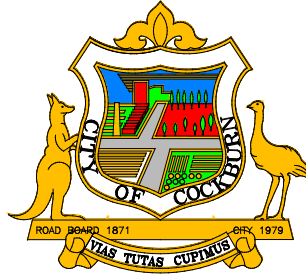


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 12 OCTOBER 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, 12 OCTOBER 2017 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 OCTOBER 2017 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mrs J. Kiurski	-	A/Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J Ngoroyemoto	-	Governance & Risk Management Co-ordinator
Ms S Seymour-Eyles	-	Manager Corporate Communications
Mrs L. Jakovcevic	-	Executive Assistant to Directors - Planning & Development/Engineering & Works

1. DECLARATION OF MEETING

The Presiding formally declared open the 12 October 2017 Ordinary Council Meeting, the time being 7.00pm and in so doing welcomed everyone attending and made the following announcements.

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.



Awards

The City continues to receive Awards, the latest being:

The 2017 Worksafe WA Award - 'Best initiative to encourage worker engagement in safety and health'. The Award recognises the City's Zero Harm - 'Three Courage's' initiative is about the value the City employees place on maintaining each other's health and wellbeing.

As quoted by Stephen Cain, Chief Executive Officer – "Recognition for this achievement must go to our safety representatives, professional safety advisers and to Cliff McKinley, Manager Human Services for his forthright commitment to achieving safety improvement."

The City also received a Certificate of Appreciation for its sponsorship of the Cancer Council Western Australia Relay for Life South Metro 2017 held at the Success Sport & Community facility on 7/8 October. Around \$110,000 has been raised to date.

I also received a Certificate of Appreciation for supporting the event and officially starting the Survivors and Carers Lap.

Coogee Beach Surf Life Saving Club – Inaugural Black Tie Dinner

On 6 October 2017 Pat and I attended the Coogee Beach Surf Life Saving Club's Inaugural Black Tie Dinner aimed at raising funds for the Club. Approximately 300 people were in attendance and a very enjoyable evening had by all.

Cockburn Bowling & Community Club

Pat and I attended the Cockburn Bowling & Community Club Open Day on Sunday 8 October as another Bowls season is now underway.

Jervoise Bay Sailing Club

Pat & I attended the Jervoise Bay Sailing Club season opening event on Sunday 8 October. The Club has just received advice that its lease on the property has been extended allowing them to plan for the future in a more meaningful manner. The activities that the Club has been involved in relating to juniors have been well received across the metropolitan area as has their planning for various events over summer, including national events hosted by the Club once again.

Radio Fremantle 30 Anniversary Event

Pat and I attended Radio Fremantle's 30 anniversary event on Sunday 8 October and it was well attended by many people who had been voluntary announcers over those 30 years. Some of the inaugural announcers were



there, which was very good to see. We met some of the young announcers that have come in in the last three or four years to keep Radio Fremantle on air and going very well.

Headspace Fremantle

I attended Headspace Fremantle event for their open day event and promotion during Mental Health Week. It was well attended and an occasion where they were celebrating the end of their first year in Packham Street. Congratulations to them.

Jandakot Volunteer Bush Fire Brigade

Jandakot Volunteer Bush Fire Brigade was named the overall winner at the 2017 Bush Fire Games held on 23 September at Hartfield Park, Forrestfield.

It was the first time the 50-year-old brigade had polled first in an event at the Games, which were held for the first time this year after an absence of five years.

C Y O'Connor Commemorative Event

The C Y O'Connor Commemorative event was held on 1 October allowing families to mix with members of the racing fraternity and to learn about the first horse race held in Western Australia.

A steady flow of visitors and the parade and gallops by members of the Kelmscott – Pinjarra 10 Lighthorse Memorial Troop were well received today as they have been in the past with events held in Cockburn. Congratulations to Carmelo Amalfi and Terry Patterson who took on the task of managing the event.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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

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



4 (OCM - 12/10/2017) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Mayor Howlett – Item 15.4 – Proximity Interest

5 (OCM - 12/10/2017) - APOLOGIES AND LEAVE OF ABSENCE

Clr Steve Portelli – Apology

Clr Kevin Allen – Apology

6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8 (OCM - 12/10/2017) - PUBLIC QUESTION TIME

ITEMS NOT THE AGENDA

Ray Woodcock, Spearwood

Q1. *At the Ordinary Council Meeting 14 June 2012, I asked the question “Would Council consider arranging a memorial to the early market gardeners of Munster, South Coogee, Spearwood and Jandakot in the form of a community garden that ratepayers may have a small portion of land to grow for their own personal use?”*

Why has it taken so long for this to be placed on the Agenda?

A1. This was resolved by Council in the form of a Policy. A Policy was established to deal with those sorts of issues and beyond that I am not aware of the intent of the question.

Q2. *Would I be right in saying it won't be happening at all.*

A2. There is a group that has been meeting for several months now to do with the upgrade of the fencing area along Spearwood Avenue, but it is also as part of the discussions talking about a memorial for the



Market Gardeners, flower growers etc that is currently progressing its way through that working group

- Q3. *At the Ordinary Council Meeting 14 September 2017, I raised a matter about a footpath along Spearwood Avenue from Hamilton Road to Cockburn Road. I was told there was a footpath along the south side of Spearwood Avenue. Who does the land belong to where a footpath is located south of Spearwood Avenue and north of the railway line?*
- A3. The matter is still subject to investigation. I don't have any details with me, but I can provide them to Mr Woodcock later this week or early next week.

ITEMS ON THE AGENDA

Chontelle Sands, Yangebup

Item 17.2 - Federal Funding Agreement - Spearwood Avenue Bridge Duplication

- Q1. *As part of that project, when would the roundabout at Spearwood Avenue and Beeliar Drive be changed to a signalled controlled intersection to allow raising traffic and alleviate congestion from all the other feeder intersections?*
- A1. I can confirm there is no current plan to transform this road from a double roundabout to a control traffic signal because last year when we did a submission for this, we did testing and submitted this to Main Roads and they rejected this proposal.

Malcolm Wilcox, Jandakot

Item 15.6 – Draft Major Development Plan for Jandakot Airport (Western Power depot comprising administration office, warehouse, workshop, vehicle maintenance facility, storage, covered and secured parking and general open air parking)

- Q1. *The planned major development backs directly on to properties in Boeing Way Jandakot. Your report raises several concerns about the proximity to the properties, the separation distance from homes, the noise concerns, and the fact that no noise assessment has been done.*
- I agree with all of those and I would also like to add:*
- *24 hour 7 day operation with industrial lighting behind rural areas.*
 - *an Elevated Work Platform Commissioning area overlooking over the back of our properties*
 - *Industrial buildings rising 15 metres high above the adjoining land,*



etc.

The Airport's Act requires, and I quote "that an assessment of the environmental impacts that might reasonably be expected to be associated with this development be done." It also requires plans to be put in place to alleviate or prevent any of these environmental impacts

There has been no noise study done, the plans don't even mention the obtrusive lighting for 24 hour, and you do not consider the visual impact of massive buildings on the adjoining properties. So the environmental impacts have obviously not been met.

I would like to know why in your recommendations you do not mention any objections whatsoever to the Jandakot Airport Plan.

- A1. The report identifies that there are substantial matters that not been address through the application and they are identified in the officer's recommendation. We are not in a position to provide or make comment where there is information missing from the proposal. That is what we have included in the recommendation as highlighting needs to be provided so we can make an accurate assessment.

Resident Comment: With respect, your recommendation merely observes there has been no noise impact assessment therefore you cannot say anything about it.

Resident Comment: You do not request a noise impact assessment in your recommendation as it currently stands in your agenda. As we know from the previous behaviour of Jandakot Airport Holdings, they are going to ignore your statements totally.

Item 15.3 – Jandakot Vision Process – Perth and [Peel@3.5Million](#) – Consultation Analysis

- Q1. *For information, I made an independent, detailed and I think well-researched submission, which you can see under Landowner A in Appendix 5. I encourage anyone to read it as it definitely makes more sense than the report presented in the Council papers.*

In those Council papers, recommendation 4 in your report that is being voted on tonight states that there is no consensus for any change to the resource zone in the area. Survey question No. 8 asked everyone if we thought that the current land uses (which of course are rural / Resource zone) were appropriate. 90% of the respondents said NO. That's nine zero 90%.



Can you please explain how this total misrepresentation of the views of residents has been allowed to be included in an official Council document?

- A1. The question did not ask for peoples comments in terms of that. What I have seen is people providing different interpretations on what those comments meant. The officers have been objective in interpreting those responses where it is not fair people saying that they actually support the land to be rezoned or intensified. It is really a question of how you interpret those comments that have been provided. There is not 90% of the people saying they support an intensification of that zoning.

Resident Comment: I find that totally unsatisfactory.

- Q2. *The objective of this survey was to obtain the views of landowners who know and understand what is going on in this area, and to do so in a timely manner in order to influence the WA Government planning processes. The administration has delayed the results of the survey by a month; despite there being many conclusive results in the survey, they have produced a report that is totally inconclusive; and has not put forward any recommendations for action. In addition I understand there will be a motion proposed tonight to delay considering these issues for a further month.*

Could you please explain why the City seeks to stall and delay the wishes of its residents and sit on its hands and do nothing?

- A2. The actual resolution of Council was to undertake a visioning exercise in consultation with its residents. The direction of Council was not specifically to undertake a survey of residents. The idea behind any visioning statement is to ascertain what are the constraints, what are the opportunities for development or not. That is the purpose of the exercise. It was never a case of undertaking a referendum, a vote or a poll on the proposal. If you read the formal Council resolution, the officers have actioned in accordance with that resolution.

The reason why the matter did not go to the September Ordinary Council Meeting is because the submission period closed and when it closed there was insufficient time to do a full assessment and analysis of all the submissions that were received. That was put forward to Council at the September Council Meeting with an indication that a full report would be provided by October 2017, which it has been done.

Resident Comment: I would be willing to accept that answer if in fact a proper report had been issued, but it has not.



- Q3. *My final question relates to both agenda items. Survey Question 2 asked all the participants if we felt that the rural planning had been successfully implemented in our area. 86% of the respondents said NO, which clearly shows our opinion that the state and the City have not been able to protect our rural amenity.*

In your report you say that you think you need to do a better job at showing residents how rural amenity is being protected and will continue to be protected. I refer you back to my previous point on submission 15.6 where you raised no objection to the impact on the residents and asks if we believe that this gives us residents any confidence at all that you have any chance of protecting, let alone restoring, our lost rural amenity?

- A3. Maybe I can clarify. In Question 2, that was asked as part of the Visioning exercise is "Do you consider the State Government's rural planning policy has been successfully implemented in this matter.

