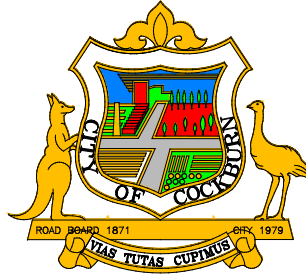


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 11 MAY 2017

These Minutes are subject to Confirmation

Presiding Member's Signature

Date: _____

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 MAY 2017 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J Ngoroyemoto	-	Governance & Risk Management Co-ordinator
Ms A Santich	-	Media & Communications Officer
Ms M Waerea	-	Personal Assistant to Mayor & Elected Members

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7pm.

“Good evening ladies and gentlemen

I formally declare open the May 2017 Ordinary meeting of Council and in so doing I welcome you here tonight.

‘Kaya, Wanju Wadjuk Budjar’, which means ‘Hello, Welcome to Wadjuk Land’.



I would like to acknowledge the Noongar people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders, both past and present, of the Noongar Nation and extend that respect to other Indigenous Australians who may be present.

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

ANZAC Day Commemorative Events

The ANZAC Dawn Service and the Morning Service at the Hamilton Hill Memorial were well attended as was the Commemorative Service at the Banjup War Memorial. Numbers continue to increase at these events and at the Cockburn Youth Parade and Service held this year on Friday 28 April.

It is pleasing to see an increasing number of schools conducting their individual ANZAC Services and their engagement with Veterans.

I extend our congratulations to the City's members of staff for their contributions on the Cockburn RSL Sub-Branch organising committee.

Centenary of WA Woman Policing

This year WA Police is celebrating 100 years since women joined the force. From humble beginnings, starting out with just two members, women now make up 22 per cent of officers (1400 Officers).

On behalf of the City I acknowledge the significant contribution to our community of former and current women members of WA Police who are engaged with the myriad of activities that require them to respond to at any time of the day or night.

2017 Western Australian Volunteer of the Year

Congratulations go to Pearl Kellar, a resident of Cockburn who was a finalist in the recent Western Australian Volunteer of the Year Awards.

Cockburn's strong volunteer base continues to ensure that services are provided by caring and passionate people in their chosen field of endeavour.

National Broadband Network (NBN)

The rollout of the NBN continues across our City with a number of suburbs already being able to be connected while others are seeing activity in their respective suburbs at this very time.

This is good news for our residents and businesses as the never ending demands of a changing world continue to be on our doorstep.



Cockburn's 'Got Talent'

I am pleased to advise the outcome of Cockburn's 'Got talent' for 2017. The age category winners and 2nd and the 3rd placegetters were:

5years – 10 years

- 1st Samuel Irving
- 2nd Harriet Kenworthy
- 3rd Ella Lumsden

11years – 17 years

- 1st Olivia Pace
- 2nd Mitchell Revill
- 3rd Eliza Lewis

18years +

- 1st Talia Hoogewerf
- 2nd Shania Mullins
- Hannah Jones

Congratulations go to all the entrants in the 2017 Cockburn's 'Got Talent' Event. There was an amazing variety of performances that kept those in attendance entertained throughout Heats 1 & 2 and the final itself.

As usual, the City's Events Staff & other members of staff ensured the smooth flow of each event.

Cockburn Cricket Club

My wife Pat & I attended the Cockburn Cricket Club's Annual Wind-Up last Saturday night.

The Club continues to do well both on and off the field and has managed to increase the number of fathers and sons playing in the various grades – always great for the competition and at home when discussing results.

Cockburn City Soccer Club

Deputy Mayor Reeve-Fowkes, her husband Martin joined my wife Pat & I at the Cockburn City Soccer Club's Annual Sponsors & Volunteers lunch last Saturday.



The Club continues to provide amazing opportunities for players particularly its juniors taking full advantage of its facilities at the Spearwood Dalmatinac Sport & Community Club and at Beale Park.

Ward and Representation Review

The Minister for Local Government has approved the recommendation of the Local Government Advisory Board to amend the ward boundaries for the City of Cockburn and for the number of offices of councillor to remain unchanged at nine.

Administrative processes are now in place to obtain the Governor's approval and publish the changes in the Government Gazette.

The change will be implemented at the 2017 local government elections.

Full details of the new ward boundaries are available on the City's website.

Waterwise Business Recognition 2017

The City was awarded 'Gold Waterwise Council' status during the Inaugural Waterwise Business Recognition 2017 event held on Tuesday 9 May, 2017.

This is another pleasing result reflecting the City's journey along the sustainability path and the commitment of Council, its Administration and the community to achieving best practice outcomes.

Cockburn ARC – Official Opening

I am pleased to advise that Cockburn ARC will be officially opened on Friday 19 May with the following Saturday and Sunday being opened to the community on a ticketed basis from 1.00pm to 5.00pm.

Doors open on Monday 22 May for the first official day of business.

2017/2018 Federal Budget – Financial Assistance Grants

For Local Governments across Australia, the Federal Budget contained welcome news that the indexation of Financial Assistance Grants would be restored from 1 July 2017.

This means approximately \$40K to the City based on tied and untied grants of approximately \$3.7M.

However more needs to be done to address the funding shortfall that still exists, to ensure that Councils have the capacity to support infrastructure maintenance and development.



Commitment to Road Funding Projects in Cockburn

The McGowan Government has reached agreement with the Turnbull Government to fund various infrastructure projects in Western Australia.

The City is pleased to acknowledge the Federal and State Governments who have agreed to provide the following funding:

- \$49M for widening the Kwinana Freeway north from Russell to Roe Highway;
- \$100M for Fiona Stanley Hospital and Murdoch Activity Centre access from Kwinana Freeway and Roe Highway (expected to start almost immediately);
- \$237M for the Armadale Road bridge and connectivity to the Kwinana Freeway both north & south;
- \$145M for the Armadale Road dual carriageway upgrade between Anstey Road and Tapper Road; and
- \$470M for the Thornlie to Cockburn rail extension.

I also acknowledge the City's partnership with the City of Armadale that will create improved connectivity between our cities and importantly easier access to jobs and other opportunities for those living to the east of our City.

Thank you.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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

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

4 (OCM 11/05/2017) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Mayor L Howlett	-	Impartiality Interest – Item 14.1
Clr P Eva	-	Impartiality Interest – Item 14.1



5 (OCM 11/05/2017) - APOLOGIES AND LEAVE OF ABSENCE

Clr Kevin Allen - Apology
Clr Lyndsey Sweetman - Apology

6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8 (OCM 11/05/2017) - PUBLIC QUESTION TIME

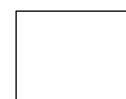
ITEMS ON THE AGENDA, SUBMITTED IN WRITING

Malcolm Wilcox, Jandakot

Re: Item 15.2 Consider Advertising of Draft Treeby District Structure Plan

Q1. Under Item 15.2 it is proposed that advertising of the Draft Treeby DSP and decisions on related peripheral matters is delayed until August 2017. However it indicates that one of these matters - Amendment 112 for Urbanstone/Schaffer property will be considered in June. Based on the arguments presented under 15.2, shouldn't the Council resolve to also delay consideration of Amendment 112 until August, to ensure it can be properly assessed and a correct recommendation made?

A1. *Scheme Amendment 112 represents a complex amendment which Council resolved to proceed to advertise. The advertising date for amendment 112 closed on 7 February 2017. According to Regulation 41(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, the City must pass a resolution before the end of the consideration period for a complex amendment. The consideration*



period equals 90 days after the end of the submission period for the amendment. Accordingly, the City was required to have passed a resolution by 8 May. As it has failed to do so, it must now seek an extension of time by the Commission. It is not considered reasonable to delay this amendment to August, as it is not contingent upon the draft Perth and Peel @3.5m plan and frameworks.

The amendment has already been deemed appropriate by the Commission to advertise, and accordingly it is in the interests of responding to submissions and maintaining an efficient planning system to deal with this amendment as soon as practicably possible.

As a point of clarification, Item 15.2 only deals with the Treeby District Structure Plan and whether it should be advertised. The recommendation to defer that matter, only relates to that proposal. It does not extend to a decision or deferral of the peripheral matters also discussed in the officer report to provide context to the recommendation.

ITEMS ON THE AGENDA, NOT SUBMITTED IN WRITING

Jason Stanbrook, Bibra Lake

Re: Item 14.2 – Rehabilitation of Roe 8 Working Group

Q1. Could you put that in abeyance? I think that would be a good idea. It's not clear if it is coming off the MRS for quite a long time. With the recent developments with the State Government extending the Murdoch extension and one of the requirements by the federal funding for that is that Roe 8 stays on the MRS. It would be seeming to be wasting the Councils time and effort to even contemplate revegetating that area.

A1. *The State Government is driving this through a Committee that has been established by the State Government under the Chairmanship of the Lisa O'Malley. The State Government is the organisation that is driving the proposed revegetation of the Roe 8 corridor so it is not a matter that the City can intervene, stop or control. It is entirely a State Government matter.*

Q2. Is it worth the City of Cockburn wasting anymore time, effort or energy, money etc on pursuing the agenda which is blatantly anti Roe 8. I think that it is only fair that a decent petition is held by the City of Cockburn as to the number of reasons that are actually for and against Roe 8/9 because a very vocal minority which have based their arguments on mistruths and lies. My concerns are that the City of



Cockburn is wasting time, effort in money, being involved in this State Government issue.

- A2. *The State Government is driving this matter. The State Government has determined that this is an outcome that they require and it is the State Government that is driving this matter and if you have any concerns you can take them up with the State Government directly.*

ITEMS NOT ON THE AGENDA, NOT IN WRITING

Mr Steven Greenwood, Hammond Park

Re: Petition regarding Roe Highway

- Q1. I've got a petition here which is petitioning the City of Cockburn with regards to Roe Highway and why the residents haven't been polled on it? My question is - Will Council consult with its residents in regards to Roe 8?
- A1. *The City has already considered its position on this issue on whether the City will conduct a poll. It has been discussed and resolved by Council. Council has resolved not to proceed with the poll.*
- Q2. The Council is going off a decision that was made in 2001. Why aren't we having a decision in 2017, not 2001.
- A2. *The City of Cockburn has a stated position on the Roe Highway which has been consistent since 2001. It has been resolved in at least three or four reports to Council. I can provide the details to you after the meeting. The issue of the Roe Highway is clearly off the agenda. The State Government has resolved not to proceed with that project and I anticipate for the next four years, the State Government will probably look for a Scheme Amendment to remove the road reservation as well.*
- Q3. On a slightly related matter, can the Council please explain why the Councillors are using social media to poke fun at other members of the Council? I will be writing to Mr Cain in regards to a very unsavoury incident I witnessed today.
- A3. *We will wait for Mr Cain to receive that information and provide a response to you.*
- Q4. There is also an 8000 person petition here which was arranged over the internet. I know you don't accept that, but I would like to let you know it is out there.
- A4. *Only petitions that are formatted by the City's Standing Orders can be*



received and acted on by Council. Thank you for the petition you have received with signatures, we will action that however the internet petition will not be able to be actioned as it does not contain signatures.

Mr Ray Woodcock, Spearwood

Re: Cockburn Police Station & Proposed Mercury Treatment Operation

Q1. In the West Australian newspaper on 11 May, on page 11, the high standard of police service called Cops. Can the Council show cause at Council's meeting, especially the 3 ward Councillors, in getting Cockburn Police station now closed, to be re-opened?

Since you shifted 7km further east from the residents, especially the main development bounded by the entrance of Ocean Rd, Hamilton Rd, Mell Rd, most people now within the present population have not go 7km to wait. By the report in the paper today, the police themselves under a survey are saying their service is poor because of lack of numbers and now having to travel further east for residents to attend the police station. Also you have got the Local Member saying he wants the station open 24 hours a day. I would like to see how he is going to do it.

A1. *As you are probably aware, the City took a very strident view to try and have the previous Government consider whether they would retain the former Cockburn Police Station. That was clearly a decision the Government and the Police Department wouldn't support. One of the things the City did advocate strongly for was for the new Cockburn Police Station to become a 24 hour Police Station in order to provide a better level of services to all of its residents. I believe the issue of the Cockburn Police Station will not be revisited by the Government, no matter what argument is put forward.*

Q2. Are Councillors aware of a proposal to establish a Mercury treatment operation in Kwinana by a Dutch Company? As some of the foreshores within Cockburn Sound are within the Cockburn City Council, have the Council had any discussions with the Kwinana Council, to have safeguards in place to protect the waters, marine life and the ratepayers of both Councils. May I suggest the Councillors obtain the book from the library, "Ten things to know about Minamata Disease". That happened when contamination at Minamata Bay, as a result of families being born with deformities. We are going to have the same thing happen here if we don't do anything about it. May I suggest that you do something about it before we get caught.

A2. *We have been in touch with Kwinana Council and with the Department of Environment Regulation (DER), both of whom have advised that*



there have not been any formal applications lodged by the Company. We have gone further in terms of researching and the Company has released a press release indicating their intentions to establish a plant, but at no stage have they lodged any formal details with either the City of Kwinana or the DER.

Claudine Rizonni, South Lake

Re: Rules and Regulations on Variable Message Signs (VMS) for Small Businesses within Cockburn

Q1. I would like to know what the rules and regulations are for small businesses on VMS signage in the Cockburn area, whether they are or are not allowed to use VMS signage because I have been operating in the area for 20 years and I have seen this kind of signage used by small businesses many times and on this particular occasion i approached by the ranger and was told I would have been fined \$500 per day if i didn't remove the sign. I was also told that if it was not seen by one of the Councillors it would have been overseen altogether unless somebody called in a complaint. I see on a regular basis, every other business or a lot of other businesses using the same kind of advertising so I want to know the actual rules and regulations are in place.

A1. *The City's policy is not to allow for VMS signs to be erected either within the road reserve or within the frontage of properties, where it is visible from the road, unless it is displaying a public message ie. a road closure or police warnings in terms of burglaries and the like. The City's Statutory Planning services regularly enforces that requirement in conjunction with the rangers and advise businesses that do put in place VMS signs that they are required to be removed and work with those businesses to ensure that the signage is removed. We have been doing that regularly now for the best part of 6-7 years.*

Q2. How is it actually enforced though? Where is the legislation within the Council that enforces businesses not to be able to use this kind of advertising? Could I also request a copy of the legislation where enforces fine of \$500 per day?

A2. *It is contained within the Council's Local Laws on Signage. Details of where this information can be found on the City's website will be provided as well as the information relating to fines.*

Lorna Hardy, Bibra Lake

Re: Political Banners around Cockburn

Q1. I received several emails from Council members saying that they



would, as voted at Council on 13 April, remove the political banners around Cockburn. That hasn't been done. Can we have a time of when that is going to be done?

- A1. *From my understanding there is one remaining sign on the corner of Farrington Road and Bibra Drive and that is going to be re-covered within the next couple of days. It is going to be re-skinned to advertise the City's Cockburn Community Care, Aged & Disabled Service and does require some permissions from the appropriate Government Department for that to occur, which is why it has been delayed.*

Michael Separovich, Spearwood

Re: *Recent Federal Government Budget Announcements*

- Q1. There has been \$1.2B which has been allocated towards the construction of Metronet. Part of the plan for Metronet, not the current section that is going through, which is the line from the extension of the Thornlie line through to Cockburn Central. Has the Council done anything to plan for later stages of Metronet that could possibly include the Fremantle line being extended down to link up to that? Has any land been reserved for future train stations or when it gets to the point that we are building that, or are we going to be scrambling to find room for them?

- A2. *At this stage the business case for only two sections of Metronet which are being proceeded with and they will be subject to budget allocations later on this year. The subsequent stages that might involve an extension from Fremantle to Cockburn are probably several decades away. The City has looked already at potential land that would be required around the Coogee area. We have retained a site that could be used for that purpose. The difficulty with that line is that it is designated to freight and you would need to move the freight off that line before you could make it a passenger service.*

- Q2. I was more thinking about within the Port Coogee area that has been constructed now. Is there going to be brand new buildings put up on land that we might need later. Wouldn't it be wise to retain that land?

- A2. *The City has been liaising with other local Councils through the South West Group to look at what are the opportunities to look at light rail. If you have a look at the Metronet document that was produced prior to the election, it clearly indicates a series of objectives which include heavy passenger rail throughout the area and a lower objective is looking at light rail. The key priorities at the moment that the State Government has expressed are extensions and additions to the passenger rail network. Whilst we have been looking at alternative arrangements, the Government has made it very clear that their first*



priority is looking at passenger rail and not light rail.

Q3. Are we accounting for the presence of heavy rail stations in the Port Coogee and Cockburn Coastal precinct?

A3. *Yes there is a parcel of land that is adjacent to that area that could be considered for a future train station.*

Scott Shortland, Coolbellup

Re: *Jarvis Park Upgrades – Petition containing 159 signatures*

Q1. I would like to submit a petition with 159 signatures on it from local residents who don't want the grass trees dug up and a few other points. It is an ongoing petition on www.change.org, the details of that petition are presented to you now in writing.

A1. *Petitions that are going to be submitted to Council need to be done in accordance with City's Standing Orders. There is a format for petitions that can be obtained on our website. We cannot accept online petitions that don't have a signature. Signatures are required to validate the petition. We are happy to accept the letter and engage with you further on the matter.*

9. CONFIRMATION OF MEETING

9.1 (MINUTE NO 6066) (OCM 11/05/2017) - MINUTES OF THE ORDINARY COUNCIL MEETING - 13/04/2017

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday 13 April 2017, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0



9.2 (MINUTE NO 6067) (OCM 11/05/2017) - MINUTES OF THE SPECIAL COUNCIL MEETING - 27/04/2017

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on Thursday 27 April 2017, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

10 (OCM 11/05/2017) - DEPUTATIONS

Mayor Howlett invited the following deputations to make their presentation:

- Mr David Alessandrini, nearby resident and school teacher at Aubin Grove Primary School – Item 15.5 – Reconsideration of Planning Application – Change of Use (Single House to Child Care Premises).
- Mr Archil Chaudhary, nearby resident – Item 15.5 – Reconsideration of Planning Application – Change of Use (Single House to Child Care Premises).
- Mr Tony Lambert, Principal, CLE Town Planning & Design; Mr Lyle Kenny, Perron Developments Property Development Manager; Ted Hodgkinson, Property Manager – Item 15.2 – Consider Advertising of Draft Treeby District Structure Plan.

Mayor Howlett thanked participants for the information provided in each of the deputations.



11. PETITIONS

Mr Steve Greenwood, Hammond Park – Requesting a poll on support for the construction of the Roe Highway, Stage 8.

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

Nil

13 (OCM 11/05/2017) - DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Nil

AT THIS POINT IN THE MEETING, THE TIME BEING 8.07PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

14.2	15.4	16.1	18.3	24.1

DECLARATION OF IMPARTIALITY INTEREST – MAYOR L HOWLETT & CLR P EVA

AT THIS POINT IN THE MEETING, THE TIME BEING 8.08PM, THE PRESIDING MEMBER READ OUT THE FOLLOWING DECLARATIONS OF INTEREST FOR ITEM 14.1 - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 19 APRIL 2017



Mayor L Howlett:

“The nature of the interest being that I am a member of the South Lake Primary School Board, which is mentioned in the request for a donation by South West Metropolitan Partnership Forum”.

