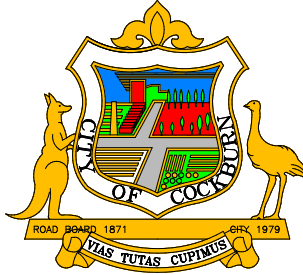


# CITY OF COCKBURN



## ORDINARY COUNCIL

## MINUTES

FOR

**THURSDAY, 13 JULY 2017**

These Minutes are subject to Confirmation

Presiding Member's Signature

\_\_\_\_\_

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



# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 JULY 2017 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 JULY 2017 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

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

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr A. Trosic	-	Acting Director, Planning & Development
Mr J. Ngoroyemoto	-	Governance & Risk Management Co-ordinator
Ms A. Santich	-	Media & Communications Officer
Mrs L. Jakovcevic	-	Executive Assistant to Directors - Planning & Development/Engineering & Works

#### 1. DECLARATION OF MEETING

The Presiding Member formally declared open the 13 July 2017 Ordinary Meeting of Council and in so doing welcomed everyone and read the following.

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



Before moving to the Agenda proper I welcome Mr Andrew Trosic, A/Director Planning & Development to tonight's meeting.

### Grant Funding

I advise that the City was successful in a grant application related to bush fire risk assessment. The City received \$95,000 to develop a bush fire assessment tool with the CSIRO, which if successful, could be implemented Nationwide. We are very pleased to receive this grant and I acknowledge the good work done by the staff and the emergency services of the City to receive this grant.

### IPAA Awards

The City received a Best Practice in Collaboration between government and non-government organisations award at the recent Institute of Public Administration Australia (WA) Awards Ceremony.

The award reflected the continuing partnership with Curtin University at the Cockburn Health & Community Facility at Success. Both the City and Curtin University are very pleased and proud of that partnership which is also eminent at our new Cockburn Arc as well, where Curtin University have got a major partnership arrangement with the City.

### Parks & Leisure Australia (WA)

The City received a highly commended award for the recently opened Bibra Lake Regional Playground at the Parks & Leisure Australia (WA) Awards Ceremony on Friday 16 June, 2017. We are very pleased and proud of that. Congratulations go to all staff involved in these achievements.

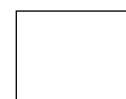
Congratulations go to the City of Kwinana for receiving a highly commended and two category awards for their recently opened Kwinana Adventure Park and associated projects at the awards ceremony.

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

Nil.

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

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



**4 (OCM 13/07/2017) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

- ❖ Clr Bart Houwen – Item 15.6 – Proximity of Interest
- ❖ Clr Phil Eva – Item 15.6 – Impartiality Interest
- ❖ Clr Kevin Allen – Item 17.1 – Impartiality Interest

**5 (OCM 13/07/2017) - APOLOGIES AND LEAVE OF ABSENCE**

- ❖ Mrs Lyndsey Sweetman – Apology

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

Nil

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

Nil

**8 (OCM 13/07/2017) - PUBLIC QUESTION TIME**

*Item 15.3 – Further Five Year Term for Lease for Naval Base Shacks Reserve 24308*

**Mr Paul Babich, Myaree**

Q1. *What can the City of Cockburn do to assist shack owners to bring their shacks up to the standards that are required by the City because it is difficult for some shack owners to do that. Can the City consider what they can do to help?*

A1. City officers provide comprehensive services to ensure shack lessees are all aware of their responsibilities to comply with the lease and broader regulatory framework. This includes planning and building compliance, health controls as well as the day to day payment of lease fees ensuring that financially everyone is up to date with those payments. Not only from my business unit's perspective, but the City and Council's perspective, we will continue to work with each individual shack lessee so that we give everyone the opportunity to bring their shack up to conformity where there is an issue. The item tonight to some degree goes to show the good faith that exists between us and the shack owners.





**Mr Paul Grey, Spearwood**

Q1. I heard through social media platforms that you are spending \$100,000 on a study of a potential golf course on Cockburn Road, south of Spearwood Avenue. I was wondering where was that at and how was that money being used to fund this study.

A1. An allocation of \$100,000 has been included in the 2017/18 municipal budget for the development of a business case, the completion of flora and fauna survey and service analysis for the golf course proposal adjacent to Cockburn Road.

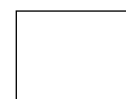
A report will be presented to Council following completion of the business case in order to progress to the next stage of the project.

*Item 15.3 – Further Five Year Term for Lease for Naval Base Shacks Reserve 24308*

**Stewart Coghlan, Halls Head**

Q1. The works have been looked down on the shacks over the last five years. There has been no Council person has come down to the shacks and told people you can't do this and you can't do that in six years. Now all of the sudden they come down there the last minute when it's time to renew our lease agreements and tell people to pull back your shack to the original specs of 2011. To me that is going backwards. Some people have done decent alterations to their shacks and tidied it up. Why can't the Council go, yes, that's good instead of telling people to take their shacks back to the way they looked in 2011.

A1. Certainly from my business unit's perspective and the City's perspective, we have been doing annual inspections since 2011. Certainly from a pragmatic and good governance view point, if people have undertaken works without the pre-requisite planning or building permits and those works are capable of being approved, we certainly would not insist on removing those works. We would advise those shack lessees to apply for retrospective approvals so that we can rectify and certify the changes. The issues that we face are where works that ought to have been applied for, have been undertaken and which are outside the requirements of the management plan and our planning policy, we need to have those works removed to bring the shack in to conformity. Keeping the heritage values and the built form character of the modest small shack in a costal setting is quite important that we stick by those rules and requirements, and I think we are doing an effective job in that respect.



- Q2. People who have been asked to paint their shack or put a piece of flashing are unrealistic. People go down there on the weekend and they tinker around. Every time you want to do something, your hands are tied. Those shacks, we went from a heritage day to a heritage fee so we could work on our shacks. People have been putting their heads together and in the past have been really good. There are 25 letters that I know of that have been handed out that for little things to be changed. Surely the Council can say, that's a reasonable job, it still blends in with the character. Some things need to be addressed, I agree, but a flywire door, some shutters and stuff like that I just don't understand. A lot of people are furious down there. You have allowed shacks to transfer into their names two years ago. Last week you told someone they need to take those shutters down and take that limestone wall away when they did not even build it. Why did you allow the transfer of that shack in that condition?
- A2. Certainly I can appreciate how concerning shack lessees must feel when they have been sent a letter addressing issues. All I can say without knowing the specific example is please come in and speak to myself or my staff members who are active in managing the reserve. We are intent in trying to be pragmatic and provide good governance. Where things are able to be retained, we will just insist on ensuring you get the normal retrospective approvals in place. Where shacks have been enlarged or where there have been viewing platforms added on or where there have been enclosures which are not consistent with the requirements that we need to apply and manage down there, we do have to have those rectified. That is the expectation not only the Council have on staff but the other shack lessees have on each other that there is the respect of the park and the management plan and the reserve requirement itself.

### **Roy Currie, Mariners Cove**

- Q1. Further to what my friend Stewart was saying, you Andrew are saying that Council comes along every twelve months and does various inspections around the place. I have had a shack there for about sixteen years now, and whilst from time to time I have actually seen shack owners down there take photos of this and that but I have never heard of anyone after one of these yearly get a letter saying you have to improve that, you have to knock that down or get rid of that etc. Can I make a suggestion, can I ask the Council, that when you do these inspections, if there is anything undue is it possible to get those works approved and knocked in the butt after these annual inspections.
- A1. Certainly since late 2008, since I have been here, a lot of these compliance issues come across my desk. We have always acted very quickly and expediently for any compliance issues. We certainly don't



go down that path looking for problems; we are not that type of organisation or Council. Certainly problems need to be addressed where they propose a risk to the broader public or to the broader community. As I said earlier, we will always try to find ways to work with the shack lessees if it is possible. In some circumstances it has not been possible, but generally speaking we have certainly moved in a positive direction over the last 8-10 years and I think we will continue to do that going forward.

### **Bradley Norris, Tuart Hill**

Q1. I first purchased a shack in Cockburn in 2013, and I did a little bit of work to it and I replaced a lot that was already there as it was damaged with the wind wall in 2013. Eight months ago I put a flyscreen door as a deterrent as I had people break into my shack and stole lots of items. I had insurance, but did not go down that path because of the people involved. I sold this shack and I purchased another one. With the one I sold I was asked to take the wind wall down and take the flywire down, which I did.

I purchased another one and requested a permit to work on this building because it is near the road and it was a little bit scruffy. It does not need a lot of work, just a little. I was told if I reduced the size of it then I could get a permit. I don't understand that, it is exactly what I bought, and I just wanted to tidy it up a little, a very little bit of work. My question is why that is the situation, why do I have to reduce the size of the shack, which is probably 0.2 or 5.2 over. What does it mean, I don't understand. If you reduce the size of your shack we will give you a permit to work, if you don't we won't. I don't understand that.

A1. Certainly we take very careful look at the size of shacks. From what you are saying, it might be something that we could organise something and we touch base after the meeting tonight or whether I could give you my card and you come into the organisation and see me and we could have a look. I can understand a little clearer what is going on and whether there is a way we could address the problem you are facing.

### Items not on the Agenda

### **Jason Pratt, Aubin Grove**

Q1. The old ice skating arena where the Super Mosque will be built. Why wasn't the public notified, certainly in the industrial area and the ones that live locally. Any repercussions if this mosque is built and the land next door. Have you considered parking, at this stage it has been granted that 390 people can worship in the church? I am not sure



how big the parking facilities are next door. There may be parking issues for the business owners in the area. Repercussions for others who live in the area like housing costs etc. and worshipers in the area. I want to know about the construction and have they got approvals.

- A1. The first question, why wasn't it advertised. Under our local planning scheme places of worship within industrial zoned land, are identified as a D use (or Discretionary Use) which allows an applicant to propose that use but it can only undertake that use if they receive planning approval.

The next step up from Discretionary Uses is uses which require public advertising and places of worship in industrial areas are not these kinds of uses. That is why surrounding land owners wouldn't have been advised of it. Generally speaking the approval process would look very carefully at issues around car parking. I am happy to pull up the approval and also look at building permit issues, but from my understanding I would suspect that everything is being complied with, the process is being followed as per the normal process as with any application for a place of worship. Without those details I wouldn't be able to say. I would need to take this on notice and research this a little more carefully and see if there are any issues that I can address.

- Q2. Does the industrial areas, public and business owners have the right to know and be notified of things going on in the area.

- A2. It really comes down to the planning process and the City of Cockburn and Council as its decision making authority We are charged with applying rules and keeping the rules in place in respect to places of public worship in industrial areas. Certainly, planning approval is required but it does not actually impose the additional requirements to the broader public advertising process, so adjoining businesses and adjoining landowners, neighbours and nearby businesses would most likely not be made aware of the proposal if that proposal complied with the requirements of the local planning scheme. You would certainly advertise a proposal which sought to vary scheme requirements and that those variations could create an impact on adjoining land. My understanding is that this application did not have any variation to the scheme requirements associated with it.

**Michael Separovich, Spearwood**

- Q1. An Agenda item from late in 2015 where Council was changing the Emergency Services Levy in part of Banjup which is now Treeby. It is being changed from ESL3 which is being covered by volunteer fire fighters to ESL1 which is professional fire fighters. I was asking if any of that area comes within the mains water that would allow professional fire fighters to actually operate in the area or is it still



being covered by volunteers despite the fact that we are being charged more.

- A1. I am not aware of that, I would have to take that question on notice and respond in writing.

**Jason Spanbrook , Bibra Lake**

- Q1. As I am led to believe and made aware that the City of Cockburn has a Policy where Council buildings are not to be used for political campaigns. Am I correct in saying this? Let's have a hypothetical, say if someone is running for Council and they use a Council building that is occupied by a Council supported and funded entity, to say let's launch their campaign for Council, is that in conflict with what your directions are.

- A1. Council does not have a specific policy on that. The principles that would apply would be the same for everyone. If a Councillor or a prospective Councillor from the public wish to hire a Council facility provided they would pay all the relevant fees, all the relevant bond money, then there would be nothing I can see that impede with Council's position.

- Q2. In the past there has been no direction from Council or Councillors that buildings are not to be used for political campaigns.

- A2. The circumstances would have to be quite clear and it would need to be quite clear that Council facilities that are not being hired for a specific purpose, like they are being used for a community group meeting, then suddenly used for a political campaign that could be seen to be against the reason it was being hired for. There are provisions in the Local Government Act that are very relevant to using Councils resources and if there was an elected member of the City that was involved in something of that nature, then it would be clear. If you gave me a particular example of an incident, that it was applied. It is a case by case scenario.

- Q3. So it is a case by case scenario. There are no broad definitions or guidelines on this.

- A3. As I said, there are regulations that prevent an Elected Member from using Council resources for election purposes. It is conditional upon the other factors that are involved. To hire it for a particular purpose, and all of the fees and all of the bonds that apply to any person are applicable to that particular event, are known in advance. If someone was to attend another meeting and it was to become an electoral campaign without all of those other conditions being applied such as



fees and bonds etc. then it would be questionable.

Q4. So then I would be eligible, in a hypothetical situation, if I was to run for Council in October, to hire the Council facilities for my campaign and pay the relevant bonds, is that correct.

A4. Yes you will be able to.

## 9. CONFIRMATION OF MEETING

### 9.1 (MINUTE NO 6111) (OCM 13/07/2017) - MINUTES OF THE ORDINARY COUNCIL MEETING - 8 JUNE 2017

#### **RECOMMENDATION**

That Council confirms the Minutes of the ordinary Council Meeting held on Thursday 8 June 2017, as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 9/0**

### 9.2 (MINUTE NO 6112) (OCM 13/07/2017) - MINUTES OF THE SPECIAL COUNCIL MEETING - 22 JUNE 2017

#### **RECOMMENDATION**

That Council confirms the Minutes of the Special Council Meeting held on Thursday, 22 June 2017, as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 9/0**



**10. DEPUTATIONS**

Nil

**11. PETITIONS**

Nil

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

Nil

**13 (OCM 13/07/2017) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil.

AT THIS POINT IN THE MEETING, THE TIME BEING 7.27 PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

14.2	15.1	17.2
	15.2	
	15.4	
	15.5	

**14. COUNCIL MATTERS**

**14.1 (MINUTE NO 6113) (OCM 13/07/2017) - OUTDOOR DINING AREAS ON PUBLIC PLACES & PROHIBITION OF FISHING IN CONSERVATION AREAS - PROPOSED AMENDMENT TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAW 2000 (025/001) (J NGOROYEMOTO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) pursuant to Section 3.12 of the Local Government Act 1995, adopts the proposed City of Cockburn (Local Government Act) Amendment Local Law 2017, as shown in the attachment to the Agenda;

- (2) give state wide public notice stating that:
  1. The City of Cockburn proposes to amend the City of Cockburn (Local Government Act) Local Law, 2000 and that a copy of the proposed local law may be inspected or obtained at any place specified in the notice.
  2. Submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.
- (3) requires the inclusion of the procedures and guidelines for the amendment of the local law to be presented to Council for consideration of the final adoption; and
- (4) provide a copy of the proposed local law and notice to the Minister of Local Government.

**COUNCIL DECISION**

MOVED Clr L Smith SECONDED Clr K Allen that

- (5) pursuant to Section 3.12 of the Local Government Act 1995, adopts the proposed City of Cockburn (Local Government Act) Amendment Local Law 2017, as shown in the attachment to the agenda, subject to amending Clause 6.38 to read as follows:  
6.38 Renewal of Permit to Conduct a Facility
  - (1) There will be no fee or charge associated with the renewal process.
  - (2) A person shall not continue to conduct a Facility without renewing the permit and shall ensure that the permit is renewed upon the 3<sup>rd</sup> year expiry date by:
    - (a) ensuring the permit approval conditions are complied with; and
    - (b) submitting evidence of current public liability insurance.
- (6) as recommended
- (7) as recommended
- (8) as recommended.

**CARRIED 5/4**





## Reason for Decision

To only charge a one off application fee and to only renew the license levy every three years. The report shows the fees and charges for the Cities of Perth, Fremantle, Gosnells and Vincent. The Cities of Perth, Fremantle and Gosnells charge an initial application and processing fee and an annual renewal fee. The City of Vincent does not charge any fees at all and renews the licence every three years.

## Background

The proposed modifications to the existing local law are the subject of this report, to provide guidance on dealing with outdoor dining areas in public places, and to prohibit fishing in natural and constructed wetlands.

Outdoor dining in the City of Cockburn is desirable in order to allow restaurants, cafes and bars to cater for customers in public space outdoor areas adjacent to their food businesses. Typically public spaces such as footpaths and thoroughfares, that are under the care and management of the local government are available to adjoin businesses if applications are submitted and approved under relevant local laws and policies.

Currently there are no local law provisions that prevent people from fishing in conservation areas or constructed wetlands and thus the City's Rangers are powerless to prevent fishing from occurring in these areas. There is also the need for the establishment of a no fishing zone along the Coogee Maritime Trail and within and adjacent to the Eco Shark Barrier. The Coogee Maritime Trail artificial reef structures were installed to establish much needed habitat for local fish species as well as providing a recreation and educational resource for the community.

## Submission

N/A

## Report

### Purpose

To amend the City of Cockburn (Local Government Act) Local Law, 2000 to include clauses relating to management of outdoor dining areas on public places and provide the City the ability to prohibit fishing in specified areas.



Effect

Establish a permit application process for conducting outdoor dining areas on any part of a public place, and provides a provision to prohibit fishing in the City's conservation areas or constructed wetlands.

Outdoor eating facilities on public places

Presently, there are three food premises with outdoor dining areas that exist in public and private spaces in the City and it is expected that there will be a growth in the demand for similar facilities as seen in other areas of the Perth Metropolitan area, regional cities and towns.

