planning, which would then inform their submission on the advertised documents. Council supported an extension to the advertising period of 60 days, and this was granted by the WAPC.

On 14 June 2016 the Fratelle Group, on behalf of the Shopping Centre, requested that the commencement of the advertising period for the draft Rockingham Road Upgrade Concept Plan and Draft Phoenix Activity Centre Structure Plan be delayed until the traffic modelling was completed by the City of Cockburn. This request was granted, and advertising did not commence until the traffic modelling was available.

On 20 October 2016, at the request for the Phoenix Shopping Centre, the City granted an extension of two weeks to the advertising period which was then further extended to 8 November 2016 at their request.

Submission from Phoenix Shopping Centre and McDonalds Spearwood

Phoenix Shopping Centre and McDonalds (located on the Phoenix Shopping Centre land) have submitted an alternative plan that is included as Attachment 2.

Their proposed plan includes the following key features which vary from Council's draft plan as advertised:

1. Removal of the proposed amenity space, replaced by parking bays;
2. Full access to McDonalds from Rockingham Road (proposed as left-in, left out in Council's draft plan adopted for advertising);
3. A new internal north south connection from the southern car park to the northern car park along the Coles servicing area.



Each of these proposed changes are discussed below.

1. Proposed amenity space removal

The inclusion of parking in the amenity space area is not supported as this is considered to be a key feature of the Rockingham Road upgrade. This would represent a worse outcome than currently exists particularly in respect of accessing the centre as a pedestrian or public transport user.

The appearance of this area with parking and an additional access way will be an unattractive and cluttered area of kerbing and asphalt, with very minimal areas for landscaping.

The Phoenix Shopping Centre comprises a very large proportion of the commercial floor space of the Activity Centre, and visually it is the most prominent component of the centre due to its built form and extensive car parking.

The design and placement of the shopping centre presents visual and functionality issues. Key to this issue is the internal nature of the Phoenix Shopping Centre with entrances located away from surrounding roads. Whilst the internal nature of the shopping centre is not unusual, it is uncommon that the entrances do not face the main street fronts.

It is far more typical in shopping centres (and more specifically in other district centre shopping centres in the Perth Metropolitan area) that the main entrances to the centre are clearly visible from key adjacent streets. Although in most cases the traditional 'big box' shopping centre is surrounded by large expanses of car parking, the main entrances are still usually highly visible from key adjacent streets. This provides a basic level of legibility for pedestrians and people travelling by car or public transport (even when the pedestrian environment itself may be less than desirable).

However, this is not the case with Phoenix Shopping Centre, and because the main entrances lack visibility, this has the following key impacts:

- * Significantly reduces legibility for the centre, particularly given that there is no built form that signifies entry into the town centre;
- * Reduces pedestrian connectivity;
- * Limits the 'sense of place' due to the lack of visual identity.

This is an issue that has arisen due to the original frontage of the shopping centre addressing Coleville Crescent, rather than



Rockingham Road. Incremental expansion of the centre, particularly the decked parking areas, has therefore closed off opportunities for frontages to the street.

The need to improve this interface has been identified as important since the 2006 City of Cockburn Local Commercial Strategy, which highlighted the need to improve the appearance and functioning of the Phoenix Park complex, particularly when viewed from Rockingham Road.

This is why to address these issues a key feature of the Structure Plan and Rockingham Road Concept Plan is the amenity space in the area north of the new roundabout (area currently the southern entry point to the centre on Rockingham Road to be closed), which adjoins the proposed improvements to Rockingham Road.

This area could include landscaping and seating, and could provide an active frontage and presence to Rockingham Road that the centre currently lacks.

The provision of this amenity space is considered to be imperative to work towards the objectives of SPP 4.2, particularly to assist in achieving the following, which otherwise would be reliant on substantial redevelopment of the shopping centre:

- * Improving legibility by providing an identifiable entry to the centre that is currently lacking, and that is currently reliant on signage.
- * Improving pedestrian amenity - Providing an improved, safe, attractive pedestrian entry to the shopping centre, particularly for pedestrians walking to/from the well patronised bus stops on Rockingham Road
- * Providing a sense of place for the centre that is currently lacking.

For this reason the delivery of this space is considered to be a critical element of the Activity Centre Structure Plan. Without this included in the plan it is considered likely that there would be little improvement to the frontage of the shopping centre to Rockingham Road in the absence of complete redevelopment of the centre, given how constrained the site is.

It is noted that the Master Plan – Principles Plan provided by the Shopping centre in their submission depicts a ‘Community Gathering Space’ in this general location, yet this contradicts their Rockingham Road concept plan which removes the space.



The City understands that the Shopping Centre owners are in the process of master planning the site, and that this has not been finalised. However, the proposed concept plan is not supported because it does not provide any certainty that such a space can be provided in the future in an alternative location

Their suggestion that the public space could be provided elsewhere, set as a requirement in the Activity Centre Structure Plan, is not supported and is considered to create the possibility of such a space never being delivered. This is because the site is so constrained that it is unclear where such a space could be located as an alternative. It is considered that the location of the amenity space where shown on the draft plan will have a more significant positive impact than it would have elsewhere on the site because it could improve the critical interface with Rockingham Road. Once this space is delivered, and becomes functional, there is still the opportunity for the shopping centre owner to propose its relocation at some point in the future. Importantly, early delivery by the shopping centre will immediately address a known issue for the centre, as well as contribute to lifting the broader amenity of the area.

The Shopping Centre have included parking bays in the amenity space to reclaim some of the bays that will be lost through the introduction of the roundabout (they estimate 35 bays will be lost). This is unacceptable, and does not reflect the need for additional parking in this area. The City has continually advised the Shopping Centre owner about the availability of car parking on the underutilised top southern deck, and that any concerns regarding loss of parking should be focussed upon improved access and direction to the upper level car park.

Despite suggesting a concern about a lack of car parking, the Shopping Centre submission requests that the draft Structure Plan be modified to include a section providing guidance on the application of reduced car parking ratios for the Centre on the basis of State Planning Policy 4.2 – Activity Centres Policy for Perth and Peel (SPP 4.2) which states that for activity centres upper limits should be prescribed for car parking provision. Their submission states that this is “*acknowledging the current oversupply of car parking within the Centre.*” Considering this request of the centre, there is no justification to warrant the need for additional car parking in lieu of the proposed public amenity space.

As mentioned above, the upper deck of parking on the southern side was approved as part of a major development application that included the addition of another Discount Department Store to the centre. The upper deck of parking was constructed, however the Discount Department Store and additional floor space was never built.



Therefore while the proposed roundabout does remove parking bays from this area, it is not considered that there is sufficient justification to remove the amenity space and replace it with parking, particularly if the new internal connection to the larger northern car park is supported, as discussed below.

2. Full access to McDonalds from Rockingham Road and 3. New internal north south connection from the southern car park to the northern car park

The Council's draft plan proposes modifications to the access to McDonalds to allow only left in, left out access, with the intention being that vehicles travelling north on the road utilise the proposed Lancaster Street roundabout to do a U-turn to access properties on the eastern side of the road, including McDonalds. This is intended to remove unsafe right turning movements; improve pedestrian movement along Rockingham Road; and to facilitate opportunities for trees in the median.

The proposed alternative plan includes full access to McDonalds, supported by a traffic report which identifies the large number of vehicles accessing the site, and which highlights the highly constrained nature of the site.

Their proposal also includes an internal connection from the southern car park to the northern car park along the Coles servicing area. This would include some modifications to the ramps to the northern car park. This is intended to facilitate movement from the southern to northern car park which currently does not exist.

The Shopping Centre indicated that this connection is a very important component of their revised proposal.

The City acknowledges that the majority of the Shopping Centre parking is located to the north, and that there is some benefit to including an internal connection between the two car parking areas, which also improves access to McDonalds which is a highly constrained site.

However, it is recommended that this additional access only be supported where a comprehensive plan for enhancements to this whole area are provided by the Shopping Centre which demonstrate improvement to the appearance of this area.

The concept plan the Shopping Centre have submitted demonstrates some improvements to this area, however these are considered to be inadequate for the following reasons:



1. Removal of the amenity space north of the proposed Kent Street roundabout, which is considered to be a key enhancement;
2. Proposed façade treatments only include the corner area, which will have minimal impact – this should be extended to include the façade of the servicing area itself facing Rockingham Road to ensure a substantial improvement to the appearance of this area which represents the Shopping Centre's key frontage to Rockingham Road.

City's response to Shopping Centre and McDonald's submission & recommended approach

For the reasons discussed above the alternative proposal submitted by the Shopping Centre and McDonalds is not considered to be acceptable.

It is therefore recommended that to ensure the key objectives of the project are achieved, the City take the following position:

1. That a full-access to McDonalds, and a new north-south internal access way, are not supported by the City unless the Phoenix Shopping Centre submit a plan which demonstrates the following works to be implemented by the Phoenix Shopping Centre to the satisfaction of the City:

Façade treatments to the corner and western façade areas which improve the appearance of the servicing area, and improve the Shopping Centre's frontage to Rockingham Road;

Improvements to the general appearance of the Coles servicing area (area depicted in Attachment 3), including maximising opportunities for additional significant landscaping;

Embellishment of the 'amenity space' as depicted on the City of Cockburn Draft Concept Plan, including as a minimum landscaping, and seating;

Improvements to pedestrian connectivity in this area

To summarise, it is considered reasonable that Council only support a plan that achieves the following key objectives for the City:

- Provision of an amenity space for the amenity of visitors, staff and the community that provides a more attractive frontage to Rockingham Road.



- Genuine beautification of this area to Rockingham Road.
- Improvements to pedestrian amenity and connection.

Whilst achieving the following objectives of the Phoenix Shopping Centre:

- Establishment of a new internal north south connection between the two parking areas;
- Full access to the McDonalds Restaurant from Rockingham Road.

The success of the current draft proposed concept plan for Rockingham Road relies on collaboration with the Phoenix Shopping Centre. This is why the City has undertaken early and extensive consultation with the Phoenix Shopping Centre with a view to achieving agreement on the plan.

It will be difficult for the City to implement the proposed changes successfully without their support for the plan, given that it relies on works also being undertaken on the Shopping Centre land. In other words, should the Shopping Centre not be in a position to deliver the associated works on their land that the Rockingham Road upgrade requires, the City must carefully consider how its project may need to be adjusted so that it can decouple itself from any required changes on the Shopping Centre land.

Therefore, in the event that a comprehensive plan is not submitted by the Phoenix Shopping Centre for the area depicted in Attachment 3, it is recommended that Council take an alternative approach to the interface with the Shopping Centre that does not rely on any modifications inside the Shopping Centre land.

In this regard, it is recommended that in the absence of a comprehensive plan for upgrades to the interface with Rockingham Road (which addresses the issues discussed); that the relocated southern shopping centre access is deleted from the plan.

This means that the new Kent Street roundabout would be modified as a three-way roundabout with no direct access to the Phoenix Shopping Centre, and the current access to the shopping centre would be modified as a left in, left out access through the introduction of a landscaped median.

Retention of the Kent Street roundabout is critical as it works with the proposed Lancaster Street roundabout to allow for the U-turn movements that will facilitate safe and easy access to both sides of the road.



This alternative approach will ensure the following is achieved without any significant changes to the Shopping Centre site being required:

- * Opportunities for landscaping in the new median adjacent to the shopping centre that will beautify the road and slow traffic, as intended by the draft concept plan adopted by Council for advertising.
- * Introduction of the Kent Street roundabout to facilitate safe U-turn movements and allow access to properties on Rockingham Road to be rationalised, as intended by the draft concept plan adopted by Council for advertising.
- * No direct access for McDonalds.

This option also still allows for future modifications to the Kent Street roundabout to include a new relocated access to the Shopping Centre, and creation of an amenity space as shown in the draft concept plan adopted by Council for advertising, should this be possible in the future.

In other words, the City needs to be able to provide Council with the ability to still undertake the project, without relying on the Shopping Centre. As the Shopping Centre's current concept plan and submission is unacceptable and further seeks to have the City make financial contributions to the Centre's car parking changes, the City may be faced with the prospect of proceeding without any changes being made by the Shopping Centre on their land. This is achievable, and in reality is the current concept that was advertised minus the new entrance leg off the new roundabout in to the Shopping Centre.

Giving the Shopping Centre until 13 January 2017 to provide an acceptable proposal for façade and appearance improvements along the Rockingham Road frontage is considered to be a reasonable timeframe given the extended and extensive consultations, discussions submissions and meetings already held with the representatives of the Shopping Centre over the past months.

Northern End (Lancaster Street to Phoenix Road)

During the pre-consultation meetings, and through the formal community consultation process, concerns were expressed from landowners and business owners/operators on both sides of the road that full access should be provided otherwise there would be a loss of business from passing trade.



The City encouraged landowners and business owners to make formal submissions, and to clearly set out their concerns and suggested modifications for consideration.

On the western side of the road there is a Pharmacy, medical suites, and office uses, which currently take access from one point of Rockingham Road (full access), which allows customers to access this area travelling in either direction. The concern from landowners and businesses is that vehicles travelling south on the road will not be prepared to use the proposed Lancaster Street roundabout to U-turn and access their businesses; and that the more difficult exiting scenario will be too inconvenient for customers.

Two key submissions were received in this regard from business owners on each side of the road – one suggesting the addition of a roundabout between Lancaster Street Phoenix Road; and another suggesting introduction of additional turning lanes for each side of the road (see Attachment 4 Schedule of Submissions for plan included in the submission).

South of Lancaster Street the two proposed roundabouts provide good access to both sides of the road, thereby minimising any potential negative impact from the continuous median, and ensuring good access is provided to businesses. It is acknowledged that the north of Lancaster the alternative access as proposed by the draft plan is more restrictive. Hence the roundabout proposed at the Lancaster/Rockingham intersection will be designed to allow for a future access on the western side of the roundabout (currently a Chiropractic centre) which in future could provide a service road access right along the businesses on the western side of Rockingham Road to eliminate vehicle access and turning currently from Rockingham Road frontage. This proposal cannot happen until the redevelopment of the Chiropractic centre property but would yield major congestion and safety benefits to vehicle traffic.

One submission suggested that the intersection of Phoenix Road and Rockingham Road be modified to a two lane roundabout to facilitate easy movement to and from Lancaster Street. There is insufficient space to accommodate a roundabout at the Phoenix Road and Rockingham Road intersection. This would require very substantial land acquisitions that are not considered to be in best interests of the community, and would be cost prohibitive due to major underground and overhead utility service relocations.

The suggestion from landowners on the eastern side of the road that turning lanes be introduced (to allow full access) means that landscaping opportunities are significantly reduced, and it is questionable as to whether this outcome would achieve the key



objective of beautifying the road. Providing right turn facilities would also create the risk of queuing right turn traffic obstructing the single remaining through traffic lane.

The City has therefore investigated the possibility of an additional roundabout north of Lancaster Street, aligning with the southern entrance to Lancaster House.

The City engaged Urbsol to investigate the inclusion of an additional roundabout in this location (see Attachment 5).

This report identifies that traffic will be free flowing until 2031, and that beyond this it will need to be monitored to determine whether there needs to be adjustment to the Phoenix Road/Rockingham Road traffic lights.

It is therefore recommended that Council adopt the concept plan with the inclusion of a roundabout in this location, for the purposes of undertaking further detailed investigation into its feasibility and cost.

It is recommended that upon completion of the detailed design, this matter be presented again to Council (proposed for the March 2017 OCM) for Council to consider any further implications of introducing this roundabout.

General Comments

A number of submissions expressed concern regarding the reduction of the road to one lane in each direction; whereby there was a perception this would cause greater congestion and driver frustration. The traffic modelling that has been undertaken demonstrates that the proposed road upgrade will not create traffic congestion. The slower traffic speeds, and the introduction of roundabouts to break traffic, will make it easier for vehicles to exit properties on Rockingham Road and improve pedestrian safety.

Submissions were also received from residents on Kent Street raising concerns about vehicle use of this street. It is a known street which attracts speeding, due particularly to its straight run and the steepness of it especially between Sussex Street and Rockingham, Road. It is recommended that, traffic calming treatments be considered for the section of Kent Street between Rockingham Road and Sussex Street in the 2017/18 budget under the annual traffic management allocation.

For example the City has installed a speed hump on Gerald Street, at the northern end near Phoenix Road in order to slow vehicles down in the vicinity of the connecting side street intersection. It is



recommended the City explore suitable design options for Kent Street in 2017/18.

Finally, in liaison with the Phoenix Working Group, it was suggested that the City examine the existing Phoenix Road access in to the car park and shops at Hungry Jacks and BP. This is considered logical to also do at this time, noting that the geometry of the access could be improved and may assist in providing further access options for the precinct.

Activity Centre Structure Plan consideration

Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* a Structure Plan a report to the WAPC is required no later than 60 days after the last day of advertising, or a day agreed by the WAPC.

It is proposed that the Structure Plan be presented to the February 2017 Ordinary Meeting of Council and is therefore recommended that the City request an extension of time from the WAPC to enable adequate time to consider the submissions and the Rockingham Road upgrade concept plan, which impacts on the proposed Structure Plan.

Conclusion

It is recommended that Council adopt the Concept Plan for Rockingham Road for final approval, as a concept plan subject to modifications and further assessment of costs as discussed in this report.

It is recommended that the inclusion of full access to McDonalds, and support of an internal access way from the southern car park to the northern car park, not be supported unless the Shopping Centre prepares a comprehensive plan for improvements along their western boundary, including embellishment to the amenity space. These plans need to be to the satisfaction of the City. In the event this cannot be resolved, it is recommended that the Kent Street roundabout be redesigned as a three way roundabout without direct access to the Phoenix Shopping Centre and full access to the McDonalds not be included.

Strategic Plan/Policy Implications

City Growth

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



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 safe places and activities for residents and visitors to relax and socialise

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Improve the appearance of streetscapes, especially with trees suitable for shade

Budget/Financial Implications

The preparation of the Activity Centre Structure Plan has been funded through the Strategic Planning budget, with further budgeting required at a later stage as the structure plans are formulated. The current capital works (CW) budget allocation in 2016/17 is \$4,000,000.

Legal Implications

Should the Shopping Centre provide an acceptable proposal for façade and appearance improvements along the western side of the Shopping Centre facing Rockingham Road, the City will need to enter into a legal agreement to set agreed timeframes for the delivery of works to be carried out by the Shopping Centre.

Community Consultation

The Activity Centre Structure Plan and Local Planning Policy Design Guidelines were advertised for a period of 60 days to relevant landowners, government agencies and community groups. This advertising period was extended from the normal 28 day period at the request of the Phoenix Shopping Centre, with the extension granted by the WAPC.

There was a display at the Phoenix Shopping Centre and notice in the newspaper to ensure people who visit the centre had the opportunity to see the proposed plans and comment.



Attachment(s)

1. Draft Rockingham Road Concept Plans as adopted by Council for Community Consultation
2. Phoenix Shopping Centre Submission
3. Phoenix Shopping Centre Future Concept Plan Area
4. Schedule of Submissions
5. Urbsol Traffic Report – Additional roundabout

Risk Implications

The key risk faced by the City is not being able to deliver the project due to not being able to secure an acceptable, workable outcome with the Shopping Centre. In order to address this risk, two options are provided within the report which is considered to provide equally an acceptable way for the project to move forward.

Advice to Proponent(s)/Submissioners

All parties who made a submission during the public consultation period have been advised that the matter will be considered at the Ordinary Council Meeting to be held on 8 December 2016.