Clr P Eva:

“The nature of the interest being that I am a financial member of the group Friends of the Community, which is mentioned in the request and the report”.

14. COUNCIL MATTERS

14.1 **(MINUTE NO 6068) (OCM 11/05/2017) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 19 APRIL 2017 (162/003) (R AVARD) (ATTACH)**

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 19 April 2017 and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Clr L Smith SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted, subject to the withdrawal of Item 10.4 (Minute No 110) “Grants and Donations Committee Recommended Allocations 2016/17”, which is to be considered separately.

CARRIED 8/0

Background

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



Submission

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

Report

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

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

Following the September 2016 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 25 October 2016, recommended a revised range of allocations which were duly adopted by Council on 10 November 2016.

The latest funding round closed on 31 March 2017. In this round, Grants, Donations and Sponsorship (Group) applicants were invited for the first time to try the new SmartyGrants online application system. 17 applications were received through this system, and user feedback collected at the time of the application submission was positive.

The Committee, at its meeting of 19 April 2017, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.

The donations recommended to Council are as follows:

Hamilton Hill YouthCARE Council (Chaplaincy)	\$9,000
South West Metropolitan Partnership Forum	\$0
Second Harvest	\$18,000
Port Community High School (Chaplaincy)	\$15,000
Business Foundations	\$10,000
Friends of the Community	\$2,000
South Lake Ottey Family and Neighbourhood Centre	\$10,000
Black Swan Health Limited	\$15,000

The sponsorships recommended by the Committee are as follows:

Harry Perkins Institute of Medical Research/ MACA Ride to Conquer Cancer	\$5,000
Melville Cockburn Chamber of Commerce (MCCC) (with conditions, and inclusive of rent and outgoings)	\$20,000
Western Australia Figure Skating Club	\$4,800
Cancer Council WA/Relay for Life South Metro	\$5,000



The Grants and Donations Committee also received reports on the following items:

CoCre8

A proposal for “CoCre8” an integrated Community Innovation, Participatory Budgeting and Crowdmatching model. The Committee did not recommend adopting the model proposed in the report and has instead recommended the development of a policy and guidelines for a Community Innovation and Participatory Budgeting model to be presented to the DAPPS Committee for consideration.

Little Green Steps WA

A proposal for a renewed two-year partnership agreement with Little Green Steps WA, to support early childhood services with Education for Sustainability, and an allocation of \$25,000 from the 2016/17 Grants and Donations budget for this purpose, which has been recommended by the Committee.

Sponsorship Benefits Checklist

A proposed Sponsorship Benefits Checklist, to be completed by sponsorship applicants to assist in assessment and prioritising of applications for sponsorship funding, which the Committee has recommended for adoption by Council.

Strategic Plan/Policy Implications

Policy SC35 “Grants, Donations & Sponsorships – Community Organisations & Individuals”.

Community, Lifestyle & Security

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

Economic, Social & Environmental Responsibility

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

Leading & Listening

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



Budget/Financial Implications

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

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

Committed/Contractual Donations	\$510,000
Specific Grant Programs	\$495,200
Donations	\$201,500
Sponsorship	\$93,300
Total	\$1,300,000
Total Funds Available	\$1,300,000
<u>Less Total of Proposed Allocations</u>	<u>\$1,300,000</u>
Balance	\$0

The next Grants and Donations Committee Meeting will be held in July 2017 to recommend allocations for 2017/18.

The next round of grants, donations and sponsorship funding will be advertised in mid-August/September and will close on 30 September 2017.

Legal Implications

N/A

Community Consultation

In the lead up to the March 2017 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements running fortnightly in the Cockburn Gazette City on 21 February, 7 March, and 21 March 2017.
- City of Cockburn Facebook promotional posts and feature stories on 9 March and 14 March 2017.
- Advertisement in the February 2017 Edition of the Cockburn Soundings.
- Promotion to community groups through the Community Development Service Unit email networks, contacts and community group meetings.
- Additional advertising through Community Development promotional channels:



- Community Development Calendar distributed to all NFP groups in Cockburn.
- Cockburn Community Group ENews February and March 2017 editions.
- Closing dates advertised in the 2017 City of Cockburn Calendar.
- Information available on the City of Cockburn website.
- Reminder email sent to previous and regular applicants, and people who made enquiries during the application period.

Risk Management Implications

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

The reputation of the City of Cockburn could be seriously compromised should funds allocated to individuals or groups not meet the criteria and guidelines and/or did not use the funds for the purposes they were provided. Adherence to these requirements is essential.

Attachment(s)

1. Minutes of the Grants and Donations Committee Meeting on 19 April 2017.
2. Grants, Donations and Sponsorship Committee Recommended Allocations Budget 2016/17.

Advice to Proponent(s)/Submissioners

Applicants have been advised that they will be notified of the outcome of their applications following the 11 May 2017 Council Meeting.

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

Nil.



(MINUTE NO 6069) (OCM 11/05/2017) - ITEM 10.4 (MINUTE NO 110) 'GRANTS AND DONATIONS COMMITTEE RECOMMENDED ALLOCATIONS 2016/17'

COUNCIL DECISION

MOVED Clr L Smith SECONDED Deputy Mayor C Reeve-Fowkes Council adopt the recommendation, subject to increasing the allocation for Port Community High School from \$15,000 to \$20,000.

CARRIED 8/0

Reason for Decision

There is a very distinct point of difference between Port School and surrounding Cockburn Private and Public Schools.

Port is classified as a Curriculum and Re Engagement School (CARE) School and as such provides “a Real Alternative for Adolescents who need a Different kind of School”

CARE Schools provide education of secondary aged students who have been unable to access or have significant difficulty in accessing mainstream education. These young people fall into the category of “young people at risk”.

The majority of students in a CARE School will study a modified curriculum that is designed to address their individual needs.

Low or non-existent literacy and numeracy are an issue for a significant number of students and programs designed specifically to address this are provided by CARE Schools.

Low student to adult ratios are paramount to the success of CARE Schools.

Most CARE School students have significant social issues that need to be addressed before they are even able to engage with the curriculum. Support and ancillary staffing of CARE Schools is of paramount importance.

To meet these growing social issues Port Community School specifically provides:

1. A Young Parents Centre providing parental and educational support for teenage parents. This is a separate building on the school site.



2. Early learning centre (childcare) so young parents can gain an education and bring their children to school
3. Mobile school on a bus classroom consisting of many students connected to the justice system
4. Lunch and meals cooked every day

Due to the considerable increase in mental health (35% of students have diagnosed mental health issues and the undiagnosed rate is suspected to be considerably higher) and complex social issues including, but not limited to, domestic violence, drugs, offending, family breakdown, parenting and homelessness.

To meet the growing demand for support from students the school just in the last 12 months has been forced to employ an additional 3 part-time staff including a psychologist, counsellor and youth worker.

Running a care school with such high needs comes at a high cost both budgetary and personally on staff.

For all of the reasons above the school has requested an additional \$5000, which should be acknowledged and supported by Council.

14.2 (MINUTE NO 6070) (OCM 11/05/2017) - REHABILITATION OF ROE 8 WORKING GROUP (007/008) (D GREEN) (ATTACH)

RECOMMENDATION

That Council

- (1) endorses the acceptance by Mayor Logan Howlett as the City of Cockburn representative on the Rehabilitation of Roe 8 Working Group, together with an appropriate City officer in an advisory capacity; and
- (2) requires the outcomes of the Working Group Meetings to be made available to all other Councillors upon being provided to the City of Cockburn.

COUNCIL DECISION

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

CARRIED 8/0



Background

As an outcome of the recent State Government election, the incoming WA Labor Government halted construction of the Roe Highway alignment, between Kwinana Freeway and Stock Road.

Correspondence has since been received from the Member for Bicton, Lisa O'Malley, MLA, that the Government has established a Working Group to rehabilitate the alignment site which was subject to clearing prior to the election and that she has been appointed to Chair the Group. The purpose of the Working Group is to provide key stakeholders with the opportunity to work collaboratively with Main Roads WA to guide the rehabilitation program and help inform the decisions of the Government.

Submission

N/A

Report

The Working Group has been established to undertake planning for the rehabilitation of the area bounded by the footprint of Roe 8 between Kwinana Freeway and Stock Road. The initial focus of the Group will be to:

1. identify priority tasks to be undertaken pre winter 2017
2. review the Draft Revegetation Strategy
3. plan for a community based planting event in 2017; and
4. plan for the revegetation program for 2018 onwards.

The City of Cockburn has been identified as a key active stakeholder in this project and consequently has been invited to join the Working Group. Given the intention of the Group is to identify a rehabilitation plan for the Roe 8 alignment it has been necessary for it to commence its operations to enable any replanting strategies to be relevant to a suitable revegetation timeframe.

Given the City's strong stance on this matter and the consistent message portrayed by Mayor Howlett in response to the City's official position, it is appropriate for him to be formally endorsed as the City's representative on this important forum. A relevant City of Cockburn officer, likely to be a senior environmental officer is also recommended to attend meetings in an advisory role to assist the process. Meeting information is proposed to be distributed to all other City of Cockburn councillors upon receipt.



Strategic Plan/Policy Implications

Council Policy SC 29 “Elected Members Representing Council on External Committees” refers.

Moving Around

- Improve connectivity of transport infrastructure.
- Continue advocacy for a better solution to regional freight movement.

Economic, Social & Environmental Responsibility

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

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

A “Substantial” level of Environmental risk and “Moderate” level of Brand Damage risk is associated with this issue, should the City of Cockburn not be represented on this Working Group.

Attachment(s)

E mail invitation from the Chairperson of the Rehabilitation of Roe 8 Working Group.

Advice to Proponent(s)/Submissioners

The Member for Bicton has been advised by Mayor Howlett that he wishes to accept the invitation to represent the City of Cockburn as a key stakeholder on the Rehabilitation of Roe 8 Working Group.



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

Nil.

14.3 (MINUTE NO 6071) (OCM 11/05/2017) - CORPORATE BUSINESS PLAN 2016/17 – 2019/20 (021/008) (M TOBIN) (ATTACH)**RECOMMENDATION**

That Council adopt the Corporate Business Plan 2016/17 – 2019/20 delivery programs for 2017/18.

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The Local Government (Administration) Regulations 1996 require that a local government annually reviews its Corporate Business Plan. The Corporate Business Plan 2016/17 – 2019/20 was prepared last year in accordance with the Department of Local Government Integrated Planning Framework and the Long Term Financial Plan so is due for its first annual review this year. The review process is in accordance with the City's policy SC5 *Corporate Strategic Planning Process*.

Submission

N/A

Report

The Corporate Business Plan 2016/17 – 2019/20 was reviewed by senior managers during March and April 2017 with a focus on what had changed or would change for the financial year 2017/18. This review



also includes the Annual Business Plan 2016/17 Midyear Review which was advised to Council earlier this year. These reviews have resulted in some minor changes to the timing of activities to be delivered. It should also be noted that in many cases major projects are conducted over a timespan of two, three or four years. In these cases, they are recorded as occurring in each of the relevant financial years.

Minor changes and additional projects are summarised as follows:

1. An assessment of potential uses for intercepted water from the Port Coogee Groundwater Interception Drain (GID) will be undertaken (Parks & Environment).
2. There will be an initial investigation into the availability of ground water and vegetation condition ratings done in preparation for a Coogee Golf Complex (Parks & Environment).
3. A feasibility study for the Henderson Waste Recovery Park including potential for a precinct approach, relocated entry and Materials Recovery Facility will be arranged (Waste Management).
4. A City wide project management framework and gateway process, including templates will be developed as recommended by internal audit.
5. An eProcurement system and processes, for sourcing and evaluation of tenders and other major purchases will be implemented including associated end user training.
6. The LGMA (now LG Professionals WA) PWC LG Operational and Management Effectiveness Assessment (Benchmarking) Program is added to the activities for Parks, Assets, Waste, Governance, Business Systems and Customer Service as the data collection phase requires involvement from those service units, not just Human Resources, Information & Communications Technology and Finance, as initially expected.
7. The Marina and Coastal Engineering Services Business Unit has had its title finalised as Marina and Coastal Services.
8. Work on the proposed Asset Management Plan for marine and coastal assets will extend into 2017/18.
9. Work on the Asset Management Strategy 2008 is planned for 2017/18 (from 2016/17).
10. Work on the Communications Strategy is planned for 2017/18 (from 2016/17).
11. The new Reconciliation Action Plan will be developed in 2017/18 (not 2016/17).
12. Work on developing enhancements to the Customer Request System (Technology One) will be undertaken (Communications and Business Systems).
13. Kite Surfing Management Arrangements will be reviewed again by Recreation Services in 2017/18.



The other existing elements identified in the current Corporate Business Plan are impacted and will continue to be delivered as per the adopted timeline.

Strategic Plan/Policy Implications

City Growth - Plan for population growth of our City and maintaining our strong financial position.

Moving Around - Facilitate safe, efficient, connected and sustainable movement around the City.

Community, Lifestyle and Security - Provide safe, attractive, healthy programs and infrastructure for a diverse range of activity and people.

Economic, Social and Environmental Responsibility - Enable a sustainable future economically, socially and environmentally including business activity, job opportunities and sustainable use of resources.

Leading & Listening - Continue being accountable to our community and engaging with you through multiple effective communication channels.

Policy SC5 *Corporate Strategic Planning Process* applies

Budget/Financial Implications

The Corporate Business Plan 2016/17 – 2019/20 projects and activities listed for 2017/18 are budgeted in the proposed Annual Budget 2017/18.

Legal Implications

Regulation 19DA of the Local Government (Administration) Regulations 1996 refer.

Community Consultation

N/A

Risk Management Implications

If Council do not adopt the Corporate Business Plan 2016/17 – 2019/20 prior to 30 June 2017 it has not met the legislative requirement for an annual review.



Attachment(s)

Corporate Business Plan 2016/17 – 2019/20.

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 6072) (OCM 11/05/2017) - PROPOSED STRUCTURE PLAN - LOT 29 (NO. 137) BARFIELD ROAD, HAMMOND PARK - OWNERS: SYMBOLISE HOLDINGS PTY LTD - APPLICANT: MASTERPLAN CONSULTANTS WA (L SANTORIELLO) (110/171) (ATTACH)

RECOMMENDATION

(1) That Council in pursuance of Deemed Provision 20(2)(e), recommend to the Western Australian Planning Commission (“WAPC”) that the Proposed Structure Plan for Lot 29 (No. 137) Barfield Road, Hammond Park, be approved subject to the following modifications:

- a) Pursuant to Main Roads WA submission, Part 1 Section 4 is to include an additional section as follows; *“Acoustic Report” – “the acoustic report is to be appropriately revised upon finalisation of ground levels and housing design in accordance with State Planning Policy 5.4 requirements;”*
- b) Pursuant to the Department of Transport’s submission, Part 1 Section 4 (subdivision and development requirements) is to be modified to include the following:
 - i. A footpath along Barfield Road within the Structure Plan area;
 - ii. Facilities for crossing Barfield Road to serve trips on foot and by bike to the proposed schools;
 - iii. An asphalt or concrete connecting path across the Western Power easement, from the proposed development’s easternmost (north-south aligned) street to the Principal Shared Path running alongside the Kwinana Freeway;



- c) Pursuant to Western Power's submission, the Structure Plan being modified to clearly explain that Western Power has given an in-principle support to the Structure Plan subject to the *Earth Potential Rise* ("EPR") and *Low Frequency Induction* ("LFI") reports and clearance assessment. As such Western Power's support for the north/south road adjacent to the 330 kV line; construction of the 2.4m acoustic wall adjacent to the 330kV power lines; and proposed drainage beneath the powerlines; is dependent upon the outcomes of the EPR/LFI reports. Should these reports require changes to the Structure Plan, this will be required prior to the WAPC's final determination;
- d) The Local Water Management Strategy ("LWMS") be amended in accordance with the details prescribed within the Department of Water's correspondence as provided under item 4 of the Schedule of Submissions, and specifically the following modifications:
- i. Formal written consent from Western Power is required in regards to the proposed use of the powerline easement for drainage purposes;
 - ii. Trash racks are to be installed at all drainage pits that will be connected via a manhole to the Stormtech cells. In respect of drawing C350, both manholes and Stormtech chambers are to be installed within the road verges and to be planned to avoid any conflict with future driveways;
 - iii. The base of the Stormtech cells shall be at least 0.5m above the maximum groundwater level;
 - iv. The subdivision works will also require upgrading of Barfield Road to an urban standard. From the drainage drawing C350, it does not appear any consideration was made to drain Barfield Road within the development, the LWMS shall be modified to appropriately address this;
- e) The Bushfire Management Plan ("BMP") be amended as follows:
- i. Figure 5 currently assumes Lot 28 to the south is subject to a Structure Plan and that the vegetation within Lot 28 (to the south of Lot 29) will be cleared. This is incorrect. Figure 5 is to be amended accordingly;
 - ii. Reflect the Building Attack Level flame zone details in accordance with Figure 9 of the "Barfield Road Local Structure Plan" (Strategen) and AS3959-2009;

- iii. Page 3 dot point 2 – needs correction;
 - iv. Page 5 section 2.2.1, Page 17 section 2.5.2 and Page 19 section 3.1.1 – the reference to Lot 28 being subject to a Structure Plan is incorrect;
 - v. Reflect the text within section 3.1.3 as a figure within the BMP;
- f) The Environmental Assessment Report is to be modified as follows:
- i. Section 2.10.1 Fauna Habitat – The City requires a Fauna Management and Relocation Plan to be prepared and implemented. This is to be reflected within a revised version of the Environmental Assessment Report;
 - ii. Reference to *Environmental Protection and Biodiversity Conservation Act 1999* clearing requirements is to be reflected in a revised version of the Environmental Assessment Report;
- g) The Traffic Report is to be modified to address the following as per the request of the Department of Transport:
- i. The Structure Plan and Traffic Report to clearly identify the four proposed internal road typologies;
 - ii. Written details of each road's pedestrian path width and configurations in the Traffic Report are to be updated and completed;
 - iii. A map of the proposed path network being included, and is to include:
 - a) A footpath along Barfield Road within the Structure Plan area;
 - b) Facilities for crossing Barfield Road to serve trips on foot and by bike to the proposed schools and shopping centre to the west of the Structure Plan area;
 - c) An asphalt or concrete connecting path across the Western Power easement, from the proposed development's easternmost (north-south aligned) street to the Principal Shared Path running alongside the Kwinana Freeway.
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan (Attachment 3);



- (3) advise the proponent and those persons who made a submission of Council's recommendation; and
- (4) pursuant to Provision 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 Plan. endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan (Attachment 3)

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted, subject to the following:

1. Deleting sub-recommendation (1) b) iii. and substituting with the following:
 - iii. An asphalt or concrete connecting path from the proposed development connecting to the Principal Shared Path running alongside the Kwinana Freeway. This can be provided along the eastern side of the north south proposed road, which could be made into a shared path and extended to the northern and southern boundaries of the Structure Plan area. Alternatively an east west dual use path could be provided through the POS.
2. Amending sub-recommendation (1) e) by the inclusion of an additional Condition vi.:
 - vi. In accordance with the Department of Fire and Emergency Services correspondence dated 3 May 2017, as attached to the Minutes.

