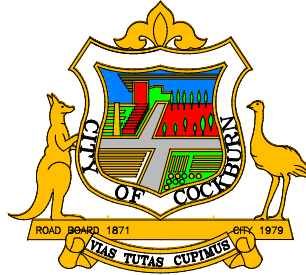


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 8 JUNE 2017

These Minutes are subject to Confirmation

Presiding Member's Signature

Date: 13 July 2017

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 JUNE 2017 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs L Sweetman	-	Councillor
Dr C Terblanche	-	Councillor (Dep. 8.58 pm)
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J Ngoroyemoto	-	Governance & Risk Management Co-ordinator
Ms M Nugent	-	Media & Communications Officer
Mrs B. Pinto	-	Executive Assistant to Directors – Fin. & Corp. Services/Gov. & Comm. Services

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.03 pm and welcomed all those present.

Mayor Howlett acknowledged the Noongar people who are the Traditional Custodians of this Land. He also paid respect to the Elders, both past and present, of the Noongar Nation and extended that respect to other Indigenous Australians who may be present.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



3. DISCLAIMER (Read aloud by Presiding Member)

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

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

Nil

5 (OCM 08/06/2017) - APOLOGIES AND LEAVE OF ABSENCE

Dep. Mayor Carol Reeve-Fowkes	-	Apology
Clr Kevin Allen	-	Apology
Clr Philip Eva	-	Apology

6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

6.1 (MINUTE NO 6086) (OCM 08/06/2017) - REQUEST FOR LEAVE OF ABSENCE - CLR CHAMONIX TERBLANCHE (083/005) (D GREEN)

RECOMMENDATION

That Council grant leave of absence to Clr Chamonix Terblanche for the period 28 June 2017 to 18 October 2017, inclusive.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Smith that Council not consider the request for Leave of Absence at this time.

CARRIED 7/0

Reason for Decision

After further consideration and advice from Centrelink, Cr Terblanche does not wish to apply for Leave of Absence at this time.



Background

By email received 1 June 2017 Clr Terblanche has requested leave of absence from Council duties for the period 28 June 2017 to 18 October 2017.

Submission

N/A

Report

Council may, by resolution, grant leave of absence to a member. Approval is recommended on this occasion.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

Sec.2.25(1) of the Local Government Act, 1995 refers.

Community Consultation

N/A

Risk Management Implications

There are no risk implications associated with this request.

Attachment(s)

Email notification from Clr Terblanche.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8 (OCM 08/06/2017) - PUBLIC QUESTION TIME

Lara Kirkwood, Aubin Grove

Q1 Can Council please advise why it doesn't have a consistent approach to what issues it consults on, and what it considers to be "representative" feedback? For instance, why did Council consider 487 people to be a "representative" response for the Community Safety Crime Prevention Strategy (CSCP) consultation in 2014, when it's pushing to get more than 2500 votes for the shark net at Coogee Beach and has publically stated on its facebook page that "we want to get a solid number of people involved in our community consultations as these are reported back to Council"? I note that in this instance, more than 99% of votes are for keeping the shark net.

A1. In 2016, Council made a conscious decision to improve its community engagement processes by hiring a full – time Community Engagement Officer. This has led to some new initiatives, such as the on – line tool "Comment on Cockburn" which proactively enables community opinion to be sourced on current issues related to the City of Cockburn. In addition, Council Policy SC2 "Community Engagement" will be reviewed during 2017 to incorporate any identified improvements to current engagement strategies.

Q2. Can you please advise the process that Council intends to apply to choose whether or not to keep the shark net, once the consultation period has closed?

A2. Once the consultation period closes, a Report to Council will be prepared, which will include the results of the consultation process and a recommendation on whether the Shark Net should remain.

Q3. Can you please advise what consultation methods will be used to renew or replace the CSCP Strategy when it expires in 2018?

A3. It is likely that a similar consultation process will be used to collate community opinion on the CSCP Strategy next year, in addition to seeking input from direct stakeholders, such as Neighbourhood Watch Managers, WA Police and Resident Groups.



Q4. Can you please advise how long the Wilson Contract is for to provide CoSafe services, and if it has any extension clauses?

A4. The Wilson Contract for CoSafe expires on 30 June 2018 and has two 12 month options to extend up to a maximum period of 30 June 2020.

Q5. How much did CoSafe cost for the 2015/2016 financial year?

A5. \$2,563,450 - \$2.1M was direct costs and \$400,000 was overheads.

John Schaffer, care of Urbanstone

Item 15.11 – Final Adoption of Proposed Scheme Amendment No.112; Lots 701, 702 and 703 Jandakot Road, Jandakot

Q1. Mr Schaffer requested for Councillors to take into consideration the economic impacts of Amendment No.112 and the security of 100 jobs?

A1. The matter is on tonight's Agenda and will be deliberated at the appropriate time.

Michael Separovich, Spearwood

Item 20.1 – Community Poll – Roe Highway Stage 8

Q1. Would the Council consider doing a survey on whether to do a survey on whether to build Roe 8 or not?

A1. It would not be administratively efficient to do a survey on a survey.

Ray Woodcock, Spearwood

Q1. The pontoon that was moved south of the Coogee Beach Jetty for maintenance, when it is returned will it have a slide back on it as it was three seasons back?

A1. The pontoon that did not have the slide will remain as is. The new pontoon that was installed does have a slide.

Q2. If Council can donate \$25,000 to the Professional Women's Football Club (the Dockers), why cannot there be a slide on that pontoon?

A2. The new pontoon with the new improved slide was more than



sufficient for the needs but the City can certainly have a look to see if an additional slide is needed.

Mayor Howlett requested Mr Woodcock to send an email to the Ward Councillors with this request so that the process can be completed administratively.

Q3. The financial accounts of the 31 January 2016, there is a credit card payment of \$57,257.20. Mr Woodcock requested if he could get a breakdown of the credit card payment?

A3. That is a summary payment for the credit cards for purchases on cards held by various officers in the City. A check will be undertaken to find out what is included and advise Mr Woodcock accordingly.

9. CONFIRMATION OF MEETING

9.1 **(MINUTE NO 6087) (OCM 08/06/2017) - MINUTES OF THE ORDINARY COUNCIL MEETING - 11 MAY 2017**

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday, 11 May 2017, as a true and accurate record.

COUNCIL DECISION

MOVED Clr B Houwen SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 7/0

10 (OCM 08/06/2017) - DEPUTATIONS

- Peter Betz, Applicant on behalf of Rotto Investment Pty Ltd in relation to Item 15.1 – Childcare Premises- 67 Stratton Street, Hamilton Hill.
- Sharnie Stuart, CADDs Group and Alan Moody (Owner) in relation to Item 15.2 – Modification to Planning Approval for Health Studio.
- Abby Kovacich and Simon Digjan 24R Paulik Way, Hamilton Hill in relation to Item 15.2 – Modification to Planning Approval for Health Studio.



CLR PORTELLI LEFT THE MEETING AT 7.51PM AND RETURNED AT 7.52 PM

- Denise Tyler-Hare, Pritchard Francis and Tony Beamish (Owner) in relation to Item 15.3 - Subdivision Retaining Walls, Lot 9010 Fawcett Road, Munster.
- Matt Roepen, 14 Ingrilli Court, Munster in relation to Item 15.3 – Subdivision Retaining Walls, Lot 9010 Fawcett Road, Munster.
- Martin Donnelly, 16 Ingrilli Court, Munster in relation to Item 15.3 – Subdivision Retaining Walls, Lot 9010 Fawcett Road, Munster.

CLR BART HOUWEN LEFT THE MEETING AT 8.24 PM AND RETURNED AT 8.26 PM

- Joel Gajic, Aurecon Australasia in relation to Item 15.4 – Telecommunications Infrastructure, 25 Harper Road, Banjup.
- John Condon, 57 Harper Road, Banjup representing a group of residents in relation to Item 15.4 – Telecommunications Infrastructure, 25 Harper Road, Banjup.
- Mr Dan Franklin, President of Banjup Residents Group and Mr Malcolm Wilcox on behalf of landowners in relation to Item 15.11 - Final Adoption of Proposed Scheme Amendment No.112.

Mayor Howlett thanked all those who made their deputations.

11. PETITIONS

Nil

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

Nil



13 (OCM 08/06/2017) - DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Clr Lee-Ann Smith declared that she had not given due consideration to the report pertaining to Item 17.1 – Tender No.RFP 11/2017 – Greenwaste Decontamination Plan – Design, Fabrication, Installation, Testing & Commissioning.

AT THIS POINT IN THE MEETING, THE TIME BEING 8.57 PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

14.2	15.1	16.1	18.1
	15.2		
	15.4		
	15.5		
	15.6		

14. COUNCIL MATTERS

14.1 (MINUTE NO 6088) (OCM 08/06/2017) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 18 MAY 2017 (182/001; 182/002; 086/003) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 18 May 2017 and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0



Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 18 May 2017. The Minutes of the meeting are required to be presented.

Submission

N/A

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders. The primary focus of this meeting was to review the Delegated Authorities pursuant to the Local Government Act and Extraneous to the Local Government Act.

In addition, those Delegated Authorities, Policies and Position Statements which were required to be reviewed on an as needs basis have also been included.

Strategic Plan/Policy Implications**Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes.
- Ensure sound long term financial management and deliver value for money.
- Listen to and engage with our residents, business community and ratepayers with greater use of social media.

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

As contained in the Minutes.



Risk Management Implications

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

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 18 May 2017.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (MINUTE NO 6089) (OCM 08/06/2017) - MINUTES OF THE COCKBURN COMMUNITY EVENTS COMMITTEE MEETING - 16 MAY 2017 (152/010) (M LA FRENAIS) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Cockburn Community Events Committee Meeting held on Tuesday, 16 May 2017 and adopts the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 7/0

Background

Council is required to determine the Calendar for the 2017/18 events season, as per Budget Policy SC34, which states a “Provisional allocation for Community Events is to be a maximum of 1.0% of Rates Revenue. Council is to approve the calendar of events.”

The Community Events and related expenses below are funded from



this budget. Any other City run events are funded from separate budgets.

The Events team has developed the following proposal for the 2017/18 program of events, based on:

- A review of the 2016/17 season
- Feedback from surveys
- Staff de-brief of the events
- Feedback from people at events and on social media

It is necessary to consider the calendar early in the financial year (July), because:

- It is preferable that marketing for the season commences in September (Fur Run). Therefore adequate time is required for marketing material to be produced in advance.
- October-November Events are included in Cockburn Soundings October edition, which is prepared in August.

Corporate Communications will apply to Health Way and Lottery West for funding for the 2017/18 season. Council needs to have determined the season of events before applications are submitted. These applications require around four months lead-in time and then adequate time to feature these organizations on promotional material should a sponsorship agreement dictate.

Submission

N/A

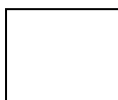
Report

Proposed 2017 – 2018 Events

Below is the proposed calendar of events. This includes events for the coming financial year and their related budget.

Event Name Location	Date	Budget ex. GST	Comments
<i>Fur Run</i>	24 September 2017	OP 8992 \$9,000	Encourage healthy dogs and provide information for dog owners. Manning Park
<i>Seniors Social Evening 3 (2017)</i>	September 2017	OP 9492 \$12,000	Different theme; entertainment, buffet meal, raffles & prizes.

Event Name Location	Date	Budget ex. GST	Comments
			5.30pm – 11pm. Dalmatinac Club Tickets \$10.00.
<i>Side Splitter</i>	28-29 October and 4-5 November 2017	OP 8854 \$25,000	Comedy festival to be held at Memorial Hall. Includes a 16+ free comedy workshop.
<i>Teddy Bears Picnic</i>	25 October 2017	OP 9307 \$27,000	10am - 1pm Entertainment and rides free for pre-school kids, activities, amusements, arts, parenting information. Manning Park
<i>Christmas on the Green</i>	9 December 2017	OP 9460 \$33,000	Christmas at MacFaull Park.
<i>Australia Day Coogee Beach Festival</i>	26 January 2018	OP 9107 \$83,000	8am – 12am. Free sausage sizzle, free rides, entertainment, family activities. Coogee Beach Reserve.
<i>Community Concert</i>	February 2018	OP 9476 \$160,000	Cockburn ARC Legacy Park, 7pm – 10pm.
<i>Coogee Live</i>	March 2018	\$160,000	Coogee Coast, 3pm – 10pm daily (Friday – Sunday).
<i>Cultural Fair</i>	7 April 2018	OP 9108 \$46,000	Harmony Oval Harvest Lakes. Flavours of Cockburn theme. Have stalls selling a mixture of cuisines. Gourmet food and cooking demonstrations as well as arts and crafts. Final of “Cockburn’s Got Talent”.
<i>Seniors Social Evening 1 (2018)</i>	May 2018	OP 8855 \$12,000	Different theme; entertainment, buffet meal, raffles & prizes. 5.30pm – 11pm. Dalmatinac Club Tickets \$10.00.
<i>Seniors Social Evening 2 (2018)</i>	July 2018	OP 8856 \$12,000	Different theme; entertainment, buffet meal, raffles & prizes. 5.30pm – 11pm. Dalmatinac Club. Tickets cost



Event Name Location	Date	Budget ex. GST	Comments
			\$10.00 to purchase.
<i>Marketing, research, detailed concept and Insurance for the major events plus miscellaneous</i>		OP9021 \$125,000	Marketing for all events, insurance and miscellaneous expenses which may include research.
<i>Pop up events x 3</i>	TBA to fit in with reserve availability and other events	OP 8857 \$10,500	Simple pop up art and music with coffee and stall food offering. Various locations.
Total		\$714,500	

In 2017/18, it is proposed that the events calendar program follows a new format in terms of introducing a new event and reducing the number of concerts to one.

Dates have been considered in light of key events around Perth that are currently known, such as sporting events and community events, as well as other City of Cockburn events, which the City supports.

The recommendation is that the City continues with one bigger concert to be held at Cockburn Central, Legacy Park and introduces one major arts and cultural light festival, domiciled as "Coogee Live", along the Cockburn Coast.

The choice of artists to be sourced for the concert can be found in the Events Committee minutes attached to this item.

The support act choice would be determined by the cost of the main act. It would be a local Perth band, tribute or cover band.

The City retains three seniors' evening events. The tickets currently cost the City \$45 per person and each person pays a subsidised cost per ticket, which goes towards prizes and giveaways on the night. Last year the cost was \$10.00 per ticket. It is proposed to keep the price to \$10.00 per person for 2017-18. This is based on the capacity of the Dalmatinac Club and the sale of 270 tickets. This means each ticket will cost the City \$35 per person. As the tickets are highly sought after, the process is refined each year to ensure, as far as possible, that only Cockburn residents attend and that there is a waiting list for those who miss out on the previous event.

The following events are retained in current format due to their popularity and good attendance:



- Teddy Bear's Picnic;
- Seniors Events;
- Pop Up arts and music events x 3;
- Side Splitter Comedy Festival;
- Christmas on the Green;
- Cultural Fair;
- Fur Run;
- Australia Day Coogee Beach Festival

Proposed new event 2017/2018

"Coogee Live"

- "Coogee Live" is proposed to be a three-day festival that will showcase the Cockburn Coast through creative activities such as an innovative lighting and laser display, theatre and art exhibitions, and a hawkers market.
- Letters of support from Coogee Beach Progress Association, Friends of the Community and Coogee Beach Surf Life Saving Club have been received by the City.
- Comment on Cockburn results of a survey open from 10 April-5 May;
 - 97.1% of respondents support the idea of "Coogee Live"
 - 80.8% of respondents support the City hosting one concert, instead of two, to enable "Coogee Live" to precede, 12.5% said no and 6.7% had no opinion.
 - 28.8% of respondents were from Coogee, 25.4% from Spearwood, 18.6% from North Coogee, 16.9% from Yangebup and 10.2% from Success
- Preliminary sponsorship funding yet to be finalized, however, possible contributions are:
 - \$170K (COC, \$160K events budget plus \$10K from cultural budget/grant for artists in residence program)
 - \$45K Lotterywest
 - \$45K Healthway
 - \$35K Fremantle Ports, Land Corp, Murdoch University.

If sponsorship is not gained from either Lotterywest or Healthway the event would not be able to proceed and the City will revert back to a second concert sourcing an artist from the approved list as decided by the Committee. If sponsorship was approved from Health Way and Lottery West, but not from some of the smaller organizations, the event could still proceed on a smaller scale.

Marketing /Insurance/ Research/Concept Development

The marketing plan for all events approved will include traditional advertising, use of Facebook, annual calendar, mini billboards in parks, posters and promotion at other events. New event detailed concept



design and event surveying as well as insurance is covered in this component of the budget (\$125K).

Healthway Funding

The City was successful in securing \$8,000 in sponsorship funding for the Cultural Fair and will continue to seek this partnership in 2018. Healthway have indicated that “Coogee Live” would not impact Cultural Fair funding, but it is not confirmed at this time to be the case.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Leading & Listening

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

Budget/Financial Implications

\$714,500 including marketing, event concept development and insurance is included in the draft 2017/18 budget.

Legal Implications

N/A

Community Consultation

In 2016 the Community Perceptions Survey (Catalyse) showed 89% of those surveyed were familiar with festivals, events and cultural opportunities in the City of Cockburn.

22% responded excellent, 42% responded ‘good’ and a further 25% responded ok.

Survey research was undertaken specifically for the Australia Day Coogee Beach Festival.

45% responded ‘very satisfied’ and 47% ‘satisfied’.



Survey research was undertaken specifically for the 'Success Community (Dami Im) concert in February.

47% responded 'very satisfied' and 42% 'satisfied.'

Risk Management Implications

Enabling the program to be adopted at June 2017 Council meeting is required in order to prevent a delay in booking acts, which in turn would result in information being left out of the annual City of Cockburn calendar, and preventing the events team from starting to plan the event. This represents a "Low" level of Operational / Service Disruption Risk.

The risk of not considering new events is that Council is not seen to be listening to community or market trends. This represents a "Moderate" level of Reputation Risk.

Attachment(s)

Minutes of the Cockburn Community Events Committee Meeting – 16 May 2017.

Advice to Proponent(s)/Submissioners

N/A

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

It is appropriate for Council to provide entertainment activities for its community on a free or subsidised cost basis.

15. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 15.1 (MINUTE NO 6090) (OCM 08/06/2017) - CHILD CARE PREMISES - LOCATION: 67 (LOT 64) STRATTON STREET, HAMILTON HILL; OWNER: ROTTO INVESTMENTS PTY LTD; APPLICANT: PETER BETZ (052/002) (DA17/0106) (G ALLIEX) (ATTACH)**

RECOMMENDATION

That Council :

- (1) grant Planning Approval for a Child Care Premises at No. 67 (Lot 64) Stratton Street Hamilton Hill, in accordance with the attached plans and subject to the following conditions and footnotes.



Conditions

1. No more than 90 children and 12 staff members are permitted at the Child Care Premises at any one time.
2. The hours of operation are restricted to between 6.30am to 6.30pm, Monday to Friday, 8.00am-4.00pm on Saturdays and not at all on Sundays and Public Holidays.
3. Prior to the issue of a Building Permit, a detailed colour and materials schedule shall be submitted to and approved by the City and this includes all fencing. The approved schedule shall then be implemented to the satisfaction of the City.
4. Prior to occupation of the development, landscaping (including verge landscaping and street trees) shall be installed in accordance with the approved Landscape Plan. Landscaping shall be reticulated/irrigated and maintained by the owner/occupier to the satisfaction of the City.
5. Prior to occupation of the development:
 - i. vehicle parking bays, vehicle maneuvering areas, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use to the satisfaction of the City;
 - ii. staff parking bays (bays 1-12) shown on the site plan must be clearly signed and/or marked to the satisfaction of the City;
 - iii. the entry and exits to the carpark shall be clearly signed and marked so that visitors can clearly follow the flow of traffic through the carpark; and
 - iv. the existing crossovers to Stratton Street and Forrest road shall be removed and the area reinstated and landscaped, to the City's specification and satisfaction.
6. New vehicle crossovers shall be designed and constructed in accordance with the City's requirements.
7. Prior to the issue of a Building Permit, plans shall be amended showing the access and egress into the site shall be swapped over so that access to the site is obtained from the western-most crossover onto Stratton Street.
8. A further Acoustic Report shall be submitted to and approved by the City, prior to the issue of a Building Permit, and implemented thereafter, to the satisfaction of the City.
9. Written confirmation from a recognised acoustic consultant



that all recommendations made in the Acoustic Report prepared by Norman Disney & Young (dated 11 May 2017) and the further Acoustic Report required under condition 8 have been incorporated into the proposed development, shall be submitted to the City at the time of lodgement of the Building Permit Application.

10. The builder shall provide written confirmation that the requirements of the Acoustic Report referred to in condition 8 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
11. 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.
12. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
13. All stormwater shall be contained and disposed of on-site.
14. All plant and equipment (such as air conditioning condenser units and communications hardware etc.) shall be screened so as not to be visible from the street or adjoining properties.
15. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
16. Prior to occupation of the development, the street number shall be clearly displayed on the façade of the building and displayed in perpetuity to the satisfaction of the City.
17. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
18. The site must be connected to reticulated sewerage prior to



the commencement of the use hereby approved.

19. All waste and recycling materials must be contained within bins and the bin store shall comply with the following standards:
 - i. walls constructed of smooth, impervious, solid material at a height of not less than 1.8m; and
 - ii. a floor of not less than 76mm thickness, constructed of impervious concrete graded to a 100mm industrial floor waste connected to sewer and charged with a hose cock.
20. Prior to the issue of a Building Permit, a Construction Management Plan (CMP) shall be submitted to and approved by the City.
21. 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.
22. A separate application for all signage shall be submitted to, and approved by the City prior to the erection of any signage on site.

FOOTNOTES

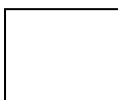
1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Local Planning Scheme No. 3, or the requirements of any other external agency.
2. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise)*.
3. Access and facilities for persons with disabilities is to be provided in accordance with the requirements of the National Construction Code.
4. The applicant is advised approval is to be obtained from the Commonwealth Department of Family and Community Services.
5. A copy of the licence from the Child Care Services Board to be provided to the City's Manager, Environmental Health.
6. With reference to Condition 4, the street trees installed shall



be to the satisfaction and specification of the City.

7. With reference to Condition 6, you are advised to contact the City's Engineering Services on 9411 3554 for further information regarding the City's crossover requirements.
8. With reference to Condition 13, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to 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.
9. If an odour detected at an adjacent premises is deemed to be offensive by the City, then any process, equipment and/or activities that are causing the odour shall be stopped until the process, equipment and or activity has been altered to prevent odours to the satisfaction of the City.
10. If dust is detected at an adjacent premises and is deemed to be a nuisance by an Environmental Health Officer, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City's Manager of Health Services.
11. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, and the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application. Refer to attached application form.
12. All food businesses must 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 must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans to are to include details of:



- (i) the structural finishes of all floors, walls and ceilings;
 - (ii) 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
 - (iii) 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.
 - (iv) these plans are to be separate to those submitted to obtain a Building Licence
13. All food handling operations must 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 must 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.
14. 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.
- (2) notifies the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 7/0



Background

Site Description

The subject site is 1978m² in area and has frontage to three roads being Forrest Road to the south, Carrington Street the east and Stratton Street to the north. The site abuts two existing residential dwellings to the west. The site currently contains two dwellings, detached garages, small outbuildings, minimal vegetation and crossovers to Stratton Street and Forrest Road. The site has a fall of approximately 2.4m-2.9m from east to west and a fall of approximately 1.74m from north to south.

As part of Council's Hamilton Hill Revitalisation Strategy, the lot (along with surrounding lots) was up-coded from R20 to R40 given Carrington Street is a District Distributor 'A' road and is a high frequency public transport route.

The proposed development is being referred to Council for determination as staff do not have delegation to determine the application due to objections received during the public consultation period.

Submission

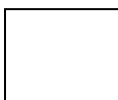
N/A

Report

Proposal

The proposal includes demolition of all existing buildings and structures on site and the construction of a purpose-built childcare premises specifically:

- Child Care, Early Learning, Vacation Care and Out of School Hours Care;
- Single storey acoustically sound proofed building which is 539.2m² in area and consists of 5 play/learning rooms for different age groups, cot rooms, a nappy room, store rooms, laundry and toilet facilities, a staff room, interactive kitchen and offices;
- External play area located on the southern side of the lot with a total area of 713m²;
- Open-style fencing fronting Carrington Street and Forrest Road;
- Catering for up to 90 children aged from 6 weeks to school age;
- 12 full-time staff;
- Hours of operation between 6.30am and 6.30pm, Monday-Friday and 8.00am-4.00pm on Saturdays;



- 22 at grade on-site parking spaces provided; and
- Access and egress proposed from two crossovers both to Stratton Street.

It should be noted that based on discussion with planning staff, the proposal has evolved from what was originally submitted and the key changes include:

- Deletion of a crossover originally proposed to Carrington Street (based on Main Roads advice);
- Reduction of children from 98 to 90 (to comply with parking requirements);
- Reduction of staff from 13 to 12 (to comply with parking requirements).

Planning Framework

Zoning and Use

The subject site is zoned 'Residential' under the Metropolitan Region Scheme (MRS) and 'Residential R40' under Local Planning Scheme No.3 (LPS 3).

The objective of the 'Residential' zone is:

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

LPS 3 defines a 'Child Care Premises' as:

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

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

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

A 'Child Care Premises' is listed in Table 1 of LPS 3 under 'Residential Uses' and is an 'A' use (discretionary subject to advertising) within the 'Residential' zone. This means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*. As the proposal has been advertised to surrounding landowners, the use is capable of approval by Council.



Residential Design Codes (R-Codes)

Whilst the proposal is not required to be assessed against the provisions of the Residential Design Codes, it should be noted that it generally conforms to the appropriate setbacks, heights, open space etc. as required under the R-Codes.

Local Planning Policy 3.1 – Child Care Premises (LPP 3.1)

The proposal is generally consistent with the provisions of LPP 3.1 with the exception of:

- The proposed outdoor play area is located adjacent to a residential dwelling to the west of the site which does not accord with this policy provision and has the potential to negatively impact on the amenity of neighbours. Further discussion about noise is contained in the noise section of the report below.
- The proposal includes a 1.5m landscaping strip across the front boundary in lieu of 2m outlined in the policy. The proposal does however include four mature street trees in the Stratton Street verge therefore the impact of the building is reduced as viewed from Stratton Street.

Agency Referrals

The proposal was referred to Main Roads for comment given the lot is within close proximity to (but not abutting) the Primary Regional Road Reserve (PRR) to the south of the site. Main Roads confirmed in writing that they are satisfied with the proposal.

Neighbour Consultation

The proposal was advertised to 10 nearby land owners potentially affected by the proposal in accordance with the requirements of LPS 3. A total of 6 submissions were received, one indicating no objection and five 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 and the potential safety risks associated, health impacts from the vehicle emissions and the general inconvenience;
- Unauthorised parking occurring in and around the site;
- Visual amenity being compromised by the unscreened parking area adjacent to Stratton Street;
- Offensive odours from the bin storage area; and



- The commercial nature of the proposal and therefore being an unsuitable and inappropriate use for a residential area.

Planning Considerations

Location

The appropriateness of the location of the proposal has been raised as a concern from neighbours during the consultation period and in particular that it is not a compatible use for the area. Firstly, it should be noted by Council that the 'Childcare Premises' use in the Zoning Table (Table 1) of LPS 3 is listed as a 'Residential Use' and similar to a school is considered entirely appropriate to be located in a residential zone.

LPP 3.1 stipulates various provisions in relation to the siting of Child Care Premises, particularly in relation to residential amenity. The policy outlines that ideally a site within close proximity to a public transport route would be suitable and that a site within a cul-de-sac or battle-axe lot would not be appropriate. Having frontages to Forrest Road and Carrington Street, the subject site has good road access and is located adjacent to public transport routes. The site is less than 800m (10 minute walk) from the Simms Road Local Centre to the north and less than 200m from a number of commercial premises to the south. The site is well located to accommodate a childcare premises and abuts residential dwellings on only the western side which limits any impact on residential amenity.

Built Form

The proposal is single storey and consists of a mix of rendered brickwork, face brickwork, and feature cladding consistent with the character, bulk and scale of the surrounding residential area. A neutral colour palette of creams, soft tawny browns and grey and proposed to create a modern finish to and to complement surrounding residences. The proposal will not result in overshadowing, overlooking or the creation of an unreasonable visual bulk on any nearby residential property and will not adversely affect the existing residential character of the area. In addition, the proposal includes four street trees in the Stratton Street verge which, in addition to the proposed landscaping within the lot, will soften the façade of the building fronting Stratton Street and contribute to the streetscape.

Traffic & Safety

Concerns about potential traffic congestion and safety issues were raised during consultation. The transport impact statement that was submitted as part of the application states that the maximum peak in



traffic is likely to be 29 vehicles per hour which will be between 8.00am to 9.00am, which is outside of the existing morning peak traffic which is between 6.30am to 7.30am (according to the applicants traffic consultant). It should also be noted that a Child Care Centre does not have a start time (unlike a school for example) and therefore parents will intermittently drop children off within an expected 2.5 hours window during the morning. This spread of vehicle movements significantly reduces the risk of traffic queuing and congestion in and around the site. Whilst the drop of time cannot be controlled, the impact of the drop offs during the morning is not anticipated to create a traffic issue or safety concern at the subject site, especially given both Stratton and Carrington Street currently operate under capacity in relation to vehicle movements per day. This position has been confirmed by the City's Transport Engineer and the existing road network is considered to be sufficient to accommodate the proposal with no further traffic concerns.

Access and Egress

The proposal contains two crossovers to Stratton Street, one solely for access and one solely for egress, thereby catering for one directional traffic flow through the parking area for safer movements. This design was based on concerns raised by Main Roads who objected to the initial design which showed the second crossover being on to Carrington Street instead of Stratton Street.

The Stratton Street crossover closest to Carrington Street is proposed as the access crossover which is recommended by the applicant's Traffic Consultant for safety reasons. However, the City's Transport Engineer has raised concerns with the access crossover being too close to the intersection of Stratton Street and Carrington Street. The City's Transport Engineer therefore recommends swapping the access and egress crossovers to allow for safer entry into the site. The applicant is aware of the City's position in relation to the access crossover and is agreeable to swapping the two if necessary. Should Council approve the proposed Child Care Centre, a condition should be imposed to require modification of the access and egress crossovers to the City's satisfaction.

Car parking

Under LPS 3, one car parking bay is required for each employee and one bay for every 10 children accommodated. The proposal includes 12 employees and 90 children which generates the need for 21 parking bays. As the proposal includes 22 on-site car parking bays, there is a surplus of one bay and the number of parking bays is compliant with LPS 3.



The City's Traffic Engineer had some concern about the width of the parking aisles in relation to the requirements of Australian Standard 2890 (AS2890), because of vertical obstructions adjacent to some of the bays. AS2890 requires different widths for parking bays depending on how frequently the bays are used in any given day. Based on this, the bays noted on the plans for staff are 5.4m long and 2.4m wide whereas the bays for drop-offs and pick-ups are 5.4m long and 2.5m wide, as they allow extra space for the full opening of all doors. Should Council approve the proposed Child Care Centre, a condition should be imposed in relation to the staff parking bays being appropriately signposted/line marked so that visitors park in the appropriately sized bays as per the Australian Standards.

Noise

Potential noise from the proposal was the main objection raised by neighbours during consultation. The applicant submitted an acoustic report which indicates that subject to a number of recommendations being observed, the proposed development will not have any unreasonable noise impacts on nearby residents. The report recommended the following measures:

- Outside play time is limited to a maximum of 40 children for 1 hour of every 4 hours, and 120 for a full day if you consider 3 x 1 hour outdoor sessions spaced by 3 hours each (e.g. 1x hour at 08.00; 1x hour at 12.00; 1x hour at 16.00);
- 400mm high retaining wall and solid continuous barrier to be installed around the play area adjacent to the dwellings (colour bond acceptable);
- Minimum 10.38mm laminated glazing for the windows of sleeping rooms (W08 and W09);
- Minimum 6mm float glazing for the all other windows;
- Minimum $R_w + C_{tr} 35$ (e.g. 90mm acoustibrick -50mm air gap – 90mm acoustibrick) for all non-vision facade areas facing the road;
- Limit use of air conditioning to day time. If used outside daytime hours (07.00 to 19.00 hours) ensure the silent option is enabled;
- Air conditioning Units to be selected so that their combined noise emission is no more than 65dBA @ 1 metre (all units in operation). If units are selected to be louder further acoustic review is required to demonstrate compliance with WA environmental noise regulations.



The limitations to the outdoor play time, as noted above, were questioned by officers as it initially appeared unrealistic and difficult to monitor. However the applicant has since informed the City that the outdoor playtime limits are realistic from an operation point of view due to the outdoor area being unsuitable at certain times of day (either too cold, too hot, high UV etc.). From a staffing perspective, activities may require multiple staff members in a smaller controlled area therefore activities tend to be indoors as opposed to outdoors. So whilst the outdoor play areas are certainly going to be used by children, those areas won't be used every hour of the day, so the level of noise will not be unreasonable.

The acoustic consultant is aware of the objections that have been raised in relation to noise and is confident that the day time noise limit of 51dB (L10) can be met, especially given the road traffic noise was measured to in the order of 61-62dB. This is a positive indication that any noise generated by the children will be masked by the already existing road traffic noise.

Whilst the sound of children playing outside (in the limited time that they can play outside) will be audible in the adjacent premises, it is still deemed to be acceptable as it does not result in practical increase of daily background noise levels. Should Council approve the proposed Child Care Centre, a condition should be imposed in relation to the acoustic report recommendations being implemented with and any building measures being incorporated as part of the Building Permit.

Odour

An objection was received in relation to the potential offensive smell of human effluent and decaying food from the bin store that may travel to surrounding residential properties with the prevailing breeze and therefore negatively impact the amenity of residential properties. The proposed bin store is strategically located away from the western residential zoned land (over 9m from the western boundary), on advice from the City during preliminary consultation. LPP 3.1 stipulates the minimum requirements for bin storage areas within Child Care Centres and the proposal complies with these requirements. Given the sealed nature of the bin store, it is not expected that offensive odours from the bins will negatively impact adjacent residential properties.

The applicant has also confirmed that disposal of nappies will be in accordance with the Australian Children's Education & Care Quality Authority and any other relevant authorities. Waste collection from these bins will be collected by a kerb-side pick-up in conjunction with the normal residential street waste collection. Should Council approve the proposal, a condition should be imposed in relation to the bin store area being built in accordance with the requirements of LPP 3.1.



Signage

The proposal does not include sufficient signage detail. LPP 3.1 states that signage should be compatible and sympathetic to the surrounding amenity and not be placed in a location that detrimentally interferes with the visibility of traffic entering and existing the site. Given the nature of the objections in relation to amenity and given the volume of traffic on Carrington Street and Forrest Road, installation of appropriate signage is an important consideration. Therefore should Council approve the proposal, a condition requiring a separate application for signage should be imposed.

Construction Management

To ensure minimal disruption to surrounding residents during construction, it is common practice for applicants to submit a comprehensive Construction Management Plan (CMP) to the City for approval. This will address issues such as staging of construction works, noise, material delivery and storage, temporary fencing, contractor parking, protection of street furniture and infrastructure, traffic generation and access. Should Council support the proposal, a condition should be imposed requiring the lodgement of a CMP prior to work commencing.

Conclusion

The proposed purpose-built Child Care Premises is supported for the following reasons:

- The proposal is generally compliant with the provisions of LPS 3 and LPP 3.1;
- The proposal is appropriately located in relation to proximity to major roads and access to public transport routes;
- The proposal will positively contribute to the streetscape and is an appropriate bulk and scale in relation to the residential character of the area;
- The proposal is not considered to negatively impact on the amenity of neighbours;
- The purpose built nature of the proposal allows for the building to be acoustically soundproofed to deal with potential noise impacts;
- The proposal includes a well-designed carpark which will not have an impact to the general traffic flow or traffic safety in the area;
- The existing road network is capable of supporting the proposal.

It is therefore recommended that Council approve the proposal subject to the conditions.



Strategic Plan/Policy Implications

City Growth

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

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

As discussed in the Consultation section of the report above, the proposal was advertised to 10 nearby land owners potentially affected by the proposal in accordance with the requirements of Local Planning Scheme No.3 (LPS 3). A total of 6 submissions were received, one indicating no objection and five objecting to the proposal.

Risk Management Implications

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

Attachment(s)

1. Existing/Demolition Site Plan;
2. Proposed Site Plan;
3. Proposed Landscape Plan;
4. Proposed Floor Plan;
5. Proposed Front & Side Elevation;
6. Proposed Rear & Side Elevation;
7. Stratton Street Elevation;
8. Fence Elevations part 1;
9. Fence Elevations part 2;
10. Perspective 1;
11. Perspective 2
12. Amended Acoustic Report;
13. Amended Transport Impact Assessment;
14. Location Plan



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

15.2 (MINUTE NO 6091) (OCM 08/06/2017) - MODIFICATION TO PLANNING APPROVAL FOR HEALTH STUDIO (DA16/0100) - LOCATION: 9/153 ROCKINGHAM ROAD, HAMILTON HILL; OWNER: WORLDCLASS HOLDINGS PTY LTD; APPLICANT: KELLY BUCKLE (052/002) (DA17/0219) (G ALLIEX) (ATTACH)

RECOMMENDATION

That Council

- (1) grant planning approval for the modification to DA16/0100 for additional operating hours for the Health Studio at 9/153 Rockingham Road Hamilton Hill, 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 schedules the use of the land and/or a tenancy. The approved development has approval to be used for Health Studio only. In the event it is proposed to change the use of the tenancy, a further application needs to be made to the City for determination.
2. Hours of operation are restricted between 9.00am to 9.00pm from Monday to Saturday and 10.00am to 5.00pm on Sundays and Public Holidays.
3. Classes after 7.00pm between Monday to Saturday shall adhere to the Noise Management Plan as detailed in the Environmental Noise Assessment prepared by Lloyd George Acoustics (Ref 16023492-01c; dated 10 March 2016)
4. The Health Studio for children's use is restricted to a maximum of 15 students, 15 parents/carers, and 3 staff at any one given time (total 33 persons).