Resident Comment: As we are advised on many occasions, the Council and the City just follows the State Planning rules so you need to make sure these things work. I am afraid you have failed. I look forward to an interesting debate on both these items.

Dino Elpitelli, Jandakot

Item 15.3 – Jandakot Vision Process – Perth and [Peel@3.5Million](#) – Consultation Analysis

- Q1. *Is Council aware in order for me to be here tonight I had to give up my night with my grandchildren? They are very important to me, equally important is my home; it is a house, a home where I brought up my children as we all do.*

This Council initiated a Noise Impact Study on Jandakot Road recently, about six months ago. The report clearly showed that my house and many of my neighbours are in a noise level area in excess of 70dB. I believe the World Health Organisation recommendation is around 45dB. It is fair to say that Jandakot due to activity, 50 would be fair, but 70 dB is well over the level allowed for residential and rural.

This Council I understand is working on upgrading Jandakot Road from a single lane to a dual lane. The dual lane will bring the road some 20-30 metres closer to my house. I believe traffic at the moment for some unknown reason is in the vicinity 14,000 – 15,000. I don't know why, apparently 2012 the road was upgraded from a Distributor Road A or B and now it is going to be upgraded to B or C 15,000 - 30,000, which 10% of that is trucks which in our area they operate 24/7.



The trucks come up from Solomon Road, the industrial area there. With the proposed Jandakot Airport expansion; I would assume the 10% would probably increase to 20%. The noise level due to the increase traffic and bring it some 20 metres I think closer to my house and many other residents. I would assume that the traffic noise would increase to 75 or 80dB, I don't know.

Is Council aware that the noise, that the changes this will bring to our area will be closer to 75dB or more. I understand that Council is proposing to install better roads and better bitumen which will decrease the noise by 1% and reduce the speed limit to 70 kph which will decrease the noise by another 1%, so we could be looking at 73dB. An idea of what this sounds like is on a Sunday morning 6.00am or 7.00 your neighbour starts up his lawnmower and that is the same noise level, and how annoying is that. I understand this is what Council is proposing, is that correct.

- A1. The item we are discussing this evening is Jandakot Visioning Exercise, not Jandakot Road. There is a separate report on Jandakot Road which will go to the next Council Meeting. You are probably aware on the City's website we have provided noise modelling results, of both the current noise profile on Jandakot Road and the future noise profile on Jandakot Road based on each of the alternate designs. That shows the impact specifically of the boundary of each property and the noise. I am happy to arrange a staff member to go through that with you if you wish and have not been able to access that information.
- Q2. *Mr Mayor and Councillors, I am fully familiar with noise and construction; I am in construction. I am fully familiar with noise and what is proposed A, B and C and it does not say anywhere that the noise level will be reduced to 50-55. It does not talk about it. It does not commit itself to whether it is going to be 60, 65, 70, 75 or whatever. What I am saying with the increase traffic to 30,000 which is proposed and 3,000 of that minimum will be trucks operating 24/7. The traffic noise will increase 70-75. What is the Council going to do to eliminate that?*
- A2. The question does not relate to the Agenda Item tonight. I am happy to go through that with you afterwards if you like. The Council's model shows for both the current profile and the future profile the noise variation to each and it shows specifically outside your house. It does show for the record, by changing the geometry of the road, by changing the roads surface type and eliminating key section types, the noise will actually go down



Resident's Comment – 1% or 2% only, this is what they are failing to tell you. The road will go down, how much, it is a pie in the sky.

Mal Dobson, Jandakot

Item 15.3 – Jandakot Vision Process – Perth and [Peel@3.5Million](#) – Consultation Analysis

Q1. *I understand recently the Director of planning met with Stockland executives and expressed the City's support for Stockland to explore with the small rural land owners of Jandakot with the potential to develop their land for urban use. On that basis Stockland is currently negotiating with Jandakot land owners to do just that.*

How does the City reconcile its support for Stockland and their plans for Jandakot urban development when the officers refusal to acknowledge and support the clear wishes of the majority of Jandakot small land owners with a request for urban investigation in Perth and Peel 3.5Million.

A1. Yes, officers have met with Stockland obviously because Stockland are undertaking a major land development. At no time has the City or the City's officers ever indicated to Stockland that it would be supportive of any change to zoning north of Jandakot Road. Stockland did advise us that they were intending to go out and speak to people. The City's officers advised the officers from Stockland that it was not appropriate given that Council had not made any determination about the future of land in there. However, if Stockland chose to do that, it was their prerogative to undertake that action? At no time was it supported by the City or the City's officers.

Mr Ian Thurston, Banjup

Item 15.3 – Jandakot Vision Process – Perth and [Peel@3.5Million](#) – Consultation Analysis

Q1. *I wanted to try to clarify what Dino was driving at which is the amount of noise coming from Jandakot Road is expected to increase and increase. Certainly 30,000 vehicles per day which is projected over the next few years. That is certainly going to have a huge impact on Jandakot and Treeby. I think what Dino was driving at was how can the officers in their report you will be considering tonight think that somehow or another you can ameliorate the huge increase in traffic and the associated noise with a restoration of rural amenity in Treeby and Jandakot, how does that work.*

A1. As I said to Dino those noise models and profiles are shown on the City's website. I think it is fair to say that we expect traffic will



continue to grow along Jandakot Road which is the reason why the City is proposing recommending to Council, not this particular meeting but a subsequent meeting, to make modifications.

Q2 *That is not the question I asked. The question is addressed in the report tonight which says that the rural amenity can be restored and recovered. How can you do that if you are letting Jandakot Road grow? That is not about the works; it is about the rural amenity of the area when you have a dual lane highway going through it.*

A2. The report shows and the noise modelling shows what the impact will be of that growth and the way in which we can ameliorate the impact of that growth. You would be aware what we raised previously that there are numerous instances around metropolitan area where major roads were upgraded through rural areas. The classic example would have to be the South West Highway, the Forrest Highway which was not a highway or any form of road that now runs through major rural areas in the south west. I don't think anyone would suspect that the rural amenity of the south west has gone because the Forrest Highway has been provided there. What the Forrest Highway does is provided connectivity from those rural areas to the metropolitan area and the CBD. The intension we have for Jandakot Road noting that the other changes that happen around there is try and restore both the safety of the road and reduce the noise of the road to make it a more functional road for the operation of residents whether they be in a rural area or they be in the residential or commercial part.

Q3 *So you are going to ameliorate the noise, so how are you going to ameliorate the rural amenity that is lost. In fact you said restore the rural amenity, how does that work. Are you going to put a two metre high or three metre high wall either side of Jandakot Road to restore the rural amenity that is spoken about in the report.*

As I said, Jandakot Road is subject to an item which will come to the November Council Meeting. In the interim I can say as far as the restoration of its functional use for the residents in the area. The intent of the designs that have been put forward are to provide better access negress for each of the residents who currently front along there within the constraints of the fact that the road needs to be upgraded to deal with safety. We have had two deaths on that road in the last three or four months. We all recognise that change needs to happen in that area.

Resident Comment: I think that everyone around here understands what I am asking, and you are not answering that so thank you for your political response.



ITEMS NOT ON THE AGENDA

Mr Ari Hol, Southlake

- Q1. *Over the last four or five weeks on my many visits to Gateway Shopping centre, I have noticed the same vehicle parked in the same disabled bay. This vehicle has on its front doors two large magnetic decals promoting a certain electoral Mayoral candidate. Is it appropriate for a Mayoral candidate to use a disabled parking bay to the exclusion of other disabled people for campaign purposes?*
- A1. Did you check the front of the vehicle to see if the vehicle had a disabled sticker on it?
- Q2. *Yes it does. I have been on a disability pension and so has my wife since July 1992 and we refuse to get an Acrod sticker because we believe there are people more disabled than us that need to use that bay. Why can a Mayoral candidate use that parking bay to the exclusion of disabled people?*
- A2. It is not the City to comment on candidates or their candidacies. Under the Road Traffic Act, a vehicle can legally park in any disabled parking bay as long as it is being done so for the right purposes and fixes an Acrod sticker. If the vehicle you say has an Acrod sticker, then I can only presume that there was a person with a disability in that vehicle who was accessing the shopping centre. As such the parking rules that govern that which are under the control of Gateways Shopping Centre and are managed by Wilsons parking on their behalf were being lawfully complied with.
- Q3. *Then I suggest that the candidate remove those decals because they are only there for one purpose. It is a very conspicuous place and it is one of the most important disabled bays in the entire shopping centre because it is twenty metres to the travel agent. People in wheel chairs and having problems and with walking frames like to park there because you only need to walk twenty metres and be on the travelator right in the middle of the shopping centre. They don't need that kind of electoral advantage in my opinion and not at the expense of disabled people.*
- Q3. *I would like to know why that same Mayoral candidate was not at the recent forum organised on behalf of west ward ratepayers. We missed the perfect opportunity to introduce herself to the community.*



9. CONFIRMATION OF MEETING

9.1 (MINUTE NO 6171) (OCM - 12/10/2017) - MINUTES OF THE ORDINARY COUNCIL MEETING - 14 SEPTEMBER 2017

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 14 September 2017, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

10 (OCM - 12/10/2017) - DEPUTATIONS

1. Mr Ian Thurston and Mr Dan Franklin – Banjup Residents Group
Item 15.3 – Jandakot Vision Process – Perth and [Peel @ 3.5](#) Million – Consultation Analysis.
2. Mr Brett Wallington
Item 15.3 - Jandakot Vision Process – Perth and [Peel @ 3.5](#) Million – Consultation Analysis.

11. PETITIONS

Nil

12 (OCM - 12/10/2017) - BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)

Nil.

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

Nil



14. COUNCIL MATTERS

AT THIS POINT IN THE MEETING, THE TIME BEING 7.56 PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

15.1	15.7	16.1	17.1
15.2	15.8		17.2
15.5			

14.1 (MINUTE NO 6173) (OCM - 12/10/2017) - REVIEW OF THE LOCAL GOVERNMENT ACT 1995 (089/005) (J NGOROYEMOTO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt WALGA's proposals on the Local Government Act 1995 Review, as shown in the attachment to the Agenda; and
- (2) seek clarification on the application of Sections 5.65 and 5.67 of the Local Government Act 1995 (WA) (LG Act), specific to impartiality interests within the scope of Reg.11 of the Local Government (Rules of Conduct) Regulations 2007 (WA).

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr P Eva that

- (1) as recommended;
- (2) as recommended; and
- (3) recommends that a standardised and mandatory Code of Conduct be included in the review process, that also identifies appropriate penalties/remedies that could apply.