CARRIED 8/0

Reason for Decision

1. The alternative recommendation regarding the cycle path has resulted upon from ongoing further discussions with the Department of Transport, the Applicant and City of Cockburn Staff. The above alternative recommendation provides further certainty and alternative options to be considered at the future detailed 'subdivision' stage. The



applicant and the Department of Transport have provided an in principal support for this alternative recommendation.

2. The Department of Fire and Emergency Services (DFES) has lodged a submission, after the closure of the public advertising period (see attached). This additional condition (1) e) vi. would ensure that DFES's advice is included as part of the structure plan requirements prior to the structure plan being submitted to WAPC for their consideration. Whilst the DFES submission makes mention "...It is recommended that the proposal be deferred pending receipt of the additional information..." it is not recommended Council defer this item as such. Rather it is recommended Council, in pursuance of Deemed Provision 20(2)(e) recommend to the WAPC that the DFES comments are addressed (to the satisfaction of the WAPC) prior to WAPC's approval. The applicant has been made aware of this alternative recommendation and the late submission from DFES. The applicant is accepting of the alternative recommendation and the advice contained within the DFES submission. As such the applicant is currently preparing a revised Bushfire Management Plan.

Background

The Proposed Structure Plan was received by the City on 19 December 2016. It was prepared by Masterplan Consultants WA on behalf of the landowners Symbolise Holdings Pty Ltd.

The Proposed Structure Plan relates to Lot 29 (No. 137) Barfield Road, Hammond Park ("subject site"). The subject site is 4.8154ha in area with frontages to Barfield Road to the west and Kwinana Freeway to the east.

The purpose of this report is to consider a recommendation on the Proposed Structure Plan to the Western Australian Planning Commission, following the public consultation that has occurred. The Proposed Structure Plan is recommended to the WAPC for approval, subject to various amendments which are set out in the officer recommendation, and further explained in the report below.

Submission

NA



Report

Planning Background

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS"), partially 'Development' and partially Special Use 23 under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject site is also located within Development Area No. 26 ("DA 26"), Development Contribution Area No. 9 ("DCA 9") and Development Contribution Area No. 13 ("DCA 13") under the Scheme.

Pursuant to Clause 5.2.3.1 of the Scheme, *"The development of land within a Development Area is to comply with Table 9 [of the Scheme]"*. Clause 5.2.1 of the Scheme specifies *"Table 9 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas"*. Under Clause 5.2.3.2 of the Scheme *"The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to the land."*

On the above basis the specific provisions within Table 9 DA 26 of the Scheme are provided as follows:

1. *"An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions."*
2. *To provide for residential development and compatible land uses."*

Provision 27(1) of the Deemed Provisions, to which the Scheme refers is provided as follows:

"A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application."

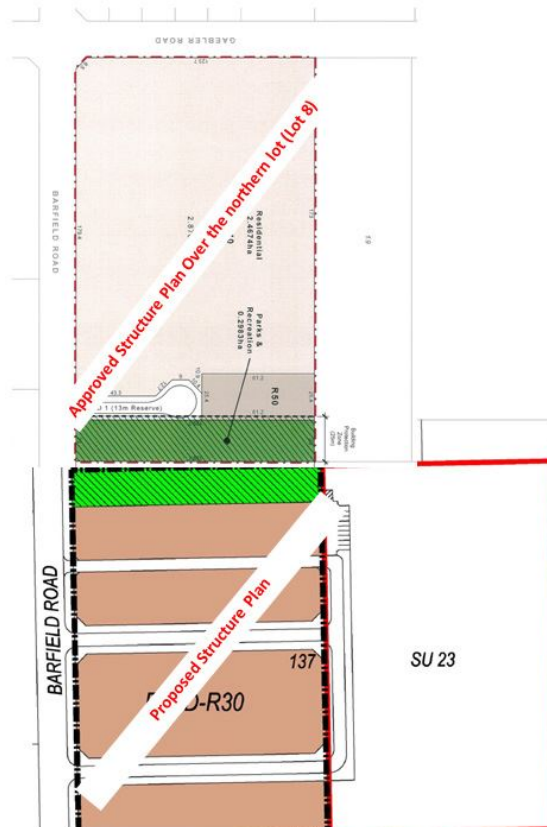
Pursuant to the above Scheme provisions and the Deemed Provisions, the applicant has submitted a Proposed Structure Plan for assessment. This report aims to summarise the outcome of that assessment pursuant to the legislative requirements of the Deemed Provisions and that of the Scheme.



Residential Development

The subject land is located within the Southern Suburbs District Structure Plan – Stage 3 (“SSDSP3”) area. The SSDSP3 prescribes a minimum of 15 dwellings per gross urban zoned hectare of land as the minimum standard. The Proposed Structure Plan exceeds this minimum target as it provides 21 dwellings per gross urban zoned hectare of land. This is in keeping with broader State Government strategic development objectives as prescribed within the Directions 2031 and Beyond document (‘Directions 2031’).

The intent of the Proposed Structure Plan is to guide the subdivision and subsequent residential development of the subject site including an estimated lot yield of 53 dwellings and the provision of 10 % Public Open Space (“POS”) as per Liveable Neighbourhoods Policy principles. The following depicts this spatial layout and particularly how it coordinates with the approved Structure Plan to the north.



This demonstrates compliance with the SSDSP3, in respect of the location of POS areas. The Proposed Structure Plan over the subject site has appropriately located its POS to the north to enlarge what would have been two separate smaller areas of POS. The (future) amalgamation of the larger POS is a positive planning outcome as the future residents will benefit by having a larger active area for recreation. In addition this will benefit the City’s maintenance team as a single area



of POS is more cost effective to maintain than two separate smaller areas of POS.

Under the proposed structure plan an 'R30' density has also been applied to the residential land. The proposed density meets the locational criteria as specified by the SSDSP3. The density component of the proposal is considered to meet the planning needs of the area and is expected to provide a diversity of housing options for local and future residents.

Bushfire Management

The existing native vegetation within the subject site and within 100m of the subject site is classified as "Bushfire Prone" under the Department of Fire and Emergency Services "Map of Bushfire Prone Areas".

In accordance with the above the applicant has submitted an accompanying Bushfire Management Plan which is included as an appendix within the Structure Plan report.

The City has assessed the Bushfire Management Plan in accordance with State Planning Policy 3.7 and also the WAPC's December 2015 Guidelines for Planning in Bushfire Prone Areas.

All new dwellings constructed within 100 metres of identified classified vegetation will require the need for increased construction requirements to address *AS3959-2009 (Construction of Buildings in Bushfire Prone Areas)*.

The current Bushfire Management Plan makes an incorrect assumption that the lot to the south of the subject site has an approved Structure Plan. That is currently not correct. While the lot to the south is within a structure planning area it is unknown at this stage when the southern lot will be structure planned and cleared of its native vegetation (for residential development). On this basis it is likely when the subject lot is developed that the bushfire prone vegetation in the southern lot will remain. This will result in tailored bushfire requirements in accordance with AS3959-2009.

Pursuant to the above, this report makes recommendation that the Bushfire Management Plan is amended accordingly.

Road Noise

The Proposed Structure Plan is required to be supported by an acoustic report as prescribed by State Planning Policy 5.4 requirements.



In accordance with the above the applicant has submitted an accompanying Acoustic Report which is included as an appendix within the Propsoed Structure Plan report.

The Acoustic Report has been assessed by City staff and also by officers at Main Roads WA. The comments from MRWA are provided for under submission 10 of Attachment 3 – Schedule of Submissions.

Both the City and MRWA acknowledge this early stage of the planning process does not provide for detailed site levels and also dwelling design details. On this basis it is considered appropriate for the Part 1 (Statutory Section) of the Structure Plan Report Section 4 (subdivision and development) to be modified to include the following;

“The acoustic report is to be appropriately revised upon finalisation of ground levels and housing design in accordance with State Planning Policy 5.4 requirements”.

The above recommendation aims to implement this requirement as supported by both MRWA Officers and also City Officers.

Western Power Easement

As mentioned above, the subject site is partially zoned ‘Special Use 23’. The Scheme designates the ‘Special Use Zone’ as areas;

“To provide for uses which have unique development requirements that cannot be easily accommodated by the objectives of any of the other zones included in the Scheme.”

Special Use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme. Special Use zones are set out in Table 8 of the Scheme. Pursuant to Clause 3.7.2 of the Scheme:

“A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Table 8 and subject to compliance with any conditions set out in Table 8 with respect to that land.”

The details within Table 8 ‘Special Use zones’ is extracted and provided below;

Figure 3: Special Use 23 Scheme extract



No.	Description of Land	Special Use	Conditions
SU23	<p>All land within transmission line corridors designated as SU23 on the Scheme Map.</p> <p>AMD 42 GG 21/09/10</p>	<ul style="list-style-type: none"> • Carpark • Civic Use • Community Purpose • Nursery • Public Amusement • Recreation – Private 	<p>Planning Approval.</p> <p>'Carpark' and 'Nursery' are designed as 'P' (permitted) uses pursuant to Part 4 of the Scheme.</p> <p>'Civic Use', 'Community Purpose', 'Public Amusement' and 'Recreation – Private' are designated as 'A' (discretionary subject to special notice) uses pursuant to part 3 of the Scheme.</p> <p>All other uses are not permitted ('X' uses).</p>

Pursuant to the above Scheme provisions the eastern 120m of the subject site is zoned SU 23 and accordingly development within this zone is restricted to the above mentioned land uses.

The SU 23 zone is also encumbered by an easement in favor of Western Power. This is provided at Attachment 4 of this report.

On 27 February 2017 City staff wrote to Western Power seeking their comment on the Structure Plan proposal. In addition City staff highlighted the following points:

1. *“The application involves proposing a road adjacent to Western Power high voltage power lines (330kv) within the Special Use zone;*
2. *The construction of a 2.4m high wall (for noise see acoustic report for details);*
3. *As well as proposing to drain water under the power lines (see LWMS for details).”*

The above three points were specifically brought to Western Power's attention for their consideration in relation to the easement as provided for in Attachment 4. For a visual representation of the power lines please refer to Attachment 1 of this report for details.

Pursuant to Western Power's submission under submission 13 of Attachment 3, Western Power has given an in-principle support to the structure plan subject to the *Earth Potential Rise* (“EPR”) and *Low Frequency Induction* (“LFI”) reports and clearance assessment. As such Western Power's support for the north/south road adjacent to the 330 kV line; construction of the 2.4m acoustic wall adjacent to the



330kV power lines; and proposed drainage beneath the powerlines is dependent upon the outcomes of the EPR/LFI reports. The applicant has been required to submit an appropriate report to Western Power, as per the above, for their approval.

Any structure plan issues identified by Western Power in this regard are to be appropriately managed by suitable amendments to the structure plan. Upon consideration of this Structure Plan it is expected the WAPC will consider the future outcome of the future EPR/LFI report. Should the outcome of that report suggest the Structure Plan is to be modified it may be necessary to readvertise the potential future Structure Plan for public comment. If however the outcome of the future EPR/LFI report is in support of the Proposed Structure Plan no modification to the Structure Plan may be required.

Conclusion

The Proposed Structure Plan has been assessed in accordance with the State Government planning framework and also the Scheme; with input from City staff, community members and also that of various government agencies and service providers.

The Structure Plan meets the density targets as set by the State Government and also that of the City's adopted SSDSP3. The Structure Plan design meets the POS consolidation arrangement with respect to the northern adjoining property.

Subject to the mentioned modifications, the Proposed Structure Plan is recommended for approval.

Strategic Plan/Policy Implications

Growing City

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

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.



Budget/Financial Implications

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

Legal Implications

Pursuant to Provision 20 of the Deemed Provisions the local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the day that is the latest of 20(1)(a),(b) or (c).

Community Consultation

In pursuance of Provision 18 of the Deemed Provisions the structure plan was advertised for public comment for a period of 28 days. This included letters to land owners, government agencies and service providers. In addition the structure plan was advertised on the City's website in full and advertised also via the Cockburn Gazette.

Advertising commenced on 28 February 2017 and concluded 28 March 2017. In total the City received 15 submissions of which 11 were in support of the proposal and 4 were in support of the proposal subject to conditions or modifications. These four submissions in support subject to modification were received from the Department of Water, Department of Transport, Main Roads Western Australia and Western Power.

The above mentioned submissions are provided for in full under Attachment No. 3 of this report and responded to individually and in detail. The above report elaborates on the key issues as extracted from the full list of submissions. The recommendation above to Council and also the WAPC reflects the Structure Plan modification requests of the Department of Water, Department of Transport, Main Roads Western Australia and Western Power.

Risk Management Implications

The officer's recommendation inclusive of the submissions received from the Department of Water, Department of Transport, Main Roads Western Australia and Western Power takes into consideration all the relevant planning factors associated with this proposal.

There are no obvious risks from the City's perspective in implementing the recommendation. Should Council consider not implementing the recommendation the City could be faced with a suboptimal planning outcome. Each of the above mentioned recommendations relate to



separate components of the proposal and each is to be considered separately.

Attachment(s)

1. Location Plan
2. Structure Plan Map
3. Schedule of Submissions
4. Western Power Easement

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 4 May 2017 Council Meeting.

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

Nil.

15.2 (MINUTE NO 6073) (OCM 11/05/2017) - CONSIDER ADVERTISING OF DRAFT TREEBY DISTRICT STRUCTURE PLAN (100/141) (C CATHERWOOD) (ATTACH)

<p>RECOMMENDATION That Council</p> <ol style="list-style-type: none">(1) defer consideration of advertising the draft Treeby District Structure Plan to the August 2017 Council meeting to enable more information to be available following a meeting with the WA Planning Commission on the City's 2015 submission on Perth and Peel @ 3.5 million document; and(2) advise the applicant this deferral is proposed to enable the opportunity for WAPC to give feedback on the content of the Perth and Peel @ 3.5 million submission. This might allow Council to be better informed regarding some of the peripheral matters to the TDSP and therefore assist in a future submission process when these matters are likely to be raised by the community.
--



COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr C Terblanche that Council

- (1) adopt the draft Treeby District Structure Plan for the purposes of public consultation with a view to it being a guiding document to coordinate future structure plans within the District Structure Plan area;
- (2) advertise the draft Treeby District Structure Plan for a period of 60 days, with advertising generally to follow the procedural requirements established by Schedule 2, clause 18 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015; and
- (3) following advertising, consider the draft Treeby District Structure Plan for endorsement as a guiding document with due regard to:
 - a. Submissions received.
 - b. Further information received during the advertising period.
 - c. The status of the Western Australian Planning Commission's Draft Perth and Peel @3.5 million.

CARRIED 7/1

NOTE: Deputy Mayor Reeve-Fowkes requested her vote against the decision be recorded.

Reason for Decision

We have been very cognisant of the adjoining property owners, but this is very fluid and it is actually advertising, it is not adoption of the plan. This will be advertising for adjoining property owners' submissions so we can formalise the District Structure Plan.

Background

In November 2015, Council supported the preparation of the Banjup (now Treeby) District Structure Plan ('TDSP') and endorsed a Project Plan to prescribe how this work should be undertaken.

Since then, background work and analysis has occurred and a draft document was presented for Council's consideration in the 9 March 2017 agenda to adopt for the purposes of advertising. The following was the officer recommendation:



“That Council:

- 1) adopt the draft Treeby District Structure Plan for the purposes of public consultation with a view to it being a guiding document to coordinate future structure plans within the District Structure Plan area;*
- 2) advertise the draft Treeby District Structure Plan for a period of 42 days, with advertising generally to follow the procedural requirements established by Schedule 2, clause 18 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
- 3) following advertising, consider the draft Treeby District Structure Plan for endorsement as a guiding document with due regard to:*
 - a. Submissions received.*
 - b. Further information received during the advertising period.*
 - c. The status of the Western Australian Planning Commission’s Draft Perth and Peel @3.5 million”.*

The following resolution was made:

“That Council:

- 1) defer consideration of advertising the draft Treeby District Structure Plan item to the 11 May 2017 Council meeting to avoid potential confusion between this project and the current land acquisition negotiations for the Jandakot and Solomon Road upgrades; and*
- 2) advise the applicant this deferral is to ensure a distinction can be made between the projects by nearby residents and landowners and their proposal”.*

On the same March agenda, there was an item to consider land acquisitions to facilitate the upgrade of Jandakot Road (between Solomon and Fraser Roads) and Solomon Road (between Cutler and Jandakot Roads). The following resolution was made in relation to that item:

“That Council defer the purchase of land required for the road widening from all the affected properties from in stage 1 of the Jandakot road widening proposal until after the noise impact study has been completed and presented at a comprehensive workshop as was agreed at the OCM 09/02/2017, which is to be facilitated between the City’s Officers, Elected Members and all affected land owners for all stages of the Jandakot Rd widening project”.

A landowner workshop was held on 11 April 2017 relating to the road widening proposal. Having had an opportunity to view the draft plan for the Treeby District Structure Plan area, landowners will have seen that:



- Stage 1 of the proposed Jandakot Road upgrades are directly adjacent to the approved Calleya estate (between Fraser and Solomon Roads);
- Stage 2 of the proposed Jandakot Road upgrades are further west through the Resource zoned lots (between Solomon Road and Berrigan Drive);
- Stage 3 of the proposed Jandakot Road upgrades are east of the approved Calleya estate, where there is no concept design at this stage; and
- The draft Treeby DSP area abuts Stages 1 and 3 of the proposed Jandakot Rd upgrades.

Attendees at the landowner workshop appeared keen to see a copy of the draft Treeby DSP, and be able to provide input to it once advertised. Some have accessed a copy which was published as an attachment to the previous Council report.

In line with the March 2017 deferral till May, this report is to consider releasing the document for public consultation for a 42 day period. One matter which was raised at the workshop by attendees was the status of the Perth and Peel @ 3.5 million suite of documents, advertised in May 2015. Some landowners had lodged their own submissions and, like the City, have had no feedback from the WA Planning Commission on the future planning for the broader area. One landowner group has also lodged a proposed amendment to the Metropolitan Region Scheme (for 'urban deferred') which is yet to be initiated and Council has previously not been able to assess against the State planning policy guidance available. The Urbanstone property, also on Jandakot Road has lodged a local planning scheme amendment request which was recently advertised (Amendment 112). This has reinforced the level of interest from some surrounding landowners in possible land use/zoning changes for the broader area. This amendment may also result in the need for an additional roundabout to Jandakot Road. These matters are discussed further in the Report section of this item.