5. The Health Studio for adult use is restricted to a maximum of 15 students and 3 staff at any one given time (total 18 persons).
6. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
7. All outdoor lighting must be installed and maintained in accordance with Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".

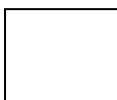
FOOTNOTES

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 Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency. Prior to the commencement of any works associated with the development, a Building Permit is required.
 2. The development shall comply with the requirements of the Building Code of Australia.
 4. The development shall comply with the Environmental Protection Act 1986 which contains penalties where noise limits exceed those prescribed by the Environmental Protection (Noise) Regulations 1997.
 5. You are advised that all waste and recycling must be contained within bins. These must be stored within the buildings or within an external enclosure.
- (2) notifies the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 7/0



Background

Site Description

The subject site is located at 153 Rockingham Road Hamilton Hill and contains an existing building comprising of 13 commercial units constructed in the mid-1990's. The site, which backs on to Paulik Way, is contained within a small precinct zoned 'Mixed Business' under the City of Cockburn Local Planning Scheme No.3 (LPS 3). The site abuts commercial development adjacent to the eastern and a portion of the western boundary however also abuts two residential-zoned dwellings which front Paulik Way. The tenancy the subject of this application is Unit 9 (Strata Lot 7) which has an area of 197m² and is in the rear half of the complex.

History

Council granted planning approval for the existing Health Studio (Kelete Dance School) at its meeting held on 14 April 2016. The unit was retrofitted to comply with the requirements of the approved Environmental Noise Assessment prepared by Lloyd George Acoustics (Red 16023492-01c; dated 10 March 2016). Condition 2 of the original approval for the Health Studio limited the hours of operation from Monday to Saturday between 9.00am-9.00pm with no approval for Sunday operations.

Subsequent to the approval, the City received complaints in relation to the following matters:

- Breakout noise onsite which consists of people talking/laughing as they enter and leave the premises, car doors closing and car engines running;
- Reversing alarm noise from vans that drop disabled children off to the premises during the day;
- Number of people within the unit being in excess of the approved number of 15 people; and
- The unit being used on a Sunday.

The City met with the unit owner and the operator of the Health Studio to discuss the complaints that had been made and the outcomes are noted below. The operator was advised that if they seek to operate on Sundays, then a modification to the planning approval is required (subject of this report). They were also reminded of their obligation to comply with the approved Noise Management Plan and the restriction in relation to the number of students permitted at the premises at any one time.



Submission

N/A

Report

Proposal

The applicant is seeking to modify Condition 2 of the original Development Approval for the Health Studio (DA16/0100) in relation to operating hours. The applicant is applying to operate on Sundays between 9.00am-5.00pm in addition to operating between 9.00am to 9.00pm from Monday to Saturday (which is already approved). The applicant is not seeking to alter the maximum number of students within a class at any one time however given the original approval refers to 'people' in lieu of 'students' the applicant is seeking to have this wording altered as most students cannot drive and a parent or carer will sometimes be present for people with disabilities.

Planning Framework

Zoning and Use

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Mixed Business' under Local Planning Scheme NO.3 (LPS 3).

The objective of the 'Mixed Business' zone is:

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

A 'Health Studio' is defined in LPS 3 as:

"Land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation".

A Health Studio is a 'P' use in the zoning table as per LPS 3. A 'P' use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.



Local Planning Policies

Local Planning Policy 3.3 – Health Studios

The purpose of this policy is to provide clarity and direction on the types of health studios within the City as well as general siting and design criteria for such land uses and information required by the City to assess such applications which LPS 3 does not provide for. The policy encourages Health Studios and in particular dance schools to be located in commercial and industrial areas with a readily available supply of parking spaces or a capacity to create additional parking spaces.

Other Relevant legislation

Environmental Protection (Noise) Regulations 1997

The Environmental Protection (Noise) Regulations 1997 (Noise Regulations) adopted under the Environmental Protection Act 1986 allows for maximum levels of noise at certain times of the day and night. The regulations have been designed to ensure acceptable levels are met while being flexible to allow normal activities to occur. Factors such as the amount of traffic, nearby commercial or industrial premises and the time of day all impact on acceptable levels of noise.

Consultation

As part of the City's consultation process, the application was advertised to the adjoining neighbour (who owns both residential properties that abut the subject site fronting Paulik Way) for comment. The neighbour objected to the proposal citing the following reasons:

1. Breakout noise from vehicles and people talking and laughing in the carpark is negatively impacting the amenity of the adjoining residents.
2. Existing Noise Management Plan (NMP) not being adhere to in relation to the cones being incorrectly placed therefore negatively impacting the adjoining residents.
3. Reversing alarms from the vans and vehicles negatively impacts the amenity of the adjoining residents

The adjoining resident did not provide any specific objection related to Sunday operations, however articulated to the City that they are severely impacted by the existing use in general. They have complained that operation of the Health Studio inconveniences them as it impacts their sleeping patterns and general enjoyment of their



dwelling and that the noise associated with the Health Studio is unbearable.

Planning Considerations

Noise

In accordance with the Noise Regulations, the day time levels permitted on a Sunday are less than the levels permitted from Monday-Saturday and furthermore unlike Monday-Saturday where the day time levels are from 7.00am-7.00pm, the Sunday day time level starts at 9.00am. In addition, the operator has mentioned in the application that a maximum of 15 students will be adhered to, as had been approved for the other days of the week.

It should also be noted that Lloyd George Acoustics had previously provided a statement in relation to breakout noise from the site noting that:

'noise levels from persons leaving the premises and talking were assessed to comply with the Noise Regulations and that noise impacts from human voices associated with the Health Studio are likely to be similar in level and nature i.e. short conversations, than human voices from the adjacent residential premises or the users of the other adjacent units to that occupied by Kelete Dance School. Similarly, noise from car doors closing were assessed and found to be fully compliant with the Noise Regulations'

Whilst the adjoining neighbour has complained about the breakout noise omitted from the site and the subsequent impact on their amenity, it has been previously confirmed by Lloyd George Acoustics that the breakout noise complies with the Noise Regulations. As such it would be unreasonable to limit the hours and days of operation of a Health Studio, which is permitted use in the Mixed Business zone, based on noise.

With regards to the complaints about the reversing alarms, given the low frequency, limited duration and time of day (being during the day) and the use of warning alarms on vehicles servicing any of the commercial units, this complaint is not considered reasonable. Therefore the City's Environmental Health Service will not undertake noise monitoring.

Student numbers

The applicant is seeking to alter the wording of Condition 4 on the original Development Approval as it currently refers to 'maximum number of people'. The City limits the number of people that can attend a class at any one time for parking purposes so as to not create a



parking shortfall onsite. The intent of the original condition was to limit the number of students to 15 at any one time. However, the wording in the condition refers to 'people' so it may be misconstrued that parents/guardians/carers cannot be present. Given a parent/guardian/carer would typically drive a child or person with a disability, the modification of Condition 4 to provide further clarity is not deemed to create a parking shortfall. The 15 parents/guardians/carers are however limited to before 7.00pm in accordance with the approved Noise Management Plan in the Acoustic Report. Only adult classes are permitted after 7.00pm.

Acoustic requirements

Should Council support the proposal to permit Sunday classes, the following two conditions from the previous planning approval, approved by Council on 14 April 2016, and should be deleted:

- 1. The development shall be retrofitted within 30 days of the date of this approval to comply with the requirements of the Environmental Noise Assessment prepared by Lloyd George Acoustics (Ref 16023492-01c; dated 10 March 2016). The Building Permit Application is to demonstrate that all recommendations made in the Environmental Noise Assessment prepared by Lloyd George Acoustics (Ref 16023492-01c; dated 10 March 2016) have been incorporated into the proposed development.*
- 2. Within 60 days from the date of this approval (or another timeframe agreed to by the City), an acoustic wall shall be constructed along the boundary of the subject site and the adjoining residential zoned property to the west as marked in red on the approved plan to the satisfaction of the City. In this regard detailed plans for the wall shall be submitted to and approved by the City prior to construction.*

The first condition has already been achieved and has been assessed by the City's Environmental Health Officers. The second condition was contested by the adjoining residential land owner as they did not want an acoustic wall constructed and as such the wall was never built. During the assessment process of the current application, there was mention of possibly increasing the height of the boundary fence. Should both parties choose to amend the height of the fence, this can be dealt with under the *Dividing Fences Act 1961*, which is not administered by the City.

Conclusion

The City acknowledges that the proximity of commercial development to the adjoining two western residential dwellings (owned by the same family) has caused ongoing noise concerns and complaints from those



residents. However, the operator of the Health Studio obtained Council approval to use the unit for that purpose and has retrofitted the premises in order to comply with the approved acoustic report. Furthermore there is a Noise Management Plan in place to further mitigate breakout noise during the sensitive times of the night. Approval of the existing Health Studio to extend operating hours to include Sunday day time hours is considered reasonable and advice from the acoustic consultant indicates that breakout noise from the unit will comply with the Noise Regulations.

It is therefore recommended that Council approve the request to modify the previous planning approval to incorporate the additional operating hours subject to conditions.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

Should the applicant lodge an application for review of the decision in the State Administrative Tribunal, there may be costs involved in defending the matter, particularly if legal counsel is engaged.

Legal Implications

N/A

Community Consultation

See consultation section of the report above.

Risk Management Implications

Should Council approve the application, there is a risk that noise may not be effectively managed which would impact negatively on the amenity of adjoining residents and therefore continual complaints and continual investigations which involves council resources. Should



Council refuse the application, the applicant may choose to lodge a review of the decision with the State Administrative Tribunal and as such there may be costs involved in defending the decision.

Attachment(s)

1. Site plan;
2. Copy of original Development Approval for the Health Studio (DA16/0100);
3. Approved Environmental Noise Assessment prepared by Lloyd George Acoustics (Red 16023492-01c; dated 10 March 2016);
4. Location Plan.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

CR CHAMONIX TERBLANCHE LEFT THE MEETING AT 8.58 PM AND DID NOT RETURN

15.3 (MINUTE NO 6092) (OCM 08/06/2017) - SUBDIVISION RETAINING WALLS; LOCATION: LOT 9010 FAWCETT ROAD, MUNSTER; OWNER: ANTHONY BEAMISH; APPLICANT: DENISE TYLER-HARE (052/002) (DA17/0212) (G ALLIEX) (ATTACH)

RECOMMENDATION
That Council

(1) grant Planning Approval for subdivision retaining walls at Lot 9010 Fawcett Road Munster, in accordance with the attached plans and subject to the following conditions and advice notes:

CONDITIONS

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. No construction activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.



3. Prior to lodging a Building Permit Application, the plans shall be amended so that retaining walls on the southern side of the lot about the boundary to the satisfaction of the City.
4. Prior to lodging a Building Permit Application, the plans shall be amended to reflect the reduced retaining wall heights as per Plan No.16307-C1-EW-03 (Retaining Wall Plan and Profile – Wall D) dated November 2016 marked in red to the satisfaction of the City.
5. Prior to commencement of the any development works hereby approved, a detailed Dust Management Plan shall be submitted to and approved by the City of Cockburn (Health Services) and implemented thereafter.
6. A construction management plan (CMP) shall be submitted to and approved by the City prior to the commencement of works. The CMP shall be implemented to the satisfaction of the City. The Construction Management Plan shall address the following items:
 - (a) Access to and from the site;
 - (b) Delivery of materials and equipment to the site;
 - (c) Storage of materials and equipment on the site;
 - (d) Parking arrangements for contractors and subcontractors;
 - (e) Management of construction waste; and
 - (f) Other matters likely to impact on the surrounding properties.

FOOTNOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Local Planning Scheme No. 3, or the requirements of any other external agency.
2. With respect to condition 3, the City cannot support the 1m setback as it creates an area of land that cannot be accessed.
3. With respect to condition 5, the detailed Dust Management Plan shall comply with the City's Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn".



4. The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended).
 5. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit obtained prior to construction.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Cllr B Houwen SECONDED Cllr S Portelli that Council defer any decision on the matter so that further consultation can occur with all parties concerned.

CARRIED 6/0

Reason for Decision

Cllr Houwen felt that after hearing from the deputations on the subject matter it was necessary that further consultation and mediation take place to come to a mutual win/win situation for all parties concerned.

Background

The subject site is 1.1033 hectares of vacant land which consists of challenging contours as the site slopes down significantly from east to west by approximately 7.5m. The site forms part of the Munster- Phase 3 Local Structure Plan, which was endorsed by the Western Australian Planning Commission (WAPC) on 5 February 2010. The structure plan indicates that approximately 2210m² of Bush Forever vegetation exists to the west, a future road to the north of the site and the rest of the land is zoned for residential purposes with a mix of Residential R20 and Residential R40.

On 4 November 2015, the WAPC resolved to conditionally approve a subdivision application to subdivide the site into 11 lots. The applicant has since undertaken engineering analysis of the site and realised that direct vehicular access to lot 2 on the approved subdivision plan would



be impractical to achieve. As a result, the WAPC has agreed that the lot configuration can be altered and a new Deposited Plan can be submitted to the WAPC at the end of the subdivision process. The amended lot configuration now results in the creation of 10 lots (Attachment 1).

The conditions of the approved subdivision require the land to be filled, stabilised, drained and graded so that lots can accommodate the intended development, coordinate with existing finished ground levels at the boundaries of the development and contain stormwater onsite. Another condition of the subdivision is to connect to sewer, which is a condition that Water Corporation imposes. After deliberating a few options in relation to connecting the lots to sewer, the applicants only feasible option involves extending the sewer through private property along the side boundary of lot 4 (which requires an easement) and then out along the street frontage to service the lots. As a result, the proposed lot levels and the road level is at the minimum standard that Water Corporation requires in relation to meeting minimum cover levels whilst also being capable of being serviced by gravity sewer at the correct grade.

The retaining walls proposed along this southern boundary range from 0.5m-2.7m above the Natural Ground Level (NGL). As part of the Building Permit Application, the applicant contacted each affected lot owner for detailed comment on the proposed retaining walls and due to the number of objections received by the neighbours, the applicant has chosen to setback some of the retaining walls on the southern boundary by 1m in an attempt to reduce the impact of the walls. This amended plan with a 1m retaining wall setback was submitted to the City's Statutory Planning team for assessment and approval. The application has been referred to Council for determination as objections were received during this process, removing delegation from the City's administration staff.

Submission

N/A

Report

Proposal

This proposal is for subdivision retaining walls, specifically comprising:

- Retaining walls on the southern boundary of the subject site to facilitate the levels of the proposed new lots, with wall heights ranging from 0.5m-2.7m above the Natural Ground Level (NGL);
- Retaining walls setback 1m from the southern boundary;



- Retaining wall on the northern edge of the lot, with a maximum height of 2.7m; and
- Retaining walls adjacent to the southern boundary of Lot 227 Fawcett Road, Munster at a maximum height of 0.783m above the NGL.

Planning Framework

Zoning and Use

The site is zoned 'Development' and is affected by the DA5 provisions of LPS3 which requires the following:

1. *An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development;*
2. *To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement; and*
3. *The local government will not recommend subdivision approval or approve land use and development for residential property contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone.*

The Munster- Phase 3 Local Structure Plan indicates that the land is zoned R20, R40 and has a component of Bush Forever to the west of the lot.

Local Planning Policy 5.12 Subdivision Retaining Walls (LPP 5.12)

The proposed retaining wall application has been assessed against LPP 5.12. Clause 4 of LPP 5.12 states that retaining walls above 0.5m in height above the NGL where the site abuts existing residential development outside the subdivision area also requires planning approval.

Residential Design Codes (R-Codes)

For clarity purposes, it should be noted that the proposed retaining walls will not be assessed against the R-Codes as the R-Codes only apply to 'Residential Development'. Residential Development is defined in the R-Codes as follows:

'Development of permanent accommodation for people, and may include all dwellings, the residential component of mixed-use development, and residential buildings proposing permanent accommodation'.



Neighbour Consultation

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

- Letters & plans were sent to all adjoining affected landowners (see table below indicating the maximum retaining height proposed against each neighbouring lot); and
- Onsite consultation with landowners at Lot 237 and Lot 238 Ingrilli Court, Munster on Thursday 11 May 2017 to further discuss and understand impacts.

Address	Maximum height of retaining wall proposed	Objection
No. 20 (Lot 227) Fawcett Road, Munster	0.783m above NGL	No
No. 16 (Lot 237) Ingrilli Court, Munster	1.68m at a maximum in the south western corner of the site.	Yes
No. 14 (Lot 238) Ingrilli Court, Munster	1.55m-1.92m above the NGL	Yes
No. 12 (Lot 239) Ingrilli Court, Munster	1.49-1.92m above the NGL	No
No. 10 (Lot 240) Ingrilli Court, Munster	0.89-1.49m above the NGL	Yes
No. 8 (Lot 241) Ingrilli Court, Munster	0.89m above the NGL (very small section affected)	No
No. 4 (Lot 243) Ingrilli Court, Munster	2.7m above the the NGL (very small section affected)	No

A total of three objections were received during the advertising period which are summarised as follows:

- Objections to the 1m setbacks as it creates a dead zone which cannot be accessed and can turn into a hygiene issue, fire hazard and security issue;
- Height of retaining walls and sand pads will negatively impact amenity of the adjacent landowners and in particular loss of views to trees, northern sunlight and privacy;
- Proposal not in-keeping with the existing lot boundary levels thereby limiting enjoyment of the outdoor living area to adjoining properties;
- Bulk and scale of the retaining walls negatively impacting lifestyle of the adjacent residents ;
- Concerns that future two storey dwellings on the new lots will further negatively impact the overshadowing and privacy to residents; and
- Concerns during construction and the issue of temporary fencing.

The City's comments in relation to the submissions received are discussed throughout the report (predominantly in the amenity section).



Planning Considerations

Sewer Connection & Required Road Levels

The conditions of the WAPC approved subdivision require the land to be filled, stabilised, drained and graded so that lots can accommodate the intended development, coordinate with existing finished ground levels at the boundaries of the development and contain stormwater onsite. Another condition of the subdivision is to connect to sewer, which is a condition that Water Corporation imposes. Typically the sewer would be extended around via the road however given Water Corporation has a minimum grade for gravity sewers of 1:200, this option would require a 90m extension which at minimum grades provides an invert level of $(2.12 + 90/200) = 2.57\text{m AHD}$. The existing road level at this location is 2.49 m AHD, therefore the sewer would essentially project out of the ground and not meet the Water Corporation's minimum cover requirements.

The second option to extend the sewer along the back of the proposed lots was also considered. The Water Corporation has a minimum lot area requirement for placing sewer in private property, and none of these lots comply with this requirement therefore this option could not be executed.

The final option involves extending the sewer through private property along the side boundary of lot 4 (which requires an easement) and then out along the street frontage to service the lots. It is run at the minimum grade from the existing invert level of 2.51 m AHD, which makes the invert level at the front of lots 1 and 2 at 2.87 m AHD. This is the lowest level that can be achieved within the Water Corporation standards.

Each lot then has to be capable of being serviced by gravity sewer at a grade of 1 in 60 for the combined length of the side and rear boundary, which means a distance of 51m. The applicant also has to account for the level of the services laid below the lot which is 600mm. Therefore lot 2 requires a minimum level difference between the lot level and the gravity sewer connection level of $(0.6 + 51/60) = 1.45\text{m}$.

This combined with the invert level of 2.87 m AHD means a minimum lot level of $(2.87+1.45) = 4.32\text{ m AHD}$ (rounded up to 4.4 m AHD for simplicity in construction). The road level is then set above the sewer invert level to meet minimum cover levels according to the Water Corporation. The road is also controlled by the levels in lot 9, which are then in turn, governed by the levels in the existing lot 227 on Fawcett Road. The lot levels proposed are (according to the applicant) the lowest that can be achieved and as a result have informed the retaining wall heights.



Drainage Concerns

Having considered the reasoning behind the retaining wall heights and pad levels and also the objections from the adjacent land owners, the possibility of reducing the lot levels was explored by the City's officers. The City's Senior Development Engineer conveyed concern about lots being below the road level as this is not good design practice and can have significant implications for the City in stormwater events (i.e. risk of flooding to dwellings). Whilst its bad design practice to have lots lower than the road, if it were proposed, the City would require the lots to retain a 1 in 100 year storm event (as opposed to 1 in 20 year). Furthermore the City's Senior Development Engineer provided advice in relation to maximum crossover gradients, should the lots be below road level. This advice was then sent to the applicant and subsequently some minor amendments were noted as being possible (see below).

Amendments to proposal

The applicant was made aware of the strong neighbour objections and was provided with further information from the City's Senior Development Engineer in relation to lots below the road level. The following amendments have been suggested by the applicant:

Lot 4 (rear of 14 and 16 Ingrilli)

- Current lot level is 5.15;
- The verge boundary levels are 4.52 and 4.97, so the lot is set just above the road. The road cannot be lowered as it needs to grade up to ensure there is not too significant a level difference between lot 9 and the end of the cul-de-sac;
- Cannot lower lot 9 because it is already creating a significant level difference with Lot 227 Fawcett Road; and
- Can lower the lot level to 5, so that it would still be higher than the road, however this is the lowest level possible.

Lot 5 (rear of 14 Ingrilli)

- Current lot level is 5.55;
- The verge boundary levels will be 5.33 and 4.97, therefore the lot is set just above the road. The road cannot be lowered as it needs to grade up to ensure there is not too significant a level difference between lot 9 and the end of the cul-de-sac;
- Cannot lower lot 9 because it is already creating a significant level difference with Lot 227 Fawcett Road;
- Can lower the lot level to 5.4 so that it is still higher than the road, however this is the lowest level possible.

Lot 7 (rear of 10 Ingrilli)

- Current level 6.25;



- Road grades as described above for lots 4 and 5, mean that the verge boundary levels are 5.71 and 6.09; and
- Can lower the lot level to 6.1 so as to be just above the road, however this is the lowest level possible.

Given the suggested lot level amendments above, the subsequent retaining walls changes that can be made are as follows (see image below):

- Retaining wall to lot 4 is reduced to 0.98m high wall;
- Retaining wall to lot 5 is reduced to 1.35m high wall; and
- Retaining wall to lot 7 is reduced to 1.92m high wall.

All of the retaining wall changes that can be made as noted above are directly adjacent to the three residential properties that objected to the proposal. Given the new lot boundaries do not align with the existing residential lots, there are still sections of retaining wall associated with lots that remain unchanged which impact the residents on Ingrilli Court. Should Council approve the retaining walls, it is recommended that the plans be amended prior to lodgement of a Building Permit to reflect the above mentioned reductions.

Setback of Retaining Walls

The proposed 1m setback to some of the retaining walls on the southern side of the subject lot came as result of previous consultation between the applicant and the adjacent landowners. The applicant was seeking to reduce the impact of the walls to the adjacent residential properties whilst also seeking to avoid further consultation with the affect properties. The proposed 1m setback is more of a concern to the adjacent landowners as this dead zone lends itself to be a hygiene issue, possible fire hazard (especially given the lot is within a bushfire prone area) and a possible security concern. Officers don't support the 1m setback favourably for similar reasons to those raised by the adjacent residents. Therefore should Council approve the proposal a condition should be imposed in relation to amended plans being required prior to lodgement of the Building Permit which show the retaining walls on the southern boundary of the subject site.

Amenity Impacts

Objections in relation to loss of amenity in terms of losing views of trees, birds, lake etc. are considered unreasonable given the objecting owners purchased a lot adjacent to a vacant site with challenging topography which at the time was always intended to be developed with housing. Even without any retaining, a future dwelling of one or two stories which is as of right under the R-Codes would obstruct the current open vista above the fence line.



In relation to the objections received relating to overshadowing, whilst the proposed retaining walls and associated lot levels will form the new natural ground level, any dwelling proposed on these future lots will be assessed against the R-Codes. The overshadowing calculations as stated in Part 5.4.2 of the R-Codes take into account the natural ground level of the adjacent lot, as this is specifically noted in the R-Codes. Should overshadowing be an issue in the future, dwellings may be further stepped back from the rear boundary in order to prevent the shadow cast from exceeding maximum requirements.

Similarly, overlooking from any future dwelling would be assessed when proposed on the future lots. It should be noted that a 1.8m high dividing fence will ensure overlooking from the proposed ground levels at the subject site does not occur. Should future dwellings be double storey, the R-Codes setback provisions will be applied to mitigate overlooking. Whilst the City appreciates the neighbours' concerns in relation to bulk and scale, it is important to note that the applicant is making a concerted effort to follow the existing and challenging topography, whilst meeting Water Corporation requirements in relation to sewer and the City's drainage requirements.

Temporary Fencing

The issue of temporary fencing was raised as a serious concern for one of the adjoining land owners due to security concerns. The applicant indicated that they have no control over the contractor who does the site works. Given the sensitivity of the matter, a Construction Management Plan (CMP) could be imposed as condition to ensure minimal disruption to residents. The CMP will address issues such as temporary fencing, staging of works, noise, material delivery and storage, contractor parking, traffic generation of construction vehicles and access. It should be noted however that temporary fencing is standard across most developments that propose to install retaining on the boundary or replace fencing and is most often negotiated between landowners without involvement by the City.

Conclusion

It is acknowledged that the proposed retaining will have a greater impact on adjoining residents than the current situation which provides an open vista. However, due to a number of engineering reasons (supported by the City's Engineering Services), it has been demonstrated to the satisfaction of the City that retaining is required along the boundaries of the subject site. The proposed retaining walls (with suggested agreed modifications) are therefore acceptable to the City as this will allow for development on the subject lot to progress whilst minimising the impacts to the adjacent existing residents as



much as possible. It is therefore recommended that Council approve the proposal subject to conditions.

Strategic Plan/Policy Implications

City Growth

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

Leading & Listening

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

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

Refer to consultation section of the report.

Risk Management Implications

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

Attachment(s)

1. Retaining Wall Site Plan;
2. Retaining Wall Plan & Profile D;
3. Retaining Wall Plan & Profile;
4. Draft Amended Elevation; and
5. Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.



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

Nil.

15.4 (MINUTE NO 6093) (OCM 08/06/2017) - TELCOMMUNICATIONS INFRASTRUCTURE - LOCATION: 25 (LOT 3) HARPER ROAD, BANJUP; OWNER: MO ZHAI & TIE NING CHANG; APPLICANT: AURECON AUSTRALASIA (DA17/0072) (6192574) (R TRINH) (ATTACH)

RECOMMENDATION

That Council :

- (1) refuse to grant planning approval for Telecommunications Infrastructure at No. 25 (Lot 3) Harper Road, Banjup, based on the following reasons:

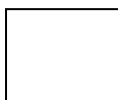
Reasons

1. The benefit of improved telecommunications services is not balanced with the visual impact on the surrounding area.
 2. The proposal is incompatible with the surrounding area and is therefore inconsistent with the aims of Local Planning Scheme No. 3.
 3. The proposed use is likely to detract from the visual amenity of surrounding and nearby residents which is undesirable.
 4. The proposed use is likely to detract from the rural character of the area which is undesirable.
 5. The proposed use is likely to detract from the streetscape of the area which is undesirable.
- (2) notifies the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED ENBLOC 7/0



Background

Site Description

The subject site is 20,748m² in area, is relatively flat and consists of a single dwelling with several outbuildings and contains a substantial amount of mature vegetation. The lot is surrounded by lots of similar size used for predominantly residential purposes. The site also abuts a Water Corporation pipeline at the rear of the property that connects through between Emma Treeby Reserve and Bosworth Reserve (approximately 340m east of the lot). These reserves extend north and south to Regional Reserves via a walking trail. The lot is located approximately 250m from the urban residences on the western side of Tapper Road in Atwell.

The proposed development is being referred to Council for determination as staff does not have delegation to determine the application as objections were received during the public consultation period.

Submission

N/A

Report

Proposal

The telecommunications infrastructure is proposed to be located 15m from the northern boundary and setback further than 10m from the eastern and western boundaries. The proposed development is located behind the existing dwelling and a large outbuilding.

The proposed telecommunications infrastructure consists of a 104.16m² hardstand compound that includes:

- Ground based equipment shelter painted in 'pale eucalypt';
- 35m monopole with spoke headframe (36.8m total height) (unpainted);
- 3x panel antennas;
- 15x remote radio units;
- 6x combiners; and
- 3x break out boxes.

An Electro Magnetic Emissions (EME) report dated 21/11/2016 was supplied with the application which demonstrated that the maximum EME level calculated for the proposed systems at this site is 3.19V/m; equivalent to 27.045mW/m² or 0.5% of the public exposure limit (Attachment 8).



Planning Framework

Metropolitan Region Scheme (MRS)

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

Local Planning Scheme No. 3 (LPS 3)

The subject site is located within the 'Resource' zone, Development Contribution Area 13 and the Bushfire Vulnerability Area under LPS 3.

The objective of the 'Resource' zone under LPS 3 is to provide for the protection of the Perth Metropolitan underground water resource. The lot is located within the Jandakot Groundwater Protection Area and subject to SPP 2.3.

'Telecommunications Infrastructure' is defined by LPS 3 but not listed in the zoning table. Therefore the use is considered a 'use not listed' and is considered an 'A' use (discretionary subject to advertising) and is generally not permitted unless the local government has exercised its discretion and has granted planning approval giving special notice in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

State Planning Policy 2.3 – Jandakot Groundwater Protection (SPP 2.3)

The lot is located within the Jandakot Groundwater Protection Area contained within SPP 2.3 and therefore subject to assessment under this policy. The objectives of SPP 2.3 are to ensure that any development does not compromise the groundwater.

The use is considered 'Telecommunications Infrastructure' under SPP 2.3, which has the same definition as LPS 3 and means "land used to accommodate any part of the infrastructure network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network". This is considered a use that is 'compatible with conditions' under SPP 2.3 and means that the Local Government may use its discretion to determine an application after having due regard for the advice from the Department of Water.



State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2)

The intention of SPP 5.2 is to balance the need for telecommunications infrastructure with the visual character of local areas. The proposed development is not considered a 'low-impact facility' and therefore not exempt from requiring planning approval under the Commonwealth *Telecommunications Act 1997*.

SPP 5.2 notes that telecommunications infrastructure is generally located at high points to be effective. This means that these structures are likely to be visible to the public. SPP 5.2 requires assessment of the benefit of improved telecommunications services balanced with the visual impact on the surrounding area.

The policy measures of SPP 5.2 consider the following criteria:

- Context;
- Visual impact;
- Social/Cultural Heritage impact;
- Design;
- Height;
- Materials/Colours;
- Environment
- Network Coverage; and
- Co-location of infrastructure.

Consultation

Neighbour Consultation

The proposal was advertised via mail-out to 249 nearby landowners to a radius of 500m that were seen to potentially be affected by the proposal in accordance with the requirements of Local Planning Scheme No. 3 (LPS 3) and also advertised on the City of Cockburn website that attracted comments from landowners beyond the 500m radius. A total of 92 submissions were received, 13 indicating no objection and 79 objecting to the proposal. A total of 63 of the 79 objections (79.7%) and 8 of the 13 non-objections (61.5%) were from landowners within the 500m radius. The remaining 16 objections and 5 non-objections were received from landowners beyond the 500m radius. Multiple objections were received from some properties that equated to 85 households providing a response.

The main issues raised during consultation include:

- Impact on visual amenity;
- Concerns about the height of the pole;
- Inappropriateness and inconsistency within a rural area;
- Should be located in alternative location;



- Negative impact on property values;
- Impact on future development potential;
- Health concerns and risks;
- Diminished aesthetic value;
- Mobile coverage;
- Approval would set precedence;
- Impact on natural environment;
- Aircraft safety
- Beneficial for areas other than where it is located;
- Noise; and
- Proximity to houses.

External Agencies

The application was referred to the Department of Water (DoW) as required by State Planning Policy 2.3 – Jandakot Groundwater Protection (SPP 2.3). The DoW had no objection to the development subject to conditions 13 and 22 of Water Quality Protection Note No. 25 (WQPN 25). Conditions 13 and 22 refer to the storage control of hazardous substances to minimise and eliminate risk of groundwater contamination.

Planning Considerations

LPS 3, SPP 2.3 and SPP 5.2 allow for telecommunications infrastructure to be developed on this lot if the benefits of improved telecommunications services are balanced with the visual impact on the surrounding area.

Context

The area consists mostly of lots greater than 2 hectares and used predominantly for residential purposes. Lots within this area generally consist of dwellings that are single or double storey with associated outbuildings. LPS 3 and SPP 2.3 restrict the clearing of land for any purpose other than approved development. Most lots within this area are heavily vegetated with native trees and shrubs which add to the rural character enjoyed by residents.

The subject site consists of a single storey dwelling with multiple outbuildings that do not exceed a height of 6m. The trees located on this property are scattered mainly on the northern and eastern sides. The tallest trees on this property are approximately 30m in height with most of the trees not exceeding 10m in height. The scattered vegetation on the lot would not screen the proposed development from the northern or western boundaries at the ground level. The proposed development is likely to be seen from all directions as the line of sight is not screened by any vegetation of similar heights.



The aesthetics of the area would likely be disrupted by the proposed telecommunications infrastructure and could appear out of place in the rural setting. Telecommunications infrastructure is a use that can be considered within the Resource zone but the impact of such development can only be measured by those directly impacted within close proximity of the development.

Visual Impact

The proposal would be visible from most properties throughout the local area. The scale of the development would result in the views of the natural environment from Bosworth Reserve and walking trail being obstructed by the telecommunications tower that protrudes well above trees and other structures in the area. The lack of vegetation on the site would not screen the proposed development from most directions and will be clearly visible from most residences to the urban area west of Tapper Road. The lots within 100m of the subject site would also have unobstructed views of the structure.

The structure would be visible from the street and far greater in height than the tallest structure on the property. Trees on the property would slightly alleviate the visual impact of the tower but would not completely screen the tower from view in any direction.

Social/Cultural Heritage Impact

The proposal, if approved is not likely to cause a detrimental impact on any social or cultural heritage matter and therefore in this instance, this consideration is not applicable.

Height

The proposed proposal, if approved will protrude well above most trees in the area and the height is required to provide maximum coverage. Many objections were received regarding the height of the structure and residents generally felt that the height of the pole is unreasonable. The height is necessary for telecommunications infrastructure because they should be above any obstructions to operate effectively. In relation to the purpose of the infrastructure proposed, the height is consistent with most other monopoles and considered reasonable given the optimal requirements for telecommunications infrastructure to operate as mentioned in SPP 5.2. Requesting that the applicant reduce the height of the pole is not reasonable given its intended function.



Materials/Colours

The proposed materials and colours of the telecommunications infrastructure are pale eucalypt for the ground based structures with the pole remaining unpainted (metal colour). The applicant advised that these colours will be sympathetic to the surrounding landscape and sky (in the case of the pole). If Council did consider approval of the proposal, the colours would be considered to be appropriate in order to best reduce the impact of the proposal on the landscape.

Environment

The lot and surrounding area is located within Jandakot Groundwater Protection Area and the objectives of SPP 2.3 are to protect the groundwater and to maintain or increase natural vegetation cover over the policy area. The proposed development is consistent with this objective as the proposal is located in a position that results in no significant vegetation to be removed and the proposal does not have an impact on the groundwater mound. Therefore, the proposal if approved is unlikely to cause any significant environmental impacts.

Network Coverage

Comments raised during the advertising period generally indicated that Vodafone had good coverage throughout the surrounding area. 9 comments indicated that that poor mobile reception existed, while 43 comments indicated an acceptable level of service was currently available in the area. Based on the resident comments, there does not appear to be a clear network issue in the immediate vicinity of the subject site which is the area that would be most impacted by the proposal.

Concerns were raised by surrounding residents that the structure would not provide an immediate benefit to the surrounding lots in the area and would be placed in that location for the benefit of future urban areas in nearby Treeby and Piara Waters. Further development is limited within the Banjup area but those likely to benefit most from the proposed infrastructure would be those living within a close proximity to the subject site. The areas beyond this may however also obtain some benefit from the proposal as a consequence of the height and location of the structure.

Co-location of Infrastructure

The assessment criteria for all planning applications are conducted on a case by case basis. However, SPP 5.2 requires that telecommunications infrastructure be co-located with other carriers where possible. The applicant has not indicated why it is not possible



to collocate with other carrier's infrastructure and it is not known where the closest Telstra or Optus infrastructure is located in proximity to the site. Given the recent application for an Optus Tower, also in Harper Road Banjup which was refused by Council at the 9 February 2017 ordinary Council Meeting, it may suggest that there may not be Telstra or Optus infrastructure in close proximity. Some objections received expressed concern that approval of this proposal may set precedence for other telecommunications infrastructure to be located in the area. These comments are not considered to have planning merit because it would be inconsistent with SPP 5.2 and the planning framework. However, if Council approves this proposal, it may be likely that other carriers may wish to collocate on this site (although the City has no information indicating that this will necessarily occur).