CARRIED 8/0

Reason for Decision

The current provisions of the Act require all Councils to prepare a Code of Conduct to be observed by members and employees; however, there is no prescriptive content of the Code which requires compliance. The only compliance measures for elected members are contained in the Rules of Conduct Regulations. It seems congruous for Elected Members to be required to observe a Code of Conduct where there is no process available to enforce non-compliance. This anomaly needs to be remedied and should be addressed as part of this overall review of the governing legislation. A standard Code must be adopted to enable for a consistent application to all Councils.

Background

On 20 June 2017, the Local Government Minister announced that the Department of Local Government and Communities would commence a review of the Local Government Act 1995 (the Act). The purpose of the review is to modernise the Act and identify ways to reduce red tape to ensure WA communities benefit from efficient and effective Councils now and into the future.

To this end, a Discussion Paper was distributed on issues that have been identified over the last 8 years including WALGA's advocacy positions resolved by the sector. This included a request for Local Governments to submit additional items for consideration in the Act review process.

It is expected that this process will be carried out between July and November 2017 with the State Council item being considered at the 6 December meeting.

Submission

N/A

Report

The process is being done in two (2) stages. The first stage focuses on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. The second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019.

WALGA is carrying out a consultation process with Member Local Governments to inform sector views and priorities.



Phase one of the review is focusing on four key areas:

- Electronic availability of information
- Meeting public expectations for accountability, including gift disclosures
- Meeting community expectations of standards, ethics and performance
- Building capacity through reducing red tape.

The City of Cockburn has been invited to participate in the consultation period with a Discussion Paper for the first phase which draws on a number of resources upon which WALGA's proposals for Act amendments are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

The following key issues have previously been identified as priority items and forms WALGA's Discussion Paper. Accordingly, WALGA has initiated a process which seeks to provide a proactive response to the Government in seeking both necessary amendments and also introducing some proposed new provisions which could benefit the sector moving forward:

- (a) Gifts
 - Exempt gifts received in a genuinely personal capacity
 - Gift declarations threshold to commence at \$500.00 with no upper limit
 - Gift provisions to apply to Elected Members and CEO only
- (b) Regional Subsidiaries
 - Amend Regulations to permit borrowings
 - Amend Regulations to permit dealing in land transactions
 - Amend Regulations to permit trading undertakings
- (c) Rating Exemptions:
 - Charitable Purposes provisions
 - Rate Equivalency Payments of Government Trading entities
- (d) Financial Management Issues:
 - Borrowings
 - Investments
 - Fees and Charges
 - Financial ratios
- (e) Administration:
 - Electors' General Meetings to be optional
 - Designated Senior Officer section to be reviewed



- Public Notices (modernisation of the Act to acknowledge electronic means)
- (f) Functions of Local Governments:
- Tender Thresholds
 - Establish Council Controlled Organisations (Local Government Enterprises)
 - Regional Council provisions (review of compliance requirements)
- (g) Poll Provisions relating to amalgamations and boundary adjustments.
- The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of electors.

In addition to issues raised in the Discussion Paper, the City would like to get clarification on application of sections 5.65 and 5.67 of the Local Government Act 1995 (WA) (LG Act). There is no doubt that when Local Government Council members have a s.5.60 financial interest in a matter before Council, they must disclose the nature of the interest, depart the meeting room and not participate in the decision-making process. On the other hand, members that declare an impartiality interest within the scope of reg.11 of the Local Government (Rules of Conduct) Regulations 2007 (WA) (Rules of Conduct Regulations) are advised by the Department of Local Government, Sport and Culture (DLGSC) that, having disclosed the interest affecting impartiality, they may choose to remain at the meeting and vote on the matter.

The City of Cockburn seeks to formally adopt WALGA's proposals on Local Government Act reform as identified above and in the attached Discussion Paper.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

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



Community Consultation

N/A

Risk Management Implications

Failure to adopt the recommendation will potentially take away the City's opportunity to participate and provide official feedback on its views on WALGA's priority proposals and advocacy position. This will ultimately lead to the City's views not being included and considered for the final collated Local Government Act 1995 review feedback on its position at the State meeting of 6 December 2017.

Attachment(s)

Discussion Paper – Review of the Local Government Act 1995.

Advice to Proponent(s)/Submissioners

WALGA has been advised that this matter is to be considered at the 12 October 2017 Council Meeting.

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

Nil.

14.2 (MINUTE NO 6174) (OCM - 12/10/2017) - COCKBURN PARKING & PARKING FACILITIES AMENDMENT NO. 2 LOCAL LAW 2017 AND CITY OF COCKBURN (LOCAL GOVERNMENT ACT) AMENDMENT LOCAL LAW 2017 FINAL ADOPTION (159/011; 025/001) (J NGOROYEMOTO) (ATTACH)

RECOMMENDATION

That Council pursuant to section 3.12(4) of the Local Government Act 1995 proceed to:

- (1) make the City of Cockburn Parking and Parking Facilities Amendment No 2 Local Law 2017, as shown in the attachment to the Agenda;
- (2) make the City Of Cockburn (Local Government Act) Amendment Local Law 2017, as shown in the attachment to the Agenda;
- (3) receive the Guidelines for Outdoor Eating Facilities; and
- (4) impose the following fees and charges in accordance with sections 6.16(3)(a) and 6.19 of the Local Government Act 1995:



1. Three year permit application fee of \$90 for outdoor eating facility.
2. \$20 fee per chair associated with an outdoor eating facility three year permit.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its meeting of 13 July 2017 resolved to amend the City of Cockburn Parking and Parking Facilities Local Law 2007, and the City of Cockburn (Local Government Act) Amendment Local Law 2000.

Council Decision – City of Cockburn Parking and Parking Facilities Local Law 2007

MOVED Clr S Portelli SECONDED Clr S Pratt that Council:

- (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*
- (2) *pursuant to clause 9 (1) of the City of Cockburn Parking and Parking Facilities Local Law 2007 establish parking stations as follows:*
 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.*
 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*



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 – City of Cockburn (Local Government Act)
Amendment Local Law 2000

MOVED Clr L Smith SECONDED Clr K Allen 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, 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 3rd year expiry date by:*
 - (a) *ensuring the permit approval conditions are complied with; and*
 - (b) *submitting evidence of current public liability insurance.*
- (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.*

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 13 July 2017 (Minute Nos. 6113 and 6114) Statewide Notice was given in the West Australian newspaper on 28 July 2017 for a period of at least 6 weeks.

Submission

N/A

Report

Parking & Parking Facilities Local Law 2007

Notice was given that the City of Cockburn resolved to amend the City of Cockburn Parking and Parking Facilities Local Law 2007 pursuant to Section 3.12 of the Local Government Act 1995.

The purpose of the proposed amendment to the City of Cockburn Parking and Parking Facilities Local Law 2007 is 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.

The effect of the proposed amendment to the City of Cockburn Parking and Parking Facilities Local Law 2007 is to effectively control the parking for the City of Cockburn Administration Centre, Bibra Lake Reserve Child playground, and Success Recreation and Community Facility Reserve to allow adequate parking availability for members of public at these facilities.

City of Cockburn (Local Government Act) Amendment Local Law 2000

Notice was also given that the City of Cockburn resolved to amend the City of Cockburn (Local Government Act) Local Laws 2000 pursuant to Section 3.12 of the Local Government Act 1995.

The purpose of the proposed amendment to the City of Cockburn (Local Government Act) Local Laws, 2000 is 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.

The effect of the proposed amendment to the City of Cockburn (Local Government Act) Local Laws, 2000 is the establishment of 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.

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

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

Advice was received from the Department of Local Government, Sport and Cultural Industries and incorporated into the attachment of the proposed amendments to the Local Laws mentioned above.

Legal advice was sought, and advice was received to omit the specific details of the renewal timeframes and fees out of the local law, and include this in the Guidelines. The Guidelines for Outdoor Eating facilities has been amended accordingly to cover renewal conditions and timeline, as specified in the recommendation of 13 July 2017. Please see attached revised Guideline for Outdoor Eating Areas. The legal advice received is also attached to this report as a confidential attachment.

As there were no submissions received, it is now proposed that Council resolve to adopt the proposed City of Cockburn Parking and Parking Facilities Amendment No 2 Local Law 2017, and the City Of Cockburn (Local Government Act) Amendment Local Law 2017.

Strategic Plan/Policy Implications

Moving Around

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

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

Application fee of \$90 plus \$20 per chair will be charged for permit applications in relation to the City Of Cockburn (Local Government Act) Amendment Local Law 2017.

Minor signage and advertising will be required which can be funded from current budget allocations, for the Parking Local law amendment.

Legal Implications

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

Community Consultation

State wide advertising of the proposed amendments followed by 6 weeks submission period. An advertisement was placed in the West Australian Public Notices Section on 26 July 2017. In addition the City approached the three food premises with outdoor dining areas that exist in public and private spaces in the City for feedback, and no objections were received.

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.

Failure to adopt recommendation 2 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 wetlands. 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 Parking and Parking Facilities Amendment No 2 Local Law 2017.
2. Proposed City of Cockburn (Local Government Act) Amendment Local Law 2017.
3. Guidelines for Outdoor eating Facilities.



4. Copy of Minute No. 6113 of 13 July 2017 Ordinary Council Meeting
5. Legal Advice (Confidential and submitted under separate cover)

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 6175) (OCM - 12/10/2017) - PLANNING APPLICATION – CHANGE OF USE FROM STORAGE (HARDSTAND AND SELF-STORAGE) TO PLACE OF WORSHIP (BAIK YANG PRESBYTERIAN CHURCH) LOCATION: 36 (LOT 21) VERNA COURT COCKBURN CENTRAL - OWNER: STANLEY NOEL BIRD & REPPICS PTY LTD - APPLICANT: TUSCOM SUBDIVISION CONSULTANTS. (DA17/0538) (P ANDRADE) (ATTACH)**

RECOMMENDATION

That Council

- (1) grant planning approval for the change of use of 36 (Lot 21) Verna Court, Cockburn Central from Storage (hardstand and self-storage) to Place of Worship (Baik Yang Presbyterian Church), in accordance with the following conditions and advice notes:

Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The development has approval to be used for a Place of Worship only. In the event it is proposed to change the use of the tenancy, a further planning application needs to be made to the City for determination.
2. A maximum number of 200 people are permitted to occupy the Place of Worship at any one time on Sundays.
3. A maximum number of 50 people are permitted to occupy the Place of Worship at any one time Monday to Saturday.
4. *Compliance with the relevant provisions of the City of*



*Cockburn Town Planning Scheme No. 3 in relation to
Development Contribution Plan No. 11.*

5. Prior to occupation of the building hereby approved, the 50 parking bays, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
6. Prior to occupation of the building, a minimum of 7 bicycle stand/rack that conforms to Australian Standard 2890.3 (as amended) shall be provided in close proximity to the entrance of the building.
7. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
8. Prior to the approval of the Building Permit Application, the applicant is to provide a noise management plan that is in line with the Environmental Acoustic Assessment submitted by Herring Storer Acoustics dated August 2017 (Ref 22168-1-17185).
9. The Building Occupancy Permit Application form shall be accompanied by a report from the builder/developer confirming compliance with the requirements of the acoustic report and that any structural recommendations of the report are incorporated into the development, to the satisfaction of the Manager, Environmental Health.
10. Prior to the approval of the Building Permit Application, the applicant is to obtain written confirmation from the Manager, Health Service as to the suitability of a further acoustic report from a recognised acoustic consultant. This report is to confirm that all recommendations made in the Environmental Acoustic Assessment submitted by Herring Storer Acoustics dated August 2017 (Ref 22168-1-17185), have been incorporated into the proposed development and the design and location of all mechanical plant within the development will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
11. The development site shall be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.