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

Nil.

16. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

16.1 (MINUTE NO 5974) (OCM 8/12/2016) - LIST OF CREDITORS PAID - OCTOBER 2016 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 9/0



Background

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

Submission

N/A

Report

The list of accounts for October 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 – October 2016.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE NO 5975) (OCM 8/12/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - OCTOBER 2016 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council :

- (1) adopt the Statement of Financial Activity and associated reports for October 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 | Increase | 32,378 |
| Expenditure Adjustments | Increase | 172,651 |
| TF from Reserve Adjustments | Increase | 170,000 |
| TF to Reserve Adjustments | Increase | 0 |
| Net change to Municipal Budget Closing Funds | Increase | 29,727 |

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0



Background

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

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

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

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

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

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

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

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variances within monthly financial reporting. At its August meeting, Council adopted to continue with a materiality threshold of \$200,000 for the 2016/17 financial year.

Detailed analysis of budget variances is an ongoing exercise, with any required budget amendments submitted to Council each month in this report or included in the City's mid-year budget review as considered appropriate.

Submission

N/A



Report

Opening Funds

The opening funds (representing closing funds brought forward from 2015/16) are currently reported at \$9.3M, which is \$1.2M less than the \$10.5M forecast in the adopted budget.

The finalised closing funds for 2015/16 was 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 November 2016 financial report will include the adopted changes.

Closing Funds

The City's closing funds for October of \$79.7M were \$5.2M higher than the budget forecast of \$74.5M. 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 \$0.37M, up slightly from \$0.34M last month.

Operating Revenue

Consolidated operating revenue of \$102.70M was over the YTD annual budget target by \$0.31M.

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

| Nature or Type Classification | Actual Revenue \$M | Revised Budget YTD \$M | Variance to Budget \$M | FY Revised Budget \$M |
|--|-----------------------|---------------------------|---------------------------|--------------------------|
| Rates | 93.32 | 92.07 | (1.25) | 95.70 |
| Specified Area Rates | 0.31 | 0.33 | 0.02 | 0.33 |
| Fees & Charges | 10.35 | 10.72 | 0.37 | 24.37 |
| Service Charges | 0.44 | 0.44 | 0.00 | 0.45 |
| Operating Grants & Subsidies | 3.92 | 3.77 | (0.15) | 9.87 |
| Contributions, Donations, Reimbursements | 0.17 | 0.21 | 0.04 | 0.64 |
| Interest Earnings | 2.09 | 1.59 | (0.50) | 4.77 |
| Total | 110.60 | 109.14 | (1.46) | 136.13 |



The significant variances at month end were:

- Rates – Part year rating was \$1.26M ahead of YTD budget mainly due to several significant commercial properties becoming rateable.
- Fees & Charges - Commercial landfill fees were \$0.28M behind the budget target, reflecting general economic conditions and activity.
- Operating Grants & Subsidies - Family Day Care and In-Home Care subsidies received were collectively \$0.45M ahead of budget. These are offset by higher payments to the care givers. Grant funding for aged services was \$0.24M behind the YTD budget.
- Interest Earnings – Investment earnings from the City's financial reserves were \$0.27M ahead of budget.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$18.9M was under the YTD budget by \$2.5M.

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

| Nature or Type Classification | Actual Expenses \$M | Revised Budget YTD \$M | Variance to Budget \$M | FY Revised Budget \$M |
|--------------------------------------|----------------------------|-------------------------------|-------------------------------|------------------------------|
| Employee Costs - Direct | 14.93 | 14.42 | (0.51) | 49.13 |
| Employee Costs - Indirect | 0.24 | 0.30 | 0.05 | 1.40 |
| Materials and Contracts | 11.81 | 13.12 | 1.31 | 39.00 |
| Utilities | 1.42 | 1.51 | 0.09 | 4.67 |
| Interest Expenses | 0.00 | 0.00 | 0.00 | 0.93 |
| Insurances | 2.14 | 1.28 | (0.86) | 2.24 |
| Other Expenses | 2.93 | 2.77 | (0.16) | 8.97 |
| Depreciation (non-cash) | 8.44 | 8.78 | 0.34 | 26.35 |
| Amortisation (non-cash) | 0.37 | 0.40 | 0.03 | 1.19 |
| Internal Recharging-CAPEX | (0.78) | (1.44) | (0.65) | (2.44) |
| Total | 41.51 | 41.14 | (0.36) | 131.45 |

The significant variances at month end were:

- Employee Costs – Accrued annual leave was impacted during the month by an increase of \$0.5M due to the take up of 17.5% leave loading in the calculation. This change was identified and recommended by external audit of the 2015/16 annual accounts.



- Insurance premiums were \$0.86M ahead of the YTD budget due to the earlier issue of second instalment invoices compared to last year.
- Material and Contracts - were \$1.31M 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 \$0.26M
 - Facilities Maintenance under by \$0.36M,
 - Waste collection under by \$0.22M,
 - IT Services under by \$0.21M.
 - Family Day Care and In-Home Care caregiver payments over by \$0.47M.
- Depreciation – Buildings (\$0.30M) and Roads (\$0.50M) depreciation were both under the YTD budget, partially offset by Parks (\$0.27M) and Marina (\$0.32M) depreciation exceeding YTD budget. Depreciation charges are impacted by the annual revaluation of infrastructure assets and Marina depreciation was not included in the adopted annual budget as no asset values were available at the time.
- Internal Recharging – Insurance premium allocations were \$0.79M behind the YTD budget. This will be addressed and rectified in November.

Capital Expenditure

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

The following table details the budget variance by asset class:

| Asset Class | YTD Actuals \$M | YTD Budget \$M | YTD Variance \$M | FY Revised Budget \$M | Commit Orders \$M |
|-------------------------|----------------------------|---------------------------|-----------------------------|----------------------------------|------------------------------|
| Roads Infrastructure | 2.8 | 9.7 | 6.9 | 22.3 | 7.7 |
| Drainage | 0.1 | 0.9 | 0.8 | 1.7 | 0.1 |
| Footpaths | 0.1 | 0.5 | 0.4 | 1.2 | 0.1 |
| Parks Infrastructure | 3.0 | 4.1 | 1.1 | 10.3 | 2.0 |
| Landfill Infrastructure | 0.0 | 0.1 | 0.1 | 0.4 | 0.1 |
| Freehold Land | 0.2 | 0.7 | 0.5 | 1.6 | 0.0 |
| Buildings | 19.2 | 24.9 | 5.7 | 58.5 | 20.4 |
| Furniture & Equipment | 0.0 | 0.0 | 0.0 | 2.6 | 0.2 |
| Information Technology | 0.1 | 0.5 | 0.4 | 1.5 | 0.3 |
| Plant & Machinery | 0.9 | 3.0 | 2.1 | 8.2 | 2.6 |
| Total | 26.4 | 44.4 | 18.0 | 108.3 | 33.5 |



These results included the following significant project variances:

- Roads Infrastructure – Projects behind YTD budget were Berrigan Drive Jandakot Improvement Works (\$5.48M), Verde Drive [Biscayne to Solomon] (\$0.39M), Beeliar Drive [Spearwood to Stock] (\$0.38M), North Lake Road [Hammond to Kentucky] (\$0.35M).
- Drainage Infrastructure – was collectively \$0.88M behind the YTD budget with very little expenditure and commitments to date.
- Footpath Infrastructure – the footpath construction program was collectively \$0.43M behind the cash flow budget.
- Parks Infrastructure – the capital program was behind the YTD budget by \$1.1M across the board.
- Freehold Land – various land development projects were collectively \$0.45M behind the YTD cash flow budget
- Buildings – Significant variances were Cockburn ARC (\$5.1M), community men’s shed (\$0.4M) and Visko Park Development (\$0.3M) behind YTD budget, whilst the New Operations Centre was ahead of the YTD budget (\$1.3M).
- Information Technology – was collectively \$0.45M under YTD budget due to a number of under spent software and website projects.
- Plant & Machinery – replacement program was behind YTD budget by \$2.1M as several heavy plant items are ordered and awaiting delivery.

Capital Funding

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

Significant variances for the month included:

- Developer contributions were \$0.6M behind the YTD budget mainly due to \$0.4M not received towards the Verde Drive [Biscayne to Solomon] project.
- Capital grants were \$0.77M behind YTD budget mainly due to Main Roads regional road grants not yet received for North Lake Rd and Berrigan Drive road projects (timing issue).
- Transfers from financial reserves were \$10.8M behind the cash flow budget due to the capital program under spends for buildings, roads and plant assets (timing issue).
- Proceeds from sale of assets were \$0.97M behind the YTD budget comprising land (\$0.50M) and plant (\$0.47M).



Transfers to Reserve

Transfers to financial reserves of \$24.9M were \$0.5M behind the YTD budget, mainly due to unrealised land sales.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$178.23M, well up from \$156.78M the previous month. This resulted mainly from the second rates instalment falling due on the 4th of November. \$116.54M of this balance represents the current amount held for the City's cash/investment backed financial reserves. The balance comprises \$5.74M held for deposit and bond liabilities and \$55.95M to meet operational liquidity needs.

Investment Performance, Ratings and Maturity

The City's investment portfolio made a weighted annualised return of 2.87% for the month, unchanged from 2.87% last month and down from 3.01% the month before. However, this still compares quite favourably against the UBS Bank Bill Index (1.93%) and has been achieved through diligent investing at optimum rates and investment terms. The cash rate was reduced 25bp to 1.50% at the August meeting of the Reserve Bank of Australia and this reduction has impacted the investment rates achievable for new deposits (2.50% to 2.75%).

The annualised return will continue to fall as the City places new funds at these lower rates. However, the City's interest earnings are currently ahead of the conservative budget setting adopted by \$0.27M.

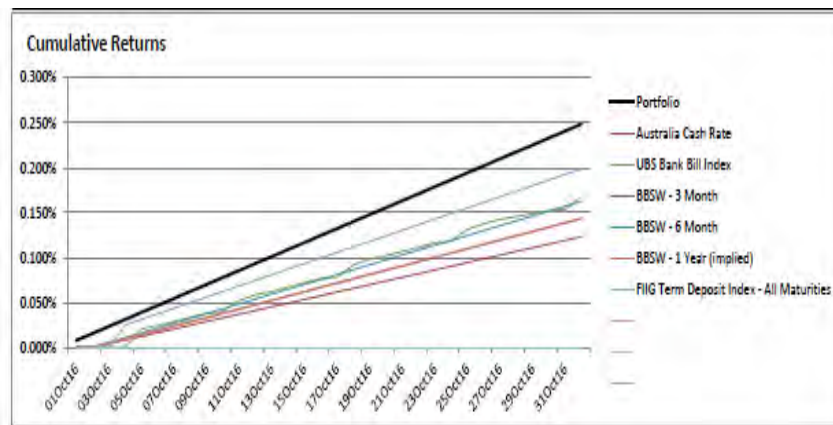


Figure 1: COC Portfolio Returns vs. Benchmarks

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



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

The City's TD investments fall within the following Standard and Poor's short term risk rating categories. The A-1+ investment holding has increased from 46% to 50% during the month:

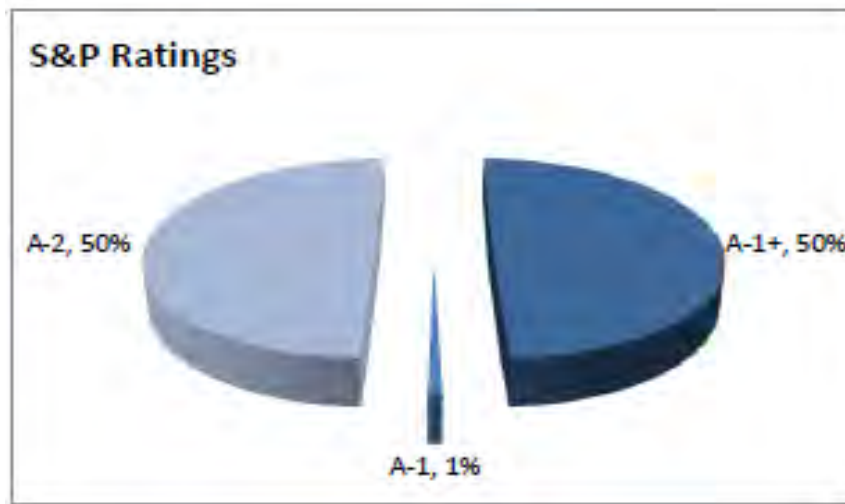


Figure 2: Council Investment Ratings Mix

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

The City's TD investment portfolio currently has an average duration of 169 days or 5.6 months (slightly down from 182 days the previous month) with the maturity profile graphically depicted below:

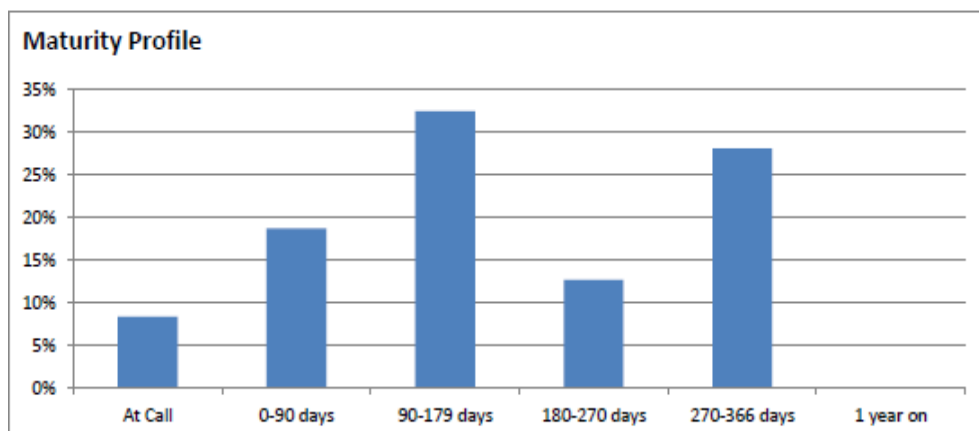


Figure 3: Council Investment Maturity Profile



Investment in Fossil Fuel Free Banks

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

Budget Revisions

Budget amendments identified during the month and requiring Council adoption are as per the following schedule:

| PROJECT/ACTIVITY LIST | USE OF FUNDING +/- | | FUNDING SOURCES (+/-) | | |
|--|-----------------------|------------------------|--------------------------|-----------------|---------------|
| | EXP \$ | TF to RESERVE \$ | TF FROM RESERVE \$ | REVENUE \$ | MUNI \$ |
| Balancing Jandakot Volunteer Fire Brigade budget | (6,487) | | | (4,302) | 10,789 |
| Balancing South Coogee Volunteer Fire Brigade budget | (6,704) | | | (6,915) | 13,619 |
| Balancing Cockburn Volunteer Emergency Service budget | (9,158) | | | 3,839 | 5,319 |
| Purchase Risk Management Software (funded from EM Contingency) | 4,070 | | | | (4,070) |
| Wi-Fi at Cockburn ARC (funded from IT Reserve) | 170,000 | | (170,000) | | |
| Developer contribution - Yale Park development | 25,000 | | | (25,000) | |
| Review of fireworks (funded from EM Contingency) | 11,900 | | | | (11,900) |
| EM Budget Contingency | -15,970 | | | | 15,970 |
| Totals | 172,651 | | (170,000) | (32,378) | 29,727 |

The budget amendment for the provision of WiFi for Cockburn ARC was raised at the CCW Reference Group meeting held on the 28 July 2016. The initial plan was for the FFC to provide the WIFI service free of cost as part of commercial arrangements the FFC were negotiating. However it was flagged at the time that the IS Department of the City has a back-up plan in the eventuality of the FFC plan not being acceptable to the City. The final cost of the FFC plan was that the cost was to be almost \$500,000 with the potential offset of advertising revenue on a Cockburn controlled network operating throughout Cockburn Central. As such, the City's back up plan was activated with the funds being provided from the IT Reserve. The City will still receive advertising funds similar to SLLC but with up to 1m expected through the ARC facility, the budget will be set higher than the SLLC.



Description of Graphs & Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year. Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

The City's closing Municipal Budget position has increased by \$29,727 to \$368,929 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 – October 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.3 (MINUTE NO 5976) (OCM 8/12/2016) - EFFECTIVENESS & EFFICIENCY REPORT FOR ALL DIVISIONS WITHIN THE CITY (022/007) (S DOWNING)

RECOMMENDATION

That Council

- (1) further participates in developing aspects of the MyCouncil comparative website promoted by the Department of Local Government and Communities;
- (2) further participates in developing the WALGA promoted comparative website Knowyourcouncil;
- (3) publish the divisional Efficiency and Effectiveness tables quarterly in the Financial reports submitted to Council in addition to commentary to accompany the tables; and
- (4) receives the report.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/1



Background

At the Ordinary Council Meeting held on the 8 September 2016, Mayor Logan Howlett provided the following Notice of Motion for consideration at the next meeting:

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

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

Submission

N/A

Report

The report is divided into the following sections:

1. What performance measures do the City currently reports on?
2. What statutory Key Performance Indicators the City reports on and a comparison with other Councils?
3. What performance measures does Local Governments in other States report on?
4. How does the City seek best value in operating and capital expenditure?
5. Proposed Tables of Efficiency and Effectiveness for the City's Operating Divisions.
6. Proposed saving measures and service delivery improvements.



What performance measures do the City currently reports on?

1. The annual report, being the pivotal reporting document to the Community, provides performance data across all five divisions of Council including:
2. General:
 - results from annual Community Perception survey, Business Perception Survey and State of Sustainability of the City of Cockburn
3. Community and Governance Services
 - Achievements across all Service Units
 - Statistics on services delivered
4. Planning and Development
 - Compliance with statutory timeframes for building licences and planning applications approvals
 - Achievements for the year
 - Statistics on services delivered
5. Engineering and Works
 - Achievements across all Service Units
 - Assets delivery and development
 - Statistics on services delivered
6. Finance and Corporate Services
 - Achievement across all service units

In addition, the City reports on performance in a range of other documents submitted to Council. These include:

- Monthly financial reporting
- Annual Business Plan and mid-year and full year review of the annual Business Plan
- Catalyse Community Priorities Window – detailing how the community rate the City's performance on their top 45 priorities.
- CEO Annual Review
- Annual report on investments to the Audit and Strategic Finance Committee
- Monthly statistics on service unit activity to Elected Members for example building services activity (new applications and approvals issued)
- Quarterly reports to Elected Members on library activities, ranger services, corporate communications.
- Balanced scorecard reported monthly to executives and the senior manager's business group.



What statutory Key Performance Indicators the City reports on and a comparison with other Councils?

The only financial comparative data mandated by the Local Government Act is the seven statutory financial key performance indicators. In addition to the seven statutory KPI's, the Department of Local Government and Communities (DLGC) introduced in 2015 a summary KPI called Financial Health Indicator (a weighted average of the seven statutory KPI's). The aim of which was to provide the community with an indicator about the sustainability of Council's finances. A score under 70 indicates in the eyes of the DLGC is a concern that Council finances were not heading in the right direction.

The table below provides a summary of the last four years for Cockburn with a comparison of Councils in the South West Group.

| | Cockburn | Kwinana | Rockingham | Fremantle | Melville | East Fremantle |
|---------|----------|---------|------------|-----------|----------|----------------|
| 2015/16 | 89 | N/A | N/A | N/A | 98 | N/A |
| 2014/15 | 68 | 84 | 70 | 79 | 99 | 91 |
| 2013/14 | 88 | 72 | 76 | 60 | 93 | 93 |
| 2012/13 | 85 | 69 | 64 | 61 | 82 | 85 |

There are other statutory KPI's including ones for Planning Application and Building Licences approvals.