Non-Planning Matters Raised

Health Concerns

Health concerns and risks were raised as a major concern for most residents who lodged objections. The applicant provided an EME report dated 21/11/2016 found on the Radio Frequency National Site Archive website (<http://www.rfnsa.com.au>) demonstrated a maximum EME level calculated for the proposed systems at this site as 3.19V/m; equivalent to 27.045 mW/m² or 0.5% of the public exposure limit (Attachment 8).

The acceptable EME levels are required to comply with the Australian Communications and Media Authority (ACMA) *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth agency that measures and limits the EME levels for human exposure to radiofrequency and therefore local planning controls should not address health or safety standards for telecommunications infrastructure. Therefore the health concerns and risks mentioned are not valid planning considerations that can be considered as part of this assessment.

Future Development Potential

The subject site and surrounding area is located within the Jandakot Groundwater Protection Area and the objectives of SPP 2.3 are to protect the groundwater and to maintain or increase natural vegetation cover over the policy area. SPP 2.3 also considers land use intensification as a potential threat to the Groundwater Protection Area. The majority of objections received commented on the impact of the structure on any future development potential. The lot and surrounding area is zoned 'Rural – Water Protection' under the MRS and there is no seriously entertained planning documents to suggest that this will



change. Therefore the impact on future development potential is not a valid planning consideration as the application can only be assessed under the current statutory framework or seriously entertained documents and not speculation.

Property Values

The vast majority of objections raised concern that the proposal will result in a negative impact on property values. The statutory planning framework does not have criteria to measure or consider property values. Therefore the impact on property values is not a valid planning consideration.

Aircraft Safety

Several surrounding landowners expressed concern about aircraft safety. The height of the proposal is well below the height that would impact aircraft safety. Therefore the impact to aircraft safety in the vicinity is insignificant.

Noise

Noise was raised as an issue of concern but it does not have planning merit as telecommunications infrastructure has not previously been known to cause an unreasonable noise level in residential areas. The proposed development would also need to comply with the *Environmental Protection (Noise) Regulations 1997* (as amended).

Distance from Dwellings

The distance from houses was also raised as a concern from objectors and was not considered to have planning merit as there is no prescribed distance of telecommunications infrastructure within SPP 5.2. SPP 5.2 specifically states that buffer zones or setback distances should not be included as a planning control contained in Local Planning Schemes or Local Planning Policies.

Conclusion

It is acknowledged that improvements in information technology infrastructure such as telecommunications are necessary across all areas. It is then important to balance the negative impact on visual amenity with the need for the infrastructure and this is of particular importance in areas where there is an established rural character such as Banjup. It is evident that the installation of telecommunications infrastructure on the subject site will detract from the rural and visual amenity of surrounding residents and the area. It is also evident from the submissions received by local residents that there does not appear



to be an overwhelming need for better network coverage in the local area.

Therefore, the benefits of improved telecommunications services to the local area do not appear to be balanced with the visual impact on the area which will be significant. The proposal if approved would detract from the rural character and amenity of the area which would be inconsistent with provisions of LPS 3. For these reasons, it is therefore recommended that Council refuse the application.

Strategic Plan/Policy Implications

City Growth

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

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner.
- Advocate for improvements to information technology infrastructure such as the NBN rollout.

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development.
- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health.

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

The application was advertised to 249 nearby landowners within a 500m radius in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes)*



Regulations 2015. A total of 92 submissions were received during the advertising period. See Consultation section of the report above.

Risk Management Implications

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

Attachment(s)

1. Site Map
2. Site Location Access Plan
3. Site Setout Plan
4. Elevation Plan
5. Photo Montage Location Map
6. Photo Montage 1
7. Photo Montage 2
8. Electro Magnetic Emissions Report

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

15.5 (MINUTE NO 6094) (OCM 08/06/2017) - PROPOSED SCHEME AMENDMENT NO.124 (LOT 432 RODD PLACE, HAMILTON HILL) (109/124) (D DI RENZO) (ATTACH)

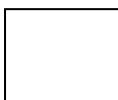
RECOMMENDATION

That Council

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

Recoding portion of Lot 432 Rodd Place, Hamilton Hill from 'Residential R30' to 'Residential R30/40'.

- (2) note the amendment referred to in resolution (1) above is a 'standard amendment' as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:



an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

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

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

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

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

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

COUNCIL DECISION

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

CARRIED ENBLOC 7/0

Background

The subject site is Lot 432 Rodd Place, Hamilton Hill (see Location Plan - Attachment 1). A portion of the site (4504sqm) is zoned ‘Residential R30’, with 3131sqm of the northern portion reserved for ‘Parks and Recreation’ pursuant to City of Cockburn Town Planning Scheme No. 2 (“the Scheme”).



Vehicular access to the residential zoned portion of the subject site is from Rodd Place to the east.

The subject land was formally owned by the City of Cockburn in freehold, and the current reserve and zoning configuration was identified through the Phoenix Rise Master Plan (adopted in 2006), to enable residential development to occur overlooking redeveloped public open space ("POS"). Amendment No. 38 to the Scheme implemented these Phoenix Rise zoning changes, with most of this area, including the residential portion of the subject land, being zoned 'Residential R25'.

The subject land was subsequently included in the Phoenix Revitalisation Strategy (2009) study area, and the residential zoned portion of the land was recoded from R25 to R30 in 2010 as part of Amendment No. 76.

The subject land was then identified in the City's Land Management Strategy as being land available for sale. In line with this, the City subsequently sold the land in 2014 to Rodd Place Development Pty Ltd. The purchaser was required to purchase the entire Lot 432 and subsequently cede the portion of the land reserved for recreation back to the City free of cost.

It was also a requirement that the purchaser upgrades the reserved land and redesign and develop the stormwater sump to the satisfaction of the City. This was intended to ensure that coordinated redevelopment occurs, with a positive relationship between the residential component and future POS component.

On 2 December 2014 a development application for 47 multiple dwellings on the residential zoned portion of the land was approved by the City, with the northern portion of the site to be redeveloped for POS which would be ceded to the City.

At the time that this approval was issued, *State Planning Policy 3.1 - Residential Design Codes* ("R-Codes") required the 'density' of development in R30 coded areas to be assessed under the 'plot ratio' controls specified in Part 6 of the R-Codes, allowing for a plot ratio of 0.5:1 on the subject site. As the development proposed a plot ratio of 0.44:1, the proposal was considered compliant in this respect.

Subsequent to the approval being issued the Western Australian Planning Commission ("WAPC") amended the R-Codes, to require development within areas coded less than R40 (i.e. including the subject site) be assessed under Part 5 of the R-Codes rather than Part 6. Part 5 contains 'minimum site area per dwelling' requirements which



are not able to be varied, and would limit the number of dwellings that could be approved on the subject site to around 25.

The development approval was valid for a period of two years (consistent with the Planning and Development (*Local Planning Schemes*) *Regulations 2015*) during which time the development needed to be 'substantially commenced' in order for the approval to remain valid.

The development was not substantially commenced within the required two year time frame, and therefore the 2014 approval is no longer valid. This means that any new development applications for the subject site must be assessed against the current R-Codes requirements, and therefore the previously approved 47 multiple dwellings cannot be approved.

It is on this basis that the landowner has applied to recode the 'Residential' zoned portion of the site from R30 to R40, and they assert that this will enable them to seek approval for the same development (47 multiple dwellings) previously approved by the City prior to the changes to the R-Codes.

Submission

The request to recode the 'Residential' zoned portion of the subject land from R30 to R40 has been received from TPG Place Match on behalf of the landowner.

Report

Proposed Amendment No. 124 seeks to recode the 'Residential' zoned portion of the subject land from 'Residential R30' to 'Residential R40'. The current zoning of the subject land and surrounding area is shown in Attachment 2.

Proponent Justification

The proponent's amendment request is included at Attachment 3, and includes justification for the proposal (see page 23). The proponent has stated that the primary purpose of the recoding is to allow them to seek approval for the 47 multiple dwellings that were approved by the City in 2014 prior to the change to the R-Codes for multiple dwellings in R30 coded areas.

It is their assertion that the proposed recoding will allow the site to be developed for the previously approved, high quality 'multiple dwelling' outcome, which will enhance the POS on the northern portion of the site, deliver a bona fide 'public park', provide passive surveillance over



that park, and provide an appropriate transition between the existing split coded R35/80 site to the east of the site and the existing R30 properties to the west.

While this may be the proponents' intention, they are not bound to the proposal that was previously approved, and recoding of the subject land will mean that they, or a future landowner, can apply for any development at a coding of R40.

Attachment 3 (Figure 8) compares a grouped and multiple dwelling development scenario. This is intended to demonstrate that the proposed R40 multiple dwelling scenarios provides better surveillance of the POS, and achieves a greater setback to existing residential development to the south.

However, if the site is recoded the landowner is not bound to this dwelling configuration, and 34 single storey grouped dwellings across the site (offering minimal passive surveillance, and minimal setback to adjacent residential development) could be the possible development outcome.

It is therefore critical that the proposed recoding be assessed on its own merits.

Assessment of Proposal

The subject land is located within the Phoenix Revitalisation Strategy area; therefore consideration must be given to the Strategy in considering the appropriateness of this proposal.

To summarise, the residential codings in the Phoenix Revitalisation Strategy were designated generally as follows:

- * R40 and greater within the 400m walkable catchment of the Phoenix Activity Centre
- * R30 within the 400m – 800m catchment of the Phoenix Activity Centre
- * R30/40 adjacent to POS with design guidelines/criteria contained within a Local Planning Policy. This sought better design outcomes opposite, abutting or adjacent to POS; and the provisions provide an opportunity to achieve a density bonus subject to specific dwelling design requirements. The specific requirements aim to provide a variety in the design, height and roofline of dwellings and maximise passive surveillance of POS areas



- * Bethanie Illawong Aged Care site (1 Rodd Place adjacent to the subject land) was recoded from R30 to a split coding of 'R35/R80 in response to the identified specific need for more aged care dwellings. To ensure appropriate development of this site there were extensive and detailed provisions included in the Scheme, and a 'Restricted Use' was included to ensure the site is only developed to facilitate more aged and dependent persons accommodation.

The R30 coding of the subject land was therefore left unchanged, given its distance from the Phoenix Activity Centre.

As outlined above, codings of R40 were only designated within the 400m walkable catchment of the Phoenix Activity Centre. Therefore recoding of the subject land to R40 is not considered to be justified, and would effectively represent an ad hoc 'spot rezoning' within the current planning framework.

The argument itself that an R40 coding will result in increased housing diversity is not supported, as the Phoenix Revitalisation Strategy provided an appropriate range of densities in appropriate locations to facilitate housing diversity and to help achieve infill targets set out in Directions 2031 and Beyond.

It is however noted that the Phoenix Revitalisation Strategy did designate split codings of R30/40 adjacent to POS. The subject land includes a large portion of POS, and it is therefore considered appropriate to give consideration to a split coding of R30/R40 for the subject land.

With the split R30/40 coding the lower R30 coding applies as of right, and should the higher coding of R40 be sought the criteria set out in Local Planning Policy 1.2 'Residential Design Guidelines' must be met.

A split coding of R30/40 is consistent with the residential coding designations of the Phoenix Revitalisation Strategy, and would also provide a transition from the Aged Care site which is coded 'R35/R80'.

A coding of R30/40 as an alternative to the proposed R40 coding has been discussed with the proponent who has provided preliminary support for this approach.

Applying R30/40 Split Coding

The criteria for the split codings are set out in Local Planning Policy 1.2 'Residential Design Guidelines', under clause 15, as follows:



Split Coded R30/40 Lots

Split coded residential lots which are located opposite or adjacent to Public Open Space (POS) may be developed up to the stated maximum R40 density, where development is consistent with the requirements of this policy and the following criteria:

- 1. At least one of the dwellings is two storey or incorporates a habitable mezzanine/loft (excluding bedrooms) in order to create variety in design and height and provide opportunity for surveillance of the POS;*
- 2. New dwellings located on the front portion of a lot should have major windows fronting the street, and must not be orientated to solely face internal driveways;*
- 3. Wherever possible rear dwellings should be designed so that significant sections of the front elevations can be seen from the street (i.e. major openings to internal living areas);*
- 4. Provision of an outdoor living area within the front setback of an existing or proposed front dwelling which complies with the requirements of Section 8 of this Policy in order to promote surveillance of the POS;*
- 5. Development on lots larger than 1500m² shall also demonstrate a suitable level of variety in design and height and promote surveillance of the POS.*

It is considered that these criteria, in conjunction with the other provisions of the policy, would ensure that development at a coding of R40 would need to provide good surveillance of the POS, and be designed with visual interest.

From a design perspective, the previously approved multiple dwellings are considered to meet this criteria.

This approach would also require a development application for any development at an R40 coding; therefore preventing the land from being subdivided into R40 sized lots which could result in development that lacks the cohesion that is achievable through comprehensive development of the site.

To compare the two codings, under a coding of R30 the subject land could be developed for an estimated 25 grouped or multiple dwellings (average site area of 300sqm). A coding of R40 could yield 34 grouped dwellings or 47 multiple dwellings (average site area of 220sqm for grouped dwellings; 180sqm for multiple dwellings).



Pursuant to the R-Codes the maximum building heights, minimum open space, and street setbacks requirements are the same for R30 and R40.

Traffic and Parking

Vehicular access to the subject land is from Rodd Place, which is an access road.

Given that development at a coding of R40 would potentially yield more dwellings, consideration must be given to the impact of additional vehicle movements on Rodd Place.

Under a coding of R30 the possible yield of 25 dwellings may generate an estimated 150 vehicle trips per day (based on 5-6.5 daily vehicle trips per large unit or townhouse).

A coding of R40 could yield 47 multiple dwellings which are estimated to generate a maximum of 235 vehicle trips per day (based on 4-5 daily vehicle trips per smaller grouped/multiple dwelling).

Development at a coding of R40 therefore has the potential to increase daily vehicle movements on Rodd Place by 85.

Currently Rodd Place has seven dwellings on the northern side, and 22 aged care units on the southern side (Bethanie Illawong Aged Care, also accessed directly from Southwell Crescent). Current development is therefore likely to generate a maximum of 156 daily vehicle trips. In conjunction with the anticipated 235 vehicle trips under an R40 coding development scenario for the subject land this is a total of 391 vehicle trips per day.

Rodd Place is classified as an 'Access Road', and the maximum desirable volume for such roads is 3000 vehicle trips per day (Main Roads WA - Road Hierarchy for Western Australia Road Types and Criteria).

It is noted that future redevelopment in Rodd Place in accordance with the current residential codings may result in twice as many residential dwellings to the north (if each were to be subdivided), and an additional 108 aged care dwellings to the south (noting access would also be possible from Southwell Crescent).

Should maximum re-development/additional development opportunities be utilised by those landowners (excluding the subject land) there is a potential total of 742 vehicle movements on Rodd Place. In conjunction with development of the subject land at an R40 coding



(estimated 235 vehicle trips per day); this is a estimated maximum total of 977 vehicle trips per day on Rodd Place. This is still substantially less than the 3000 vehicle trips per day that the road has capacity for.

It is therefore considered that the total anticipated daily vehicle trips on Rodd Place under an R40 coding scenario for the subject land, and factoring in possible additional development of other properties in Rodd Place, would be acceptable and within the design capacity of the existing road.

Vehicle parking is required to be addressed in accordance with the requirements of the R-Codes, which includes requirements for on-site visitor parking. The previously approved development application for 47 multiple dwellings (contained within Attachment 2 – page 18) demonstrated that the resident and visitor parking could be accommodated on the subject land without impacting of the amenity of the adjacent area.

Conclusion

It is considered that there is insufficient justification to support the proposed recoding of the subject land from R30 to R40, given the residential coding principles that underpinned the Phoenix Revitalisation Strategy.

However, the Phoenix Revitalisation Strategy did designate R30/40 split codings adjacent to POS to improve passive surveillance and built form interest. Given that the subject land will be adjacent to POS it is considered justified to recode it from R30/40. There is preliminary support for this approach from the proponent.

It is therefore recommended that the Council in pursuance of Section 75 of the *Planning and Development Act 2005* amend the Scheme by recoding the residential zoned portion of Lot 432 Rodd Place, Hamilton Hill from 'Residential R30' to 'Residential R30/R40' to be advertised for public comment.

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



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

Community, Lifestyle & Security

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

Budget/Financial Implications

The fee for processing this proposed Scheme Amendment has been calculated in accordance with Schedule 3 of the *Planning and Development Regulations 2009*, and has been paid by the proponent.

Legal Implications

N/A

Community Consultation

If initiated by Council, Amendment No. 124 will be advertised in accordance with the requirements of Section 47 of *Planning and Development (Local Planning Schemes) Regulations 2015*.

This requires the proposal to be advertised for a minimum of 42 days in the following manner:

- * Publish the notice in a newspaper circulating in the scheme area;
- * Display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;
- * Give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
- * Publish a copy of the notice and the amendment on the website of the local government.

Letters will be sent to adjacent and nearby landowners and government agencies seeking comments on the proposal. All submissions received will subsequently be collated and addressed, and presented to Council for consideration.

Risk Management Implications

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



If the Amendment is not initiated there is no right of appeal for the applicant.

As stated in the report, it is noted that the applicant is not bound by the previously approved multiple dwelling application, and recoding of the subject site could result in a different proposal being put forward to be considered on its merits in accordance with the R30/40 coding framework.

Attachment(s)

1. Location Plan
2. Current zonings
3. Proponent Request for Amendment Initiation

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

15.6 (MINUTE NO 6095) (OCM 08/06/2017) - PROPOSED AMENDMENT TO GADD STREET STRUCTURE PLAN - LOT 1 GADD STREET, PORTION OF LOT 80 AND LOT 761 BRANCH CIRCUS, SUCCESS; OWNER: PROPERTY NOMINEES PTY LTD, ASH ROW PTY LTD AND WATER CORPORATION; APPLICANT: RPS GROUP (110/162) (T VAN DER LINDE) (ATTACH)

<p>RECOMMENDATION That Council</p> <ol style="list-style-type: none">(1) adopts the Schedule of Submissions prepared in respect to the proposed Structure Plan amendment.(2) pursuant to Deemed Provision 20 of City of Cockburn Town Planning Scheme No. 3, recommend to the Western Australian Planning Commission that the proposed Structure Plan amendment be approved, subject to the following modifications:<ol style="list-style-type: none">1. Amend “Attachment 3 – Amendment Summary” to show the correct proposed residential density coding over the south-west portion of the site.2. Modify the table titled “Specific Amendments to Barfield
--



Road Structure Plan” to include an additional item as follows:

Part One	Section 4.1	<p>Include additional matters to be addressed as a condition of subdivision as follows:</p> <ul style="list-style-type: none"> v. Appropriate acid sulphate soil and contaminated site investigations. vi. Preparation of a landscaping plan which includes the requirement to embellish and maintain POS as low bushfire threat vegetation, incorporate a 3m wide dual use path adjacent to dwellings fronting the POS to allow for emergency vehicle access, provide access gates to subdivisional roads from this dual use path, and any other requirements to ensure the bushfire risk to future dwellings is acceptable. vii. Upgrade and modification of the intersection of Darlot Avenue and Hammond Road to the satisfaction of the City of Cockburn.
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- (3) advise the landowners within the Structure Plan amendment area and those who made a submission of Council’s recommendation accordingly.

COUNCIL DECISION

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

CARRIED ENBLOC 7/0



Background

The proposed Structure Plan amendment applies to Lot 1 Gadd Street, portion of Lot 80 and Lot 761 Branch Circus, Success (“subject land”) (see Attachment 1 – Location Plan).

A Structure Plan prepared over these lots was adopted by Council on 10 September 2015 and approved by the Western Australian Planning Commission (“Commission”) on 13 March 2017 (see Attachment 2 – Existing Structure Plan).

The Structure Plan Amendment proposes to increase the density code over a number of portions of the subject land from R25 to R30 and R30 to R40, remove a portion of road reserve adjacent to the proposed Public Open Space (“POS”) and include additional laneways servicing the rear of proposed R40 codes lots. The proposed Structure Plan amendment is depicted at Attachment 3.

A subdivision application was approved by the Commission over the subject land on 23 December 2015 in accordance with the Council adopted Structure Plan (later to be endorsed by the Commission in March 2017). On 15 June 2016, the applicant lodged an amended subdivision application with the Commission which was then referred to the City for comment. Due to the nature of the proposed amendments, the City advised that a Structure Plan amendment would need to be lodged and approved prior to approval of the subdivision application. Thus, the applicant has now lodged the proposed Structure Plan amendment which reflects the changes proposed by the amended subdivision application.

This report now seeks to provide a recommendation on the proposal in light of the advertising process and assessment by the City’s officers.

Submission

The amended Structure Plan was lodged by RPS Group on behalf of Ash Row Pty Ltd and Property Nominees Pty Ltd (the landowners).

Report

The subject land incorporates Lot 1 Gadd Street, portion of Lot 80 and Lot 761 Branch Circus, Success. The Armadale to Thomson Lake Water Pipeline, located within Lot 80 owned by the Water Corporation, traverses the subject land. The subject land is 8.65 hectares in size and is bound by Parks and Recreation Reserve to the north, west and south west, existing residential development to the east and undeveloped, ‘Urban Deferred’ zoned land to the south.



The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("TPS 3"). The existing Structure Plan approved over the site provides for Residential development at R25, R30 and R40 densities, as well as POS and a network of road reserves to service the development. The subject land is located within Development Area 13 ("DA13") as well as Development Contribution Area 1 (Success North) ("DCA 1") and Development Contribution Area 13 (Community Infrastructure) ("DCA 13").

The subject land is currently vacant of built development; however, a Development Application for earthworks was approved in July 2015 and has been substantially carried out, resulting in much of the site being cleared in preparation for future development.

A Conservation Category Wetland (CCW) exists over the north-western portion of the site and the proposed POS (approved under the original Structure Plan) incorporating the CCW and 50m wetland buffer, providing separation to future residential development. Thomsons Lake Nature Reserve exists to the west and south-west of the subject land on the opposite side of Branch Circus.

Hammond Road is located approximately 200m east of the subject land providing access to the regional road network and the Kwinana Freeway via Beeliar Drive to the north and Russel Road to the south. Jandakot Primary School is located approximately 230m east of the subject land. Cockburn Central and Gateway Shopping City are located approximately 1.5km north-east of the subject land and offer a high level of services and community facilities. Cockburn Central Train Station and Aubin Grove Train Station are located 2.2km north-east and 2.3km south-east of the subject land respectively. Thus, the subject land is well connected and in close proximity to a high level of services and facilities.

Proposed Structure Plan Amendment

The Structure Plan Amendment (Attachment 3) proposes to increase the residential density of the Structure Plan, incorporate a number of laneways and remove a portion of road reserve to replace with POS.

Branch Circus District Structure Plan

The Branch Circus District Structure Plan was adopted by Council at the Ordinary Meeting of 11 August 2011. The District Structure Plan was prepared to facilitate proper and orderly planning across the undeveloped portion of DA13. The District Structure Plan provides guidance for the future preparation and implementation of structure plans, prescribing land uses, the local street network and local parks.



The Branch Circus Draft District Structure Plan provides a greater level of detail to guide structure plans and subdivision compared to other District Structure Plans. This level of detail was considered appropriate due to the highly fragmented nature of the subject area, and the important environmental values associated with extensive wetlands in the area.

The existing approved Structure Plan was prepared generally in accordance with the Branch Circus District Structure Plan in terms of POS location, densities and general road layout. The proposed Structure Plan Amendment only presents a minor variation to the existing approved Structure Plan. Whilst it does not propose R25 coded land at the subject land, as anticipated under the Branch Circus District Structure Plan, this increase in density is considered appropriate as discussed below. The proposed Structure Plan amendment is consistent with the objectives of the Branch Circus District Structure Plan in that it proposes medium density development at the subject land and rear laneways to service R40 coded lots.

Residential Density

Under the existing approved Structure Plan, the majority of residential development was proposed at an R40 density, with a small portion of R30 in the centre of the site and R25 to the south-west, adjoining Branch Circus and Gadd Street. Generally speaking, lots fronting or overlooking POS have been coded R40. The Structure Plan amendment proposes to increase the majority of the R25 coded land to R30 with the small remaining portion of R25 proposed as R40.

The approved Structure Plan prepared over the subject land estimated a total yield of 142 lots based on the area of residential zoned land and the minimum average lot size under the R-Codes. The Structure Plan amendment estimates a total yield of 124 lots over the same area despite the proposed increase in residential densities. This is as a result of further detailed planning of the subject land and the preparation of a Plan of Subdivision depicting a more accurate potential lot yield. Thus, the Structure Plan amendment proposes an overall lot yield of less than originally anticipated by the approved Structure Plan.

Notwithstanding, given the strategic location of the subject land, being in close proximity to Cockburn Central Activity Centre, several areas of POS and a high level of community services and facilities, the proposed increase in density is logical and consistent with State and Local government policies and strategies which promote higher density in close proximity to centres. A key purpose of Liveable Neighbourhoods is "*increased emphasis on achieving density targets*



and lot diversity, particularly around activity centres and public transport nodes.” While high density development is generally encouraged within walking distance of activity centres and public transport nodes, medium density development is appropriate at the subject land, as proposed by the Structure Plan amendment, due to it still being relatively close to Cockburn Central Activity Centre and Cockburn Central Train Station.

The subject land and several other lots within the Branch Circus District Structure Plan area are some of the few remaining landholdings capable of being structure planned and developed for residential development in the Success locality. Given much of the land to the east and north-east of the subject land has been developed at a low density (R20) despite being in close proximity to Cockburn Central Activity Centre, the subject land presents an opportunity to provide an increased density and provide more housing diversity within this locality.

Traffic

The expected dwelling yield and the road layout are consistent with Branch Circus District Structure Plan and therefore traffic volumes and flows have already been assessed by the City as acceptable.

However, one submitter raised concerns regarding traffic at the Darlot Avenue/Hammond Road intersection. This is further discussed in the Community Consultation section below.

Public Open Space and Local Road Network

The majority of the POS shown over the Structure Plan consists of CCW and CCW buffer. Further POS has been provided between the CCW buffer and residential zoned land in order to satisfy the 10% requirement set by *Liveable Neighbourhoods* and to provide amenity to residents and facilitate drainage function.

The Structure Plan amendment proposes to increase this portion of POS from 1.8286 hectares to 1.874 hectares by removing a portion of road reserve adjacent to the POS and thus expanding the POS into this area (see Attachment 3). The reason for this amendment is to better accommodate drainage swales within the POS. The increased area of POS provides for an increased separation between the proposed drainage swales and the CCW buffer, thus reducing the risk of disturbance of vegetation and soils within the CCW buffer. It also negates the need for a long lineal area of drainage swale, that would run the length of the POS on the west side of the road, with this now proposed to be constructed as two separate drainage basins, with a path network that can meander between these.



The removal of this section of road will not have a significant impact on the movement network within the Structure Plan area. Lots previously fronting this road reserve are proposed to directly front the POS and be provided with rear access via a laneway. The road network is still sufficiently permeable without this road linkage.

The bushfire risk can be managed through emergency vehicle access being provided through this area of POS. In accordance with *State Planning Policy 3.7 Planning for Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*, the width of a defensible space for emergency vehicles is required to be a minimum of 3m. Thus, a landscaping plan prepared for the site is required to incorporate a 3m dual use path. Gates into this POS area allowing access for emergency vehicles will be required to be installed to the north and south of the POS and should also be indicated on the landscaping plan. Furthermore, the POS will need to be maintained as low threat vegetation and this should also be indicated on the landscaping plan. These amendments have been required as per recommendation (2)2 above. This adequately addresses the issue of bushfire risk.

In conclusion the proposed Structure Plan amendment is considered to represent an effective planning response to the opportunities present with the land, and adequately addresses issues associated with traffic, bushfire risk and POS interface. It is recommended for approval on this basis.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets.
- Ensure a variation in housing density and housing type is available to residents.

Budget/Financial Implications

The Structure Plan amendment fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

Subdivision and development of the subject land is also subject to the requirements of the City's Development Contribution Plan 13 (Community Infrastructure) and Development Contribution Plan 1 (Success North).



Legal Implications

Planning and Development Act 2005
City of Cockburn Town Planning Scheme No. 3
Planning and Development (Local Planning Schemes) Regulations 2015

Community Consultation

Community consultation was carried out for a period of 28 days from 4 April 2017 until 2 May 2017. The proposal was advertised in the newspaper, on the City's website and letters were sent to affected landowners and relevant government agencies in accordance with the Scheme requirements.

Eight submissions were received during the advertising period, seven from government agencies and one from a nearby landowner. The majority of government agencies provided no objection to the proposal.

However, the Department of Parks and Wildlife expressed concern over the proposal to remove a portion of road adjacent to POS, as discussed in the *Public Open Space and Local Road Network* section above, due to concerns over public safety, protection of bushland and fire safety. The City has undertaken extensive investigations on these issues and the impact of removing this portion of road and has also had a number of discussions with the applicant. As a result of these investigations, it was concluded that the removal of the road would not have a significant negative impact on public safety, nearby bushland or fire safety as also discussed above.

One objection was received from a landowner on the basis that the proposal will result in unacceptable levels of traffic at the Darlot Avenue/Hammond Road intersection. This submission is directed primarily at the original Structure Plan prepared for the subject land which has now been approved by the Commission. The proposed amendment will not generate significant additional traffic to what was expected under the approved Structure Plan and thus concerns regarding increased traffic as a result of the amendment are not accepted.

However, the City acknowledges that there will be significant traffic impacts on the Darlot Avenue/Hammond Road intersection as part of the existing Structure Plan approval and imminent development of the subject land. The City, in its recommendation to the Commission on the original Structure Plan, requested a condition be placed on any subdivision approval over the subject land that the applicant be required to upgrade the intersection. Despite the City recommending



this condition and the applicant being in agreement, the Commission approved subdivision of the subject land on 23 December 2015 without this condition. An amended subdivision application was lodged with the Commission on 15 June 2016 and is yet to be determined pending approval of the proposed Structure Plan Amendment. The City will recommend the same condition be placed on the amended subdivision approval as per recommendation (2)2vii above.

The submissions have been listed in detail within the Schedule of Submissions at Attachment 4.

Risk Management Implications

The proposed Structure Plan amendment presents a good opportunity to increase density in locations close to activity centres in accordance with State Government strategies and policies. The subject land is also one of the few remaining sites within Success to be developed for residential development and the proposed amendment presents an opportunity to better meet density targets prescribed under Directions 2031 and Perth and Peel@3.5million. If the Structure Plan amendment is not approved, this opportunity will be lost.

Attachment(s)

1. Location Plan
2. Existing Structure Plan
3. Proposed Structure Plan
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

(MINUTE NO 6096) (OCM 08/06/2017) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr S Portelli that pursuant to Clause 4.14 of Council's Standing Orders, the time being 9.00 pm the meeting be extended by an hour to enable the business of the meeting which remains unresolved to be considered.

CARRIED 6/0



**15.7 (MINUTE NO 6097) (OCM 08/06/2017) - CITY OF COCKBURN
RESPONSE TO ARMADALE ROAD DEVIATION AND NEW NORTH
LAKE ROAD BRIDGE/FREEWAY INTERCHANGE ROUTE
DEFINITION REPORT (163/011) (A TROSIC)**

RECOMMENDATION

That Council support the Route Definition Report for the Armadale Road deviation and new North Lake Road Bridge/Freeway Interchange project, subject to the key comments made in the officer report.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 6/0

Background

The Armadale Road deviation and new North Lake Road Bridge / Freeway Interchange project has recently been committed to funding between the Federal and State Governments. This is a significant piece of infrastructure for the Southern Metropolitan Region, recognising the significance of the Cockburn Activity Centre as a major centre in its own right, and also as a key point along the southern enterprise arc. This ARC links between the major enterprise areas of the Western Trade Coast, Australian Marine Complex, Bibra Lake Industrial Area, Jandakot City, Forestdale Business Park and the Armadale Strategic Centre.

In partnership with Main Roads WA ("MRWA"), Department of Planning, Department of Transport and the Public Transport Authority ("PTA"), a strategic road infrastructure design has been established that will create an appropriately dimensioned centre that supports the needs of regional accessibility balanced with regional mobility. This infrastructure will unlock the intended future land use outcomes not only with Cockburn Activity Centre, but the broader enterprise precincts that exist along the southern enterprise arc.

As part of progressing the design to its final stage, MRWA have prepared a route definition report for the Armadale Road deviation and new North Lake Road Bridge / Freeway Interchange project. The purpose of this report is for Council to consider its response to this document.



Submission

N/A

Report

The route definition report details the planning study undertaken for the Armadale Road deviation and new North Lake Road Bridge / Freeway Interchange project. Council are very familiar with this project, so rather than re-state a detailed history, it is appropriate that the analysis focus upon the specifics of design, in order for Council to establish its comments on the route definition report. Before this takes place, it is also worth touching on the design concept which features the so called 'duck and dive' intersection treatments.

These are a first for WA, and comprise through traffic movement happening in a trench like expressway, with turning traffic happening via an elevated roundabout type structure. The below image gives an impression of what this generally looks like, being an examples within the US:



This report now proceeds to the analysis proper of the route definition study.

1. *Scope of the Project*

The City understands that the recent funding announcement has been to facilitate the entire Armadale Road deviation and new North Lake Road Bridge / Freeway Interchange project. This had been a point of some confusion in lead up to the funding announcements, as MRWA held a position that in order to deliver the necessary freeway interchange component of the project, the freeway itself needed to be upgraded northbound from Russel Road to the current Roe Highway intersection. The City believes there is now



complete clarity on the delivery of the entire project, including freeway connectivity, given that the recent State and Federal Government infrastructure announcements are for:

- Armadale Road/North Lake Road (Kwinana Freeway) – Constructing bridge and collector roads (Project Costs: \$237 million);
- Kwinana Freeway (Russell Road to Roe Highway) – Widening of Northbound Lanes (Project Costs: \$49 million).

Key comment – The City seeks clarity that in light of the recent State and Federal Government announcements, the entire scope of the project is now committed for delivery.

2. Need for consistent terminology

The route definition report uses some inconsistent terminology throughout to describe the project. Primarily they use a statement of 'North Lake Road Re-alignment from Kwinana Freeway to east of the intersection of Armadale Road with Verde Drive/Tapper Road in Atwell.' This is not considered the best description of the project, as it doesn't mention the notion of either the freeway bridge or its associated freeway interchange. Accordingly, the terminology for the project should be consistently referred to as 'the Armadale Road deviation and new North Lake Road Bridge / Freeway Interchange project.'

Key comment - The City seeks to have the route definition report amended to provide a consistent name for the project. This should be the Armadale Road deviation and new North Lake Road Bridge / Freeway Interchange project.

3. Expressed objectives of the City in respect of its design idea

As the Council are aware, the City provided the idea to MRWA to focus on an Armadale Road deviation for the new North Lake Road bridge and Freeway interchange. The City's objectives for its design, while mentioned in the route definition report, included separating the mix of vehicles with a regional mobility based objective, with regional vehicles also having an accessibility objective. The way in which the route definition report expressed this objective was that only local vehicles required local access. Part of the justification for the infrastructure delivery is the notion of the enterprise arc for the southern metropolitan region, connecting strategic industrial areas so that supply chains and target markets can more efficiently access and interlink, helping to grow business and employment.



Key comment - The City seeks to have the discussion about mobility and accessibility reflect that regional vehicles are not just seeking mobility to the Kwinana Freeway, but that regional customers also pass through the enterprise arc and seek accessibility in to Cockburn Activity Centre.

4. *Reference to the previous 1997 road design option*

The route definition report mentions the statement that “it became apparent that long term road planning for the extension of North Lake Road east of the Freeway is being compromised due to the extent of development adjacent to this planned road. It was generally felt that the form and function of the planned North Lake Road as a regional road (Other) as gazetted in the Metropolitan Region Scheme (MRS) was compromised and that a further road network review be required...”

This portrays that development was inappropriately undertaken, and thus inappropriately approved by the City. It should be noted that such development had the involvement of MRWA and the Department of Planning, given it was fronting a ‘Primary Regional Road’ and ‘Other Regional Road’ reservation. It is thus more accurate to represent that it was not development that had compromised the 1997 design, but rather the assumptions that fed the 1997 design had changed significantly.

It is completely reasonable that an infrastructure idea identified in 1997, but not delivered still some 20 years later, would no longer be the most ideal infrastructure design given the context of today. That is, the assumptions made in 1997, would be very different to the assumption made in the present day.

Key comment - The City seeks to have the discussion about the 1997 design be more accurately portrayed as being compromised by the passage of time, rather than development undertaken on the ground.

5. *The objectives for the project*

The objectives for the project according to the route definition report are provided as follows:



- Improve road safety for all road users;
- Additional freeway connectivity;
- Meet future traffic demands and alleviate congestion;
- Improve accessibility by all modes within the Cockburn Central Activity Centre;
- Improve the road network into and out of the Activity Centre for regional traffic;
- Enhance access to public transport and encourage mode share shift toward public transport;
- Provide improved travel time reliability for public transport; and
- Minimise community issues.

It is also worthwhile adding objectives that address the economic return such a project will have in respect of business and jobs growth in the southern metropolitan region. The project has always been about more than congestion, it is about linking strategic industrial areas along the enterprise arc to facilitate business growth, jobs and investment.