12. All onsite waste water disposal systems, including all tanks and pipes and associated drainage systems (soak well or leach drains) as well as any stormwater disposal systems, shall be decommissioned, prior to the commencement of the use or occupation.
13. The buildings shall be constructed in accordance with the approved plans (including any amendments marked in red) and to the required standard for the Bushfire Attack Level 29 (BAL29), with the exception of minor variations endorsed by the Manager Building Service as necessary by detailed design.
14. The Building Protection Zone shall be established prior to occupancy of the building and the property thereafter maintained in accordance with the Bushfire Management Plan approved by the City.
15. Prior to the commencement of the use, all recommendations as stated in the approved Bushfire Management Plan dated 10 July 2017 are to be undertaken.
16. Where the driveway abuts the public street, associated walls, fences and / or adjacent landscaping areas shall be truncated within 1.5 metres thereof or limited in height to 0.75 metres.
17. Prior to the issue of a Building Permit, a revised landscaping plan is to be provided reflecting five (5) shade trees in the car parking area, to the satisfaction of the City.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Local Planning Scheme No. 3 or with the requirements of any external agency.
2. The use of the development hereby approved is Place of Worship. A Place of Worship is defined in the City of Cockburn Town Planning Scheme No. 3 as "*premises used for religious activities such as a church, chapel, mosque, synagogue or temple*".

3. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The installation of equipment within the development including air-conditioners, machinery, water chillers, air and recycling pump and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
4. This development has been defined as a public building and shall comply with the relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* (as amended), and the *Health (Public Buildings) Regulations 1992*.
5. The Applicant is advised to seek the advice of a Certified Building Surveyor concerning the requirements under the National Construction Code concerning the provision of toilets for the proposed building.
6. With regard to Condition No.10 above, under the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 the onsite waste water disposal system is to be removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all components such as the septic tanks, soak wells, leach drains and any associated pipework have been removed.
7. Accessible car parking and access shall be provided and designed in accordance with the Australian Standard AS 2890.6.
8. All food businesses must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).



The plans to are include details of:

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

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

- 9. Any Signage is to be in accordance with the requirements of the City of Cockburn Local Planning Scheme No. 3 and Local Planning Policy LPP3.7 – Signs and Advertising. Non-exempt signage will require separate planning approval.
 - 10. You are advised that a Sign Permit may be required in accordance with the City's Local Laws (2000) prior to the erection of a sign. A permit is obtainable from the City's Building Services Department.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

The subject lot is 1.194ha in area and is bound by a private lot to all but the south, where it is bound by Verna Court. At present the lot contains two buildings and the lot has since been converted into a storage yard. The site contains a 40.5m wide easement that accommodates Western Power high voltage powerlines.



The existing 363m² building with 133m² of attached patio is situated in the centre of the lot. The smaller building with 190m² and 58m² of attached patio is situated adjacent to the north western boundary. There are two sea containers of 12m length to the north-west area of the site and a car parking area of 5 car bays to the south. There are currently two separate crossovers to Verna Court.

The proposed change of use from Storage to Place of Worship (Baik Yang Presbyterian Church) is being presented to Council for determination as objections were received during the public consultation period.

The site was previously used as a Place of Worship in 2003 – Approved in DA02/0480.

Submission

N/A

Report

Proposal

The applicant proposes to change the use of the lot from storage to a Place of Worship (Baik Yang Presbyterian Church) and comprises specifically:

- Extension of the larger building by 64m² resulting in 427m² in total size. This is proposed to be achieved by bricking up the front adjacent patio, to make it larger internally to include three more offices;
- Extension of the patio at the rear of the largest building by 34m²;
- Extension of the smaller building by 70m² resulting in 260m² in total size. This is proposed to be achieved by bricking up the entire rear patio to add a parenting room and greater seating area and the addition of two toilets to the southern façade;
- Weekly Sunday church services from within the smaller building. There will be four (4) sessions between 9am and 3pm with approximately 50 to 150 people each session. There are also irregular events for Christmas, Easter, Baptisms and Weddings with a maximum of 200 people.
- Bible study or group meetings to be held from Tuesday to Saturday for up to 30 people in the larger building.
- Office based functions to occur between 6am and 6pm Monday to Friday.
- Construction of a limestone wall at 1.8m high to the front of the property;



- Construction of a patio/canopy over the walkway between the two buildings;
- Expansion of the car parking area to accommodate 50 vehicles;
- Installation of landscaping to the site;
- Installation of a sign to the front of the wall that is to be constructed; and
- Removal of both of the existing sea containers on the lot.

Planning Framework

Zoning

The subject lot is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Mixed Business under the City of Cockburn Local Planning Scheme No. 3 (LPS 3).

The objective of the Mixed Business Zone is:

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

A 'Place of Worship' is defined in LPS 3 as a:

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

The use is permitted ('P') within the Mixed Business Zone. This means that the use is generally permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

Development Contribution Area 11

Under table 10 of LPS 3, the lot is subject to Development Contribution area 11 (DCA 11). Upon receiving this application, the City became aware that there are outstanding development contributions applicable as there have been two development applications on the lot previously approved by the City. The contribution remains outstanding. The landowner is still liable as per 5.3.13.2(d) of the City's LPS but the applicant was not aware of this upon this application for development.

This outstanding liability needs to be remedied in considering this application. An invoice has been issued to the current landowner as per 5.3.14.1 of the LPS and it will be up to the landowner and applicant to arrange any contractual obligations between them (such as who pays



the invoice). Failure to pay this invoice will result in a caveat on the title being lodged to protect the City's interest.

Public Consultation

This application was advertised to seven nearby landowners for a period of 21 days. A total of three submissions were received consisting of two objections and one comment.

The main objections include:

- Noise;
- Vehicle entry and exit points;
- Traffic;
- Existence of other place of worships in the vicinity; and
- Unfamiliarity with the religion and religious organisation.

The existence of other places of worship in the vicinity is not a valid planning consideration as the Mixed Business Zone permits the use providing all other matters are complied with. There is no regulation on the distances between or the number of places of worships in one given area. The unfamiliarity with a religion or a religious organisation is also not a valid planning consideration. The external impacts were noted on the advertising letter to adjoining residents and the religious affiliation of an institution is not taken into account.

Landscaping

Under Clause 4.9.2 of LPS 3, 10% of the site is to be landscaped and one (1) shade tree to be planted in the car parking area for every 10 car parking bay provided on the lot. The applicant proposed 1520m² of landscaping, consisting of mulch, plants and grass, this accounts for 12.7% of the lot which complies with the 10% requirement. There is however no mention of street trees. Should Council approve the proposal, a condition should be imposed to ensure the planting of shade trees in accordance with LPS 3.

Bush Fire Management

The lot is identified as a bush fire prone area which means that a Bushfire Management Evacuation Plan is required to be provided with the application. The report was conducted by Green Start Consulting dated 10 July 2017. In summary, the report concludes that the buildings must be built to Bushfire Attack Level 29 as per AS 3959 to ensure the protection of building occupants. Apart from recommending a notification to be placed on the Title to alert future landowners, the report also puts in place practices and expectations for maintenance that should be undertaken by current and future landowners.



Should Council approve the development, a condition should be imposed requiring compliance with the Bushfire Management Plan dated 10 July 2017.

Front Fence

A front fence with a span of 115m and a sliding automatic gate is proposed along the lot boundary to Verna Court. Whilst the zone is not residential, the City can look to the R-Codes for reference to determine what a reasonable fence would be given its interface with residential lots on the southern side of Verna Court. The R-Codes allows fences to have 1.8m high piers with visually permeable inserts above 1.2m high. The proposed fence intends to install visually permeable inserts above 0.975m, with piers to 1.8m high. As the fence is visually permeable above 0.975m, the fence shows regard to amenity of the area.

The R-Codes requires truncations for vehicle sightlines where a solid fence or wall is higher than 0.75m and comes within 1.5m of a driveway or vehicle access. There is no truncation proposed where the wall at 0.975m high meets the driveway to access the car parking lot. Should Council approve this development, Council should impose a condition requiring the wall to be no higher than 0.75m within 1.5m of where the fence meets the driveway to ensure vehicle and pedestrian safety.

Signage

The applicant has noted a future sign on the proposed front fence, facing Verna Court. The sign is to be 1m by 2m, however, no further details of the sign have been provided. Therefore, should Council approve the proposal, a condition should ensure that non-exempt signage obtain a separate planning approval.

Noise

The applicant has advised that worship services will take approximately an hour to complete and will involve participants sitting on chairs listening to sermons. There will be music consisting of a band, drums and an electric guitar. As part of this application, a Noise Impact Assessment was prepared by Herring Storer Acoustics Pty Ltd to determine if the use could have an impact on the adjoining properties and residences. In summary, the report concluded that the amount of noise produced is highly unlikely to cause a disturbance to nearby and adjoining residents or create excessive noise emissions that exceed the permitted noise decibel levels specified under the *Environmental Protection (Noise) Regulations 1997*. Should Council approve the proposal, conditions should be imposed requiring a noise management plan to be as per the acoustic report assessment and compliance with the recommendations of the above acoustic report.



Parking and Traffic

Under LPS 3 a Place of Worship requires one (1) car parking space for every four (4) seats or people accommodated (whichever is greater). A maximum of 200 members are proposed to be present on site for sessions at any one time. This necessitates the provision of a total of 50 car bays under LPS 3. There are currently only 5 car bays on site, however a total of 50 are proposed by expanding the existing car park area. There is also existing hardstand area which can be used for overflow car parking should it be required. All 50 car parking spaces will be required to be sealed, drained, line marked and made available for use in accordance with the approved plans.