The City is also committed to benchmarking its performance across a range of Councils in WA and other states and New Zealand. The City is a Foundation Council in WA for the implementation of the Local Government Operational and Management Effectiveness Program. This is a benchmarking program with other Councils to provide a base and allow for continuous improvement.

What performance measures does Local Governments in other States report on?

Apart from the DLGC's mycouncil.wa.gov.au website and WALGA's equivalent, 'knowyourcouncil.com' there are no websites in WA containing information comparing Councils financial information and performance on various key indicators. The former website is fundamentally financial revolving around the statutory key performance indicators whereas 'knowyourcouncil' website focuses on rates but also providing information on facilities (map and type), Building and Planning (policies and process), Roads (type and who pays), Local Laws (summary) and Waste Services (the kind of services offered and what is trying to be achieved).



What performance measures does Local Governments in other States report on?

On reviewing comparisons on performance measures Local Governments in other States report on, the best is Victoria which has mandated the annual publication of data to enable the community to view and compare their Council's performance across a range of indicators. These benchmarks are published by the Victorian Government which compares data with neighbouring Councils and a state benchmark. Explanations are provided why benchmarks are met or not met. This works because all Victorian Councils are required to undertake the identification and publication of the data.

The areas benchmarked are as follows (number of benchmarks):

- Population (3)
- Own source revenue
- Recurrent grants
- Social disadvantage
- Aquatic facilities
- Animal Management
- Food safety
- Governance satisfaction
- Home and community care (2)
- Libraries
- Maternal and child health (including indigenous health)(2)
- Rates statistics
- Statutory planning decision making
- Waste collection/waste diversion
- Efficiency – revenue/expenditure/workforce turnover
- Liquidity
- Obligations for assets and loans
- Indebtedness
- Operating position (surplus/deficit)
- Stability (2) rates concentration and effort

As can be seen this list of indicators is comprehensive and must be submitted and signed by the CEO and Mayor in the Annual Report. It works as a comparison tool as all Councils are obligated to provide the data.

All other States have produced key performance indicators between what Western Australia and Victoria publish. There is no consistent measure of performance and certainly not one advocated by the Federal Government.

The Department of Local Government in NZ is undertaking a trial of The Local Government Excellence Programme. The summary is for the



Programme to establish what matters to customers, where Councils should focus and how to keep the customer experience alive in all Council decision-making and operations. This is being led by the National Government in NZ.

The basis of the Programme is:

1. Strong leadership and governance
 - Strong leadership with a clear vision for their communities
 - More informed Councils and communities that make decisions together
 - Councils with a learning and responsive culture
2. The best financial decision-making
 - Sound financial decision making
 - Transparent financial decisions that are linked with the Council's strategic priorities and understood by the public
3. Top service delivery and asset management
 - Highest value use of resources to provide assets and services that communities and businesses need and are prepared to pay for
4. Active and quality communication and engagement
 - Greater two-way dialogue and engagement between the public and businesses and their Councils
 - Greater customer, community and Council satisfaction

This program is seeking to engage NZ councils to ensure that first of all there is a base to benchmark against then to seek improvement across the sector. It is voluntary but has received good support.

How does the City seek best value in operating and capital expenditure?

The City expended a total of \$192.95m in 2015/16. The following table provides where the City spent funds and sought competitive pricing for that spend where it is possible to do so. The following table breaks down the expenditure to demonstrate that part of the expenditure is subject to market testing or competitive pricing, but not all expenditure especially where it is mandated by the Federal or State Governments for tax or where Council has entered into long term relationships such as the disposal of household waste through the SMRC. Depreciation is also included into this category as it is mandated by the Local Government Act and Australian Accounting Standards.



As can be seen approximately 52% is subject to market testing in the operating and capital expenditure parts of the City's overall expenditure.

| Cost Centre | Operating Expenditure | Subject enterprise agreement | Subject to State/Federal Govt tax/regulation | Subject to Competitive Pricing | Donations |
|---|-----------------------|------------------------------|--|--------------------------------|--------------------|
| 50 - Employee Costs - Salaries & Direct Oncosts | \$45,772,875 | \$40,612,522 | \$5,160,353 | | |
| 51 - Employee Costs - Indirect Oncosts | \$1,311,279 | | \$502,886 | \$808,393 | |
| 55 - Materials & Contracts | \$36,742,453 | | \$11,025,607 | \$25,716,846 | |
| 65 - Utilities | \$4,363,875 | | \$2,724,225 | \$1,639,650 | |
| 70 - Interest Expenses | \$85,602 | | | \$85,602 | |
| 75 - Insurance | \$2,223,550 | | \$1,921,425 | \$302,125 | |
| 80 - Other Expenses | \$7,976,582 | | \$5,532,461 | \$1,398,664 | \$1,045,457 |
| 85 - Depreciation on Non-Current Assets | \$23,790,540 | | \$23,790,540 | | |
| 86 - Amortisation on Non-Current Assets | \$1,064,912 | | \$1,064,912 | | |
| Total operating expenditure | \$123,331,666 | \$40,612,522 | \$51,722,409 | \$29,951,279 | \$1,045,457 |
| % Breakdown | | 32.9% | 41.9% | 24.3% | 0.8% |
| Buildings | \$53,081,587 | | | \$53,081,587 | |
| Infrastructure Assets | \$13,177,169 | | | \$13,177,169 | |
| Plant & Equipment | \$3,069,530 | | | \$3,069,530 | |
| Computer Equipment | \$291,336 | | | \$291,336 | |
| Furniture | \$6,105 | | | \$6,105 | |
| Total Capital | \$69,625,727 | \$0 | \$0 | \$69,625,727 | \$0 |
| Total Expenditure | \$192,957,393 | \$40,612,522 | \$51,722,409 | \$99,577,006 | \$1,045,457 |
| % Breakdown | | 21.0% | 26.8% | 51.6% | 0.5% |

Comment

Employee costs – broken down between Payroll as provided by the Enterprise Agreement or employment contracts for twenty two employees. The \$5.16m is for superannuation and LSL which is both regulated, although both are dependent on the former. Accumulation superannuation is considerably less expensive than defined benefit funds.

A comparative analysis is undertaken annually to measure the efficiency of Cockburn's Payroll as a percentage of total revenue (not just rates as income from a wide variety of sources contributes to the payment of employees). The comparison in the table below is with



members of the South West Group, members of the national growth alliance (formerly outer metro growth Councils) and metro Perth Councils. This indicates how efficiently Cockburn is using its revenue to deliver services to its residents and ratepayers by way of Payroll.

| Total Payroll to Total Revenue | 13/14 | 14/15 | 15/16 | 16/17 |
|---------------------------------------|--------------|--------------|--------------|--------------|
| Cockburn | 35.3% | 35.1% | 36.4% | 36.0% |
| Melville | 39.3% | 36.8% | 38.5% | 39.6% |
| Kwinana | 35.6% | 34.1% | 40.4% | 42.1% |
| Fremantle | 47.5% | 48.3% | 49.2% | 49.8% |
| Rockingham | 31.1% | 32.8% | 32.0% | 31.5% |
| E. Fremantle | 31.6% | 34.7% | 33.0% | 31.4% |
| SWG | 36.7% | 36.6% | 37.8% | 38.1% |
| NGAA | 38.1% | 37.6% | 39.2% | 38.2% |
| Metro Perth | 38.9% | 39.8% | 40.9% | 41.0% |

Cockburn has the best ratio when compared with members of the SWG, NGAA, Metro Perth (large) apart from Rockingham and East Fremantle. The latter is due to the Council outsourcing services with the cost included in Material and Contracts plus the Town of East Fremantle having very few facilities such as Libraries, swimming pools and depots. Rockingham is an anomaly. Discussion with their officers has indicated outsourced services have driven down the Payroll cost component of the Operating Statement. This cost is then located under Materials and Contracts.

Employee costs indirect – Allocated between FBT and costs for staff such as PPE clothing, training, conferences, traineeships, recruitment and staff incentives (employees/teams of the year).

Material and Contracts – This expenditure item is broken down between regulated expenditure for Federally funded caregiver payments, valuations, subscriptions to WALGA/SWG, Elections, Elected Member sitting fees and waste collection fees for the SMRC. The other expenditure is all subject to best price/tenders.

Utilities – This covers electricity, gas, telecoms and water. Gas and telecoms are tendered every three years for best price. Water is sourced through the State Government. Electricity is part tendered and part regulated. Street lighting and small buildings are sourced through Synergy whilst large buildings are competitively tendered.

Interest expense – cost of interest on borrowings. Council uses the WATC as this is the best priced loans available to Council and far superior to the private banking sector.



Insurance – All insurances are obtained via Local Government Co-operative Insurance Scheme – LGIS (Local Government Insurance Scheme). The three core insurances, Property, Public Liability and Workers' Compensation are self-insured through the Scheme whereas all other insurances such as motor vehicle are tendered (by LGIS) each year.

Other Expenses – this expenditure item covers regulated expenditure such as the landfill levy, caregiver payments (funded by the Federal Government), Elected Member allowances, ESL levies, and SMRC loan repayments and non-regulated expenditure such as fuel for the fleet. The final part is the grants and donations budget the City provides each financial year.

Depreciation and amortisation – these expenditures, although non-cash, are mandated by Australian Accounting Standard and the Financial Management Regulations of the Local Government Act.

Capital Expenditure – all capital expenditure is subject to competitive pricing action either through direct tenders, competitive quoting or panel contracts convened by WALGA or the State Government Procurement Commission.

What cost savings have been achieved for 2015/16 financial year?

Cost savings were achieved in 2015/16 totalling \$1.077m in operating expenditure. The savings were achieved in:

- Fuel consumed in fleet operations
- Water consumptions charges
- GIS Mapping fees
- Bank credit cards fees
- Equipment leasing
- Photocopy machine and copy costs
- Printing and stationery
- Subscriptions
- Landfill levy interest costs

The overall surplus for the financial year was \$3.12m which was transferred to reserves to fund renovations to buildings throughout the City.

Over the last ten years, the Council has recorded surpluses (made up of additional revenue as well as cost savings) of over \$32m. In turn these funds have been quarantined into Council's reserves to assist the construction of a range of community infrastructure assets including Cockburn ARC, Success Regional Recreation Centre, Coogee Beach Surf Club to name but a few.



New services commissioned and their cost

During the financial year new recurrent services were commissioned:

- New parks
- New bushland
- Local Government Reform MkII
- Cockburn Connect South
- Third Bin rollout
- New Buildings which impacts on operating costs and increased depreciation
- Gifted assets (this category covers roads, drains, footpaths, parks, bushland and other infrastructure assets - In 2015/16, the City was gifted \$13.1m and \$13.4m in 2014/15. This impacts on operating costs and depreciation Payroll cost increase through WA (15/16 was the last year of the former EA agreement.

Divisional Efficiency and Effectiveness

The following has been developed to demonstrate how each Division is efficient in collecting and spending the funds allocated by Council on behalf of the community for the provision of recurrent services.

Divisional Efficiency

| Operating Income | YTD Actual \$ | YTD Amended Budget | Efficiency |
|--|-------------------------|---------------------------|-------------------|
| Executive Services | (96,941,282.59) | (95,594,820.92) | 101% |
| Finance & Corporate Services Division | (401,385.58) | (595,713.96) | 67% |
| Governance & Community Services Division | (4,839,187.42) | (4,356,320.67) | 111% |
| Planning & Development Division | (4,726,790.87) | (4,846,905.04) | 98% |
| Engineering & Works Division | (5,738,934.56) | (6,393,002.30) | 90% |
| Total Operating Income | (112,647,581.02) | (111,786,762.89) | 101% |
| Executive Services | 1,357,415.28 | 1,457,932.20 | 93% |
| Finance & Corporate Services Division | 6,092,223.55 | 5,285,098.50 | 115% |
| Governance & Community Services Division | 8,406,912.24 | 8,304,855.06 | 101% |
| Planning & Development Division | 2,069,800.69 | 2,068,018.72 | 100% |
| Engineering & Works Division | 24,364,191.52 | 25,466,672.49 | 96% |
| Total Operating Expenditure | 42,290,543.28 | 42,582,576.97 | 99% |

The above table demonstrates how efficiently the Council's operating Divisions collects and spends funds. It is set up to be produced monthly with the Monthly Financial Reports at Item 16.2 (of the



Ordinary Council Meeting Agenda) with a short commentary for anomalies such as:

- Operating Income
 - Finance and Corporate Services
 - Bank charges recovered are \$67k behind YTD budget, the ESL administration paid by DFES of \$88k is late and Insurance recoveries for workers' compensation insurance are \$33k behind target.
- Operating Expenditure
 - Finance and Corporate Services – 115%
 - Payment of the second instalment of the annual insurance premium of \$1.15m was one month early as a result of early invoicing from LGIS

The City does not operate a divisional efficiency dividend practice as undertaken by the Commonwealth and State Governments. All cost savings are capture in the City's annual budget surplus and re-invested into community assets.

Divisional Effectiveness Table

This table provides Council with a summary of how effective the Divisions are at delivering on the capital expenditure jobs and projects for the financial year. Funds are provided by Council to deliver projects and jobs for the community. This table, published quarterly will provide guidance to Council and the community about how effective their funds are being expended.

| Delivery Effectiveness to 31 Oct 16 | No of Capex Jobs / Projects | Annual Budget | Actual YTD | % | Commenced | Completed Jobs / Projects |
|-------------------------------------|-----------------------------|---------------|------------|-----|-----------|---------------------------|
| Executive Services | 15 | 39,597,499 | 16,599,960 | 42% | 15 | 0 |
| Finance and Corporate Services | 32 | 1,068,406 | 62,408 | 6% | 7 | 0 |
| Community and Governance Services | 21 | 1,169,006 | 318,429 | 27% | 8 | 3 |
| Planning and Development Services | 11 | 1,612,797 | 249,778 | 15% | 6 | 2 |
| Engineering and Works Services | 314 | 65,015,394 | 15,605,428 | 24% | 150 | 31 |
| Total Capital Expenditure | 393 | 108,463,102 | 32,836,003 | 30% | 186 | 36 |



The Annual Business Plan and the review of the Annual Business Plan reports to Council on how Business and Services Units perform to stated targets for the year. This is uniquely Cockburn as this is not a mandated publication.

Proposed cost saving targets

The savings achieved in 2015/16 amounted to 1.3% of the regulatory and competitive price operating expenditure. Benchmarking for insurance services has been requested from LGIS to ensure the core insurances are value for money.

A similar target of \$1.1m is set for 2016/17.

Accompanying the Efficiency and Effectiveness Tables, a summary Table will be provided on cost savings by Division and will be published quarterly with the Financial Statements. A comment will accompany the tables for Council and members of the public to read. As well, improvements to service delivery will be formatted into a table and published every six months.

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

N/A

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

There are no risk management issues. This report provides a methodology to report the efficiency and effectiveness of the Council's five reporting Divisions together with a reporting mechanism to monitor



savings achieved throughout the financial year and service delivery improvements.

Attachment(s)

N/A

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 5977) (OCM 8/12/2016) - ROAD SAFETY AND TRAVELSMART REFERENCE GROUP COMMITTEE MEMBERS (027/012) (L JAKOVCEVIC & C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse Mayor Howlett, Clr..... (East Ward), Clr (West Ward) and Clr (Central Ward) as Council representatives in the Road safety and Travelsmart Reference Group; and
- (2) seek nominations from the following stakeholders to be represented on the Road safety and Travelsmart Reference Group:
 - WALGA
 - Western Australian Police Service
 - Main Roads Western Australia
 - Travelsmart Officer
 - Youth Advisory Committee (YAC representative)
 - Emergency Services
 - Road Safety Group representative
- (3) co-ordinate the meetings of the Road Safety and Travelsmart Reference Group for 2017 via the City's Travelsmart Officer.



COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Pratt that Council:

- (4) endorse Mayor Howlett, Clr Portelli (East Ward), Clr Allen (West Ward) and Clr Pratt (Central Ward) as Council representatives in the Road safety and Travelsmart Reference Group; and
- (5) seek nominations from the following stakeholders to be represented on the Road safety and Travelsmart Reference Group:
 - WALGA
 - Western Australian Police Service
 - Main Roads Western Australia
 - Travelsmart Officer
 - Youth Advisory Committee (YAC representative)
 - Emergency Services
 - Road Safety Group representative
- (6) co-ordinate the meetings of the Road Safety and Travelsmart Reference Group for 2017 via the City's Travelsmart Officer.

CARRIED 9/0

Background

At the Ordinary Meeting of Council on 9 May 2013 the following was carried unanimously.

- (1) *adopt the Terms of Reference for the purposes of establishing a Road Safety and Travelsmart Reference Group,*
- (2) *endorse Mayor Logan Howlett, Clr S Portelli and Clr L Smith (East Ward), Clr Carol Reeve-Fowkes (West Ward) and Clr Steve Pratt (Central Ward) as Council representatives on the Road Safety and Travelsmart Reference Group;*
- (3) *seek nominations from the following stakeholders to be represented on the Road Safety and Travelsmart Reference Group; and*
- (7) *co-ordinate the inaugural meeting of the Road Safety and Travelsmart Reference Group for August 2013.*



Submission

N/A

Report

WALGA's RoadWise Program was formed in 1994 and has served as an important, effective framework by which the Association has pursued road safety objectives throughout Western Australia in conjunction with its stakeholder partners. The Program is aimed at securing greater community and regional stakeholder involvement in delivering road safety initiatives.

The Road Safety and Travelsmart Reference Group Committee was formed in 2013 and had one meeting. This report proposes the Committee be reconstituted with similar membership and Terms of Reference. The Terms of Reference forms an Attachment to this report.

The following principles were developed for the Reference Group and are still relevant:

- Promote an integrated transport system which balances environmental impacts and community needs.
- Raise community awareness of road safety issues and initiatives in local communities.
- Review road safety strategies that may be adopted by the City of Cockburn, Main Roads WA, the Western Australian Police Service or any other statutory authority that has the ability to influence road safety in the community.
- Identify community concerns about road safety and road safety issues, potential black spot projects and poor road user behaviour and develop initiatives to address these identified road safety issues.
- Facilitate and promote healthy transport opportunities by promoting the City's Travelsmart initiative and implementation of walkway, bike and trails master plans.
- Identify a holistic regional approach to freight management.

The Reference Group was established with membership appointed by Council. The membership of the Road Safety and Travelsmart Reference Group shall generally comprise the following:

- Up to four (4) elected members as delegates of the City of Cockburn. The Elected Member representation will consist of the Mayor (or his delegate) and an elected Member from each Ward.
- One (1) WALGA RoadWise representative



- Up to six (6) representatives of organisations relevant to the promotion of road safety issues, which may be drawn from groups such as the following:
 - Western Australian Police Service
 - Main Roads Western Australia
 - Travelsmart Officer
 - Youth Advisory Committee (YAC representative)
 - Emergency Services
 - Road Safety Group representative

The presiding member shall be appointed by the Reference Group at its inaugural meeting under a procedure general agreed to by members present. The Presiding Member is responsible for the good and reasonable conduct of Reference Group meetings and shall determine the meeting procedures as required.

Meetings will generally be held on a quarterly basis in February, May, August and November, with the start time and venue being determined by the Group. The Group will however determine meeting frequency based on the level of business required to be transacted.