The City's consolidated local law currently has general provisions to approve and manage activities in public spaces. Specific local law provisions are needed to effectively manage a growth in outdoor dining areas. The general issues that require management include, but are not limited to:

1. Head of authority to legally require outdoor dining applications, grant approvals, set management conditions and create the ability to carry out compliance actions where necessary.
2. Set minimum standards through physical management of footpaths and thoroughfares through adequate traffic and pedestrian safety walkway widths and setbacks from street furniture, kerbs and corner truncation sight lines at road intersections.
3. Address public liability through licence conditions and business owner insurance requirements.
4. Maintain general streetscape appearance and quality of outdoor dining areas.

It is expected that the licencing of outdoor dining areas would be integrated into the Health Services food business annual registration system and be of minimal cost implication.

The recommended cost per outdoor dining area is based on the initial proposal application fee and any annual renewal fee. Individual officer administration and inspection time of approximately one hour for the initial application processing of \$90 and annual renewal of \$45 would apply. Where incidents of non-compliance occur, additional administration time may be incurred. Such as follow up to remind licensees to provide copies of valid insurance.



The recommended fees for the City of Cockburn are:

- Application fee of \$90 plus \$20 per chair; and
- Annual licence renewal fee of \$45 plus \$20 per chair.

Additional fees and charges may occur where an application proposal or existing approval requires works or modifications to the footpath requested by the applicant or permit holder.

By way of comparison in other Local Governments, the fees charged are:

- City of Fremantle charges an annual registration fee of between \$34 to \$104 per square metre of outdoor dining depending on three zones.
- City of Perth charges an initial application processing fee of \$70 and annual renewal fee of \$80-150 per square metre of outdoor dining floor space.
- City of Gosnells charges an initial application processing fee of \$124 and annual renewal fee of \$67 plus \$16 per outdoor dining chair.
- City of Vincent does not charge fees and renews the licence every three years.

At present three food businesses conduct an outdoor eating activity and a further ten food businesses are expected to apply for activities in the next 12 months.

The management of public spaces and thoroughfares is the responsibility of the Local Government and specific Outdoor Eating Local Law provisions are necessary to:

1. Require applications for approval from the business;
2. Require a minimum standard of outdoor dining facility;
3. Set licence conditions, any application and annual fees; and
4. Carry out compliance actions where necessary.

Public liability is a critical part of outdoor dining management by the local government in ensuring that the approved business conducting the activity has a valid certificate of currency to ensure adequate



insurance cover for any liabilities that may arise from public incident claims on the footpath or thoroughfare.

The City's officers have prepared the attached proposed amendment to the City of Cockburn (Local Government Act) Local Law, 2000, and recommend Council approve the advertisement of the proposed Local Law, and consider the proposed guidelines.

### Fishing Prohibition in Conservation Areas

A number of our conservation areas contain both natural and artificial waterbodies. Some of these waterbodies contain fish, some introduced and some native. Lake Coogee for example contains silver bream. These fish are an important resource for native wildlife. In recent times it has been noted that people have been fishing using line and nets in Lake Coogee and other natural and constructed wetlands. This can adversely impact on the environment for a number of reasons as well as the amenity of other residents.

Some of these adverse impacts are listed below:

- Trampling of vegetation by people and vehicles
- Littering
- Animals being ensnared in left behind fishing line and hooks
- Adverse impacts on other native animals caused by destruction of habitat.
- Introduction of nutrients into the water bodies by use of bait and burley.
- Anti-social behaviour (noise, drinking).

Currently there is no local law provision that prevents people from fishing in conservation areas or constructed wetlands and thus rangers are powerless to prevent fishing from occurring.

There is also the need for the establishment of a no fishing zone along the Coogee Maritime Trail and within and adjacent to the Eco Shark Barrier. The Coogee Maritime Trail artificial reef structures were installed to establish much needed habitat for local fish species as well as providing a recreation and educational resource for the community.

Fishing adjacent or within the areas of the trail and the Eco Shark Barrier has similar impacts to those listed above, however there is also risk of injury to those using these resources. There is potential for people to become ensnared in fishing line, jabbed by hooks or be hit by sinkers while scuba diving and snorkelling and being accidentally injured by spear guns or similar devices. There are also some concerns that the use of burley to attract fish at these sites will also attract larger species such as sharks.



## **Strategic Plan/Policy Implications**

### **City Growth**

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

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

- Provide safe places and activities for residents and visitors to relax and socialise.

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

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

## **Budget/Financial Implications**

The following proposed fees and charges will be introduced:

- Application fee of \$90 plus \$20 per chair; and
- Annual licence renewal fee of \$45 plus \$20 per chair.

Annual monitoring and compliance activities would be performed within the current food business inspection activities and comprise a minor part of the inspections carried out by Environmental Health Officers.

## **Legal Implications**

Section 3.12 of the Local Government Act.

## **Community Consultation**

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

## **Risk Management Implications**

Failure to adopt the recommendations exposes the City to Environmental and Health and Safety risks, as the City does not currently have a legislated method to enforce and deal with outdoor



eating areas in public places and fishing in conservation areas and wet lands. Furthermore, if the Local Law is not amended, there would be some inconsistencies in relation to existing practices. This practice needs to be formalised for consistency. Where the City does not adopt specific Local Laws to manage these matters, the City may be held liable in the event of personal injury claims on the footpath, thoroughfare of any other public realm.

**Attachment(s)**

1. Proposed City of Cockburn (Local Government Act) Amendment Local Law 2017.
2. Guidelines for Outdoor Dining Areas
3. Three maps showing proposed prohibited fishing areas

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

N/A

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

Nil.

**14.2 (MINUTE NO 6114) (OCM 13/07/2017) - PROPOSED CITY OF COCKBURN PARKING AND PARKING FACILITIES LOCAL LAW AMENDMENT NO. 2 2017 (154/006) (R AVARD) (ATTACH)**

<p><b>RECOMMENDATION</b> That Council</p> <ol style="list-style-type: none"><li>(1) pursuant to Section 3.12 of the Local Government Act 1995 proceed to make a Local Law to amend the City of Cockburn Parking and Parking Facilities Local law 2007, as shown on the attachment to the agenda and advertise the proposed amendment for a minimum of six (6) weeks; and</li><li>(2) pursuant to clause 9 (1) of the City of Cockburn Parking and Parking Facilities Local Law 2007 establish parking stations as follows:<ol style="list-style-type: none"><li>1. Parking Station No. 4 Bibra Lake Reserve Child Playground - Portion of Lot 65L Progress Drive Bibra Lake being the parking areas primarily on the road reserve to the east of Progress Drive and between Hope Road and Gwilliam Drive Bibra Lake.</li><li>2. Parking Station No. 5 City of Cockburn Administration Centre Car Park - Portion of Lot 120 Coleville Crescent Spearwood being the roads and parking areas in the area</li></ol></li></ol>
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bounded by Coleville Crescent to the north and east, Rockingham to the west and the private properties to the South of Lot 120 but excluding the parking area leased to the Cockburn Bowling Club.

3. Parking Station No. 6 Success Recreation and Community Facility Reserve - Portion of Reserve 7756 359 Hammond Road Success the parking areas in the area bounded by Hammond Road to the West lots to the north power lines to the east and Blackford Turn, Columbus Loop and the Success Primary School to the South.

as shown on the plan attached to the agenda.

#### **COUNCIL DECISION**

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

**CARRIED 9/0**

#### **Background**

The City of Cockburn Parking and Parking Facilities Local Law 2007 gives power for the Council to establish parking stations on land within the District. To date parking stations have been established at the Cockburn Integrated Health/Youth Centre (Parking Station 1), Coogee Beach Reserve (Parking Station 2), and Cockburn ARC (Parking Station 3) where parking is in high demand and there are frequent examples of illegal and dangerous parking.

The establishment of Parking stations allows Council to better control parking through signage and if required at a future date control through restricting the parking period.

#### **Submission**

N/A

#### **Report**

There are a number of larger carparks on Council owned or managed land where cars are being parked dangerously or where infrastructure



such as lawns and sprinklers are being damaged. The intent is to create a number of new parking stations to allow the City to more readily control parking on these sites.

Bibra Lake Reserve (portion of lot 65L Progress Drive Bibra Lake) is one of the most popular wetland lakes for visitors in the metropolitan area. Since the establishment of the new Children's Adventure Playground visitors to the area have increased considerably and cars are parking outside of the designated parking areas on grassed verges and footpaths. There are 3 parking areas on the western side of the lake that are proposed to be declared Parking Station being parking station 4.

The City's administration precinct has a significant demand on parking, particularly since the opening the seniors centre. With a significant number of staff moving over to the new depot the parking situation will improve but not to the extent that parking will no longer remain an issue. The Bowling club parking is included in their lease area and hence it is proposed to leave this area unchanged and not a formal Parking Station.

The Success Recreation and Community Facility complex on Hammond Road (reserve 7756) is very well utilised and parking is in particular demand when there are netball competitions on. There are 2 parking areas on the reserve but only one is well utilised. There have been issues with people parking dangerously on the access roads and areas other than dedicated parking areas. There is evidence that people park illegally even when there are parking bays available a bit further away.

### Purpose

To amend the City of Cockburn Parking and Parking Facilities Local Law 2007 to establish new parking stations to serve:

1. Bibra Lake Reserve (portion of Lot 55L Progress Drive) - Children's Playground.
2. City of Cockburn Administration Centre portion of Lot 120 Coleville Crescent Spearwood.
3. Success Recreation and Community Facility Reserve 7756 Hammond Road.

### Effect

To effectively control the parking for the Bibra Lake Reserve Child Playground, City of Cockburn Administration Centre, and Success Recreation and Community Facility Reserve to allow adequate parking availability for members of public at these facilities.





## **Strategic Plan/Policy Implications**

### **Moving Around**

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

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

- Provide residents with a range of high quality, accessible programs and services.
- Provide for community facilities and infrastructure in a planned and sustainable manner.

## **Budget/Financial Implications**

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

## **Legal Implications**

Amendments to the Local Laws are in accordance with section 3.12 of the Local Government Act 1995.

## **Community Consultation**

Section 3.12 stipulates the procedure for advertising public comment for a minimum of 6 weeks and subsequent Council consideration for the amendments to the local law to come into effect.

## **Risk Management Implications**

The establishment of a parking station will give the City the legal means to ensure compliance to parking regulations in the carpark and access roads. There is both reputational damage and potential hazards where cars are parking in dangerous locations and or where they damage infrastructure.

## **Attachment(s)**

1. Proposed City of Cockburn Parking and Parking Facilities Local Law Amendment No. 2 2017.
2. Map of proposed parking station areas

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

N/A



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

Nil.

**15. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**15.1 (MINUTE NO 6115) (OCM 13/07/2017) - PLANNING APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE – LOCATION: 13 (LOT 62) PORT PIRIE STREET, BIBRA LAKE; OWNER: KEITH GODFREY & MARGARET ANN SULLIVAN; APPLICANT: SERVICE STREAM (052/002, DA17/0110, 6407192) (R TRINH) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant planning approval for telecommunications infrastructure at 13 (Lot 62) Port Pirie Street, Bibra Lake, 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.
2. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.

Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with any requirements of any external agency.
- (2) notify the applicant and those who made a submission of Council's decision.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**Site Description

The subject site is 2,232m<sup>2</sup> in area and consists of a tyre and brake service centre that operates within the existing buildings onsite. Existing telecommunications infrastructure exists in the south eastern corner of the lot. The lot is surrounded by similar sized lots used for predominantly industrial and commercial uses and is approximately 150m from the residential area on the western side of Stock Road in Spearwood.

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

**Submission**

N/A

**Report**Proposal

The telecommunication infrastructure is proposed to be added to the existing lattice tower that has been in place since 1994. The existing lattice tower is located behind the existing buildings in the south eastern corner of the lot and is 38.88m tall with antennas that extend up to 38.92m.

The proposed telecommunications infrastructure consists of extending the existing 38.88m high lattice tower that includes the removal of three existing Optus antennas and the installation of:

- 4.72m extension to the top of the existing tower with triangular headframe (43.60m total height) (to match existing colour);
- Three panel antennas; and
- Nine remote radio units.



An Electro Magnetic Emissions (EME) report dated 07/12/2016 was supplied with the application which demonstrated that the maximum EME level calculated for the existing systems at this site is 4.47V/m; equivalent to 53.033mW/m<sup>2</sup> or 0.76% of the public exposure limit, while the proposed systems at this site is 5.12V/m; equivalent to 69.56mW/m<sup>2</sup> or 1.062% of the public exposure limit (Attachment 8).

### Planning Framework

#### *Metropolitan Region Scheme (MRS)*

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

#### *Local Planning Scheme No. 3 (LPS 3)*

The lot is zoned 'Mixed Business' under the City of Cockburn's Local Planning Scheme No. 3 (LPS 3).

The objective of the 'Mixed Business' zone under LPS 3 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."*

'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 after giving special notice in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*. Therefore the proposal is capable of approval under LPS 3.

#### *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 requires 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
- Height
- Materials/Colours
- Environment
- Network coverage
- Co-location of infrastructure.

### Consultation

#### *Neighbour Consultation*

The proposal was advertised via mail-out to 81 nearby landowners potentially affected by the proposal in accordance with the requirements of LPS 3. The proposal was also advertised on the City of Cockburn website. A total of 3 submissions were received, 1 indicating no objection and 2 objecting to the proposal. Both objections came from Spearwood residents located on the western side of Stock Road.

The main issues raised during consultation include:

- Impact on visual amenity;
- Proximity to residences;
- Health concerns and risks; and
- Access.

### Planning Considerations

LPS 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 of lots greater than 2000m<sup>2</sup> and used predominantly for industrial and commercial purposes. The subject site consists of a single storey office with an attached workshop. Surrounding development in the area generally consists of single or double storey industrial style buildings and the existing telecommunications infrastructure on the lot greatly exceeds the tallest structure in the surrounding area.

The aesthetics of the area would likely be further disrupted by the proposed telecommunications infrastructure but is unlikely to appear



out of place given the existing tower. Telecommunications infrastructure is a use that can be considered within the Mixed Business 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 from the surrounding Mixed Business zoned lots and Malabar Park being further obstructed by the telecommunications tower that protrudes well above trees and other structures in the area. Malabar Park is used for BMX racing with audiences directed towards the racing track and away from the tower. Some existing mature vegetation between Fitzwater Way and Stock Road currently screens the tower from view but the proposed development will still be visible from some residences in the residential area west of Stock Road. Residences west of Fitzwater Way are unlikely to be visually impacted by the proposed development due to the natural slope of the land.

Two objections were received due to the visual obtrusion of the proposed development. The existing telecommunications infrastructure is currently visible from some residences and the proposed 4.68m vertical extension is not considered to cause an unreasonable visual impact greater than the existing visual impact. The proposed development is approximately 150m east of the nearest residential lot and therefore the 4.68m vertical extension would appear minimal from this distance.

#### *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 additional 4.68m is a 12% increase in the total height of the existing tower. The proposed addition will result in the tower continuing to protrude well above most structures in the area and is required to provide maximum coverage. 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 telecommunications infrastructure and is considered reasonable given the optimal requirements for telecommunications infrastructure to operate as mentioned in SPP 5.2.



### *Materials/Colours*

The materials and colours of the telecommunications infrastructure are proposed to match the existing lattice tower and attached infrastructure. If Council approves the proposal, the colours would be appropriate in order to best reduce the impact of the proposal on the landscape.

### *Environment*

The proposed additions to the existing telecommunications infrastructure would not result in any additional loss of vegetation. Therefore, the proposal if approved is unlikely to cause any significant environmental impacts.

### *Network Coverage*

The proposed telecommunications infrastructure was identified by the applicant to be necessary to improve mobile phone coverage in the area and along main traffic corridors. Upgrading existing infrastructure is considered necessary as new technology becomes available to provide high speed network access and cater for the growing demand.

### *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 existing infrastructure is currently occupied by Optus, Vodafone, Telstra and Vivid Wireless. The proposed telecommunications infrastructure will continue to be a co-location of carriers and therefore consistent with SPP 5.2.

### Non-Planning Matters Raised

#### *Health Concerns*

Health concerns and risks were raised as a concern for residents who lodged objections. The applicant provided an EME report dated 07/12/2016 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 5.12V/m; equivalent to 69.56mW/m<sup>2</sup> or 1.062% of the public exposure limit (Attachment 8).

The acceptable EME levels are required to comply with the Australian Communications and Media Authority (ACMA) *Radio communications*



*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.

#### *Distance from Dwellings*

The distance of the proposal from houses was also raised during consultation. However, there is no prescribed distance of telecommunications infrastructure to dwellings within SPP 5.2 which 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. In any case the distance between the existing and proposed tower is considered reasonable with regards to amenity.

#### *Access*

Access to and from the telecommunications infrastructure should be through the subject site via Port Pirie Street. Any other form of access would need to be privately arranged with the surrounding land owners.

#### Conclusion

Telecommunications infrastructure is considered necessary in appropriate locations to provide an expected level of network services and is likely to be visible to the public. Two of the 81 nearby landowners that were consulted provided objections to the proposal based on a negative impact on amenity. The location of the proposal in the Bibra Lake Mixed Business zone is considered appropriate and is unlikely to unreasonably impact on the amenity of nearby residents.

Therefore the benefits of improved telecommunications services to the local area appear to be balanced with the visual impact on the area and it is therefore recommended that Council approve the application subject to conditions.

### **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**

Nil.

### **Community Consultation**

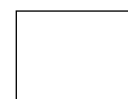
The application was advertised to 81 nearby landowners in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*. A total of 3 submissions were received during the advertising period. See Consultation section of the report 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 Plan
3. Site Layout and Set-out Plan
4. Elevation Plan
5. Antennas Plan
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 13 July 2017 Ordinary Council Meeting.