While officers remain of the view that the draft Treeby DSP is appropriate for advertising, officers are cognisant that the community also wish to have further information from the WA Planning Commission on the status of the Perth and Peel @ 3.5 million suite of documents. It is proposed that Council defer consideration of the Draft DSP until the August Council meeting, to seek an update from the WA Planning Commission. This will enable Council to consider advertising the Draft DSP together with updated advice of the WA Planning Commission.

Submission

N/A



Report

The TDSP will guide the form of future development of the locality, with a key aim to provide opportunities to enhance the qualities of this existing neighbourhood. The TDSP is seen as an important step for the Treeby urban precinct, considering how its strategic placement within the heart of the rapidly expanding south west corridor adjacent to Cockburn Central Station. At the same time, the constraints of the locality presents unique challenges, which demand careful study and reflection in terms of ensuring that planning for the area is suitable to enhancing opportunities for current and future residents of Treeby.

The relevant planning framework is discussed below, as well as a number of peripheral issues which are also at various stages of Council's consideration; namely Jandakot Road upgrading and Amendment 112 for the Urbanstone property.

Planning Framework

To realise the vision of Directions 2031 and beyond and the State Planning Strategy 2050, the Western Australian Planning Commission has created a series of detailed draft planning frameworks.

The Perth and Peel@3.5million strategic suite of documents has been developed to engage the community in open discussion on expectations of what our city should look like in the future, on how we can maintain our valued lifestyle and on how we can realistically accommodate a substantially increased population over the next 35 to 40 years.

The South Metropolitan Peel Sub-regional Planning Framework is one of three frameworks prepared for the outer sub-regions of Perth and Peel, which along with the Central Sub-regional Planning Framework establishes a long-term and integrated framework for land use and infrastructure provision.

The framework builds upon the principles of Directions 2031 and will provide guidance for:

- the preparation of amendments to the Perth Metropolitan Region Scheme, local planning schemes, local planning strategies/scheme, and district, local and activity centre structure planning; and
- the staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure.

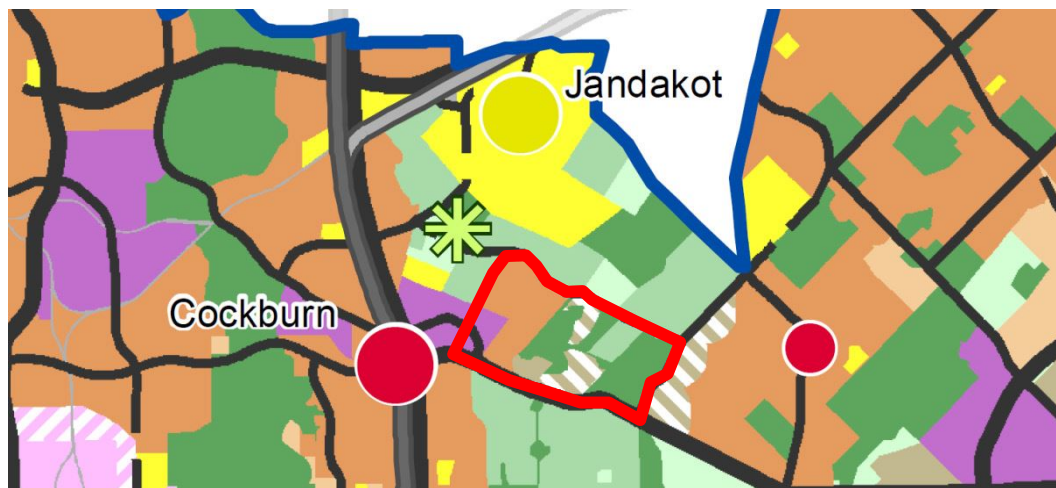
Importantly the Planning Framework, amongst other things, endeavours to develop a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical



extension to the urban form, and that places a greater emphasis on urban infill and increased residential density.

The following map excerpt highlights the area of Treeby which the TDSP will apply. Noting the logical extensions of the existing urban form, in what is now close proximity to transit, jobs and major activity centres. The TDSP has utilised a boundary that is comprised of land within Solomon Road, Armadale Road, Warton Road and Jandakot Road.

In the likelihood that the final boundary of urban expansion within Treeby is altered within the finalised Perth and Peel @ 3.5M the expectation is that the TDSP will adapt to the prevailing State planning framework. The TDSP has been specifically drafted to have the flexibility to work with such a scenario. The current draft DSP area is shown in red below.



The City lodged a submission on the Perth and Peel @3.5 million documents in July 2015. City officers made a presentation in August 2016 to a meeting of the WA Planning Commission in support of the City's submission. At this point, neither a decision nor feedback has been provided despite the passage of almost two years since the document was advertised.

In the City's submission a number of issues were raised that relate to this area. In particular:

“As a general principle, the piecemeal approach taken over the last 5 years or so with the urbanisation of Banjup is not helpful. The landowners of Banjup and the City of Cockburn should be provided greater certainty about where urbanisation will occur in Banjup, as this is a conflict between regional planning priorities. That being whether the planning justification to support development overcomes the planning objective to regulate land

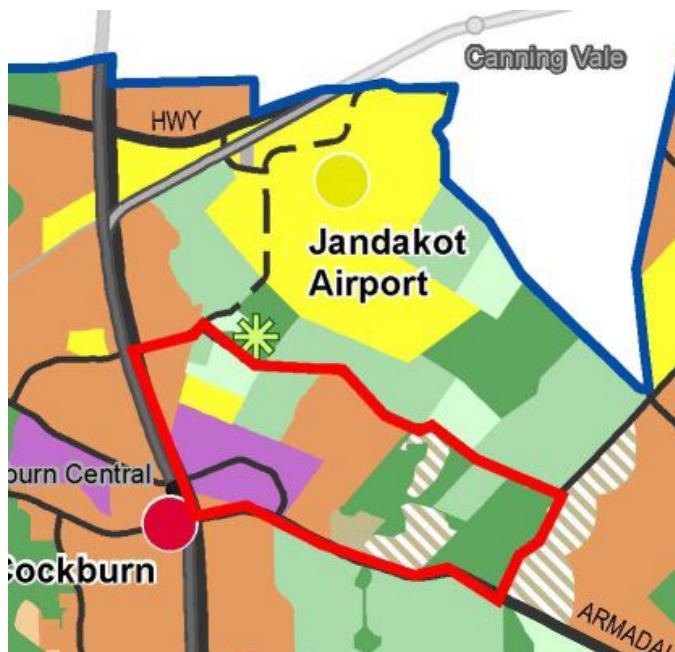


use above the Jandakot Water Mound? This is something that the Minister for Planning, on advice from the Western Australian Planning Commission, needs to address.

An overall assessment needs to be done to confirm areas which can reasonably be excluded from the groundwater protection areas, where competing planning priorities such as access to activity centres and public transport nodes are clear.

There is an emerging area east of the Calleya development where an area of urban expansion is shown. This however does not reflect a spatial extent which is either clear or based upon planning objectives. If this Banjup precinct is being considered for urban development on a timeframe out to 2050, then surely planning objectives like proximity to a strategic activity centre; access to wide ranging services and facilities; access to employment; access to quality public and private transport infrastructure; all means that a more strategic view should be taken of the precinct.

This strategic view would create a more legible spatial boundary given the high level nature of this document. This boundary could be something like Armadale Road; Warton Road; Jandakot Road; Berrigan Drive and; the Kwinana Freeway. This is shown in red following:



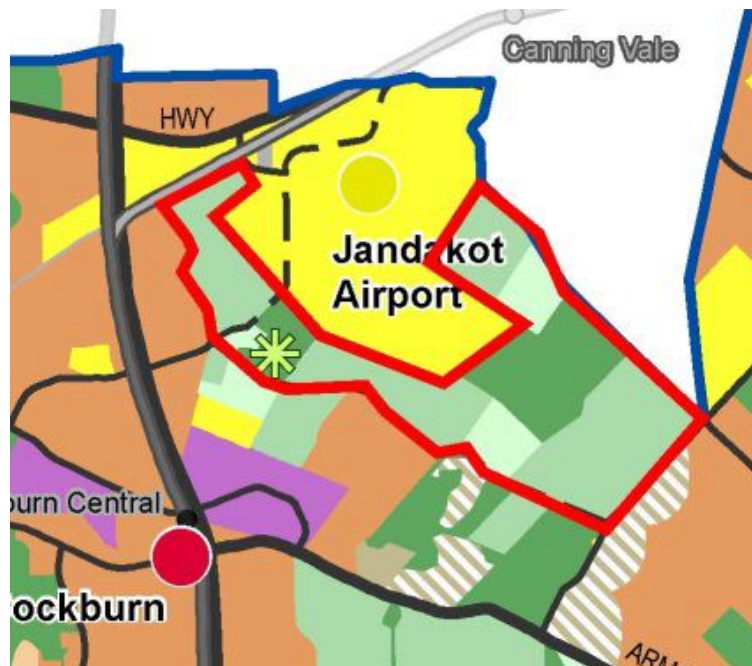
Importantly there would still be a further strategic planning element that would need to occur, and this is something that local government is capable of delivering – working with landowners and the community to determine the ultimate nature



of land use and development in the precinct. In the absence of a strategic land designation however, the draft document will create an unrealistic form of future development to follow.

The future of land surrounding Jandakot Airport

This in turn raises the question about what happens in the area north of Jandakot Road and particularly surrounding Jandakot Airport. Do we want to see this retained in a rural setting, typically 2ha lot sizes with the landscape containing buildings, or is this rural setting to the point that it won't deliver the intended rural amenity? It may be appropriate that this rural ribbon be maintained around Jandakot Airport, as a limitation to urban development encroaching closer to the airport. However if the amenity in this area is so far removed from a rural setting, then should consideration be given to an alternate land use? This is a question that remains open in the document. The area in question is shown in red below:



It is noted that other parts of the City, particularly with a greater prospect of being able to maintain high levels of rural amenity, have been identified as industrial investigation. This begs the question of what consideration (if any) has been given of this land precinct, between a growing industrial park and airport and urban communities to the south. This is in need of more careful consideration.

Jandakot Airport provides a unique role in the metropolitan area. While much of the surrounding land is being developed for



commercial purposes the primary role of this airport is for private aviation and aviation training purposes for smaller aircraft.

As well as charter operators, the Flying Doctor's service and other emergency aircraft, the airport is the location for several flight colleges including major international airlines. The nature of the flight college's activity can be quite repetitive as students circle around and repeat take-off and landing procedures. Anecdotally, this can result in elevated complaints.

The document notes no assessment of aviation needs has been undertaken which is disappointing. Assuming it is determined it will still retain this role in the future, there should be a degree of protection given to Jandakot Airport by no further urban encroachment”.

The above points were intended to start a conversation and provoke strategic thought at the state level on this important area of Perth.

Following the workshop on Jandakot Rd, it is clear that some landowners have also lodged submissions. In some cases they have nominated future zoning/land use options they would prefer. One landowner group on the corner of Jandakot Road and Prinsep Road have lodged a draft Metropolitan Region Scheme (“MRS”) amendment request (for ‘urban deferred’ albeit with the intent that land uses respond to the aircraft noise constraints, that is, are limited to a range of commercial/light industrial land uses).

This is yet to be formally considered and has had no preliminary input from the City of Cockburn. A high level glance at this proposal reveals constraints associated with the proximity to the Jandakot Airport flight path; the fragmented nature of land ownership; the presence of good quality remnant bushland across the land; the land being above the Jandakot Water Mound. The content of the draft amendment request is lacking discussion of some matters, which are directly related to the proposal. For example, there is no discussion regarding the need for the commercial or industrial uses (both from the perspective of either the State or local planning frameworks). Consideration of commercial uses, even if other constraints might be addressed must be done in context and this is not evident in the copy of the proposal the applicant has recently supplied City officers. Evaluation against competing environmental priorities is also needed and this is a key component the Department of Planning must pay heed to before it is formally listed advertised as a proposal and comment formally sought.

The opportunity of the City to provide specific input on this will be at the point when the Department of Planning determine that it should be referred out for comment, giving due consideration to State Planning



Policy 2.3, including whether 'Urban deferred' is the most appropriate zone in the MRS. This is yet to occur, and it was explained to landowners that it is separate to the Jandakot Road upgrade proposal.

A local planning scheme amendment has been initiated and advertised for the Urbanstone property (northeast corner of Jandakot Road and Berrigan Drive) with a view to expanding the current additional use to permit broader commercial land uses across the land. This is likely to be presented to the June meeting of Council to consider those submissions and provide a recommendation to the Minister for Planning.

City officers have recently sent follow up correspondence to the WAPC to seek feedback on the two precincts mentioned above.

Considering the above and this proposal, there is obvious momentum in the area with three corporations; Schaffer (Urbanstone), Stockland (Calleya) and Perron Group (Treeby – future urban area) as well as several private landholders all keen to progress proposals in this area. To have such momentum at the same time is relatively unusual and provides an opportunity to coordinate good planning outcomes for the locality. It is not reasonable for the state's planning agency to continue to withhold direction on the strategic direction for this area given its proximity to the activity centre of Cockburn Central and the specialised centre of Jandakot Airport.

It is important that the WA Planning Commission provide advice for the current Resource zoned precincts either side of Jandakot Road, as the Treeby DSP does not have a scope to extend to this land. Officer analysis of these precincts is as per the submission that was previously made on the draft Perth and Peel @3.5 million suite of documents. In the absence of a determination by the WA Planning Commission on the City's submission, it is clear that these land precincts need to be retained within the Resource zoning, as the only current strategic guidance is that provided under State Planning Policy 2.3. This contemplates rezoning to urban development per the following policy tests:



h) Discretionary uses

Where an application is made for approval of a land use identified as 'compatible with conditions' in *Water quality protection note 25: Land use compatibility tables for public drinking water source areas*, the relevant decision-maker should refer the application to the Department of Water for advice and recommendation before making a determination.

i) Non-conforming uses

Guidance on non-conforming land uses and injurious affection is provided in the *Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2014* and local planning schemes.

Where existing uses are likely to have a detrimental effect on the quality of the groundwater through the discharge of nutrients or other waste matter, the *Environmental Protection Act 1986* may apply.

6.3 Strategic planning and Metropolitan Region Scheme amendments

a) In order to protect the quality of the public drinking water source, there is a presumption against new urban or industrial land uses in the Water Catchment reservation and the Rural-Water Protection zone of the Metropolitan Region Scheme.

b) Amendments to the Metropolitan Region Scheme will only be supported where the land has been identified for development in the manner proposed through a strategic planning document approved or prepared by the Western Australian Planning Commission, such as a sub-regional planning framework or sub-regional structure plan.

c) Planning for more intense land uses through strategic planning instruments (such as a sub-regional planning framework or sub-regional structure plan) and subsequent Metropolitan Region Scheme amendments should incorporate the following:

- the subject land is to meet the following criteria:
 - large landholdings that were already substantially cleared at the time this policy was published; and
 - directly adjacent to already developed 'Urban' zoned land;
- the risk to drinking water supplies associated with the proposed development;
- proven efficacy of available risk mitigation measures;
- the net long-term public benefit attributable to the proposed rezoning;
- the need for additional urban land, taking into account the current stock of undeveloped urban zoned land in the sub-region;
- potential alternative locations for proposed land use in the sub-region that would have less or no impact on Public Drinking Water Source Protection Areas;
- any strategic environmental assessment, whether underway or completed; and
- access to infrastructure that is already constructed or scheduled for construction.

In contrast, the purpose for advancing the Draft Treeby DSP is due to its consistency with the policy framework provided under 6.3 of State Planning Policy 2.3. This being that:

- the land has been identified in the draft Perth and Peel @3.5 million suite of documents for urban investigation;
- it is a series of large landholdings that were already substantially cleared, except for the bush forever parts which are to be retained through the Draft DSP;
- it is directly adjacent to already developed 'Urban' zoned land;
- risk management issues have been addressed;
- availability of infrastructure.

This explains the advancement of the Draft Treeby DSP.

Design Principles

The TDSP responds to the WAPC's Structure Plan Framework and the key district level coordination issues the proposed development of the precinct presents. These include:



- Broad land-use arrangement, buffers and any relevant targets (e.g. density targets);
- Coordination of major infrastructure including:
 - Schools;
 - District water management;
 - District movement networks;
 - Regional & District level Open Space / Conservation areas;
 - District recreation facilities;
- Broad funding arrangements for improvements, potentially including the principles of a Development Contribution Plan (DCP).

As noted earlier in this report, the content of the TDSP is sufficiently flexible to respond to further State level guidance and review processes such as the Bush Forever boundary.

Jandakot Road design

Jandakot Road is a project outlined in the current adopted Corporate Business Plan for 2016/17 – 2019/20. It is shown on the Major and Regional Roadworks Plan 2016-2030 as a planned project in the following stages:

JANDAKOT ROAD	
42	Berrigan Drive to Solomon Road (land & construct 2 c/w) 2017/18 \$11.7M
43	Solomon Road to Fraser Road (construct 2nd c/w) 2017/18 Funding by developer
44	Fraser Road to Warton Rd (land & construct 2 c/w) 2020/22 \$13.1M

The road design for Jandakot Road (Stage 1 – Solomon to Fraser and Stage 2 – Berrigan to Solomon) were presented at the recent landowner workshop was based on the Main Roads WA (“MRWA”) decreed design speed for the road, which is 80km/h.

City officers are liaising with MRWA to investigate whether a 70km/h design speed can be used in recognition of the potential future land use changes in the area. This may reduce land requirements and so it may be worthwhile to press this issue with MRWA.

In conjunction with this redesign, the applicant for the Urbanstone property (Amendment 112) is looking at the design of a roundabout to facilitate access to their property. This would be warranted by the increased range of uses available, if Amendment 112 was approved by the Minister. It is noted an additional roundabout on this stretch of road might be a feature which could physically influence the speed limit on



Jandakot Road. This would bring the total proposed roundabouts from Berrigan Drive to Warton Road to six, namely at:

- Berrigan Drive;
- Urbanstone eastern entry;
- Jandakot Road;
- Clementine Boulevard (Calleya entry);
- Fraser Road; and
- Warton Road.

Conclusion

While officers remain of the view that the draft Treeby DSP is appropriate for advertising, officers are cognisant that the community also wish to have further information from the WA Planning Commission on the status of the Perth and Peel @ 3.5 million suite of documents. It is proposed that Council defer consideration of the Draft DSP until the August Council meeting, to seek an update from the WA Planning Commission. This will enable Council to consider advertising the Draft DSP together with updated advice of the WA Planning Commission.

Strategic Plan/Policy Implications

City Growth

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

Moving Around

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

Community, Lifestyle & Security

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



Budget/Financial Implications

The Treeby (then known as Banjup) District Structure Plan was a City project identified within the previous Corporate Business Plan to be undertaken by the Strategic Planning Department in 2015/2016. In this regard, a major landowner sought to assist in this process by undertaking the preparation of the draft TDSP at their own cost in liaison with City and government agency staff. Financial implications of this project moving forward are low, and mainly associated with the community engagement to advance advertising and final consideration by Council. This will only occur once Council resolves to advertise the Draft DSP.