Members of the Reference Group shall endeavour to attend all scheduled meetings of the Reference Group. The quorum of any meeting shall be a half plus one of the number of appointed members and voting shall be by consensus of the members present or by a simple majority if deemed necessary by the Presiding Member.

Provision of administrative support (agenda and minutes) for meetings is generally provided by the Local Government and would be the preferred option. The City's Travelsmart Officer is the officer nominated to provide administrative support to the Reference Group.

All activities and communications will be coordinated through the Traffic and Transport Engineer and all enquiries and requests for support should be directed through this officer.

It is recommended Council readopt the Terms of Reference for the purposes of re-establishing the Road Safety and Travelsmart Reference Group and call for nominations from the identified stakeholder groups in preparation for a meeting in early 2017.

Strategic Plan/Policy Implications

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres.



- Advocate for improvements to public transport, especially bus transport.

Leading and 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

Staff resources for administration of the Committee will be required but is expected to be minimal and will be accommodated within the existing budget.

Legal Implications

Any committee would need to be established and operated in compliance with the requirements of the Local Government Act 1995.

Community Consultation

Nil.

Risk Management and Implications

Should Council decide not to reconstitute the Committee, an opportunity to improve road safety in the City by working with the partner agencies would be lost.

Attachment(s)

1. Terms of Reference
2. Copy of the Road Safety & Travelsmart Reference Group Minutes

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 8 December 2016 Ordinary Council Meeting.

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

Nil.



17.2 (MINUTE NO 5978) (OCM 8/12/2016) - ESTABLISHMENT OF A BRAVERY GARDEN AT MANNING PARK UPDATE (146/002) (A LEES) (ATTACH)

RECOMMENDATION

That Council

- (1) receive the report; and
- (2) incorporate the Bravery Garden in to the Manning Park Master Plan.

COUNCIL DECISION

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

CARRIED 9/0

Background

At the 8 September 2016 Ordinary Council Meeting, Mayor Howlett requested the following matter for investigation without debate:

Provide a report to the December 2016 Ordinary Meeting of Council in order to update elected members on the establishment of a Bravery Garden at Manning Park.

The report to take into account Council's decision of 9 August 2012 and include potential sources of funding.

Submission

N/A

Report

At the August 2012 Ordinary Meeting of Council, Council was presented with a report outlining the potential designs and location of a Bravery Garden within Manning Park (refer Attachments). The report outlined the preliminary comments from the State Heritage Office and an opinion of probable costs (OPC). The development of the Bravery Garden was premised on funding being acquired by the Australian Bravery Association, (ABA) through donations or various state



government agencies. Council resolved to adopt the following recommendation:

That Council:

- (1) *approve the concept design for a Bravery Garden at Manning Park;*
- (2) *endorse the cost estimate for the construction of the Bravery Garden; and,*
- (3) *nominate the Bravery Association (WA) as the organisation to seek funding for the project.*

Following Council's resolution, in order to progress the concept plan, a more detailed design was required to ascertain the cost of the project. City officers made enquires with Landscape Architecture firms to establish if they were prepared to complete the drawings required at no cost or a reduced rate based on the significance of the project and the limited funding available to the Association.

The ABA National Vice President was furnished on 15 November 2012 with the details of a firm willing to assist in compiling the detailed design and bill of quantities. The National Vice President informed the Manager Parks & Environment that further contact would be made once the designs had been compiled and funding sources had been secured.

On 5 September 2013 an email was forwarded to the Manager Parks & Environment by the Director Engineering & Works from the ABA National Vice President, requesting information on the in-situ 'Lumeah' concrete that was listed in the OPC. Details were subsequently forwarded through to the ABA National Vice President.

There was no further communication by the ABA National Vice President with the Manager Parks & Environment until September 2015.

A meeting was scheduled for 16 September 2015, with attendance by the ABA National Vice President and his wife, Manager Parks & Environment, Children's Development Officer and the Grants and Research Officer to discuss the Bravery Garden. The essence of the discussion revolved around the lack of progress to date by the Bravery Association to secure funding and the potential funding options that the City and other state government agencies had available.

Advice from Lotterywest was provided about the requirements that would need to be met before an application could be made including



community consultation, and broad support and financial contributions from stakeholders. Furthermore a discussion around the projects OPC, formulated in 2012, was raised and the need to revisit the figures, the requirement of detailed designs and the City's decision to develop a Manning Park Master Plan. As part of the plan community consultation would need to be carried out prior to any further works being undertaken. It was resolved to postpone the Bravery Garden project until the Manning Park Master Plan had been developed and also to improve the chances of receiving a Lotterywest grant as the City already had two applications currently being assessed.

On 1 August 2016, the Mayor, ABA National Vice President, Manager Parks & Environment and the Grants and Research Officer met to discuss the progress of the Manning Park Master Plan and funding options. The Manager Parks & Environment informed the group that the Manning Park Master Plan had been postponed in the 2015/16 financial year due to unexpected workloads; however a consultancy services tender had been recently developed and was to be issued to the market.

The Grants and Research Officer advised that an application to Lotterywest had been prepared in consultation with the ABA National Vice President, however as the Bravery Association are not registered for GST they could only secure \$15,000 according to Lotterywest grant conditions. The ABA National Vice President presented a confidential proposal developed for the Association Queensland branch which was half the cost of the proposed Bravery Garden at Manning Park. Although the proposal had merit it was still envisaged by the National Vice President that the original concept developed by City officers would prevail.

The Mayor noted a recent conversation with a Lotterywest representative, at the Cockburn Community Men's Shed ceremony, where they informed him that there was available funding and it was only a matter of presenting a suitable submission. Further discussions revolved around the requirement for detailed drawings which the Association were required to produce, how the Bravery Garden would be incorporated into the Master Plan and no community consultation had been undertaken. The results of the meeting are outlined below:

| | Resolution | Officer | Status |
|---|---|-------------------------------|--|
| 1 | Bravery Garden incorporated into the Manning Park Master Plan | Manager Parks and Environment | Consultant issued with Bravery Garden details and to consult with the ABA Community engagement occurring between 10 November and 2 December |
| 2 | Lotterywest to | Grants and | Lotterywest confirmed ABA |



| | | | |
|---|---|-------------------------------------|--|
| | confirm whether a submission should be from the City or the ABA and potential timing | Research Officer | would be limited to \$15,000 as currently not registered for GST. Lotterywest suggested the long term owner of the asset should submit the application Based on this provision a submission by the City, would need to justify this as a priority project if the City were to make application before the end of 2016. |
| 3 | Provide community development fundraising training notes to the ABA National Vice President | Grants and Research Officer | Community development fundraising training notes issued to the ABA National Vice President |
| 4 | Make contact with ABN Group (Dale Alcock) to see what they can contribute to the project | Mayor / Grants and Research Officer | Correspondence received from the Dale Alcock advising of interest in the project, with the ABN group responsible for delivery of the agreed project and value. |

The project timeline set for the Manning Park Master Plan has a completion date of 20 February 2017, subject to minor adjustments due to the Christmas period. The master plan will be presented to the April 2017 OCM outlining the vision and objectives for Manning Park with an expenditure program. It would be prudent for Council to postpone any further decision on the Bravery Garden to ensure its relevance is still consistent with the aspiration of the community and can be architecturally incorporated within the landscape design

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

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

The concept cost estimate for the Bravery Garden in 2012 was \$150,000. This cost element will be incorporated into the overall project cost estimate.

Legal Implications

N/A

Community Consultation

Community consultation will be carried out as part of the Manning Park Master Plan.

Risk Management Implications

As the Australian Bravery Association has not progressed any funding options and detailed drawings since August 2012, the project is at risk of not being delivered in accordance with the adopted recommendation. Incorporation of the Bravery Garden in the Manning Park Master Plan will mitigate the risk of the project not being realised and will ensure the final design reflects the landscape parameters of the site.

Attachment(s)

1. Bravery Garden Perspective July 2012
2. Bravery Garden Concept Plan July 2012

Advice to Proponent(s)/Submissioners

N/A

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

N/A.



17.3 (MINUTE NO 5979) (OCM 8/12/2016) - COOGEE BEACH SURF LIFESAVING CLUB CARPARK (164/002) (ALEES) (ATTACH)

RECOMMENDATION

That Council

- (1) receive the notes of the meeting held with the Mayor, Ward Councillors, Key Stakeholders and Council Officers;
- (2) withdraw the vegetation clearing submission currently before the Department of Environment Regulation (DER) for carpark Option 2;
- (3) prepare and submit a clearing application for the Option 1 carpark located on Lot 193 on Plan 20550 Cockburn Road (lot 193);
- (4) accept the offer from the Public Transport Authority (PTA) to enter into a licence agreement with the PTA for lot 193 if the clearing application for option 1 is approved:
 - (1) for a licence period of ten years which includes a six month break clause with no compensation and the requirement that the City make good the site at the end of the term; and
 - (2) at a peppercorn licence fee from the PTA; and
- (5) notify the key stakeholders of Council's decision.

COUNCIL DECISION

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

CARRIED 9/0

Background

At the 13 October 2016 OCM Council received an update to the progress of the City's clearing application and cost estimates for the Option 1 carpark at the Coogee Beach Surf Lifesaving Club with the following recommendation:



- (1) *receive the report;*
- (2) *arrange a meeting/briefing between representatives from the Surf Club, Council Officers, West Ward and other elected Member and any other relevant stakeholder as soon as possible to discuss options; and*
- (3) *request for a report to be presented to the November or December Ordinary Council Meeting with a recommendation for a plan to move forward.*

Reason for Decision

The overflow carpark was initially discussed about 18 months ago and we are facing another summer with very little progress. A meeting with the stakeholders will encourage resolution.

The report below provides a summary of the stakeholder meeting and the consideration of proceeding with the Option 1 carpark on land owned by the PTA.

Submission

N/A

Report

On 3 November 2016, City officers, Elected Members and key stakeholders met at the City's administration offices to discuss the parking options at Coogee Beach. The following people were in attendance:

1. Mayor Logan K Howlett
2. Deputy Mayor Carol Reeve-Fowkes
3. Cr Kevin Allen
4. Cr Lyndsey Sweetman
5. Cr Phil Eva
6. Darryl Smith – Coogee Beach Surf Life Saving
7. Geoff Sach – Coogee Progress Association
8. Charles Sullivan – Director Engineering & Works
9. Anton Lees – Manager Parks & Environment

The meeting commenced with a presentation on the current status of the car park development associated with the Coogee Beach Master Plan. The overview outlined Council's original decision for the master plan and the identification of two potential locations in proximity to the Surf Club for the construction of carpark. Also discussed was Council's resolution to proceed with the construction of the carpark on land



owned by the City (car park Option 2) and the requirement for a clearing permit to be submitted to the DER.

A timeline was presented which demonstrated the clearing permit requirements, periods of assessment and negotiations with the Department of Parks and Wildlife (DPaW) on locations for offsets. It was established the officers had follow the requirements in accordance with the framework and were still waiting for a response from DER on the application. A summary of the points discussed during the presentation and at its conclusion are provided below.

1. Option 1 carpark cost estimates and potential offsets.
2. 6:1 offset package for the option 2 car park.
3. When DER are likely to make a decision.
4. PTA's decision to offer parts of Lot 193 on plan 20550 Cockburn Rd to the open market, location for the option 1 carpark.
5. The City's ability to acquire the Lot 193 on plan 20550 Cockburn Rd when on the open market.
6. City's current licence conditions with PTA for Lot 193 on plan 20550 Cockburn Rd.
7. PTA's offer to extend the current licence on Lot 193 on plan 20550 Cockburn Rd to 2022 to facilitate the carpark construction.
8. PTA's reluctance to extend the licence past 2022, removal of the 6 month break clause and requirement to make good when the licence terminates.
9. Submission of a clearing permit to DER for the option 1 car park, (noting a 7 to 8 month assessment period).
10. Retract the current clearing permit for the option 2 carpark.
11. Seek approval from MRWA to construction a temporary pedestrian crossing of Cockburn Road between Amity Blvd and Poore Grove to provide a safe crossing during the summer period for patrons parking on the eastern side of Cockburn Road.

The resolution determined by the Elected Members and key stakeholders was to withdraw the current vegetation clearing application for the Option 2 car park and prepare a vegetation clearing submission to facilitate the Option 1 carpark. It was also recommended that City officers discuss with MRWA the potential for a temporary pedestrian crossing on Cockburn Rd to assist patrons of the surf club when parking on the eastern side of Cockburn Rd. The group was informed that City officers were still enacting the 11 June 2015 OCM decision, this proposed resolution would need to be presented to the next Council meeting for endorsement.

If the clearing application is approved and Council supports the decision to proceed with the carpark to be constructed in accordance



with Option 1 on lot 193 a tenure arrangement will be required between the City and the PTA for the use of the land.

PTA have discussed with the City that they would like to sell lot 193 on the open market but that they are not in a position at this time to formalise the rationalisation of lot 193 to facilitate the disposal of it on the open market. The area of land in question is described on Attachment 3.

The PTA is aware of the request from the Surf Lifesaving Association to construct a car park on this land.

Given the current position of the PTA they have offered the City a licence to occupy lot 193 for a period of ten years at a peppercorn licence fee. Importantly, the licence includes a break clause with a notice period of six months. Detailed below are the relevant clauses from the proposed licence:

3.1 *"The Licence to be granted in clause 2 commences on the date stipulated in the Schedule as the Commencement Date and, subject to clause 3.2 and PTAWA's right of early termination set out in the Additional Terms, continues:*

- (a) for the term specified in the Schedule; or*
- (b) until either party gives the other party a notice terminating the Licence.*

3.2 *The Licence is to be subject to immediate revocation and termination by PTAWA:*

- (a) at any time when the service of the public requires it; or*
- (b) if the proposed Licensee is in breach of any terms and conditions of this Offer.*

3.3 *No compensation is payable to the Licensee if PTAWA terminates the Licence.*

19. *Termination by Notice*

Notwithstanding any other provision of the Licence, either party may terminate the Licence by giving the other party written notice. The termination is to take effect on the date specified in the notice. That date must be at least 6 months after the notice is given. If no date is specified in the notice, the termination is to take effect 6 months after the notice is given."



A copy of the e-mail correspondence between Burgess Rawson (real estate agent acting on behalf of the PTA) and the City officers has been included for reference as Attachment 4. A copy of the proposed Letter of Variation to the current licence held by the City from the PTA is included for reference as Attachment 5.

The Main Roads Department will in the future require a portion of lot 193 to widen Cockburn Road, however at this time the boundary of the future road widening is not confirmed.

If the City accepts the offer of the licence from the PTA, the City would be required to maintain lot 193; the estimated costs per annum are detailed below:

| Activity | Level of Service (p/a) | Unit Rate | Total Cost |
|----------------------------|------------------------|-------------|---------------------|
| Footpath Maintenance | 6 | \$ 150.00 | \$ 900.00 |
| Weed Control | 2 | \$ 1,000.00 | \$ 2,000.00 |
| Tree pruning | 1 | \$ 1,000.00 | \$ 1,000.00 |
| Litter collection | 12 | \$ 480.00 | \$ 5,760.00 |
| Infrastructure Maintenance | As required | \$ 500.00 | \$ 500.00 |
| Total | | | \$ 10,160.00 |

Strategic Plan/Policy Implications

Moving Around

- Improve parking facilities, especially close to public transport links and the Cockburn town centre

Community, Lifestyle & Security

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

Leading & Listening

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

Budget/Financial Implications

Apart from the cost of construction of the car parking area on lot 193 as reported to the October 2016 OCM, an increase to the future annual Parks Maintenance budget would be required for the estimated cost of \$10,160.00 plus escalation noted above.



Legal Implications

Council needs to be fully aware of the proposed licence terms and conditions with particular emphasis on the six month break clause and the requirement to reinstate the PTA land should the car park be constructed on lot 193.

Community Consultation

Consultation has been carried out with the Coogee Beach Progress Association and the Coogee Beach Surf Life Saving Club.

Risk Management Implications

The decision by Council to revoke the current clearing submission and prepare a new submission for the Option 1 carpark will further extend the time for the construction of a carpark. Based on recent experience with the DER approval process, the assessment of the clearing application would not be determined before April 2017. The flora and fauna study previously carried out on the Lot 193 area is still valid.

Additionally, the investment in the construction of a carpark on land owned by PTA is a significant risk if the land use is changed and/or sold on the open market, which is currently the PTA intent.

Attachment(s)

1. Carpark Option 1 Concept plan
2. Carpark Option 2 Concept plan
3. PTA Drawing Number L 7415-2 Rev A Lease of Cockburn Road to City of Cockburn Coogee
4. Email correspondence from PTA real estate representative, Burgess Rawson dated 21 October 2016 to 29 November 2016
5. Letter of Variation from Burgess Rawson to City of Cockburn dated 21 October 2016

Advice to Proponent(s)/Submissioners

N/A

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

N/A

NOTE: AT THIS POINT, THE TIME BEING 9.28 P.M. THE CEO LEFT THE MEETING.



NOTE: AT THIS POINT, THE TIME BEING 9.30 P.M. THE CEO RETURNED TO THE MEETING.

18. COMMUNITY SERVICES DIVISION ISSUES

18.1 (MINUTE NO 5980) (OCM 8/12/2016) - COCKBURN LIGHTS EVENT PROPOSAL & PROJECT 3 COCKBURN LIGHTS CONCEPT REPORT (152/101) (M LA FRENAIS) (ATTACH)

RECOMMENDATION

That Council

- (1) supports the development of a Cockburn Lights Event in March 2018 (subject to budget and approval of the annual events program at the Annual Events Committee Meeting and subsequent Council meeting); and
- (2) approves Project 3 to apply for funding for Cockburn Lights from Lotterywest and Healthway on the City's behalf.

COUNCIL DECISION

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

CARRIED 9/0

Background

Projects 3 were appointed to undertake a review of the City's event calendar. This included making suggestions for improvement to event delivery planning and internal procedures as well as proposing a number of new event concepts and opportunities.

Council adopted the annual events program for 2016/17 at June 2016 OCM. This included a budget to develop a detailed scope for a 'Cockburn Lights' Event. The 'Cockburn Lights' concept would utilise the Cockburn coast strip and provide a unique and engaging event for the Cockburn community while also showcasing the Cockburn lifestyle and environment to a wider audience.

The population of the Cockburn coastal strip will increase significantly in the next few years. Major events will play an important part in building a vibrant community atmosphere that promotes the area and



encourages future residents to move to Cockburn. In addition, major events could contribute to economic development in the area.

The Cockburn Lights concept is a three day cultural (art, culture, heritage) festival. It would be a free unique event showcasing Cockburn coast through an innovative and creative lighting and laser display, theatre, art and hawkers market.

It is projected that the total event cost will be \$487,000 which includes management, marketing, programming, operations and labour. It is anticipated that sponsorship totalling \$187,000 might be able to be sourced from Lotterywest and Healthway. Sponsorship and in-kind support of \$100,000 will also be sought from appropriate businesses and media using a proposed sponsorship matrix as outlined in this report. The event will require a minimum total investment from Council of \$200,000 (plus GST) proposed to be funded from the events budget.

The purpose of this Agenda item is to seek approval to approach Lotterywest and Healthway for sponsorship. Provisional talks have taken place with both agencies and while no commitment has been given, both parties have expressed an interest in this event. With a large complex event of this nature proposals for funding need to be submitted at least twelve months in advance and to fit within the organisations' funding rounds, hence the need to seek approval from Council to approach Lotterywest and Healthway in March 2017 for sponsorship in March 2018.