Key comment - The City seeks to have the following objectives for the project added under Section 2.4:

- *Deliver a greater ability for businesses to be competitive within the industry sectors of manufacturing, construction and wholesale trade, leading to:*
 - *a demonstrably positive impact on the Australian economy and;*
 - *an even higher demonstrably positive impact on Australian jobs;*
- *Improve productivity through more efficient movement of people and goods and provide better access to major enterprise locations in the region;*
- *Provide improved capacity to meet employment self-sufficiency and employment self-containment objectives for the southern metropolitan region.*

6. *Route definition report leading to amendments to the current Planning Control Area*

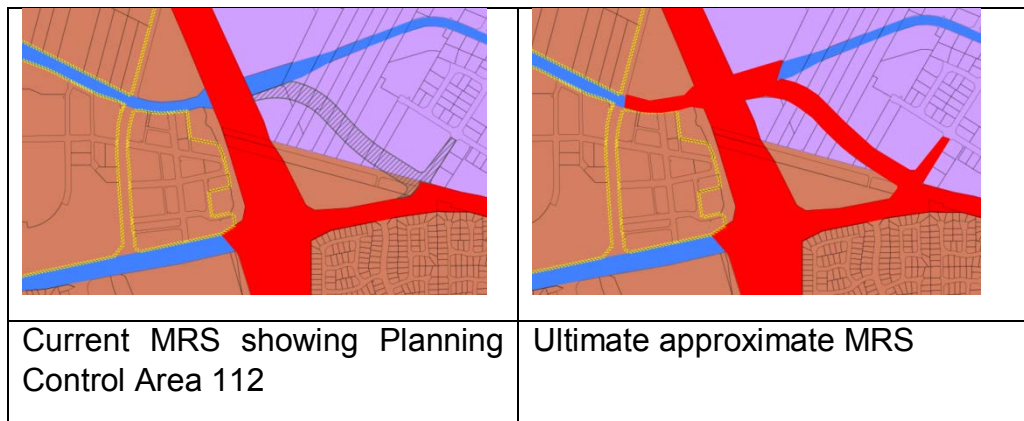
One of the key purposes of the route definition report is to confirm a Planning Control Area Plan and Metropolitan Regional Scheme (“MRS”) modifications that will eventually be gazetted as part of a future MRS amendment. While focussing on the project itself, it is also noted under the previous Kwinana Freeway Route Definition Report – Armadale Road/Beeliar Drive to Berrigan Drive (BG&E 2013) that there was the need to undertake some minor amendments to the Kwinana Freeway ‘Primary Regional Roads’ reservation also. It is noted this yet to be done. Accordingly, it should be reminded to MRWA that this needs to occur.



Key comment - The City seeks to have MRWA undertake the mentioned amendments to the Kwinana Freeway Primary Regional Road reservation, as provided by the BG&E 2013 'Kwinana Freeway Route Definition Report – Armadale Road/Beeliar Drive to Berrigan Drive.

7. Existing MRS reserve

Section 3.1 discusses the existing MRS reservations within the project area. It should also be noted under this section of the existence of Planning Control Area 112, given this is a key feature that will ultimately (subject to final design adjustment) lead to a new pattern of road reservations. It should also be noted that the eventual road reservations should be as a 'Primary Regional Road' under the MRS, which reverts back to an 'Other Regional Road' at the Kentucky Court intersection. This will provide clarity that MRWA are delivering the project, and will maintain it as part of its freeways and highways network. The image below ultimately depicts this reservation outcome:



Key comment - The City seeks to have Section 3.1 of the report reference the existence of Planning Control Area 112. The report should also make it clear that Planning Control Area 112 is intended to revert to a Primary Regional Roads reservation, as per the normal processes for amending the MRS.

8. Data presented in respect of current traffic counts

It is noted that the route definition report presents traffic data that is almost five years old. Its reliability in this regard, especially in potentially under-representing the current traffic volumes, needs to be addressed. Traffic count data needs to be contemporised, either through replacement with new traffic counts or through addition of an appropriate growth factor. This will be more effective in portraying the need for the project, and also assist in better



understanding the management of traffic that will need to occur during the construction phase of the project.

Key comment - The City seeks to have traffic count data brought up to date within the report, either through new counts or through the addition of a growth factor to ensure the data is reliable per the published date of the report.

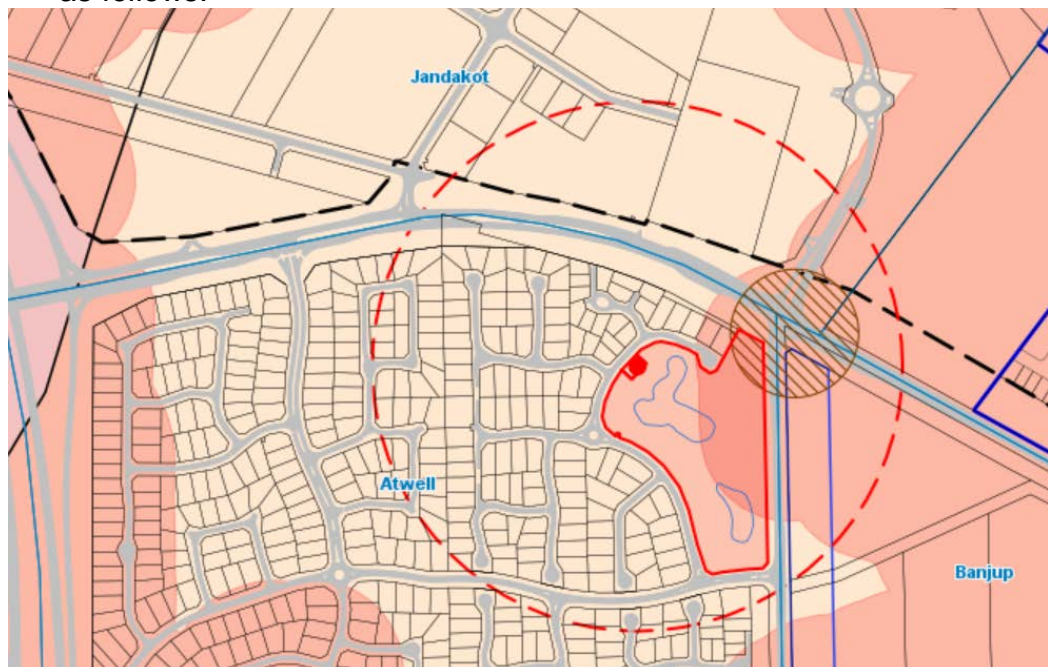
9. Management of Aboriginal heritage sites

The route definition report mentions the presence of two sites defined in the Department of Aboriginal Affairs Aboriginal Heritage Inquiry System. These need to be appropriately managed as part of the construction and delivery of the project, according to the requirements of the Aboriginal Heritage Act 1972.

Key comment - The City seeks to have the report include reference to the requirement of managing Aboriginal heritage sites in accordance with the requirements of the Aboriginal Heritage Act 1972.

10. Constraints investigation

Under the section of the route definition report titled 'Constraints Investigation', it should be noted that there is a 300m well head protection buffer that extends in to the project areas. This is shown as follows:



Key comment - The City seeks to have the Constraints Investigation section of the report updated to reference the 300m well head protection buffer that extends in to the project area.



11. Noise management

Given the close proximity of current and future sensitive residential development, especially in the section surrounding the Midgeooroo Avenue / North Lake Road and Kentucky Boulevard intersection, it is necessary that noise analysis starts early so that the final design creates the most optimal outcome in respect of noise management, according to the requirements of State Planning Policy 5.4.

Key comment - The City seeks to work with MRWA in respect of the consideration and management of noise issues, with noise to be analysed as early as possible in order to create the opportunity of the most optimal design response to manage noise.

12. Analysis of the recommended design - North Lake Road and Midgeooroo Avenue and Kentucky Court intersection

The proposed design is presented in the following image:



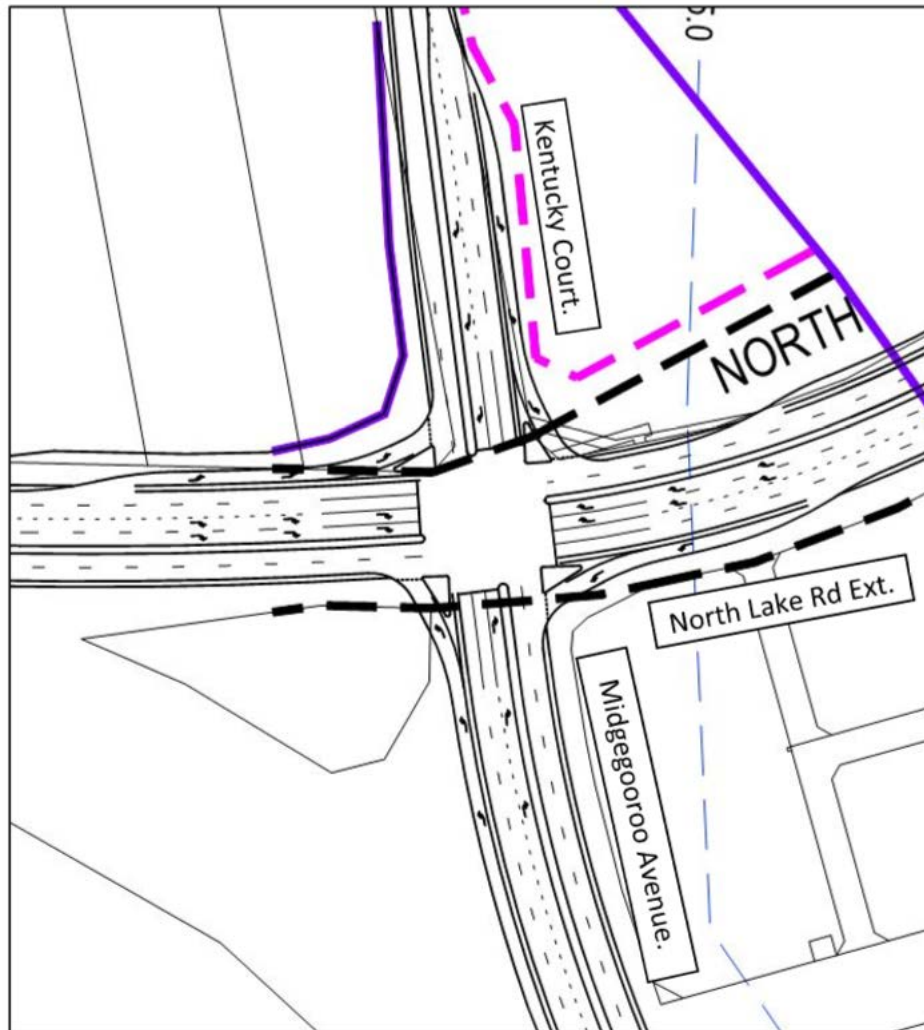


Figure 40 North Lake Road/Midgegooroo Intersection Layout

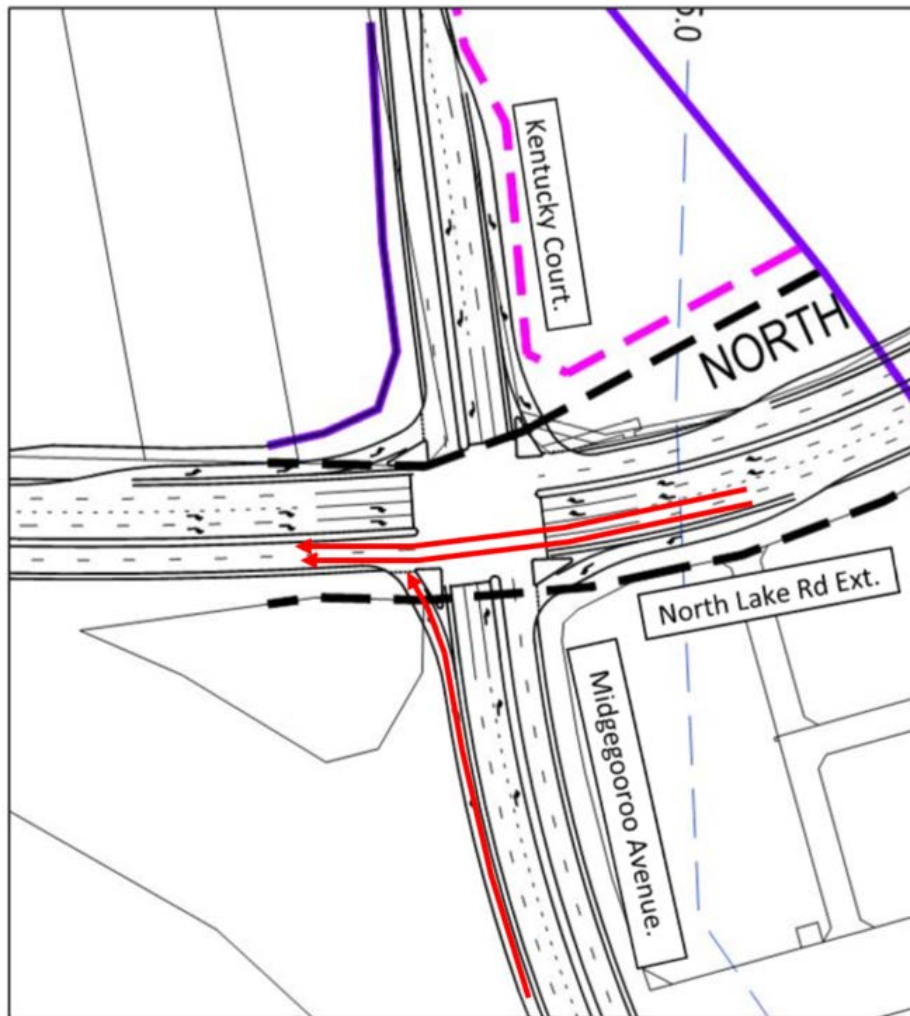
Key features of this design are identified in the report as follows:

- The northbound approach of Midgegooroo Street is modified by increasing the shared through and right movement into three approach lanes – through, shared through/ right and right only movement, while the existing signalised double left is reduced to a single left movement under give way control;
- The southbound approach of Kentucky Court changes the existing lane (shared left/through/right) movement into three lanes – right and two through movements, while a left only slip under give way control is also provided;
- Westbound lanes on North Lake Road will be modified to increase the current two lanes (left/through /right movement and right only movement) into 4 lanes - two through and two right turn movements, and
- Eastbound lanes on North Lake Road will be modified to mirror that of the westbound lanes including a left slip lane.

Following assessment, there is one small but important concern to raise. This is associated with the lack of priority movement given to the northbound approach for vehicles travelling along Midgegooroo Avenue, intending to turn left in into North Lake Road. This is proposed



as a single left movement under give way control, that is you travel up Midgegooroo Avenue to the intersection, give way to traffic on your right, and then enter North Lake Road to head west. Given the substantial traffic in this area, it will be important to monitor this intersection performance to determine whether sufficient gaps allow a reasonable level of service for that movement left along North Lake Road. While there appears sufficient storage capacity in the left lane, it is unclear to what extent traffic will be backed up along Midgegooroo Avenue due to not having a sufficient gap to enter North Lake Road and head west. This is generally depicted in the following image:



Key comment - The City seeks the report to specifically look at the performance of the northbound left hand turn in to North Lake Road from Midgegooroo Avenue, in order to ascertain whether it will perform adequately.

13. *Analysis of the recommended design - Armadale Road and Solomon Road intersection*



The proposed design is presented in the following image:

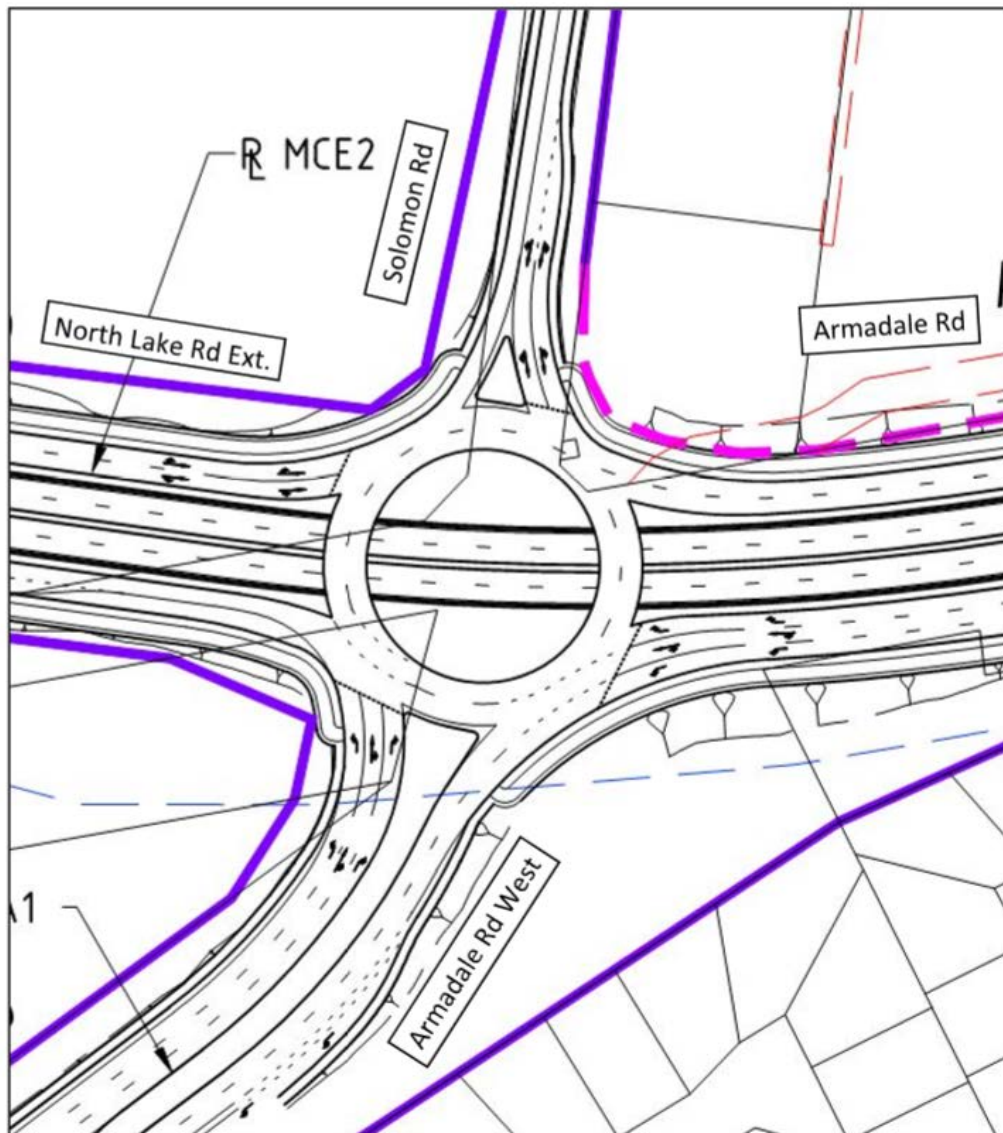


Figure 41 North Lake Road/Armadale Road/Solomon Road Intersection Layout

Key features of this design are identified in the report as follows:



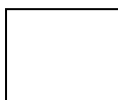
The proposed modifications to the North Lake Road/Armada Road/Solomon Road intersection include:

- The existing T-Intersection of Solomon Road with Armadale Road along with the accesses from Knock Place into Solomon Road (within 40m of the T-intersection) will be reconfigured into a grade separated roundabout. Through traffic from Armadale Road and North Lake Road extension will traverse under the planned roundabout whereas the elevated roundabout will provide vehicle access to existing developments adjacent to the corridor;
- The northbound approach from Armadale Road West to the Roundabout has 3 lanes approaching - left only, shared through/right and right only movements. The double right is required to accommodate the large PM demand;
- The eastbound CD road approach from North Lake Road to the Roundabout has 2 lanes approaching being - left/shared through and shared through/right movements;
- The southbound approach of Solomon Road also has a two lane approach with left/shared through and shared through/right movements;
- The westbound CD road approach of Armadale Road to the Roundabout has 3 lanes approaching - left only, left/shared through and right only movements. The left only movement cannot be a slip lane due to the close proximity of the left turn pocket into Freshwater Drive on Armadale Road West; and
- A spiral will be required within the roundabout for vehicles travelling from the North Lake Road extension or Solomon Road southbound who wish to access North Lake Road Extension westbound.

This is a significant intersection treatment. It appears to primarily affect the existing Puma Service Station on the corner of Solomon Road and Armadale Road, and of course Knock Place and the businesses located along that access. It also appears to limit (but not completely cut off) access to the existing showroom development, which has an access leg coming off Solomon Road via the Puma Service Station site. It will also cause adjustment to the Cockburn Hyundai access arrangements, effectively to push access further north along the Solomon Road frontage. These issues are diagrammatically indicated as follows:



It is recommended that MRWA undertake early and direct engagement with these stakeholders to address concerns they will no doubt raise. The route definition report appears to confirm that the businesses are able to remain, specifically stating:



Puma Service Station - *Two existing accesses to Lot 105 (Puma Service Station) are to be removed as a result of the proposed works. This includes the direct driveway access from Solomon Road and the access from Knock Place, presently east of Solomon Road. An alternative access is suggested from Solomon Road, to the northern extent of Lot 105 (which is the service station site). The secondary access to the service station will remain via an easement shown within Lot 200. The level differential between the proposed roundabout and service station constrain the possible location of alternative access driveways.*

Cockburn Hyundai - *The existing access from Knock Place and southmost access from Solomon Road to Lot 302 (Cockburn Central Hyundai) are required to be removed to accommodate the proposed roundabout. Two alternative driveway accesses are located on Solomon Road which is proposed to remain. Upon liaison with the lot owner, the southern access noted to remain may be deemed too close to the roundabout and will need to be relocated north. It is expected that the northern Solomon Road access can remain, however this appears to service a separate business (Car Giant) within the same lot. It is noted that revised access locations will be the subject of a development application.*

Businesses off Knock Place - *The proposed design will sever access to all lots currently relying on driveways located on Knock Place. These lots have been identified as Lots 14, 64 and 65, based on the proposed design and cadastral / aerial information. The access strategy for these lots comprises utilising existing access via the rear of the lots from Monash Gate for Lots 64 and 65, and access from Verde Drive for Lot 14.*

While this appears positive, it is important to discuss implications with landowners/business owners, as there are likely to be operational issues that cannot be fully understood until discussion occurs. Early discussion will provide the best opportunity for creating an optimal access arrangement.

It will also be important to educate drivers on the use of the roundabout, especially those approaching from Solomon Road southbound intending to access the freeway via the new North Lake Road interchange. Such drivers will need to spiral the roundabout twice in order to move from the inner circle to the outer circle. This is shown following:



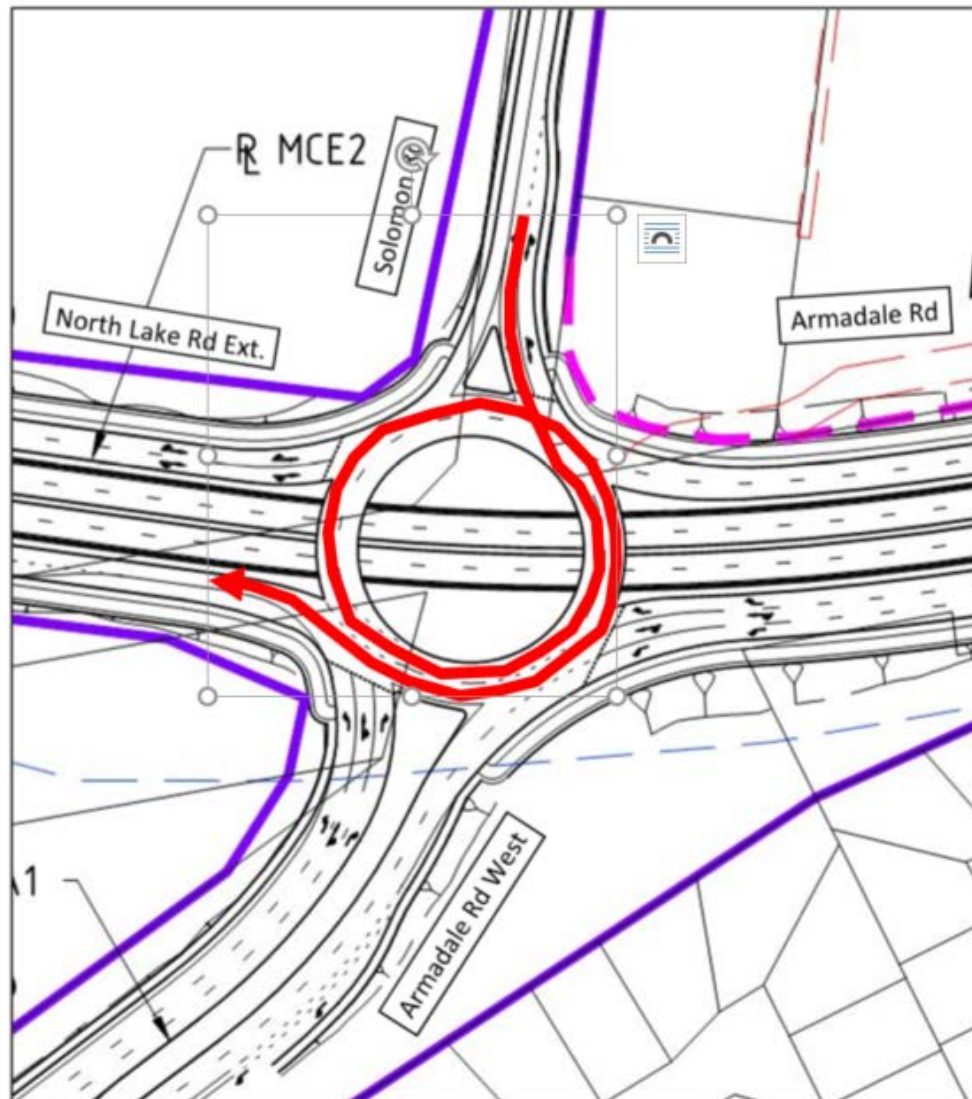


Figure 41 North Lake Road/Armadale Road/Solomon Road Intersection Layout

Finally, extensive education will be needed for public transport users to understand how access will be reconfigured for the Cockburn park and ride facility. This will be dramatically improved, with three new access points – from Armadale Road (left in left out), from the new Armadale Road deviation (left in left out), and finally by an underpass to provide northern connection beneath the Armadale Road deviation. It is recommended to also include a clearer diagram depicting this, and how this facilitates a more logical approach to access than what the current Knock Place access provides.

Key comment - The City seeks that in respect of the Solomon Road and Armadale Road intersection treatment, early engagement occur with the affected landowners/business owners, that there be a strategy for driver education (especially due to the use of a roundabout spiral) and finally a strategy for education users of the Cockburn train station park and ride. There should also be an image included within the



document that depicts the new three points of access to the park and ride facility.

14. Analysis of the recommended design - Armadale Road and Tapper Road and Verde Drive intersection

The proposed design is presented in the following image:



Figure 42 Armadale Road/Tapper Road/Verde Drive Intersection Layout

Key features of this design are identified in the report as follows:

- The existing 4 way intersection of Armadale Road/Tapper Road/Verde Drive will be reconfigured into a grade separated roundabout. Through traffic from Armadale Road will traverse under the planned roundabout whereas the elevated roundabout will provide vehicle access to existing developments adjacent to the corridor;
- The northbound approach of Tapper Road is modified by increasing the two approach lanes of left only and shared through/right movements into three approach lanes – left only, through only and shared through/right movement;
- The eastbound CD road approach of Armadale Road to the Roundabout has 3 lanes approaching – left only, through only and shared through/right movements;

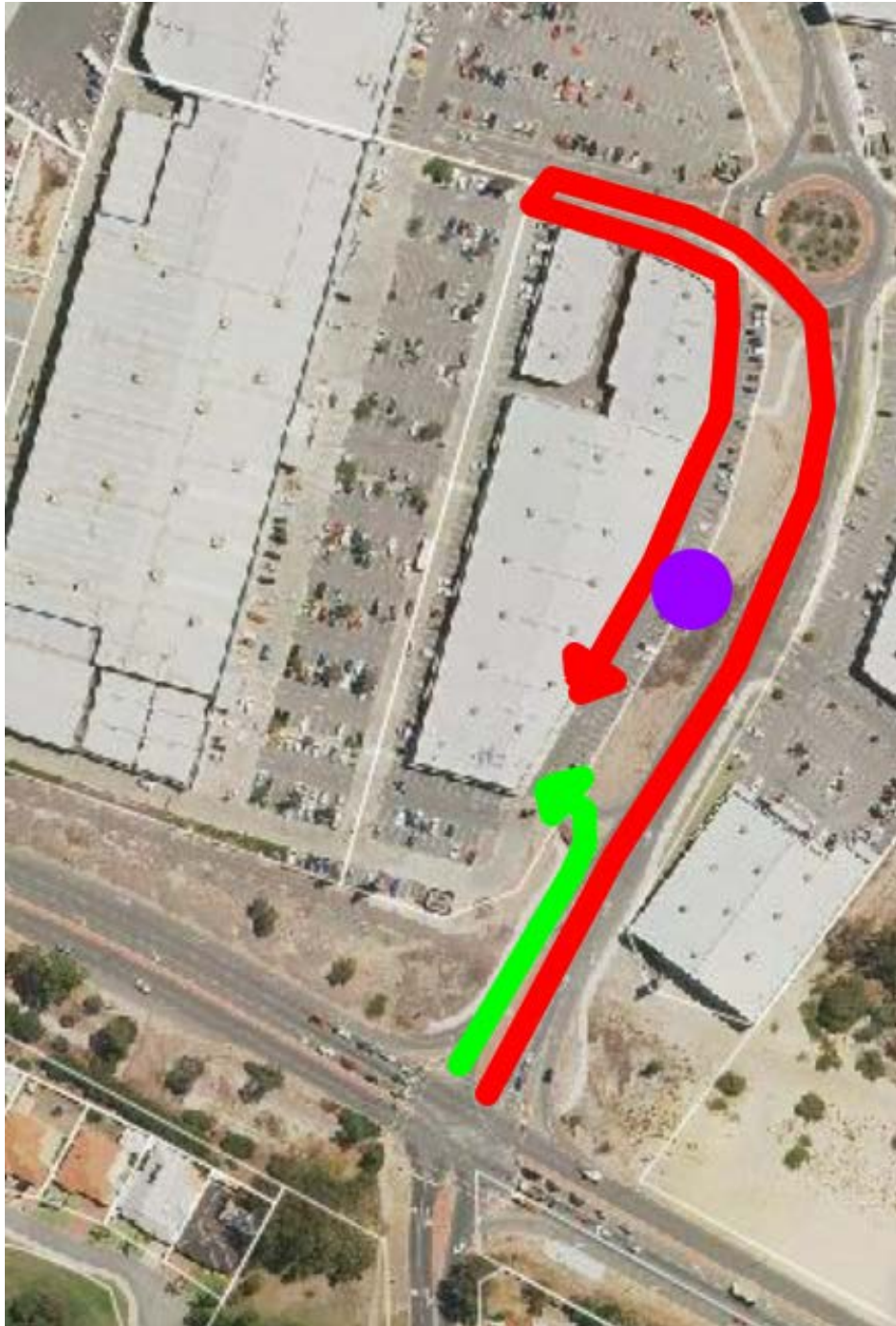
- The southbound approach of Verde Drive is modified from a right only, shared through/right movement and a left only slip lane (under give way control) to only two approach lanes - right only and shared right/through/left lane;
- The existing westbound approach of Armadale Road to the Tapper Road/Verde Drive intersection has 3 lanes approaching (2 through and right only) along with a left only slip under give way control. The revised configuration has 3 lanes approaching – left only, through only and shared through/right movements; and
- A spiral has been provided for vehicles travelling from the Armadale Road eastbound CD road who are turning right to access Tapper Road.

Similar to the Solomon Road and Armadale Road intersection, this is a significant intersection treatment. It appears to make the retention of the existing left in left out treatment as you head north along Verde Drive unachievable, due to proximity of the elevated roundabout and the need for extensive retaining at this point. Likewise, it appears to compromise the current driveway access for the single dwelling located on the south east corner of Tapper Road and Armadale Road. These issues are diagrammatically indicated as follows:



In terms of the single dwelling, there appears the opportunity to take access further south along the Tapper Road frontage. But this requires discussion with that affected landowner. In terms of the impacts on the existing showrooms along Verde Drive, the relocation of the left in left out will have a significant impact on convenient access for them. The image below shows current access in green, and future access in red IF another left in left out access is not provided.





This would appear an unreasonable degree of inconvenience to these businesses. Accordingly, it is recommended that the provision of a relocated (mid-point) left in left out could be a solution (shown in purple). This would again require consideration by MRWA and liaison with the affected businesses.

The design also includes a spiral, as indicated below:



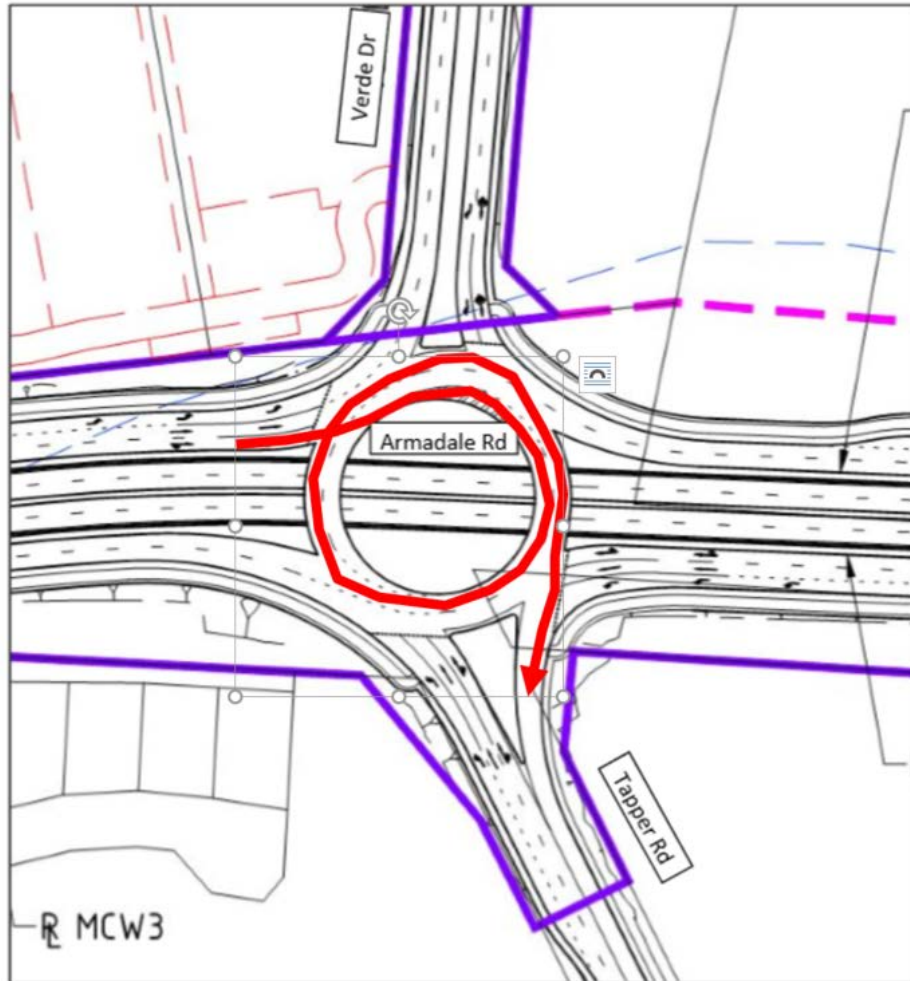


Figure 42 Armadale Road/Tapper Road/Verde Drive Intersection Layout

Key comment - The City seeks that in respect of the Tapper Road / Verde Drive / Armadale Road intersection, consideration be given to relocation of the existing left in left out access as you turn in to Verde Drive from Armadale Road. This left in left out should be located mid-block, in order to maintain a degree of reasonable convenience for these showroom businesses. Direct and early engagement should occur with these businesses, and with the landowner of the single house on the south east corner of the Tapper Road and Armadale Road intersection. There will also need to be a strategy for driver education (especially due to the use of a roundabout spiral).

15. *Analysis of the recommended design - Armadale Road between Solomon Road and Kwinana Freeway*

In looking at the design for the section of (existing) Armadale Road between Verde Drive/Tapper Road and the Kwinana Freeway, it is noted that:



- The existing mid-block left in left out access to businesses between Solomon Road and Verde Drive will remain;
- The existing left in left out access to Lot 500, which is directly on the corner of Kwinana Freeway and Armadale Road, will remain;
- Freshwater Drive access for the suburb of Atwell will be modified such that it becomes a left in/left out and right in only. The right turn movement from Freshwater Drive out has been removed so local residents who need to head east or access the South Central Showroom area and broader industrial precinct will need to do so via Lydon Boulevard and Tapper Road. This is considered a far safer alternative for residents.

Key comment - The City agrees to the modified design for Freshwater Drive, with this considered a greatly improved and safer treatment.