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

Nil.

**15.2 (MINUTE NO 6116) (OCM 13/07/2017) - PLANNING APPLICATION – RETROSPECTIVE HARDSTAND (DOMESTIC STORAGE) AND PROPOSED SEA CONTAINER - LOCATION: 73 (LOT 14) COLLIS ROAD, WATTLEUP - OWNER/APPLICANT: A SKENDER (DA17/0326 & 052/002) (D J VAN RENSBURG) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant planning approval for a retrospective Hardstand (Domestic Storage) and proposed Sea Container at 73 (Lot 14) Collis Road Wattleup subject to the following conditions and footnotes:

Conditions

1. Development shall be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. In the event it is proposed to change the use of the subject site, a further application needs to be made to the City for determination.
2. The proposal shall be modified and implemented in accordance with the amendments marked in red on the approved plans, within 90 days of the approval date.
3. The proposed sea container shall be located behind the dwelling on-site and shall be set back from the side and rear boundary to the satisfaction of the City.
4. The proposed sea container shall be screened from view of the street, and adjoining properties to the satisfaction of the City.
5. The proposed sea container shall be painted in a colour that is similar to or complementary to the colour of existing



buildings on the property, or the prevailing landscape and/or upgraded to the satisfaction of the City.

6. Landscaping shall be installed in the landscaping strips within the hardstand area to the satisfaction of the City.
7. The sea container shall not be used for any commercial, industrial or habitable purposes.
8. All items stored on site shall be solely for rural, domestic or any other approved or permitted purposes that are directly related to the subject land only.
9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
10. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
11. No wash-down of plant, vehicles or equipment shall be permitted on the premises.

#### 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 regard to Condition 3, the setback provisions require setback distances of at least 10 metres from any lot boundary and 20 metres from any road reserve.
  3. With regard to Condition 10, the City requires the onsite storage capacity be designed to withstand a 1 in 100 year storm.
- (2) advise the applicant and those who lodged a submission of its decision.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Site Description

The subject site is 1.0674ha in area and is located within the rural zone in Wattleup. The site is relatively flat and has a single house fronting Collis Road, from which it gains access. Several outbuildings are located behind the house and towards the centre of the site, including bird cages for which planning approval had been obtained in 2015. The eastern half of the site is generally vacant with several mature trees.

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

The site is currently being used for residential purposes, a hobby farm and storage purposes (hardstand). The hardstand measures approximately 1650m<sup>2</sup> (15% of the total site area) and is the subject of a compliance matter, hence the application for development approval, the subject of this report.

**Submission**

Nil

**Report**

Proposal

The applicant is seeking retrospective planning approval of the existing 1650m<sup>2</sup> hardstand area to be used for storage. The proposal also includes the planting of at least 6 olive trees within the area to break up the hardstand and to provide shade. Approval is also sought for a sea container to be located adjacent to the northern boundary.



The applicant advises that the hardstand is associated with the existing hobby farm with bird cages and storage for personal use. The applicant also advises that the sea container is to be used to store grain for the hobby farm to prevent vermin from contaminating the grain. There are currently sheep, emus, chickens and birds being kept on the property.

## Planning Framework

### *Zoning and Use*

The site is zoned 'Rural' in the Metropolitan Region Scheme (MRS) and 'Rural' in the City's Local Planning Scheme No.3 (LPS 3). The objective of the zone is:

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

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

Storage Yard is defined as:

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

The proposal is therefore capable of approval by Council.

### *Local Planning Policy 5.8 (LPP 5.8) – Sea Containers*

In accordance with LPP 5.8, one Sea Container (up to 6m) may be approved on 'Rural' zoned land, subject to several other conditions including minimum setback requirements and screening.

## Consultation

The proposal was advertised to neighbouring properties in accordance with the requirements of LPS 3. A total of four submissions were received consisting of two objections (one with no reasons), one letter of support and one non-objection.



The objection containing reasons can be summarised as follows:

- The size of the hardstand is deemed excessive and should be screened by a 2 metre high brick fence at the expense of the applicant.
- The location of the sea container being too close to the boundary and detracting from the amenity of neighbours. A suggestion was made that the sea container be relocated to the southern boundary. Concerns were raised about the industrial appearance of the sea container in relation to clients visiting the adjacent site to the north (which operates an approved caravan and motor homes storage yard).
- Concerns about the levels of the existing hardstand area.

Several other reasons were made in the one objection in relation to this property which is not directly related to this application. These include claims of motor vehicle wrecking/repair, storage of rubbish and disused stored material, unauthorised outbuildings, dog breeding and concerns about the number of pigeons being kept on the property.

It is noted that the City's Compliance Officers have previously investigated these claims and have determined these claims to be unfounded.

### Planning Considerations

#### *Hardstand*

It may be reasonable for a small area of hardstand associated with the use of the property as a hobby farm and some personal storage to be retained on the property. However, the existing area of hardstand that has been installed without approval is excessive and unreasonable for these purposes. The proposed six holes for the planting of six olive trees within the large existing hardstand area are not sufficient.

It is suggested that, should Council approve the application, a condition could be imposed requiring the area of the hardstand being reduced by removing sections of the asphalt and providing larger areas of landscaping. Breaking up the vast hardstand area with additional landscaping will restore some rural amenity to the area that was lost when this area was cleared and asphalted. It will also reduce the likelihood of the area being used for commercial storage purposes.

A two metre high brick fence being installed along a large section of the northern boundary as suggested during consultation by one submitter is not deemed an appropriate option for a rural setting. However given the non-rural nature of the hardstand, the requirement to install some screening is reasonable, ensuring that the hardstand area is not



particularly visible from the two neighbouring properties and the street. Should Council approve the application, a condition could be imposed requiring this.

### *Sea Container*

One sea container on site is reasonable in association with the Hobby Farm use. The location of the sea container which is proposed close to the northern boundary is not considered to impact on the amenity of the adjoining residents as it is adjacent to the large shed buildings approved for caravan storage (not the dwelling or outdoor living areas) to the north. The sea container can be located in the proposed location if the landowner applied for a deviated fire break application with the City. Notwithstanding this, to address a concern raised in the objection received by the City, it is recommended that the sea container be setback 3m from the northern boundary.

Whilst the sea container is longer than the 6 metres permitted under LPP 5.8 (the proposed sea container is 12m in length), it is considered that the sea container is located far from the primary street. Should Council resolve to approve the proposal, appropriate conditions can be applied to ensure the sea container accords with LPP 5.8 including an increased setback from the northern boundary and screening to provide a buffer effect to the northern property.

### Conclusion

The application for the retrospective hardstand (Storage Yard) and proposed sea container is supported, subject to the area of the existing hardstand being reduced and a 3 metre setback of the proposed sea container to be imposed with specific screening requirements.

The development is deemed generally compliant with all other relevant scheme and local planning policy provisions and is not considered to have a detrimental impact on the amenity.

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

#### **City Growth**

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

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

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



**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

The application was advertised to neighbouring properties for a minimum period of 21 days until 19 June 2017. Four submissions were received during this period, two of which were objections (one with no reasons).

**Risk Management Implications**

There is a low risk that should Council approve the proposal, the hardstand area will be used for commercial storage purposes which may detract from the amenity of the area.

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

**Attachment(s)**

1. Location Plan
2. Site 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 13 July 2017 Ordinary Council Meeting.

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

Nil.

**15.3 (MINUTE NO 6117) (OCM 13/07/2017) - FURTHER FIVE YEAR TERM FOR LEASE FOR NAVAL BASE SHACKS RESERVE 24308 (046/001) (L GATT) (ATTACH)**

**RECOMMENDATION**

That Council consent to a further term of five years for the leases of the Naval Base Shacks Reserve (Reserve 24308 at Lot 373 Cockburn Road) on the same terms and conditions commencing on 1 September





2017 subject to the following:

1. Any lessee that does not comply with instructions from the City to address planning or building compliance issues by the expiry of the current term (31 August 2017), be placed on the month by month "Holding Over" provision for a period of up to 12 months.
2. As soon as any lessee who has been placed on the month by month "Holding Over" provision as detailed under point 1 above addresses the planning or building compliance issues to the satisfaction of the City, they be offered a new lease for the remainder of the further term as specified in point 1 above.
3. If a lessee does not address the planning or building compliance issues to the satisfaction of the City within 12 months of the further term (i.e. by 1 September 2018), the associated lease being declared in default and not given an extension due to the breach of lease represented by the unlawful works.
4. Any lessee , is in arrears with their lease payments at the time of the expiry of the current term (31 August 2017), be placed on the month by month "Holding Over" provision for a period of up to 12 months.
5. As soon as any lessee who has been placed on the month by month "Holding Over" provision as detailed under point 4 above addresses the lease payments in arrears amount, they be offered a new lease for the remainder of the further term as specified in point 1 above.
6. If a lessee does not address the lease payments in arrears amount to the satisfaction of the City within 12 months of the further term (i.e. by 1 September 2018), the associated lease being declared in default and not given an extension due to the failure to pay the lease fee.
7. Any lessee who has not provided an up to date certificate of currency for their public liability insurance by 31 August 2017, their lease extension be subject to the additional payment of \$1000 to the City to cover the City's costs in taking out an appropriate form of public liability insurance on their behalf.



**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr K Allen that Council consent to a further term of five years for the leases of the Naval Base Shacks Reserve (Reserve 24308 at Lot 373 Cockburn Road) on the same terms and conditions commencing on 1 September 2017 subject to the following:

4. As recommended.
5. As soon as any lessee who has been placed on the month by month "Holding Over" provision as detailed under point 1 above addresses the planning or building compliance issues to the satisfaction of the City, they be offered a new lease for the balance of the further five year term (commencing 1 September 2017).
6. and 4. as recommended.
7. As soon as any lessee who has been placed on the month by month "Holding Over" provision as detailed under point 4 above addresses the lease payments in arrears amount, they be offered a new lease for the balance of the further five year term (commencing 1 September 2017).
8. and 7. as recommended.

**CARRIED 9/0**

**Reason for Decision**

In order to clarify that for those lessees, who are in a month by month 'holding over' clause but subsequently address the issue within twelve months be offered a new lease for the balance of the further five year term (commencing 1 September 2017).

**Background**

Council endorsed the preparation of leases for all Naval Base Shacks on Reserve 24308 on 10 May 2012. This decision was essentially based on a five year initial term, with a further five year term at the Council's discretion. As the initial five year term is coming to an end on 31 August 2017, the City is now required to contemplate the granting of the further five year term.

The shacks continue to operate according to the endorsed Management Plan, and are a well utilised and enjoyed community



asset. The City's management of the shacks continues to be effective, and there is no reason for which the consideration of a further five year term ought not to be granted. The officer recommendation does however identify that outstanding planning/building compliance issues, or outstanding lease fees, must be addressed before a new term is granted to those lessees who find themselves in either situation. It is recommended such lessees be kept on the month by month holding over clause of the current lease for up to 12 months, and only be granted the further term if they address such compliance issue / outstanding rent within that 12 months. If they don't, such leases would be defaulted and would cancel at 31 August 2018. There is also a provision to impose a fee on those lessees who have not produced an up to date public liability insurance certificate, to cover the costs of the City taking this out on their behalf.

### **Submission**

N/A.

### **Report**

The City wrote to all lessees on 1 March 2017 advising that a further five year term of the leases at the Naval Base Shacks will be considered by Council prior to the expiry of the current term on 31 August 2017. The letter included advice that every lessee is required to provide the City in writing at least three months prior but not earlier than six months prior that they wish to take up the option of a further five year term. A template notice was included in the letter for the lessees to complete and return. With the majority of lessees indicating their desire to be given the further five year option, this report now deals with the consideration of such.

### **Background**

Reserve 24308 is an A Class reserve and the land is owned by the Crown. The Department of Lands (DoL) represents the Crown and consents to every lease of the Naval Base Shacks. This consent has recently been delegated to the City, subject to compliance with the conditions of the management order. The City of Cockburn ("City") has a Management Order for Reserve 24308 for the purposes of 'Recreation and Camping', with the power to lease for a period of 21 years.

Reserve 24308 has 176 shacks located on it, all comprising a relatively similar, modest design comprising generally lightweight materials. They are recognised for local heritage area significance, with the uniformity of scale giving the place significant aesthetic appeal, especially when combined with their coastal setting. Naval



Base Shacks are also a good example of holiday camps which used to exist along the Western Australian coastline but have disappeared in the face of development. The social value for families holidaying at the location since the 1930s contributes significantly to its heritage importance. It is a well-managed site, and highly prized by the community who access it. This includes shack lessees as well as general visitors to the site to enjoy the beach and coastal amenity.

The Naval Base Shacks are the only shacks in existence within the Perth Metropolitan Region. Following an enquiry into Shack sites in Western Australia the State Parliamentary Report by the Standing Committee on Environment and Public Affairs "Shack Site in Western Australia" (April 2011) recommended that the City should formalise the arrangements and prepare a Management Plan for the future management of the Naval Base Shacks on Reserve 24308.

In March 2014 Council endorsed the Management Plan for Naval Base Shacks which included recommendations for future upgrades to the Reserve. Some of the items that have been fulfilled are:

- Road line marking
- Solar street lighting
- New stairs for the both beach accesses
- Drainage improvements
- Fire Hydrant compliance review
- Repainted the walls and ceilings of both toilet blocks where required
- Minor plumbing fixtures, taps and pipes have been repaired/replaced.

It is planned that both the northern and southern ablution blocks will be refurbished during the 17/18 budget year; this will include re-tiling and new fittings. Quotes are currently being sourced and the estimated budget will be \$70,000.00.

An updated Geotechnical Report on the cliff-face status back to the western road edge will be undertaken in the next twelve months. Some depressions / soil collapses have occurred since the last Geotechnical report was undertaken; with these being addressed and fixed immediately. Any issues that are found from any future review will be resolved as recommended. Safety being the highest priority.

A formal Lease Agreement was introduced in August 2012 which has improved the ability to administer the shack sites. The Lease Agreement is due to expire in August 2017 and provides the lessees with the opportunity of an option for a further five years at the absolute discretion of Council subject to:



- (a) all consents and approvals required by the terms of this Lease or at law have been obtained;
- (b) there is no subsisting default by the Lessee at the date of service of the Notice in:
  - (i) the payment of Amounts Payable; or
  - (ii) the performance or observance of the Lessee's Covenants.

The City wrote to all lessees on 1 March 2017 advising that a further five year term of the leases at the Naval Base Shacks will be considered by Council in the near future. The City provided a template notice to take up the further term of five years so that Lessees could complete and execute the form which was to be returned to the City's office by 31 May 2017. The City has received copies of the completed notices from the majority of lessees and a reminder was posted to the remaining lessees who have not responded on 21 June 2017.

A template for the Deed of Extension document will be prepared by the City's solicitors at an estimated cost of \$2,500.00. This cost is to be shared between each of the lessees that take up the second term which is estimated at \$20.00 each.

A requirement of the Lease Agreement is that the shacks can only have solar or wind power, no generators are permitted. Recently it was noted that a number of Lessees were running long extension cords to the unused laundry building for their power supply. Due to the danger of this practise the City has been forced to disconnect the power supply to the unused laundry. Timers for the power in the two ablution blocks will be considered if the abuse of the power continues. Again this is a clear safety issue, and something that the City has continually educated to shack lessees.

The City regularly monitors the outstanding lease payments. Following several letters and phone conversations we have recently had to seek the assistance of McLeods (the City's solicitors) to recover outstanding lease fees from 20 lessees. Two of the lessees have continued to not pay their outstanding lease fees. One case has proceeded to the Fremantle Magistrates Court where the Magistrate found in the City's favour and cancelled the lease and ordered the lessee to pay the City's costs. The City is currently working with the second lessee to try to resolve these matters. Most other lessees with outstanding lease fees are on payment plans, some comply with the terms and others are difficult to manage. This continues to be an ongoing concern.

The provision of proof of the lessee's public liability insurance is a requirement of the lease agreement (a lessee covenant). Most lessees comply with the request to provide a copy of their certificate of currency



however some continue to fail to provide it. It would lessen the City's risk if the City undertook to take out the public liability insurance on behalf of these few lessees at the cost of the lessee. It is recommended that the City take out the public liability insurance on behalf of the lessees and charge a fee of \$1000.00 to fulfil this requirement. This covers the estimated cost of insurance (\$500.00 per shack), plus administration costs (\$500).

There are many complexities to the management of the Naval Base Shacks which have improved since the introduction of the new lease which included statutory processes. The new management regime includes the required statutory process for planning and building approvals.

Inspections are carried out on an annual basis by the City's Health Department; the inspections are for safety and to identify if any additions or renovations have been carried out on the shacks in the past twelve months. Compliance action has been undertaken each year as a result of the inspections.

Following the inspections by the City's Health Department in April 2017 a total of 27 compliance letters were sent on 29 May 2017 to the lessees of the shacks that have been identified as being non-compliant. Some shacks have been invited to lodge a retrospective Development Application (DA) which will then overflow to Building Compliance for retrospective Building Approval Certificate (BAC). Other extensions and unapproved works on shacks cannot be supported and the lessees have been requested to remove the unauthorised structure(s).

All lessees have been advised previously that if their shack is found to have had unapproved additions or works and the lessee chooses to not comply with the compliance notices, that they are unlikely to be granted their option of the further five year term. To date four lessees have complied with the notices the status of the remainder of compliance issues are detailed in Attachment 1.

The shack lessees that have failed to comply with the requirements of the compliance notices are unable to be offered the further five year term as they are in breach of a lessee's covenant. It is requested that Council consent to these lessees being advised that their lease is operating under a monthly tenancy on the same terms and conditions of the expired lease (Holding Over) for a maximum period of twelve months to provide them the opportunity to remedy their non-compliance. If at the end of this twelve month period the lessee has still not complied with notice the lease will come to an end or if they have complied they will be offered a lease for the remainder of the five year term.