With approximately 50 to 200 members attending on Sundays, the additional traffic to and from the proposed site with the proposed exit and entry can be serviced by the existing surrounding road network from a capacity perspective and that it is unlikely to have a significant impact on the operation of Verna Court. During the week, from Tuesday to Saturday, there are expected groups of up to 30 people with only one meeting per day which is not expected to cause a detrimental impact on the surrounding road network.

Bicycle racks

Under LPS 3 a Place of Worship requires one (1) bicycle space for every 30 seats or 100 people accommodated (whichever is greater). There are currently no bicycle bays provided nor proposed, therefore, should Council approve the proposal a condition should be imposed requiring seven (7) bicycle bays to be provided to ensure compliance with the City's LPS.

Conclusion

The proposed change of use from storage to Place of Worship (Baik Yang Presbyterian Church) is supported for the following reasons:

- The proposal is consistent with the planning framework applicable to the site;
- The proposal will not negatively or unreasonably affect the amenity of surrounding residents in terms of noise or traffic; and
- The site will be upgraded making the site more aesthetically pleasing.

It is therefore recommended that Council approve the proposed change of use subject to conditions.



Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide safe places and activities for residents and visitors to relax and socialise.
- Foster a greater sense of community identity by developing Cockburn Central as our regional centre whilst ensuring that there are sufficient local facilities across our community

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

The application was advertised to seven (7) 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 three (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. Locality Plan
2. Site and Landscaping Plans
3. Floor Plan and Elevation Plans

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 12 October 2017 Council Meeting.

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

Nil.

15.2 (MINUTE NO 6176) (OCM - 12/10/2017) - ARMADALE ROAD UPGRADE PROJECT AND RESOLUTION UNDER LAND ADMINISTRATION ACT 1997 (089/001) (A TROSIC)

RECOMMENDATION

That Council agrees to the following excisions and dedications of land as road under Section 56 of the *Land Administration Act 1997* subject to the following:

- (1) agrees to the excision of the portion of Reserve 8129 shown bordered yellow on Main Roads Western Australia's Drawing Number 1660-025-2, subject to Main Roads WA designing in some additional short term parking off Warton Road, in the vicinity of the southern boundary of the Fremantle Pistol Club lease, to provide parking for visitors who may wish to visit and reflect on the War Memorial;
- (2) agrees to the excision of portion of Reserve 1820 shown bordered yellow on Main Roads Western Australia's Drawing Number 1660-026-2;
- (3) agrees to the dedication of the land (portion of City owned Lot 24 Armadale Road) shown shaded and stippled on Main Roads Western Australia's Drawing Number 1660-027-1, subject to Main Roads undertaking a drainage study to demonstrate that the drainage function and utility of the drain on this portion of land will be maintained, and that any associated use of the drain for drainage by MRWA clearly demonstrates that the drain is capable of such use; and
- (4) notes that compensation to the City will be determined through the normal processes of the Land Administration Act 1997.



COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

Main Roads WA is delivering the Armadale Road upgrade project. This is a comprehensive upgrade project, dealing with:

- First stage: duplication of Armadale Road between Tapper Road and Anstey Road and;
- Second stage: Armadale Road deviation and new North Lake Road bridge and freeway interchange, including interchanges at Solomon Road and Tapper Road.

The first stage is in preparation for delivery to commence in late 2017/early 2018.

Main Roads have written to the City on 30 August 2017, seeking a prerequisite Council resolution to indicate Council's consent to dedicate as road discrete portions of land. These dedications are associated with the first stage works. It is recommended that Council resolve the required road dedications, subject to a number of prerequisite actions as outlined in the resolution.

Submission

NA

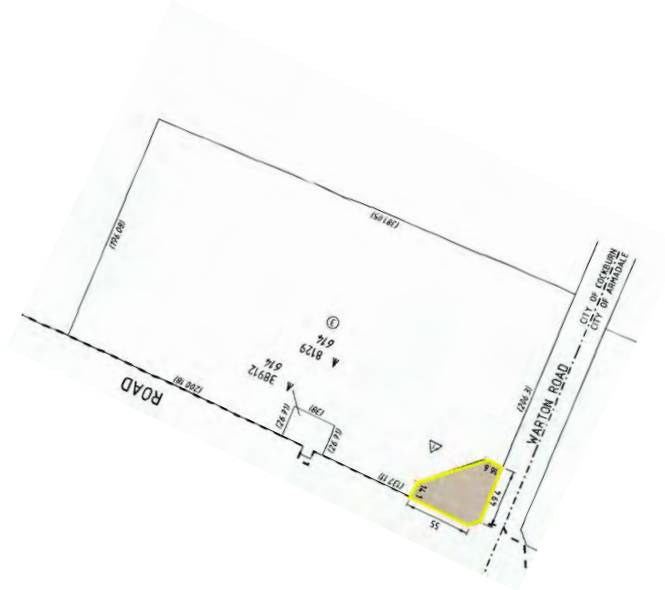
Report

Main Roads have advised that the planning and technical review phases of the stage 1 project for the Armadale Road duplication have been recently completed, enabling the actual known land requirements to be identified. This has identified a number of discrete parcels, which are either Crown reserves managed by the City of Cockburn, or freehold lands comprising drainage infrastructure. These specified land parcels are identified following, with a comment made after each to indicate the issues and recommendations in respect of dedication of the land parcels:

1. Excision of portion of Reserve 8129, being a reserve for Club and Club Premises, which a portion (outside the excision area) is leased to the Fremantle Pistol Club. The City's Management



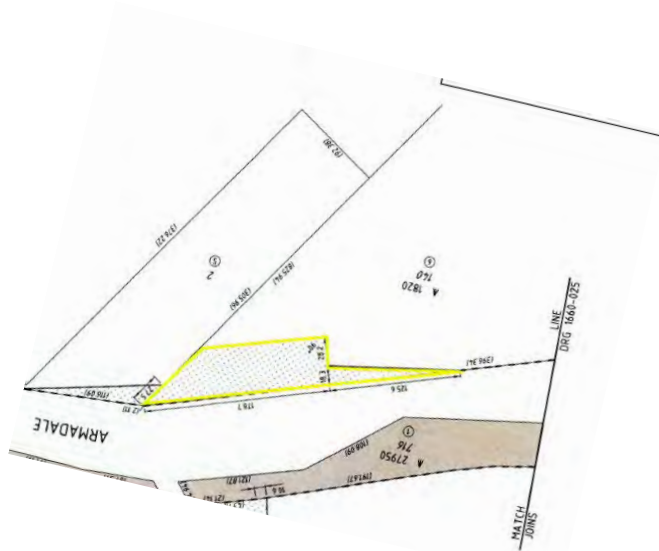
Order for this land is E852423, and the affected portion of the land is shown following. Below this map is the current aerial photo, showing the portion of land in question. This is outside the leased area of the pistol club:



As this excision will effectively see the current limited car parking which is available off Armadale Road for the Banjup War Memorial removed, it is recommended that Main Roads WA be asked to design some additional short term parking off Warton Road, in the vicinity of the southern boundary of the Fremantle Pistol Club lease, to provide parking for visitors who may wish to visit and reflect on the War Memorial.

2. Excision portion of Reserve 1820, being reserve for Recreation with the City having Management Order E852423. The affected portion of the land is shown following. Below this map is the current aerial photo:

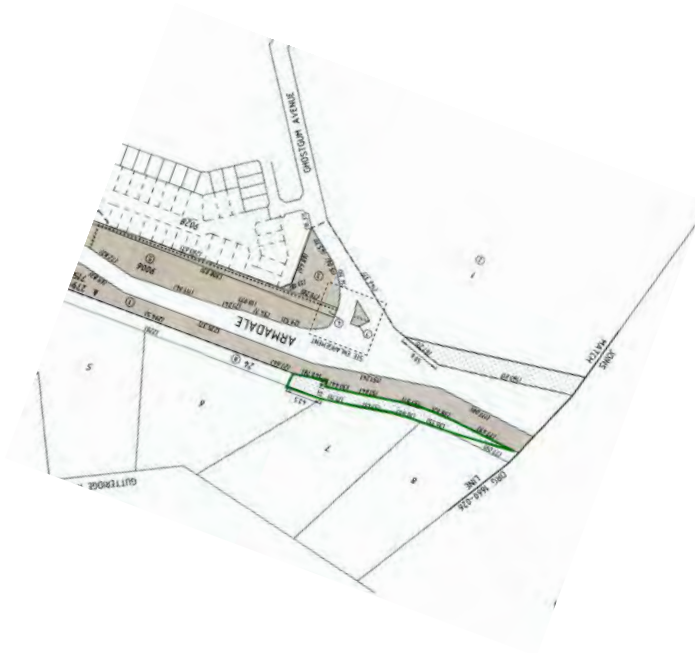




This excision affects the peripheral buffer area of the reserve, coinciding with the part of the reserve which has not been previously sand mined. Sand mining operations continue by virtue of the mining tenement which exists by virtue of the Mining Act over this land. As shown in the aerial photo, the access and weigh bridge infrastructure is not impacted.

3. Portion of City of Cockburn owned land, being 3684m² area of land at Lot 24 on Plan 13599 and being part of the land comprised in Certificate of Title Volume 1603 Folio 476. The affected portion of the land is shown following. Below this map is the current aerial photo:





This piece of land forms part of the City's district drainage scheme that was established in the 1970s. The critical issue with this acquisition and dedication is the surety that the drainage function, which is still required, continues in perpetuity. Accordingly Council should only support this dedication subject to Main Roads providing drainage plans to the satisfaction of the City, demonstrating how the construction of the Armadale Road upgrade will still enable the functioning of the drainage scheme.

The drainage plans for Armadale Road should indicate what utilisation of this drain will occur, and in what manner. A recent drainage study undertaken by Cardno indicated that the drainage channel needed to be cleaned out, and that the drainage channel needed to be monitored to ensure it retained sufficient capacity. It is needed for the future control of ground water levels in this area. Accordingly Main Roads WA needs to be advised that any dedication of this channel as drainage reserve is subject to the appropriate investigations and analysis being done by Main Roads WA to the City's satisfaction.



Subject to these provisos, it is recommended that the City support these excisions / acquisitions being vested as road reserve under Section 56 of the Land Administration Act 1997.

Strategic Plan/Policy Implications

Moving Around

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

Economic, Social & Environmental Responsibility

- Further develop adaptation actions including planning; infrastructure and ecological management to reduce the adverse outcomes arising from climate change

Budget/Financial Implications

Compensation associated with the acquisition of these land parcels will be separately negotiated with Main Roads WA under the auspices of the Land Administration Act 1997.