16. Pedestrian and bike planning

The proposed adjustments and improvements for pedestrian and bike paths are proposed in the following table:

Road	Location	Type of Path	Average Width (m)	Comments
North Lake Rd, Armadale Rd, CD Roads	North & South verges Between Kwinana Fwy & Fraser Dr	Asphalt Shared Path	3.0	Ties into shared paths on proposed Kwinana Fwy bridge and proposed widening east of Tapper Road
Armadale Rd (southeast)	North & South verges Between Freshwater Dr & Solomon Rd	Asphalt Shared Path	3.0	Ties into existing shared path east of Freshwater Drive. Armadale Road crossing location maintained for connectivity from Atwell suburb.
Solomon Rd Roundabout	Western verge North-South	Asphalt Shared Path	3.0	Shared path constructed as part of the western bridge structure providing connectivity across the dive
Verde Dr Roundabout	Western verge North-South	Asphalt Shared Path	3.0	Shared path constructed as part of the western bridge structure providing connectivity across the dive
Knock Pl	Southern verge	-	-	Existing path removed where clashes with Solomon Rd roundabout. Connectivity provided to the proposed shared path within the southern verge of the westbound CD road.
Solomon Rd	Western verge Between North Lake Rd & Monash Gate	Concrete Footpath	2.0	Reinstatement of existing concrete footpath to suit widening of western kerb alignment and verge
Verde Dr	Western verge Between North Lake Rd & retail access	Concrete Footpath	2.0	Reinstatement of existing concrete footpath to suit widening of western kerb alignment and verge
Tapper Rd	Western verge	-	-	No changes to existing path

Table 6 Summary of Proposed Paths



While noting these, the City requests these to be considered more closely, and it is recommended that the City's TravelSmart section engage directly with MRWA on this. The route definition report has drawn on the City's 1999 Bike Plan, however there have been two further versions since that time. This appears to be a small oversight. While it appears that pedestrian and bike connectivity is being considered, and appears to be improved, it will be important to address the current known issues that the City's residential communities like Atwell and Calleya Estate face in respect of the barrier that the current road environment provides them from safely walking to the train station and other points of interest.

Key comment - The City seeks specific engagement with MRWA to consider the proposed pedestrian and bike network, noting that the latest version of the City's Bike Plan will assist in further considering key connections associated with this project.

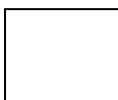
17. Public transport impacts

The route definition report notes the following impacts in respect of existing public transport:

There are two existing Transperth bus routes that will be impacted by the proposed North Lake Road alignment works. Both bus routes terminate at Cockburn Central Station and are shown in Appendix H of this report.

The bus routes impacted are as follows:

- Route 527 Cockburn Central Station to Honeywood Estate; and
- Route 518 Cockburn Central Station to Challenger Institute of Technology (via Armadale Road).



Six existing bus stop locations will be impacted during construction, some of which will require relocation as part of the proposed works. These are shown in Appendix G and summarised in Table 7 below:

Bus Stop No.	Location	Existing Layout	Relocation Required	Comments
13281	Armadale Rd southern verge - between Freshwater Dr & Solomon Rd	Bus stop post	Yes	Relocate to proposed northern verge
13282	Armadale Rd northern verge - between Freshwater Dr & Solomon Rd	Bus stop post	Yes	Relocate to proposed southern verge
13280	Armadale Rd southern verge – between Solomon Rd & Tapper Rd	Bus shelter and post within Bus Embayment	Yes	Construct new bus embayment and relocate bus shelter to proposed southern verge, directly west of Tapper Road
26644	Armadale Rd northern verge – between Solomon Rd & Verde Dr	Bus stop post at start of left-slip lane	Yes	Relocate to proposed northern verge at the start of the proposed left-slip lane to Verde Drive (ie. directly east of the left in/left out to Lot 200/400)
21108	Tapper Road western verge	Bus shelter and post	Yes	Relocate to proposed western verge to allow for widening
21104	Tapper Road eastern verge	Bus stop post	No	Bus stop may be affected during construction but does not require relocation as the eastern kerb alignment is not being modified

The route definition report defers consideration of how impacted routes (527 and 518) will be replanned. While it is noted that this is the responsibility of the PTA, the City should seek to have an active role in this also in order to shape the optimal outcome that suits residents and businesses alike.

Key comment - The City seeks to work with PTA in respect of replanning of the two bus routes that appear impacted by the project.

18. Concluding points

This is an infrastructure project that will truly transform Cockburn Activity Centre, the Southern Enterprise Arc and the entire Perth Region. The infrastructure is befitting of the solution needed to see Cockburn Activity Centre become one of the most important strategic centres in the whole of the Perth Region. The City looks forward to assisting MRWA in any aspect to ensure the successful delivery of this project.

Final key comment - The City seeks to work with MRWA in respect of helping to provide a coordinated education strategy, both in respect of the construct of the project and in the new and much improved regime that vehicles, pedestrians, public transport



users, customers, commercial operators and businesses alike will enjoy after delivery of the project.

Strategic Plan/Policy Implications

City Growth

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

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres.
- Continue advocacy for a better solution to regional freight movement.
- Improve parking facilities, especially close to public transport links and the Cockburn town centre.

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

This project has been committed for funding by the State and Federal Governments. The City will plan to also address any adjustments needed to the local road network, such that the necessary infrastructure delivery for Cockburn Activity Centre will be done in a coordinated and seamless manner.

Legal Implications

N/A

Community Consultation

The officer recommendation notes the need for detailed engagement and consultation with the community, as the design now progresses past concept.

Risk Management Implications

The risk to Council in not supporting the route definition report subject to the officer comments is that elements that require some further analysis may be missed. This could result in a delay to the delivery of the project.



Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

MRWA will be made aware that the matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

15.8 (MINUTE NO 6098) (OCM 08/06/2017) - COCKBURN CENTRAL EAST STRUCTURE PLAN (110/155) (R PLEASANT) (ATTACH)

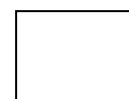
RECOMMENDATION

That Council

- (1) resolves to advertise the proposed Cockburn Central East Structure Plan for the purposes of advertising in accordance with Deemed Provision 18 of City of Cockburn Town Planning Scheme No. 3;
- (2) requests the Western Australian Planning Commission (WAPC) to extend Planning Control Area 122 to include all lots severed to the south by the deviation route including Knock Place, as well as any final adjustments to account for the final alignment of the Armadale Road deviation and new North Lake Bridge / Freeway interchange, including any elements along the Freeway corridor; and
- (3) upon the Planning Control Area amendment declaration by the Western Australian Planning Commission, request that the responsible Minister for Planning approve this declaration to enable it to come in to effect.

COUNCIL DECISION

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

CARRIED 6/0

Background

The purpose of this report is to seek support for advertising the Cockburn Central East Structure Plan (Structure Plan). The Structure Plan is generally bound by the Kwinana Freeway, Armadale Road, Cutler Road and the western edge of the Banjup Residential Estate. A Local Context Plan is provided at Attachment 1.

The primary objective of the Structure Plan is to ensure the local planning framework is in place to facilitate the delivery of the Armadale Road deviation and new North Lake Bridge / Freeway interchange, of which the alignment cuts through the subject Structure Plan area from east to west.

Main Roads Western Australia (MRWA) has prepared detailed design drawings (85% detail complete) with the design providing for:

- The extension of Armadale Road and the construction of the North Lake Bridge;
- A north bound freeway on ramp and a south bound freeway off ramp;
- The widening of the Armadale Road bridge for vehicles seeking to access Kwinana Freeway north bound;
- Two grade separated roundabouts, and;
- Connections with the existing road network and new access points of which require a local road planning response.

State and Federal Government funding of approximately \$237 million within the recent Federal Government Budget is confirmed for the project and as a result a Structure Plan is required immediately to facilitate land use and road network planning needs in connection with this significant infrastructure upgrade. In addition to this funding is \$49 million for the widening of Kwinana Freeway northbound from Russel Road to Roe Highway, which is also critical to the constructability of the new freeway interchange.

Submission

The proposed Structure Plan has been prepared by the City in consultation with key stakeholders.

Report

Planning framework

Land north of Knock Place is zoned 'Industrial' under the Metropolitan Region Scheme (MRS) with the exception of the Verde Drive alignment of which is reserved 'Other Regional Road'. Land to the south of, and



including, Knock Place is zoned 'Urban'. Planning Control Area 122 exists over the Armadale Road alignment, the purpose of the PCA is to ensure land is protected to allow for the investigation and resolution of the Armadale Road deviation and new North Lake Bridge / Freeway interchange design.

The land is zoned 'Development' under City of Cockburn Town Planning Scheme No. 3 (TPS3) and is located within Development Area 20 (DA20) and Development Contribution Areas No. 13 (DCA13). Land west of Solomon Road is also within DCA 8.

The Solomon Road Structure Plan has been in place since 2003 providing a Light and Service Industry Zone over the majority of land alongside a Mixed Business Zone along key road frontages. An indicative Railways reservation exists over Knock Place and the Public Transport Authority (PTA) Commuter Car parks. Three 'Parks and Recreation' zones are located east of Verde Drive, north of Prinsep Road and a site adjacent to the Kwinana Freeway.

For reference the current Solomon Road Structure Plan is provided at Attachment 2.

The Site

Approximately 19 hectares of land within the Structure Plan area is State owned land (Figure 1). Included within this is the 7.5ha site adjacent to the Kwinana Freeway. This land was part of the broader Thomsons Lake Master Plan process, which indicated the land for a potential major sporting activity. Regional sporting needs have since been met by the creation of the new Cockburn ARC and active sporting ovals on the west side of Solomon Road.





Figure 1: Location of - Armadale Road deviation and new North Lake Bridge / Freeway interchange in the context of the Cockburn Central Activity Centre and the Solomon Road Structure Plan area.

A significant amount of land remains underutilised (See Figure 2) with most vacant land being to the west of Solomon Road and within a walkable distance to the train station. The study area supports one geomorphic “Multiple Use” Dampland across approximately one third of the site, in the northern sections.

Many of the lots in this area are long and narrow (some 750m long) with limited access points and as a result hindering the ultimate subdivision and development of these lots. As stated the State Government already have ownership of a large portion of this land, however much is in the hands of a variety of private owners.

3 of 5 Public Transport Authority (PTA) commuter car parks are located within the Structure Plan area with the remaining 2 located within the Town Centre, west of the Train Station (Figure 3). As a result of the Armadale Road realignment, the significant traffic issues currently



experienced along Knock Place in addition to the need to transition the 2 commuter car parks out of the town centre, the PTA car parks require a comprehensive consolidation and redesign.

Lot 500 in the south western corner of the Structure Plan area is bordered by Armadale road, Kwinana Freeway and Knock Place and is currently being developed to include a variety of commercial and office uses. Due to market conditions a planned office component has recently been excluded from the development however noting the ability to transition towards mixed-use developments into the future has been built in to the development approval for this site.



Figure 2: Aerial view of the Structure Plan area containing mostly light industrial, warehouse/large format uses in the eastern portion of the plan area. A considerable amount of vacant and underutilised land remains in the western portion.





Figure 3: Existing location of PTA commuter car parking areas.

Contextual considerations

Gateway to the East

The Structure Plan area is centrally located along Armadale Road at the juncture of the Kwinana Freeway and the Cockburn Central train station. The east-west growth spine of Armadale Road will see up to 20,000 new dwellings delivered along the corridor within the City of Cockburn and the City of Armadale towards 2031. Armadale Road will importantly provide a strong east-west connection for both vehicles with a regional connectivity desire, including access onto the Kwinana Freeway, in addition to those seeking to access Cockburn Central itself.

The eastern precinct will also be an important linking and arrival site for pedestrians and cyclists and therefore footpath, shared paths and public spaces require high levels of amenity to encourage alternative travel options to cars. Major access points for residents entering from Dollier Street and Solomon Road will likely influence both the traffic use patterns and the ultimate land uses in the precinct.

Industrial uses not compatible with residential development

State level strategic planning policy supports and promotes high density mixed-use developments within the walkable 400m-800m catchments of train stations. The expectation is illustrated on the western side of the Kwinana Freeway where the high density developments within the Town Centre and Cockburn Central West illustrate the long term vision of Cockburn Central of being a Transport Oriented Development. However industrial type land uses currently operating within the Structure Plan area and along Cutler Road are



incompatible with residential uses and currently prevent residential development being located within the Structure Plan area.

Residential density targets for Cockburn Central

The Cockburn Central Activity Centre Strategy (2015) identifies that Cockburn Central is currently on track to achieve residential density targets. This recognises the considerable land supply existing west of the Train Station including land remaining to be developed within the Town Centre, and the considerable land supply in the newly created CCW precinct in addition to Muriel Court. As a result, even if residential development could be permitted on planning grounds in Cockburn Central East, it is unlikely residential development will be attracted to the eastern precinct for quite some time.

An important challenge for the City is to promote and facilitate planning decisions that will meet the long term vision for the precinct – that being the remaining half of the Transport Oriented Development for Cockburn Central while also providing opportunities for landowners in the short to medium term. How the City has addressed this within the Structure Plan, and plans to into the future, is further discussed within the body of this report. However to inform these decisions the City sought the advice of Colliers International to undertake a market feasibility assessment to better understand the context of the site and ensure the right land use decisions were importantly supported by economic and market analysis.

The Colliers Report identifies the following preliminary implications for Cockburn Central East –

- *Given the current state of the property markets in Western Australia (WA) and the excess of supply, particularly for residential, industrial and office, it is likely that there will be limited appetite for development within Cockburn Central East in the short term.*
- *Given the office market is likely to take 10 years for vacancy in the Perth CBD to normalise it is unlikely office developments will be attracted to Cockburn Central for some time however noting the most likely way to capture office is to attract and secure a government tenant. Government agencies tend to require larger swathes of space and commit to longer term leases. This aligns with the Government Office Accommodation Master Plan which pushes for the relocation of government agencies from CBD and fringe locations to metropolitan activity centres.*
- *In order for a suburban office building to be considered by the State Government, it must be walking distance from a train station. However, with Cockburn Central East, Murdoch Activity Centre is*



likely to provide significant competition through both the health and education precinct leaving Cockburn Central East as a submarket for local business only. Canning Vale and Jandakot will likely continue to outpace Cockburn Central East and other nearby locations in terms of industrial uses, suggesting that overtime the existing industrial uses may transition more to service commercial uses.

- *In terms of strategic employment regarding health and education, Cockburn Central will be hard pressed to compete against the likes of Murdoch in the short to medium term. Although, as a long term proposition, Cockburn Central is well positioned to capitalise on Murdoch's activities when the MUP is fully developed, although the Murdoch University's ambitions are far greater than the MUP and could reasonably compete well into the 2050's.*

The proposal

As a result of development already delivered in the eastern portion of the Structure Plan area, land use changes for these lots are not proposed. Rather the Structure Plan seeks to propose zone changes to land located between Solomon Road and the Kwinana Freeway where land remains undeveloped and a response is required to address the local road layout, PTA car park requirements and land use planning direction for newly created lots. The exception is for lots located on Verde Drive, between Biscayne Way and Armadale Road where the Mixed-Business Zone boundary is amended to follow recent changes to lot boundaries.

The proposed Cockburn Central East Structure Plan is provided at Attachment 3.

In terms of the road network, provision has been made to connect Verde Drive with the Armadale Road alignment. The Prinsep Road alignment has been modified slightly to connect with Verde Drive. All other more minor roads will require a response by individual landowners at the subdivision stage.

Given the abovementioned reasons supporting the exclusion of residential development and the unlikelihood of attracting office type developments within the short to medium term, despite the overarching vision for Cockburn Central, the findings suggest one of the main objectives of the Structure Plan is to allow for the transitioning of the precinct over time. This requires a response that will protect large government owned landholdings from subdivision and to provide parameters to ensure land uses permitted in the short term do not prevent the ability to transition over time to the ultimate vision. The City therefore proposes the following:



- An extension of the flexible Mixed-Business Zone over underutilised land west of Solomon Road however excluding residential development;
- Permitting lot sizes within the Mixed-Business Zone of between 2,000-4,000sqm. This recognises larger lots provide a greater flexibility for the end user in terms of design, functionality and variety of uses. Furthermore lots within CCW, specifically designed for mixed-use high density residential development, are consistent with this range. Importantly this range is also suitable for lower scale commercial type uses within the short term.
- Promoting opportunities for the retention of the 7.5ha site under WAPC ownership to remain a single lot or a collection of super lots. Including the consideration of ground leases over the shorter term to activate the use of preserved lands including large format warehouses on super lots with 50 year leases, for example a Ikea.
- The newly formed precinct bound by the Armadale Road alignment, the Train station and Lot 500 Armadale Road provides the opportunity to consolidate the 5 PTA commuter car parks including the opportunity to relocate the two PTA commuter car parks out of the Cockburn Town Centre. The relocation of commuter car parking out of the Town Centre will allow for high density residential development of the two lots currently leased to the PTA and under WAPC ownership. Furthermore this will secure the site as a single landholding until such time as the precinct is ready for redevelopment.
- It is noted this response will require the WAPC to acquire the southern portion of lots under private ownership that are severed by the Armadale Road alignment and that this will require an amendment and extension to Planning Control Area 122.
- The newly formed precinct addresses the significant accessibility issues currently experienced by commuters accessing the Cockburn Train Station from the east via Knock Place. The newly formed precinct will provide 3 access points to the commuter car park and the train station.
- Following approval of the Structure Plan and the resolution of land amalgamation and acquisitions, the PTA will be required to submit a development application to the City for the commuter car park. As a result the Structure Plan provides for the following design principles to guide the design for the redevelopment of the proposed precinct of which can easily facilitate up to 2,000 car parking bays:



Requirement	Intent/functional requirements
<p>A concept plan demonstrating staging options for the transition of the precinct over the medium to long term to accommodate mixed-use development.</p>	<p>The subdivision application required to amalgamate lots south of the Armadale Road alignment is to be accompanied by a concept plan that illustrates at least one configuration option for the transition of the precinct to mixed-use. The concept plan should illustrate how development can front the realignment of Knock Place and the new public open space while addressing the primary function related to the accessing for all modes to and from the train station.</p> <p>A key outcome sought is how to deliver development and concurrently consolidate car parking while still addressing access needs.</p>
<p>A public open space area of a similar scale to the Cockburn Town Centre.</p>	<ul style="list-style-type: none"> - Provide a pick up and drop off area for commuters. - Quality design and amenity levels appropriate for a Transport Oriented Development in a town/activity centre environment. - Direct connection with the train station entrance and cycle and pedestrian path network. - Landscaping to: <ul style="list-style-type: none"> o Include significant tree plantings appropriate with the scale of the precinct. o Address the interface between the public space and car parking areas.
<p>Road network connections</p>	<ul style="list-style-type: none"> - Internal movement network to connect with the three MRWA entry points into precinct. - Knock Place to be realigned along Northern boundary of Lot 500 Armadale Road and upgraded to a local road standard and connect to the internal road layout of Lot 500 Armadale Road.
<p>Integrated and connected pedestrian and cycle network</p>	<ul style="list-style-type: none"> - Connects with the wider network via three key connection points. - Street trees along all key cycle and pedestrian footpaths.

The Structure Plan provides for a number of strategic outcomes of which are illustrated in Attachment 4 and further discussed below -

Increased accessibility

A significant outcome is the improved connectivity for the Cockburn Central East precinct, the train station, the wider activity centre core



area and connections with the emerging eastern corridor. The Armadale Road and North Lake Bridge upgrade will alleviate traffic congestion in the core area as a result of the diversion of traffic with a regional trip priority. Proposed changes to the local road network provide for:

- The integration of the MRWA Armadale Road and bridge upgrade project with the existing road network;
- Road typology upgrade requirements including key connections for pedestrians and cyclists and the connection with existing and emerging roads, and;
- Improved access to the PTA car park through the consolidation of PTA car parking on the eastern side of the Cockburn Train Station with three connection points with the surrounding road network. The proposal provides for PTA commuter car parking needs to 2031 and beyond.

The result will contribute to the optimisation of investment in transport and other infrastructure within the activity centre over the long term.

Contributes to the wider Community Connect South initiative

The North Lake Bridge and Armadale Road upgrade is a component of the wider Community Connect South project aiming to deliver economic growth to Perth's South Metropolitan Region through a strategic and regional approach to the provision of transport infrastructure.

The aim is to ease congestion within Cockburn Central and to connect major hubs from Armadale, through Forrestdale Business Parks, future South Forrestdale Industrial Area, Cockburn Central, Jandakot Airport, and the Western Trade Coast to Fremantle, which will enable enterprise, higher productivity and employment growth in the largest subregion of Perth.

Cockburn Central is a regional transport node, linking to key regional enterprise hubs, however the area is one of the worst congestion hot spots in the south metro area with traffic issues experienced beyond peak periods and are significantly impacting on productivity.

Stakeholder consultation

Intergovernmental steering group

An intergovernmental steering group was set up to guide the preparation of the Structure Plan amendment. Representation was provided by the Department of Planning, Public Transport Authority, Main Roads Western Australia and the Department of Transport. The



forming of the group recognises the significant State owned land located within the Structure Plan area, the 5 PTA commuter car park sites requiring consolidation and the integration of access requirements for the Cockburn Train Station. Furthermore the emerging Armadale Road upgrade required direct collaboration with MRWA to ensure integration with the Structure Plan. Following the 3 steering group meetings, in principle support was provided subject to further detailed discussions of which can occur concurrently with the advertising of the Structure Plan amendment.

Approach to land assembly provides significant development options for landholders

The proposed Structure Plan resolves constraints relating to the irregular subdivision layout for lots located between Solomon Road and the Kwinana Freeway. The proposed local road layout divides the long narrow lots and as a result provides new opportunities for developments to front the new road network.

Landowner consultation

The City undertook one-on-one meetings with landowners and business operators located west of Solomon Road and those directly affected by the proposed Structure Plan. The meetings undertaken in late May/Early June informed landowners and business operators of the principles behind the proposed Structure Plan in addition to providing an update on the status of the North Lake Bridge and Armadale Road upgrade project.

All stakeholders will have the opportunity to formally comment on the proposed Structure Plan during formal advertising following support from Council.

Road upgrade considerations

The Traffic Impact Assessment (TIA) prepared in support of the Structure Plan (GTA Consultants. April, 2017) identifies the upgrade requirements to the local road network as a result of a redistribution of regional traffic associated with the Armadale Road realignment, the new PTA commuter car park, in addition to the increase of vehicles forecasted as being generated from the additional Mixed - Business Zoned land. Importantly the TIA recognises the aspiration to transition the precinct over the long term to high density mixed - use development and therefore has built in the relevant forecasting of traffic counts to ensure road upgrades can address future growth requirements over the long term.



This suggests a road upgrade approach that may see certain upgrades occur overtime. Required road upgrades include:

Short term

The extension of Verde Drive between Solomon Road and the realigned Armadale Road

Ultimately Verde Drive is required to be upgraded to a dual carriageway. However noting that as a result of road reserve constraints including the availability of land within the road reserve at the intersection of Verde Drive and Solomon Road it is likely this will not occur in the short to medium term. Rather Verde Drive West of Solomon Road will mirror the single lane typology currently provided east of Solomon along Verde Drive.

The upgrade west of Solomon Road is required to be designed to a standard expected within a town centre, similar to what is delivered within Cockburn Central West, including the integration of significant street trees along the centre line of the road to act as a transitional element, separating the newly formed Mixed - Business precinct from industrial and light and service industry type uses currently operating within and around the Solomon Road and Cutler Road area.

The extension of Prinsep Road down to Verde Drive and upgrade requirements extending to Berrigan Drive

The TIA importantly recognises the necessity to upgrade Prinsep Road so as to reduce the concentration of traffic along Verde Drive and Solomon Road. Without an upgrade to Prinsep Road, daily vehicle trips along Verde Drive and Solomon Road will reach unacceptable levels. As a result the TIA identifies the need to, consistent with the objectives of the existing Solomon Road Structure Plan; connect Prinsep Road with Verde Drive.

Additionally, the constructed component of Prinsep Road also requires upgrading. The road design process to follow the Structure Plan will require the consideration of the increased vehicle trips per day along Prinsep Road recognising the noise complaints currently received from residents fronting Prinsep Road and in proximity to the Glenn Iris Golf course. Complaints relate to noise from trucks accessing the Solomon Road Industrial Area. In response the City recognises that while vehicle trips per day will increase, these numbers relate to an increase in cars associated with the PTA commuter car park. Nonetheless the Prinsep Road upgrade design phase should consider a range of options including the benefits associated with a road realignment, a slip lane and/or appropriate levels of landscaping to act as an edge to the residential area, for example.



Solomon Road south of Cutler Road

Solomon Road requires upgrading consistent with the upgrades currently being delivered to the north of Cutler Road as part of the Calleya Estate.

Medium to long term

Verde Drive

Over time the City will be required to monitor traffic levels along the length of Verde Drive and consider the need to upgrade to a dual carriageway.

Funding considerations for the road network

The abovementioned *short term* road upgrades will be required to be delivered concurrently with the North Lake Bridge and Armadale Road upgrade works of which have an estimated construction commencement date of 2019/2020.

Development Area 20 in the City of Cockburn Town Planning Scheme 3 (TPS3) currently makes provision for landowners whose land is Reserved "Other Regional Road" in the MRS and TPS No. 3 for the purpose of the extension of North Lake Road (Verde Drive) to cede land as a condition of subdivision and to upgrade the land to a two-lane kerbed road. This approach adopted within the current Solomon Road Structure Plan recognises the nexus between development and the need for the road network. Depending on the timing of this work, there may be a requirement for the City to meet some or the entire construction cost element.

The City will need to continue to work with landowners and WAPC to address the required ceding of land in the context of discussions occurring regarding land amalgamations and acquisition options.

Next steps

Following Councils support, the proposed Structure Plan will be advertised for 28 days. The City will consider submissions and report back to Council seeking support to forward to the WAPC for adoption.

Strategic Plan/Policy Implications

City Growth

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



Moving Around

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

Community, Lifestyle & Security

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

Infrastructure delivery and upgrades required to meet the land use objectives of the Structure Plan area will be required to be undertaken by individual landowners at the time of subdivision or development, where such relates to local level infrastructure. Currently the Scheme also requires landowners affected by the Other Regional Road reservation to cede the land free of cost, and contribute towards its construction.

However, depending on the timing of this work, there may be a requirement for the City to meet some or the entire construction cost element. This issue will become clearer once advertising of the Structure Plan finishes, and submissions are reviewed. Given the likely short term nature of work beginning on the Armadale Road deviation and new North Lake Bridge / Freeway interchange, it is likely that the City will need to secure the Other Regional Road link in the short term.

Legal Implications

N/A

Community Consultation

The Structure Plan will be formally advertised for 28 days at which time letters will sent to all affected landowners and residents explaining the structure plan and inviting comment.

Risk Management Implications

If the proposed Structure Plan is not supported, there will be no planning framework in place over the subject land to guide the Armadale Road deviation and new North Lake Bridge / Freeway interchange. This will result in delays in the delivery of the vital piece of infrastructure.



Attachment(s)

1. Local Context Plan
2. Solomon Road Structure Plan
3. Cockburn Central East Structure Plan
4. Strategic outcomes

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.9 (MINUTE NO 6099) (OCM 08/06/2017) - PROPOSED AMENDMENT TO THE METROPOLITAN REGION SCHEME FOR LOTS 4, 50, 86, 87 AND 98 (98 & 99 PREVIOUSLY PART OF 333 PRINSEP ROAD) PRINSEP ROAD & LOTS 5, 9, 88, 89 & 99 JANDAKOT ROAD, JANDAKOT (108/001) (C CATHERWOOD)

RECOMMENDATION

That Council write to the Western Australian Planning Commission indicating the following concerns with the draft amendment to the Metropolitan Region Scheme:

- (1) the consideration of this proposal prior to finalisation of the *Perth and Peel @ 3.5 million* suite of documents would be prejudicial to proper and orderly planning for the region;
- (2) should the proposal be progressed irrespective of (1) above, the proposal for 'Urban deferred' is not appropriate given the inability of a wide range of land uses, including sensitive land uses, to be accommodated. The applicant should consider revising their proposal with another MRS zone in mind;
- (3) the submitted documentation is nearly six years old and in that time, the State and local planning policy frameworks have been subject to a number of revisions and additions. Should the proposal be progressed irrespective of (1) above, the documentation should be updated to discuss the current State and local planning frameworks;
- (4) the submitted mapping labelled 'Figure 8 – TPS3 zoning' is incorrect. There is no 'Resource' zone shown in the figure's legend and the colour annotated to the actual 'Resource' zone misrepresents the land as being 'Regional Centre' zone which is



incorrect. The figure also needs updating to reflect the scheme amendments which have occurred in the last six years;

- (5) the submitted documentation is lacking in its discussion of the following specific matters:
1. Traffic analysis with regard to the surrounding network.
 2. Detailed investigations on the water resource given this is a significant constraint.
 3. Road upgrading requirements for Jandakot Road are discussed in relation to future development of the site. This should be elaborated to acknowledge WAPC policy which will impose these requirements at the subdivision stage.
 4. Environmental Report is limited to only a portion of the site and was undertaken in November 2008. It is questionable whether this is sufficient regard to the current environmental policy framework.
 5. Bushfire (all the land is designated as 'Bushfire Prone').
 6. The discussion on the City of Cockburn Town Planning Scheme No. 3 provisions is very limited and does not acknowledge a further local planning scheme amendment would be required to include the land in a 'Development Area' with appropriate provisions to guide the purpose of any structure planning area.
 7. The Jandakot Airport Masterplan has been revised.
 8. Justification against the various planning policies (as opposed to a summary of what they contain).
 9. Acknowledgement of what the various planning strategies contain as they are all contrary to the proposal (as opposed to simply justification).

COUNCIL DECISION

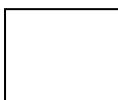
MOVED Cllr L Smith SECONDED Cllr L Sweetman that Council:

- (1) write to the Western Australian Planning Commission (WAPC) indicating the following concerns with the draft amendment to



the Metropolitan Region Scheme:

1. The consideration of this proposal prior to finalisation of the *Perth and Peel @ 3.5 million* suite of documents would be prejudicial to proper and orderly planning for the region;
2. Should the proposal be progressed irrespective of (1) above, the proposal for 'Urban deferred' is not appropriate given the inability of a wide range of land uses, including sensitive land uses, to be accommodated. The applicant should consider revising their proposal with another MRS zone in mind;
3. The submitted documentation is nearly six years old and in that time, the State and local planning policy frameworks have been subject to a number of revisions and additions. Should the proposal be progressed irrespective of (1) above, the documentation should be updated to discuss the current State and local planning frameworks;
4. The submitted mapping labelled 'Figure 8 – TPS3 zoning' is incorrect. There is no 'Resource' zone shown in the figure's legend and the colour annotated to the actual 'Resource' zone misrepresents the land as being 'Regional Centre' zone which is incorrect. The figure also needs updating to reflect the scheme amendments which have occurred in the last six years;
5. The submitted documentation is lacking in its discussion of the following specific matters:
 1. Traffic analysis with regard to the surrounding network.
 2. Detailed investigations on the water resource given this is a significant constraint.
 3. Road upgrading requirements for Jandakot Road are discussed in relation to future development of the site. This should be elaborated to acknowledge WAPC policy which will impose these requirements at the subdivision stage.
 4. Environmental Report is limited to only a portion of the site and was undertaken in November 2008. It is questionable whether this is sufficient regard to



the current environmental policy framework.

5. Bushfire (all the land is designated as 'Bushfire Prone').
6. The discussion on the City of Cockburn Town Planning Scheme No. 3 provisions is very limited and does not acknowledge a further local planning scheme amendment would be required to include the land in a 'Development Area' with appropriate provisions to guide the purpose of any structure planning area.
7. The Jandakot Airport Masterplan has been revised.
8. Justification against the various planning policies (as opposed to a summary of what they contain).
9. Acknowledgement of what the various planning strategies contain as they are all contrary to the proposal (as opposed to simply justification).

(2) direct the Chief Executive Officer to:

1. Prepare a draft structure plan and take into consideration to include in the structure plan north of Jandakot Road, south up to Cutler Road, Fraser Road to Berrigan Drive, Solomon Road to Berrigan Drive.
2. Consider utilising an external consultant to develop the draft structure plan.
3. Advise the WAPC that a connected plan and vision for the entire area will be provided within 90 days.

CARRIED 4/2

Reason for Decision

As indicated in point (1) of the officer's recommendation, without the publication of the WAPC's final South Metropolitan & Peel Sub-Regional Planning Framework as also referenced in the deputation in Item 15.11 the consideration of this proposal prior to its finalisation would be prejudicial to proper and orderly planning for the region.

As the planning framework will not be finalised for some time at least a



vision from the City will provide some informed guidance as to what residents may be eligible to do with their land supported by the City.

A vision from the City that includes input from affected residents who ultimately were there first (an argument often used by others e.g.: the power lines were always there, the airport was always there, Cockburn cement was always there) to have some say over the vision of the area and destiny of their future.

Not only is it difficult for residents and ratepayers it is very confusing for Councillors to make informed decisions without an overall plan for the area. We need a plan that clearly demonstrates how each individual item put forward for recommendation is connected and how each decision made affects the area in its entirety.

Background

The City of Cockburn has recently received a copy of a request for an amendment to the Metropolitan Region Scheme (“MRS”) dated August 2011. In May 2017, the WA Planning Commission (“WAPC”) advised they would request Council’s preliminary comment. There will still be a further opportunity should the proposal be initiated by the WAPC for a City submission as part of the formal consultation period.

The proposal seeks an ‘Urban Deferred’ zone. It is currently ‘Rural – Water Protection’ zone under the MRS. The current MRS zone reflects the land’s designation under State Planning Policy 2.3 (“SPP2.3”) Jandakot Groundwater Protection as a ‘Priority 2’, which is described as:

“The acceptability of land uses in the Rural-Water Protection zone is based on the objective of risk minimisation. Low risk and intensity of development consistent with the Rural zoning is generally supported, subject to appropriate conditions”.

The amendment deals with a number of lots located on the corner of Prinsep and Jandakot Roads as shown below in the figure extracted from the proposal.





To reflect the MRS, these lots are zoned 'Resource' under the City's Town Planning Scheme No. 3 ("TPS3").

Submission

The applicant has submitted a planning report to the WAPC requesting the land be rezoned to 'Urban Deferred' under the MRS.

Report

There are a number of concerns with the draft proposal which are worth outlining to the WAPC. This will allow the WAPC to consider whether changes or updates are needed to the document before it is advertised formally. These concerns are set out below and reflected in the officer recommendation.

Consistency with Perth and Peel @ 3.5 million

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 urban 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 figure is extracted from the Perth and Peel @ 3.5 million spatial plan (the subject land is outlined in red). This indicated the land as primarily 'Rural' with a small area of 'Rural Residential' confined to what appears to be the corner lots. The land is not shown as 'Urban'. The proposal to rezone to 'Urban Deferred' is not consistent with the draft Perth and Peel @ 3.5 million document.

At this point in time, there is no decision available from the WAPC on Perth and Peel @ 3.5 million.



Suitability of MRS zones

Should the draft proposal be progressed notwithstanding its inconsistency with Perth and Peel @ 3.5 million, consideration should turn to the appropriateness of the MRS zone proposed.

There are a small number of zones and reservations in the MRS, far less than found in local planning schemes, reflective of their broad categories. The MRS text is particularly unhelpful in that it contains no description of the zones or their objectives. The WAPC does provide the following guidance on zones in their MRS proposals:

Urban: areas in which a range of activities are undertaken, including residential, commercial recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development. The WAPC must be satisfied that these issues have been addressed before rezoning to urban.

Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses are undertaken.

Private recreation: areas of significance to the region's recreation resource, which is, or is proposed to be, managed by the private sector.

Rural - water protection: rural land over public groundwater areas, where land use is controlled to avoid contamination".

As noted in the Background section of this report the current MRS zoning for this land is 'Rural – water protection', reflective of the groundwater constraint.

There are other constraints which must be considered as well, such as aircraft noise. The subject land is affected by aircraft noise and therefore State Planning Policy 5.3 Land use planning in the vicinity of Jandakot Airport, which includes the following objective to:

"protect Jandakot Airport from encroachment by incompatible land use and development, so as to provide for its ongoing, safe, and efficient operation".



The applicant has acknowledged the aircraft noise as a consideration and suggested uses will be limited to non-sensitive land uses only. This seems to be at cross purposes with the description of the Urban zone which is to facilitate 'a range' of uses including sensitives uses such as residential and recreation.

Submitted documentation – length of time since submission

The submitted documentation is nearly six years old and in that time, the State and local planning policy frameworks have been subject to a number of revisions and additions. Should the proposal be progressed, the documentation should be updated to discuss the current State and local planning frameworks.

Submitted documentation – mapping submitted

The submitted mapping labelled 'Figure 8 – TPS3 zoning' is incorrect. There is no 'Resource' zone shown in the figure's legend and the colour annotated to the actual 'Resource' zone misrepresents the land as being 'Regional Centre' zone which is incorrect. The figure also needs updating to reflect the scheme amendments which have occurred in the last six years.

Submitted documentation – discussions points lacking

Traffic analysis with regard to the surrounding network

There is very little information provided in relation to traffic. Even at the region scheme amendment level, there needs to be proper assessment from a transport planning perspective.

It is important to know what will be required in transport terms, as planning for potential transport impacts at this stage is vital for the more detailed subsequent stages of structure plans, subdivisions and individual developments.

At the very least the proposal should provide sufficient information, as outlined in WAPC's *Traffic Impact Assessment Guidelines – Volume 2 Planning Schemes, Structure Plans and Activity Centre Plans* to determine whether a traffic impact assessment is warranted, or to confirm it is exempted at this stage.

Detailed investigations on the water resource given this is a significant constraint

With the land's designation under State Planning Policy 2.3 ("SPP2.3") Jandakot Groundwater Protection as a 'Priority 2', there needs to be a level of investigation into the land and its relationship to the water resource.



From the draft proposal submitted, no assessment work appears to have been undertaken into this key issue. Instead reliance appears to be made on the (then) upcoming review of SPP2.3 to allow for this area to be urbanised, with little regard placed on the outcome of that SPP review, and rezoning approved given the 'ideal location'.

The review has now occurred and the site remains as a 'Priority 2' water resource. Without the applicant undertaking investigation to prove this environmental concern can be adequately managed, advertising of the proposal would seem futile. It should also be noted that the reviewed version of SPP2.3 sets a series of policy considerations for the consideration to rezone land under the MRS. These are:

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.