A consideration for the future of the shacks located on Reserve 24308 is the likelihood of the outer harbour being located within the broader locality.

Previous planning involved over 50 studies over several decades which resulted in the offshore island being the preferred proposal. This preferred location was announced nearly ten years ago.

The City understands that the State Government will soon embark on a new planning process to consider the most optimal configuration for the harbour, freight handling elements, intermodal terminal and associated transport links.

If the State were to require the land where the Naval Base shacks are located because of any future outer harbour, the current lease contains a six month break clause which is to the benefit of the State Government. Clause 21 stipulates that the lease may be terminated by the Minister for Lands for any reason upon six months' notice and no compensation or other consideration will be payable.

Although the future of the shacks may in the distant future be under some degree of uncertainty from an outer harbour development, at this time, this is unknown and subject to further planning and consultation. It appears this will extend well beyond the current five year term being contemplated in this report. Therefore it is recommended that the lessees who are not in default of their leases be granted a further five year term from 1 September 2107 expiring on 31 August 2022.

Those lessees that do not have compliant shacks and have failed to comply with the statutory notices or those who have not paid outstanding invoices, be advised that their lease is operating under a monthly tenancy on the same terms and conditions of the expired lease (Holding Over) for a maximum period of twelve months to provide them the opportunity to remedy their non-compliance. If at the end of this twelve month period the lessee has still not remedied their breach the lease will come to an end.

Those lessees that have not provided a copy of their current public liability certificate of currency be advised that the City will take out the insurance on their behalf and charge them the cost of the public liability insurance plus an administration fee – totalling \$1,000.00.

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

N/A



### **Budget/Financial Implications**

N/A

### **Legal Implications**

Advertising under Section 3.58 of the Local Government Act 1995 will not be required as the land has already been disposed of and advertised with the original leases.

### **Community Consultation**

All lessees have been advised that the future of the further five year term will be considered at the 13 July 2017 OCM.

### **Risk Management Implications**

The risk of a lessee not having Public Liability Insurance needs to be resolved either by the City taking out the insurance on their behalf at their cost or the lessee not being offered the further five year term and their lease coming to an end. The City paying on their behalf creates the risk of the lessee not paying the fees which could result in their lease being cancelled which is also a costly exercise.

The risk of cliff collapse is investigated and reported and appropriate action taken every five years. Any reported issues are dealt with at the time of report.

The risk that the State Government may in the future require the land and no compensation will be payable has been recognised in the lease agreement.

The management of the shacks continues to be assessed on a risk basis analysis as many of the structures do not comply with modern statutory requirements however as much as possible the shacks are being brought into compliance.

### **Attachment(s)**

Compliance Table

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

The lessees, subject to the proposal, have been advised that this matter is to be considered at the Ordinary Council Meeting on 13 July 2017.





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

N/A.

### 15.4 **(MINUTE NO 6118) (OCM 13/07/2017) - CONSIDERATION TO INITIATE PROPOSED SCHEME AMENDMENT NO. 125 – LOCATION: LOT 8 ROCKINGHAM ROAD, SPEARWOOD – OWNER: STATE OF WA (DEPARTMENT OF LANDS) – APPLICANT: VERIS (109/125) (T VAN DER LINDE) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005* (“Act”), initiate Amendment No. 125 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) for the purposes of:
  1. Reclassifying Lot 8 (on Plan 3176) Rockingham Road, Spearwood from ‘Public Purpose - Police Station’ local reservation to ‘Residential’ zone with an R40 density code.
  2. Amending the Scheme Map accordingly.
- (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*:
  - (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
  - (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;* and
  - (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
- (3) upon preparation of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* 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 S Portelli SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED 9/0**

**Background**

Lot 8 (on Plan 3176) Rockingham Road, Spearwood ("subject land") is bound by Rockingham Road to the west, Newton Street to the north and Pepys Court to the east (Attachment 1 – Location Plan refers).

The subject land was formerly used by the WA Police Department (Spearwood Branch) who occupied the two existing converted dwellings and outbuildings, and is currently reserved under the City of Cockburn Town Planning Scheme No. 3 ("TPS 3") for this former purpose.

Since the opening of Cockburn Police Station in Cockburn Central, the use of the subject land by the WA Police Department is advised as no longer required. That is, the land and its associated infrastructure has been deemed surplus to need, and the State Government now seek to make the land available for sale and redevelopment.

Before this occurs, the land is required to be rezoned and appropriately coded, to facilitate a form of redevelopment that is compatible with its context. This is proposed by this Scheme amendment.

**Submission**

Veris have lodged the Proposed Scheme Amendment on behalf of the State of Western Australia (Department of Lands), the landowner of the subject land.

**Report**

The subject land is 2529m<sup>2</sup> and is zoned 'Urban' under the Metropolitan Region Scheme ("MRS"), and reserved as 'Public Purpose – Police Station' under TPS 3.



The Proposed Scheme Amendment seeks to reclassify the land from 'Public Purpose – Police Station' to 'Residential' now that the use of the land as a police station is no longer required, to allow the land to be developed for an appropriate purpose. The Proposed Scheme Amendment is depicted at Attachment 2.

The majority of land surrounding the subject land and within the wider locality is zoned 'Residential' under TPS 3 with densities varying from R20 to R40. Residential land use is appropriate in this location and is consistent with the broader land use objectives and strategies for the locality. Land to the south and east of the subject land is coded R20. Land to the west across Rockingham Road is coded R30. Land to the north across Newton Street is coded R40.

The proposed R40 coding at the subject land reflects the existing R40 coding of lots on the northern side of Newton Street and results in a consistent built form on either side of Newton Street, fronting Rockingham Road. Furthermore, given the location of the subject land along Rockingham Road being a relatively major arterial route, with a high frequency bus stop located adjacent to the subject land, as well as the close proximity of the subject land to a number of community facilities and parks including Edwardes Park, Watsons Oval, Newton Primary School, Spearwood Alternative School and Stargate Shopping Centre, the proposed R40 coding of the subject land is appropriate.

Access to future development at the subject land can be obtained from Rockingham Road, Newton Street and/or Pepys Court. Potential future residential development at an R40 density would have minimal impact on the existing local road network or traffic volumes.

Thus, the Proposed Scheme Amendment is unlikely to have a significant impact on existing residents within the locality in terms of traffic or streetscape amenity. The Proposed Scheme Amendment seeks to facilitate redevelopment of the subject land for residential uses, compatible with existing land uses in the vicinity, rather than the land and existing structures remaining vacant and potentially becoming dilapidated over time. Thus, it is recommended that the City initiate the Proposed Scheme Amendment No.125.

## **Strategic Plan/Policy Implications**

### **City Growth**

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



- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types
- Ensure a variation in housing density and housing type is available to residents

### **Budget/Financial Implications**

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

The subject land is located within Developer Contribution Area 13 (“DCA 13”), which requires contributions towards Community Infrastructure within the City of Cockburn.

### **Legal Implications**

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

### **Community Consultation**

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

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

### **Risk Management Implications**

If the subject land is not reclassified, it will remain as a ‘Public Purpose – Police Station’ local reserve despite the use of the land for this purpose being redundant. The Proposed Scheme Amendment allows for the subject land to be developed for residential purposes at an appropriate density and thus assists in achieving dwelling/density targets within the City of Cockburn. If the Proposed Scheme Amendment is not initiated, there will be a lost opportunity to facilitate development of the subject land and the subject land would likely remain vacant for some time due to the specific reservation of the land for a police station.



**Attachment(s)**

1. Location Plan
2. Scheme Amendment Map

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

The Proponent has been advised that this matter is to be considered at the 13 July 2017 Ordinary Council Meeting.

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

N/A.

- 15.5 (MINUTE NO 6119) (OCM 13/07/2017) - ACQUISITION PORTION OF LOT 2 GLENDALE CRESCENT, JANDAKOT FOR ROAD WIDENING - WORKS ASSOCIATED WITH THE DUPLICATION OF BERRIGAN DRIVE ONLY - KWINANA FREEWAY TO JANDAKOT ROAD - APPLICANT: CITY OF COCKBURN (5513705, 041/001) (K SIM) (ATTACH)**

**RECOMMENDATION**

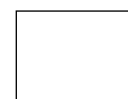
That Council

- (1) acquire 185 sqm of Lot 2 Glendale Crescent, Jandakot for a purchase price of \$38,500;
- (2) meet all costs associated with the surveying and application for new certificates of title for (1) above; and
- (3) seek the dedication of the acquired portions as road reserve.

**COUNCIL DECISION**

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

**CARRIED 9/0**



## Background

Funds have been allocated in the 2016/17 Budget to duplicate the carriageway of Berrigan Drive between the Kwinana Freeway and the Jandakot Road roundabout and extension of Pilatus Road in to Jandakot Airport. The engineering design has resulted in the requirement for road widening at the rear of Lot 2 Glendale Crescent, where it adjoins Pilatus Road. To affect this widening Council need to resolve to acquire the land, to reflect the as constructed outcome on the ground.

## Submission

N/A

## Report

A Valuation report has been prepared by Licensed Valuer David Molony from McGee's Property Valuations on behalf of the City of Cockburn. A land requirement plan shows that the extent of the land required for road widening to be 185 square metres. The quantum of the compensation for the ceding of the land required for road widening from Lot 2 was determined to be \$38,500.

The breakdown of the compensation is \$13,000 for the land and \$22,000 for injurious affection, to which a 10% solatium has been added. The square metre rate for the land component equals \$70 per square metre. This has been determined by the licenced valuer.

This rate is higher than the square metre rate in other parts of Jandakot. This stems from the fact that the subject lot and lots in this part of Jandakot generally have an area of 1 hectare, rather than the minimum 2 hectare as is the case elsewhere in Jandakot. The square metre rate of similarly zoned land typically reduces as the lot size increases. That is, on balance, a 2ha property is not worth twice as much as a 1ha property. Market evidence provided by the valuer demonstrates this.

The \$22,000 for injurious affection, takes into account the devaluation to the balance property. The depreciation in the value of land may result from the adverse impacts of those public works, leading to the restriction or loss of access to the property and the loss of capital improvements (including trees, fences, bores, servicing infrastructure). Injurious affection includes the consequent restriction in user enjoyment or the development of land by an owner.

It is also a generally accepted practice when land is acquired for a public purpose to pay an additional amount (solatium). The Land



Administration Act 1997 states that 10% is appropriate in all but exceptional circumstances. A new fence has been erected on the new boundary which is acceptable to the owners.

The owners of Lot 2 Glendale Crescent have confirmed that they will accept an offer to purchase the land at the price contained in the recommendation.

The acquisitions as recommended are supported by licensed valuer's report and should be accepted to enable the finalisation of land matters related to the Berrigan Drive upgrade project.

The process to be followed if Council resolves to follow the recommendation is that a contract will be prepared, and then subdivision to excise the land will be completed. A Deposited Plan will be lodged at Landgate and on approval the road land will vest. A licensed surveyor has been engaged to prepare the survey plan and the City's solicitors will attend to the lodgement of documents at Landgate for the issue of a new certificate of title.

It is recommended that it be supported.

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

#### **Growing City**

- To grow our City in a sustainable way by using land efficiently, protecting the natural environment and conserving biodiversity.

#### **Leading & Listening**

- Manage our financial and infrastructure assets to provide a sustainable future.

#### **Moving Around**

- An integrated transport system which balances environmental impacts and community needs.

### **Budget/Financial Implications**

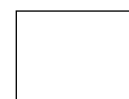
Funds have been allocated in the 2016/17 Budget.

### **Legal Implications**

Land Administration Act 1997 refers

### **Community Consultation**

N/A



### **Risk Management Implications**

There is low risk to the City if the recommendation is adopted as all legal requirements for the acquisition of land for a public purpose have been complied with.

The risk to the City if the Council decision is to defer or not support the recommendation will be that some services and fencing will be located in private property and would need to be relocated at considerable cost and in the case of the fencing could pose a danger to traffic using Pilatus Road.

### **Attachment(s)**

Plan of the proposed road widening

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

The owners of Lot 2 Glendale Crescent have indicated that the purchase prices is acceptable and have been advised that this matter is to be considered at the July 13 Ordinary Council Meeting.

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

Nil.

AT THIS POINT IN TIME 7.48 PM CLR BART HOUWEN LEFT THE MEETING.

### **DECLARATION OF INTEREST**

The Presiding Member advised the meeting that he had received Declarations of Interests as follows:

#### **CLR PHIL EVA**

Declared an Impartiality Interest in Item 15.6 of the Agenda "Western Trade Coast and Consideration of Buffer", pursuant to Regulation 11 (2) of the Local Government (Rules of Conduct) Regulations 2007. The nature of his interest is that his office of employment (Honourable Francis Logan MLA) is advocating an outcome for a number of landholders within the area shown as potential "sustainable urbanism" as mentioned in the report.





**CLR BART HOUWEN**

Declared a Proximity Interest in Item 15.6 of the Agenda “Western Trade Coast and Consideration of Buffer”, pursuant to Section 5.60B of the Local Government Act 1995. The nature of his interest is that he is a landholder within the area shown as potential “sustainable urbanism” as mentioned in the report.

**15.6 (MINUTE NO 6120) (OCM 13/07/2017) - RECOMMENDATION TO THE STATE GOVERNMENT ON ITS APPROACH TO MANAGEMENT OF THE WESTERN TRADE COAST AREA AND CONSIDERATION OF A BUFFER (111/006) (A TROSIC)**

**RECOMMENDATION**

That Council

- (1) writes to the Premier of Western Australia, in his capacity as Minister for State Development, seeking information on his government’s intended approach to the management of the Western Trade Coast (“WTC”);
- (2) in writing to the Premier, recommend that he consider an approach to the management of the WTC and in particular the decision making for any buffer, based upon the following criteria:
  1. That there be detailed community consultation to ensure the community has the ability to not only be informed, but the ability to contribute to shaping the ultimate policy decisions in respect of the WTC and any associated buffer.
  2. Any technical analysis relied upon to inform decision making be made publicly available, and subject to third party independent scientific peer review in order to be able to gauge the degree of scientific/technical rigor.
  3. Decision making be primarily guided by a strategic planning framework, and be consistent in its reflection of such framework.
- (3) in writing to the Premier, also highlight that in respect of the strategic planning framework pertaining to land within the City of Cockburn, the City makes the following recommendations:
  1. Specific to the Munster land adjoining the eastern foreshore of Lake Coogee, this be excluded from any buffer and an alternative scenario be provided which enables a sustainable form of residential development to occur which builds an environmental buffer to Lake Coogee while providing an acceptable mechanism in which to limit the proximity of development directly to the edge of Lake Coogee. This recognises an appropriate precautionary based principle to have a setback of between 50-100m from the edge of the Lake, shaped by

existing development.

2. Specific to the entire Wattleup residential precinct zoned Urban under the Metropolitan Region Scheme ("MRS"), this be excluded from an buffer on the basis that:
  - i. Extensive State level strategic planning has established residential development as the intended outcome for this area;
  - ii. There has been no buffer definition study to support the claims that this subject land ought to be within a buffer.
  - iii. The resulting thin sliver of land between the future Rowley Road and existing Wattleup Road could not effectively accommodate industrial or commercial (non-sensitive) development.
3. Specific to the entire MRS rural zoned interface between the future Latitude 32 and the central wetlands / Beelii Regional Park Corridor, this be excluded from any buffer on the basis that:
  - i. Strategic planning to deliver Latitude 32 has been underpinned by the objective which assures impacts do not extend beyond the boundary of Latitude 32.
  - ii. Protecting and building resilience for the sensitive environmental wetlands will be achieved through the securing of an ongoing transitional land use of rural development, including single houses on such rural land.
4. Specific to the Rural Living zoned land north of Cockburn Cement either, this land be excluded from any buffer through the impacts associated with Cockburn Cement being reduced to its property boundary, thus enabling the continuation of rural living or potential contemplation of further sensitive (residential) development.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

In 2015 Council will recall the Department of State Development, on behalf of the previous Liberal State Government, releasing a draft bill for comment dealing with a proposed buffer for the Western Trade Coast (“WTC”) area. This bill was released for a limited comment period, and had a significant range of potential impacts affecting many landowners within the City.

Due to the significance of this matter, Council convened a Special Meeting on 3 December 2015, and resolved to object to the draft legislation. This objection was on the basis of the draft legislation’s deficiencies as identified by the City, and also the absence of appropriate recognition to the established strategic planning framework to guide decision making.

With a new State Government now in power within WA, it is appropriate that the City seek advice as to the intended approach to the management of the WTC going forward, and any considerations on a buffer.

## Submission

N/A

## Report

The City of Cockburn has maintained a significant degree of involvement in the consideration of issues associated with the WTC, and specifically buffers affecting its City. The previous draft legislation, known as the Western Trade Coast Protection Area, represented a significant impact on parts of the community. This impact would have been felt by:

- community members who owned land within the area designated as the Western Trade Coast Protection Area; and
- community members who owned land adjoining/nearby the Protection Area.

The City objected to the legislation, for the following key reasons:

1. The draft legislation was based upon a report and process carried out by the Western Australian Planning Commission in 2010 which had not, inter alia, been subject to consultation with affected landowners. The report had also not been made publicly available; including its technical studies relied upon, preventing the ability for community engagement and scrutiny of such an important document in the process of arriving at the draft legislation.