Legal Implications

Land Administration Act 1997.

Community Consultation

Whilst public engagement on the overall Armadale Road upgrade project is the responsibility of Main Roads WA, the City has consulted the Fremantle Pistol Club and the Banjup Residents Group. The City is also directly engaged as a key local government stakeholder along with the City of Armadale.

Risk Management Implications

Failure to undertake the administrative function of dedicating the excised/to be acquired land as road reserve could unnecessarily delay the project. The project is an urgent infrastructure item that is required to reduce congestion within the Cockburn Regional Centre.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

15.3 (MINUTE NO 6177) (OCM - 12/10/2017) - JANDAKOT VISION PROCESS - PERTH AND PEEL @3.5 MILLION - CONSULTATION ANALYSIS (D ARNDT, L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) defers further progression on contemplating intensification of land use in the Jandakot vision area until such time that the State Government releases the finalised Perth and Peel @3.5m and associated South Metropolitan Peel Sub-regional Planning Framework;
- (2) in the event the Perth and Peel @3.5m and associated South Metropolitan Peel Sub-regional Planning Framework identifies the Jandakot vision area (or any other Resource zoned area) for urban or industrial investigation, the City undertake a sub-precinct by sub-precinct analysis in consultation with landowners to determine the future planning for those sub-precincts;
- (3) in the event the Perth and Peel @3.5m and associated South Metropolitan Peel Sub-regional Planning Framework identifies no change to the zones within the Jandakot vision area (or any other Resource zoned area), the City write to all landowners within the Jandakot Vision area advising that there will be no change to the Resource zone; and
- (4) notes that through the initial public consultation process there is no consensus position for any change to the Resource zone within the Jandakot vision area.

COUNCIL DECISION

MOVED Cllr L Smith SECONDED Cllr B Houwen that Council:

- (1) defer the matter to the November Ordinary Council meeting to allow the Chair of the Western Australian Planning Commission to brief Council on the Perth and Peel @ 3.5M; and
- (2) nominate the Mayor and CEO to organise a meeting with the Minister for Planning to discuss whether any variations to the



Council's previous position on Perth and Peel @ 3.5M would be considered.

CARRIED 7/1

Reason for Decision

The Chair of the Western Australian Planning Commission has advised that he is prepared to brief Council on the Commission's position on variations to the Perth and Peel @ 3.5M; however, he was unavailable prior to the previous briefing and prior to the October Ordinary Council Meeting, but he is available now prior to the November Ordinary Council Meeting. Deferring consideration would allow the opportunity for the Chair to present to Council on this matter and for us as united Elected Members ask questions to the Chair as well.

There are a number of questions that have been raised tonight as well by both deputations that need to be resolved.

It would also allow a meeting to be arranged with the Minister for Planning, which I understand the residents want. The residents want us to lobby the Minister. It is very important for us to meet with the Minister before we adopt this plan that has come forward which all of you can see and which many of you are not happy with and to discuss whether any variations to Council's previous position on Perth and Peel @ 3.5M would be considered.

Background

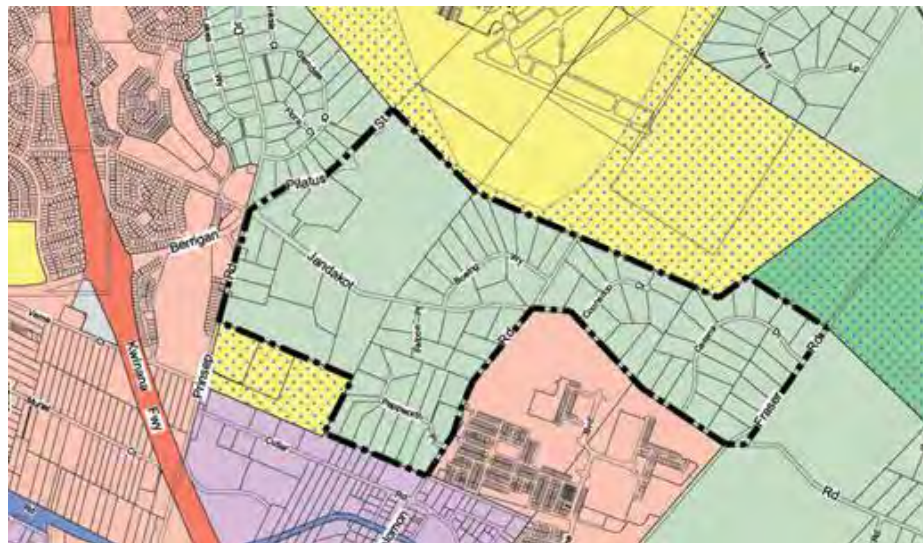
On 8 June 2017 Council resolved to:

Direct the Chief Executive Officer to:

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



The project area, as per Council’s resolution, is identified as an area north of Jandakot Road, south up to Cutler Road, Fraser Road to Berrigan Drive, Solomon Road to Berrigan Drive. This is shown following for ease of reference:



On 14 September 2017 Council resolved to extend the consideration period of the vision to this meeting of 12 October 2017 to allow for late submissions.

Council had received 42 submissions as at 14 September 2017. Since the close of the advertising process, including late submissions, Council received a total of 103 submissions.

The purpose of this report is to consider these submissions, and recommend a position that the Council can then take in respect of the draft Perth and Peel @3.5 million plan.

The officer recommendation proposes that Council defer consideration on this matter until such time that the State Government releases the finalised Perth and Peel @3.5m strategic plan and associated frameworks plan. The rationale for this is addressed in detail in this report.

Council received a total of 103 survey responses. It is noted the study area includes a total of 86 registered property owners, which comprises a mix of individual and also joint landowners. Many of these submissions failed to identify the veracity of their ownership of land in the study area. It also appears a number were duplicate submissions.

Notwithstanding any land use contemplation within the study area it is noted there is a strategic need for Jandakot Road to be upgraded. This report does not propose to explore the issues regarding Jandakot Road



upgrades. This matter will be dealt with in a separate report to the November Council meeting.

Submission

N/A

Report

The Jandakot vision survey was designed to respond to Council's resolution of 8 June 2017. The survey consisted of a series of questions, each with a detailed list of information and maps so that respondents were given a one-stop shop in order to consider the question, read up additional information on the question and provide a response accordingly.

The vision survey commenced formal advertising on 31 July 2017, with a community information session held to launch the process. The survey formally concluded advertising on 31 August 2017. A total of 103 submissions were received, which can be viewed under Attachment No. 3 of this report and are summarised below. Each question will receive a comment, highlighting the raw data result and the key themes, which came out of the submissions received.

In terms of the results, the large number of anonymous responses (82%), as well as the large amount of responses endorsing a proforma submission, means that the validity of results of the vision process is not as high as the City would like. Notwithstanding this, as explained in the analysis below, it is most certainly a clear mix of views and no consensus as to whether residents want to see any change occur.

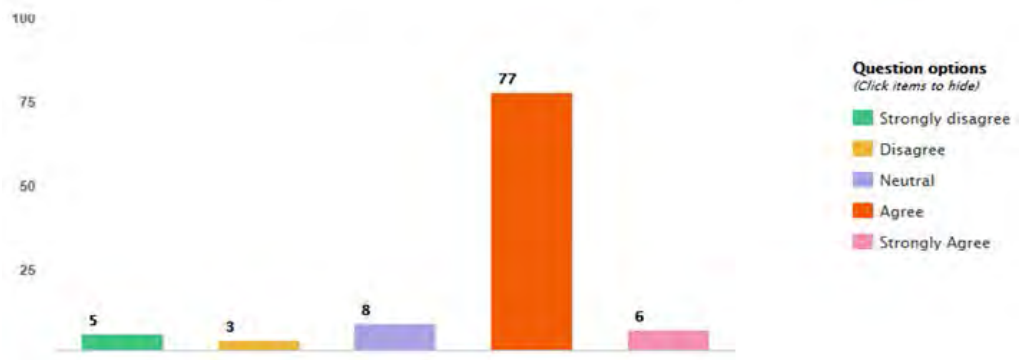
Survey Question 1: *"In relation to Map 1, do you think the strategic importance of Jandakot Airport should be supported in the need for it to be recognised in the planning of the region?"*

Purpose of question: to provide the community with an understanding of the planning framework pertaining to Jandakot Airport, and seek community views on the importance of such.

Response to Survey Question 1: In total 99 of the 103 survey participants completed the question of which the majority, 78% of the respondents or 77 people, indicated "Agree". Accordingly, the community believe the strategic importance of Jandakot airport should be supported.



1. In relation to Map 1, do you think the strategic importance of Jandakot Airport should be supported in the need for it to be recognised in the planning of the region?



Extracts from responses:

"The surrounding land should be left rural as best option or rezoned commercial".

"in the long term the airport should relocate".

"Jandakot Airport does not provide any benefit for residents so should not be taken into consideration for planning changes".

"Jandakot airport is a significant development in the area, and has many impacts to local residents. JAC will not want higher density housing in the area; significant buffers should be left in place by use of rural properties."

"Without doubt, Jandakot Airport is the most significant area of land in the survey area. The surrounding area needs to act as a transition from urban to Airport and the current 2HA lots fit this bill. They also offer a vegetation barrier which absorbs noise".

"We tolerate aircraft noise as it is tempered by birdsong and a feeling of open space; the resource zone protects the airport from noise complaints and the remnant vegetation helps shield urban development from the noise. Safety should also be a factor."

"Jandakot Airport was here long before we were, when we bought we knew how close it was, at first we didn't know how much development would happen there, we expected only aircraft noise, but for the past 10 years or more we've known about the industry."

"Jandakot Airport was here when we first bought our property and we believe we can co-exist as many other airports and nearby residential housing exist."



“Even though Jandakot Airport may be strategically important, the surrounding areas should be utilised to their maximum potential as areas surrounding other airports locally and nationally.”

Officer comment: It is important to recognise in this context the *Planning and Development Act 2005* under Part 5 Division 3 Clause 77 specifies *“Every local government in preparing or amending a local planning scheme is to have due regard to any State planning policy which affects its district”*.

Clause 241 (1) (a) of the Act advises *“the State Administrative Tribunal is to have due regard to relevant planning considerations including any State planning policy which may affect the subject matter of [a hypothetical] application”*.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines; *“In considering an application for development approval the local government is to have due regard [under subclause ‘c’] to any approved State planning policy”*.

To the above effect it is important to note the “objectives” of SPP 5.3 as set by the State government for local government (and the community) to have due regard in this context:

“Protect Jandakot Airport from encroachment by incompatible land use and development so as to provide for its ongoing, safe, and efficient operation; and”

“Minimise the impact of airport operations on existing and future communities, with reference to aircraft noise.”