Submission

N/A

Report

The City has reviewed undertaking this event, taking into consideration City of Cockburn officer's recommendation, safety, budget implications, location, the City's current events program and environmental impacts.

Spreading the event out along the coastline and having repetitive components over three days is intended to keep traffic, parking and local impact to a minimum. It is expected that people would participate and view the event along a trail with hubs along the coast, at Port Coogee, Coogee Beach and the Surf Life Saving Club.

The budget required to undertake a Cockburn Lights event in 2018 is \$200,000 excluding GST, based on the budget detailed below and subject to receipt of the anticipated sponsorship.



There is no budget allocated in the 2017–18 budget for this event. A submission on costing and suggested calendar of events for 2017-2018 will be presented to the May 2017 events committee for consideration.

| Item | Cost \$ |
|--|------------------|
| <u>Administration</u> | |
| Management | 77,500 |
| Administration | 2,500 |
| Approvals | 2,000 |
| Merchandise | 4,000 |
| Travel & Accommodation for performers | 16,000 |
| Volunteers – Refreshments | 2,500 |
| VIPs – Refreshments | 4,500 |
| | |
| <u>Marketing</u> | |
| Advertising | 43,500 |
| Design & Collateral | 12,500 |
| Digital | 3,500 |
| Publicity – PR Plan & Campaign | 13,500 |
| | |
| <u>Programming (Entertainment & Art)</u> | |
| General | 7,000 |
| Port Coogee Event Hub | 10,000 |
| Coogee Beach Event Hub | 10,000 |
| Coogee Surf Life Saving Club | 51,000 |
| | |
| <u>Operations (Infrastructure)</u> | |
| General | 54,500 |
| Equipment | 27,500 |
| Labour | 33,500 |
| Programming | 23,000 |
| Production | 18,500 |
| | |
| Contingency | 10,000 |
| | |
| TOTAL | \$487,000 |

Sponsorship

Main sponsors/ presenting partners that will be approached include Lotterywest and Healthway. In addition to infrastructure projects that the City has and will be submitting for, this specific project has initial interest from Lotterywest and Healthway as it is an event. In the initial expression of interest phase, it has been articulated that Cockburn Lights has real potential and mass broad appeal. Lotterywest also believe that showcasing of the dive trail as a part of this event is positively leveraging of their previous investment. Other means of



highlighting Council investments towards infrastructure can also be highlighted at Cockburn Lights, such as a skate clinic to promote new skate park projects.

Sponsorship and in-kind support of \$100,000 will also be sought from appropriate businesses and media with options for hub naming rights/major partner (there are four hubs as outlined in the attached report). The following proposed sponsorship matrix will be used when approaching local businesses. All sourced sponsorship will comply with the City's sponsorship incoming funds Policy PSCS17.

| Sponsorship Proposed Matrix | | | | | |
|--|---------------------------|----------------------|----------------------------|--------------------------|-----------------------|
| Investment level | Presenting Partner | Major Partner | Supporting Partners | Business Partners | Media Partners |
| | Over \$100k | \$25-\$100k | \$5 - \$25k | Up to \$5k | Neg |
| <u>Exposure</u> | | | | | |
| Logo on selected marketing collateral | ✓ | ✓ | | | |
| Use of Event IP | ✓ | ✓ | ✓ | ✓ | ✓ |
| Major marketing collateral | Neg | | | | |
| Acknowledgement at the Event Info booth | ✓ | ✓ | ✓ | ✓ | ✓ |
| Other event & outdoor signage opportunities (all | ✓ | ✓ | ✓ | | ✓ |
| Logo on official programme | ✓ | ✓ | ✓ | | ✓ |
| Acknowledgement on official program | ✓ | ✓ | ✓ | ✓ | ✓ |
| Advertisement in official program | Full page | Half page | Qrt page | | |
| Logo on the home page of the website | ✓ | | | | |
| Logo on the partners website | ✓ | ✓ | ✓ | ✓ | ✓ |
| Logo on the eNewsletters | ✓ | Neg | | | Neg |
| <u>VIP and Hospitality</u> | | | | | |
| Invites to Event Launch | 8 | 6 | 4 | 2 | Neg |
| VIP Invites to Event welcome | 8 | 6 | 4 | 2 | Neg |
| Further VIP opportunities to be developed | | | | | |
| <u>Digital</u> | | | | | |
| Social media showcase | 4 | 3 | 2 | 1 | Neg |
| E-newsletter showcase | 2 | 1 | 1 | | Neg |
| Product displays/activations at selected events | ✓ | ✓ | ✓ | | |



| Sponsorship Proposed Matrix | | | | | |
|--|--------------------|---------------|---------------------|-------------------|----------------|
| Investment level | Presenting Partner | Major Partner | Supporting Partners | Business Partners | Media Partners |
| | Over \$100k | \$25-\$100k | \$5 - \$25k | Up to \$5k | Neg |
| Other Benefits | | | | | |
| On screen advertising | ✓ | ✓ | ✓ | | ✓ |
| Event Naming Rights opportunities (to be negotiated per event) | Neg | Neg | Neg | | |
| Verbal mentions during public announcements | Neg | Neg | Neg | | |
| Personalised Event | ✓ | ✓ | ✓ | ✓ | ✓ |

Funding for this event is anticipated to be allocated from the budget that relates to community events each year, and it would therefore be recommended that one of the two concerts is replaced with this three day festival. This would provide \$100,000 – \$150,000 of the anticipated \$200,000 Council contribution and the rest would be secured by the annual increase in budget and the usual annual review of the events program.

Conclusion

While the City has a full and robust events program it is considered to be lacking in a unique cultural event that showcases the natural assets of the City. There is a real opportunity to create a lasting and ever evolving legacy that Cockburn will be recognised for state wide.

While Council approval to seek funding for this event indicates in principle support for a Cockburn Lights event in March 2018, it is primarily for the purpose of lodging an application with potential funding partners, the outcome of which will determine whether the proposal is feasible to proceed with.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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



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

It is projected that the total event cost will be \$487,000 which includes management, marketing, programming, operations and labour. It is anticipated that funding totalling \$187,000 can be sourced. Sponsorship and in-kind support of \$100,000 will also be sought. The event will require a minimum total investment from council of \$200,000.

Legal Implications

The City would need to sign a legal agreement in regard to the sponsorship and outsourcing of the event to an events management company.

Community Consultation

N/A

Risk Management Implications

If this recommendation is not supported, the City will be unable to apply for funding for this event for 2018. Council could approve the running of the Cockburn Lights event without sponsorship, at a cost of \$487,000 but this is considered prohibitive. If Council does not support this recommendation and the event does not proceed in 2018, it is only a matter of time before another coastal Council considers a similar concept as this type of event is popular in other parts of the world. Barcelona (La Merce) and Sydney (Vivid) are both aspirational examples of lighting events that are held in a unique built and natural environment.

After some research of Councils of a comparable size in Perth, it was discovered that similar events (but not coastal) cost approximately \$340,000 – \$740,000 to run. Total revenue is between approximately \$80,000 – 150,000 which includes sponsorship and grants including funding from Healthway and Lotterywest. They also receive between \$40,000 and \$100,000 in-kind support from media partners across print, radio and TV.

Other local government events of a similar nature in Perth do not have the benefit of a unique coastline and their events are normally structured so that they can be held anywhere and they do not rely on their natural environment for the success of their events, hence giving



Cockburn Lights the edge that it needs to be effective in a competitive market.

If Council approves the recommendation to seek funding, there is still a risk that the Events Committee will not support the Cockburn Lights event and that funding will have to be declined.

If Council approves the recommendation, it is possible that adequate sponsorship may not be forthcoming and Council will have to reconsider the level of funding it is willing to contribute to such an event.

Attachment(s)

Project 3 Cockburn Lights Concept Final Report.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 8 December 2016 Council Meeting.

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

Events such as this proposal are provided by both the private and public sectors, including local governments. Local governments have been more pro- active in recent times in order to provide a variety of low or no cost entertainment options to its communities.

NOTE: AT THIS POINT, THE TIME BEING 9.31 P.M. CLR SWEETMAN LEFT THE MEETING.

NOTE: AT THIS POINT, THE TIME BEING 9.32 P.M. CLR EVA LEFT THE MEETING.

NOTE: AT THIS POINT, THE TIME BEING 9.33 P.M. CLR SWEETMAN RETURNED TO THE MEETING.

18.2 (MINUTE NO 5981) (OCM 8/12/2016) - ADOPTION OF CULTURAL STRATEGY 2016-2020 (195/001) (S SEYMOUR-EYLES) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the City of Cockburn Cultural (Art, Culture, Heritage and Events) Strategy 2016-2020, as attached to the Agenda; and



- (2) include the financial requirements from the Strategy Action Plans for consideration in future annual budgets and corporate planning documents, where relevant.

COUNCIL DECISION

MOVED Clr P Eva SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 8/0

NOTE: CLR EVA WAS OUT OF THE CHAMBERS AT THIS POINT IN TIME, 9.34 P.M.

Background

This Strategy, which replaces the City's Public Art Strategy 2009 and the Events Strategy 2014-2019, combines the two as there are strong synergies between both areas.

The City has achieved the goals set out in the Public Art Strategy. This included:

- Developing a collection of distinct and diverse public artworks, which there is no doubt the City has achieved.
- Achieving an integrated approach to public art, whereby the City now has a Percentage for Art Policy and developers must provide art when the value of the development is in excess of \$1M. This has provided a significant number of artworks.
- Planning, Community Services, Community Development and Parks and Environment teams all work closely with the Events and Culture Service Unit on the provision of a wide range of art projects across the City.
- The City has increased awareness of its public art through its ongoing annual art exhibition, featuring art on its website and securing media stories and social media engagement as and when new artworks are installed.



The City has also made significant progress with the Events Strategy. It has worked to ensure that City-run events align with City policies and strategies, which range from promoting public transport options to ensuring that a Welcome to Country or Acknowledgement of Country is included at big events or civic events that healthy food options are available at all events and those events are made as accessible as possible.

The City has continued to run a large program of free community events throughout the year and has a range of incentives and support programs to assist the community to run their own events. It has made strong inroads into running more sustainable events and will continue to improve in this area particularly in waste reduction. As the Event Strategy had not run its course, the Strategy has carried over some of the actions to this Plan, which mainly relate to developing events to encourage economic activity.

A focus on culture would generate a positive image of a place, to enhance the life and social well-being of residents and to generate wealth and employment.

When the community was consulted informing them of this document, the primary request was for a cultural hub to be developed, so provision has been made in this plan for a feasibility study to determine what this hub would be, where it could be located and how it could be funded, if Council supported such a project.

This new Strategy will build on the work that the City has already done using practical and achievable actions that can be measured.

Submission

N/A

Report

- 1. The City contracted Project 3 (November 2015) to undertake a review of the City's events program.*

Key recommendations were:

- Develop new and unique event concepts – for example:
 - Cockburn Lights, a free event showcasing Cockburn coastline through innovative and creative lighting, pyrotechnic display, theatre, art and hawkers market (concept under development as per recommendation at June 2016 Ordinary Council meeting);



- Cockburn pop-up events (three events included in 2016/17 events program as per recommendation at June 2016 Ordinary Council meeting);
 - Wetlands to Waves – urban adventure race style mass participation event (budget approved to develop concept as per recommendation at June 2016 Ordinary Council meeting);
 - Consider one large scale concert only to enable budget to be allocated towards a more unique and contemporary offering;
 - Build Harvest Hoo Ha into a gourmet food/local produce major event with multicultural ties;
 - Merge Hello Baby and Teddy Bears Picnic (research to be undertaken to assist and to inform whether or not this is the right decision);
 - Christmas on the Green event to be reviewed and relocated to accommodate a greater capacity and increase cultural significance (trial underway for 2016/17 event);
 - Develop a printed event program published in October/November (undertaken for 2016/17 as per budget approved at June 2016 Ordinary Council meeting);
 - Website to feature dedicated events section (this will be incorporated in the new website);
 - No overarching branding for suite of events.
 - Develop City of Cockburn event approval process for all events (internal and external) to be more streamlined for the customer and internally.
 - Review event specific purchasing procedures.
 - Develop online ticketing or bookings systems for events.
2. *The City contracted Catalyse (August 2015) as a consultant to assist with the development of the Cultural Strategy.*

Consultation was undertaken with internal stakeholders to understand requirements, set the vision, recognise strengths and weaknesses and to identify strategic priorities. A best practice review was undertaken of Federal and State art, cultural and heritage policies and trends, other Council plans and policies,



related to art, culture and heritage, as well as sector experts and stakeholders to understand requirements of success.

Stakeholder mapping was undertaken whereby arts, culture and heritage service providers in the City of Cockburn and neighbouring Councils were identified.

External stakeholders were engaged through a survey and a workshop, as well as in depth interviews with key stakeholders. Elected Members were also invited to undertake the survey and attend the workshop.

A strategic planning workshop was held with relevant staff to agree on priorities based on key findings.

Key findings were:

- There is limited space for workshops and performing arts. This has also recently been identified as a gap during consultation for the Community, Sport and Recreation Facilities Strategic Plan (2016-2026).
- There is high satisfaction with festivals, events and cultural activities in the City of Cockburn among residents. Females, seniors and those with younger children tend to be happier. There is most room to improve perceptions among younger singles and couples, and families with older children.
- The value of art, culture and heritage in improving community wellbeing is widely recognised.
- Relative to other Councils, the City's performance for festivals, events and cultural activities is above average.
- The community has moderate levels of awareness of City events.
- This framework was also informed by the City of Cockburn Strategic Community Plan 2016.

Six key strategies came out of research and consultation:

1. Ensure culture is integrated in to all planning
2. Value local Heritage
3. Facilitate creative communities
4. Provide creative Places
5. Develop and facilitate creative Services
6. Support creative Industries



The action plan contains a total of 28 actions that sit under these six key strategic areas.

One action is to undertake research in 2019/20 to inform the next strategy and that this research extend the scope of the next strategy to be broadened to include multi-cultural matters.

In addition to the specific actions in the plan that are related to these strategies, the City undertakes a range of activities on an ongoing basis. These include:

- Managing the City's public art collection (external and internal) to ensure that the collection is relevant and economically viable;
- Ensuring that interpretive signage is considered when master planning is undertaken in areas that have cultural value;
- Reviewing the annual event program relating to Policy SC34 "Budget Management"; continuing to run a program of Civic events;
- Fostering relationships with culturally relevant organisations to enrich the City's cultural diversity;
- Ongoing identification of historical events and culturally significant sites and properties for historical preservation purposes and to inform relevant State Government bodies; identifying opportunities and planning for heritage tourism;
- Holding training and event workshops for external groups to increase capacity and for internal staff to ensure a safe and consistent approach to events. Educating staff on culture and event related policies;
- Continuing to place high value on and maintain and promote the City's natural areas including the unique coast and wetlands in line with the City's actions in the natural area management strategy.
- Promoting inclusivity by encouraging City services, community groups and sporting clubs to participate at relevant City events; Identifying ways to increase community participation in arts, culture and heritage (City and non-City events) activities;
- Increasing the number of sustainable suppliers at City events and continuing to reduce the amount of waste at events;



- Determining ways to use City events to increase awareness, understanding and respect for different cultures past and present in Cockburn.
- Ensuring that the Aboriginal and Cultural Reference Groups are used as a key source of reference and consultation within the City of Cockburn.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services
- Provide for community facilities and infrastructure in a planned and sustainable manner

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

Leading & Listening

- Ensure sound long term financial management and deliver value for money
- Listen to and engage with our residents, business community and ratepayers with greater use of social media

Budget/Financial Implications

Actions within this plan cross over several business units including Strategic Planning, Parks and Environment, Library Services, Executive Services, Community Development, Events and Culture. A significant number of actions are undertaken by the Events and Culture team, which comprises 3.68FTE. There are actions within this strategy that require additional human resources. Those resources are a Local History Librarian and Multicultural Officer. The Multicultural Officer position is included for 2017/18 in the City's Workforce Plan 2016/17-2021/22 under Community Development and Services which is the Business Unit which would manage the role. The Local History Librarian has been proposed by the Library Services Business Unit but not yet accepted in the Workforce Plan and will require support and prioritisation to be realised.



To complete the work detailed in the Action Plan and additional to the staffing resources required, small increases to operational funding are as follows:

| Financial Year | Action | Estimated cost (at October 2016) |
|-----------------------|--|---|
| 2017/18 | Photograph and document comprehensively the City's art collection | \$15,000 |
| 2018/19 | Develop an online art gallery of City-owned artworks | \$25,000 |
| 2019/20 | Complete an initial Arts, Culture and Heritage HUB feasibility study, including identification and evaluation of potential sites, assessment of stakeholder needs, and vision creation | \$50,000 |
| 2019/20 | Build an online resource centre for arts, culture and heritage providers | \$30,000 |
| 2019/20 | Undertake research to inform a new strategy including multicultural matters | \$30,000 |

The remaining actions will be able to be completed within existing resources with the assumption that normal annual budget processes continue and operational budgets will be provided with CPI or better growth. This is because many of the new actions are continuous improvement and take the place of prior or current actions within the Events and Culture Service unit.

Legal Implications

N/A

Community Consultation

Survey

Desktop research was conducted initially to compile a database of key stakeholders in the City of Cockburn and surrounding area. This resulted in around 180 key contacts being identified with an interest in arts, culture or heritage. The list contained a diverse range of artists, musicians, dancers, performers, designers, theatre, heritage and cultural groups from across the City of Cockburn and surrounding local government areas.

Stakeholders were contacted by email or mail and invited to participate in an online survey (July 2015). The survey was also promoted via the City of Cockburn's website, e-news and social media.

The survey was open for three weeks and attracted responses from 65 stakeholders.



Individual sessions were held with

Youth Advisory Collective
Aboriginal Reference Group

Community Workshop 11 August 2015

Attendees included local artists, Phoenix Theatre, Artzplace, Friends of Woodman Point Quarantine station; Cockburn Community and Cultural Council; Historical Society of Cockburn; Spare Parts Puppet Theatre; Cockburn RSL; Hamilton Hill Community Association; Into the Mask theatre; Mayor Logan Howlett; Ozartworks; Leeming Area community bands

Elected Members

Culture:

Elected Members were invited to the community workshop at Memorial Hall on 11 August 2015. Elected Members were invited to participate in a survey sent out in July 2015.

Events:

An online survey was sent to Elected Members 17 March 2016 and again 23 March 2016.

- Qualitative and quantitative community event research (Catalyse) 2015.
- Relevant feedback from Strategic Community Plan consultation-2016.

Risk Management Implications

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

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



Attachment(s)

Draft Cultural Strategy 2016-20 (Art, Culture, Heritage and Events).

Advice to Proponent(s)/Submissioners

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

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

Nil.

NOTE: AT THIS POINT, THE TIME BEING 9.37 P.M. CLR HOUWEN LEFT THE MEETING

NOTE: AT THIS POINT, THE TIME BEING 9.41 P.M. CLR HOUWEN RETURNED TO THE MEETING

18.3 (MINUTE NO 5982) (OCM 8/12/2016) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE - POPPY SYMBOL(S) ON STREET SIGNS - MAYOR HOWLETT (038/008; 157/007; 159/00) (D GREEN) (ATTACH)

RECOMMENDATION

That Council

- (1) supports the principle of adding a "poppy symbol" to street name plates within the district which have been named after a local person, family or other related war or peace keeping activity or commemorative event;
- (2) place the sum of \$50,000 on the Draft 2017/18 Municipal Budget for consideration to provide for costs associated with producing and badging the requisite number of street signs and the creation and installation of three interpretive signs, strategically placed around the district, explaining the relevance of the symbol, and
- (3) seeks the support of the WA Local Government Association (WALGA) in proposing this initiative to all local governments on a state wide basis.