2. The draft legislation proposed a buffer that, to the City's knowledge, had not been subject to third party independent scientific peer review in which to be able to gauge the degree of scientific/technical rigor.
3. The draft legislation contained no evidence to demonstrate that certain land areas within the City of Cockburn were not suitable for sensitive development. That is, the lack of scientific evidence such as through a buffer definition study which is scientifically robust and subject to an open/transparent public process.
4. The draft legislation was inconsistent with the prevailing State level strategic planning, which should have been expected to inform the statutory planning framework.
5. The mapping associated with the draft legislation was not discernible enough in terms of the specific land impacted.
6. The draft legislation provided inadequate explanation as to the rights of landowners going forward.

Without needing to cover the analysis which lead to this finding of Council, it is with confidence that the City now looks to the new State Government to establish its policy position and intended approach to management of the WTC. This includes future decision-making pertaining to buffers and the like.

Supporting this position of Council was also Council's earlier submission made on the draft Perth and Peel @3.5m strategic plan and associated subregional frameworks. These documents set out the future growth plan for Perth to 2050, and Council made specific mention as follows in respect of the buffer issues affecting the City:

*(Council meeting 9 July 2015, Item 14.4)*

4. *The area shown as 'Industrial Investigation' between the future Latitude 32 and central wetlands change is not supported. To indicate this land as such is completely inconsistent with the City's planning framework and the long held State planning framework which indicates the majority of this area should remain rural in the long term. This is in order to not only protect significant environmental features of our city, but to enable more resilience in the face of climate change and reduced rainfall.*
5. *The designation of the narrow strip of land between the Munster urban community and eastern foreshore of Lake Coogee for industrial investigation should firstly be investigated as future residential and, only if those investigations find that residential is unable to be supported on a scientific basis, that further*



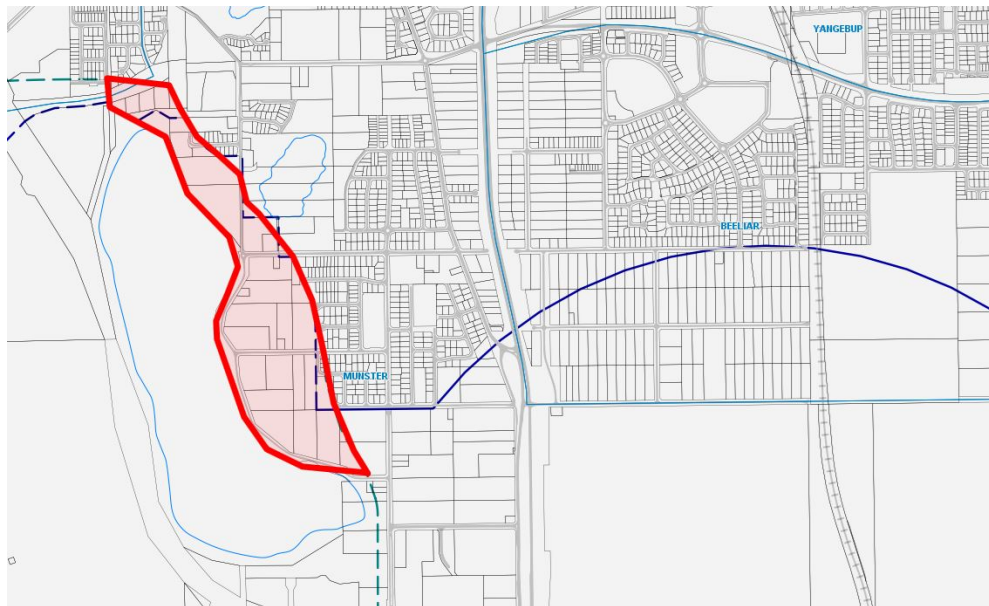
*investigations in consultation with the City and landowners be undertaken into alternative appropriate land uses.*

The City has previously contributed to suggestions for how this process going forward may be effectively done, taking in to account the overriding need for community engagement, scientific rigour and shaping by strategic planning. This would see an approach recommended as follows:

- that there be detailed community consultation to ensure the community has the ability to not only be informed, but the ability to contribute to shaping the ultimate policy decisions in respect of the WTC and any associated buffer;
- any technical analysis relied upon to inform decision making be made publicly available, and subject to third party independent scientific peer review in order to be able to gauge the degree of scientific/technical rigor;
- decision making be primarily guided by a strategic planning framework, and be consistent in its reflection of such framework;

It is also important that the City emphasise that the shaping of any statutory decision, such as through a legislated buffer, be guided by the prevailing strategic planning framework. With regard to land within the City of Cockburn, this would see any buffer take appropriate account of the following areas and associated recommendations:

### ***Munster land adjoining Lake Coogee***



This be excluded from any buffer and an alternative scenario be provided which enables a sustainable form of residential development to occur which builds an environmental buffer to Lake Coogee while providing an acceptable mechanism in which to limit the proximity of

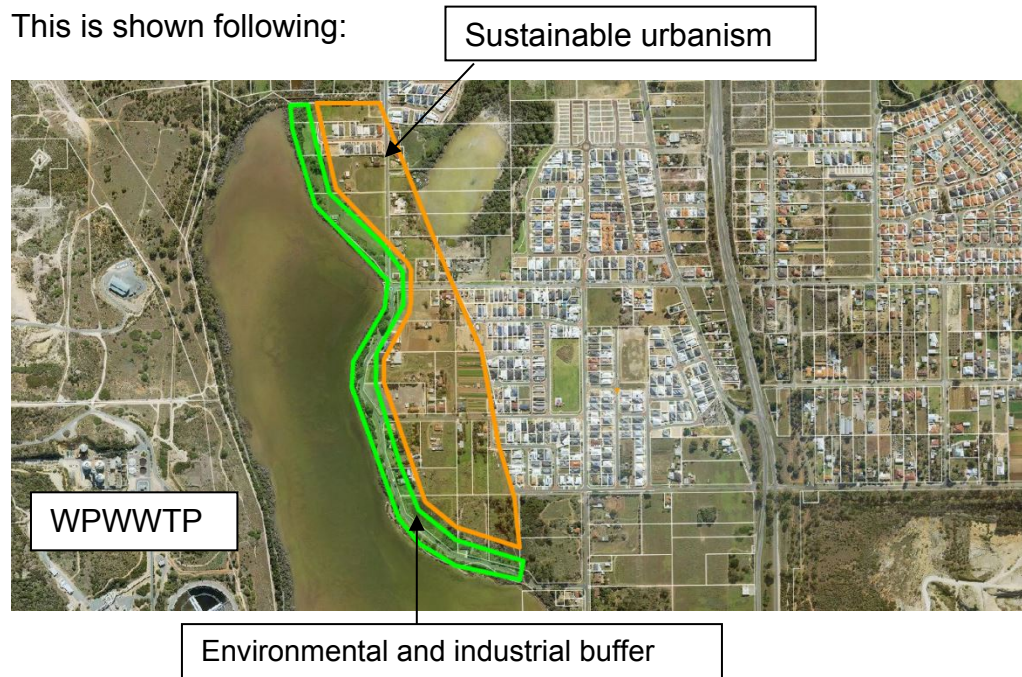


development directly to the edge of Lake Coogee. This recognises an appropriate precautionary based principle to have a setback of between 50-100m from the edge of the Lake, shaped by existing development.

The City's solution would advocate:

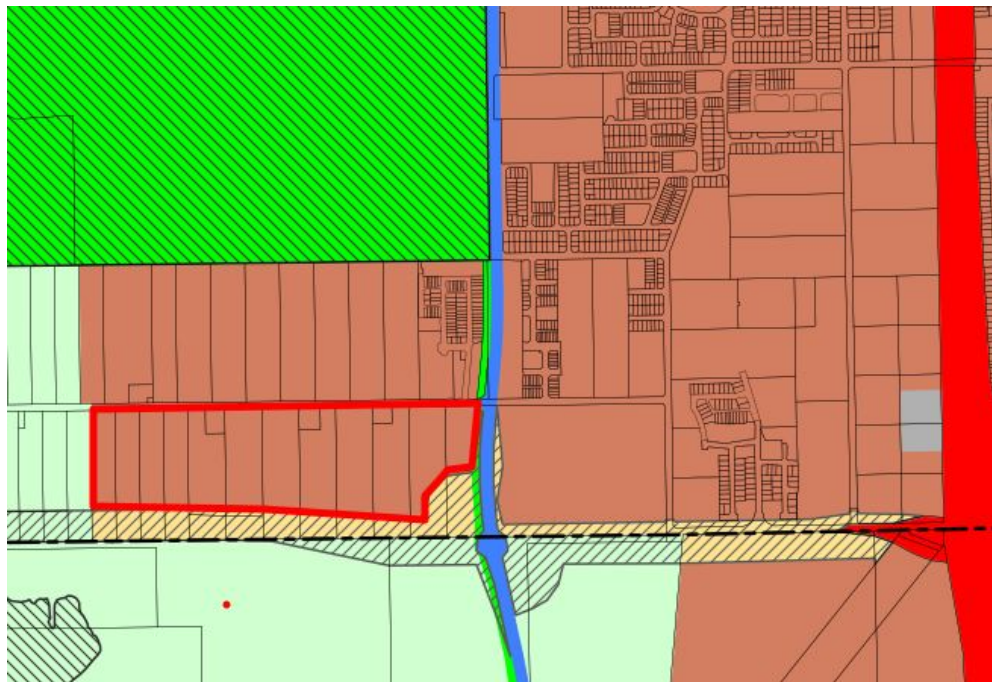
- An environmental buffer to Lake Coogee between 50-100m (shaped by existing development).
- This buffer would remove the direct sensitive development interface with the eastern foreshore of Lake Coogee and therefore WPWWTP, and this recognises the reality that impacts do not simply stop at a line on the map.
- The resulting land made available to complete the Munster urban area would be based upon sustainable development principles, such as mixed residential densities, walkable and accessible by pedestrians, water sensitive urban design, and rehabilitation of degraded areas and reestablishment of a riparian zone buffer with damp-land species leading to a dry upland species which will build resilience for Lake Coogee.

This is shown following:





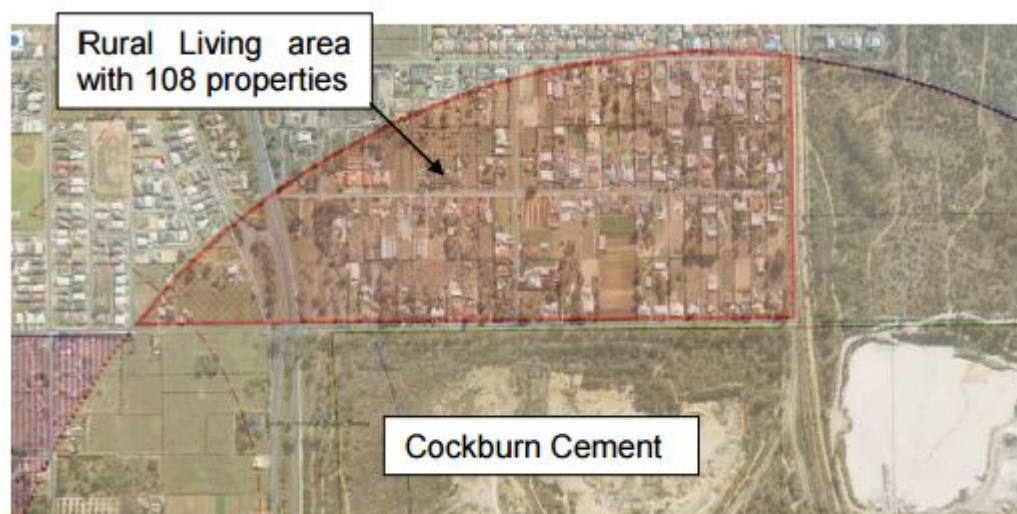
**Wattleup Residential Locality**



This be excluded from any buffer on the basis that:

- extensive State level strategic planning has established residential development as the intended outcome for this area;
- there has been no buffer definition study to support the claims that this subject land ought to be within a buffer;
- the resulting thin sliver of land between the future Rowley Road and existing Wattleup Road could not effectively accommodate industrial or commercial (non-sensitive) development.

**Rural living locality north of Cockburn Cement**



This land be excluded from any buffer through the impacts associated with Cockburn Cement being reduced to its property boundary, thus





enabling the continuation of rural living or potential contemplation of further sensitive (residential) development.

### Conclusion

As recommended, it is a prime time in which to make contact with the Premier, who is the responsible Minister for State Development, in order to understand the intended future approach to the Management of the WTC. The officer recommendation makes constructive suggestions about both the process of how this should occur, and what specific strategic land use planning considerations pertaining to land within the City of Cockburn should take place.

This will likely be an initial first step, but importantly the City being proactive will create the best opportunity for the City and its community to be part of the process going forward.

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

#### **City Growth**

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

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

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Increase local employment and career opportunities across a range of different employment areas through support for economic development
- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health

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

There are no specific financial implications associated with the consideration of this item.

#### **Legal Implications**

Planning and Development Act 2005  
Hope Valley Wattleup Redevelopment Act 2001



### **Community Consultation**

None specific to this report.

### **Risk Management Implications**

It is important that Council take this opportunity to engage with the Premier, and seek an understanding of how management of the WTC is intended to take place going forward, and specifically decision making pertaining to buffer. By Council seeking this and offering constructive suggestions as to process and land use decisions, it reduces the risk of process occurring that is not appropriate for such an important area of the State.

### **Attachment(s)**

N/A.

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

N/A.

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

Nil.

AT THIS POINT, THE TIME BEING 7.55 PM, CR HOUWEN RETURNED TO THE MEETING.

THE PRESIDING MEMBER ADVISED CLR HOUWEN OF THE DECISION OF COUNCIL IN HIS ABSENCE.

## **16. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

### **16.1 (MINUTE NO 6121) (OCM 13/07/2017) - LIST OF CREDITORS PAID - MAY 2017 (076/001) (N MAURICIO) (ATTACH)**

#### **RECOMMENDATION**

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



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for May 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**

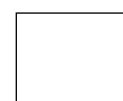
N/A

**Legal Implications**

N/A

**Community Consultation**

N/A



**Risk Management Implications**

The list of accounts for May 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 – May 2017.

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

N/A

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

Nil.

**16.2 (MINUTE NO 6122) (OCM 13/07/2017) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MAY 2017 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**  
That Council

- (1) adopt the Statement of Financial Activity and associated reports for May 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	1,000
Expenditure Adjustments	Increase	66,000
TF from Reserve Adjustments	Increase	65,000
Net change to Municipal Budget Closing Funds	Decrease	Nil

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

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**



## Background

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

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

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

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

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

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

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

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

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

## Submission

N/A



## Report

### *Opening Funds*

The opening funds 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 \$14.58M was \$1.28M 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, unchanged from last month.

### *Operating Revenue*

Consolidated operating revenue of \$131.56M was ahead of the YTD budget target by \$0.25M.

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	93.57	0.70	95.70
Specified Area Rates	0.31	0.33	(0.02)	0.33
Fees & Charges	19.96	21.35	(1.39)	23.27
Service Charges	0.44	0.45	(0.01)	0.45
Operating Grants & Subsidies	10.73	10.59	0.14	11.11
Contributions, Donations, Reimbursements	1.02	0.61	0.41	0.77
Interest Earnings	4.83	4.41	0.42	4.87
<b>Total</b>	<b>131.56</b>	<b>131.31</b>	<b>0.25</b>	<b>136.51</b>

The significant variances at month end were:

- Rates – Part year rating was \$0.70M ahead of the YTD budget setting.
- Fees & Charges –



- Cockburn ARC/SLLC fee income was \$1.13M behind YTD budget.
- Development application fees were \$0.26M behind YTD budget.
- Operating Grants & Contributions – Child care fee subsidies were \$0.22M ahead of the YTD budget.
- Interest Earnings – Investment earnings from the City’s financial investments were \$0.52M ahead of the YTD budget.

### *Operating Expenditure*

Reported operating expenditure (including asset depreciation) of \$119.68M was under the YTD budget by \$1.56M.

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:

<b>Nature or Type Classification</b>	<b>Actual Expenses \$M</b>	<b>Revised Budget YTD \$M</b>	<b>Variance to Budget \$M</b>	<b>FY Revised Budget \$M</b>
Employee Costs - Direct	46.03	45.44	(0.59)	49.78
Employee Costs - Indirect	1.16	1.27	0.11	1.41
Materials and Contracts	34.69	36.49	1.80	40.80
Utilities	4.23	4.25	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	6.85	7.55	0.70	8.48
Depreciation (non-cash)	25.14	24.56	(0.58)	26.83
Amortisation (non-cash)	1.00	1.09	0.09	1.19
Internal Recharging-CAPEX	(2.21)	(2.31)	(0.10)	(2.59)
<b>Total</b>	<b>119.68</b>	<b>121.24</b>	<b>1.56</b>	<b>133.96</b>

The significant variances at month end were:

- Material and Contracts - were \$1.80M under the YTD budget with the significant variances being:
  - IT & IS projects under by \$0.49M
  - Ranger & Community Safety projects collectively under by \$0.27M
  - Waste Disposal costs under by \$0.30M,
  - Council marketing & promotion initiatives under by \$0.23M
  - Child care subsidy payments over by \$0.65M.

- Parks maintenance is over YTD budget by \$0.73M and over the full year budget by \$0.34M.
- Depreciation – Cockburn ARC depreciation from commissioning was recognised during the month, leading to a \$0.74M budget variance.