When looking at the land in question:

- it has not been identified in a strategic planning document approved or prepared by the WAPC;



- the land is not a large holding which has been substantially cleared but is adjacent to already developed 'Urban' land;
- risk management of the drinking water supply resource has not been researched or proven;
- has not established a net long-term public benefit to support the proposed re-zoning;
- has not analysed the need for additional urban land;
- has not considered potential alternative locations;
- has not been assessed in respect of the Perth and Peel Strategic Environment Assessment process.

It cannot be concluded that the amendment is consistent with SPP2.3

Road upgrading requirements for Jandakot Road

These are discussed in relation to future development of the site. This should be elaborated to acknowledge WAPC policy which may also impose these requirements at the subdivision stage.

Environmental Report

The Environmental Report is limited to only a portion of the site (16ha of the 38.5ha covered by the proposal). The report was undertaken in November 2008. It is questionable whether this is sufficient regard to the current environmental policy framework or if it remains relevant given the passage of time. For example, Banksia Eucalypt Woodland was listed as a threatened ecological community in September 2016.

Bushfire

The subject land is designated as 'Bushfire Prone'. This reflects regulations which have been introduced since the draft proposal was originally prepared.

The draft proposal requires updating to reflect this issue.

City of Cockburn Town Planning Scheme No. 3 provisions

Discussion regarding TPS3 provisions is very limited, indicating an intention for automatic rezoning to the 'Development' zone when urban deferred is lifted. Mention is then made of the need for a structure plan.

This does not acknowledge a further local planning scheme amendment would be required to include the land in a 'Development Area' with appropriate provisions to guide the purpose of any structure planning area. Even if a Council was amendable to allow a zone to be applied under a local planning scheme, there is no ability for a Special Control Area to apply automatically.



'Development Areas' are 'Special Control Areas' and in Cockburn's case, there is associated scheme text to be applied (in Table 9). The draft proposal should be updated to reflect this.

The Jandakot Airport Masterplan has been revised

Since the draft proposal was prepared a review of the Jandakot Airport Masterplan has occurred. The draft proposal should be updated to reflect this.

Justification against the various planning policies (as opposed to a summary of what they contain)

Where policies have been set out in the draft proposal, there is narrative provided about what the policies are for. In most cases, there is very little provided in terms of justification for the proposal and how it will respond to the policy environment.

Acknowledgement of what the various planning strategies contain as they are all contrary to the proposal (as opposed to simply justification).

Discussion on strategies appears to be in reverse to the discussion on policies.

Where strategies have been set out in the draft proposal, there is justification for the proposal. However, there is often no acknowledgement of what the strategy sets out for the subject land. In most cases, the proposal is completely contrary to the strategy.

Strategic Plan/Policy Implications

City Growth

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

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

N/A



Legal Implications

If the proposal is ultimately approved by the WAPC, the City will be obliged to update its local planning scheme to reflect the MRS. This is set out in Part 9 of the Planning and Development Act 2005.

There are no legal implications related to the provision of preliminary comments as proposed in the officer recommendation.

Community Consultation

Should the proposal be initiated by the WAPC, there will be a formal opportunity for comment. This will be run by the WAPC.

These preliminary comments are not part of a broader community consultation process.

Risk Management Implications

There is no obligation on the City to provide preliminary comment to the WAPC on a draft MRS proposal. However this is an opportunity to ensure the WAPC have input from the City prior to deciding to formally initiate the proposal.

This opportunity is important considering the legal implications set out above.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The WAPC have been advised that this matter is to be considered at the 8 June 2017 Council Meeting.

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

Nil.



15.10 (MINUTE NO 6100) (OCM 08/06/2017) - PROPOSED STRUCTURE PLAN - PART LOT 41 GAEBLER ROAD, HAMMOND PARK - OWNER: BROAD VISION PROJECTS PTY LTD - APPLICANT: RPS GROUP (110/172) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to the proposed Structure Plan.
- (2) pursuant to Deemed Provision 20(2)(e) of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), recommends to the Commission the Proposed Structure Plan be refused for the following reasons:
 1. The Proposed Structure Plan is inconsistent with orderly and proper planning in that it does not provide a planning structure over the entirety of Lot 41, by excluding the majority of this lot from the Structure Plan;
 2. The Proposed Structure Plan has not responded to the environmental characteristics of the site. Specifically, the existing Conservation Category Wetland ("CCW") has been excluded from the Proposed Structure Plan and identified as being "subject to further planning," rather than being comprehensively addressed as part of this Proposed Structure Plan;
 3. The Flora and Vegetation Survey which informs the design of the Proposed Structure Plan is out-dated and therefore unable to be relied upon. This was prepared in 2007, and since that time the environmental characteristics of the land have changed, as well as the regulatory framework dealing with environmental assessment. Environmental considerations for the subject land are fundamental to any assessment of a Proposed Structure Plan;
 4. The Bushfire Management Plan does not accurately identify the potential bushfire risk to future dwellings at the subject land due to the land reserved for the future widening of Frankland Avenue being incorrectly excluded from the assessment. This road reservation should be assessed as classified vegetation since the road widening may not occur for a number of years and thus the site may be developed before this bushfire risk is removed;



5. The Proposed Structure Plan prejudices future planning, whether that is associated with needing to adequately respond to the Conservation Category Wetland, or to otherwise respond to a new decision of the Department of Parks and Wildlife in respect of the status of the wetland.
- (2) advise the landowners and those persons who made a submission on the Structure Plan of Council's recommendation

COUNCIL DECISION

MOVED Cllr L Sweetman SECONDED Cllr S Portelli that Council defer consideration of the Proposed Structure Plan for Part Lot 41 Gaebler Road, Hammond Park to enable further discussions to occur between the applicant and City officers, in order to provide the applicant the opportunity to address the concerns detailed in the officer report. The matter then be presented back to Council at a future meeting.

CARRIED 6/0

Background

The Proposed Structure Plan applies to a 1.081 hectare portion of Lot 41 Gaebler Road, Hammond Park ("subject land"), with the total lot size being 4.0772 hectares (see Attachment 1 – Structure Plan). In essence, the Structure Plan deals with only 26.5% of the subject land. This is not a common occurrence or expectation of structure plans, which are to comprehensively deal with the planning of structures for future subdivision and development (i.e. land parts in their general whole).

The subject land is vacant of all development and is bound by Gaebler Road to the north, Frankland Avenue to the west, a vacant lot of a similar size to the south (Lot 9008 Frankland Avenue), and a Conservation Category Wetland ("CCW") to the east, on the balance portion of Lot 41. Attachment 2 – Location Plan shows the location of Lot 41 in the context of the surrounding locality. The CCW exists over the majority of Lot 41 as well as over Lot 9008 Frankland Avenue immediately to the south. The Structure Plan has been prepared over the portion of Lot 41 that does not fall within the CCW or the CCW 50m buffer.



The proponent does not agree with the classification of the CCW and thus has excluded this portion of land. It is unclear what the future planned intent is for this portion of the land, being designated as subject to future planning.

The CCW also extends over a portion of Lot 9008 immediately south of the subject land, and the landowners of Lot 9008 are currently dealing with the Supreme Court disputing the classification of the CCW. The Department of Parks and Wildlife (“DPaW”) have been involved in the Supreme Court process. There has been no determination of this matter to date.

In light of the lack of comprehensively planning the whole land, and the risk this poses to prejudicing future planning, it is recommended that Council recommend refusal of the Proposed Structure Plan to the Western Australian Planning Commission.

Submission

NA

Report

Zoning and Context

The majority of the subject land is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”) with a 20m wide portion on the western boundary of the lot adjacent to Frankland Avenue being reserved as ‘Other Regional Road’. This reservation is to facilitate the widening and upgrade of Frankland Avenue as an extension of Hammond Road, with works estimated to be undertaken during 2019/21. The Structure Plan identifies this portion of the lot as being required to be ceded for the future widening of this road.

The ‘Urban’ zoned portion of the subject land is zoned ‘Development’ under the Scheme and is located within Development Area 26 (“DA26”). Thus, a Structure Plan is required to be prepared over the subject land prior to subdivision and development. The subject land falls within Developer Contribution Areas 13 – Community Infrastructure (“DCA 13”) and 9 – Hammond Park (“DCA 9”) and the developer will be required to satisfy the obligations of both of these DCAs.

Much of the Hammond Park locality has progressively been redeveloped from large rural lots to primarily low to medium density residential development. Land to the north, east and south of the subject land consists of residential development ranging from R20 to R40 densities.



Harry Waring Marsupial Reserve exists further to the west of the subject land, across Frankland Avenue, and consists of approximately 280 hectares of bushland and wetland.

The subject land is in a strategic location, in relatively close proximity to a variety of parks, transport options and community facilities. However, the exclusion of the majority of Lot 41 from the Structure Plan raises a number of broader planning issues, notwithstanding the land's strategic location, that drive a position on it being inconsistent with orderly and proper planning.

Planning Assessment

Under clause 20(2)(d) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City is required to undertake an assessment of the Structure Plan based on appropriate planning principles. This assessment is provided below, the conclusion of which is that the proposal does not comply with the appropriate planning principles and should not be supported.

Southern Suburbs District Structure Plan – Stage 3, Hammond Park/Wattleup

The subject land is located at the most north-western extremity of the Southern Suburbs District Structure Plan (“SSDSP3”) and identified as being suitable for medium residential development. The rest of Lot 41 is identified as CCW.

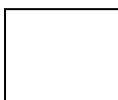
Whilst the proposed medium density coding of R60 is consistent with the SSDSP3, the Structure Plan is not consistent with the intention of the SSDSP3 to identify the portion of Lot 41 excluded from the Structure Plan area as CCW. In regards to the CCW, section 2.8 of SSDSP3 states:

“Proposed LSP’s will need to ensure these issues are investigated and managed in accordance with relevant government guidance documents, including

- *Position Statement No. 4 – Environmental Protection of Wetlands (EPA 2004).”*

Furthermore, section 3.7 states:

“A dampland lies within the north west portion of the SSDSP3 area, located on Lots 39 and 41 Gaebler Road and Lot 42 Frankland Avenue and is identified as a CCW under the DEC’s Geomorphic Wetlands dataset. The CCW was subject to a wetland classification review in 2010 and the DEC determined that the CCW is a fully functioning



wetland and resolved to retain its CCW classification. Careful consideration needs to be given to the wetland at the LSP stage to ensure that subdivision and drainage impacts are minimised and appropriate ongoing management measures are implemented.”

The Structure Plan does not investigate the CCW or implement ongoing management measures but instead identifies this portion of land as being “subject to further planning”. This is not acceptable. Such an environmentally important matter like a CCW, regarded as the highest level of wetland importance on the Swan Coastal Plan, needs to be adequately dealt with by any Proposed Structure Plan relating to the lot. Excluding this feature, and attempting to promote a structure plan over just 26.5% of the subject land, is not consistent with providing a comprehensive structure planned outcome to guide future land use and development according to appropriate planning principles.

Furthermore, the SSDSP3 states *“To progress the subdivision and development of a land holding it will be necessary for landowners or groups of small landowners to prepare and submit a detailed LSP and supporting report for their land. Each structure plan should be generally in accordance with the SSDSP3, and should show detail including the proposed road and lot layout, detail areas of POS, R-Codes and other information set in the Development Area provisions of TPS No. 3”*. The SSDSP3 does not state that landowners may prepare Structure Plans over a portion of their land as has occurred over Lot 41. Thus, the entirety of this lot should be included within the Structure Plan in order to deal with the CCW as an important environmental feature of the land as per the requirements of SSDSP3.

Exclusion of CCW from Structure Plan

The Structure Plan has only been prepared over a portion of Lot 41 to avoid providing a planning structure over the remainder of this lot which comprises the CCW and CCW buffer. As a CCW, the land is intended to be protected and appropriately interfaced in respect of peripheral development surrounding.

Whilst it is acknowledged that the proponent has attempted to respect the CCW classification of this portion of Lot 41 by excluding it from the Structure Plan rather than proposing development over the CCW, the labelling of this portion of land as being “subject to further planning” raises the direct question as to what planning this may or may not be. This question is unclear, unable to be answered and thus any decision now can only be reasonably expected to prejudice future planning, whether that is associated with needing to adequately respond to the Conservation Category Wetland, or to otherwise respond to a new decision of the Department of Parks and Wildlife in respect of the status of the wetland. It is noted that currently the DPaW are involved



in review proceedings direct with the applicant to the south regarding the status of the wetland as a CCW.

It is the City's view that since this land is identified as CCW at the time of lodgement and assessment of the Structure Plan, regardless of what may or may not transpire in the future, the Structure Plan must deal with the presence of the wetland. The identification and resolution of issues such as these at the first possible stage of the planning process is important to avoid these issues arising in the future and perhaps no longer being able to be addressed. Thus, it is inconsistent with DPaW's Swan Coastal Plain Geomorphic Wetland dataset, and the planning framework supporting this, to identify this portion of the site as "subject to further planning". It prejudices Council's future ability to secure the most optimal planning outcome for this land and its immediate local context.

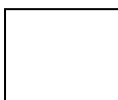
The exclusion of this portion of Lot 41 results in the insufficient allocation of a planning structure over the land and ignores the need for the CCW to be identified for protection and managed by the responsible authorities. The exclusion of the CCW within the Structure Plan is an aspect that strikes at why this is not consistent with orderly and proper planning principles.

State Planning Policy No. 2 - Environment and Natural Resources

State Planning Policy No. 2 (Environment and Natural Resources) ("SPP2") defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. SPP2 aims to protect, conserve and enhance the natural environment through planning decision-making by "*actively seek[ing] opportunities for improved environmental outcomes including support for development which provide for environmental restoration or enhancement.*" The Proposed Structure Plan makes no attempt to consider the CCW for restoration or enhancement despite there being an opportunity to do so through the Structure Plan process.

SPP2 also aims for planning decision-making to "*take account of the availability and condition of natural resources, based on best available information at the time.*" DPaW has identified the majority of Lot 41 as a CCW and a site investigation undertaken by the City's environmental officers has shown the vegetation on site is significant and there are species on site that are predominately found in wetland areas. There is also a stark difference in the vegetation on site found within the CCW and outside the CCW further supporting the wetland classification.

SPP2 supports "*conservation, protection and management of native remnant vegetation where possible, to enhance soil and land quality,*



water quality, biodiversity, fauna habitat, landscape, amenity values and ecosystem function" and specifically regarding wetlands encourages planning decision-making to *"consider mechanisms to protect, manage, conserve and enhance...wetlands of importance."* As stated above, whilst there is an opportunity to protect, conserve and manage the wetland, this has been avoided by the Structure Plan through the exclusion of this portion of Lot 41 from the Structure Plan area.

Furthermore, SPP2 supports the *"use of management plans to protect areas of high biodiversity conservation value in the long term."* The Structure Plan has made no attempt to protect the wetland or identify the wetland for conservation to be managed for the future.

Based on the above, the Structure Plan is not in accordance with SPP2.

State Planning Policy No. 2.9 - Water Resources

State Planning Policy No. 2.9 (Water Resources) ("SPP2.9") provides clarification and additional guidance to planning decision-makers for consideration of water resources. One of the key objectives of SPP2.9 is to promote and assist in the management and sustainable use of water resources. Particularly in relation to wetlands, SPP2.9 aims to *"protect, manage, conserve and enhance the environmental attributes, functions and values of significant wetlands, such as Ramsar wetlands, conservation category wetlands and wetlands identified in any relevant environmental protection policy."* SPP2.9 also advocates restoration of the environmental attributes, functions and values of wetlands where possible.

The CCW is identified as a significant wetland and thus should be protected. In accordance with this policy, the Structure Plan is required to make efforts to enhance and restore the wetland for conservation and management rather than ignore the wetland or argue that the wetland classification be reduced. Thus, the Structure Plan is not in accordance with SPP2.9 in that it does not attempt to protect or enhance the wetland or accurately recognise its environmental value as discussed in the 'Flora and Vegetation Survey' section below.

Council Policy SEW6 - Wetland Conservation

The City's Council Policy SEW6 *Wetland Conservation* ("SEW6") relates to wetland conservation within the City of Cockburn and emphasises the importance of protecting wetlands in the long term amidst ongoing development.



The Statement of Position under SEW6 is as follows:

"Recognising the important environmental, social, cultural, educational and aesthetic values of the range of wetlands which exist within the district, Council will make every reasonable effort to ensure the conservation, protection and management of all wetlands within the municipality."

SEW6 also provides the following policy objective:

"Ensure that wetlands are adequately assessed and their environmental values determined within the development process."

The wetland over Lot 41 has been classified as a CCW, the highest order of conservation due to its particularly important environmental values. Thus, in accordance with SEW6 Statement of Position, it is the City's responsibility to actively seek to ensure the wetland is protected and managed. This would be achieved by including the CCW within the Structure Plan area and for example reserving it as 'Parks and Recreation' or zoning 'Conservation' under the Scheme rather than excluding this portion of Lot 41 from the Structure Plan area.

Furthermore, as per the above stated policy objective, the wetland's value is to be adequately assessed through the planning process. The Structure Plan does not comply with this objective in that it has not addressed the CCW and the Flora and Vegetation Survey provided in support of the Structure Plan is outdated and unable to be relied upon.

Liveable Neighbourhoods

In respect of the provision of public parkland, Element 4 of Liveable Neighbourhoods provides guideline objectives and requirements to inform the structure planning process.

It states in regards to wetlands and buffers that *"an Environmental Protection Policy wetland, conservation category wetland, or wetland of a similar environmental value shall be ceded to the Crown free of cost without payment of compensation by the Crown in addition to the 10 per cent public open space contribution."*

The exclusion of the CCW portion of Lot 41 from the Structure Plan effectively avoids this requirement and is thus inconsistent with Liveable Neighbourhoods.

Flora and Vegetation Survey

The Flora and Vegetation Survey ("the Survey") lodged with the Structure Plan was undertaken in 2007 and is outdated. The Survey



does not accurately represent the environmental landscape and significance of the site, particularly considering Banksia Woodland, which is prevalent at Lot 41, is now listed as a Threatened Ecological Community (“TEC”) under the *Environment Protection and Biodiversity Conservation Act 1999*. The Survey states that currently there are no TECs located at the site.

As stated within the Structure Plan report, there is also the potential that groundwater levels have changed in the area which is likely to also have an impact on species and frequency of species located at the subject land.

Furthermore, due to the presence of a TEC, the Survey is required to state the proponent’s obligations regarding referral to the Federal Department of Energy and Environment as advised by Department of Parks and Wildlife in their submission included at Attachment 3.

Given the significance of the environmental assets at Lot 41 in determining whether the proposed Structure Plan is appropriate, the City cannot support a proposal that does not provide an accurate reflection and assessment of these environmental assets.

Bushfire Management Plan

The Bushfire Management Plan (“BMP”) prepared to support the Structure Plan is not acceptable due to the portion of the subject land reserved for the future widening of Frankland Avenue being excluded from the assessment. This should remain as classified vegetation for the purposes of assessing bushfire risk to future dwellings, as the road widening may not occur for a number of years and the subject land may be developed before this bushfire risk is removed.

Assessing this reserved land as classified vegetation is likely to impact the Bushfire Attack Level (“BAL”) ratings across the subject land and may result in an increase in risk to future dwellings. This could potentially result in future dwellings being required to construct to a higher BAL to manage the increased risk of bushfire, or the risk may be unacceptable under State Planning Policy 3.7 *Planning in Bushfire Prone Areas* to allow subdivision or development. Thus, the BMP does not adequately address the bushfire risk across the subject land and does not accurately demonstrate whether this bushfire risk is acceptable for development.

Conclusion

Based on the above, the Structure Plan does not comply with deemed provision 20(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* in that it is not consistent with the planning



framework and appropriate planning principles. On this basis it is recommended for refusal.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets
- Ensure a variation in housing density and housing type is available to residents

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

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

Legal Implications

Clause 20(1) of the deemed provisions requires the City to prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days following the close of advertising.

Community Consultation

In accordance with clause 18(2) of the deemed provisions, the Structure Plan was advertised for a period of 28 days commencing on 11 April 2017 and concluding on 9 May 2017. Advertising included a notice in the Cockburn Gazette and on the City's webpage, letters to landowners in the vicinity of the Structure Plan area, and letters to relevant government agencies.

Council received a total of fourteen submissions, two from landowners, one from a planning firm on behalf of a landowner and eleven from government agencies. One of the landowners supported the proposal while another objected on the basis that the proposed density was out of character within the suburb and created traffic issues. The proposed density is, however, consistent with the SSDSP3 and appropriate in this location due to the proximity to local and regional parks and community facilities. Traffic generated by the proposed development can easily be accommodated by the existing street network and is not



expected to have any impact on the performance of the roads. The submission prepared by a planning firm on behalf of a landowner also provided no objection to the proposal.

No government agencies provided objections to the proposal but a number of agencies provided recommendations and advice to the proponent regarding future works and implementation of the Structure Plan.

Further analysis of the submissions has been undertaken within the attached Schedule of Submissions. See Attachment 3 for details.

Risk Management Implications

The Structure Plan excludes the majority of Lot 41 which falls within the CCW and does not deal with this very important environmental feature. Excluding this land also does not allow the interface between the development and the CCW/buffer to be addressed sufficiently. If the Structure Plan is approved in its current state, this would result in a lack of planning structure over this portion of Lot 41, and will also prejudice future planning.

Furthermore, since the Flora and Vegetation Survey and the Bushfire Management Plan prepared in support of the Structure Plan are not adequate, approving the Structure Plan may result in the environmental assets of the site not being appropriately addressed or protected, and the bushfire risk of future dwellings being unacceptable or higher than expected. This is a significant risk to the Council and community alike.

Attachment(s)

1. Structure Plan
2. Location Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 2017 Council Meeting.

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

Nil.



15.11 (MINUTE NO 6101) (OCM 08/06/2017) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 112; LOCATION: LOT 701 (PREVIOUSLY 101), LOT 703 (PREVIOUSLY 103) AND LOT 702 (PREVIOUSLY 104) JANDAKOT ROAD, JANDAKOT; OWNER: SCHAFFER CORPORATION LTD; APPLICANT: MGA TOWN PLANNERS (109/048) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

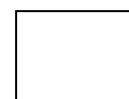
(1) in pursuance of the *Planning and Development Act 2005* ('Act') and the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to adopt the amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme"), with modifications, as follows:

1. Amending Additional Use No. 1 ('AU 1') contained in the table of Additional Uses to read and to be amended as follows:

No.	Description of Land	Additional Use	Conditions
AU 1	Lots 701, 702 and 703 (excluding Bush Forever Area 388) Jandakot Road, Jandakot. [Formerly Lots 101, 103 and 104 Jandakot Road, Jandakot.]	<ul style="list-style-type: none"> • Nursery; • Masonry Production; • Warehouse, Showroom and Storage where the display, selling, hiring or storage of goods, equipment, plant or materials and the incidental site activities do not pose risk of pollution to the below ground public drinking water source. <p>The Use Class Definition's for 'Warehouse', 'Showroom' and 'Storage' are defined in Schedule 1 of the Scheme inclusive of the supplementary restrictions as mentioned above which limit the nature of the permissible goods, equipment, plant or materials to those which do not pose risk of</p>	<p>Development Approval for Lots 701, 702 and 703 Jandakot Road, Jandakot, are subject to;</p> <p>a) Due consideration to groundwater risk minimisation.</p> <p>b) No bulk storage of green- waste, compost or 'Toxic and Hazardous Substances' ('THS') are permitted above 25 litres in total volume, excluding fuel within vehicle fuel tanks. THS includes pesticides, herbicides, fuel (storage), explosives, flammable liquids, cleaners, alcohols, fertilisers (other than on lot 702 under current</p>



		<p>pollution to the below ground public drinking water source.</p> <p>1. Environmental Requirements Industrial Wastewater: All wastewater produced from activities on-site must be disposed of to a system approved by the Local Government and in liaison with the Department of Water.</p> <p>Site Chemical Risk: A Site Chemical Risk Assessment Report being prepared and implemented and regularly updated.</p> <p>Dust Management: No visible dust generated by any aspect of operations on-site is to leave the subject land. The operator is required to submit to the Local Government, after consultation with the Department of Environment Regulation a Dust Management Plan. The Dust Management Plan must be to the satisfaction of the Local Government, and upon approval by the Local Government, is to be adhered to by the land owner/(s) at all times.</p> <p>Noise Emissions: The development is to comply with the <i>Environmental Protection Act 1986</i>, which contains penalties where noise limits exceed those, prescribed by the <i>Environmental Protection (Noise) Regulations 1997</i>. If noise emissions from loading operations and the block plant fail to comply with the</p>	<p>development approvals), medical or veterinary chemicals, pool chemicals and corrosive substances; inclusive of the substances listed in the Poisons Act 1964 (Appendix B). These substances may only be stored in volumes above 25 litres if contained within domestic sized packages ready for end-use in domestic situations.</p> <p>c) Due consideration and compliance with the Western Australian Planning Commission's '<i>Transport Assessment Guidelines for Developments</i>', where appropriate.</p> <p>d) The prior preparation and approval of a Local Development Plan ('LDP') detailing;</p> <p>i. The standards to be applied for physical development in order to ensure the protection of the below ground public drinking water source;</p> <p>ii. Vehicle access and egress</p>
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		<p><i>Environmental Protection Act 1986</i>, additional acoustic measures must be carried out as soon as reasonably practical to ensure the use complies with the Act.</p> <p>Lighting: The installation and maintenance of lighting must at all times comply with the requirements of Australian Standard AS 4282-1997 "Control of the Obstructive Effects of Outdoor Lighting".</p> <p>Complaints: The operator must prepare a "Complaints Handling Procedure" to ensure that there is a process for administering any complaints including the recording, investigation and response to any concern regarding the operation.</p> <p>2. Design Requirements Building design and location shall minimise the visual impact of the development from surrounding residents inclusive of appropriate buffers, noise bunds and vegetation (light and visual) screening. Building materials and colours must be clad or coloured to complement the surroundings, and/or adjoining developments in which it is located, and shall use non-reflective materials</p>	<p>arrangements;</p> <p>iii. Noise mitigation measures pursuant to the details of an acoustic report where required (refer to point 'e' below);</p> <p>iv. Interface controls and/ or measures with regard to Bush Forever Area 388, including, but not limited to; a hard road edge within the AU1 area abutting the Bush Forever area and/or bushland identified for protection; Bushfire mitigation measures being provided outside the Bush Forever area within the AU1 area; an appropriate wetland buffer, if considered relevant by the assessing authority, and; drainage to be contained within the AU 1 area.</p> <p>e) With regard to any application for 'Warehouse', 'Showroom' or 'Storage', the preparation and lodgement of a report prepared by a suitably qualified acoustic consultant detailing the potential noise</p>
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		<p>and colours. Regard shall be had to the screening of product storage. Staging Plan in the form of a Local Development Plan ('LDP') shall be prepared by the applicant and approved by the Local Government prior to any development within Additional Use area 1.</p> <p>3. Traffic requirements Planning proposals shall demonstrate appropriate traffic generation calculations and traffic impact assessments on the current and future planned road network. Mitigation measures shall demonstrate viability and road upgrade responsibilities. The extent of all traffic related considerations should be identified and agreed upon early in the planning process to the satisfaction of the Local Government.</p>	<p>impact on noise sensitive land uses. The report shall demonstrate how the proposed development has been acoustically assessed and designed for the purposes of minimising the effects of noise intrusion and/or noise emissions. The report must demonstrate the measures required to address noise to the Local Government's satisfaction and be implemented and maintained as part of the development of the land</p> <p>f) Development of any 'Warehouse', 'Showroom' or 'Storage' must:</p> <ul style="list-style-type: none"> i. Be connected to a reticulated sewer system; ii. Have all lighting comply with the requirements of Australian Standard AS-4282-1997 "Control of the Obstructive Effects of Outdoor Lighting" and the Civil Aviation Regulations 1988 and the Civil Aviation Safety Authority Manual of Standards in accordance with the details
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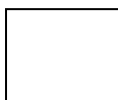
			<p>prescribed within the <i>Jandakot Airport Masterplan</i>;</p> <ul style="list-style-type: none"> iii. Have all structures comply with the Obstacle Limitation Surfaces in accordance with the details prescribed within the <i>Jandakot Airport Masterplan</i>; iv. Have a 'Site Chemical Risk Assessment Report' prepared, implemented and regularly including annual reporting to the Local Government and the Department of Mines and Petroleum. v. Lodge a Dust Management Plan for approval by the Local Government and ongoing compliance by the property owner/(s). <p>g) Building design, internal vehicles access ways, and locations shall minimise the amenity impact of the development from surrounding residents.</p> <p>h) Building materials and colours must</p>
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			<p>be clad or coloured to complement the surroundings, and/ or adjoining developments in which it is located, and shall use non-reflective materials and colours.</p> <p>i) No below ground storage is permitted.</p> <p>j) Stormwater from roofs and clean paved areas should be directed away from potentially contaminated areas where THS (below 25 litres in total volume) are stored or handled. Stormwater from carpark areas is to be managed as recommended in the Stormwater Management Manual for Western Australia (reference 8d) or relevant equivalent.</p> <p>k) Any liquids discharged to the environment (via soakage or ground application) should have been tested as compatible with downstream water resource values. Discharge to drains or waterways should not occur due to the risk of release of contaminated water. The effluent quality</p>
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			<p>should be determined by sampling in accordance with Australian Standard 5667 Water quality sampling (reference 9b) or relevant equivalent.</p> <p>l) As part of future development and/or subdivision of the subject land, the applicant shall; provide the land for the Bush Forever site (as agreed) free of cost and ceded to the Crown. This is to be provided at the first available planning opportunity.</p> <p>m) As part of future development and/or subdivision of the subject land, the land owner/ applicant will be expected to:</p> <ul style="list-style-type: none"> i. Provide the land for the widening of the adjoining section of Jandakot Road from a single carriageway road to a dual carriageway road free of cost to the City of Cockburn; ii. Upgrade the adjoining section of Jandakot Road from a single
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			<p>carriageway to a dual carriageway.</p> <p>n) Appropriate native vegetation planning/ planting consideration and conditioning within the area of land east of the AU1 boundary and the adjacent rural residential 'Resource' zoned lots. This land is considered to be a 'rural amenity buffer'. Accordingly, its embellishment should be proportionally reflective of the scale of the proposed development.</p> <p>o) The minimum subdivision and development application lot size requirements and leasehold lot size requirements are as per <i>State Planning Policy 2.3 (Jandakot Groundwater Protection)</i> minimum lot size requirements.</p> <p>p) The subject site is likely to be affected by aircraft noise as the 20, 25 and 30 Australian Noise Exposure Forecast ('ANEF') contours falls within the AU1 area. Acceptable land use and building types should be compliant with</p>
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			regard to <i>State Planning Policy 5.3 (Land Use Planning in the Vicinity of Jandakot Airport)</i> and the Building site acceptability table from AS2021.
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COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr L Sweetman that

(1) in pursuance of the *Planning and Development Act 2005* ('Act') and the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to adopt the amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme"), with modifications, as follows:

1. Amending Additional Use No. 1 ('AU 1') contained in the table of Additional Uses to read and to be amended as follows:

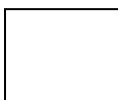
No.	Description of Land	Additional Use	Conditions
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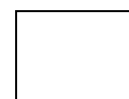
		<p>above which limit the nature of the permissible goods, equipment, plant or materials to those which do not pose risk of pollution to the below ground public drinking water source.</p> <p>1. Environmental Requirements Industrial Wastewater: All wastewater produced from activities on-site must be disposed of to a system approved by the Local Government and in liaison with the Department of Water.</p> <p>Site Chemical Risk: A Site Chemical Risk Assessment Report being prepared and implemented and regularly updated.</p> <p>Dust Management: No visible dust generated by any aspect of operations on-site is to leave the subject land. The operator is required to submit to the Local Government, after consultation with the Department of Environment Regulation a Dust Management Plan. The Dust Management Plan must be to the satisfaction of the Local Government, and upon approval by the Local Government, is to be adhered to by the land owner/(s) at all times.</p> <p>Noise Emissions: The development is to comply with the <i>Environmental Protection Act 1986</i>, which contains penalties where noise limits exceed those, prescribed by the <i>Environmental</i></p>	<p>flammable liquids, cleaners, alcohols, fertilisers (other than on lot 702 under current development approvals), medical or veterinary chemicals, pool chemicals and corrosive substances; inclusive of the substances listed in the Poisons Act 1964 (Appendix B). These substances may only be stored in volumes above 25 litres if contained within domestic sized packages ready for end-use in domestic situations.</p> <p>g) Due consideration and compliance with the Western Australian Planning Commission's '<i>Transport Assessment Guidelines for Developments</i>', where appropriate.</p> <p>h) The prior preparation and approval of a Local Development Plan ('LDP') detailing;</p> <p>v. The standards to be applied for physical development in order to ensure the protection of the below</p>
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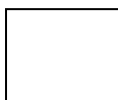
		<p><i>Protection (Noise) Regulations 1997.</i> If noise emissions from loading operations and the block plant fail to comply with the <i>Environmental Protection Act 1986</i>, additional acoustic measures must be carried out as soon as reasonably practical to ensure the use complies with the Act.</p> <p>Lighting: The installation and maintenance of lighting must at all times comply with the requirements of Australian Standard AS 4282-1997 "Control of the Obstructive Effects of Outdoor Lighting".</p> <p>Complaints: The operator must prepare a "Complaints Handling Procedure" to ensure that there is a process for administering any complaints including the recording, investigation and response to any concern regarding the operation.</p> <p>4. Design Requirements Building design and location shall minimise the visual impact of the development from surrounding residents inclusive of appropriate buffers, noise bunds and vegetation (light and visual) screening. Building materials and colours must be clad or coloured to complement the</p>	<p>ground public drinking water source;</p> <p>vi. Vehicle access and egress arrangements;</p> <p>vii. Noise mitigation measures pursuant to the details of an acoustic report where required (refer to point 'e' below);</p> <p>viii. Interface controls and/ or measures with regard to Bush Forever Area 388, including, but not limited to; a hard road edge within the AU1 area abutting the Bush Forever area and/or bushland identified for protection; Bushfire mitigation measures being provided outside the Bush Forever area within the AU1 area; an appropriate wetland buffer, if considered relevant by the assessing authority, and; drainage to be contained within the AU 1 area.</p> <p>g) With regard to any application for 'Warehouse', 'Showroom' or 'Storage', the preparation and lodgement of a report prepared by</p>
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		<p>surroundings, and/or adjoining developments in which it is located, and shall use non-reflective materials and colours.</p> <p>Regard shall be had to the screening of product storage.</p> <p>Staging Plan in the form of a Local Development Plan ('LDP') shall be prepared by the applicant and approved by the Local Government prior to any development within Additional Use area 1.</p> <p>5. Traffic requirements Planning proposals shall demonstrate appropriate traffic generation calculations and traffic impact assessments on the current and future planned road network. Mitigation measures shall demonstrate viability and road upgrade responsibilities. The extent of all traffic related considerations should be identified and agreed upon early in the planning process to the satisfaction of the Local Government.</p>	<p>a suitably qualified acoustic consultant detailing the potential noise impact on noise sensitive land uses. The report shall demonstrate how the proposed development has been acoustically assessed and designed for the purposes of minimising the effects of noise intrusion and/or noise emissions. The report must demonstrate the measures required to address noise to the Local Government's satisfaction and be implemented and maintained as part of the development of the land</p> <p>h) Development of any 'Warehouse', 'Showroom' or 'Storage' must:</p> <ul style="list-style-type: none"> i. Be connected to a reticulated sewer system; ii. Have all lighting comply with the requirements of Australian Standard AS-4282-1997 <i>"Control of the Obstructive Effects of Outdoor Lighting"</i> and the <i>Civil Aviation Regulations 1988</i> and the <i>Civil Aviation Safety</i>
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			<p><i>Authority Manual of Standards in accordance with the details prescribed within the Jandakot Airport Masterplan;</i></p> <p>vi. Have all structures comply with the Obstacle Limitation Surfaces in accordance with the details prescribed within the Jandakot Airport Masterplan;</p> <p>vii. Have a 'Site Chemical Risk Assessment Report' prepared, implemented and regularly Including annual reporting to the Local Government and the Department of Mines and Petroleum.</p> <p>viii. Lodge a Dust Management Plan for approval by the Local Government and ongoing compliance by the property owner/(s).</p> <p>k) Building design, internal vehicles access ways, and locations shall minimise the amenity impact of the development</p>
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			<p>from surrounding residents.</p> <p>l) Building materials and colours must be clad or coloured to complement the surroundings, and/ or adjoining developments in which it is located, and shall use non-reflective materials and colours.</p> <p>m) No below ground storage is permitted.</p> <p>n) Stormwater from roofs and clean paved areas should be directed away from potentially contaminated areas where THS (below 25 litres in total volume) are stored or handled. Stormwater from carpark areas is to be managed as recommended in the Stormwater Management Manual for Western Australia (reference 8d) or relevant equivalent.</p> <p>q) Any liquids discharged to the environment (via soakage or ground application) should have been tested as compatible with downstream water resource values. Discharge to drains or waterways should</p>
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			<p>not occur due to the risk of release of contaminated water. The effluent quality should be determined by sampling in accordance with Australian Standard 5667 Water quality sampling (reference 9b) or relevant equivalent.</p> <p>r) As part of future development and/or subdivision of the subject land, the applicant shall; provide the land for the Bush Forever site (as agreed) free of cost and ceded to the Crown. This is to be provided at the first available planning opportunity.</p> <p>s) As part of future development and/or subdivision of the subject land, the land owner/ applicant will be expected to:</p> <ul style="list-style-type: none"> i. Provide the land for the widening of the adjoining section of Jandakot Road from a single carriageway road to a dual carriageway road free of cost to the City of Cockburn; ii. Upgrade the
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			<p>adjoining section of Jandakot Road from a single carriageway to a dual carriageway.</p> <p>t) Appropriate native vegetation planning/ planting consideration and conditioning within the area of land east of the AU1 boundary and the adjacent rural residential 'Resource' zoned lots. This land is considered to be a 'rural amenity buffer'. Accordingly, its embellishment should be proportionally reflective of the scale of the proposed development.</p> <p>u) The minimum subdivision and development application lot size requirements and leasehold lot size requirements are as per <i>State Planning Policy 2.3 (Jandakot Groundwater Protection)</i> minimum lot size requirements.</p> <p>v) The subject site is likely to be affected by aircraft noise as the 20, 25 and 30 Australian Noise Exposure Forecast ('ANEF') contours falls within the AU1</p>
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			<p>area. Acceptable land use and building types should be compliant with regard to <i>State Planning Policy 5.3 (Land Use Planning in the Vicinity of Jandakot Airport)</i> and the Building site acceptability table from AS2021.</p>
<p>(2) amend the Scheme map prior to forwarding the amendment to the WAPC to address issues raised in the submissions (see Attachment 5 (Schedule of Submissions) for details). The Scheme map modification requirements are as per points 3 to 6, which are to be to the satisfaction of the City of Cockburn;</p> <p>(3) reduce the proposed AU1 area by relocating the proposed eastern AU1 boundary westwards by 100 metres. This is to ensure the adjacent eastern 'Resource' zoned rural/ residential lots are provided with an appropriate 'rural amenity buffer;'</p> <p>(4) amend the proposed AU1 area by modifying the northern boundary to reflect the outcome of the environmental native vegetation retention agreement;</p> <p>(5) amend the proposed AU1 area by deleting the eastern portion proposed for 'road link' to Jandakot Airport. This is on the basis of protecting the rural amenity of the adjacent rural residential lots. Accordingly the Scheme amendment document inclusive of the 'Traffic Report' is to be amended by deleting reference to this road link;</p> <p>(6) amend the proposed AU1 area by reflecting the more recent Lot 703 subdivision outcome. It is noted Lot 703 has recently been reduced in size, as a result of a WAPC subdivision application, and on this basis the AU1 area should not extend beyond the bounds of the (revised) property line;</p> <p>(7) with regard to the abovementioned Scheme text modifications, under resolution No. 1 and Attachment 3, request the applicant ensures the amendment resolution to the amendment report is made only to the adopted amendment resolution section and not the initiation section;</p>			



- (8) replace Appendix 1 'Noise and Vibration Impact Assessment dated 7 June 2016' within the Scheme amendment report with the agreed revised 'Noise and Vibration Impact Assessment dated 21 October 2016;'
- (9) replace Appendix 6 'Traffic Report dated June 2016' within the Scheme amendment report with the agreed revised 'Traffic Report dated November 2016'. Please note however the requested (additional) Traffic Report update requirements as per Resolution 5) above;
- (10) note the proposed modifications, as outlined above, are not proposed to be re-advertised as these modifications are a direct reflection of the submissions received during the formal advertising period. Submitters will be notified of the modifications, as per their request, through the schedule of submission table under Appendix 5 of this report;
- (11) following the applicants' successful implementation of the above mentioned modifications (under Resolution points 1 to 9), which is to be to the satisfaction of the City of Cockburn, forward the proposed Scheme amendment to the WAPC for their consideration pursuant to Part 5 Division 2 Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- (12) endorse Attachment 5 – Schedule of Submissions and note the respective responses within this table for the purposes of providing a formal response to the respective submitters.