COUNCIL DECISION

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

CARRIED 9/0

Background

At the October 2016 Ordinary Council Meeting, Mayor Howlett presented the following as a Matter for Investigation without Debate:

A report be provided to the December 2016 OCM on the introduction of a poppy symbol(s) on street signs within the district where they (the streets) have been named after a person, family or a war or peace keeping effort or some other related activity or commemorative event and to address the opportunity for this to be a state wide initiative for all local governments.

Submission

N/A

Report

In assessing the merits of this suggestion, it was necessary to research the historical connection to the naming of road reserves within the Cockburn district after persons, activities or events associated with war and peace keeping efforts.

Fortunately, the City's Land Administration Unit was able to produce a comprehensive listing of road names which related to local persons and other non – personal objects or phrases which are synonymous with global conflicts involving Australia.

Sources for this data collection involved reference to the following:

- *Cockburn – the Making of a Community* – History Book 1979
- War Memorials and Honour Boards - Hamilton Hill and Treeby
- Azelia Ley Museum – Historical Records
- Applications for Road Name “Themes” – Developers –various

In acknowledging that this list may not represent all persons or occasions that would qualify for selection, any criteria should also be able to demonstrate a connectivity that is indisputable and not be subject to challenge in future regarding eligibility.



For this reason, the *highest* priority when attempting to create an eligibility test for this exercise was to ensure a human relationship which involved a specific member of a family, who resided in Cockburn and represented the Australian Armed Forces in some way and was enlisted for a role in a conflict scenario or peace keeping effort.

Once those names are exhausted, it is possible to apply connections with other elements of armed conflict where these remain central to the “theme”. Such examples are found in new developments in North Coogee (War Ships) and Cockburn Central (Remembrance) which focus on other non – personal attributes of war events.

It is not recommended to extend the honour to names not directly associated with a connection to the City of Cockburn, as to do so could dilute the importance associated with an exercise which is aiming to create a lasting memorial for persons whose history is inextricably linked to the district.

Having extracted what is understood to be a highly representative list of names which would qualify for a “poppy” emblem, it would be necessary for Council to fund the production and installation of new name plates in a timely and consistent manner. Such a process will be time consuming and will need to be scheduled into a future works program, thus requiring any action to be deferred until the 2017/18 financial year, which will also enable funding to be made available in the corresponding year`s budget.

This exercise would be more meaningful if complemented by interpretive signage which also explained the purpose and significance of the emblem. This would be best achieved if such signage was located at strategic sites across the City of Cockburn, particularly in areas where street names have been badged for this purpose, such as North Coogee, Cockburn Central and Hammond Park. In addition, the relevant information would be posted on the City`s webpage to publicly explain the significance of the exercise in greater detail.

In conclusion, while such an initiative is considered to be an important gesture to recognise the heroic deeds of past citizens of Cockburn, it is not an issue that a single district can bestow on all local governments uniformly. In this context, it is considered reasonable to introduce the item through the WALGA process for it to determine if such a proposal is something that can be advocated on a state - wide, or even national, basis.



Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

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

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

Budget/Financial Implications

Costs associated with the production and installation of 200 street name plates and 3 Interpretive Signs of suitable size are estimated at \$50,000. This will require an allocation in the 2017 / 18 Draft Budget for Council consideration.

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

A moderate level of *Brand/Reputation* risk has been assessed to this item on the basis of the potential for adverse public opinion and / or media attention.

Attachment(s)

List of relevant street names within the City of Cockburn.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



NOTE: AT THIS POINT, THE TIME BEING 9.35 P.M. CLR EVA RETURNED TO THE MEETING.

18.4 (MINUTE NO 5983) (OCM 8/12/2016) - PROPOSAL TO DEVELOP A SPORTING WALL OF FAME AT COCKBURN ARC (036/004) (T MOORE) (ATTACH)

RECOMMENDATION

That Council

- (1) supports the development of a new Sporting Wall of Fame at Cockburn ARC, inclusive of an interactive kiosk as per Option 2 outlined in Attachment 2;
- (2) considers \$20,000 as part of the 2016/17 mid-year budget review process to install the plaques as part of the Sporting Hall of Fame;
- (3) place on its 2017/18 budget for consideration \$8,500 for the installation of an interactive kiosk as part of the Sporting Hall of Fame;
- (4) retains the existing Sports Wall of Fame currently at the City of Cockburn Administration external walkway; and
- (5) calls for nominations for City of Cockburn Sporting Hall of Fame in January/February 2017.

COUNCIL DECISION

MOVED Clr L Sweetman SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 9/0

Background

Since 2003/04 the City has maintained a Sports Wall of Fame along the front entry walkway of the City of Cockburn Administration Building.

At the September OCM, Mayor Howlett requested under 'Matters to be Noted for Investigation, Without Debate, the following matter be investigated without debate:



Provide a report to the December 2016 Ordinary Meeting of Council on the potential to establish either a 'Sporting Walk of Fame' or a 'Sporting Wall of Fame' at Cockburn ARC, including the opportunity to have an interactive design concept that allows the story of those persons and their sporting achievements to be told.

As such Council is now provided with details on potential locations, plaque designs and interactive options as part of the development of a sporting wall of fame at Cockburn ARC

Submission

N/A

Report

The current Sporting Wall of Fame is located at the City's Administration Building and was first developed in 2003/04, with 17 sports people having now been inducted.

Nominations have been called on two occasions over the past 13 years, firstly in 2003/04 and then once again in 2012.

The inductees are all local sports people who have achieved greatness within their chosen sport, with the Hall of Fame being a way of acknowledging the various successes of the City's residents.

In order to be considered to be accepted into the Hall of Fame nominees must meet the following criteria:

- A long-term resident of the City of Cockburn (deceased or living)
- Participating in senior sport at the highest level
- Involved in sports administration at the highest level
- Involved in senior sport (over eighteen years of age)

In terms of the proposed new Sporting Wall of Fame, it is suggested that it be made up of plaques 350mm x 450mm, which incorporates a picture and text of the inductee's achievements. In addition, an interactive experience will also be provided through a touch screen kiosk (*Attachment 1*). It is proposed that the current inductees be included in any sports wall of fame at Cockburn ARC.

In considering the potential locations for the Wall of Fame to be developed, staff have identified two potential options at Cockburn ARC (*Attachment 2*).

Option 1 – This area is at the front entry to the Centre and provides a high level of exposure, however given the vast size of the wall, there is the potential for the plaques to be less obvious.



Option 2 – The wall behind the seating overlooking the indoor courts provides a high level of exposure and places the Wall of Fame in the heart of the Centre. This location provides a link to the sports area of the Centre as well as an opportunity to incorporate an interactive kiosk element nearby.

Whilst at this stage there are only 17 inductees in the Hall of Fame, the conceptual designs provide an indication of how the space would look with up to 30 plaques to allow for future inductees.

In considering, the two potential locations, it is recommended that Option 2 be endorsed as the preferred location to develop the Sporting Wall of Fame at Cockburn ARC. This is due to the nature of the location being in close proximity to the sports courts and also allowing for the placement of an interactive kiosk in close proximity.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Budget/Financial Implications

The total estimated cost to install the plaques is \$20,000 and the interactive kiosk is \$8,500.

At this stage, there are no funds allocated within the 2016/17 budget for the development of the new Sporting Wall of Fame at Cockburn ARC.

As such, it is proposed that the development be staged, with \$20,000 for the installation of the plaques to be considered as part of the 2016/17 mid-year budget review process and \$8,500 to install the interactive kiosk be considered as part of the 2017/18 annual budget deliberation process.

Legal Implications

N/A

Community Consultation

It is proposed that nominations for the Sporting Hall of Fame be called for in January/February 2017.



This will be advertised in local newspapers, the City's website and direct mail outs to sporting clubs.

Risk Management Implications

There is little to no risk should this project proceed or not. The plaques can be easily installed post construction although there will be some additional cost if the kiosk display requires power.

Attachment(s)

1. Interactive kiosk picture
2. Designs indicating two potential location options

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

NOTE: AT THIS POINT, THE TIME BEING 9.37 P.M. CLR HOUWEN LEFT THE MEETING.

NOTE: AT THIS POINT, THE TIME BEING 9.40 P.M. CLR HOUWEN RETURNED TO THE MEETING.

18.5 (MINUTE NO 5984) (OCM 8/12/2016) - DOG OFF LEAD AND DOG PROHIBITED COASTAL AREAS (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council in accordance with Section 31 of the Dog Act 1976:

- (1) prohibit dogs on Ngarkal Beach Reserve (R5313), except on the footpaths around the reserve, where dogs on lead are permitted;
- (2) prohibit dogs on the portion of Powell Reserve near the Coogee beach café southern entrance;
- (3) prohibit dogs on all of the Woodman Point Beach to the start of the current dog off lead exercise area, west of the Cockburn Power Boat Association; and
- (4) install signage on the beach between Caledonia Loop, North Coogee and the South Fremantle power station breakwater, identifying it as a 'dogs on lead only' area.



as shown in the Attachments to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr C Terblanche that Council:

- (1) in accordance with Section 31 of the Dog Act 1976:
 1. Prohibits dogs on the portion of Powell Road Reserve, Coogee, near the Coogee Beach Café, southern entrance and erects signage on the limestone wall abutting the prohibited area advising it is a “Dog Prohibited Area”.
 2. (i) prohibits dogs on Ngarkal Beach Reserve (R5313), except on the footpaths around the Reserve, where dogs are permitted on leads;
 - (ii) prohibits dogs on the beach extending from the boundary of the current dog prohibited area for a distance of approximately 800 metres south of the Coogee Beach Surf Life Saving Club to the Woodman Point ammunition jetty; and
 - (iii) erects signage clearly identifying all areas where dogs are:
 - (a) prohibited;
 - (b) permitted off leash (as formal exercise areas); and
 - (c) permitted on leash only; for the entire coastline between the northern boundary with the City of Fremantle and the beach immediately to the east of the Jervoise Bay Cove car parking area as shown in attachment to the Minutes.
- (2) provides a 3 metre long steel rail mounted on piers in the grassed area immediately to the north of the Café Alfresco area, to the satisfaction and cost of the City of Cockburn; and
- (3) retain the area immediately north of the Port Coogee northern groyne to the power station as a prohibited area.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/1



Reason for Decision

This position reflects a reasonable compromise for beachgoers wishing to walk their dogs on the beaches in Cockburn and those who wanting to be in an area of beach where dogs are not permitted. The Coogee Beach Café area needs to be provided with a dog free access to the south entrance of the Café, as it is intended that dogs will be secured in an area abutting the Café alfresco immediately to the north.

We need to be mindful there are still another 20,000 homes to be built along the foreshore and about 50% will have pets thus there will be an expectation on Council to provide areas.

Background

This report relates to proposed changes to access for dogs on the Cockburn Coast beaches including Woodman Point.

Under the Dog Act 1976, the City can designate areas where dogs can be off leads (exercise areas) or where they are prohibited. All other areas are deemed to be dogs on leads allowed. In some situations where there maybe confusion, signs are erected to show where dogs are required to be on leads.

Council has already made a number of resolutions about dog-related issues during 2016 in particular to dogs in the Coogee Beach area and in relation to seeking public comment on whether Ngarkal Beach should become a dogs prohibited area and the decision to allow dogs near the cafe at Coogee Beach. Council also resolved its intention to declare the beaches along Woodman Point closed to dogs. The area of beach from Caledonia Loop to the Power Station breakwater is also being considered to be altered from dog prohibited.

At its meeting of 14 July, 2016 Council resolved to:

- Prohibit dogs on all of reserve 24306 and reserve 46664 (Coogee Beach Reserve) including all beaches, dunes, picnicking areas and the jetty adjoining the reserves pursuant to section 31 of the Dog Act 1976 other than allow dogs on leads on the portion of reserve 24306 north of Powell Road Coogee shown on the plan, as attached to the Minutes.
- Allow dogs on leads in the Coogee Beach cafe lease grassed al fresco area at the discretion of the lessee and in accordance with the requirements of the Food Act 2008.



- Allow dogs on leads in the Coogee Beach Surf Club Café Alfresco area at the discretion of the Coogee Beach Surf Life Saving Club (Inc.) and in accordance with the requirements of the Food Act 2008.

At its meeting of 8 September 2016 Council resolved to seek public comment to declare as a dog prohibited area:

1. Ngarkal Beach - Reserve 51313 – 25 Medina Parade, North Coogee. Lot 8029 Medina Parade, North Coogee.

The area north of Caledonia Loop to the power station breakwater in North Coogee which was previously a dog prohibited area would then become a dogs on lead area.

At its meeting of 13 October, 2016 Council resolved as follows:

- (1) declares the portion of the Powell Road reserve, as shown as the hatched area on the attachment plan a dog prohibited area;
- (2) erects signage on the limestone wall abutting the prohibited area advising it is a dog prohibited area;
- (3) provide a 3m long steel rail mounted on piers in the grassed area immediately north of the Café Alfresco; to the City of Cockburn's satisfaction and expense;
- (4) declares the portion of beach coast south of the Surf Life Saving Club as a dog prohibited area but not including the Woodman Point dog gazetted beach (exercise areas); and
- (5) erect signage for people accessing the beach from the Surf Club and to public access points to Coogee Beach south to Woodman Point advising it is a dog prohibited area.

Submission

N/A

Report

In accordance with section 31 of the Dog Act 1976, the City is required to advertise for a period of no less than 28 days a proposal to declare an area in the district a dog off lead (exercise areas) or a dog prohibited area. Council is to consider the responses to the consultation in making a determination on the matter. Resolutions are to be carried by an absolute majority.



1. Ngarkal Beach

Public comment was sought through a newspaper advertisement, signage on-site, a mail out to Coogee residents, and online survey.

Community feedback has suggested that dogs be prohibited at Ngarkal Beach, except on the footpath on the edge of the reserve.

The developer erected signs on this beach to declare it a dog prohibited area. For this to be enforceable the matter needs to be determined by Council in accordance with the Dog Act.

During consultation, residents stressed the need to retain pedestrian access for dog walkers on the footpath if the beach was closed to dogs. Otherwise, they would have to walk on the road with their dogs. As the verge is not part of the reserve it is recommended that people be able to walk their dogs on the verge area on leads.

Survey question

- I am in favour of the City prohibiting dogs at Ngarkal Beach, Port Coogee.

Responses

| | |
|--|-----|
| Number of Coogee surveys mailed out..... | 659 |
| Number of Coogee surveys completed..... | 325 |
| Number who favour prohibiting dogs..... | 223 |
| Number who want dogs at Ngarkal Beach..... | 102 |

2. Coogee Café (Powell Road Reserve)

Matter that required community consultation from the 13 October, 2016 Council minute item 20.2:

- (1) declares the portion of the Powell Road reserve, as shown as the hatched area on the attachment plan a dog prohibited area;

There appears to be general support to prohibit dogs on the small area of Powell Road reserve outside of the Coogee Beach Café. It is recommended that this area be dogs prohibited.

In line with Council's 14 July decision, dogs on leads are still allowed in the grassed al fresco area to the north of Coogee Beach café, at the discretion of the café which leases the grassed area. The City will provide a 3m long steel rail mounted



on piers in the grassed area north of the café for people to tie up their dogs.

3. Woodman Point (South of Coogee Beach Surf Club)

Matter that required community consultation from the 13 October, 2016 Council minute item 20.2:

- (4) declares the portion of beach coast south of the Surf Life Saving Club as a dog prohibited but not including the Woodman Point dog gazetted beach;

This would have the effect of prohibiting dogs from the entire foreshore area extending south of Coogee Beach Surf Life Saving Club to where the dogs off lead exercise beach begins (to the west of Cockburn Power Boat Club).

A survey showed a strong desire by beach walkers, who have walked the beaches for many years with their dogs, to retain access to walking their dogs on the beach.

| | No opinion | No | Yes |
|--|------------|-----|-----|
| The City should prohibit dogs from the beach south of the Surf Lifesaving Club along Woodman Point | 7 | 140 | 96 |

A petition of 279 signatures was received supporting the below petition:

“The following residents of the City of Cockburn and visitors to Coogee Beach support Cockburn City Council in extending no dog areas as follows:

Dogs Coogee Beach – proposed extension of no dog area.

1. A portion of the Powell Road Reserve at Coogee Beach, immediately to the south of Coogee Beach Café, and
2. The entire foreshore extending south of Coogee Beach Surf Life Saving Club to where the dogs off lead exercise beach begins to the west of the Cockburn Power Boat Association

Some key stakeholder comments

- The Department of Parks and Wildlife (DPaW) has identified that the Woodman Point Management Plan 2010 endorsed by Council proposes that dogs be prohibited on the Woodman Point Reserve including the beach areas. DPaW support the prohibition of dogs on the beach areas but accepts the current dog off lead area on the south side of Woodman Point. Incidentally DPaW allows dogs



on leads on paths within the reserve. The main area of concern is for birdlife on the point.

- The Coogee Beach Surf Club expressed a strong advocacy for creating a buffer between surf club activities and dogs by prohibiting dogs on the beach in the area immediately south of the clubs beach access. This would have the effect of creating a dog prohibited area along the coast from the south end of Port Coogee to a point south of the surf club beach access point.
- The Coogee Beach Progress Association favours prohibiting dogs near the Coogee Beach café, north of Caledonia Loop and south of the surf club.
- Cockburn Powerboat Association members have expressed concern that prohibiting dogs from around Woodman Point would concentrate all dogs and traffic near the club’s activities.

4. North Coogee

In relation from Caledonia Loop north to the power station breakwater, there was strong support from dog owners to change the area from dogs prohibited to dogs on lead. (130 in favour, 62 not in favour).

| | No opinion | No | Yes |
|---|------------|----|-----|
| The City should change the beach area between Caledonia Loop and the Breakwater near the old power station from a dogs-prohibited area to a dogs on-lead area | 51 | 62 | 130 |

Summary

There is support for dogs to be prohibited on Ngarkal beach provided assurance is given the dogs can be on leads on the path on the verge.

There is a mix of support and opposition overall to prohibit dogs on the area of Powell Reserve immediately in front of the Coogee Beach Café entrance.

There is support to prohibit dogs on the area of beach immediately south of the Coogee Beach Surf Club access point to allow club activities to occur without dogs.

There is general support to have the area of Caledonia Loop to the power station breakwater changed from dog prohibited to dogs allowed on leads.



Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner
- Provide safe places and activities for residents and visitors to relax and socialise

Leading & Listening

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

Budget/Financial Implications

There may be some additional signage required for the decision of Council but this is likely to be minor and dealt with within current budget allocations.

Legal Implications

The Dog Act 1976 is the empowering legislation for the determination of dog off lead exercise areas and dog prohibited areas in the district.

Community Consultation

Extensive consultation has been conducted, the results of which are reflected in the recommendations. The consultation report is shown in the Attachment and is also available on <http://comment.cockburn.wa.gov.au>

Risk Management Implications

The Council is required to follow the correct procedure for the determination of dog off leads (exercise) and dogs prohibited areas in the district to ensure breaches of the law can be prosecuted.