### *Capital Expenditure*

The City's total capital spend at the end of the month was \$81.75M, representing an under-spend of \$14.55M 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	13.47	17.00	3.53	17.95	2.49
Drainage	0.52	1.17	0.66	1.61	0.03
Footpaths	0.80	1.08	0.28	1.14	0.07
Parks Infrastructure	6.96	9.41	2.45	10.69	1.49
Landfill Infrastructure	0.20	0.81	0.62	1.17	0.08
Freehold Land	0.83	1.56	0.73	1.90	0.00
Buildings	51.20	53.66	2.46	55.33	1.56
Furniture & Equipment	1.33	2.22	0.89	2.99	0.36
Information Technology	0.68	1.05	0.37	2.01	0.50
Plant & Machinery	5.77	8.35	2.58	8.35	2.17
<b>Total</b>	<b>81.75</b>	<b>96.30</b>	<b>14.55</b>	<b>103.13</b>	<b>8.75</b>

These results included the following significant project variances:

- Roads Infrastructure under YTD budget by \$3.53M – including Berrigan Drive Jandakot Improvement Works (\$1.33M), Lyon & Gibbs Signalisation and Upgrade (\$0.67M), Mayor Rd [Rockingham to Fawcett] (\$0.43M), Gibbs & Liddelow Roundabout (\$0.36M) and Warton Rd lighting [Armadale to Jandakot] (\$0.30M).
- Parks Infrastructure – the capital program was behind the YTD budget by \$2.45M with Coogee Beach master plan (\$0.75M), Simms Rd Revitalisation (\$0.23M) and Jarvis Park landscaping (\$0.34M) the significant contributing projects.
- Landfill Infrastructure – purchase of the green waste decontamination plant was \$0.50M behind YTD budget.
- Freehold Land – various land acquisition & development projects were collectively \$0.73M behind the YTD budget with lot 915





Goldsmith Rd (\$0.36M) and lot 40 Cervantes Loop (\$0.20M) the significant contributors.

- Buildings – collectively \$2.46M behind YTD budget with Cockburn ARC (\$1.07M), Bibra Lake sewer connection (\$0.97M) and Community Men's Shed (\$0.43M) the significant underspend variances. However, construction of the new depot was ahead of YTD budget by \$0.84M and full year budget by \$0.33M.
- Furniture & Equipment – was \$0.88M behind YTD budget, comprising the fitout of the Cockburn ARC.
- Information Technology – was collectively \$0.37M under YTD budget due to a number of under spent software and website projects.
- Plant & Machinery – replacement program was behind YTD budget by \$2.58M, 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 \$2.23M behind YTD budget mainly due to timing issues for Cockburn ARC state and federal grants (\$1.6M), various road grants (\$0.32M) and Lotterywest funding for the men's shed (\$0.48M)
- Development contributions for the Cockburn ARC project (\$3.21M) 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 \$6.53M 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 \$2.13M behind the YTD budget comprising of land (\$1.66M) and plant (\$0.47M).



*Transfers to Reserve*

Transfers to financial reserves were \$0.86M behind the YTD budget mainly due to unrealised land sales of \$1.66M.

*Cash & Investments*

The closing cash and financial investment holding at month's end totalled \$127.25M (down from \$138.72M last month).

\$105.13M of this balance represents the current amount held for the City's cash/investment backed financial reserves. The remaining balance of \$22.12M is available to meet operational liquidity needs (down from \$41.22M last month).

*Investment Performance, Ratings and Maturity*

The City's investment portfolio made a weighted annualised return of 2.72% for the month, slightly down from 2.73% last month and 2.75% the month before. However, this still compares quite favourably against the UBS Bank Bill Index (2.00%) and has been achieved through careful management of the City's cash flow requirements. The cash rate was most recently reduced at the August 2016 meeting of the Reserve Bank of Australia (by 25bp to 1.50%) 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 \$0.52M. This was primarily due to a higher than anticipated investment holding, as capital program outflows were slower than budgeted. Also assisting this result was a conservative budget setting which anticipated more rate cuts.

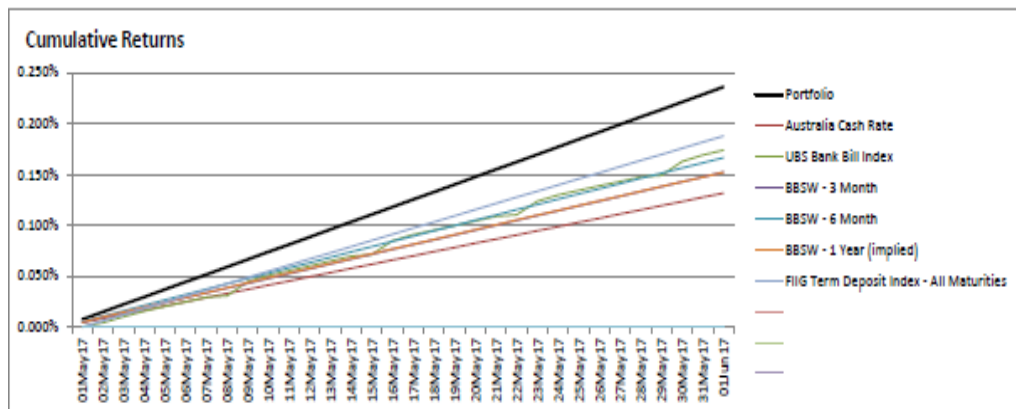


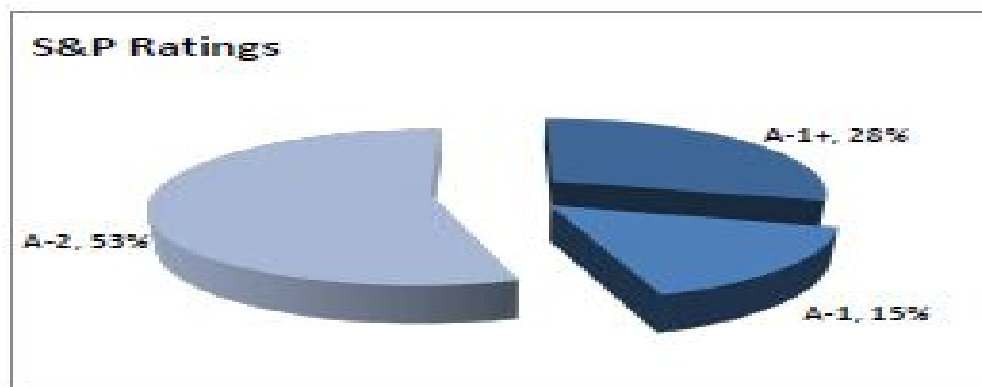
Figure 1: COC Portfolio Returns vs. Benchmarks

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 31% to 28% during the month, whilst the A-1 holding increased from 14% to 15%. The amount invested with A-2 banks also increased to 53% (from 51%), comfortably below the policy limit of 60%:



*Figure 2: Council Investment Ratings Mix*

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

The Local Government Financial Management Regulations were amended in May 2017 to allow local governments to invest in term deposits of up to 3 years (previously up to 12 months). This change will be considered when the next review of the Investment Policy is brought to Council later this year.

The City's TD investment portfolio currently has an average duration of 127 days or 4.2 months (reduced from 138 days last month) with the maturity profile graphically depicted below:



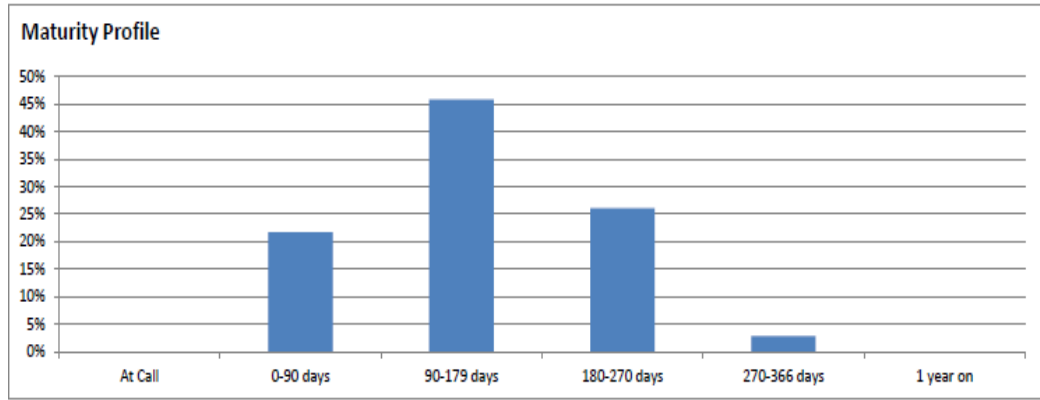


Figure 3: Council Investment Maturity Profile

*Investment in Fossil Fuel Free Banks*

At month end, the City held 55% (\$69.15M) of its TD investment portfolio of \$124.75M with banks deemed as free from funding fossil fuel related industries. This was slightly down from 56% the previous month.

*Budget Revisions*

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

PROJECT/ACTIVITY LIST	USE OF FUNDING + / (-)		FUNDING SOURCES + / (-)		
	EXP	TF to RESERVE	TF FROM RESERVE	REVENUE	MUNI
	\$	\$	\$	\$	\$
CoSafe Mobility Solution (funded from Community Surveillance Reserve)	65,000		(65,000)		
New grant received for TravelSmart initiative	1,000			(1,000)	
<b>Totals</b>	<b>66,000</b>		<b>(65,000)</b>	<b>(1,000)</b>	

*Description of Graphs & Charts*

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

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



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

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

#### *Trust Fund*

At month end, the City held \$11.19M within its trust fund. \$5.84M was related to POS cash in lieu and another \$5.35M in various cash bonds and refundable deposits.

### **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 of \$169,136 is unchanged by the budget amendments recommended 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 – May 2017.

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

N/A

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

Nil.

**DECLARATION OF INTEREST**

The Presiding Member advised the meeting that he had received a Declaration of Interest as follows:

**CLR KEVIN ALLEN**

Declared an impartiality interest in Item 17.1 of the Ordinary Council Meeting Agenda on 13 July 2017 “Tender – Green Waste Decontamination Plant”, pursuant to Regulation 11.2 of the Local Government (Rules of Conduct) Regulations 2007. The nature of his interest is that the Company of which he is the State Manager (Equifax) owns “Corporate Scorecard”, which undertook a financial risk assessment of the recommended tenderer.

**17. ENGINEERING AND WORKS DIVISION ISSUES**

**17.1 (MINUTE NO 6123) (OCM 13/07/2017) - TENDER NO. RFP 11/2017 - GREENWASTE DECONTAMINATION PLANT - DESIGN, FABRICATION, INSTALLATION, TESTING AND COMMISSIONING (RFP 11/2017) (L DAVIESON) (ATTACH) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by EMER Pty Ltd, T/As 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 C Terblanche that the recommendation be adopted.

**CARRIED 9/0**



## Background

At the 8 June 2017 Ordinary Council Meeting Council resolved that this item be deferred until the July 2017 Ordinary Council Meeting to allow further consideration before making a decision.

Over the next three financial years, the City will complete the roll out of the 240 litre garden waste bin to all properties greater than 400 sqm. 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 Rockingham Road, Wattleup.

The greenwaste picking station will be designed to allow the HWRP loader to place the garden waste directly into the hopper. The City staff will remove contaminants from the greenwaste as it passes through the plant and the decontaminated green waste will be discharged to a stockpile. The plant will have a throughput capacity of 15 to 25 tonnes of green waste per hour, which is adjusted to suit the speed of the contamination removal.

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 July 2017 with work commencing immediately upon appointment so that the plant will be installed and commissioned in early 2018.

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:

Business Name	Respondent's Name
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 ( <b>Part 1</b> ).
B	Compliance with the Brief ( <b>Part 2</b> ) contained in the Request.
C	Completion of <b>Section 3.1</b> . – Form of Response
D	Compliance <b>Section 3.2</b> . – Respondent's Contact Person
E	Compliance with Sub-Contractors requirements and completion of <b>Section 3.5.3</b> .
F	Compliance with Financial Position requirements and completion of <b>Section 3.5.5</b> .
G	Compliance with Insurance requirements and completion of <b>Section 3.5.6</b> .
H	Compliance with Qualitative Criteria and completion of <b>Section 3.6.2</b> .
I	Compliance with Fixed Price and completion of <b>Section 3.7.2</b> .
J	Compliance with and completion of the Price Schedule (including the breakdown of Lump Sum) in the format provided in <b>Part 4</b> .
K	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .
L	Acknowledgement of any Addenda issued.





Compliant Tenderers

All six (6) submissions were deemed compliant and were evaluated.

Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	15%
Respondent's Resources	10%
Design Requirements, Compliance and Features	25%
Methodology	5%
Sustainability	5%
Tendered Price	40%
<b>Total</b>	<b>100%</b>

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%
<b>EMER Pty Ltd**</b>	<b>43.78%</b>	<b>20.28%</b>	<b>64.06%</b>
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 and small size contaminants) 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 to remove contaminants more efficiently and safely.

### 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, the EMER submission represents the best value for the City and should be supported.

A site inspection was carried out of the manufacturing facility in Belfast by the Directors of Engineering and Finance on 27 May 2017 as both



staff were in the UK attending a conference. Representatives of the parent company were interviewed and their workload, technical capacity and track record assessed. A further site inspection to an operating plant was also carried out that day to see one of the units in operation at a waste recovery facility near Belfast. The result of these activities confirmed the recommendation of the tender evaluation panel.

## **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 has been undertaken and identified the parent company in Northern Ireland having the financial viability to complete the contract. City officers also requested and received written confirmation of back to back insurance and liability cover for the delivery of the contract from the parent company to the Australian subsidiary.



**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 City has allocated significant resources to educating the community on how to correctly use their garden waste, solid waste and recycling bins. Education in itself will not guarantee an uncontaminated greenwaste stream from these 240lt residential bins.

As the greenwaste tonnage increases throughout the three year rollout, the current practice of spreading and hand picking the contents of the garden waste on the greenwaste hardstand area cannot continue indefinitely from a safety, logistical and financial perspective.

**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Evaluation
2. Consolidated Evaluation Panel Score Sheet
3. Tendered Prices.

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 13 July 2017 Ordinary Council Meeting.

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

Nil.



**17.2 (MINUTE NO 6124) (OCM 13/07/2017) - TENDER NO. RFS 01/2017 - PANEL OF PRE-QUALIFIED SUPPLIERS - ELECTRICAL SERVICES (INDUSTRIAL, COMMERCIAL & DOMESTIC) (RFS 01/2017) (B ROSER) (ATTACH)**

**RECOMMENDATION**

That Council

(1) accept the following tenders for RFS01/2017 - Panel of Pre-Qualified Suppliers - Electrical Services:

1. Pearmans Electrical;
2. KP Electric (Australia) Pty Ltd
3. Northlake Electrical Pty Ltd

for an estimated indicative expenditure of \$1,260,000 per annum for operating and capital works based on the last 3 year spend. Schedule of Rates will be utilised to determine variations and/or additional services; and

(2) operating expenses to fall within the 2017/2018 Operational Works budget, spread across the City's operational and capital budgets.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The City of Cockburn (the Principal) requires the services of WA licensed, experienced and reliable Electrical Contractors to form a Panel of Pre-Qualified Suppliers to provide Industrial, Commercial and Domestic Electrical Services at the Principal's buildings and properties; parks and reserves throughout the City of Cockburn. This includes various administration buildings, community centres, sports clubrooms, libraries, residential housing, toilet blocks, irrigation cabinets (estimated 227 bores), lighting, barbeques etc.

The Contractors will be required to provide all labour, plant and equipment, materials, chemicals, transport/cartage, supervision / administrative costs, surveying, travelling expenses etc. and anything



else necessary to carry out the services required under any subsequent contract.

The proposed Contract/Framework Agreement will be for an initial period of three (3) years from the date of commencement of the Agreement. There are Principal instigated options to extend the Agreement period by an additional one (1) year period and for up to twelve (12) months after that to a maximum of five (5) years.

The Pre-Qualified Supplier Panel (Electrical Services) will operate in accordance with the requirements of Part 4 (Division 3) of the Local Government (Functions and General) Regulations 1995. The total number of pre-qualified suppliers that will constitute this Electrical Services Panel is three (3) in total which is deemed adequate to provide all necessary electrical services within the City.

A secondary selection process will be undertaken by the Principal to assign contracts to members of the Panel of Pre-Qualified Suppliers (Electrical Services). Such contracts will be either for one-off projects or on-going electrical services for the duration, no greater than one (1) year.

Tender Number RFS 01/2017 Panel of Pre-Qualified Suppliers – Electrical Services (Industrial, Commercial & Domestic); was advertised on Wednesday 15 February 2017 in the Local Government Tenders section of “The West Australian” newspaper.

The RFS was also displayed on the City’s E-Tendering website between the 15 February and 2 March 2017.

### **Submission**

Tenders closed at 2:00 p.m. (AWST) on Thursday 2 March 2017 and twenty five (25) tender submissions were received from:

1. ADD Electrical Pty Ltd
2. AE Hoskins & Sons
3. AICA Engineering Pty Ltd
4. Auzpower
5. Burgess Enterprises Australia
6. David Holden Pty Ltd
7. DU Electrical Pty Ltd
8. Leedenn and Lorson Pty Ltd trading as Elexacom
9. Future Power WA Pty Ltd
10. Gilmore Global Pty Ltd
11. Insight Electrical Technology
12. Interlec WA Pty Ltd
13. JF Covich & Co Pty Ltd
14. KP Electric (Australia) Pty Ltd



15. Lindquist Pty Ltd
16. Melchor Services Pty Ltd
17. Metrowest Power Systems
18. Northlake Electrical Pty Ltd
19. Paro Australia Pty Ltd
20. Pearmans Electrical & Mechanical Services Pty Ltd
21. Rhysco Holdings Pty Ltd
22. SJ Electric WA
23. Surun Services Pty Ltd
24. Tasman Power WA Pty Ltd
25. The Trustee for Westwide Electrical Unit Trust

## Report

### Compliance Criteria

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

	<b>Compliance Criteria</b>
(a)	Compliance with the Conditions of Responding ( <b>Part 1</b> ) of this Request.
(b)	Compliance with the Specification ( <b>Part 2</b> ) contained in the Request.
(c)	Completion of <b>Section 3.1</b> - Form of Response
(d)	Completion of <b>Section 3.2</b> - Respondents Contact Person
(e)	Completion of <b>Sections 3.3 and 3.4</b> – WA Licensed Electrical Contractor and WA Licensed Electrical Worker.
(f)	Compliance with Sub-Contractors requirements and completion of <b>Section 3.5.3</b> .
(g)	Compliance with Financial Position requirements and completion of <b>Section 3.5.5</b> .
(h)	Compliance with Insurance Requirements and completion of <b>Sections 3.5.6 and 3.5.7</b> .
(i)	Compliance with Qualitative Criteria and completion of <b>Section 3.6.2</b> .
(j)	Compliance with Fixed Price and completion of <b>Section 3.7.2</b> .
(k)	Compliance with and completion of the Price Schedule in the format provided in <b>Part 4</b> .
(l)	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .
(m)	Acknowledgement of any Addenda issued.