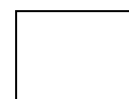
CARRIED 4/2

Reason for Decision

Points (2) to (12) above were mistakenly omitted from the original Council report. These points are therefore proposed to be included which is required in accordance with the Planning and Development Regulations.

Background

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



Lot 701 is approximately 6.2097ha in area and is occupied by the “Urbanstone” factory producing masonry products. Lot 702, being approximately 3.2442ha, sits at the corner of Jandakot Road and Berrigan Drive and is currently occupied by a nursery. The remainder of the subject site is located on Lot 703, located north and east of the “Urbanstone” plant, and is approximately 44.9639ha in area and partially cleared, having been previously mined for sand resources and since revegetated.

The northern portion of Lot 703 is heavily vegetated and occupied by Bush Forever Site 388, which has an area of approximately 12.97ha.

Additional Use No.1 (“AU1”) of the Scheme is currently located over Lots 702, 701 and approximately 2.5ha of Lot 703 and allows for the use of the land for “Nursery”, “Masonry Production”, “Warehouse only where ancillary to Masonry Production” and “Showroom only where ancillary to Masonry Production”. Masonry Production and Warehouse are restricted to Lot 701 (Scheme refers to previous lot number, lot 101).

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

On 8 September 2016 Council initiated item number 14.2; Scheme Amendment No. 112. Following Councils initiation in September, the Amendment was subsequently forwarded to the Environmental Protection Authority (‘EPA’). This was to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986 (the ‘EP Act’)*, in relation to the proposed scheme amendment.

Pursuant to Part 5 Division 2 Regulation 37 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’) the City forwarded 2 copies of the [then] proposed Amendment No. 112 to the Commission following Council’s initiation. This was to provide the Commission with the opportunity to examine the documents and advise the City of Cockburn if the Commission considered any modification/(s) to the documents were required prior to the amendment, to the local planning scheme, being advertised.

After consideration the EPA formally responded on 24 October 2016 indicating the proposed scheme amendment should not be assessed under Part IV Division 3 of the EP Act and that the EPA did not consider it necessary to provide any advice or recommendations. The



EPA did advise, however, the requirements as stipulated by Part IV Division 4 of the EP Act. This section stipulates *“a responsible authority shall monitor or cause to be monitored the implementation of its assessed schemes and of proposals under its assessed scheme”*. On this basis the EPA referral requirements have been met by the City of Cockburn under the proposed Scheme text.

Pursuant to Regulation 37(4), the Commission examined the documents provided by the City to determine whether any modifications were required before the amendment was permitted to be advertised.

On 25 October 2016 the Commission wrote to the City advising the City that the amendment was suitable to be advertised subject to modification. The modifications were administrative in nature and related primarily to terminology rather than the planning content. These modifications have since been incorporated into the above resolution of Council. The modifications are specifically identified in detail in the accompanying schedule of modifications table under item number 39 (Attachment No. 5).

Following the above mentioned support from both the EPA and the Commission, the City subsequently advertised the proposed scheme amendment pursuant to the advertising requirements of the Regulations. The report before Council aims to address the comments raised as a result of the advertising period.

Submission

The proposed Scheme Amendment was project managed by MGA Town Planners on behalf of the landowner Schaffer Corporation Ltd. The proposal seeks to extend the AU 1 area covering Lots 702, 701 and portion of Lot 703, Jandakot Road to include the whole of Lots 702, 703 and 701 excluding Bush Forever Site 388. (Refer to attachment 2).

Report

Perth and Peel at 3.5 Million and supporting documentation

Council, at its meeting of 8 September 2016 under item 14.2 in relation to the initiation of this proposed Scheme Amendment, made mention of Councils previous submission on the ‘Perth and Peel @ 3.5 Million documentation’.

Council’s resolution with respect to Perth and Peel emphasised nine (9) points in particular, of which four (4) are considered to be relevant to



the Urbanstone site at Lots 703, 701 & 702 Jandakot Road, Jandakot. These points are listed, as extracted, below for convenience;

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

The City has not yet received a formal response from the WAPC regarding the City’s submission on the ‘Perth and Peel @ 3.5 Million documents’. The City has met, however, with WAPC staff in relation to the proposed Amendment and its placement within the scope of Perth and Peel. The Commission indicated a general, without prejudice, support for the proposal based purely from a broad land use planning perspective. The Commission indicated to Council staff, the Scheme Amendment would need to demonstrate compliance with State Planning policy and will be subject to later assessment, by the Commission, in accordance with proper and orderly planning principles.

Notwithstanding the above, as mentioned within Appendix 5 of the Scheme Amendment application report, the proposal is accompanied by two separate letters of support from the Chairperson of the Western Australian Planning Commission both dated 23 June 2015.

These letters identify, in the view of the Chairman, the approach of this amendment may have strong merits in terms of its current and future uses for purposes associated with Jandakot Airport; in particular the ‘Specialised Centre’ which is identified by a yellow circle on the *South*



Metropolitan Peel Sub-regional Planning Framework Towards Perth and Peel @ 3.5 million document.

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

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

The City formally referred the proposed Scheme Amendment to the WAPC prior to advertising, as per Regulation 37 (4) and Resolution (7) of Council's Initiation report. The WAPC provided a formal response to the City of Cockburn indicating *"the Commission has examined the documents provided to determine whether any modification is required before the amendment is advertised. The Commission advises that the amendment is suitable to be advertised subject to [four (minor) administrative changes]."* These details are located under Submission number 39 of the attached Schedule of submissions table under Attachment No. 5.

The Commission did not raise any points, in their letter, in relation to the proposed Scheme Amendment in the context of the State governments Perth and Peel @ 3.5 Million documents.

In addition to the above, the City formally referred the proposed Scheme Amendment to the Commission via two separate letters of correspondence. This was in addition to the referral under Regulation 37 (4). Specifically the City of Cockburn referred the proposed Scheme Amendment to 'the Department of Planning' (generic address) and also specifically to the 'Bush Forever Branch' (within the WAPCs offices) as part of the Amendment's advertising process.

In relation to the above two referrals, the Commission provided one response in reply which was from the 'Bush Forever Branch'. This submission is provided for under submission number 35 of attachment No. 5, the Schedule of submissions response table. It is noted this submission made mention;

"Please note this is officer level advice with regard to Bush Forever and State Planning Policy 2.8 only and does not reflect comments of other branches within the Department of Planning"



and is not a formal position of the Western Australian Planning Commission.”

On this basis the City of Cockburn has referred the proposed Scheme Amendment to the WAPC as per the Scheme Amendment advertising requirements, as set by the Regulations. The Commission has not indicated any conflicts with the proposed Scheme Amendment and the Commissions draft Perth and Peel @ 3.5 Million documents. Notwithstanding it is understood the Commission will undertake a further assessment of the proposed Amendment prior to their determination.

As mentioned in the 8 September 2016 Council report for the Initiation of this Amendment, City officers have met with the Commission in the early stages of this Amendment. The Commission expressed a general, without prejudice, level of support for the proposal within the context of the subject land and the States broader strategic objectives.

It is important to note the framework for a growing City of 3.5 Million people is currently in draft stage and will be further developed and finalised as sub-regional structure plans that will provide guidance for:

- *“the preparation of amendments to the Perth metropolitan and Peel region schemes, local planning strategies/schemes and district, local and activity centre structure plans; and”*
- *“the staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure.”*

At this early stage in (State) Strategic Planning, the overarching framework, particularly at a more specific Statutory level, has not yet been finalised. In this respect, the City received objections as per the below. The below objection was supported by 21 further Objections (signatories). It is respectfully recommended by the Banjup Residents Group, Council;

“Either:

- *Defer any decisions on Schaffer’s application and on alternative land uses for current [rural] residential landowners in rural Jandakot until after the publication of the WAPC’s final South Metropolitan & Peel Planning Framework; then*
- *Develop a formal structure plan for the whole of the Jandakot rural area from Berrigan Drive to Warton Road that includes:*
 - *Schaffer’s application*
 - *Residents’ considerations*



Or, [alternatively]:

- *Defer a decision on Schaffer's application until the City of Cockburn has developed a formal structure plan for the whole of the Jandakot rural area from Berrigan Drive to Warton Road that includes:*
 - *Schaffer's application*
 - *Residents' considerations."*

The full submission, as provided by the Banjup Residents Group is provided for under submission number 8 of the attached Schedule of Submissions response table.

With respect to the planning framework, as mentioned above, the Perth and Peel at 3.5 Million documents provide a broad strategic perspective as follows;

"The draft South Metropolitan Peel Sub-regional Planning Framework has been developed by the Department of Planning, on behalf of the Western Australian Planning Commission. It represents a whole-of-State Government approach to managing the future urban form within the sub-region. It will be subject to further refinement prior to its finalisation and endorsement as a sub-regional structure plan."

In relation to the request for deferral, it is important to note the WAPC has indicated an in principle, without prejudice, Strategic Planning level of support for the proposed Scheme Amendment. This has been provided by the above mentioned letters from the Chairman of the WAPC and in relation to subsequent officer level meetings with the Department of Planning staff.

It is respectfully not considered appropriate for the City to prepare its own *"formal structure plan for the whole of the Jandakot rural area from Berrigan Drive to Warton Road"*. This is on the basis the City of Cockburn is expected to be guided by the planning decisions of the State Government and therefore any Local Government district structure plan (if one were to be applicable) would need to have due regard to the State level policy. In this respect the City of Cockburn's hypothetical contemplation of a 'Structure Plan' for the area is considered to be premature with respect to the current position of the State government.

The State planning framework is in a draft stage and whilst it is not yet complete the author, the Department of Planning/ WAPC has indicated a general, without prejudice, level of support with respect to the proposed Amendment. From a Local Government Scheme perspective, the draft scheme text, as proposed inclusive of modifications as a result of the advertising process, aims to ensure



appropriate levels of land use compatibility to the benefit of the adjacent community members.

The Scheme text aims to ensure any future (modified) 'Showroom', (modified) 'Warehouse' and/ or (modified) 'Storage' land uses will be compatible, by way of future Development Application and approval controls, with the surrounding rural residential land uses. The draft Scheme planning controls address the following points by way of scheme text provisions and/ or scheme map provisions;

- Appropriate native vegetation planning/ planting consideration and conditioning within the area of land east of the Additional Use No. 1 ('AU1') boundary and the adjacent rural residential 'Resource' zoned lots. This land is considered to be a 'rural amenity buffer'. Accordingly, its embellishment should be proportionally reflective of the scale of the proposed development.
- In addition, as per resolution number 3 above, it is proposed to reduce the proposed AU1 area (Scheme Map) by relocating the eastern boundary westwards by 100 metres. This is to ensure the adjacent eastern 'Resource' zoned rural/ residential lots are provided with an appropriate 'rural amenity buffer'.
- Pursuant to resolution 5 above, it is proposed to amend the proposed AU1 area (Scheme Map) by deleting the eastern portion proposed for 'road link' to Jandakot Airport. This is on the basis of protecting the rural amenity of the adjacent rural/ residential lots.
- Noise mitigation requirements pursuant to the details of an acoustic report (Scheme text requirement).
- The minimum subdivision and development application lot size requirements and leasehold lot size requirements are as per *State Planning Policy 2.3 (Jandakot Groundwater Protection)* minimum lot size requirements. This mandates a minimum 2ha lot size.
- Interface controls and/ or measures with regard to Bush Forever Area 388 (see resolution above for details).
- All lighting is to comply with the requirements of Australian Standard AS- 4282-1997 "*Control of the Obstructive Effects of Outdoor Lighting*" and the *Civil Aviation Regulations 1988* and the *Civil Aviation Safety Authority Manual of Standards* in accordance with the details prescribed within the *Jandakot Airport Masterplan*.
- Development may require a 'Site Chemical Risk Assessment Report' prepared, implemented and regularly updated,



including annual reporting to the City of Cockburn and the Department of Mines and Petroleum.

- The Lodgement of a Dust Management Plan for approval by the Local Government and ongoing compliance by the property owner/(s) may be required at development application stage.
- Building design and internal vehicles access ways are required to minimise the amenity impact of the development from surrounding residents.
- Building materials and colours must be clad or coloured to complement the surroundings, and/ or adjoining developments in which it is located, and shall use non-reflective materials and colours.

In addition to the above, the Scheme Amendment proposal includes a (now revised) Noise and Vibration Impact Assessment which has been supported by Council staff. The updated and revised Noise and Vibration assessment concludes under section 6, in relation to 'showrooms', the Regulations are expected to be complied with at all times.

In relation to the 'warehouse' land use, the type and location of activity may influence whether compliance with the Regulations can be achieved or not. Forklift work, for example, in an open yard associated with warehouse and outdoor storage areas, and the use of refrigerated trucks for deliveries (should they be required by the future developments) can potentially result in exceedances of the assigned noise levels.

On this basis the revised acoustic report, as provided within the Amendment proposal, mandates the requirement for future warehouse/ logistic premises development proposals (located adjacent to Rural/Residential properties) to be accompanied by a site specific acoustic assessment. This future acoustic report will be required to be assessed and approved by City officers and the outcome of the final report will be required to be conditioned with regard to any future Development Application/(s).

On this basis, the above mentioned objection in relation to the proposal is duly noted. The Scheme Amendment Map and Scheme text has been amended accordingly to protect the rural amenity of the existing Rural/Residential community. The request for deferral is however respectfully not considered to be appropriate, as indicated above, as provided for within the WAPC's document;



“The draft South Metropolitan Peel Sub-regional Planning Framework is subject to further refinement prior to its finalisation and endorsement as a sub-regional structure plan.”

In addition to the above it is important to note, under Part 5 Division 2 Regulation 41 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City is obligated to proceed with the Scheme Amendment application on the basis the formal advertising period has now concluded.

On this basis the broad strategic planning objectives are not considered by the City to be compromised by the proposed Scheme Amendment. The Commission will ultimately determine the proposal prior to the Hon. Minister for Planning. In this respect the objectives of the State Government will be met by the State government under their assessment of the proposed Amendment following Councils consideration.

Noise and Vibration Impact Assessment

Resolution ‘(1)1’ of Councils’ 8 September 2016 Initiation report made mention of the following:

“The Noise and Vibration Impact Assessment (under Appendix 1) to be updated to incorporate the advice from the City of Cockburn’s Health Services dated 9 August 2016. This aims to make it clear under page 21 that any future application will require a development specific Acoustic report, including the site identified by dot point 1 on page 21 of the report. This is to be to the satisfaction of the Chief Executive Officer.”

The ‘*Noise and Vibration Impact Assessment*’ as originally lodged with the Scheme Amendment proposal is dated 7 June 2016. Following Councils’ resolution, as extracted above, the applicant later submitted a revised *Noise and Vibration Impact Assessment* to City staff for assessment. City Staff, under delegation from the CEO, informally adopted a later version of the *Noise and Vibration Impact Assessment*, the 21 October 2016 report.

Resolution number eight (8) above, of this report, aims to finalise Councils adoption of the (revised) 21 October 2016 *Noise and Vibration Impact Assessment*. It is proposed for the updated report to be included within the updated Scheme Amendment documentation prior to its forwarding to the WAPC for final consideration.

The revised sections of the *Noise and Vibration Impact Assessment* have been extracted from the (revised) 21 October 2016 *Noise and*



Vibration Impact Assessment and provided as Attachment number 4 to this Council report for ease of reference.

The subject site will need to address the impacts of noise, at the future detailed 'Development Application' stage, so that the adjacent rural/residential 'Resource' zoned lots are not negatively impacted by noise and vibration.

In addition to the above, please note the draft Scheme text under column 4 section 'e' of the Additional Use No. 1 provisions specifies the following;

"With regard to any application for 'Warehouse', 'Showroom' or 'Storage', the preparation and lodgement of a report prepared by a suitably qualified acoustic consultant detailing the potential noise impact on noise sensitive land uses. The report shall demonstrate how the proposed development has been acoustically assessed and designed for the purposes of minimising the effects of noise intrusion and/or noise emissions. The report must demonstrate the measures required to address noise to the Local Government's satisfaction and be implemented and maintained as part of the development of the land."

On this basis, the issue of noise and vibration is expected to be addressed appropriately at the next stage of planning, the 'Development Application' stage. At this early stage, the Strategic 'Scheme Amendment' stage the application does not include the specifics of the intended operations. The Scheme Amendment process relates only to broad land use permissibility, as such the objective of the Amendment is to ensure a clear outline of objectives for the next stage of planning.

This directly relates to some of the concerns of the Community as provided for during the advertising period by way of submissions to Council.

Environmental Assessment

Resolution '(1)2' of Councils' 8 September 2016 Initiation report made mention of the following:

"The Environmental Assessment (under Appendix 8) to be updated to incorporate the advice from the City's Environmental Services dated 17 August 2016. This aims to ensure further investigation is required with regard to the remnant vegetation directly to the south of the Bush Forever Site. It is noted a firebreak will be required to the south of the Bush Forever site. The identified adjacent bushland is considered to be



an appropriate strip for such purposes. This is to be to the satisfaction of the Chief Executive Officer.”

Figure 3 of Councils 8 September 2016 initiation report has been extracted and inserted below for illustration purposes. The area in question identified in-between the ‘Bush Forever’ site (in Orange) and the red line beneath have since been resolved.

Figure 1: Bush Forever Site (orange) with remnant vegetation beneath (red).



As a result of such discussions the Applicant provided an updated draft Scheme Amendment Map to reduce the Additional Use No. 1 area. This will effectively reduce the area of the developable land which will ensure the protection of the above mentioned vegetation in perpetuity. The below image provides a visual illustration of the agreed outcome.



Figure 2: Draft proposed Additional Use area No. 1 incorporating the expanded native vegetation retention.



It is important to note the above draft 'A1' (Additional Use No. 1) area proposes a road connection to the north east of the site. This is proposed to be deleted via resolution number five (5) above. This is discussed and elaborated on in further detail in the below "Jandakot Airport Masterplan (2014)" section of this report.

Council's objective with respect to the 'Environmental Assessment' as outlined within the Initiation report has been addressed by the Applicant. This has also been conditioned under Resolution four (4) above to ensure the Scheme Map reflects the agreed Environmental Assessment outcome.

It is important for the Community to be aware; the native vegetation within the property boundary from the red line in figure 1 north (including the Orange area) is proposed to be retained in perpetuity. This is given specific consideration under the proposed Scheme map and also the Scheme text. Please refer to column 4 point '1' which specifies the following;

"As part of future development and/or subdivision of the subject land, the applicant shall; provide the land for the Bush Forever site (as agreed) free of cost and ceded to the Crown. This is to be provided at the first available planning opportunity."

This point was raised by a number of submitters. It is important to note, for those members of the Community that are concerned, the above mentioned 'Bush Forever Site 388' is proposed to be retained and protected in perpetuity.



The WAPC's Bush Forever section requested the last sentence above [*This is to be provided at the first available planning opportunity*] to be included within the revised scheme text. As such, the scheme text has been amended accordingly to the WAPC's Bush Forever sections satisfaction. Please refer to submission number 35 within Attachment 5 for further details.

Traffic Report

Resolution '(1)3' of Councils' 8 September 2016 Initiation report made mention of the following:

"The Traffic Report (under Appendix 6) to be updated to incorporate the advice from the City dated 22 August 2016. This aims for the report to be updated to identify how the extensive queue lengths expected by 2031 can be reduced by maybe providing additional road capacity on the approaches to the intersection, and/or any other measures. This is to be to the satisfaction of the Chief Executive Officer."

The '*Traffic Report*' as originally lodged with the Scheme Amendment proposal is dated June 2016. Following Councils resolution, as extracted above, the applicant later submitted a revised *Traffic Report* to City staff for assessment. City Staff, under delegation from the CEO, informally adopted a later version of the *Traffic Report*, the *November 2016 report*.

Main Roads Western Australia ('MRWA') provided two submissions in relation to the Traffic Report. Submission Number 36 of Attachment No. 5 provides MRWAs initial submission. This submission objected to the proposal as follows:

"Main Roads is interested in better understanding the impact of this development on the operation of the Kwinana Freeway I Berrigan Drive interchange. To this end, Main Roads requests the network volumes (existing and at 2031) for the area extending to and including the interchange of Kwinana Freeway I Berrigan Drive."

Following discussions between the City of Cockburn Staff, MRWA and the Applicant and their Traffic Consultants, MRWA provided a second submission in response to the revised Traffic Report. MRWA's second submission is provided for under submission number 37. The second submission from MRWA made mention of the following:

"Main Roads now wishes to revise its response to this proposed scheme amendment and advise that we have no objections to the proposed increase of land use permissibility over the above lots."



Main Roads notes that the traffic distribution assumed by [the Applicants Traffic Engineers] on the Berrigan Drive/ Pilatus Street routes differs from our understanding from other investigations in this area.

Whilst content that this should not be critical to this scheme amendment, it will have a bearing on the form and function of intersections along Berrigan Drive and Pilatus Street - provided for information to City of Cockburn."

City Staff are aware of the comments as provided by MRWA and aim to ensure any future development application appropriately addresses these concerns.

Pursuant to the above, the draft Scheme text specifies under column 4 point 'm' of Additional Use No. 1 as follows:

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

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

Resolution number nine (9) above, of this report, aims to finalise Councils adoption of the (revised) *November 2016 Traffic Report*, as supported by MRWA. It is proposed for the updated report to be included with the updated Scheme Amendment documentation prior to its forwarding to the WAPC for final consideration. Additionally pursuant to Resolution No. 5 above the revised Traffic Report is expected to be amended further. This is discussed below in the "Jandakot Airport Master Plan (2014) section".

State Planning Policy 2.3 Jandakot Groundwater Protection Policy January 2017 (WAPC)

The subject site falls within the boundary of the Jandakot groundwater protection area and as such SPP 2.3 is a relevant, and crucial, consideration in the assessment of the proposed Scheme Amendment.

The objectives of SPP 2.3 are as follows:

- *"To ensure that all development and changes to land use within the policy area are compatible with maximising the long-term protection and management of groundwater, in particular for public drinking water supply;*



- *To protect groundwater quality and quantity in the policy area in order to maintain the ecological integrity of important wetlands that are hydraulically connected to that groundwater, including wetlands outside the policy area;*
- *To prevent, minimise, and manage in defined locations development and land uses that may result in contamination of groundwater; and*
- *To maintain or increase natural vegetation cover over the policy area”.*

The Perth and Peel section of this report, as per above, makes mention; the Scheme text aims to ensure any future ‘modified’ Showroom, ‘modified’ Warehouse and/ or ‘modified’ Storage land uses will be compatible, by way of development application and approval controls, with the surrounding rural residential land uses. The word ‘modified’ is included as the proposed Scheme text aims to restrict the land uses so that the land use permissibility is consistent with the objectives of SPP 2.3. The Scheme text proposal specifies under column 3 of the proposed Additional Use No. 1 provisions that the following land uses are proposed to be permissible.

“Warehouse, Showroom and Storage where the display, selling, hiring or storage of goods, equipment, plant or materials and the incidental site activities do not pose risk of pollution to the below ground public drinking water source.”

Each and every (future) ‘Development Application’ within the AU1 area (Lots 702, 701 & 703) will be assessed, from a land use perspective, on its merits in accordance with the above mentioned proposed Scheme text provisions. The City will, in this way, ensure each and every (future) Development Application meets the land use requirements as per the objectives of SPP 2.3.

The Department of Water (‘DoW’) was consulted during the preparation of the proposed Amendment and during the Advertising process to ensure compliance with SPP 2.3. The DoW is identified under the WAPC’s SPP 2.3 as the ‘responsible authority’ with respect to protection of Jandakot Groundwater.

The DoW made a submission with respect to Amendment No. 112 which has been included as item number 5 of the attached Schedule of submissions table. The DoW indicated support for the proposed Scheme Amendment as follows;

“The Urbanstone facility that currently operates on the site is deemed an incompatible land use in the Jandakot UWPCA. However, it is an



operation that is a pre-existing, non-conforming land use that was established prior to the gazettal of SPP 2.3. Therefore the land use is permitted to continue to operate in line with the best management practices under non-conforming use rights of this policy.

Thus with regards to the proposed amendment to allow new provisions and expand the existing land use over the lots, the Department has no objections subject to the employment of best management practices outlined in the following

Water Quality Protection Notes (WQPN) found at www.water.wa.gov.au

- *WQPN 32: Nurseries and garden centres*
- *WQPN 52: Stormwater management at industrial sites*
- *WQPN 65: Toxic and hazardous substances - storage and use*
- *WQPN 90: Organic material - storage and recycling*
- *WQPN 93: Light industry near sensitive waters”*

In addition to the above, the ‘Department of Environment Regulation’ (‘DER’) made a submission in support of the proposal as follows;

“DER has no comment on this matter in reference to regulatory responsibilities under the Environmental Protection Act 1986 and the Contaminated Sites Act 2003.”

The DER’s submission is provided for as submission number two (2) of the Schedule of submissions table.

Submission number 31 of the Schedule of submissions table included the following objection, as extracted below;

“...We continue to be impacted, inconvenienced and squeezed by the relatively unconstrained developments on surrounding land by Jandakot Airport Holdings (Precincts 5 & 6 clearing and development), Stockland’s Calleya/Treeby residential development, Jandakot road widening, and now Schaffer’s proposed developments. It is unreasonable and unfair that these developments are allowed on similar adjacent land, while stringent restrictions remain imposed on our land...”

With respect to the above objection; the subject site, at Lots 702, 701 & 703/ the proposed expanded AU1 scheme area, is subject to SPP 2.3 requirements, as mentioned above. It is important to note each application is assessed on its merits. This applies to Stockland’s Calleya/Treeby residential development, the surrounding rural/residential lots and also Schaffer’s proposed development. Each of these application processes requires independent review with respect to the Planning system which includes SPP 2.3.



The below section aims to address the above mentioned objection further.

Jandakot Airport Master Plan (2014)

With respect to the “*Jandakot road widening*” component of the above mentioned objection, this form of development is separate to the requirements of SPP 2.3 as road widening is considered to be public works. Road upgrades are not a land use planning consideration in this respect and falls beyond the scope of the Scheme Amendment assessment. The road widening benefits the wider community and is not specifically associated with this development. To some extent some road upgrades relate to population growth (as a State) and is therefore potentially an incidental component of a growing population.

The above mentioned objection refers also to “*the Jandakot Airport Holdings (Precincts 5 & 6 clearing and development)*”. In this respect it is important to note the development of airports is undertaken within the regulatory framework of the Airports Act 1996, and the following key legislation and regulations:

- Airports Regulations 1997;
- Airports (Building Control) Regulations 1996;
- Airports (Control of On-Airport Activities) Regulations 1997;
- Airports (Protection of Airspace) Regulations 1996; and
- Airports (Environment Protection) Regulations 1997.

The Airports Act is the principal statute regulating the ownership, management and conduct of federally leased airports. Part 5 of the Act prescribes a number of controls over land use, planning and building at airports and Part 6 details environmental management.

Under Section 70 of the Act, each commonwealth airport is required to produce a final master plan. A final master plan is one which has been approved by the Federal Minister of Infrastructure and Regional Development. Prior to submitting a draft master plan to the Minister, the airport is required to take into account public comments. Subsequent development at the airport must be consistent with the final master plan.

Council item number 14.6 of the 13 November 2014 meeting provided Councils formal submission with respect to the [then] draft 2014 Jandakot Airport Master Plan.

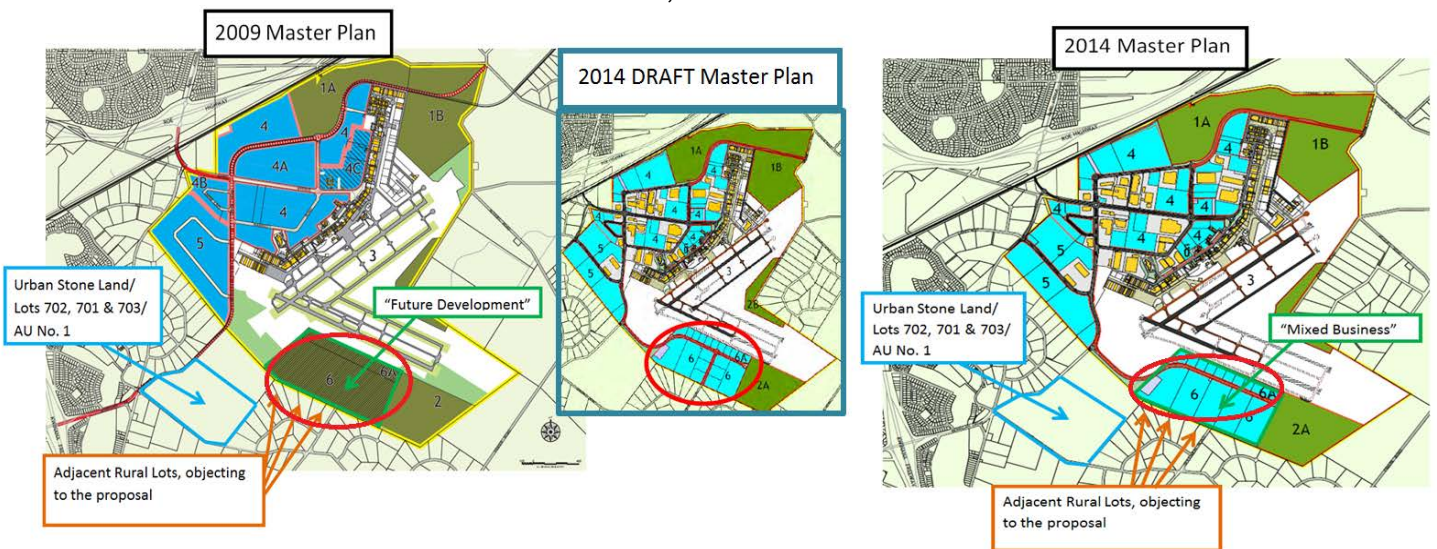
Council’s report in 2014 made mention, in terms of land use, the draft 2014 Master Plan indicated some key differences to the 2009 Master Plan. The most significant difference was in the way in which ‘Precinct 6 and 6A’ were being subject to future development considerations and



had shifted to become a “Mixed Business” (37ha) and “Aviation Operation” (10ha) precinct, (and at one point) proposed to be connected to a low scale rural community at the end of Solomon Road north of Jandakot Road.

Council identified two issues with the above, back in 2014, the first being the contemplation of a major road link through what is (and what was planned to remain) a quiet rural community, and the second being the contemplation of this land for a Mixed Business development outcome. The below image provides a visual representation of the evolution of the Federal Government’s JAH Master Plan.

Figure 3: Federal Government’s JAH Master Plan progression; 2009, draft 2014 and final 2014.



As mentioned above, the Community has expressed grievances with the recent developments and vegetation clearing by JAH adjacent to the rural lots. The below image provides a current aerial photograph indicating the full extent of the clearing associated with Precinct 6 and 6A.

Figure 4: Aerial Photograph of cleared vegetation within Jandakot Airport, Precincts 6 and 6A.



It is important to note Council objected in part, back in 2014, to the above clearing (within the green area) directly abutting the rural/residential lots (indicated in orange). Council *“formally requested, of Jandakot Airport, the reconfiguration of Precinct 6, 6A and 2A so as to achieve an approximate 200m conservation zone separation from rural development and future mixed business development.”*

JAH, back in 2014, acknowledged their obligation to *“mitigate the potential impact that any development within Precinct 6 might have on the adjoining rural living properties”*. JAH believes this *“can be adequately addressed by the location, design and layout of individual developments within the precinct and are prepared to undertake such an assessment prior to undertaking each respective development.”*

Council recommended under point 4 of the 13 November 2014 report, *“in order to assess the suitability of any noise attenuation measures incorporated into any development in Precinct 6, Jandakot Airport Holdings shall engage an Acoustic Consultant/Engineer with relevant qualifications and experience, and who is a member of either the Australian Acoustical Society and/or the Association of Australian Acoustical Consultants to undertake an assessment of that development.”*

Pursuant to the above, the Solomon Road access as shown on the DRAFT 2014 master plan was successfully deleted from the FINAL 2014 Master Plan, as per figure 3 above. On this basis the resolution, under point five (5) above, aims *“to amend the proposed AU1 area by deleting the eastern portion proposed for ‘road link’ to Jandakot Airport.*



This is on the basis of protecting the rural amenity of the adjacent rural/residential lots.”

On the above basis, whilst it is acknowledged objections were received regarding the changing nature of the locality, the changes within JAH are, unfortunately, beyond the control of Local Government. Likewise the upgrades to Jandakot Road are beyond the scope of land use considerations associated with this Scheme Amendment. It is important to note in this respect the Urban Stone land, as per the above, meets State planning controls as per recent submissions received from the various government agencies.

For those members of the respective Community that are concerned, and seek further clarity, they may wish to/ and may benefit from reviewing Council’s previous report on the submission to the Federal Government. As mentioned above, this was Item No.14.6 of 13 November 2014 Meeting.

WAPC Subdivision Application No.154019 – Lot No. 703 (previously Lot 103) Jandakot Road, Jandakot

In recent history members of the respective Community have noted a ‘roundabout’ is currently under construction abutting the western boundary of the subject land. Members of the Community have made enquiries in this respect as to whether Scheme Amendment No. 112 has been actioned already. Specifically there is concern that due process may not have been followed.

In relation to the above, it is important for the Community to note the roundabout in question has been facilitated through a WAPC (State government) subdivision. The Subdivision provided the land in question as 4,134m² of ‘road widening’. This was approved by the WAPC on 22 September 2016 subject to three conditions as extracted below, which were delegated to the control of the City of Cockburn as indicated by “(Local Government)”.