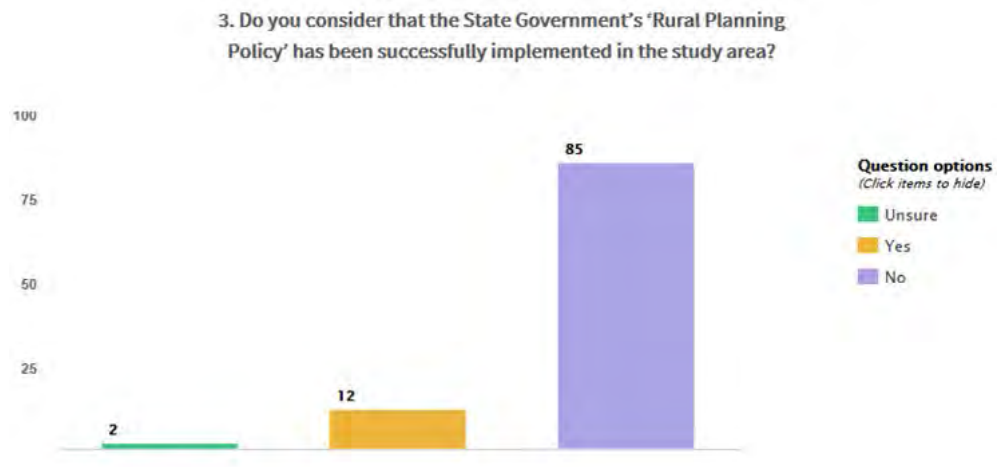
The quantitative results identify an overwhelming agreement (77 people or 78%) agreeing that the strategic importance of Jandakot Airport should be supported. The qualitative results (or written responses) provide a mix of views in relation to question 1. It is important to note not all submitters responded to this particular question. In addition it is important to note some for the respondents provided “neutral” responses.

Survey Question 2: *“Do you consider that the State Government’s ‘Rural Planning Policy’ has been successfully implemented in the study area?”*

Purpose of question: to provide the community with an understanding of the planning framework pertaining to rural planning, and seek community views on the importance of such.



Response to Survey Question 2: In total 99 of the 103 survey participants completed the question of which the majority, 86% of the respondents or 85 people, indicated “No”.



Extracts from responses:

“I'm not too well versed in this policy nor live in a rural setting so can't really answer yes or no. However I think more needs to be done to protect the rural communities, liability, culture.”

“No, as there has been significant development in the past 5 - 10 years.”

“The policy objective is to facilitate rural land uses like primary production, to my knowledge there are no primary production in the Jandakot area rendering this zoning to be superfluous.”

“The area contains significant rural land holdings, zoned resource which is compatible with the intent of the Rural Planning Policy to protect rural environmental and landscape values.”

“We need alignment with the WAPC and deter incompatible land use around the immediate vicinity of the airport. The current use aligns nicely with State Planning Policy 2.5, section 5.3. Importantly - environmental value isn't compromised.”

“This area fits perfectly into this Policy as it ensures biodiversity protection and natural resource mgmt. As per the policy it sites rural living adjacent to urban areas with access to health, education and recreation. The Resource Zoning should remain.”

“We love [that] we can live on a big block, close to the city and to shops and schools and be able to protect the environment and the groundwater.”



“It is a beautiful area where we have been able to build a large home surrounded by bush and gardens while still having all the benefits of suburban life, this fits with the rural planning policy for protecting the environment.”

“Our "rural" amenity has not been protected. Incompatible developments have been allowed with no buffer zones (Precinct 6) and uncoordinated and ad hoc land uses approved (Schaffer and Stockland / Calleya).”

“In relation to SPP 5.3 there has already been major changes to land use on the airport land (Priority 1) suggesting that additional land uses like commercial, mixed business and urban can co-exist next to the airport without any detrimental effects.”

“Not enough consideration given to specific holdings - land that has already been cleared should be considered for rezoning. Urban infill should be a priority in these areas to utilise surrounding infrastructure.”

“It has overall planning views. Cannot do on piece meal basis. Structure plan for all areas.”

“State planning has not taken overall planning for whole areas of Jandakot/Treeby areas. Need a total Structure Plans for the areas especially north of Armadale road.”

“It has been ad-hoc basis with no overall plan for the area.”

“Rural was successfully implemented, but we need to have a higher density population around this area now.”

Officer comment: Similar to the response in Survey Question 1, having regard to this State Planning Policy would see a vision that emphasises the importance of maintaining the rural character of the area, in order to reflect the intended levels of rural amenity. This question of amenity is a key issue, with some respondents of the view that rural amenity has been destroyed. The survey results do however also reveal that others value the levels of rural amenity, which currently exist, typified by the intact rural landscapes and environmental values. This starts to reveal the spectrum of values that exist in the area, ranging from:

1. Considering a vision for change vs:
2. Emphasising a vision to retain the rural area through actions to protect rural amenity levels.

Similar to survey question 1 above, there were a number of “neutral” responses provided in relation to survey question number 2. For



example “neutral” comments include but are not limited to the following; *“Question not relevant to the residents’ Vision”, “??” and “See Question 18”.*

“See Question 18” was a common response from those who petitioned the Banjup Residents Group submission. In total 56 responses indicated “See Question 18” as a response under Survey question 2. Notwithstanding, for the purposes of responding to survey question number 2, it is noted the Banjup Residents Group submission, of which 56 responses reference, appears not to specifically address the above mentioned criteria/ State Government legislation as outlined under SPP 2.5. The Banjup Residents Group submission refers to an “erosion of rural amenity”, “residents wishes”, “more efficient land use”, “Planning legislation and policy constraints” and provides a land use map that puts forward the contemplation of:

- Urban commercial light industrial: Area 1
- Urban and Public Open Space: Area 2
- Urban: Area 4 and 5
- Urban or commercial: Area 6

What this submission does not contemplate however is what could be done to protect rural amenity levels, and whether this could address resident wishes who feel that current levels of amenity have affected their quality of life. That is, the actions the City could take to show residents how amenity is being protected, and will continue to be protected, to keep the Resource zone a liveable area.

From a town planning perspective, SPP 2.5 under *“Policy Objectives”* aims to *“avoid and minimise land use conflicts”* and also *“protect and sustainably manage environmental, landscape and water resource assets.”* In summary of the above section:

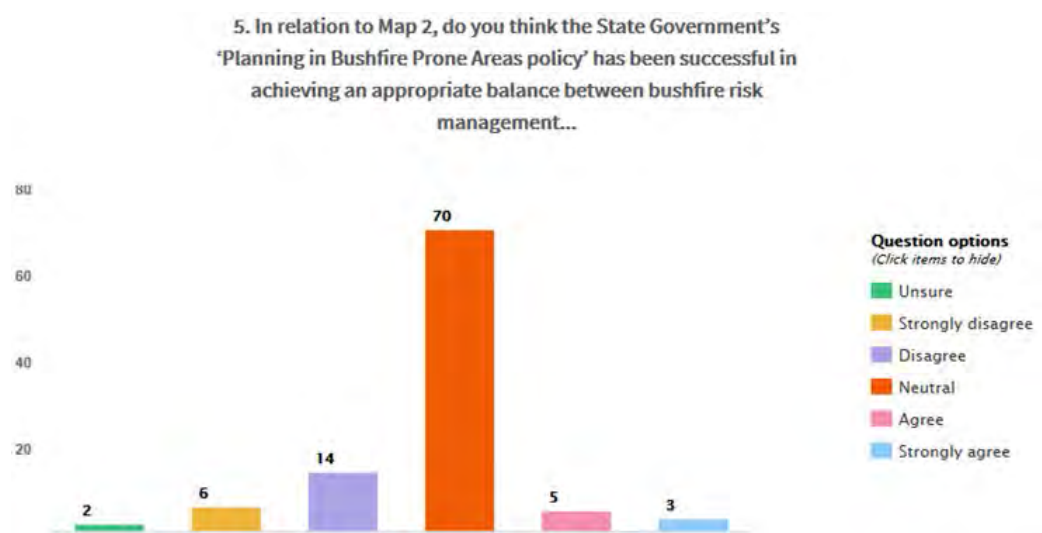
- Responses 2, 18, 20, 21, 22 and 23 seem to align with the desire to remain rural;
- Responses 26, 27, 31-34 all stated *“additional land uses like commercial, mixed business and urban can co-exist next to the airport without any detrimental effects;”*
- Responses 9, 15, 16, 17, 19 indicate a desire for infill development, increased density and a Structure Plan;
- In total 56 responses indicated “See Question 18” as a response under survey question 2.

Survey Question 3: *“In relation to Map 2, do you think the State Government’s ‘Planning in Bushfire Prone Areas policy’ has been successful in achieving an appropriate balance between bushfire risk management measures, biodiversity conservation values, environmental protection, biodiversity management and landscape amenity?”*



Purpose of question: to provide the community with an understanding of the planning framework pertaining to Jandakot Airport, and seek community views on the importance of such.

Response to Survey Question 3: In total 100 of the 103 survey participants completed the question of which the majority, 70% of the respondents or 70 people, indicated “Neutral”.



Extracts from responses:

“Haven't studied the policy, but I know we live in a high bushfire area, which puts housing estate and airport at risk. We don't need more houses in Cessna/Fraser Road area.”

“The area does have bushfire risk due to its rural aspect. Rural owners are aware of this and accept the management requirements. Clearing the land is not an acceptable solution to reducing fire risk, it is currently managed.”

“If you conserve bushland to protect Perth's underground water supplies, there is the fire risk. The risk of fire is less than the risk of water contamination if the zoning changes to higher density urban dwellings that then become extremely vulnerable.”

A number of neutral responses were provided in relation to survey question number 3.

Officer comment: From a town planning perspective, SPP 3.7 advises the State Government's expectation is that Council and the community aim to:

“Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental



protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.”