All submissions were subject to Criteria Compliance check by Procurement Services; the submission from Auzpower was deemed non-compliant for failing to comply with the Conditions of Tendering as defined within Part 1 of the RFS document.





Twenty Four (24) submissions were deemed compliant and a preliminary evaluation was undertaken against the Selection Criteria to obtain a shortlist of the twelve (12) highest ranked submissions. These were in turn evaluated by the evaluation Panel. Procurement Services provided probity oversight during the entire process.

#### Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	25%
Tenderer's Resources	15%
Demonstrated Understanding	10%
Sustainability	10%
Tendered Price – Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>

#### Tender Intent/ Requirements

The City is seeking the services of WA licensed, experienced and reliable Electrical Contractors to form a Panel of Pre-Qualified Suppliers to provide Industrial, Commercial and Domestic Electrical Services at the Principal's buildings and properties; parks and reserves throughout the City. This includes various administration buildings, community centres, sports clubrooms, libraries, residential housing, toilet blocks, irrigation cabinets, lighting, barbeques etc.

#### Evaluation Panel

The tender submissions were evaluated by:

1. Ben Roser (Chair) – Facilities and Plant Manager
2. Cliff McKinley – Manager, Human Resources
3. Glen Williamson – Building & Facilities Maintenance Coordinator;
4. Lou Vieira – Parks Manager
5. Colin MacMillan – Works Coordinator, Road Construction Services.

Probity: Gary Ridgway, Contracts Specialist and Caron Peasant, Contracts Officer - Procurement Services.



Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluatio	Total
	60%	40%	100%
<b><i>Pearmans Electrical**</i></b>	<b>39.78%</b>	<b>35.70%</b>	<b>75.48%</b>
<b><i>KP Electric (Australia) PL**</i></b>	<b>38.79%</b>	<b>36.39%</b>	<b>75.18%</b>
<b><i>Northlake Electrical PL**</i></b>	<b>41.11%</b>	<b>33.22%</b>	<b>74.33%</b>
Surun Services PL	38.04%	34.46%	72.50%
Gilmore Global PL	31.93%	40.00%	71.93%
Burgess Enterprises Australia	32.08%	37.49%	69.57%
Rhysco Holdings PL	36.48%	32.85%	69.33%
JF Covich & Co PL	37.04%	31.70%	68.74%
Future Power WA PL	33.45%	34.75%	68.20%
Elexacom	38.10%	28.72%	66.82%
Insight Electrical Technology	39.29%	27.30%	66.59%
AE Hoskins & Sons	36.86%	24.69%	61.55%

**\*\* Recommended Submissions**

**\* Recommended Submissions**

Evaluation Criteria AssessmentDemonstrated Experience

Northlake Electrical scored highest in this criterion, followed by Surun Services and Insight Electrical. KP Electric Australia was fourth and Pearmans Electrical was fifth overall. All of these respondents demonstrated to the evaluation panel that they possess the required experience to undertake the scope of works as outlined in the tender documents. The submissions received from these contractors were all of a high standard reflecting the evenness of the scores in this category. The submissions from Gilmore Global, Burgess Enterprises and Future Power WA did not provide sufficient detail reflecting their lower score.

Resources

Northlake Electrical, Insight Electrical and J F Covich Co scored highest in this criterion closely followed by Pearmans Electrical and Elexacom. These companies satisfied the panel that their staff and company structures can adequately comply with the tender specification and have personnel with the appropriate skills and experience to deliver the works as prescribed in the tender. They also detailed a solid system of responding to electrical systems breakdown and repair mechanisms to ensure continuity of service.

#### Demonstrated Understanding

Pearmans Electrical, Northlake Electrical, KP Electric Australia and JF Covich Co scored highest in this criterion, having demonstrated their understanding of the services and provided details of their work plans/procedures, risk management strategy and performance reporting procedures. Of the remaining shortlisted tenderers the submissions from Gilmore Global, Burgess Enterprises and Future Power WA did not provide sufficient detail reflecting their lower score.

#### Sustainability

The panel notes that the majority of companies were able to demonstrate a moderate level of sustainable work practices as reflected in the evenness of the scoring in this category with Pearmans Electrical, Northlake Electrical and KP Electric Australia scoring highest.

#### Summation

The tenders submitted by Pearmans Electrical, KP Electric (Australia) PL and Northlake Electrical PL scored highest on both qualitative and total score, thus are considered to be the most advantageous for the City. Therefore the Evaluation Panel recommends these three contractors are included in the Panel of Pre-Qualified Suppliers for Electrical Services.

Pearmans Electrical, Northlake Electrical and JF Covich Co are current electrical services providers to the City of Cockburn. It is noted that whilst JF Covich Co scored comparatively high across a number of key areas, on this occasion it failed to demonstrate value for money. Hence, the Panel deemed the overall response from JF Covich did not meet the standard required by the City.

The recommendation for the three selected panel members is based on:

- Well demonstrated experience in performing similar work for similarly sized contracts, including positive referee feedback.
- A range of personnel that have experience in managing the services associated with the requirements of the contract.



- Having the required resources and contingency measures to undertake the works.
- The best value for money.

Referees were consulted on KP Electric (Australia) PL only as both Pearmans Electrical and Northlake Electrical PL are incumbent suppliers to the City and therefore deemed not required. All information gathered considered KP Electric (Australia) PL capable of delivering to the programme, budget and quality expected of the City.

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

#### **City Growth**

- Maintain service levels across all programs and areas.

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

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

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

- Improve energy efficiency and waste management within the City's buildings and facilities and more broadly in our community

#### **Leading & Listening**

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

### **Budget/Financial Implications**

The estimated per annum operating contract value of \$350,000 Ex GST for providing the provision of Electrical Services falls within the 2016/2017 Operational Works budget, spread across the City of Cockburn Operational budgets.

For the purposes of evaluating this tender the panel has based the cost model on an estimated 1,000 hours per year across the schedule of rates submitted, this is an indicative amount only, that may vary due to operational factors. The rates submitted by Pearmans Electrical, Northlake Electrical and KP Electric Australia are considered competitive when compared against the respondents

In 2016/2017 YTD the City of Cockburn has spent \$345,000 Ex GST on Electrical repairs and maintenance services across all facilities, parks,



reserves and public open spaces. During the same period the total expenditure across all budgets (including Capital works) is \$1.4million.

### **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 Management implications if Council do not support this recommendation to undertake Electrical Maintenance Services are as follows:

A significant increase in lighting and electrical systems failure creating safety issues for members of the public and staff.

- A significant increase in electrical safety system failures creating unacceptable electrical hazards to members of the public and staff.
- A significant increase in disruption to members of the public and Staff due to failure of maintaining electrical supply systems to the required standards across all infrastructure assets.
- An increase in public complaints and dissatisfaction in Council services, particularly as Community Perception Surveys place a high expectation on public lighting.

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Assessment
2. Consolidated Evaluation Panel Score Sheet
3. Tendered Prices

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 13 July 2017 Ordinary Council Meeting.

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

Nil.

NOTE: THE MEETING WENT BEHIND CLOSED DOORS, THE TIME BEING 7.57 PM.



**(MINUTE NO 6125) (OCM 13/07/2017) - MEETING TO GO BEHIND CLOSED DOORS**

**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr C Terblanche that, pursuant to Section 5.23(2)(a) of the Local Government Act 1995, Council proceeds behind closed doors to consider Item 17.3.

**CARRIED 9/0**

**17.3 (MINUTE NO 6126) (OCM 13/07/2017) - TENDER NO. RFT 08/2017 LANDSCAPE MAINTENANCE SERVICES (PUBLIC OPEN SPACE AND STREETScape AREAS) (RFT 08/2017, 144/007) (L VIEIRA) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) accept the Tender submitted by Landscape Elements Pty Ltd, for Landscape Maintenance Services (Public Open Space) – Atwell for a period of three (3) years from the date of commencement, for an estimated total contract value of \$1,210,650 Ex GST;
- (2) accept the Tender submitted by Sanpoint Pty Ltd, for Landscape Maintenance Services (Public Open Space) – *Aubin Grove* for a period of three (3) years from the date of commencement, for an estimated total contract value of \$678,513 Ex GST;
- (3) accept the Tender submitted by GAS Assets Pty Ltd, for Landscape Maintenance Services (Streetscape Areas) – *Citywide* for a period of three (3) years from the date of commencement, for an estimated total contract value of \$555,822 Ex GST; and
- (4) accept the Tender submitted by GAS Assets Pty Ltd, for Landscape Maintenance Services (Public Open Space & Streetscapes) – *Calleya Estate (Treeby)* for a period of three (3) years from the date of hand over of the first stage Public Open space (proposed September 2017) and subsequent POS and streetscapes areas, for an estimated total contract value of \$39,567 Ex GST (Stage 1 POS).



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The City of Cockburn (the Principal) is seeking suitably qualified, experienced and equipped contractors to provide Landscape Maintenance Services for the Public Open Space principally within the suburbs of Atwell, Aubin Grove, Treeby and nominated Streetscape areas Citywide. These suburbs have been identified due to their well-defined boundaries and similar number of public open space areas which can be readily packaged into a functional and manageable works schedule.

The Parks Service Unit has for the past several years has engaged suitably qualified and experienced landscape contractors to provide all plant, materials, labour and skills to maintain and improve the amenity of public open space and landscaped areas, that become the City's responsibility at handover. The continued development of Public Open Space throughout the City and the constraints in absorbing the workload within the current Parks Operations workforce requires the provision for contract works to meet the shortfall.

The scope of works includes pest, disease and weed control, mowing, edging, fertilising of irrigated grassed areas, garden bed maintenance, irrigation system scheduling and repair, playground and sandpit maintenance, tree pruning, path and paved areas maintenance, litter and rubbish removal. The span of deliverables will extend to approximately 45 hectares of Public Open Space and 20 hectares of Streetscape areas.

Tender Number RFT 08/2017 Landscape Maintenance Services (Public Open Space and Streetscape areas), was advertised on Wednesday 5 April 2017 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's E-Tendering website between the Wednesday 5 April 2017 and Thursday 27 April 2017.

**Submission**

Tenders closed at 2:00pm (AWST) Thursday 27 April 2017 and nine (9) tender submissions were received from the following companies:



1. BCL Group Pty Ltd
2. GAS Assets Pty Ltd trading as Gecko Contracting & Landscape Maintenance
3. Horizon West Landscape & Irrigation Pty Ltd
4. Landscape Elements Pty Ltd
5. Sanpoint Pty Ltd trading as LD Total
6. The Lochness Unit Trust trading as Lochness Landscape Services
7. Skyline Landscape Services Group Pty Ltd
8. The Violet Family Trust trading as Wattle Facilities Group
9. Total Eden Pty Ltd

## Report

### Compliance Criteria

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

	<b>Compliance Criteria</b>
(a)	Compliance with the Conditions of Tendering ( <b>Part 1</b> ) of this Request.
(b)	Compliance with the Specification ( <b>Part 2</b> ) contained in the Request.
(c)	Completion and submission of Form of Tender – <b>Clause 3.1</b> .
(d)	Compliance with Insurance Requirements and completion of <b>Clause 3.2.7</b> .
(e)	Compliance with Pesticide's Operator's Licence requirements (Clause 1.11.12) and completion of <b>Clause 3.6</b>
(f)	Compliance with Qualitative Criteria requirements and completion of <b>Section 3.3.2</b>
(g)	Compliance with Fixed Price and completion of <b>Section 3.4.2</b> .
(h)	Compliance with and completion of the Price Schedule in the format provided in <b>Part 4</b> .
(i)	Compliance with Sub-Contractors Requirements and completion of <b>Clause 3.5</b>
(j)	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .
(k)	Acknowledgement of any Addenda issued.

### Compliant Tenderers

All of nine (9) submissions were deemed compliant and evaluated.





Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	20%
Key Personnel Skills & Experience	10%
Tenderers Resources	20%
Sustainability	10%
Tendered Price	40%
<b>TOTAL</b>	<b>100%</b>

Tender Intent / Requirements

The City is seeking suitably qualified and experienced landscape maintenance contractors to provide all plant, materials, labour and skills to maintain and improve the public open space amenity and landscaped areas of the Atwell, Aubin Grove and nominated Streetscape areas citywide. The City will contract for a period of three (3) years from the date of commencement with a City instigated options to extend for a period of one (1) subsequent year plus an addition 12 months.

Evaluation Panel

The tender submissions were evaluated by the following:

1. Lou Vieira – Parks Manager (Chairperson)
2. Andrew Trosic – Manager, Strategic Planning
3. Alison Waters – Parks Operations Coordinator
4. Travis Moore – Recreation Services Coordinator

Scoring Table

Table 1 – Atwell Suburb

<b>Tenderer's Name</b>	<b>Percentage Scores</b>		
	<b>Cost Evaluation</b>	<b>Non - Cost Evaluation</b>	<b>Total</b>
	<b>40%</b>	<b>60%</b>	<b>100%</b>
Skyline Landscape	39.84%	40.80%	80.64%
Gecko Contracting	34.29%	43.94%	78.23%
Lochness Landscapes	37.35%	40.41%	77.76%
<b>Landscape Elements **</b>	<b>34.49%</b>	<b>43.13%</b>	<b>77.62%</b>

LD Total	29.54%	42.16%	71.70%
Wattle Facility Group	40.00%	31.18%	71.18%
BCL Group	34.46%	33.13%	67.59%
Horizon West	25.42%	37.68%	63.10%
Total Eden	19.18%	28.05%	47.23%

\*\* Recommended Submissions

Table 2 – Aubin Grove Suburb

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	40%	60%	100%
Skyline Landscape	40.00%	40.80%	80.80%
<b>LD Total **</b>	<b>36.09%</b>	<b>42.16%</b>	<b>78.25%</b>
Landscape Elements	32.06%	43.13%	75.19%
Gecko Contracting	30.22%	43.94%	74.16%
Lochness Landscapes	28.97%	40.41%	69.38%
Wattle Facility Group	37.28%	31.18%	68.46%
Horizon West	30.31%	37.68%	67.99%
BCL Group	27.71%	33.13%	60.84%
Total Eden	19.85%	28.05%	47.90%

\*\* Recommended Submissions

Table 3 – Streetscapes Citywide

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	40%	60%	100%
<b>Gecko Contracting **</b>	<b>40.00%</b>	<b>43.94%</b>	<b>83.94%</b>
Skyline Landscape	34.87%	40.80%	75.67%
LD Total	32.74%	42.16%	74.90%
Wattle Facility Group	35.57%	31.18%	66.75%
Landscape Elements	23.56%	43.13%	66.69%
Lochness Landscapes	21.87%	40.41%	62.28%



BCL Group	26.68%	33.13%	59.81%
Horizon West	21.43%	37.68%	59.11%
Total Eden	9.34%	28.05%	37.39%

\*\* Recommended Submissions

Table 4 – Calleya Estate (Treeby)

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	40%	60%	100%
<b>Gecko Contracting **</b>	<b>37.418%</b>	<b>43.94%</b>	<b>81.35%</b>
Skyline Landscape	40.00%	40.80%	80.80%
LD Total	36.56%	42.16%	78.72%
Horizon West	35.20%	37.68%	72.88%
Landscape Elements	29.15%	43.13%	72.28%
Wattle Facility Group	37.81%	31.18%	68.99%
Lochness Landscapes	26.27%	40.41%	66.68%
BCL Group	24.31%	33.13%	57.44%
Total Eden	13.02%	28.05%	41.07%

\*\* Recommended Submissions

### *Evaluation Criteria Assessment*

#### Demonstrated Experience

Gecko Contracting, LD Total and Landscape Elements, all provided sufficient detail in their submissions, to satisfy the panel of their experience in managing large scale landscape maintenance contracts for a number of local government authorities. The submissions detailed experience in maintaining POS and garden bed areas to a high presentation level and irrigation maintenance to ensure sustained turf growth. In addition they all supplied satisfactory responses to contingency measures ensuring the tender deliverables will be achieved. Based on the responses Gecko Contracting, LD Total and Landscape Elements received the highest scores in this section. Skyline Landscape was ranked fourth overall by the panel.

Responses in this category from Horizon West, Lochness Landscapes and BCL Group, lacked the level of detail to demonstrate their credentials in this criteria, particularly in contingency measures to mitigate issues that may arise during contract period. Total Eden and



Violet Trust Wattle scored the lowest in this criterion, reflecting their lack of experience in delivering landscape maintenance contracts for local governments.

#### Key Personal Skills and Experience

All tender submissions satisfied the panel that their staff and company structures can adequately comply with and deliver the works described in the tender specification. Details on key personnel and their experience were listed by each tenderer and what role was to be performed by each. The assessment for each tenderer under this criterion was similar, reflecting the evenness of the scores.