CONDITION(S):

1. Lauanders Street being widened in accordance with the approved plan of subdivision to the satisfaction of the City by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening for the construction of a roundabout. (Local Government)
2. Satisfactory arrangements being made with the local government for the full cost of construction of the proposed roundabout. (Local Government)
3. Measures being taken to ensure no vegetation within Bush Forever Site No. 388 is removed or disturbed during subdivisional works, including any secondary impacts from works to provide service infrastructure and drainage to implement the approved plan of subdivision. (Local Government)



The corresponding condition numbers have been illustrated on Figure 5 below for ease of reference. It is important to note Condition number two (2) above specifies the full cost of the roundabout is at the land owner/ applicants cost, and not at the cost of the City of Cockburn. The risk with respect to the roundabout and the need for the roundabout is therefore at the risk of the owner/ applicant. The WAPC subdivision approval as indicated above is on a without prejudice basis and does not in itself indicate a support for Scheme Amendment No. 112, by either the Hon. Minister for Planning, the WAPC or the Elected members of Council at the City of Cockburn.

Figure 5: Roundabout in question currently under construction as a result of WAPC subdivision Application 154 019



As can be seen above, the roundabout is currently under construction and has been paid for by the owner/ applicant pursuant to the above WAPC condition No. 2. The provision of the roundabout at this early stage is not binding with respect to Amendment No. 112.

Conclusion

Proposed Scheme Amendment No. 112 has been forwarded to the EPA, WAPC, respective members of the Community, Government Agencies and Service providers. This report before Council aims to



identify and address the Submissions received during the advertising period.

It is understood the Community is concerned with the changing environment with respect to the locality. The above report aims to dissect each component that makes up the planning system in this respect. The above report then aims to express that the proposed Scheme Amendment is considered to be consistent with proper and orderly planning principles.

Please refer to the below section, the 'Community Consultation' section for further details.

Strategic Plan/Policy Implications

City Growth

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

Moving Around

- Improve connectivity of transport infrastructure.

Economic, Social & Environmental Responsibility

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

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

Advertising was undertaken pursuant to the advertising requirements prescribed within Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This was for 'not less than a period of 60 days'.



On this basis, advertising included a notice in the newspaper, a hard copy of the report displayed in the City's offices, displayed in full on the City's website and a copy (letter) provided to each public authority and nearby landowner.

Advertising commenced on 22 November 2016. On the basis the advertising period extended over the Christmas/ Holiday period, which is generally accepted as a 'down period', advertising was extended to provide the community and government agencies/ service providers with a prolonged advertising period as per contextual procedural fairness.

In addition to the above the Banjup Residents Group requested of Council a further advertising extension period. This was in regard to the timing of the State governments overarching strategic document which covers the subject site and the adjacent landholdings; The 'Perth and Peel @ 3.5 Million' documentation (as discussed above).

As a result of the above advertising extension requests, advertising formally concluded on 7 February 2017.

Council received a total of 39 submissions of which 12 submissions were in support of the proposal. Of these submissions in support of the proposal one submission, submission number 35 of the attached table was 'in support subject to modification'. This submission was provided by the WAPC and has generally been incorporated into the revised Scheme Text (above). See Attachment No. 3 for details.

In total Council received 27 objections of which 20 objections were signatories to submission number 10. Submission number 10 was submitted by R & J Kroon of 97 Jandakot Road, Jandakot. This submission provides the following partial extract;

"We fully support the submission made by the Banjup Residents Group that covers our main concerns. Please refer to the BRG submission, as attached, for full justifications. In summary they state that: either all Jandakot rural properties are permitted additional commercial land uses, or none are. We request the Council of the City of Cockburn to ensure equal opportunities are given both to residential ratepayers and commercial developers in the squeeze between Jandakot City and urban Treeby."

The submission from the Banjup Residents Group, as referred to above, is provided for as submission number 8 in the Schedule of Submission response table. This submission provides the following position, as partially extracted;



“Our position is simple: by whatever means either all Jandakot rural properties are permitted commercial land uses or none are. We urge the Council of the City of Cockburn to ensure equality of opportunity between residential ratepayers and commercial developers, as formalised in a clear Structure Plan for the whole area. To realise this, we recommend these resolutions to the Council of the City of Cockburn:

Either -

- *Defer any decisions on Schaffer’s application and on alternative land uses for current residential landowners in rural Jandakot until after the publication of the WAPC’s final South Metropolitan & Peel Planning Framework; then*
- *Develop a formal structure plan for the whole of the Jandakot rural area from Berrigan Drive to Warton Road that includes:*
 - *Schaffer’s application*
 - *Residents’ considerations*

Or, alternatively -

- *Defer a decision on Schaffer’s application until the City of Cockburn has developed a formal structure plan for the whole of the Jandakot rural area from Berrigan Drive to Warton Road that includes:*
 - *Schaffer’s application*
 - *Residents’ considerations”*

The comments of the Banjup Residents Group are discussed above throughout this report.

One of the objections was a two part submission. This objection was provided by Main Roads Western Australia (‘MRWA’) whom provided an initial objection and later a letter of support. These submissions are provided for as submissions numbers 36 and 37. As per the above, the Schedule of Submissions table records 12 submissions in support and 27 submissions objecting to the proposal. The details of these submissions are summarised above within the ‘Report’ section.

Risk Management Implications

The officer’s recommendation takes into consideration all the relevant planning factors associated with this proposal, including State Planning Policy 2.3 and Perth and Peel @ 3.5 Million.

It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision.



It is recommended that Council adopts the proposed amendment subject to the above mentioned Scheme Map and Scheme Text modifications. This is partially to address the various submissions received during the advertising period. These modifications are required prior to the forwarding of the proposed Scheme Amendment to the WAPC. On this basis the associated risks in not achieving these planning outcomes is considered minimal.

Attachment(s)

1. Location Plan.
2. Current and Proposed Scheme Map.
3. Modified proposed Scheme Text.
4. Noise report extract.
5. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 June 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 6102) (OCM 08/06/2017) - LIST OF CREDITORS PAID - APRIL 2017 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED ENBLOC 7/0



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 April 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 – April 2017.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE NO 6103) (OCM 08/06/2017) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - APRIL 2017 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council

- (1) adopt the Statement of Financial Activity and associated reports for April 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	Increase	2,548,109
Expenditure Adjustments	Increase	1,381,029
TF to Reserve Adjustments	Increase	1,504,102
TF from Reserve Adjustments	Increase	193,000
Net change to Municipal Budget Closing Funds	Decrease	144,022

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Clr B Houwen SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0

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 \$36.50M was \$7.66M 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 \$0.17M, down \$0.14M from last month as a result of budget amendments processed during the month.

Operating Revenue

Consolidated operating revenue of \$128.62M was ahead of the YTD budget target by \$1.05M.

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	94.27	93.36	(0.92)	95.70
Specified Area Rates	0.31	0.33	0.02	0.33
Fees & Charges	18.62	19.59	0.97	23.27
Service Charges	0.44	0.45	0.01	0.45
Operating Grants & Subsidies	9.62	9.24	(0.38)	11.11
Contributions, Donations, Reimbursements	0.87	0.56	(0.31)	0.77
Interest Earnings	4.48	4.04	(0.44)	4.87
Total	128.62	127.57	(1.05)	136.51

The significant variances at month end were:

- Rates – Part year rating was \$0.96M ahead of the YTD budget setting.
- Fees & Charges –
 - Leisure Centre fee income was \$0.74M behind YTD budget.
 - Development application fees were \$0.23M behind YTD budget.
 - Commercial leasing income was \$0.20M behind YTD budget.
- Operating Grants & Contributions – Child care fee subsidies were \$0.32M ahead of the YTD budget.



- Interest Earnings – Investment earnings from the City’s financial investments were \$0.42M ahead of the YTD budget.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$105.56M was under the YTD budget by \$3.09M.

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	40.00	39.83	(0.18)	49.78
Employee Costs - Indirect	0.64	0.80	0.15	1.41
Materials and Contracts	31.00	33.26	2.26	40.79
Utilities	3.83	3.82	(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	6.45	6.82	0.37	8.48
Depreciation (non-cash)	21.97	22.29	0.32	26.83
Amortisation (non-cash)	0.91	0.99	0.09	1.19
Internal Recharging-CAPEX	(2.04)	(2.06)	(0.03)	(2.59)
Total	105.56	108.65	3.09	133.95

The significant variances at month end were:

- Material and Contracts - were \$2.26M under the YTD budget with the significant variances being:
 - IT & IS projects under by \$0.49M
 - Ranger & Community Safety projects collectively under by \$0.25M
 - Waste Disposal costs under by \$0.28M,
 - Council promotion projects under by \$0.20M
 - Child care subsidy payments over by \$0.50M.
 - Parks maintenance over by \$0.35M.

Capital Expenditure

The City’s total capital spend at the end of the month was \$75.5M, representing an under-spend of \$17.3M against the YTD budget.

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	12.2	16.9	4.7	17.9	3.1
Drainage	0.5	1.1	0.7	1.6	0.1
Footpaths	0.7	1.0	0.3	1.1	0.1
Parks Infrastructure	6.3	8.8	2.5	10.7	2.1
Landfill Infrastructure	0.2	0.5	0.4	1.2	0.1
Freehold Land	0.7	1.5	0.9	1.9	0.0
Buildings	48.4	52.4	4.0	55.3	4.5
Furniture & Equipment	0.9	1.8	0.9	3.0	0.6
Information Technology	0.5	1.0	0.4	1.9	0.6
Plant & Machinery	5.2	7.9	2.7	8.3	2.9
Total	75.5	92.8	17.3	103.1	14.0

These results included the following significant project variances:

- Roads Infrastructure under YTD budget by \$4.7M – including Berrigan Drive Jandakot Improvement Works (\$2.1M), Lyon & Gibbs Signalisation and Upgrade (\$0.7M), Mayor Rd [Rockingham to Fawcett] (\$0.5M), Gibbs & Liddelow Roundabout (\$0.4M) and Beeliar Drive [Spearwood to Stock] (\$0.2M).
- Parks Infrastructure – the capital program was behind the YTD budget by \$2.5M with CY O'Connor Improvements (\$0.3M), Coogee Beach master plan (\$0.5M), Dixon Reserve works (\$0.2M) and Jarvis Park landscaping (\$0.3M) the significant contributing projects.
- Freehold Land – various land acquisition & development projects were collectively \$0.9M behind the YTD budget with lot 915 Goldsmith (\$0.36M) the main contributor.
- Buildings – collectively \$4.0M behind YTD budget with Cockburn ARC (\$2.7M), Community Men's Shed (\$0.44M) and Bibra Lake sewer connection (\$0.5M) the significant variances. The new depot was ahead of YTD budget (\$0.45M) but within overall budget.
- Furniture & Equipment – was \$0.86M behind YTD budget, consisting of the fitout of the Cockburn ARC.
- Information Technology – was collectively \$0.41M under YTD budget due to a number of under spent software and website projects.



- Plant & Machinery – replacement program was behind YTD budget by \$2.7M, 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 \$2.34M behind YTD budget mainly due to timing issues for Cockburn ARC state and federal grants (\$1.6M), various road grants (\$0.40M) and Lotterywest funding for the men's shed (\$0.48M)
- Development contributions for the Cockburn ARC project (\$3.2M) and Jandakot Rd Improvement project (\$1.0M) were outstanding due to timing.
- Developer Contribution Area (DCA) contributions for road and community assets were collectively behind YTD budget by \$0.86M.
- Transfers from financial reserves were \$6.2M 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 \$2.22M behind the YTD budget comprising of land (\$1.67M) and plant (\$0.55M).

Transfers to Reserve

Transfers to financial reserves were \$1.98M 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 \$138.72M (down from \$147.62M last month).

\$97.50M of this balance represents the current amount held for the City's cash/investment backed financial reserves. The balance of \$41.22M is available to meet operational liquidity needs (down from \$49.49M last month).



Investment Performance, Ratings and Maturity

The City’s investment portfolio made a weighted annualised return of 2.73% for the month, decreased from 2.75% last month and from 2.80% the month before. However, this still compares quite favourably against the UBS Bank Bill Index (2.03%) 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 month’s end was ahead of the YTD budget target by \$0.42M. 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.

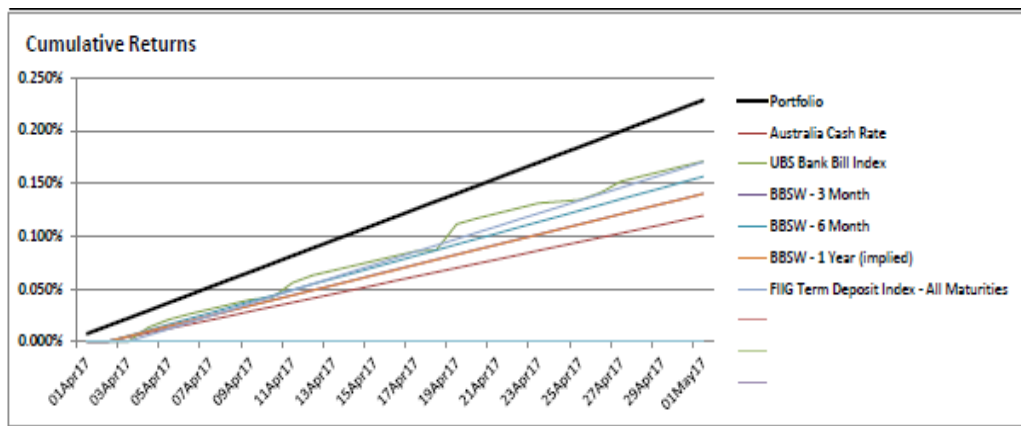


Figure 1: COC Portfolio Returns vs. Benchmarks

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 33% to 31% during the month, whilst the A-1 holding increased from 13% to 14%. The amount invested with A-2 banks also increased to 51% (from 50%), comfortably below the policy limit of 60%:



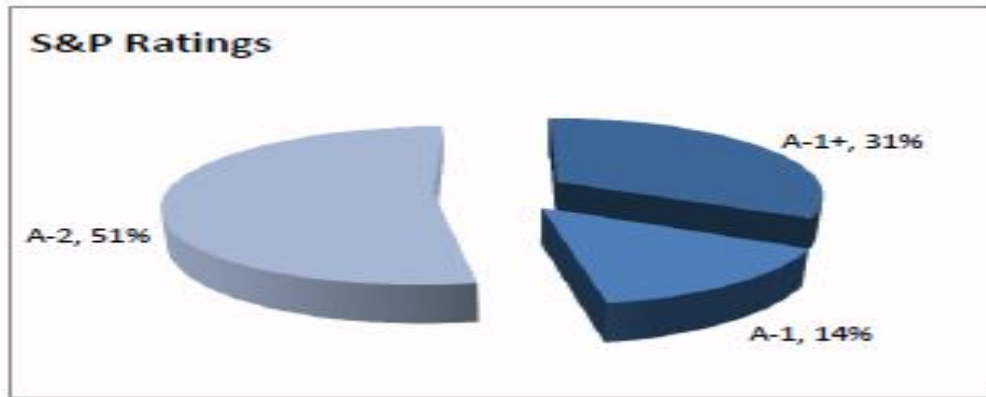


Figure 2: Council Investment Ratings Mix

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 138 days or 4.5 months (reduced from 153 days last month) with the maturity profile graphically depicted below:

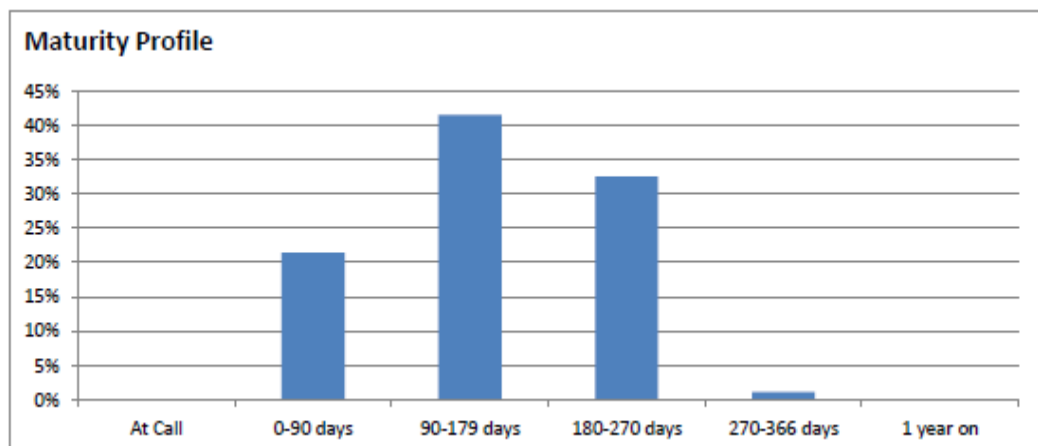


Figure 3: Council Investment Maturity Profile

Investment in Fossil Fuel Free Banks

At month end, the City held 56% (\$75.66M) of its TD investment portfolio of \$135.26M with banks deemed as free from funding fossil fuel related industries. This was slightly up from 55% 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 \$
Increase funding for fitout at ARC for Curtin University	193,000		(193,000)		
Fence replacement for Friendship Way project (OCM 9/3/17)	80,000				(80,000)
ARC Opening – increase budget	47,932			(7,980)	(39,952)
New gifted DFES vehicle	548,243			(548,243)	
Berrigan Drive Jandakot Improvement Works – balancing and funding adjustments	435,154	1,504,102		(1,939,256)	
ARC - Discover Community Event	76,700			(52,630)	(24,070)
Totals	1,381,029	1,504,102	(193,000)	(2,548,109)	(144,022)

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 \$10.82M within its trust fund. \$5.85M was related to POS cash in lieu and another \$4.97M in various cash bonds and refundable deposits.

A summary of the POS cash in lieu held follows:

Suburb	\$
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 \$313,158 last month to \$169,136 due to the \$144,022 net 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 – April 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 6104) (OCM 08/06/2017) - TENDER NO. RFP 11/2017 - GREENWASTE DECONTAMINATION PLANT - DESIGN, FABRICATION, INSTALLATION, TESTING AND COMMISSIONING. (RFP 11/2017) (L DAVIESON)

RECOMMENDATION

That Council accept the tender submitted by EMER Pty Ltd , T/A Focus Enviro for Tender No.RFP 11/2017 – Greenwaste Decontamination Plant for the total lump-sum of \$689,105.46 (GST-exclusive).

COUNCIL DECISION

MOVED Clr L Smith SECONDED Clr S Portelli that Council defer the matter to the July 2017 Ordinary Council Meeting.

CARRIED 6/0

Reason for Decision

Clr Smith advised that she has not been able to read the contents of this report and therefore feels unable to make a decision on this matter. On enquiring with the Administration prior to the meeting about the urgency of this recommendation for a decision, it was advised that there is no urgency and can be deferred to the July Ordinary Council Meeting. She mentioned as this is new technology and much funds being invested, it would be prudent that this matter be deferred.



Background

Over the next four (4) years, the City will roll out a 240 litre garden waste bin to all properties greater than 400m². This bin will be serviced fortnightly and as the program proceeds, greater tonnages will require decontamination.

To assist in this endeavour, the City requires the design, fabrication, installation, testing and commissioning of a greenwaste picking station/decontamination plant for its Henderson Waste Recovery Park (HWRP) located at 920 Rockingham Road, Wattleup.

The greenwaste picking station will be designed to allow the HWRP's excavator to place the garden waste unloaded from the waste collection compaction truck directly into the hopper. The Principal's staff will remove contaminants from the greenwaste as it passes through the plant and the decontaminated product will be discharged to a stockpile. The plant will have an average throughput capacity of 20 to 25 tonnes of greenwaste per hour.

The proposed scope of works/services includes; concept / design development, foundations, plant fabrication, installation, testing, training, commissioning and other associated works. The City will be responsible for the all approvals and the preparation of the site.

The City's scope embodies best practice sustainability principles throughout, in particular for energy and water efficiency; and potentially powered by renewable energy.

It is expected that the proposed Contract shall be awarded in June 2017 with work commencing immediately upon appointment so that the plant is installed and commissioned by 15 December 2017.

Tender No. RFP 11/2017 – Greenwaste Decontamination Plant was advertised on Saturday 25 March 2017 in the Local Government Tenders section of "The West Australian newspaper. The RFP was also displayed on the City's E-Tendering website between 25 March and 11 April 2017.

Submission

The Request for Proposal closed at 2:00PM (AWST) Tuesday, 11 April 2017. Six (6) submissions were received from the following companies:



<u>Business Name</u>	<u>Respondent's Name</u>
Australian Bale Press Company Pty Ltd	Australian Bale Press
Alawite Pty Ltd	Australian Project Management
Focus Enviro	EMER
Dieselcraft	Pipecraft
RDT Engineering Pty Ltd	RDT
Wastech Engineering Pty Ltd	Wastech

Report

Compliance Criteria

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

	Description of Compliance Criteria
A	Compliance with the Conditions of Responding (Part 1).
B	Compliance with the Brief (Part 2) contained in the Request.
C	Completion of Section 3.1 . – Form of Response
D	Compliance Section 3.2 . – Respondent's Contact Person
E	Compliance with Sub-Contractors requirements and completion of Section 3.5.3 .
F	Compliance with Financial Position requirements and completion of Section 3.5.5 .
G	Compliance with Insurance requirements and completion of Section 3.5.6 .
H	Compliance with Qualitative Criteria and completion of Section 3.6.2 .
I	Compliance with Fixed Price and completion of Section 3.7.2 .
J	Compliance with and completion of the Price Schedule (including the breakdown of Lump Sum) in the format provided in Part 4 .
K	Compliance with ACCC Requirements and completion of Appendix A .
L	Acknowledgement of any Addenda issued.

Compliant Tenderers

All six (6) submissions were deemed compliant and were evaluated.



Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	15%
Respondent's Resources	10%
Design Requirements, Compliance and Features	25%
Methodology	5%
Sustainability	5%
Tendered Price	40%
Total	100%

Tender Intent/Requirements

The City is seeking the services of a suitably experienced Contractor for the design, fabrication, installation, testing and commissioning of a greenwaste picking station / decontamination plant for its Henderson Waste Recovery Park (HWRP).

The proposed scope of works/services includes:

- a) Concept / preliminary design,
- b) Design development and documentation;
- c) Site foundations; and
- d) Plant fabrication, installation, testing, training, commissioning and other associated works.

The City will be responsible for the following works/services:

- a) Obtaining any necessary planning or building approvals;
- b) DER design compliance/works approval;
- c) Underground services location;
- d) Site preparation and earthworks; and
- e) Electrical connections.

Evaluation Panel

The tender submissions were evaluated by:

1. Lyall Davieson (Chair) – Waste Manager
2. Michael Haynes – Recovery Park Coordinator
3. Margot Tobin (SBMG Rep) – Executive Manager Strategy & Civic Support



Probity: Gary Ridgway, Contracts Specialist and Caron Peasant,
Contracts Officer – Procurement Services

Scoring Table - Combined Totals

Respondent's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
EMER Pty Ltd**	43.78%	20.28%	64.06%
Wastech Engineering Pty Ltd	33.57%	29.36%	62.93%
RDT Engineering Pty Ltd	35.35%	23.10%	58.45%
Pipecraft Pty Ltd	16.63%	40.00%	56.63%
Alawite Pty Ltd	15.20%	38.61%	53.81%
Australian Bale Press Company Pty Ltd	30.10%	15.32%	45.42%

**** Recommended Submission**

Evaluation Criteria Assessment

Demonstrated Experience

Of the Six tenderers, three have never built a greenwaste decontamination plant, two (Wastech and RDT) had constructed plants in Australia that were yet to be commissioned at the time of the tender and only one (EMER) demonstrated significant experience in this type of plant. EMER has built, operated and supplied plants in Victoria, Birmingham (UK) and general waste stream plants locally. As a result, EMER was able to describe in detail the problems that arose during the commissioning and operation of the plant. EMER scored well above the others in this criterion. Australian Bale Press, Wastech and RDT all demonstrated a track record in the construction of Material Recovery Facility for the sorting of comingled recyclables.

Respondent's Resources

Wastech and Australian Bale Press demonstrated the most sustained company history and support. RDT also scored well in this criterion. Whilst EMER recently formed in 2015, they indicated an install base of 150 units in Australia and provided a detailed response to address this criterion. Pipecraft and Australian Project Management did not



demonstrate the same level resources in their response to backup services, training and spare part supply.

Design Requirements, Compliance and Features

All Tenderers scored well in this section in understanding the City's minimum design requirements. The Panel paid particular attention to the responses relating to how their plant would prevent glass breakage. As broken glass in greenwaste renders the product unusable in compost production, a detailed response was required. EMER provided the most conclusive response on this criterion.

Methodology

The Panel was seeking an understanding of how the greenwaste would be delivered and presented for the pickers to ensure contaminants could be easily identified on the moving belt. EMER scored highest in this criteria followed closely by RDT and Wastech.

EMER recommended the removal of fines (lawn clippings) by introducing a trommel unit in front of the picking station. This approach will reduce the volume of waste to be decontaminated but also provide the pickers greater visibility and ease to remove contaminants.

Sustainability

Most Tenderers scored poorly in this section with the exception of RDT followed by Focus and Wastech. This is mostly due to their processes and plants they manufactured. Whilst their plants deliver sustainable environmental outcomes few tenderers were able to demonstrate a record of social enterprise, community benefit or sustainability awards.

Summation

Whilst RDT and Wastech could deliver a greenwaste decontamination plant meeting the City's specific guidelines, EMER provided a superior submission with demonstrated ability to manage and handle greenwaste. Referees were consulted and the information gathered confirmed EMER was experienced in delivering this type of project on time and on budget. EMER may be used for the purchase of spare part if they are not available locally. EMER provided the best score against all the selection criteria. As a consequence, EMER submission represents the best value for the City should be supported.



Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health.
- Improve water efficiency, energy efficiency and waste management within the City's buildings and facilities and more broadly in our community.
- Further develop adaptation actions including planning; infrastructure and ecological management to reduce the adverse outcomes arising from climate change.

Leading & Listening

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

Budget/Financial Implications

In the Implementation Plan for the rollout of garden waste bins presented to Council in May 2016, a picking station to remove contamination from the greenwaste was identified as an essential tool to ensure a valuable end product.

In the Mid-Year Budget Review of January 2017, \$700,000 was set aside for the purchase of a greenwaste decontamination plant. The recommendation identifies a lump sum total of \$ 689,105.46. All costs associated with this Tender will be funded from CW 1982.

Due to the long lead time to manufacture the plant (6 months), these funds will be carried forward into the 2017/18 FY.

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

The risk of Council not awarding the tender is that the decontamination of the future green waste collected by the third bin would still be carried out by hand which becomes very inefficient for the tonnages involved. The cost would also be prohibitive for the number of staff required as well as the workplace health and safety risks of manual picking. From a practical perspective, hand picking would never be able to remove all the contamination that mechanical separation achieves via the trammel and hence would result in a lower quality of decontaminated green waste for processing into compost.

Attachment(s)

The following attachments are provided under confidential cover:

1. Compliance Evaluation;
2. Consolidated Evaluation Panel Score Sheet; and
3. Tendered Prices.

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

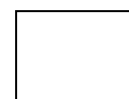
Nil.

18. COMMUNITY SERVICES DIVISION ISSUES

18.1 (MINUTE NO 6105) (OCM 08/06/2017) - WETLANDS TO WAVES EVENT CONCEPT DEVELOPMENT (152/010) (M LA FRENAIS) (ATTACH)

RECOMMENDATION
 That Council

- (1) not proceed with a 'Wetlands to Waves' Adventure Challenge event at this time; and
- (2) reconsider the concept as a potential inclusion in the Calendar of Events for 2018/19.



COUNCIL DECISION

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

CARRIED ENBLOC 7/0

Background

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

Council adopted the annual events program at its June 2016 Meeting. This included a budget to develop a detailed scope for a 'Wetlands to Waves' Adventure Challenge event. The concept would utilise Cockburn's natural environment and provide a unique and engaging event for the Cockburn community while also showcasing the Cockburn lifestyle.

The resolution was:

that the City commissions an external report on how it could hold an adventure race in the future, with said report being presented to Council by July 2017.

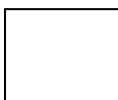
Submission

N/A

Report

Through a consultancy brief process, Sports Performance was appointed to develop a report on how the City of Cockburn could hold an adventure challenge event. Their findings provided the following recommendations/observations:

1. The City of Cockburn contains areas that can include the following disciplines in an event:
 - Swim and Paddle - With some 6.5 kilometres of beach stretching from Rollinson Road (North Coogee) to Woodman Point (Jervoise Bay Sailing Club) there is adequate safe areas in which to conduct these sections.
 - Run – Run sections involving both path and off road areas are available and can be organised in a safe environment with



minimal road traffic management or can incorporate areas that will require significant traffic management or procedures.

- Cycle – This section provides the greatest challenge and could include both on road and off road sections. There are limitations in off road areas depending on the final distance of the event. A combination of on road and off road would enable a longer course to be designed. This section will also involve traffic management and potentially increased signage. A further alternative is a complete on road course.

2. An adventure race involves activities in a natural setting using a variety of disciplines over a course of 1 to 8+ hour duration. This proposal does not recommend an event of longer than 4 hours duration. The event would include two distinct distances / times (to cater for the general public as well as professional athletes) operating concurrently and involving more than the normal numbers in a team structure in addition to individuals. A team generally comprises of 2 to 4, however, for this event it could be expanded to 6 to 8 persons, making it a unique event to include a wider range of entrants.
3. The event could be geared to be cost neutral as it is not considered uncommon for entrants to be charged \$120 per person for this type of event.

Cost

A definitive budget can only be set when the event and its requirements are finalised. Major items are listed below with potential costs and variations. If the City did not gain sponsorship and could provide a subsidy the event could still proceed. Costs are based on similar high profile events of this nature held in Australia:

Income:

- | | |
|--|----------|
| • Sponsorship – includes cash and offsets | \$20,000 |
| • Entry Fees – based on 1000 competitors of 200 individuals (\$120 each) and 200 Teams of four (\$200 per team). | \$64,000 |
| • Contribution by the City of Cockburn | \$32,000 |

TOTAL **\$116,000**

Expenditure:

- | | |
|---|-----------|
| • Event Director and Event Operations Crew (Event management and Sponsorship Management - Race director and 4 section assistant race directors) | \$50,000+ |
| • Medical – St John Ambulance | \$10,000 |
| • Water Safety – SLSC or similar | \$5,000 |



• Traffic Management – including plans	\$15,000
• Equipment – including bike racks, marquees	\$5,000
• Event specific signage	\$3,000
• Public address and commentator	\$3,000
• Event timing	\$10,000
• Marketing/PR	\$10,000
• Competitor race bibs, swim caps, bike numbers	\$5,000
• Community consultation	\$2,000
• Contingencies	\$6,000
TOTAL	\$116,000

Sponsorship/ Stakeholder Feedback

A number of potential key partners were approached for an initial opinion on the likelihood of sponsoring with indicative amounts. Only the following feedback was received:

- Department of Sporting and Recreation don't normally support community events. Exceptions to this rule would be if the event were to fit in with their trails project, which is not the case on this occasion.

Conclusion

Having considered the Sports Performance report, the City does not recommend hosting the "Wetlands to Waves" Adventure event at this stage for the following reasons:

- Budget restrictions for 2017/18 and current lack of other resources.
- There would be minimal economic benefit.
- A more detailed concept could be considered in the future.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Budget/Financial Implications

The cost of undertaking an adventure race event is estimated at \$116,000. (Costs minus entry fee income; sponsorship income is not definite).



Legal Implications

The City would need to draw up a legal agreement in regard to the sponsorship and outsourcing of the event management.

Community Consultation

Some local consultation was undertaken onsite during trail investigations, with further advice required to be issued should the event proceed.

Risk Management Implications

Should the Council resolve to undertake the event when it is not properly resourced to do so, providing a subpar experience, there is a "Moderate" level of Reputational Risk associated with this decision.

Attachment(s)

Sports Performance Wetlands to Waves Proposal.

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 8 June 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**20.1 (MINUTE NO 6106) (OCM 08/06/2017) - COMMUNITY POLL - ROE HIGHWAY STAGE 8 (006/002); 007/008) (D GREEN) (ATTACH)****RECOMMENDATION**

That Council

- (1) not undertake a community poll of City of Cockburn residents on the construction of the Roe Highway Stage 8 at this stage, and
- (2) monitor the progress of the rehabilitation program for the cleared alignment being undertaken by the State Government,



to assess the potential to engage with the community on related issues, as appropriate.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr L Smith that

- (1) undertake the Poll in relation to ratepayers position on Roe 8;
- (2) approve an amount of \$14,400 +GST to conduct the Poll as outlined above for a total of 3,000 responses, spread evenly across each Ward (1,000 per Ward);
- (3) submit results of Poll to Council as soon as practical for consideration and action; and
- (4) endorse the following words for the Poll Question:

Yes

No

Don't know

Don't care

MOTION LOST 1/5

CLR PORTELLI REQUESTED VOTES FOR AND AGAINST TO BE RECORDED

FOR: CLR PORTELLI

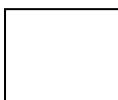
AGAINST: MAYOR HOWLETT, CLR SWEETMAN, CLR PRATT,
CLR HOUWEN, CLR SMITH

MOVED Clr L Sweetman SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 5/1

FOR: MAYOR HOWLETT, CLR SWEETMAN, CLR PRATT,
CLR HOUWEN, CLR SMITH

AGAINST: CLR PORTELLI



Background

By Notice received on 11 May 2017, Councillor Portelli has submitted the following Motion for Council consideration, which is to be included in the Agenda for the Ordinary Council Meeting to be held on 8 June 2017:

That a community poll on Roe 8 – 3,000 with 1,000 from each Ward and spread evenly over each Ward:

- (1) *undertake the Poll in relation to ratepayers position on Roe 8;*
- (2) *approve an amount of \$14,400 +GST to conduct the Poll as outlined above; and*
- (3) *submit results of Poll to Council as soon as practical for their consideration and action.*

Submission

N/A

Report

The City of Cockburn has consistently stated its opposition to the construction of Roe Highway Stage 8, supported by resolutions of Council over a period of more than 17 years.

As recently as November 2016, Council also resolved to decline the opportunity to canvass the opinion of its community on the matter. One of the reasons provided for supporting this position was that such a poll was “moot”, given that the State Government at the time had awarded Contracts to commence the construction of the project prior to the March 2018 general election and that Council funds and administrative time should not be “wasted” on such a futile exercise.

Since that time, the State Government of the day has lost office and the incoming Government has halted the Project and announced it will not be proceeding with its construction. In addition, it has established a Working Group to immediately oversee a rehabilitation program of the alignment land, from Kwinana Freeway to Stock Road, which was cleared in the weeks immediately prior to the election.

The City of Cockburn is represented on this Working Group as a key stakeholder and has appointed Mayor Howlett as its elected member delegate to the Group, with additional technical and advisory support to be provided by a Senior Environmental Officer of the City. The



composition of the Working Group is multi – disciplinary and also comprises the construction Contractor, Building Roe 8, to assist with the revegetation and other improvements proposed for the site.

The Group`s Terms of Reference are extensive and includes objectives to ensure the refurbishment examines the potential for extensive public spaces, including footpaths, cycle ways, trails and other landscaping attractions to be included. The Group has already commenced the planning phase of the project and regular meetings are scheduled to ensure a timely commencement of the revegetation program, to ensure that benefits of the seasonal growth timeframe can be maximised.

Accordingly, it is apparent that the current State Government is totally committed to a regime of high profile and timely environmental improvements to the alignment and that it will not in any way consider a continuation of the previous construction program, with the exception of the southern connection to the Murdoch Activity Centre, including the Health and Knowledge Precinct, at the extreme eastern end of the Roe 8 alignment. This connection is considered necessary infrastructure to support the considerable public and private investment currently being undertaken and being complemented in the short term future.

Against all these mitigating factors, it seems incongruous for Council to contemplate further investigation of this matter, for which no foreseeable outcome is likely to be supported, even if a community poll was conducted and resulted in the majority of respondents favouring the construction of Roe 8.

In the highly unlikely event that the current situation is reversed in the interim period before the next State election in 2021, it is recommended that Council maintain a “watching brief” on the redevelopment program for the alignment, to ensure that the community`s interests are protected and preserved consistent with Council`s aspirations.

Strategic Plan/Policy Implications

Moving Around

- Identify gaps and take action toward extending the coverage of the cycle way, footpath and trails network.
- Continue advocacy for a better solution to regional freight movement.

Community, Lifestyle & Security

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



Economic, Social & Environmental Responsibility

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

Leading & Listening

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

Budget/Financial Implications

Funding of \$14, 400 to undertake the survey has not been provided for in the 2016/17 budget and therefore Council would need to include this amount in the 2017/18 budget, if it was to proceed.

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

There is a “Moderate” level of reputational risk to the City in determining an outcome (either for or against) on this matter.

Attachment(s)

Notice of Motion as forwarded by Councillor Steve Portelli.

Advice to Proponent(s)/Submissioners

Councillor Portelli has been advised that this matter is to be considered at the 8 June 2017 Ordinary Council Meeting.

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

Nil.

21. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil



22. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY MEMBERS OR OFFICERS

Nil

23 (OCM 08/06/2017) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Lee-Ann Smith has requested in writing the following be noted for investigation:

1. A report be prepared for an investigation into traffic movements and congestion on Lyon Road from the intersection with Gibbs Road to the intersection with Alliance Entrance.
2. A report exploring options for Cockburn residents to submit e-petitions. The report to include the changes needed to the City's Standing Orders Local Law as well as the model used by the City of Brisbane.

24. CONFIDENTIAL BUSINESS

Nil

25 (MINUTE NO 6107) (OCM 08/06/2017) - 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 Clr S Pratt SECONDED Clr B Houwen the recommendation be adopted.

CARRIED 6/0

26 (OCM 08/06/2017) - CLOSURE OF MEETING

9:48 pm.