An extensive community consultation process has been undertaken and the community would expect that where a clear majority of respondents seek a certain course of action that Council would decide accordingly unless a clear reason for an alternative decision was provided.

The City of Cockburn may suffer reputational damage if it was not seen to be listening and responding appropriately to its community.



Attachment(s)

1. Coastal Activity Guide as adopted by Council.
2. Proposed dog area amendments as per Council resolution of 13 October 2016.
3. Recommended dog prohibited (red) and dog off lead exercise (blue) areas.
4. Consultation Report (as shown on the City of Cockburn website)

Advice to Proponent(s)/Submissioners

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

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

Nil.

18.6 (MINUTE NO 5985) (OCM 8/12/2016) - DOGS OFF LEADS EXERCISE AREAS (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council:

- (1) declare the following as new dog off lead exercise areas:
 1. Hobbs Park - Reserve 37399 – Lot 2651 Longson Street, Hamilton Hill.
 2. SEC Transmission Line – Property 5514414- Lot 50 South Lake Drive, South Lake
 3. Milgun Reserve, Yangebup – Reserve 40452 Yangebup Road Yangebup
 4. Costa Park, Beeliar – Reserve 48066 Bluebush Avenue Beeliar.
- (2) not proceed with declaring a new dog off lead exercise area at Princeton Park, Aubin Grove
- (3) declare the following reserves as dog off lead exercise areas:
 1. Dixon Park - Reserve 24550 – 9 Starling Street, Hamilton Hill - Lot 4381 Starling Street, Hamilton Hill.
 2. Reserve 26337 – Lot 1975 Hyam Street, Hamilton Hill



- and Reserve 27960 – Lot 2075 Wheeler Road, Hamilton Hill.
3. Isted Reserve - Reserve 32870 – 1 Isted Ave, Hamilton Hill - Lot 2310 Isted Ave, Hamilton Hill.
 4. Southwell Park – 56 Southwell Crescent, Hamilton Hill - Lots 146, 210 and 518 Southwell Crescent, Hamilton Hill.
 5. Bavich Park – 4 MacMorris Way, Spearwood - Lot 61 and 112 MacMorris Way, Spearwood.
 6. Macfaull Park -60 Falstaff Crescent, Spearwood - Lots 1, 54 and 113 Falstaff Crescent, Spearwood - Lots 69 and 116 Melun Street, Spearwood - Lot 23 Pomfret Road, Spearwood.
 7. Bishop Park - Reserve 35232 – 9 Huxley Place, Spearwood - Lot 2518 Huxley Place, Spearwood.
 8. Hagan Park - Reserve 35541- Lot 2518 Fenimore Avenue, Munster.
 9. CY O'Connor Reserve - Reserve 24787 – Lot 1957 McTaggart Cove, North Coogee (westwards from the breakwater for approximately 700 metres).
 - 9(a) Catherine Point Reserve – Part Lot 2161 McTaggart Cove, North Coogee extending approximately 250 metres southwards from Reserve 24787.
 10. Powell Reserve - Reserve 38676 – 14 Parakeet Way, Coogee - Lot 2771 Parakeet Way, Coogee.
 11. Jarvis Park - Reserve 38587 – 2 Hawkes Street, Coolbellup - Lot 2759 Hawkes Street, Coolbellup.
 12. Hargreaves Park – Reserve 29602 – Lot 2141 Hargreaves Road, Coolbellup.
 13. Mamillius Park - Reserve 38760 – 2 Mamillius Street, Coolbellup - Lot 2777 Mamillius Park, Coolbellup.
 14. Rinaldo Park - Reserve 30992 – 32 Rinaldo Crescent, Coolbellup - Lot 2194 Rinaldo Crescent, Coolbellup.
 15. Matilda Birkett Reserve - Reserve 39817 – 14 Whitmore Place, Coolbellup - Lot 2881 Whitmore Place, Coolbellup.



16. Monaco Park - Reserve 36349 – 10 Palmerose Court, North Lake - Lot 2595 Palmerose Court, North Lake.
17. Bassett Reserve - Reserve 38463 – 19 Rossetti Court, North Lake - Lot 2745 Rossetti Drive, North Lake.
18. Ferres Reserve - Reserve 37783 – 16 Lachlan Way, Bibra Lake - Lot 2981 Lachlan Way, Bibra Lake.
19. Ramsay Park - Reserve 35933 – 77 Parkway Road, Bibra Lake - Lot 493 Parkway Road, Bibra Lake.
20. Reserve 44060 – 59 Bibra Drive, Bibra Lake - Lot 50 Bibra Drive, Bibra Lake.
21. Levi Park - Reserve 39774 – 97 Plover Drive, Yangebup - Lot 585 Plover Drive, Yangebup.
22. Glen Mia - Reserve 39554 – Lot 2851 Glenbawn Drive, South Lake.
23. Yarra Vista Park – Reserve 45308 – 83 Dean Road, Jandakot - Lot 703 Dean Road, Jandakot.
24. Jubilee Park – Reserve 42975 – 5 Jubilee Ave, Success - Lot 651 Jubilee Ave, Success.
25. Steiner Park – Reserve 45917 – 24 Steiner Ave, Success - Lot 4542 Steiner Ave, Success.
26. Purslane Park - Reserve 48290 – 22 Charnley Bend, Success - Lot 50 Charnley Bend Success, Reserve 49069 – Lot 457 Russell Road, Success and Part Reserve 2054 - Lot 457 Russell Road, Success.
27. Pipeline Reserve - Reserve 45990 – 150 Brenchley Drive, Atwell - Lot 776 Brenchley Drive, Atwell and Reserve 44875 – Lot 711 Folland Parade, Atwell.
28. Srdarov Reserve – Reserve 27968 – 10 Miro Street, Wattleup - Lot 2076 Miro Street, Wattleup.
29. Woodman Point (Southern side) Beaches – extending from:
 - (1) the (boat ramps) western Groyne approximately 450 metres westward, and
 - (2) the (boat ramps) eastern Groyne approximately



130 metres eastward

- (4) place on its budget for consideration fenced dog off lead exercise area in Milgun Reserve, Yangebup in 2017/18; Costa Park, Beeliar in 2018/19 and Purslane Reserve, Success in 2019/20; and
- (5) conduct an education campaign to publicise dog etiquette, and an audit of signage and doggy bag provision.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

This report deals with two matters – complying with the Local Government Act by re-approving all current off lead dog exercise areas, and deciding whether five proposed dog off lead exercise areas should be declared off lead dog exercise areas, pursuant to the Dog Act 1976.

At the Council meeting of the 9 September 2016, it was resolved as follows:

“In accordance with amendments to Section 31 of the Dog Act 1976 advertise for public comment for a period of no less than 28 days.

- (1) The following current dogs off leads exercise areas:
 1. Reserve 44060 – 59 Bibra Drive, Bibra Lake - Lot 50 Bibra Drive, Bibra Lake.
 2. Southwell Park – 56 Southwell Crescent, Hamilton Hill - Lots 146, 210 and 518 Southwell Crescent, Hamilton Hill.
 3. Bavich Park – 4 MacMorris Way, Spearwood - Lot 61 and 112 MacMorris Way, Spearwood.



4. Macfaull Park -60 Fallstaff Crescent, Spearwood - Lots 1, 54 and 113 Falstaff Crescent, Spearwood - Lots 69 and 116 Melun Street, Spearwood - Lot 23 Pomfret Road, Spearwood.
5. Catherine Point Reserve – Part Lot 2161 McTaggart Cove, North Coogee extending approximately 250 metres southwards from Reserve 24787.
6. Ferres Reserve - Reserve 37783 – 16 Lachlan Way, Bibra Lake - Lot 2981 Lachlan Way, Bibra Lake.
7. Ramsay Park - Reserve 35933 – 77 Parkway Road, Bibra Lake - Lot 493 Parkway Road, Bibra Lake.
8. Powell Reserve - Reserve 38676 – 14 Parakeet Way, Coogee - Lot 2771 Parakeet Way, Coogee.
9. Mamillius Park - Reserve 38760 – 2 Mamillius Street, Coolbellup - Lot 2777 Mamillius Park, Coolbellup.
10. Rinaldo Park - Reserve 30992 – 32 Rinaldo Crescent, Coolbellup - Lot 2194 Rinaldo Crescent, Coolbellup.
11. Jarvis Park - Reserve 38587 – 2 Hawkes Street, Coolbellup - Lot 2759 Hawkes Street, Coolbellup.
12. Dixon Park - Reserve 24550 – 9 Starling Street, Hamilton Hill - Lot 4381 Starling Street, Hamilton Hill.
13. Reserve 26337 – Lot 1975 Hyam Street, Hamilton Hill and Reserve 27960 – Lot 2075 Wheeler Road, Hamilton Hill.
14. Isted Reserve - Reserve 32870 – 1 Isted Ave, Hamilton Hill - Lot 2310 Isted Ave, Hamilton Hill.
15. Monaco Park - Reserve 36349 – 10 Palmerose Court, North Lake - Lot 2595 Palmerose Court, North Lake.
16. Bassett Reserve - Reserve 38463 – 19 Rossetti Court, North Lake - Lot 2745 Rossetti Drive, North Lake.
17. Bishop Park - Reserve 35232 – 9 Huxley Place, Spearwood - Lot 2518 Huxley Place, Spearwood.
18. Hagan Park - Reserve 35541- Lot 2518 Fenimore Avenue, Munster.



19. Glen Mia - Reserve 39554 – Lot 2851 Glenbawn Drive, South Lake.
 20. Matilda Birkett Reserve - Reserve 39817 – 14 Whitmore Place, Coolbellup - Lot 2881 Whitmore Place, Coolbellup.
 21. Levi Park - Reserve 39774 – 97 Plover Drive, Yangebup - Lot 585 Plover Drive, Yangebup.
 22. CY O'Connor Reserve - Reserve 24787 – Lot 1957 McTaggart Cove, North Coogee (westwards from the breakwater for approximately 700 metres).
 23. Purslane Park - Reserve 48290 – 22 Charnley Bend, Success - Lot 50 Charnley Bend Success, Reserve 49069 – Lot 457 Russell Road, Success and Part Reserve 2054 - Lot 457 Russell Road, Success.
 24. Pipeline Reserve - Reserve 45990 – 150 Brenchley Drive, Atwell - Lot 776 Brenchley Drive, Atwell and Reserve 44875 – Lot 711 Folland Parade, Atwell.
 25. Hargreaves Park – Reserve 29602 – Lot 2141 Hargreaves Road, Coolbellup.
 26. Yarra Vista Park – Reserve 45308 – 83 Dean Road, Jandakot - Lot 703 Dean Road, Jandakot.
 27. Jubilee Park – Reserve 42975 – 5 Jubilee Ave, Success - Lot 651 Jubilee Ave, Success.
 28. Steiner Park – Reserve 45917 – 24 Steiner Ave, Success - Lot 4542 Steiner Ave, Success.
 29. Srdarov Reserve – Reserve 27968 – 10 Miro Street, Wattleup - Lot 2076 Miro Street, Wattleup.
 30. Jervoise Bay Cove, Coogee (Woodman Point, southern beach).
- (2) The following proposed new dog exercise areas:
1. Hobbs Park - Reserve 37399 – Lot 2651 Longson Street, Hamilton Hill.
 2. Princeton Park - Reserve 49085 – Lot 204 Princeton Circuit, Aubin Grove.



3. SEC Transmission Line – Property 5514414- Lot 50 South Lake Drive, South Lake.
 4. Milgun Reserve – Reserve 40452 – Lot 591 Yangebup Road, Yangebup.
 5. Costa Park – Reserve 48066 – Lot 320 Bluebush Ave, Beeliar.
- (3) The following reserve be declared a dogs prohibited area:
1. Ngarkal Beach - Reserve 51313 – 25 Medina Parade, North Coogee. Lot 8029 Medina Parade, North Coogee.”

Submission

N/A

Report

The City of Cockburn has more than 10,000 registered dogs.

In accordance with the Local Government Act 1995, the City has advertised for feedback:

- the list of existing dog off lead parks and Reserves
- five proposed new dog off lead parks.

The consultation raised general awareness about the 30 off-lead dog parks and Reserves in the City, as it was quoted back by some participants who said it was sufficient and did not want any further dog facilities. A total of 65 residents downloaded the list of parks.

In regard to the five proposed new off lead parks, the City conducted citywide consultation (with signs on all affected parks, an online survey, Facebook and newspaper advertising) plus mailed out the survey to neighbours to assess the views of those who would be directly impacted by new off lead parks in their suburb.

Points raised in favour of dog exercise areas:

- Dogs need space to run around without a lead sometimes and especially on a huge oval or park
- The City needs to be more dog friendly, as dogs are members of the family
- Want dog parks within walking distance so don't need to drive there
- Social opportunity for dog walkers to get together



Points against dog exercise areas:

- While some respondents wanted a dog exercise area in their locality, they questioned the particular park chosen
- This park is used by school children as a route to and from school
- This park is too close to a busy road and needs to be fenced
- Other parks are more frequently used by dog walkers
- The park has a playground and children and dogs are not a good mix

For the citywide survey Council received 147 responses including 122 from dog owners and 25 from people who do not have dogs. The survey was completed primarily by dog owners who overwhelmingly supported more dogs off leads exercise areas in the City.

For the neighbours survey, the City sent 161 letters to those near Milgun reserve in Yangebup, 131 letters to those near Hobbs Park in Hamilton Hill, 139 to those near Enright reserve, in Hamilton Hill, 157 to residents near Costa Park in Beeliar, 131 letters to those near Princeton Park in Aubin Grove and 138 letters to those near the power line easement in South Lake. This survey closed on 19 November 2016. The outcome is shown below.

Neighbours survey

Residents were asked if they were in favour of a proposed off lead dog exercise area at the park closest to their home?

| Proposed dog exercise area | No | Yes | No opinion |
|-----------------------------------|-----------|------------|-------------------|
| Costa Park, Beeliar | 10 | 8 | 3 |
| Hobbs Park, Hamilton Hill | 5 | 20 | 3 |
| Milgun Reserve, Yangebup | 11 | 9 | 1 |
| Princeton Park, Aubin Grove | 21 | 1 | 1 |
| South Lake Easement, South Lake | 6 | 10 | 1 |

While the number of respondents was not high, the City made an effort to contact people who would be directly impacted by new dog off lead areas.

Outcome

The neighbour's survey found:

- Strong opposition to establishing a dog park at Princeton Park, Aubin Grove
- Some support and some opposition to establishing a dog exercise area at Costa Park, Beeliar and Milgun Reserve, Yangebup.
- Strong support for a dog exercise area at Hobbs Park, Hamilton Hill.



- Support for a dog exercise area at South Lake Park, under the transmission lines.

Aubin Grove

There is strong opposition for the choice of Princeton Reserve to be a dog off lead area, with residents citing the current use of the playground by children and the undesirability of children and dogs mixing. There is currently no dog off lead area in Aubin Grove. A petition was received from 134 City of Cockburn residents of whom 55 have dogs and 79 who do not have dogs, stating:

"We the undersigned residents of Aubin Grove Parklands respectfully request the Princeton Park NOT be made an off leash dog exercise area."

Beeliar

There was some opposition and some support for a dog off lead exercise area on Costa Park, Beeliar. This is a small park. There are few suitable areas in Beeliar. The suburb has no dog off lead areas. Beeliar Reserve on The Grange is the premier large active reserve in the suburb but is used extensively by the school and the community for active sports. Citywide, Council has no dog off lead exercise areas on active reserves due to dog faeces being left and the clash between sports people and dogs. For this suburb, the option is to provide a fenced dog exercise area which requires less space and keeps dogs away from other park facilities such as playgrounds.

Yangebup

There was some opposition and some support for providing a dog off lead area on Milgun Reserve, despite it being a large area and suited to a dog off lead area. There is currently one dog off lead exercise area in Yangebup on Levi Park in the North of the suburb abutting the railway line. If fenced and parking identified, Milgun Reserve could provide a dog exercise area with lesser impact on local housing. It is recommended that Council provide a fenced dog exercise area at Milgun Reserve, subject to a budget allocation.

Hammond Park/Success

The City already provides a dog off lead exercise area Purslane Park on the corner of Hammond Road and Russell Road, Success. It is recommended that this be fenced in 2019/20, subject to funding.



Education

Community feedback suggested the City invest more in education to increase awareness about being a responsible dog owner. An audit of signage and doggy bag provision was also suggested.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Leading & Listening

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

Budget/Financial Implications

There may be some minor costs associated with new signage in accordance with the Council decision which can be met within current budget allocations.

Legal Implications

The Dog Act 1976 as amended is the empowering legislation for the determination of dog off lead exercise areas and dog prohibited areas in the district.

Community Consultation

As detailed above. A copy of the consultation report is attached and also available on the City's web site.

Risk Management Implications

The Council is required to follow the correct procedure for the determination of dog off leads (exercise areas) and dog prohibited areas in the district to ensure breaches of the law can be prosecuted.

An extensive community consultation process has been undertaken and the community would expect that where a clear majority of respondents seek a certain course of action that Council would decide accordingly unless a clear reason for an alternative decision was provided. The City of Cockburn may suffer reputational damage if it



was not seen to be listening and responding appropriately to its community.

Attachment(s)

1. Map of proposed dog exercise and prohibited areas in the City of Cockburn
2. Copy of consultation notice and survey.

Advice to Proponent(s)/Submissioners

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

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

Nil.

19. EXECUTIVE DIVISION ISSUES

Nil

20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

22.1 (MINUTE NO 5986) (OCM 8/12/2016) - COCKBURN ARC COMMERCIAL LEASES (154/006) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) subject to there being no submissions received from the advertising of the proposal to lease a portion of 31 Veterans Parade Success, (Cockburn ARC) in accordance with the requirements of the Local Government Act 1995, section 3.58, enter into an agreement to lease with:



1. NHA Physio (WA) Pty Ltd of level 1, 416 High Street Kew, Victoria 3101 for:
 - Lease area 218m2 approx.
 - Lease term 5 years
 - Option term 2 x 5 years.
 - Commencement date is the latter of official opening of the building or 2 months from the date of Occupation.
 - Commencing lease fee is \$470/m2 (\$102,460 p.a. plus GST inclusive of variable outgoings).
 - other terms and conditions for the lease as approved by the Chief Executive Officer.

 2. Beaumonde Hospitality Australia Pty Ltd of 1/129 Broadway, Bassendean for:
 - Lease area 100m2 approx.
 - Shared license seating area 195m2 approx.
 - Lease term 5 years
 - Option term 5 years
 - Commencement date later of the official opening of the building estimated to be about the 8 April 2017.
 - Commencing Gross rent lease fee is \$85,000 p.a. plus GST inclusive of variable outgoings.
 - other terms and conditions for the lease as approved by the Chief Executive Officer.
- (2) seek Minister for Lands consent prior to entering any agreements to lease in 1 and 2 above.

COUNCIL DECISION

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

CARRIED 9/0

Background

Included in the Business Plan for Cockburn ARC, prepared by Warren Green Consulting in November 2014 and subsequently adopted by



Council, was the proposal to lease space, namely the café and the Allied Health area within the facility.

When the building works were substantially advanced and the scope and location of the two tenancies within the building were clearly identifiable the City of Cockburn sought, through MMJ, Council's property agents, suitable tenants for the two areas. Expressions of Interest were called for in July 2016 for the tenancies of the Café and the Allied Health areas. Calling of an Expression of Interest is allowed for in the Local Government Act for the disposal of property, the definition of which includes leasing. Public interest is protected by proposed leases being advertised with the commercial terms of the lease.