Legal Implications

Ultimately it would be proposed this plan be adopted by resolution of Council as a guiding document, but not under the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015), which refers to a 'structure plan' as:

'Structure plan means a plan for the coordination of future subdivision and zoning of an area of land'.

The WA Planning Commission's Structure Plan Framework mentions structure plans in the generic sense as well as district and local structure plans. While it mentions that generally a district structure plan address the 'fatal flaws' of a development and provides for major structural elements, it also mentions it can provide the basis for zoning.

With the above in mind, it would prudent to maintain Council's practice with previous district structure plans, to only adopt them by resolution of Council and not under the relevant structure planning provisions. This acknowledges a degree of flexibility and assists with affected landowners being unlikely to consider themselves injuriously affected by the plan.

Community Consultation

Once adopted as a draft, it would be recommended the draft TDSP be advertised for a period of 42 days. Given the obvious interest in the proposal which was gleaned from the Jandakot Road landowner workshop, a significant mail out would be necessary covering both the landowners within Calleya estate and the adjacent rural properties (including those accessing the length of Jandakot Road). This will be in the order of 1200 properties. A newspaper advertisement would be needed to notify more broadly about the proposal. There would also be referrals to government agencies.



Further information obtained from the WAPC shall be presented to Jandakot Road landowners at a second workshop to be scheduled at a later date.

Risk Management Implications

There is no obligation on the City to undertake district structure planning for this area. However it is considered far preferable to the alternative situation of having to coordinate separate localised structure plans with no overarching guidance.

This is particularly critical in this area for key structural features, such as school and oval locations as well as major movement connections for both vehicles and pedestrians. To have district guidance on these matters minimises the risk these key features (which often consume large parcels of land) end up located in sub-optimal locations.

As also discussed in the Legal Implications section of this report, this document should only be adopted by resolution of Council, not under the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015). This reduces the risk implication of Council in terms of injurious affection claims which might otherwise arise. This is particularly important in this case given the very large area of Bush Forever the site contains. As Council noted in its submission on the Green Growth Plan some time ago, the mechanisms for landowner compensation had not been resolved so Council must not inadvertently assume responsibility for this or 'lock in' landowners to the boundaries of that Bush Forever when it is known those landowners are proposing the review the boundary through the formal (State government) process.

From an expectation management viewpoint, it is a risk for Council to broaden the scope of any DSP to contemplate other Resource zoned land which exists north or south of Jandakot Road. The only prevailing policy context for such land is provided under State Planning Policy 2.3, and this would reveal such a move to be contrary to it. For this reason it is important to obtain an update from the WA Planning Commission on the Perth and Peel @3.5m suite of documents, as this is the regional planning mechanism to guide ultimately what landowners can reasonably expect for their precinct's future.

Attachment(s)

1. Locality Plan indicating related proposals
2. Draft Treeby District Structure Plan



Advice to Proponent(s)/Submissioners

The major landowner who prepared the draft TDSP and the government agencies who provided input via the working group have been advised that this matter is to be considered at the 11 May 2017 Ordinary Council Meeting.

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

Nil.

AT THIS POINT, THE TIME BEING 8.37PM, CLR S PORTELLI LEFT THE MEETING.

15.3 **(MINUTE NO 6074) (OCM 11/05/2017) - PROPOSED STRUCTURE PLAN - LOTS 107 AND 108 WATTLEUP ROAD, HAMMOND PARK - OWNERS: GEORGE DROPULICH (107) AND CHUNG MO CHAN (108) - APPLICANT: BURGESS DESIGN GROUP (L SANTORIELLO) (110/169) (ATTACH)**

RECOMMENDATION

That Council

- (5) in pursuance of Provision 19 (1) (d) and (2) of the Deemed Provisions, determines that the Proposed Structure Plan be modified as follows, and once modified readvertised for a period of 28 days:
1. Page 2, Part 1: 4.2, 4.2.1, 4.2.2, 4.3 – delete all text;
 2. Page 3, Part 1: Section 5 Local Development Plans; this section should mandate the need for LDPs based on locational criteria including lots opposite POS. This is to be in accordance with the WAPCs “Framework for Local Development Plans;”
 3. Structure Plan map, Part 1, Legend; separate “Zones” and “Local Scheme Reserves” as separate headings with different colour density codes;
 4. Remove annotations off the map;
 5. Provide for the Public Purpose (Primary School) reservation in accordance with the submission as provided by the Department of Education;
 6. Page 10, Part 2, Section 1.3.1; the Report currently indicates “special control area”. This is a typo and should be corrected to correctly reference “development

- contribution area;”
7. Page 20 Part 2, Section 3.4.3.2; amend the road reserve width from 24.4m to 22m consistent with the Southern Suburbs District Structure Plan Stage 3;
 8. Page 22 Part 2, Section 3.6 ‘Education Facilities’ is to be appropriately amended to reflect the provision of the Primary School as per the Southern Suburbs District Structure Plan Stage 3;
 9. Update all relevant images within the Structure Plan report to reflect the City’s Alternative Structure Plan Map under Attachment No. 4;
 10. Bushfire Management Plan – this appears to be incorrect in that the vegetation on the northern half of Lot 76 (to the west of the subject land) is clearly a bushfire hazard. The indicative Bushfire Attack Level rating suggests the subject land is “BAL-LOW” for most of the subject site including the land opposite Lot 76. This is not a true representation of the current hazard and AS3959-2009 requirements. It is assumed the BAL-LOW is based on the expectation that Lot 76 will be cleared. Lot 76 is currently not the subject of a Structure Plan by the City. This is to be corrected;
 11. Update the Local Water Management Strategy in accordance with submission number 6 from the Department of Water;
 12. The following appendices are to be appropriately updated to reflect the City’s Alternative Structure Plan design under Attachment 4:
 - a) Public Open Space Schedule;
 - b) Environmental Assessment and Management Strategy;
 - c) Bushfire Management Plan (in addition to point 7 above);
 - d) Landscape Master Plan;
 - e) Transport Impact Statement;
 - f) Local Water Management Strategy (in addition to point 8 above);
 - g) Engineering Services Report;
 13. In accordance with submission 7 from the Department of Parks and Wildlife update, Part 1 of the Structure Plan report Section 4 to include the requirement for DPaW’s approval to relocate fauna adjacent to the Harry Waring Marsupial Reserve. In addition the POS is to retain significant native vegetation where possible and the interface between the subject site and the Reserve to the north is to be to the satisfaction of the City, with input from DPaW. These are to be appropriately reflected in Part 1 of the Structure Plan report;
 14. Pursuant to submission number 8 the alignment of the east



west roads in addition to the 4ha primary school, as per the Southern Suburbs District Structure Plan – Stage 3 and Attachment 4, is to be in accordance with proper and orderly planning. This entails appropriate east west road alignments and appropriate site levels, interface and service provisions. The Structure Plan Map, Transport Impact Statement and the Structure Plan report are to be amended accordingly;

- (2) endorse the Schedule of Submissions prepared in respect of the proposed Structure Plan (Attachment 3);
- (3) advise the proponent and those persons who made a submission of Council's recommendation; and
- (4) note following further advertising pursuant to (1) above, the proposed amended Structure Plan (see Attachment 4) will be presented back to Council for consideration prior to forwarding the Proposed Structure Plan to the Commission for their determination. This is in accordance with the statutory timeframes as prescribed by Provision 20(1)(b) of the Deemed Provisions.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr C Terblanche that Council adopt the recommendation subject to amending sub-recommendation (1) by the inclusion of an additional condition 11. as follows and the subsequent conditions being renumbered accordingly:

11. Bushfire Management Plan – to be updated in accordance with the Department of Fire and Emergency Services correspondence dated 5 May 2017, as attached to the Minutes.

CARRIED 7/0

Reason for Decision

The Department of Fire and Emergency Services (DFES) has lodged a submission, after the closure of the public advertising period (see attached). This additional condition would ensure that DFES's advice is



included as part of the structure plan requirements prior to the structure plan being submitted to WAPC for their consideration.

Background

The Proposed Structure Plan was received by the City on 2 December 2016. It was prepared by Burgess Design Group on behalf of the prospective purchasers Open Corp.

The Proposed Structure Plan relates to Lots 107 and 108 Wattleup Road, Hammond Park (“subject site”).

Council at its meeting of 9 February 2017 considered the adjacent western ‘Hammond Grove West Structure Plan’ over the five most western lots identified within the SSDSP3. This Proposed Structure Plan, in addition to the Hammond Grove West Structure Plan, effectively completes structure planning for the cell north of Wattleup Road except for Lot 76. A structure plan for Lot 76 is expected to be received in due course.

Due to an issue in respect of not showing a the required primary school site in an appropriate configuration (including some plans not showing the site at all), this Proposed Structure Plan for Lots 107 and 108 Wattleup Road needs to be modified and readvertised. The need and design for the primary school has been clarified in the Department of Education’s submission on the current Proposed Structure Plan, to which it objects. As the position of the Department of Education is now clear, the Proposed Structure Plan can be modified and readvertised to provide a final opportunity for input before coming back again to Council. It is therefore recommended that Council modify and readvertise the Proposed Structure Plan, as per the officer recommendation.

Submission

N/A

Report

Planning Background

The subject site is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”), partially ‘Development’ and partially Special Use 23 under City of Cockburn Town Planning Scheme No. 3 (“Scheme”). The subject site is also located within Development Area No. 26 (“DA 26”), Development Contribution Area No. 9 (“DCA 9”) and Development Contribution Area No. 13 (“DCA 13”) under the Scheme.



Pursuant to Clause 5.2.3.1 of the Scheme, *“The development of land within a Development Area is to comply with Table 9 [of the Scheme]”*. Clause 5.2.1 of the Scheme specifies *“Table 9 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas”*. Under Clause 5.2.3.2 of the Scheme *“The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to the land.”*

On the above basis the specific provisions within Table 9 DA 26 of the Scheme are provided as follows:

3. *“An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions.*
4. *To provide for residential development and compatible land uses.”*

Provision 27(1) of the Deemed Provisions, to which the Scheme refers is provided as follows:

“A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.

Pursuant to the above Scheme provisions and the Deemed Provisions, the applicant has submitted a Proposed Structure Plan for assessment. This report aims to summarise the outcome of that assessment pursuant to the legislative requirements of the Deemed Provisions and that of the Scheme.

Residential Development

The subject land is located within the Southern Suburbs District Structure Plan – Stage 3 (“SSDSP3”) area. The SSDSP3 prescribes a minimum of 15 dwellings per gross urban zoned hectare of land as the minimum standard. The Proposed Structure Plan exceeds this minimum target as it provides 21 dwellings per gross urban zoned hectare of land. This is in keeping with broader State Government strategic development objectives as prescribed within the Directions 2031 and Beyond document (‘Directions 2031’).

The intent of the proposed Structure Plan is to guide future residential subdivision on approximately 57% of the subject site with 10% of the site provided as Public Open Space. The SSDSP3 designates



approximately 32% of the subject site as a future Primary School. The remaining area is proposed to be provided as local roads.

The SSDSP3 prescribes a base coding of R30 with a density range of R30-R60 for land surrounding areas of public open space, activity nodes and public transport routes.

The SSDSP3, as adopted by Council, designates the subject site as a 'Medium Density' area as per Figure 1 above. Residential R30 is identified as the minimum base coding in the 'Medium Density' areas of the SSDSP3.

The proposed Structure Plan designates an 'R30' density base code with 'R40' provided opposite areas of public open space. The proposed density codes are consistent with the prescribed density range under the SSDSP3. Accordingly, the density component of the proposal is considered to meet the future planning needs of the area and is expected to provide a diversity of housing options for local and future residents. The key inconsistent issue is that of the design of the primary school site, and the need for it to be provided per the requirements specified by the Department of Education.

Primary School

As discussed above, SSDSP3 designates approximately 32% of the subject site as a future primary school.

SSDSP3 depicts a 4 Ha Primary School over three Lots - Lot 76, 107 and 108. The Proposed Structure Plan applies to Lots 107 and 108 only and therefore the proposal is expected to reserve two thirds of the future primary school site. As mentioned in the Background section of this report, Lot 76 has not been the subject of any Structure Plan received, but this is expected to arrive in due course.

Attachment 2 of this report provides two Structure Plan maps as submitted by the applicant. Version 1 (see page 1 of 2 of Attachment 2) does not provide for the 'Public Purpose – Primary School' Reserve. Version 1 of 2 of the Proposed Structure Plan provides only for the 'Residential' zone with 'Parks and Recreation' and 'Local Road' Reserves. This plan is inconsistent with the adopted SSDSP3.

The City and the Department of Education informed the applicant, following Structure Plan lodgement, the primary school was still earmarked at a Local and State Government level. The applicant, the Department of Education and City of Cockburn officers met in relation to the primary school reservation. Following this meeting the applicant later submitted Version 2 of 2 (see page 2 of 2 of Attachment 2 for details). Version 2 of the applicants' Proposed Structure Plan provides



for an undersized Primary School which does not meet the details as prescribed within the adopted SSDSP3.

Having a Version 1 and Version 2 of a Proposed Structure Plan is not an acceptable planning practice, as only a single planning proposal can be the basis for consideration.

The Department of Education's submission in relation to Version 2 of the applicant's Proposed Structure Plan is provided for within submission 4 of Attachment 3 – Schedule of Submissions. For ease of reference the Department of Education's objection is also provided as follows;

- *“The location of the primary school site has been located [partially] over Lots 107 and 108 as per the indication shown on the initial Southern Suburbs District Structure Plan (SSDSP).*
- *Analysis of the Structure Plan once site dimensions have been calculated indicates that the depth of the primary school site has been reduced.*
- *Initially the 4 hectare primary school site was identified over part of Lots 76, 107 and 108. The Department calculates that the width of the site is now approximately 128 metres, as opposed to initially being 175 metres, and therefore needs to be 312 metres in length to accommodate the 4 ha site. This would now mean that the primary school site would not only now fully encroach across Lot 76 but also extend into a fourth property, Lot 75, for the additional 0.9 ha of land to meet the 4 ha requirement.*
- *A developer is currently seeking Structure Plan approval for the Hammond Grove West Structure Plan, which includes Lot 75. There is no allowance in this Structure Plan for any portion of the proposed primary school.*
- *In the SSDSP the school site indicated a width of approximately 175 metres. As indicated WAPC Policy DC 2.4 3.4.4 confirms that "all school sites should be regular in shape and preferably rectangular. In no instance should the length of the site exceed twice the width".*
- *Should the proposed configuration be accepted [by Council and/or the WAPC] the Department would find it difficult to fit a junior oval on the site in a north-south alignment. The dimensions of the oval are 118 m x 84m, which would leave a 5m over run at each end and the requirement for high fencing to*



stop the ball entering the road reserves north and south of the school.”

The fourth dot point above, as provided by the Department of Education, makes reference to the Hammond Grove West Structure Plan ('HGWSP'). As mentioned in the Background Section of this report, this Structure Plan was considered by Council at its meeting of 9 February 2017. The HGWSP is currently with the Department of Planning awaiting final consideration by the WAPC.

As correctly identified by the Department of Education, there is no allowance in the HGWSP for any portion of the proposed primary school.

The WAPC's DC Policy 2.4 'School Sites' under Clause 3.8.1 'Consultation' specifies; it is important that those involved in subdivisional design confer regularly with the Education Department. Element 8 – Schools of Liveable Neighbourhoods specifies “it is the responsibility of the developer in association with the relevant agencies to determine the preferred location of primary schools”.

Primary school sites are to be given up free of cost by the landowner supporting the school site with pro-rata contributions provided by nearby landowners, in the catchment of the primary school site, to compensate the burdened landowners.

Liveable Neighbourhoods specifies the location of school sites should be identified in district or local structure plans.

Council received a second objection in relation to the Primary School Reservation as outlined above by the Planning Consultant for the HGWSP. This objection is identified as submission number 8 of Attachment 3 of this report 'Schedule of Submissions'.

Submission number 8 of Attachment No. 3, Schedule of Submissions, is summarised as follows;

- *“The proposed Structure Plan design does not achieve integration with [the] Council [recommended approval] Structure Plan design for Lots 71, 74-75 & 305 to the West [HGWSP].*
- *The two east –west sub divisional roads located north of the proposed primary school site are not aligned and result in off-set four-way intersections. [Please refer to Figure 2 below for details].*
- *These east-west roads are not aligning as a direct result of Lot 107 + 108 not fully accommodating their portion of the proposed*



primary school site as depicted on the endorsed Southern Suburbs District Structure Plan. The proposed primary school site as depicted on the Lot 107 + 108 LSP has been narrowed in width (north/south) which results in the total 4.0 ha site area extending west into QUBE's Lot 75.

- *The LSP design for Lots 107 + 108 cannot be endorsed in its current form. Both the primary school site and associated sub-divisional roads can be re-designed and link into the adjacent road alignments, and thereby accord with the Council's [recommended approval] planning undertaken for QUBE's landholding to the West [for the HGWSP]."*

In accordance with the above two mentioned objections, it is recommended Council exercises its powers under Provision 19 (1) (d) and (2) of the Deemed Provisions. Specifically this involves advertising a modified version of the Structure Plan (as per Attachment 4) for 28 days which proposes the Primary School Reservation in accordance with the requirements of the Department of Education, and the general dimensions as provided by SSDSP3.

Bushfire Management

The existing native vegetation within the subject site and within 100m of the subject site is classified as "Bushfire Prone" under the Department of Fire and Emergency Services "Map of Bushfire Prone Areas".

In accordance with the above the applicant has submitted an accompanying Bushfire Management Plan which is included as an appendix within the Structure Plan report.

The City has assessed the Bushfire Management Plan in accordance with State Planning Policy 3.7 and also the WAPC's December 2015 Guidelines for Planning in Bushfire Prone Areas.

All new dwellings constructed within 100 metres of identified classified vegetation will require the need for increased construction requirements to address AS3959-2009 (*Construction of Buildings in Bushfire Prone Areas*).

The current draft Bushfire Management Plan makes an incorrect assumption that the lot to the west of the subject site has an approved Structure Plan. As discussed in the 'Background' section of this report that is currently not correct. While the lot to the west is within a structure planning area it is unknown at this stage when Lot 76 will be structure planned and cleared of its native vegetation (for residential development). On this basis it is likely when the subject lot is



developed that the bushfire prone vegetation on Lot 76 will remain. This will result in tailored bushfire requirements in accordance with AS3959-2009.

Pursuant to the above, this report makes recommendation that the Bushfire Management Plan is amended accordingly. These modifications will more accurately reflect the possible Bushfire mitigation outcomes at the future stages of subdivision and development.

Conclusion

The Proposed Structure Plan has been assessed in accordance with the State Government planning framework and also the Scheme; with input from City staff, Community members and also that of various government agencies and service providers.

Pursuant to Provision 19 (1) (d) and (2) of the Deemed Provisions this structure plan needs to be modified and readvertised to account for an appropriate primary school site, and the need to interface with the surrounding structure planned framework area.