#### Tenderer's Resources

The weighting applied to this category reflects the importance of providing adequate detail in their submissions regarding the age, suitability, condition and quantity of plant and equipment to fulfil the requirements of the tender. Gecko Contracting, LD Total and Landscape Elements scored highest in this category reflecting the capacity of their business to deliver the works through the range and condition of their key resources.

Horizon West, Skyline Landscape, Lochness Landscape, Violet Trust Wattle, BCL Group and Total Eden's submissions lacked the necessary detail to inform the panel they could provide the required resources to comply with the specification of the contract.

#### Sustainability

All tenderers failed to provide adequate detail in this criteria relating to sustainability achievements, awards and contribution to social benefits which was reflected in low scores across the board.

#### Summation

The evaluation panel recommends that Council accept the submissions from:

- (1) Landscape Elements Pty Ltd, for Landscape Maintenance Services (Public Open Space) – *Atwell* for an estimated total contract value of \$1,210,650 Ex GST.
- (2) Sanpoint Pty Ltd, for Landscape Maintenance Services (Public Open Space) – *Aubin Grove* for an estimated total contract value of \$678,513 Ex GST.
- (3) GAS Assets Pty Ltd, for Landscape Maintenance Services (Streetscape Areas) – *Citywide* for an estimated total contract value of \$555,822 Ex GST.



- (4) GAS Assets Pty Ltd, for Landscape Maintenance Services (Public Open Space & Streetscapes) – *Calleya Estate (Treeby)* for an estimated total contract value of \$39,567 Ex GST (Stage 1 POS).

The City has considered the existing performance of the incumbent, in determining the below recommendation.

The recommendation is based on:

- Well demonstrated experience in performing similar work for the City of Cockburn and other local governments.
- A range of personnel that have experience in managing the works associated with the requirements of the contract.
- Having the required resources and contingency measures to undertake the works.
- The best value for money.

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

#### **City Growth**

- Maintain service levels across all programs and areas

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

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

#### **Leading & Listening**

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

### **Budget/Financial Implications**

The combined total of tendered prices submitted for Landscape Maintenance Services, Atwell, Aubin Grove and Streetscapes areas amounts to \$815,000 Ex GST per annum which equals the adopted 2017/19 Contract Landscape Maintenance budget.

The following table indicates the last three (3) years of expenditure for Contract Landscape Maintenance Services.

<b>FINANCIAL YEAR</b>	<b>BUDGET (Ex GST)</b>	<b>ACTUAL (Ex GST)</b>
2014/2015	\$373,000	\$517,000
2015/2016	\$507,000	\$578,000
2016/2017	\$815,000	\$654,617 (YTD)
2017/2018	\$815,000	

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

Failure to adopt the tender will result in the public open space and streetscapes not being maintained to a level which is functional and usable by the community. Parks are maintained to ensure they are continually accessed, reach their anticipated lifespans and compensation claims to the City are minimised.

**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Consolidated Summary
2. Consolidated Score Sheet
3. Tendered Prices

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

Those who lodged a tender submission on the proposal have been advised that this matter is to be considered at the 13 July 2017 Ordinary Meeting.

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

N/A.

**(MINUTE NO 6127) (OCM 13/07/2017) - MEETING OPEN TO THE PUBLIC**

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Deputy Mayor C Reeve-Fowkes that Council open the meeting to the public.

**CARRIED 9/0**

AT THIS POINT, THE MEETING WAS OPENED TO THE PUBLIC, THE TIME BEING 8.09 PM.



**18. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**19. EXECUTIVE DIVISION ISSUES**

Nil

**20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****20.1 (MINUTE NO 6128) (OCM 13/07/2017) - COMMISSION DISTRICT TRAFFIC STUDY COVERING ALL LOCAL GOVERNMENTS (163/009) (C SULLIVAN / J KIURSKI)****RECOMMENDATION**

That Council

- (1) make representation to South West Group of Councils to commission a District Traffic Study that covers all the neighbouring local governments as well as approach the Cities of Canning, Gosnells and Armadale;
- (2) share the cost of the study between the participating local governments based on relative populations, should an agreement be reached among them; and
- (3) advise Elected Members of the decision of the South West Group on this matter.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr K Allen that Council:

- (4) make representation to South West Group of Councils to commission a District Traffic Study that covers all the neighbouring local governments as well as approach the Cities of Canning, Gosnells, Armadale and Serpentine-Jarahdale;
- (5) share the cost of the study between the participating local governments based on relative populations, should an agreement be reached among them; and
- (6) advise Elected Members of the decision of the South West Group on this matter.

**CARRIED 7/2**

## Reason for Decision

Serpentine-Jarrahdale should be included because of the substantial growth in this area and will likely affect traffic flow in adjacent LGS especially considering the reduced employment opportunities in Serpentine-Jarrahdale [as an example].

## Background

Cr Portelli provided by e-mail on 7 June 2017 a Notice of Motion to be presented at the 13 July 2017 Ordinary Council Meeting as follows.

*That Council:*

- (1) *makes representations to South West Group of Councils to commission a District Traffic Study that covers all the neighbouring Local Government's Plus approach Canning, Gosnells and Armadale. The local governments to share the costs of the study;*
- (2) *gets briefed on the results, analysis and recommendations;*
- (3) *ask the South West Group to brief Main Roads on the results; and*
- (4) *get a commitment from state government to act on the findings in a timely manner.*

## Reason

*A comprehensive study of south of the river area will reveal traffic flow internally and externally of our LGs and be more accurate in determining solutions.*

*It will be best to use the ROM method of traffic modelling so it is easily used by Main Roads. We are due to do a DTS in the next 12 to 18 months and it makes sense to collaborate with neighbouring LGs to get a better picture of traffic flow and solutions.*

## Submission

N/A





## Report

Initial contact has been made with the Director South West Group who advised on the procedure for consideration of such a submission which would need South West Group Board approval. The next Board Meeting is on 4 September 2017. Prior to that, the proposal would need to go to the Technical Directors Meeting of 14 August 2017 and the CEO Meeting of 28 August 2017.

Initial contact has also been made at Director Level with City of Armadale and City of Gosnells, both of which have recently updated their district traffic models based on the MRWA ROM data.

Further actions proposed in the Notice of Motion related to third parties (i.e. Southwest Group, Main Roads WA, and the state government) will be dependent on the outcome of deliberations by the Southwest Group.

The City of Cockburn District Traffic Study (DTS) was last updated in 2013 and is due for another revision.

## Strategic Plan/Policy Implications

### Moving Around

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

### Leading & Listening

- Strengthen our regional collaboration to achieve sustainable economic outcomes and ensure advocacy for funding and promote a unified position on regional strategic projects.

## Budget/Financial Implications

Budget implications cannot be determined until representation is made to all the local authorities involved and a decision on the project scope and viability is obtained, after which a further report to Council will give an indication of the future budget.



**Legal Implications**

None at this time until the joint project and expenditure agreements are reached.

**Community Consultation**

Prior to any community consultation, City officers need to make representation to the South West Group of Councils along with the Cities of Canning, Gosnells and Armadale to determine if the project goes forward.

**Risk Management Implications**

The risk to the City of not proceeding is that an opportunity may be lost to carry out a regional traffic study funded by all the local authorities involved.

**Attachment(s)**

N/A

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

N/A

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

Nil.

**21 (OCM 13/07/2017) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT THE NEXT COUNCIL MEETING**

The Following Notice of Motion has been received from Councillor Smith.

**RECOMMENDATION**

That Council: notify its intent to amend the Standing Orders Local Law, as follows:

In Clause 16.10 (b) "Restraints on Motions for Revocation or Change", delete the words "or has been communicated orally to the applicant or the applicant's representative by an employee of the Council having authority to give such notification in ordinary circumstances."



**Reason**

1. Oral advice is open for interpretation.
2. All proponents should be advised via the same method (in writing).
3. This is consistent with the agenda wording advising no action should be taken until advice received in writing.

**22. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY MEMBERS OR OFFICERS**

Nil

**23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE****23.1 (MINUTE NO 6129) (OCM 13/07/2017) - ACCEPTANCE OF PETITIONS BY COUNCIL (082/002) (D GREEN) (ATTACH)****RECOMMENDATION**

That Council

- (1) make a Local Law to amend its Standing Orders Local Law 2016 by the following:
  1. In Clause 4.2 "Order of Business" delete "(11) Petitions".
  2. Delete Clause 4.6 "Petitions".
- (2) refer Position Statement PSES5 "Petitions – Notification of Reception to Elected Members" to the Delegated Authorities, Policies and Position Statements Committee for a review of the formalities associated with the presentation and processing of petitions by the City of Cockburn, as currently provided for in the Standing Orders Local Law.

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr L Smith that the recommendation be adopted.

**CARRIED 9/0**



## Background

At the June 2017 Ordinary Council Meeting, Councilor Smith requested in writing the following be noted for investigation:

*“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 and the model used by the City of Brisbane.”*

## Submission

N/A

## Report

Petitions have always been a mechanism utilised by the community to express an opinion, or request a specific action be taken, in relation to a matter of public interest. Such petitions, once completed, are usually provided to the relevant level of Government and contain a statement of objective for consideration by the governing organisation.

Traditionally, the form of such petitions has followed a specific template and requires the petition organiser to obtain a level of detail which can identify parties to the petition. This typically includes a name, address and signature which are considered important to some organisations when validation of the petition’s subject matter is concerned. Many organisations will only accept a level of verification which can identify its stakeholders as being relevant. In such cases, petition respondents that don’t fall into the category of stakeholders are ignored from any consideration. Accordingly, the relevance of petitions can be influenced by the level of “authentic” participants as identified by the receiving organisation, rather than the sheer quantity of responses. In a local government context, this would relate to residents of a district and include business proprietors.

With the advent of on-line platforms, the petition environment has rapidly developed to suit a more immediate capability and now enables opportunities for petitions to be simply accessed and responded to. These are provided by product suppliers at low, or no cost to those who are seeking a quick and easy form of gaining public support for a cause.

The question facing the City of Cockburn in response to these rapidly changing circumstances is whether Council places enough emphasis on petitions as a means by which the community can raise legitimate concerns for presentation to Council.

Currently, this process is listed in the City of Cockburn Standing Orders Local Law, thus elevating it as an issue of relative importance in the



hierarchy of Council considerations. The Standing Orders go on to emphasise that petitions are required to conform with clear standards of presentation, prior to being legitimately accepted by Council. That is, correctly formatted petitions are to be accepted and processed through an endorsed procedure, whereas non-conforming petitions are not and are effectively rejected.

It should be noted that petitions have no legislative basis or function, apart from that outlined in Clause 4.6 of the City's Standing Orders Local Law. In that respect, any adjustment to the manner in which Council formally deals with petitions in the future will require a corresponding amendment to the Local Law, which involves an extended period (minimum 6 weeks) of public consultation, in addition to being endorsed twice through the Council meeting process.

The prevalence of the traditional hard copy petition as a means of stimulating debate and outcomes on community issues has diminished in recent times, primarily as the result of the on-line environment which enables community views to be collected almost instantaneously. In a fast paced society, this is a trend likely to increase over time, raising questions on the relevance of the current City of Cockburn position which relies on prescriptive compliance requirements to be adhered to before petitions can be accepted and considered.

Initially, it would seem reasonable to simply amend this situation to enable the acceptance of on-line petitions as a legitimate avenue for the community to provide feedback to the City on matters of concern. However, on further examination, there needs to be some assessment of the impact such a reversal of the current process would have on the organisation.

There are some considerations to be factored in to any review which opens the channels for the formalised receipt of community petitions to be simplified. Broadly, these can be confined to the following:

- *Is the petition still a valid mechanism for community concerns to be raised with the City of Cockburn?*

The formatted procedure currently required by the City of Cockburn for receiving petitions was introduced in a previous era, prior to the concept of on-line petitioning being ever contemplated. Accordingly, the digital age now dominates the communication landscape between organisations and its stakeholders like never before. Community engagement has concurrently made huge recent advances in this regard and the public has never had greater access to participatory consultation with the City. Matters which are likely to impact on the community are now noted on the City's website and "feedback submission forms" provided to solicit the views and opinions of the



related community. These can be issues which are current or future and are identified by the relevant/specialist staff in order to maximise the opportunities for community input and feedback on any City proposals of note. This process obviously lessens the number of issues which may be of critical concern within the community and has probably contributed to the gradual decline in the number of “traditional” petitions being received by the City over time. In addition, the City of Cockburn has increased its allocation of resources to the Community Development Unit as a means of establishing regular collaborative arrangements with localised suburb representatives in addressing issues related specifically to their suburb. Given the ready availability of human resources to assist in community activation programs, the need for a formalised and possibly outdated mode of representative community contact, becomes questionable.

- *What subject matters in a petition should Council consider suitable to address?*

These can be confined to topics in which Council has a direct interest or control over, or is subject to a position already adopted by Council. If there are no restrictions, then the risk of Council being presented with peripheral issues of little or no consequence to its core operations increases with the simplified availability of on-line petition sites, such as Change.org

- *Should the contributors to a petition be restricted to residents of the City?*

The current form of the petition document identifies the name and address of each petitioner, thus enabling the relevance of those signing to be ascertained. Simple on-line petition formats only require a postcode to be entered (if in Australia); however, there is a drop down menu associated with some to allow international participants to be involved. Again, consideration of both the subject matter and uncontrolled access by “signatories” to some on-line petition formats needs to be assessed in terms of its relevance to the City.

From a governance perspective, it is considered that there should be a framework associated with petitions which places the onus on both the origin of the petition (the community) and the intended recipient (the Council) in terms of demonstrating the authenticity of the subject matter and relevance of the participants to the City. This can only be achieved by including some parameters which can validate the intent and relevance of the subject matter, thus ensuring an appropriate response from the City.

In this regard, the current mechanism contained in the City of Cockburn Standing Orders Local Law ensures that petitions can be evaluated for



content, against the nominated criteria established by Council, prior to being deemed acceptable or not. Once this is verified, the issue of relevance to the City is then determined by the appropriate officer (CEO) or by resolution of Council to the effect of being referred for a report to be prepared for future Council consideration. While a similar methodology could be implemented for processing the on-line petition equivalent, this would be at the risk of losing the very controls currently in place to manage this issue and system.

In terms of practical implementation of introducing an on-line petitioning capability to the City, the City's Information Services Unit was consulted. Again, the issue of how to "manage" the end product was raised as the most crucial element of such an exercise. Brief research has identified that there are two distinct pathways for an organisation to follow if they wish to pursue an integrated on-line petition environment for the community to access. These are:

- Authenticated – This process involves a sophisticated system of validating the "signatories" to an on-line petition as being resident in the City of Cockburn. This is achieved by introducing a data matching mechanism which accesses a database, such as Australia Post or the Electoral Commission, containing the most recent personal details of petition respondents, to ensure they are listed as direct City of Cockburn stakeholders. This process is in place at the City of Brisbane and is costly to implement, as linkages and access to other large databases is required as a pre-requisite. A similar exercise undertaken by the City's Manager, Information Services in a previous role cost the organisation in the vicinity of \$90,000 to establish. Obviously, if the City wished to pursue this option, funds would need to be allocated to cater for this.
- Non Authenticated – This refers to the simple "Change.org" site, or similar, which provides a standardised format capable of being accessed at no cost by anyone wishing to initiate a petition to be monitored and controlled externally by a third party and presented to the City, or Council, in a similar manner as presently occurs, either through the CEO, or Council, directly. While this provides a "low cost" option for those participating in the process, it severely compromises the capacity to identify whether respondents are residents of Cockburn.

### Conclusion

In order to establish whether there needs to be a radical change in the manner by which the petition process is dealt with by Council, some initial consideration should be given to whether it is a necessary, or relevant, form of approach in this time of "instant" communication. The City of Cockburn has made great advancements in the methods it uses



to engage, consult and inform its community since the concept has become an expected outcome of productive stakeholder interaction. Current processes involve far greater use of personal contact and digital communication in order to identify, address and resolve community concerns. Accordingly, it is considered that the need to include a form of petitioning as an additional avenue for the community to express its views to Council is probably superseded in the current climate. The preferred remedy to this situation is for the City's relevant Standing Orders Local Law to be amended to remove mention of the petition requirements, the effect of which will nullify the need for any control regime to be applied to the form and function of petitions within the City of Cockburn. A less formal approach to adapting to the on-line environment in this regard, could be for Council to review its Position Statement PSES5 on the manner in which petitions can be recognised and a procedure for considering these in a less stringent manner than currently exists under the City's Standing Orders.

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

Position Statement PSES5 'Petitions – Notification of Reception to Elected Members' refers.

#### **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**

Minor costs associated with advertising the proposed amendments to the Local Law are available within the Governance section of the Municipal Budget.

### **Legal Implications**

Section 3.12 of the Local Government Act 1995 refers.

Clause 4.6 of Council's Standing Orders Local Law 2016 refers.

### **Community Consultation**

Amendments to a Local Law require a minimum 6 weeks public comment period. Submissions will also be sourced through the City's "Comment on Cockburn" facility on the City of Cockburn website.





**Risk Management Implications**

A “low” level of “Brand / Reputation” risk is associated with this item being considered by Council which will be largely influenced by public opinion.

**Attachment(s)**

1. Proposed City of Cockburn Standing Orders Amendment Local Law No. 2, 2017.
2. Position Statement PSES 5 “Petitions – Notification of Reception to Elected Members”.

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

The Proponent has been advised that this matter is to be considered at the July 2017 Council Meeting.

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

Nil.

**24. CONFIDENTIAL BUSINESS**

Nil

**25. (MINUTE NO 6130) (OCM 13/07/2017) - 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 B Houwen SECONDED Clr S Portelli the recommendation be adopted.

**CARRIED 9/0**

**26 (OCM 13/07/2017) - CLOSURE OF MEETING**

The meeting closed at 8.21 PM.