Both dispositions to be by way of leases will be advertised in accordance with the requirements of section 3.58 of the *Local Government Act 1995* and if any submissions are received they will be required to be considered as part of a further report to Council.

The Cockburn ARC and the adjoining active reserve are located on a Crown reserve over which the City of Cockburn has a management order and requires the City to have Ministerial approval to enter a lease with a third party.

Submission

N/A

Report

To allow the necessary lease documents to be prepared and for the tenants to carry out fitout works prior to the opening of the building the matter needs to be considered by Council as a priority.

As the areas available for lease are new and somewhat unique within a large integrated centre such as Cockburn ARC, expressions of interest were sought for creative means to provide services to maximise the use of the facility, benefits to the community and a return to the City.

The advertising for expressions of interest of the availability of the Café lease was widely distributed with a concentration on advertising state wide, using industry contacts and commercial contacts.

The evaluation panel for the Café area comprised:

- Manager Financial Services
- Cockburn ARC Manager
- MMJ Representative



The criteria used for the café lease assessment are as follows:

- Theme- suitability of style/type of operation
- Menu- quality and range of food offered
- Suitability and fit with Cockburn ARC- healthy choices
- Opening hours- fit with the Cockburn ARC proposed opening times.
- Tenancy works- concept (including landlord obligations)
- Marketing-marketing plan (proposed initiatives/concepts) and potential benefits to the facility.
- Overall capacity- Ability to cater for all aspects of Cockburn ARC (takeaway and full meal catering)
- Experience- overall experience, ability to deliver and specific experience in all aspects of hospitality.
- Lease details- proposed key commercial terms
- Financial capacity- general capacity to undertake the project.

The following responses were received:

Café

1. Delaware North
2. Aroma Café
3. Beaudmonde Catering
4. Caternet Pty Ltd
5. The Coffee Club
6. Fremantle Dockers - Belgravia
7. Giacomo Bevacqua
8. Bilby's Chargrilled Burgers
9. SPQR Trust & Massimo Bonini
10. Noahs
11. Satinwood Nominees

Allied Health tenancy

1. Life Care Cockburn (trading name for NHA Physio Pty Ltd)
2. Aubin Grove/Wellard/Kwinana Physiotherapy
3. Dockers/Sports Med Cockburn
4. WA Health Group

There was a great range of experience and offerings made for the café expression of interest. Many submissions were from very small inexperienced operators who could not demonstrate their capacity to offer a quality range. An important criterion for the assessment of the submission was for a range of healthy food options to be provided. On the basis of the overall assessment, Beaumonde Catering were considered the most suitable applicant. MMJ have negotiated the commercial lease terms, which are supported by City officers for consideration by Council. Beaumonde submitted a high quality proposal and are a very experienced award winning company.



The commercial terms agreed between the parties for consideration are as follows:

- Beaumonde Hospitality Australia Pty Ltd of 1/129 Broadway, Bassendean
- Lease area 100m2 approx.
- Shared license seating area 195m2 approx.
- Lease term 5 years
- Option term 5 years.
- Commencement date - the official opening of the building, estimated to be 8 April 2017.
- Commencing Gross rent is \$85,000 p.a. plus GST inclusive of variable outgoings (estimated to be \$100psm annually)
- other terms and conditions for the lease as approved by the Chief Executive Officer

An independent valuation of the property was carried out by Mcgees Property Valuers who estimated a fair market rent of \$57,500.00 p.a. ex GST exclusive of variable outgoings

The evaluation panel for the Allied Health area comprised:
Manager Financial Services
Cockburn ARC Manager
MMJ Representative
Customer Service and Administration Coordinator, Cockburn ARC.

The criteria used for the allied lease assessment are as follows:

- Theme- type and range of proposed services- Proposed integration with other Cockburn ARC services
- Opening Hours - Fit with Cockburn ARC opening hours.
- Tenancy works - concept (including landlord obligations)
- Marketing - marketing plan (proposed initiatives and concepts) and potential benefits to the Cockburn ARC
- Experience- overall experience, ability to deliver and specific experience relative to the Cockburn ARC
- Lease details- proposed key commercial terms
- Financial capacity- general capacity to undertake the project.

Generally the tenders submitted for the Allied Health area were of a high standard. There was an emphasis placed on the need for the successful tender to provide a range of services and an ability and willingness to work with the City to utilise the complex facilities. On balance Life Care Cockburn was nominated as the preferred tender as they submitted an excellent tender with broad general services and specific sports related services with a detailed marketing plan. This company has strong links to the area with a good General Practitioner referral network. The lessee of the Allied Health area will be required to pay the standard fees for the use of facilities in the complex such as



the hydrotherapy pool. NHA Physio (WA) Pty Ltd of level 1, 416 High Street Kew, Victoria 3101 trade as Life Care Cockburn.

The commercial terms agreed between the parties for consideration are as follows:

- Lease area 218m² approx.
- Lease term 5 years
- Option term 2 x 5 years.
- Commencement date is the latter of official opening of the building or 2 months from the date of Occupation.
- Commencing lease is \$470/m² (\$102,460 p.a. plus GST inclusive of variable outgoings estimated to be \$100psm annually).

An independent valuation of the property was carried out by McGees Property Valuers who estimated a fair market rent of \$74,000. Ex GST p.a exclusive of variable outgoings.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services
- Provide for community facilities and infrastructure in a planned and sustainable manner
- Provide safe places and activities for residents and visitors to relax and socialise
- Create and maintain recreational, social and sports facilities and regional open space

Budget/Financial Implications

The Business Plan for the Cockburn ARC approved by Council provided for income of \$75,000 p.a for the café and \$80,000 for the allied health area. The total annual income in the first year for the proposed leases for 2017/18 will be in the vicinity of \$187,460 which is in line with the Business Plan after allowing for variable outgoings.

Legal Implications

Section 3.58 of the Local Government Act 1995 requires the City to advertise the proposals to lease in a State wide publication for a period of 14 days. Council is required to consider any subsequent submissions received.



The City is required to adhere to the requirements of the *Commercial Tenancy (Retail Shops) Agreements Act 1985* where entering leases with commercial café operators.

Community Consultation

- 10cm x 2col display Ad – 3 insertions in the West Australian (1st, 8th and 15th July 2016)
- A4 Flyer emailed to MMJ retailer database and to selected target café tenants
- West Australian classified advertising – Business and Franchise opportunities (1st, 8th, 15th & 22nd July 2016)
- West Australian classified advertising – To Let, Commercial and Industrial (1st, 8th, 15th & 22nd July 2016)

Risk Management Implications

An opportunity must be provided for experienced operators for a café and allied health service to be given the opportunity to submit an expression of interest to the City of Cockburn to ensure the best available operator has been identified. The Local Government Act provision for the disposal of property ensures a public and transparent process has been followed. There is low risk of perceptions of favouritism or impropriety given the processes followed.

There will be substantial reputational damage should the café and (to a lesser extent) the Allied Health tenancies not be operational by the time the Cockburn ARC is open to the public. The opportunity to generate income for the City will also be reduced and represents a moderate risk through the tenancies not starting as soon as possible from opening day.

Attachment(s)

1. Proposed lease area for the Allied Health at 31 Veterans Parade Cockburn Central.
2. Proposed lease area and license area for the café at 31 Veterans Parade Cockburn Central.

Advice to Proponent(s)/Submissioners

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



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

The City of Cockburn has offered the leases to the broader private sector and commerce community and cannot be perceived as being in contradiction to National Completion policy.

NOTE: AT THIS POINT, THE TIME BEING 9.46 P.M. CLR TERBLANCHE LET THE MEETING.

NOTE: AT THIS POINT, THE TIME BEING 9.48 P.M. CLR TERBLANCHE RETURNED TO THE MEETING.

22.2 **(MINUTE NO 5987) (OCM 8/12/2016) - FREMANTLE BUSINESS IMPROVEMENT DISTRICT AUSTRALIA DAY FIREWORKS SPONSORSHIP REQUESTS (152/010) (R AVARD) (ATTACH)**

RECOMMENDATION

That Council advise the Fremantle Business Improvement District that it is not prepared to sponsor the Australia Day activities proposed for 2017 in the City of Fremantle as there is insufficient time to consider the following:

1. City of Cockburn community views on this matter, and
2. Detailed sponsorship benefits to the City of Cockburn.

COUNCIL DECISION

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

CARRIED 9/0

Background

In accordance with Clause 4.11 (1) of the City of Cockburn's Standing Orders Local Laws, Mayor Logan Howlett has approved an item being presented to the Ordinary Council meeting of the 8 December 2016 as a matter of urgent business.

The City of Cockburn and the City of Fremantle for a number of years jointly funded a fireworks display on Australia Day which occurred in the vicinity of Fremantle Fishing Boat Harbour. The City of Cockburn contribution to the event was \$25,000 per year with all aspects of the



event including advertising in Cockburn being coordinated and funded through the joint arrangement. In 2016 the Council of the City of Fremantle discontinued its support of the fireworks display which would have occurred on the 26th January 2017 (Australia Day) and replaced the event with another on the 28 January 2017.

Submission

The Fremantle Business Improvement District (FBID) has emailed the City of Cockburn a request for the City to contribute \$20,000 as sponsors to a Fireworks display on Australia Day 26th January 2017 in Fremantle as they believe a significant number of Cockburn residents and ratepayers will attend the event. The Fremantle Fishing Boat Harbour Traders Group and the FBID will contribute between them a total of \$50,000 (\$25,000 each) towards the event.

Report

The FBID is a not for profit incorporated company that promotes the shared interests of commercial property owners and businesses located within a specified geographic area in the Fremantle Business District. While it would be considered an organisation that meets the City of Cockburn's sponsorship criteria as a not for profit entity, it supports the interests of Fremantle businesses and not those businesses in Cockburn, such as at Cockburn Central. A matter for consideration by Council is whether it is willing to sponsor an organisation that is outside its district whose mandate competes with businesses in the City of Cockburn.

An attempt has been made to contact the City of Cockburn Aboriginal Reference Group members seeking their views on the following statement:

"Hi everyone

Apologies for the very short timeframe for this, in relation to the Australia Day event in Fremantle – the City has just been notified that a late Item will be presented at the Ordinary Council Meeting tomorrow night.

It is in relation to an approach by a Fremantle non-profit organisation (FIBD - Fremantle Business Improvement District) for the City of Cockburn to provide one-off sponsorship of \$20,000 to a community Event being organised in Fremantle on 26 January 2017 to celebrate Australia Day. At the last Council meeting, the City of Fremantle voted to not hold any Fireworks on the upcoming 2017 Australia Day – however this is a new proposal.



The primary motivation of the approach is that the City of Cockburn has partnered with the City of Fremantle in past years to co - sponsor such an event and the FBID organisation is extending the same opportunity for Council to provide support to an Event that it believes will attract a significant number of Cockburn residents and ratepayers.

The City of Cockburn Elected Members, in considering this Item, would like to know the opinion of the Aboriginal Reference Group members, so if you are willing and able to send your responses through via email these will be passed on to all Elected Members prior to the Council Meeting.”

There has been little marketing and promotion of the event to date particularly within the City of Cockburn district and given the limited time available for this it is possible that there will be considerably less people from Cockburn in attendance. Previously the City of Fremantle developed and distributed all marketing material, which was approved by the City of Cockburn. The City of Cockburn then promoted the event through its own channels. Conversely, it is possible that the event will gain mass media coverage and there may be a bigger turn out of Cockburn residents.

Without having further details, it is impossible to advise how long the firework display will be in comparison to the past City of Fremantle display and what percentage of the total budget the City of Cockburn's contribution would represent.

The original agreement for the City of Cockburn \$25,000 sponsorship between the two Cities included the following:

The Sponsorship Partner Benefits:

1. Recognition as Partner in Event
2. Dedicated staff member to supervise promotion
3. Marketing of Event - detail of where the event would be advertised and by whom.
4. Use of Sponsorship Partners` logo – Joint City of Cockburn and City of Fremantle
5. Internet advertising on websites and other media.
6. Opportunity for Sponsorship Partners to distribute promotional flyers at the Event.
7. Regular announcements, through the public address system at the Event location, in the period immediately prior to the Event, acknowledging the Sponsorship Partner.
8. Community recognition certificates displayed the Sponsorship Partner logo.
9. Signage jointly branded



10. Public relations and media releases jointly branded
11. Acknowledgement in Event presentations and public functions
12. The Sponsorship Partnership shall be acknowledged in Mayoral speeches at key civic events leading up to and including the day of the Event.
13. VIP tickets
14. An evaluation report of the event using an independent research company to enable the City of Cockburn to assess the value of its sponsorship.

It is unclear from the application provided to date that the City of Cockburn would receive this same level of recognition particularly as the amount of time available and the resources of the FBID is far more limited than that of the City of Fremantle. The matter for Council to consider is whether it will receive sponsorship value from supporting this event.

Should Council decide to support this request, it should ensure that the decision includes a capacity for the conditions of support to be to the satisfaction of the City, as closely aligned to that which was previously provided in conjunction with the City of Fremantle.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

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

- Listen to and engage with our residents, business community and ratepayers with greater use of social media
- Strengthen our regional collaboration to achieve sustainable economic outcomes and ensure advocacy for funding and promote a unified position on regional strategic projects

Budget/Financial Implications

At its meeting of the 8th September 2016 Council resolved not to continue its sponsorship of the Indian Ocean Fireworks event and it also maintained the previous provision of \$25,000 within the grants and donations budget.



Legal Implications

There are no legal implications known to impact on the City of Cockburn.

Community Consultation

There has been no time for community consultation on this matter other than time for very limited feedback from the Cockburn Aboriginal Reference Group members.

Risk Management Implications

There has been a significant amount of State and National attention given to the City of Fremantle decision to not hold the fireworks display on the 26th January and instead hold an event called "One Day" on the 28th of January 2017. Any decision the City of Cockburn makes on support or not of this event may well receive significant coverage. Accordingly, there is a high risk of brand / reputation damage to the City depending on the views of the reporting media.

Attachment(s)

1. Copy of email from Henry Liascos on behalf of the Fremantle Business Improvement District.
2. Fremantle Fiesta 2017 – Program of events
3. Feedback from City's Aboriginal Reference Group (ARG)

Advice to Proponent(s)/Submissioners

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

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

Local Government may partner with other private or public organisations to provide entertainment.

23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil



24. CONFIDENTIAL BUSINESS

24.1 (MINUTE NO 5988) (OCM 8/12/2016) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 22 NOVEMBER 2016

RECOMMENDATION

That Council confirm the Minutes of the Chief Executive Officer Performance & Senior Staff Key Projects Appraisal Committee Meeting held on Tuesday, 22 November 2016, as attached as a confidential item to the Agenda, and adopt the recommendations therein.

COUNCIL DECISION

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

CARRIED 9/0

Background

The Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee met on 26 July 2016. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Committee meeting are provided as a confidential attachment to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.



Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Attract, engage, develop and retain our employees in accordance with the Workforce Plan and the Long Term Financial Plan

Budget/Financial Implications

Committee Minutes Refer

Legal Implications

Committee Minutes Refer

Community Consultation

N/A

Risk Management Implications

Committee Minutes Refer

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee meeting held 22 November 2016 are provided to the Elected Members as a confidential attachment.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the December 2016 Ordinary Council Meeting.

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

Committee Minutes Refer.



25 (MINUTE NO 5989) (OCM 8/12/2016) - 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

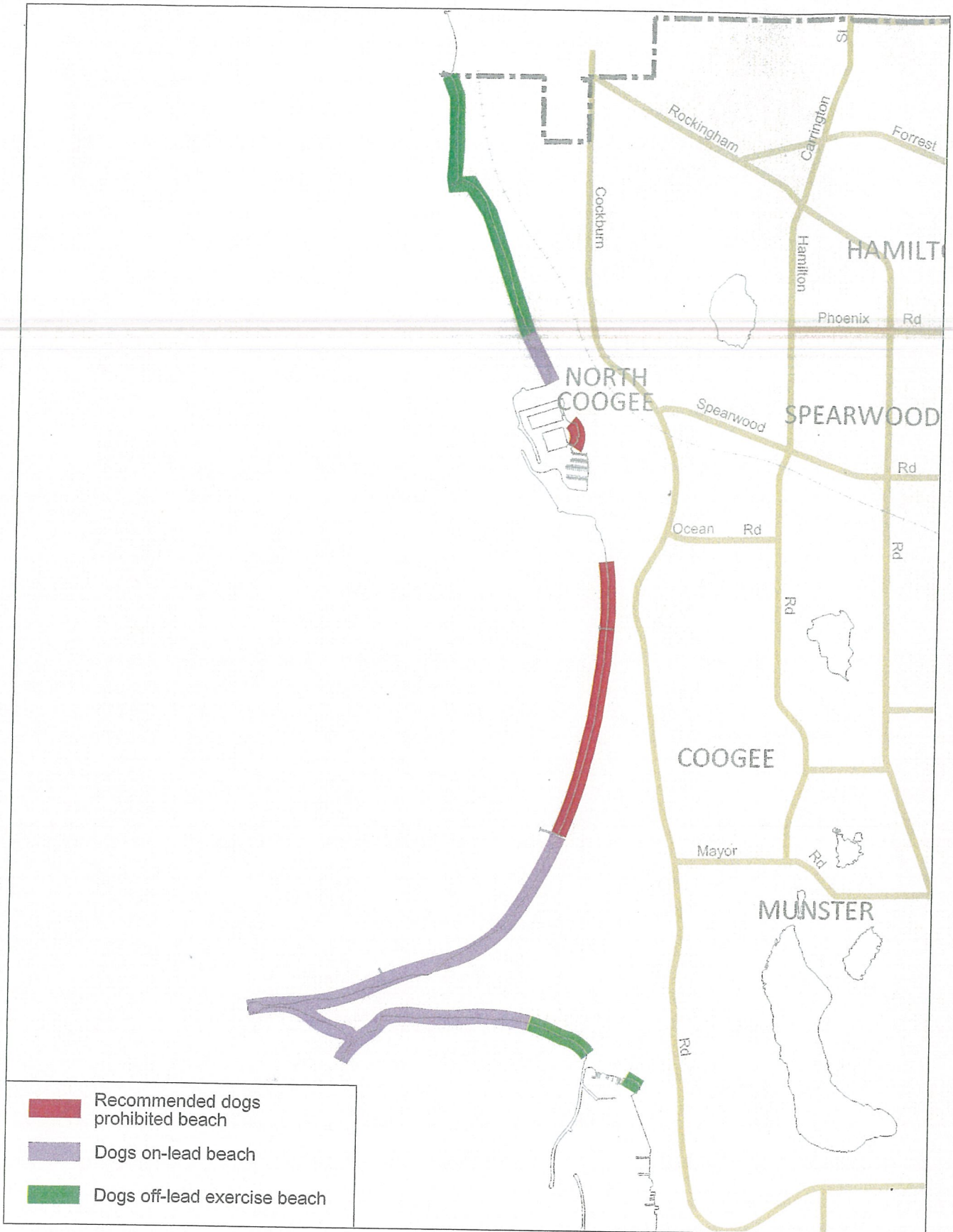
MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva the recommendation be adopted.

CARRIED 9/0

26 (OCM 8/12/2016) - CLOSURE OF MEETING

Meeting closed at 9.52 p.m.





  **RECOMMENDED DOGS PROHIBITED & DOGS OFF-LEADS EXERCISE BEACHES**

Scale 0 1km

Version 4
Updated: November 2016