Strategic Plan/Policy Implications

Growing City

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

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

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

Legal Implications

Pursuant to Provision 20 of the Deemed Provisions the local government must prepare a report on the proposed structure plan and



provide it to the Commission no later than 60 days after the day that is the latest of 20(1)(a),(b) or (c).

Community Consultation

In pursuance of Clause 18 of the Regulations the structure plan was advertised for public comment for a period of 28 days. This included letters to land owners, government agencies and service providers. In addition the structure plan was advertised on the City's website in full and advertised also via the Cockburn Gazette.

Advertising commenced on 28 February 2017 and concluded 28 March 2017. In total Council received 12 submissions of which 9 were in support of the proposal, 2 objected to the proposal and the remaining submission, from the Department of Water, objected to the proposal recommending modification.

The above mentioned submissions are provided for in full under Attachment No. 3 of this report and responded to individually and in detail. The above report elaborates on the key issues as extracted from the full list of submissions.

Risk Management Implications

The officer's recommendation inclusive of the submissions received takes into consideration all the relevant planning factors associated with this proposal.

A risk in not securing an appropriately configured school site is clearly that a school may not be able to be delivered, to service the educational needs of the future community.

Attachment(s)

1. Location Plan
2. Structure Plan Map
3. Schedule of Submissions
4. City's Alternative Structure 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 11 May 2017 Council Meeting.

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

Nil.



AT THIS POINT, THE TIME BEING 8.40PM, CLR S PORTELLI RETURNED TO THE MEETING.

15.4 (MINUTE NO 6075) (OCM 11/05/2017) - DEDICATION AS ROAD RESERVE - PORTION OF JAA LOT 703 (PLAN 219619) DEAN ROAD, JANDAKOT - OWNER DEPARTMENT OF LANDS (MANAGEMENT ORDER CITY OF COCKBURN) - APPLICANT: CITY OF COCKBURN (041/001)(5516339) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- 1) request that the Minister for Lands dedicate portion of JAA Lot 707 Plan 219619 as road reserve pursuant to Section 56(1) of the Land Administration Act 1997; and
- 2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting the request in (1) above.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 8/0

Background

Lot 707 is the subject of a Crown Reserve 45308. Reserve 45308 (Yarra Vista Park) has a Management Order to the City of Cockburn for the purpose of Public Recreation. The reserve consists of native trees and shrubs with a small grassed park and children's playground. The total area of the reserve is 2.5974ha

As part of the current Berrigan Drive Jandakot Road intersection works currently underway, there is a need to dedicate a portion of Reserve 45308 as road reserve.

Submission

NA



Report

Nearing completion, the Berrigan Drive Improvement Works Project has necessitated an excision of 1204 square metres from Reserve 45308. The road widening contains new road pavement where Dean Road intersects with the redesigned Berrigan Drive.

The area only represents 4.6% of the reserve. Although both the Recreation Reserve and Road reserves are management by the City of Cockburn, the road widening will include services including a new water main that connects the new developments at Jandakot Airport. Water Corporation requires that this water main be on a standard alignment from the new boundary. The road widening is vested pursuant to Section 56 of the Land Administration Act 1997. The Act stipulates that this action can only be undertaken by the Local Government.

Land to be dedicated as road reserve per Section 56 of the LAA can be one of three different forms. The subject land falls into sub-section (1)(a) and (1)(b) being land that has been acquired for use by the public, has been constructed and maintained to the satisfaction of the local authority.

The Department Lands have advised that a road dedication request pursuant to Section 56 of the Land Administration Act 1997 requires a Council resolution that includes an indemnification to the Minister for Lands against reasonable costs incurred in considering and granting the request.

Following Council's resolution, the request will be forwarded to the Department of Lands. They will then instigate a process whereby the dedication will proceed and the road will be dedicated as road reserve.

Strategic Plan/Policy Implications

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres
- Improve connectivity of transport infrastructure

Budget/Financial Implications

N/A

Legal Implications

Provisions of the Land Administration Act 1997.



Community Consultation

N/A

Risk Management Implications

Given that the road widening area only represents 4.6% of the Public Recreation Reserve 45308 there is minimal risk that the excision will impact on the functionality of the recreation reserve.

The risk to the City if the Council decision is to defer or not support the recommendation will be that the installation of important Water Corporation infrastructure will be delayed.

Attachment(s)

Aerial photo showing land in question and road dedication

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.5 (MINUTE NO 6076) (OCM 11/05/2017) - RECONSIDERATION OF PLANNING APPLICATION - 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) (R TRINH) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), reconsider its previous decision of refusal;
- (2) grant Planning Approval for a Change of Use 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 footnotes:

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 30 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 (12 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 Child Care 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:-
 - (1) the location, number, size and species type of existing



- and proposed trees and shrubs, including calculations for the landscaping area;
- (2) any lawns to be established;
 - (3) any existing landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments.
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 20 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 Child Care 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.

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, or with any requirements of the City of Cockburn Local Planning Scheme No. 3 or with the requirements of any external agency.
2. You are advised that a Sign Licence 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.

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



COUNCIL DECISION

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

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), having reconsidered its previous decision of refusal, refuse to grant planning approval for the proposed Change of Use (Single House to Child Care Premises) and Car Park Reconfiguration at 196 & 198 (Lots 152 & 153) Lyon Road, Aubin Grove, for the following reasons:
 1. Approval of the proposal is likely to adversely impact on the amenity of the locality as per Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 2. The lot is not capable of accommodating all necessary parking on-site.
 3. The lot size results in unreasonable setbacks of outdoor play areas to adjoining properties this is also inconsistent with the minimum lot size specified under the City's Local Planning Policy 3.1 – Child Care Centres.
- (2) notify the State Administrative Tribunal, the applicant and those individuals who made a submission of Council's decision.

CARRIED 5/3

NOTE: Cllr Smith requested her vote against the decision be recorded.

Reason for Decision

This is not the right location for a Childcare Centre; a commercial area or lot dedicated to have been a childcare centre from the start and would be better suited on a larger block where neighbours will not be affected.

Even though the number of children to be at the premises have now been reduced from 40 to 30, they are still likely to generate substantial noise, that the neighbours will be affected by daily. These neighbours bought their homes to live in peace and quiet, to be able to rest during



the day when necessary (especially when doing night shifts) and their babies or young children should be able to sleep (in peace) during the day. Having 30 children right next door to your bedroom will remove this basic human right - to rest - for the neighbours. No number of high walls can contain the noise that children create when playing outdoors.

There is a large vacant block 550m down the same road, at the corner of Lyon and Gaebler Roads, which has been specifically identified to be a perfect childcare development opportunity for several years by the owners of the land. It is a much more appropriate location, specifically given that two of the three corners there are already occupied by businesses. This large vacant block has been signposted on the large development board on the premises (facing Lyon Rd) that the block will specifically suit a childcare premise and most people in the neighbourhood knows that this block will most likely be occupied at some stage by such a centre and can make an informed decision of the proximity in which they would like to live to a childcare centre. This is a much fairer outcome to all residents who should have a choice in the peace and quiet they would like to experience at their sanctuary, which is their home.

Background

This proposal was previously refused by Council at its ordinary meeting held on the 8 December 2016 with the following resolution made:

'That Council:

- (1) refuse planning approval for a (single house to child care premises) and car park reconfiguration at 196 and 198 (Lots 152 and 153) Lyon Road Aubin Grove due to the negative amenity impact on the immediate and adjoining neighbours.*
- (2) notify the applicant and those who made a submission of Council's decision.'*

Following Council's decision to refuse the application for planning approval, the applicant exercised their right to apply for a review of the decision by the State Administrative Tribunal (SAT). The applicant's representative provided further information to the City that included revised conditions to those previously recommended by the officer. The matter proceeded to an on-site mediation session held on the 23 March 2017 between the applicant's representative, several staff and one Elected Member.

The contents of the information provided were discussed in further detail and the concerns of Council were expressed more clearly. The applicant was willing to implement extra controls and measures to satisfy the requirements of Council and reduce the amenity impact on



the immediate and adjoining neighbours. Recommendations were put forward to the applicant to consider including a parking management plan, hours of operation, number of children and comprehensive noise management. The applicant was to provide further information and suggested amended conditions by 13 April 2017 for Council to consider.

No changes to the design or operations of the Child Care Premises were proposed except for the number of children being reduced from 40 to 30. Orders made by the SAT for the application heard before Senior Member Jim Jordan on 23 March 2017 were as follows:

- (1) *'By 13 April 2017 the applicant must file with the respondent any further information and any suggested amended conditions that it would want the respondent to consider.'*
- (2) *'Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 11 May 2017.'*
- (3) *'The matter is adjourned to the Senior Member's directions list at 2pm Friday 19 May 2017.'*

Therefore, based on the above SAT orders, Council is requested to reconsider its previous decision of refusal, based on the reduced number of children proposed for the development.

Submission

N/A

Report

Proposal

The revised 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 30 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; and
 - Internal modifications to the floor plan of Lot 152 which would not be visible from the street.

Consultation

The initial 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.

The proposal was not formally readvertised however those who objected to the original proposal were contacted to advise that the matter would be reconsidered by Council.

Planning Considerations

The reduction in the maximum number of children aims to address the negative amenity impacts on the immediate and adjoining neighbours. A reduction of 10 children from 40 to 30 children is seen to reduce the impact of noise and car parking requirements. All other aspects of the proposal remain the same. The issues and concerns not mentioned in the previous reason for refusal have not been further addressed by any proposed changes.

Noise

The proposed modification to the number of children permitted at any one time will make it easier to comply with the recommendations of the acoustic report supplied with the development application. The report recommends a maximum of 28 children to be permitted in the outdoor area at any one time. Different age groups of the child care premises



will reduce the possibility of this occurring and therefore maintaining compliance with the acoustic report.

Car parking

The reduced number of children results in a reduction of 1 car parking bay required under LPS 3. This results in a total of 22 required car parking bays and 25 proposed car parking bays. These additional three car parking bays are greater than the requirements of LPS 3 and therefore maximise opportunities for parking to occur within these car parking bays at all times.

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 and noise issues and will remain consistent with the surrounding residential dwellings.

The proposal has addressed the negative impact on amenity of neighbours and it is therefore recommended that Council reconsider the decision made at the Ordinary Council Meeting held on the 8 December 2016 and approve the application, subject to the conditions contained in the recommendation.

Strategic Plan/Policy Implications

City Growth

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

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

Should Council refuse the application, it is likely that the matter will continue to progress through review of the State Administrative



Tribunal. There may be costs involved in defending the decision, particularly if legal Counsel is engaged.

Legal Implications

N/A

Community Consultation

See Consultation section of the report above.

Risk Management Implications

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

Attachment(s)

1. Location Plan
2. Site 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
11. Council Minutes 08 December 2016 for this site

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 11 May 2017 Ordinary Council Meeting.

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

Nil.



16. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

16.1 (MINUTE NO 6077) (OCM 11/05/2017) - LIST OF CREDITORS PAID - MARCH 2017 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for March 2017, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

The list of accounts for March 2017 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 list of accounts for March 2017 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.

Attachment(s)

List of Creditors Paid – March 2017.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16.2 (MINUTE NO 6078) (OCM 11/05/2017) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MARCH 2017 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Statement of Financial Activity and associated reports for March 2017, as attached to the Agenda; and
- (2) amend the 2016/17 Municipal Budget in accordance with the detailed schedule in the report as follows:

Revenue Adjustments	Decrease	15,000
Expenditure Adjustments	Increase	113,000
TF from Reserve Adjustments	Increase	(74,206)
Net change to Municipal Budget Closing Funds	Decrease	(53,794)

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 8/0

Background

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

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

- (a) *details of the composition of the closing net current assets (less restricted and committed assets);*
- (b) *explanation for each material variance identified between YTD budgets and actuals; and*



- (c) *any other supporting information considered relevant by the local government.*

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

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

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

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

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

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

Submission

N/A

Report

Opening Funds

The opening funds of \$9.27M representing closing funds brought forward from 2015/16 have been audited and the budget amended to reflect this final position.

Closing Funds

The City's closing funds position of \$45.42M was \$11.99M higher than the YTD budget forecast. This result reflects net favourable cash flow



variances across the operating and capital programs as detailed in this report.

The 2016/17 revised budget reflects an EOFY closing position of \$0.31M, down \$56k from last month.

Operating Revenue

Consolidated operating revenue of \$126.28M was ahead of the YTD budget target by \$1.78M.

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	94.22	93.14	(1.07)	95.70
Specified Area Rates	0.31	0.33	0.02	0.33
Fees & Charges	17.56	17.76	0.19	23.27
Service Charges	0.44	0.45	0.01	0.45
Operating Grants & Subsidies	8.82	8.64	(0.18)	11.11
Contributions, Donations, Reimbursements	0.80	0.51	(0.29)	0.71
Interest Earnings	4.12	3.67	(0.45)	4.87
Total	126.28	124.49	(1.78)	136.45

The significant variances at month end were:

- Rates – Part year rating was \$1.11M ahead of the YTD budget setting.
- Operating Grants & Contributions – HACC funding was \$0.32M behind YTD budget, whilst child care fee subsidies were \$0.42M ahead of YTD budget.
- Fees & Charges - Commercial leasing income at Cockburn Health & Community facility was \$0.21M behind YTD budget. South Lake Leisure Centre fee income was \$0.34M behind YTD budget.
- Interest Earnings – Investment earnings from the City's financial investments were \$0.52M ahead of the YTD budget.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$95.63M was under the YTD budget by \$2.60M.



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	36.08	35.90	(0.19)	49.78
Employee Costs - Indirect	0.57	0.72	0.14	1.41
Materials and Contracts	27.63	29.92	2.29	40.67
Utilities	3.40	3.39	(0.01)	4.70
Interest Expenses	0.48	0.48	(0.00)	0.93
Insurances	2.32	2.43	0.11	2.43
Other Expenses	6.39	6.28	(0.12)	8.48
Depreciation (non-cash)	19.80	20.02	0.22	26.83
Amortisation (non-cash)	0.82	0.89	0.08	1.19
Internal Recharging-CAPEX	(1.86)	(1.79)	0.08	(2.59)
Total	95.63	98.23	2.60	133.83

The significant variances at month end were:

- Material and Contracts - were \$2.29M under the YTD budget with the significant variances being:
 - IT & IS projects under by \$0.34M
 - Facilities Maintenance under by \$0.50M
 - Ranger & Community Safety projects collectively under by \$0.33M
 - Waste Disposal costs under by \$0.29M,
 - Child care subsidy payments over by \$0.45M.
 - Parks maintenance was \$0.36M over the YTD budget.
- Depreciation was collectively \$0.22M under YTD budget with no single asset group having a material variance.

Capital Expenditure

The City's total capital spend at the end of the month was \$69.27M, representing an under-spend of \$18.04M against the YTD budget of \$87.31M.

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	9.39	16.30	6.91	17.51	2.93
Drainage	0.39	1.00	0.60	1.61	0.10
Footpaths	0.50	0.95	0.46	1.14	0.12
Parks Infrastructure	5.82	8.03	2.21	10.61	2.00
Landfill Infrastructure	0.18	0.28	0.11	1.17	0.09
Freehold Land	0.66	1.33	0.67	1.90	0.00
Buildings	46.99	50.71	3.73	55.33	5.17
Furniture & Equipment	0.73	1.33	0.61	2.80	0.46
Information Technology	0.43	0.86	0.43	1.94	0.63
Plant & Machinery	4.20	6.51	2.31	7.80	3.30
Total	69.27	87.31	18.04	101.81	14.79

These results included the following significant project variances:

- Roads Infrastructure under YTD budget by \$6.91M – including Berrigan Drive Jandakot Improvement Works (\$3.91M), Lyon & Gibbs Signalisation and Upgrade (\$0.86M), Mayor Rd [Rockingham to Fawcett] (\$0.51M), Gibbs & Liddelow Roundabout (\$0.36M) and Beeliar Drive [Spearwood to Stock] (\$0.21M).
- Drainage Infrastructure – works program was collectively \$0.60M behind the YTD budget of \$0.89M with several projects behind or not yet started.
- Footpath Infrastructure – the footpath construction program was collectively \$0.46M behind the YTD budget with several projects behind or not yet started.
- Parks Infrastructure – the capital program was behind the YTD budget by \$2.21M with CY O'Connor Improvements (\$0.33M), Coogee Beach master plan (\$0.25M), Dixon Reserve works (\$0.24M) and Jarvis Park landscaping (\$0.24M) the significant contributing projects.
- Freehold Land – various land acquisition & development projects were collectively \$0.67M behind the YTD budget with lot 915 Goldsmith (\$0.27M) the main contributor.
- Buildings – collectively \$3.73M behind YTD budget with Cockburn ARC (\$2.57M) and Community Men's Shed (\$0.47M) behind YTD.
- Furniture & Equipment – was \$0.60M behind YTD budget consisting of the fitout of the Cockburn ARC.
- Information Technology – was collectively \$0.43M under YTD budget due to a number of under spent software and website projects.
- Plant & Machinery – replacement program was behind YTD budget by \$2.31M, with most items representing this variance being on order 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:

- Capital grants were \$1.59M behind YTD budget mainly due to timing issues for Cockburn ARC state and federal grants (\$1.6M).
- Transfers from financial reserves were \$4.55M behind the cash flow budget due to the capital program under spending for buildings, parks, plant and roads (timing issue).
- Proceeds from the sale of assets were \$2.14M behind the YTD budget comprising of land (\$1.67M) and plant (\$0.51M).
- Developer contributions plan contributions were collectively behind YTD budget by \$0.81M and \$3.45M of partner contributions for the Cockburn ARC project were outstanding.

Transfers to Reserve

Transfers to financial reserves were \$1.90M behind the YTD budget mainly due to unrealised land sales of \$1.67M.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$147.62M (down marginally from \$147.87M). The final rates instalment due in March helped sustain the cash balance this month.

\$98.13M of this balance represents the current amount held for the City's cash/investment backed financial reserves. The balance of \$49.49M is available to meet operational liquidity needs (up slightly from \$47.59M last month).

Investment Performance, Ratings and Maturity

The City's investment portfolio made a weighted annualised return of 2.75% for the month, decreased from 2.80% last month and from 2.83% the month before. However, this still compares quite favourably against the UBS Bank Bill Index (1.98%) and has been achieved through careful management of the City's cash flow requirements. The cash rate was most recently reduced 25bp to 1.50% at the August 2016 meeting of the Reserve Bank of Australia and this reduction has since impacted the investment rates achieved for new deposits.

However, the City's interest revenue from investments to March was ahead of the YTD budget target by \$0.52M. This was primarily due to



the retention of a large investment pool, as capital outflows have been somewhat delayed. Also assisting this result was a conservative budget setting anticipating more rate cuts.

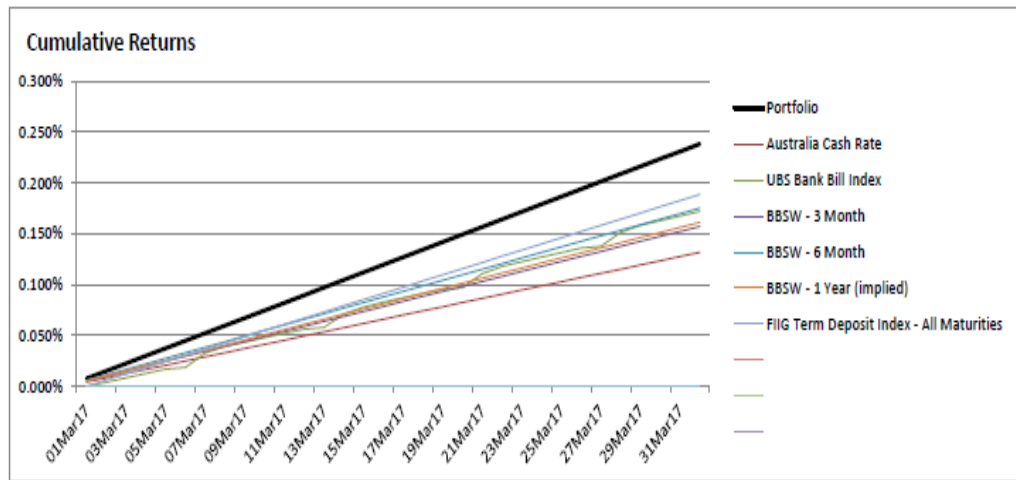


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments were held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian and foreign owned banks. These were 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 decreased marginally from 35% to 33% during the month (flowing into the A-1 category). The amount invested with A-2 banks was 50% (down from 51%), comfortably below the policy limit of 60%:

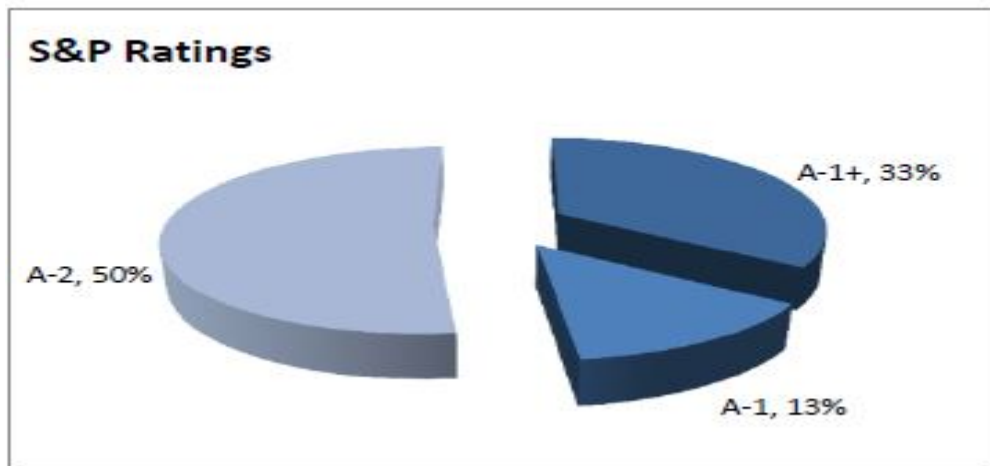


Figure 2: Council Investment Ratings Mix



The current investment strategy seeks to secure the highest possible rate on offer (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within the 3-12 month investment range.

The City's TD investment portfolio currently has an average duration of 153 days or 5 months (little changed from 154 days last month) with the maturity profile graphically depicted below:

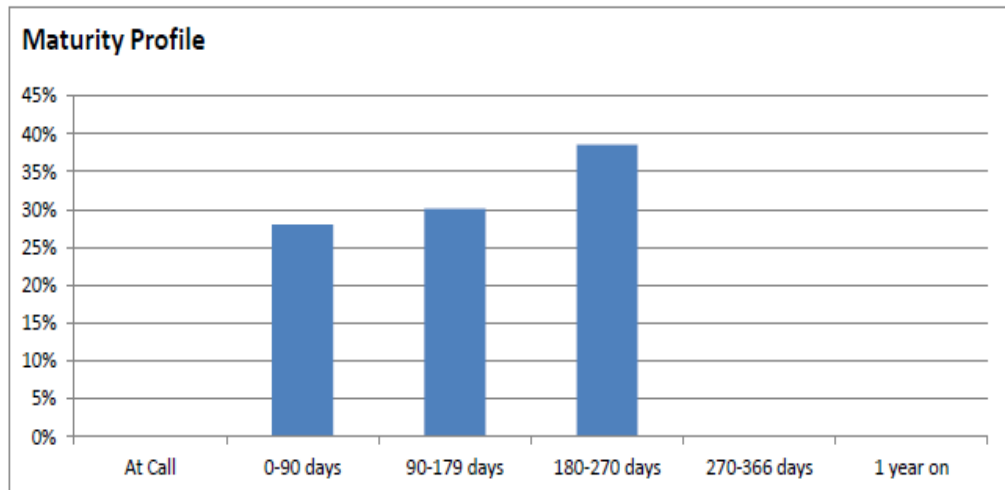


Figure 3: Council Investment Maturity Profile

Investment in Fossil Fuel Free Banks

At month end, the City held 55% (\$78.16M) of its TD investment portfolio with banks deemed as free from funding fossil fuel related industries. This was slightly down from 56% 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 \$
Operations CCTV room facility upgrade (funded from Community Surveillance Levy Reserve)	40,000		(40,000)		
Purchase 3 x Plotters (funded from Plant Replacement Reserve)	43,000		(43,000)		
Demolition of naval base shack (funded from Naval Base Shack Removal Reserve)	15,000		(15,000)		
Lease lot 104 Cockburn Central (treated as revenue instead of	15,000			15,000	(30,000)



PROJECT/ACTIVITY LIST	USE OF FUNDING + / (-)		FUNDING SOURCES (+) / (-)		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI \$
expense in MYBR)					
Adjust funding from C/Fwd Projects Reserve in MYBR			23,794		(23,794)
Totals	113,000		(74,206)	15,000	(53,794)

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).

Trust Fund

At month end, the City held \$10.85M within its trust fund. \$5.85M was related to POS cash in lieu and another \$5.00M in various cash bonds and refundable deposits.

A summary of the POS cash in lieu held follows:

<u>Suburb</u>	<u>\$</u>
Aubin Grove	845,930
Atwell	172,320
Beeliar	2,259,820
Cockburn Central	161,832
Coolbellup	167,369
Coogee	378,850



Hamilton Hill	565,254
Hammond Park	29,936
Jandakot	258,119
Bibra Lake (East)	124,374
Munster	604,164
South Lake	56,023
Yangebup	221,286
Total	5,845,276

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 2016/17 budget surplus reduced from \$366,952 last month to \$313,158 due to the \$53,794 adjustment included in this report.

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 City's budget is not adopted.

Attachment(s)

Statement of Financial Activity and associated reports – March 2017.

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 6079) (OCM 11/05/2017) - IMLAH COURT ROAD CLOSURE (160/001) (J MCDONALD) (ATTACH)

RECOMMENDATION

That Council

- (1) approve the closure of Imlah Court, Jandakot, at The Lakes Boulevard;
- (2) require the function and operation of Prinsep Road to be investigated during the 2017/18 financial year;
- (3) advise all the residents and owners of properties on Imlah Court, The Fairway, and The Lakes Boulevard of its decision.

COUNCIL DECISION

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

CARRIED 7/1

Background

For some years complaints have been received from residents of Imlah Court and The Lakes Boulevard in Jandakot about unnecessary through traffic using those local streets, rather than Prinsep Road which is a Local Distributor road connecting Berrigan Drive to the Jandakot industrial/commercial area.

The City made an attempt to address this in mid-2011 (*Refer Minute No. 4303 OCM 8/7/2010*) by installing an oval slow point on Imlah Court and a raised plateau at the northern end of The Lakes Boulevard. Despite those treatments complaints are still being received from residents about this problem and the City's ongoing monitoring of traffic confirms that the volume of traffic on these two roads continues to grow significantly.

This report proposes the closure of one end of Imlah Court to prevent through traffic and address this traffic issue permanently.



Submission

N/A

Report

The City has received community complaints about the volume and type of through traffic using Imlah Court and The Lakes Boulevard in Jandakot for some years. These roads are residential streets located between the Kwinana Freeway and Prinsep Road, which currently form a link between Prinsep Road and Berrigan Drive. Because of that connectivity, motorists travelling between Berrigan Drive and the Jandakot industrial/commercial area are using those roads as a shortcut.

To address those complaints some traffic calming treatments were installed in both roads in mid-2011 and the traffic on those roads has continued to be monitored and is summarised in the following table:

Table 1: Traffic volumes

Road	Survey date	Average Weekday Traffic (vehicles)	Heavy vehicles ¹
Imlah Court	March 2010	674	7%
	October 2015	1,007	7.2%
	October 2016	2,232	12.3%
The Lakes Boulevard	June 2013	1,187	4.9%
	October 2016	2,606	8.9%

1. Austroads Vehicle Class ≥ 3 or greater, on weekdays

Based on standard trip generation rates the combined volume of weekday vehicle traffic expected to be generated by the homes on Imlah Court, The Fairway and The Lakes Boulevard is in the order of 750 vehicles. This is only 29% of the actual volume highlighting how significant is the proportion of through traffic. The above traffic data indicates that the volume of traffic using Imlah Court has grown 331% over 5 years, although the properties on Imlah Court and The Lakes Boulevard have been almost all developed prior to that time.

That through traffic can, and should be, using Prinsep Road as a through traffic route to/from the Jandakot industrial/commercial area because Prinsep Road is classified as a Local Distributor road and therefore intended to perform that traffic carrying function. In October 2016, Prinsep Road was recorded as having an Average Weekday Traffic (AWT) volume of 2,259 vehicles which is well within the 6,000 vehicle per day suggested range for a Local Distributor road.

It is estimated that the volume of traffic on Prinsep Road, between Berrigan Drive and Imlah Court, would increase to approximately 4,100 vehicles per day if Imlah Court is closed to prevent through traffic. That is based on the redistribution of approximately 1,900 vehicle trips from Imlah Court and The Lakes Boulevard as a result of the proposed closure. That volume is still well within the 6,000 vehicles per day suggested range for a Local Distributor road. This volume is similar to the 3,700 vehicles per day already carried on Prinsep Road, between Imlah Court and Cutler Road, which includes the shortcut traffic currently using Imlah Court and The Lakes Boulevard.

The above data indicates that the traffic treatments installed in 2011 have been ineffective at discouraging through traffic from Imlah Court and The Lakes Boulevard. A road closure would be the most effective treatment to address this problem as it would force the unnecessary through traffic to use Prinsep Road, which is intended to perform a traffic carrying function.

A letter, survey form with a Reply Paid envelope and a concept plan were sent to approximately 140 residents and owners of properties on Imlah Court, The Lakes Boulevard and The Fairway, Jandakot, at the start of February seeking their feedback about closing Imlah Court at Prinsep Road. The letter and survey form are included as Attachment No. 1 to this report. The concept plan is included as Attachment No. 2.

Approximately 50% of residents/property owners responded to the survey which indicates a high level of interest in the matter. Significantly, 94% of the respondents supported the closure of Imlah Court and their comments received are included as Attachment 3.

Additional consultation was done with key external stakeholders and internally, with the City's Waste Manager in relation to potential impacts on the City's waste trucks and Manager Strategic Planning in relation to land use planning and development issues.

Very strong community support for the closure has been received and some external and internal feedback on this matter has suggested that Imlah Court be closed at The Lakes Boulevard, rather than at Prinsep Road as originally proposed. This is supported because it will still achieve the same objective of stopping unnecessary shortcut vehicle traffic on Imlah Court and The Lakes Boulevard. Pedestrian and cyclist connectivity between the two roads would be maintained. A concept plan of this revised proposal is included as Attachment No. 4.

Comments received by residents opposing the closure included:

- An increased travel time to Cockburn Central South and a preference to access Berrigan Drive via Imlah Court and Prinsep Road during peak times; and



- That the speed humps on Prinsep Road should be removed to encourage trucks to use that road, and that the same type of speed humps should be used on Imlah Court and The Lakes Boulevard.

It is anticipated the increased road capacity that will be provided by the current widening of Berrigan Drive, between the Kwinana Freeway and Jandakot Road, will make it easier for residents of The Lakes Boulevard to enter/exit that road. The removal of the speed humps on Prinsep Road is supported in-principle because of the impact of the additional traffic that will be kept on that road. This should be assessed during the 2017/2018 financial year in consultation with residents of the 19 homes along that road.

Strategic Plan/Policy Implications

Moving Around

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

Leading & Listening

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

Budget/Financial Implications

The City's current budget includes an allocation of \$55,000 for the closure of Imlah Court.

Legal Implications

The City is required to comply with Section 3.50 "Closing certain thoroughfares to vehicles" of the Local Government Act 1995 when deciding to partially or fully close a road. This part of the Act specifies the notification requirements required to be implemented when closing a road to the passage of vehicles, which has mostly been satisfied with the consultation of residents and owners of properties on Imlah Court, The Fairway and The Lakes Boulevard. These requirements will be completed by placing an advertisement about the closure in the local newspaper, at the City administration building and at the City's public libraries.

Community Consultation

Consultation has been undertaken with the residents and owners of properties along Imlah Court, The Lakes Boulevard and The Fairway, Jandakot, who are the people who would be most affected by this proposal.



Feedback has also been requested from other key stakeholders including the Jandakot Residents Association, Glen Iris Country Club, WA Police, the Department of Fire and Emergency Services, St Johns Ambulance. To date, the only response received has been a telephone call from the WA Police advising that they had no objection to the proposed closure.

Risk Management Implications

If no action is taken to address this matter then unnecessary through traffic will continue to use the residential streets of Imlah Court and The Lakes Boulevard.

Attachment(s)

1. Copy of the letter and survey form sent to residents and stakeholders.
2. The original concept plan included in the community consultation.
3. Comments received during the community consultation.
4. A revised concept plan for the closure of Imlah Court at The Lakes Boulevard.

Advice to Proponent(s)/Submissioners

All the residents and owners of properties on Imlah Court, The Fairway, and The Lakes Boulevard and key stakeholders who were included in the original consultation will be notified in writing of the Council's decision.

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

Nil.

(MINUTE NO 6080) (OCM 11/05/2017) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes extend the meeting for a period of up to 30 minutes, in accordance with Clause 4.14 of Council's Standing Orders Local Laws.

CARRIED 8/0



18. COMMUNITY SERVICES DIVISION ISSUES

18.1 **(MINUTE NO 6081) (OCM 11/05/2017) - COCKBURN AQUATIC & RECREATION CENTRE - PARKING STATION LOT 125 & 126 POLETTI ROAD, COCKBURN CENTRAL- LOCAL LAW AMENDMENT FINAL ADOPTION (154/006) (J NGOROYEMOTO) (ATTACH)**

RECOMMENDATION

That Council pursuant to section 3.12(4) of the Local Government Act 1995 proceed to make the City of Cockburn Parking and Parking Facilities Amendment Local Law 2017, as shown in the attachment to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its meeting of 9 March 2017 resolved to amend the City of Cockburn Parking and Parking facilities Local Law 2007.

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 9 March 2017 (Minute No.6040) Statewide notice was given in the 'West Australian newspaper on 10 March 2017 stating that:

- (1) *notice is hereby given in accordance with Section 3.12(3) of the Local Government Act 1995, the Council of the City of Cockburn has resolved to amend the Parking and Parking Facilities Local Law 2007.*
- (2) *the purpose of the amendment is to amend the City of Cockburn Parking and Parking Facilities Local Law 2007 to*



establish a new parking station to serve the Cockburn Aquatic Recreation Centre facility, on lots 125 and 126 Poletti Road, Cockburn central.

- (3) the effect of the amendment is to effectively control the parking for the Cockburn Aquatic Recreation Centre, to allow parking availability for patrons of the Cockburn Aquatic Recreation Centre complex.*
- (4) A copy of the proposed Local Law may be inspected and obtained at the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Libraries during office hours.*
- (5) submissions about the proposed Local Law may be made to the undersigned at the City of Cockburn by 21st of April 2017.*

Submission

No submissions have been received.

Report

The purpose of the amendments is to amend the City of Cockburn Parking and Parking Facilities Local Law 2007 to establish a new parking station to serve the Cockburn ARC facility on lots 125 and 126 Poletti Road Cockburn Central. This will allow the City to effectively control the parking for the Cockburn ARC and to allow parking availability for patrons of the Cockburn ARC complex.

The creation of a parking station will allow the City to impose restrictions on the time people park in this car park without authorisation. Within the lease agreement the Fremantle Football Club can have up to 120 car parking bays allocated to them for their staff. It is proposed that the City impose a 3 hour time limit on public parking on lot 125 and 126 Poletti Road Cockburn Central with permits for FFC and City staff for non-restricted parking periods.

Should parking become a problem with non-Cockburn ARC patrons the City will place on a future budget for consideration funds to install electronic parking monitoring devices.

This is in addition to the approximately 60 secure car parking bays the FFC have on the west side the building for its players and executive.



There are a further 30 secure car parking bays on the east side of the building that is available for City staff and also to serve as the access for rubbish trucks.

Section 3.12 of the Local Government Act 1995 contains the procedure for the making and amendment of local laws. S.3.12(4) states that:

“after the last day for submissions, the local government is to consider any submissions made and may make the local law (by an absolute majority) as proposed or make a local law that is not significantly different from what was proposed”.

Advice was received from the Department of Local Government and Communities, and incorporated into the attachment of the proposed Parking and Parking Facilities Amendment Local Law 2017.

As there were no submissions received, it is now proposed that Council resolve to adopt the proposed City of Cockburn Parking and Parking Facilities Amendment Local Law 2017.

Strategic Plan/Policy Implications

Moving Around

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

Community, Lifestyle & Security

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

Budget/Financial Implications

Minor signage and advertising will be required which can be funded from current budget allocations.

Legal Implications

Section 3.12 and 9.10 of the Local Government Act 1995 refer.



Community Consultation

State wide advertising of the proposed amendments followed by 6 weeks submission period. An advertisement was placed in the West Australian Public Notices Section on the 10 March 2017.

Risk Management Implications

The success of the Cockburn ARC is heavily dependent on patrons having ready access to parking, if they cannot find parking nearby they may well not attend the complex. The establishment of a parking station will give the City the Legal means to ensure compliance to parking regulations in the carpark. It is imperative that the parking station is legally established in time for the opening of the ARC. Failure to establish the parking stations in time for the opening of the ARC might result in ineffective and inadequate parking provisions for the centre.

Attachment(s)

Proposed City of Cockburn Parking and Parking Facilities Amendment Local Law 2017

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



18.2 (MINUTE NO 6082) (OCM 11/05/2017) - MEMORANDUM OF UNDERSTANDING - LAKELANDS RESERVE MULTI-PURPOSE RECREATION & COMMUNITY FACILITY DEVELOPMENT - (154/003) (T MOORE) (ATTACH)

RECOMMENDATION

That Council

- (1) endorses and executes the Memorandum of Understanding with the Department of Education and Fremantle Hockey Club for the development of the Lakelands Reserve Hockey and Multi-purpose Facility;
- (2) endorses and executes the funding agreement with the State Government Community and Sporting and Recreation Facilities for the development of the Lakelands Reserve Hockey and Multi-purpose Community Facility;
- (3) contributes \$4,782,068 (ex-GST) from Municipal Fund towards the development of the Lakelands Reserve Hockey and Multi-purpose Community Facility subject to receiving satisfactory evidence that the Fremantle Hockey Club has the capacity to meet its financial commitment to the capital cost of the project;
- (4) enters into negotiations with the Department of Education for the lease of a portion of lot 100 South Lake Drive to allow the City to construct a synthetic hockey surface;
- (5) seeks the approval from the Department for Lands to excise out a portion of reserve Lot 3028 to allow for construction and leasing of a portion of the multi-purpose community facilities; and
- (6) subject to (3) above the City of Cockburn in accordance with Council policy initiate the necessary steps to progress to tender for the construction of the Multi-purpose Recreation Facilities.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr B Houwen that Council adopts the recommendation, subject to amending sub-recommendation (1) by the inclusion of the following:

“subject to receipt of legal advice ensuring the protection of the City’s interests”

CARRIED 8/0



Reason for Decision

While the MoU document has been accepted in principle by each of the affected parties, it is considered prudent that the City's legal advisors review the contents of the document and provide the necessary assurance to the City of Cockburn that its interests in the matter are securely protected.

Background

In 2015/16, the Department of Sport and Recreation funded a study into the strategic location of Hockey Infrastructure across Metropolitan Perth which included detailed analysis of the feasibility of the Fremantle Hockey Club (FHC) moving to Lakelands Reserve.

At the September 2016 OCM, Council resolved the following:

That Council:

(1) submit an application to the State Government's Community Sporting and Recreation Facilities Fund (CSRFF) for the construction of club facilities for the Fremantle Hockey Club and minor sports and a Synthetic Hockey Turf on Lakelands Reserve, South Lake; and

(2) contribute \$4,032,068 (ex. GST) from the Municipal Fund towards the construction of the facilities in (1) above should the CSRFF application be successful.

Since this time, the City has received notification that it has been successful in receiving \$1.25M from the Department of Sport and Recreation. This was \$750,000 less than requested. In addition, negotiations have been completed with the Fremantle Hockey Club (FHC) and Department of Education for the development of a Memorandum of Understanding (MOU).

As such, the MOU (Attachment 1) and proposed funding model for the Lakelands Reserve development is now presented to Council for consideration

Submission

N/A

Report

The MOU contains important information related to the Project to ensure the City's interests are protected and the facility proceeds to construction in a timely manner, in accordance with Council's adopted timeframe.



Other important information contained in the MOU refers to tenancy and usage arrangements proposed for the facilities.

The proposed project includes the construction of a synthetic turf facility, two grass fields and clubrooms at Lakelands Reserve.

Overview of the proposed infrastructure and facilities is outlined below:

Synthetic Hockey Surface

- International Hockey Federation standard playing surface
- Fencing
- Competition level sports lighting

Clubroom and Community Facility

- Clubroom space
- Function space
- Kitchen/Kiosk area
- Change-rooms
- Public Toilets

The new development will be home to the FHC as well as other summer winter user groups such as cricket, lacrosse and ultimate Frisbee.

The FHC relocation would align with the stated objectives of Hockey WA, the City of Cockburn and FHC. The facility would also fill a key gap in the Department of Education's schools hockey program, providing a joint use facility in the south metropolitan area.

Strategic Plan/Policy Implications

City Growth

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

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services.
- Provide for community facilities and infrastructure in a planned and sustainable manner.
- Create and maintain recreational, social and sports facilities and regional open space.



Budget/Financial Implications

The CSRFF grant received was \$750,000 less than the \$2M which was applied for and as such should Council decide to proceed with the project; a further contribution of \$750,000 from municipal funds would be required.

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

CSRFF grant application	\$1.25 million
Fremantle Hockey Club	\$0.5 million
City of Cockburn	\$4.78 million
Total	\$6.53 million

It is proposed the City's contribution of \$4.78M is comprised of \$1.7M from Developer Contribution Plan (DCP) 13 funds and \$3.08M from municipal funds.

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

The project is proposed to occur over the course of 2 financial years, with the following expenditure amounts allocated:

2017/18 - \$4.53M
2018/19 - \$2M

Legal Implications

N/A

Community Consultation

Staff arranged for discussions with both the Education Department and FHC in relation to the MOU. Both parties have provided in principle support for the document.

In addition, FHC has provided written confirmation of their ability to fund their proposed contribution of \$500,000.



Risk Management Implications

If Council decide to not proceed with the proposed development, there is a reputational risk as the CSRFF grant of \$1.25M would have to be rejected with DSR. This could potentially impact on the City's likelihood in receiving future grants from DSR.

Attachment(s)

1. Memorandum of Understanding.
2. FHC Statement of Financial Commitment. (Provided under separate "Confidential" cover).

Advice to Proponent(s)/Submissioners

Fremantle Hockey Club and Department of Education have been advised this matter is to be considered at the Council Meeting to be held on 11 May 2017.

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

Nil.

18.3 (MINUTE NO 6083) (OCM 11/05/2017) - TENDER NO. RFT 04/2017 - BUILDING CONSTRUCTION SERVICES - COCKBURN BOWLING & RECREATION FACILITY - VISKO PARK, YANGETUP (RFT 04/2017) (P MCCULLAGH/G BOWMAN) (ATTACH)

RECOMMENDATION

That Council

- (1) accept the tender submitted by Crothers Construction Pty Ltd, for Tender No.RFT04/2017 – Building Construction Services – Cockburn Bowling and Recreation Facility – Visko Park, Yangebup for the total lump-sum contract value of \$5.557M (Ex-GST) and the additional Schedule of Rates for determining variations and/or additional services; and
- (2) carry forward Budget Account No.CW4622 – Visko Park Design and Development from the 2016/17 Budget to the 2017/18 financial year budget.



COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 8/0

Background

The project will relocate the current Cockburn Bowling Club from its 50-year-old premises on Rockingham Road, Spearwood to a new purpose built facility, with a more sustainable population catchment.

The integrated community facility will support regional sporting events, functions and commercial activities and provide regional benefit to the community and meet the specific objectives of each stakeholder.

The project includes;

- Multi purpose community facility
- 2 x synthetic bowling greens, with cover for 1
- 2 x futsal pitches
- 4 x beach volleyball courts and
- landscaped carpark (160 bays).

In accordance with the staging of the project, this report refers specifically to the multi-purpose community facility - Building Construction Services Tender RFT 04/2017. Further stages are to include the construction of the two synthetic bowling greens and the design and construction of a cover for the bowling greens.

The final stage will be delivered in 2018, with Area 5 Football Club constructing the futsal courts.

The successful Tenderer for the RFT 04/2017 is required to coordinate, supervise and interface with the specialist contractors as nominated by the City.

The proposed main Building Contract RFT/04/2017 is expected to commence in June 2017.

Tender Number RFT 04/2017 Building Construction Services – Cockburn Bowling & Recreation Facility - Visko Park, 40 Birchley Road, Yangebup WA was advertised on Saturday 11 March 2017 in the Local Government Tenders section of “The West Australian” newspaper.



The RFT was also displayed on the City's E-Tendering website between the 11 March and 19 April 2017.

Submission

Tenders closed at 2:00 p.m. (AWST) on Wednesday 19 April 2017 and Thirteen (13) tender submissions were received from:

1. Alita Constructions (Alita Enterprises Pty Ltd)
2. Badge Constructions (WA) Pty Ltd
3. Broad Construction Services (WA) Pty Ltd
4. Buildon Construction (Topend Living Pty Ltd)
5. Crothers Construction Pty Ltd
6. EMCO Building (Merym Pty Ltd)
7. FIRM Construction Pty Ltd
8. Maintenance and Construction Services (Australia) Pty Ltd
9. McCorkell Constructions (WA) Pty Ltd
10. Metrocon Pty Ltd
11. Pindan Constructions Pty Ltd
12. Q Design & Construction Pty Ltd
13. Shelford Constructions Pty Ltd

Report

Compliance Criteria

The following criteria were used to determine whether the submissions received were compliant:

Compliance Criteria	
(a)	Compliance with the Conditions of Tendering (Part 1) of this Request.
(b)	Compliance with the Specification (Part 2) contained in the Request.
(c)	Completion and submission of Form of Tender – Clause 3.1 .
(d)	Compliance with Insurance Requirements and completion of Clause 3.2.8 .
(e)	Compliance with Fixed Price and completion of Section 3.4.2 .
(f)	Compliance with and completion of the Price Schedule in the format provided in Part 4 .
(g)	Compliance with ACCC Requirements and completion of Appendix A .
(h)	Acknowledgement of any Addenda issued.

All submissions were subject to Criteria Compliance check by Procurement Services. Eleven (11) submissions were deemed compliant and were evaluated by the Panel.



The submissions from Buildon and Q Design were deemed non-compliant by the Evaluation Panel, following recommendation from Procurement Services, for failing to comply with the Conditions of Tendering as defined within Part 1 of the RFT document.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	20%
Tenderer's Resources	10%
Methodology	10%
Sustainability	10%
Tendered Price – Lump Sum	50%
TOTAL	100%

Tender Intent/ Requirements

The City is seeking the services of a suitably qualified, experienced and licenced building construction Contractor to undertake the construction of the Principal's new Cockburn Bowling and Recreational Club (CBRC) facility located at Visko Park, Birchley Road Yangebup, Western Australia.

RFT 04/2017 - Building Construction Services includes:

- commercial kitchen,
- member lounge/ dining and bar area,
- large function room with demountable staging,
- meeting room,
- change rooms, storage facilities, offices for sporting clubs,
- toilets,
- landscaped carpark (160 bays),
- CCTV cameras,
- beach volleyball courts including lighting and seating and
- associated civil works.

Evaluation Panel

The tender submissions were evaluated by:

1. Peter McCullagh (Chair) – Project Manager Infrastructure Services
2. Don Green – Director, Governance & Community Services
3. Gail Bowman (SBMG Rep) – Manager, Community Development
4. Graham Nash – Consultant - Savills Project Management



Probity: Stephen White - Contracts Officer - Procurement Services

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	50%	50%	100%
<i>Crothers Construction Pty Ltd**</i>	33.93%	49.38%	83.31%
McCorkell Constructions (WA) Pty Ltd	33.26%	50.00%	83.26%
Merym Pty Ltd (EMCO)	34.49%	47.40%	81.89%
Broad Construction Services (WA) Pty Ltd	34.46%	47.26%	81.72%
Badge Constructions (WA) Pty Ltd	34.23%	45.42%	79.64%
Pindan Constructions Pty Ltd	35.15%	44.13%	79.28%
Shelford Constructions Pty Ltd	30.63%	47.03%	77.65%
FIRM Construction Pty Ltd	33.65%	41.67%	75.32%
Alita Enterprises Pty Ltd	31.63%	40.77%	72.39%
Maintenance & Construction Services (Australia) Pty Ltd	30.08%	40.42%	70.49%
Metrocon Pty Ltd	26.86%	43.07%	69.93%

**** Recommended Submission**

Evaluation Criteria Assessment

Demonstrated Experience

McCorkell Constructions and Crothers Construction demonstrated that they have relevant Local Government recreation, community and civic facility construction experience of a similar size to this project.

Other Tenderers were considered to have a satisfactory level of experience with sufficient key personal skills and experience.



Tenderer's Resources

Crothers Construction demonstrated it has experienced, qualified and available key personnel and the resources to deliver this project within the required time frame and quality standards.

Other Tenderers provided similar resources to complete the required works.

Methodology

Crothers Construction comprehensively detailed their methodology and an understanding of the works. Their methodology included a shortening of the construction works programme by three (3) months and are available to start immediately.

Broad scored highest in this criterion providing specific information and construction sequencing.

Pindan provided a detailed construction management plan as part of their submission.

Other Tenderers provided a varied level of understanding of the project with some Tenderers providing generic construction methodology rather than outlining their understanding of this specific project.

Sustainability

Crothers Construction providing sufficient information for this criterion. Other Tenders provided a satisfactory to low level of understanding of social sustainability practices.

Summation

All compliant Tenders are considered to have the capacity to meet the City's requirements as detailed in the Specifications with varied levels of compliance to the General and Special Conditions of Contract as stated in the tender document. Most Tenderers have the experience and capability to deliver this type of project.

Crothers Construction and McCorkell Constructions scored the best overall across all criteria. However, McCorkell Constructions provided a longer programme duration with qualifications. Crothers Construction Pty Ltd provided the best overall assessment against the selection criteria.

Referees were consulted from both the local government and private sector. All information gathered considered Crothers Construction



efficient and capable of delivering to the programme, budget and quality expected of the City.

The tender submitted by Crothers Construction is considered to be the most advantageous for the City and therefore the Evaluation Panel recommends that the contract be awarded to Crothers Construction.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

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 current Capital Works budget allocation (CW4622) for 2016/17 and 17/18 is \$7.3M which includes planning, design and construction of the Cockburn Bowling & Recreation Club.

Current uncommitted funding is \$7.15M for the 2017/18 financial year and is sufficient for the appointment of the Main Building Works Contractor at a cost of \$5.557.M.

An independent financial risk assessment is currently being undertaken and will be available for the Council meeting.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

Community Consultation

N/A

Risk Management Implications

If the recommendation is not approved there is a "Moderate" level of financial risk for the project not meeting the requisite Commonwealth Government grant funding milestone.



Attachment(s)

The Consolidated Evaluation Panel Score Sheet including Tendered prices is provided under separate confidential cover.

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 May 2017 Ordinary 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

Nil

23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil



24. CONFIDENTIAL BUSINESS**24.1 (MINUTE NO 6084) (OCM 11/05/2017) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 30 MARCH 2017 (027/002) (S CAIN) (ATTACH)****RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance & Senior Staff Key Projects Appraisal Committee Meeting held on Thursday, 30 March 2017, and adopt the recommendations therein.

COUNCIL DECISION

MOVED Cllr C Terblanche SECONDED Cllr S Portelli that the recommendation be adopted.

CARRIED 8/0

Background

The Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee met on 30 March 2017. 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

- A responsive, accountable and sustainable organisation.
- A skilled and engaged workforce.

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 30 March 2017 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 May 2017 Ordinary Council Meeting.

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

Committee Minutes refer.



25 (MINUTE NO 6085) (OCM 11/05/2017) - 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 C/r B Houwen the recommendation be adopted.

CARRIED 8/0

26 (OCM 11/05/2017) - CLOSURE OF MEETING

Meeting closed at: 9.02PM





Our Ref: D01533

Lorenzo Santoriello
City of Cockburn
stratplanning@cockburn.wa.gov.au

Dear Mr Santoriello

RE: LOT 29 (NO. 137) BARFIELD ROAD, HAMMOND PARK – STRUCTURE PLAN

I refer to your letter received by the Department of Fire and Emergency Services (DFES) dated 28 February 2017 regarding the submission of a Bushfire Management Plan (BMP) prepared by Strategen revision No.1 for the above structure plan.

DFES provide the following comments with regard to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines).

Assessment

1. Policy measure

- i. Policy measure 6.3 of SPP3.7 and the relevant policy requirements apply.

2. Policy measure 6.3 a) (i) Preparation of a BAL Contour Map

Issue	Assessment	Action
Incorrect methodology for BHL	The BHL assessment in Figure 4 does not apply the correct methodology as per the Guidelines. Areas of Class D Scrub need to apply an extreme-BHL rating.	Modification required.
BAL ratings cannot be validated	The BAL ratings applied to the southern boundary cannot be validated for the reason(s) outlined in the table below.	Modification required.

3. Policy measure 6.5 c) Non-compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Siting and Design	A2.1 - does not comply As per the Guidelines, Asset Protection Zones are required to be contained solely within the boundaries of the site area except in circumstances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity. Given there is no mechanism to enforce a low-fuel state on the adjacent lot to the south of the site, the BAL Contours need to reflect the actual separation distances to the classified vegetation. The BMP should discuss alternative mechanisms for	Modification required.

	avoiding the creation of Lots in BAL-40 and BAL-FZ such as staging development post hazard removal.	
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Recommendation – insufficient information

DFES has assessed the proposal and accompanying BMP, and has identified a number of critical issues that need to be addressed before the DFES can support the structure plan.

It is recommended that the proposal be deferred pending receipt of the additional information identified in the table(s) above.

Should you require further information, please contact me on telephone number 9482 1761.

Yours sincerely



Sandeep Shankar
LAND USE PLANNING OFFICER

3 May 2017



Our Ref: D01539

Lorenzo Santoriello
City of Cockburn
stratplanning@cockburn.wa.gov.au

Dear Mr Santoriello

RE: LOT 107 & 108 WATTLEUP ROAD, HAMMOND PARK – STRUCTURE PLAN

I refer to your letter received by the Department of Fire and Emergency Services (DFES) dated 27 February 2017 regarding the submission of a Bushfire Management Plan (BMP) prepared by Emerge Associates Version B for the above structure plan.

DFES provide the following comments with regard to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines).

Assessment

The following policy measures of SPP3.7 and the relevant policy requirements apply:

1. Policy measure 6.3 a) (ii) Preparation of a BAL Contour Map

Issue	Assessment	Action
Vegetation classification	It is unclear what enforceable mechanism is in place to ensure vegetation on Lot 403 is managed in perpetuity to 'low-threat' vegetation.	Provide justification of approved mechanism to demonstrate treatment of this area as an Exclusion as per AS3959.
	The post-development site conditions – Vegetation Classification in Figure 8 are not accepted by DFES. Specifically, the classified vegetation to the west and south of the site whilst being subject to future subdivision design does not trigger any time consideration for vegetation clearing and therefore does not apply the worst-case scenario as per AS 3959 and cannot be excluded from classification.	Apply the worst-case scenario when classifying vegetation and apply the appropriate BAL ratings as per AS 3959.
BAL ratings cannot be validated	The BAL ratings applied to the western and southern boundary cannot be validated for the reason(s) outlined above.	Modification required.

2. Policy measure 6.3 c) Non-compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Siting and Design	A2.1 - does not comply As per the Guidelines, given there is no mechanism to enforce a low-fuel state on the adjacent lots to the south and west of the site, the BAL Contours need to reflect the actual separation distances to the classified vegetation. The BMP should discuss alternative mechanisms for avoiding the creation of Lots in BAL-40 and BAL-FZ such as staging development post hazard removal.	Modification required.

Recommendation – insufficient information

DFES has assessed the proposal and accompanying BMP, and has identified a number of critical issues that need to be addressed before the DFES can support the structure plan.

It is recommended that the proposal be deferred pending receipt of the additional information identified in the table(s) above.

Should you require further information, please contact me on telephone number 9482 1761.

Yours sincerely



Sandeep Shankar
LAND USE PLANNING OFFICER

5 May 2017