This appears to again reveal the spectrum of values that exist in the area, ranging from:

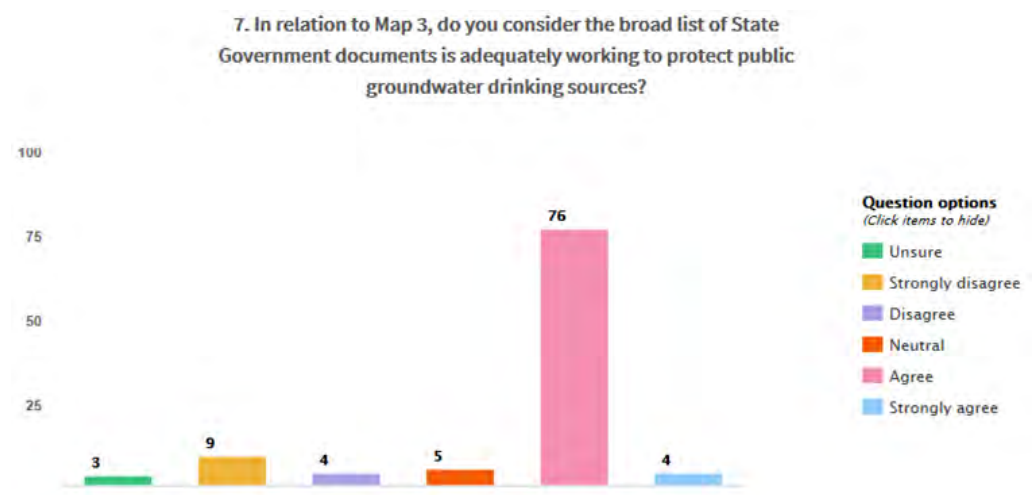
1. Considering a vision for change vs:
2. Emphasising a vision to retain the rural area through actions to protect rural amenity levels.

Based upon the SPP 3.7 policy objective, there appears an emphasis upon ensuring a very logical and well-planned layout of future uses. Any proposal that does not comprehensively deal with an entire area logically and strategically, will lead to a heightened risk of bushfire for people and property.

Survey Question 4: *“In relation to Map 3, do you consider the broad list of State Government documents is adequately working to protect public groundwater drinking sources?”*

Purpose of question: to provide the community with an understanding of the planning framework pertaining to protecting public groundwater drinking sources.

Response to Survey Question 4: In total 101 of the 103 survey participants completed the question of which the majority, 75% of the respondents or 76 people, indicated “Agree.”



Extracts from responses:

“Ground water is precious and should be protected from small density living as is occurring in recent years. Perth has a shortage of reliable drinking water therefore the Jandakot groundwater should be protected from increased housing infill.”



"If you value water you don't build houses on it".

"The government has sufficiently protected public ground water, however more investment needs to be put into water treatment and recycling to meet and secure the water needs of the future."

"Limiting high density population and commercial developments over sensitive groundwater areas reduces the risk of pollution of this extremely valuable resource. Resource zoning already has restrictions in place to this effect."

"P2 = low risk development and needs to be retained. Remnant vegetation also plays a vital part in the equation and should also be retained. It is clear, there are many lots in the survey area that hold very high water conservation values. Currently mainly land already degraded by sand mining is being developed in the area, wellheads, bushland and wetlands are protected. P2 areas adjacent to P1 catchments should be retained not downgraded, Groundwater quality must be maintained."

"I think current developments are risking our groundwater, we need to stop industrial, commercial and further residential development on Jandakot Water Mound until we see the long term effects they are having on the quality of the ground water. I've questioned for years why they are allowing so much development on Jandakot Water Mound. Surely we should be limiting the number of houses, businesses and pollution in this area, not adding to it."

"The study of Calleya determined that it poses low risk to the ground water and as such a study should be completed to investigate potential impacts to rezoning the study area to P3".

"We strongly believe that by having sewerred lots instead of septic tanks as is the case now will be environmentally safer. update some well 20 years not been used."

Officer comment: It is noted any contemplation of declassifying Priority Groundwater Areas would be at the discretion of the State Government in accordance with the relevant environmental investigations. One of the key determining authorities would be the Department of Water and Environmental Regulation.

It is noted a total of 60 responses indicated "See Question 18". In response to "Groundwater Protection," the Banjup Residents Group are of the opinion *"urban or commercial use of Jandakot can be compliant with State Planning Policies provided appropriate risk management measures, including deep sewerage, are put in place."*



The Banjup Residents Group submission does not elaborate on how this is could be achieved nor does this submission reference any specific details. This is of importance, as the State Government policy framework is specifically about avoiding risks and adopting a precautionary planning principle when dealing with an issue like public drinking water.

As one example of this, the objectives of SPP 2.3 involves some of the following objectives:

“To protect groundwater quality and quantity in the policy area in order to maintain the ecological integrity of important wetlands that are hydraulically connected to that groundwater, including wetlands outside the policy area”.

“To maintain or increase natural vegetation cover over the policy area.”

A groundwater protection principle under SPP 2.3 includes; *“the application of the **precautionary principle through a presumption against development or land uses that pose a threat to the groundwater resource.**”*

From a town planning perspective, State Planning Policy No. 2.3 ‘Jandakot Groundwater Protection’, 2.7 ‘Public Drinking Water Source’ and 2.9 ‘Water Resources’ all encourage protection of public drinking groundwater. A number of the community members agree with the philosophy of protecting groundwater. The absence of evidence to demonstrate how risks can be specifically managed, if further ‘intensive development’ is contemplated as part of a future vision, means such runs contrary to the policy framework of SPP2.3.

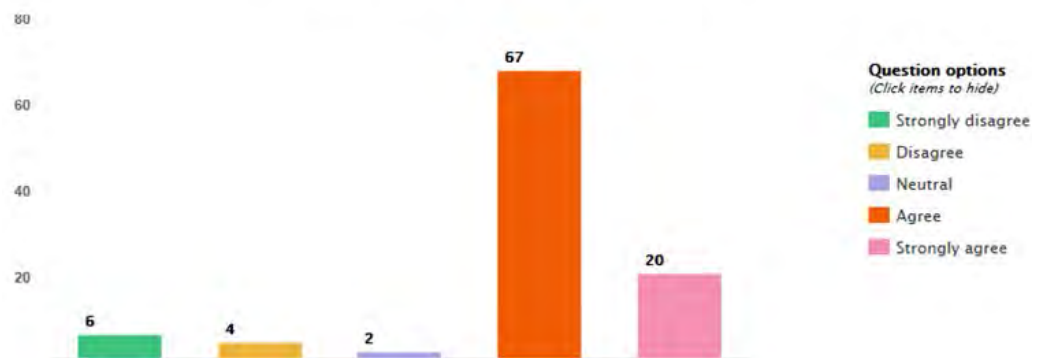
Survey Question 5: *“In relation to Map 4, do you consider there should be strict controls on the storage and use of potential contaminants in priority public drinking water areas like Jandakot?”*

Purpose of question: to provide the community with an understanding of the planning framework pertaining to how the storage and use of potential contaminants in priority public drinking water areas like Jandakot, and seek community views on the importance of such.

Response to Survey Question 5: In total 99 of the 103 survey participants completed the question of which the majority, 68% of the respondents or 67 people, indicated “Agree” and 20% or 20 people indicated “Strongly Agree”.



9. In relation to Map 4, do you consider there should be strict controls on the storage and use of potential contaminants in priority public drinking water areas like Jandakot?



Extracts from responses:

“We need to protect all of our/ the state's water resources, especially when they are used for public drinking water supplies.”

“Commercial properties will inevitably bring chemicals not suited to the water mound.”

“Strict controls must be followed and housing infill restricted as well as industrial developments to protect our groundwater from potential contaminants.”

“Any form of unwanted / unexpected leaching would not be good.”

“Strict controls of course, prohibition not necessarily.”

“Put hundreds of houses here and you can't control the area adequately. A few 5 acres blocks easy to manage and we love where we live and will do anything to protect it.”

“I would support the lowest possible development near these areas, and catchment zones.”

“The current zoning is the best form of preservation of the groundwater and takes the appropriate action with wellhead protection zones that should remain.”

“Yes, but not just in wellhead protection zones, potential contaminants should not be kept on our sandy soils over the groundwater.”

“Please don't use current developments potential impacts as an excuse to create further hazards”.

“We risk contamination of the whole aquifer from industrial chemicals, fuels and from fertilisers with the increasing development on the water mound. Once it is polluted we've lost this resource forever.”

“Stricter controls than current. What happens if the ground water is contaminated?”

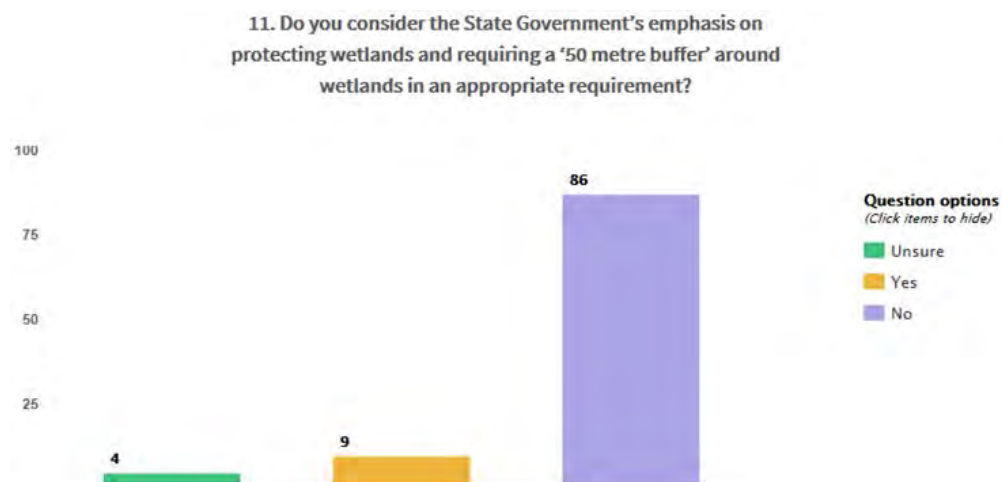
In addition to the above comments, similar to the previous survey questions, a number of submissions were considered to be “neutral” comments. In total 54 submissions indicated “see question 18”.

Officer comment: From a town planning perspective, the overwhelming policy context emphasises maximum protection of public drinking groundwater. A number of the community members agree with the philosophy of protecting groundwater. The Banjup Residents Group submission, as indicated in the analysis under Question 4, does not specifically identify how risks from future intensive development can be managed to protect groundwater-drinking supplies. This is an important issue given the State Government impose on local government through its policy instruments the notion of risk aversion and precautionary planning principles.

Survey Question 6: *“Do you consider the State Government’s emphasis on protecting wetlands and requiring a ‘50 metre buffer’ around wetlands in an appropriate requirement?”*

Purpose of question: to provide the community with an understanding of the planning framework pertaining to wetlands and their buffers, and seek community views on the importance of such.

Response to Survey Question 6: In total 99 of the 103 survey participants completed the question of which the majority, 87% of the respondents or 86 people, indicated “No”.



Extracts from responses:

“50 metres is good, but not sufficient unless you have really good management plans in place to deal with issues such as midges”.

“Is 50 metres enough?”

“Wetlands are vital to the whole ecosystem as is the protection of the land and groundwater.”

“No should be a lot larger”.

“Start with 200 meters”.

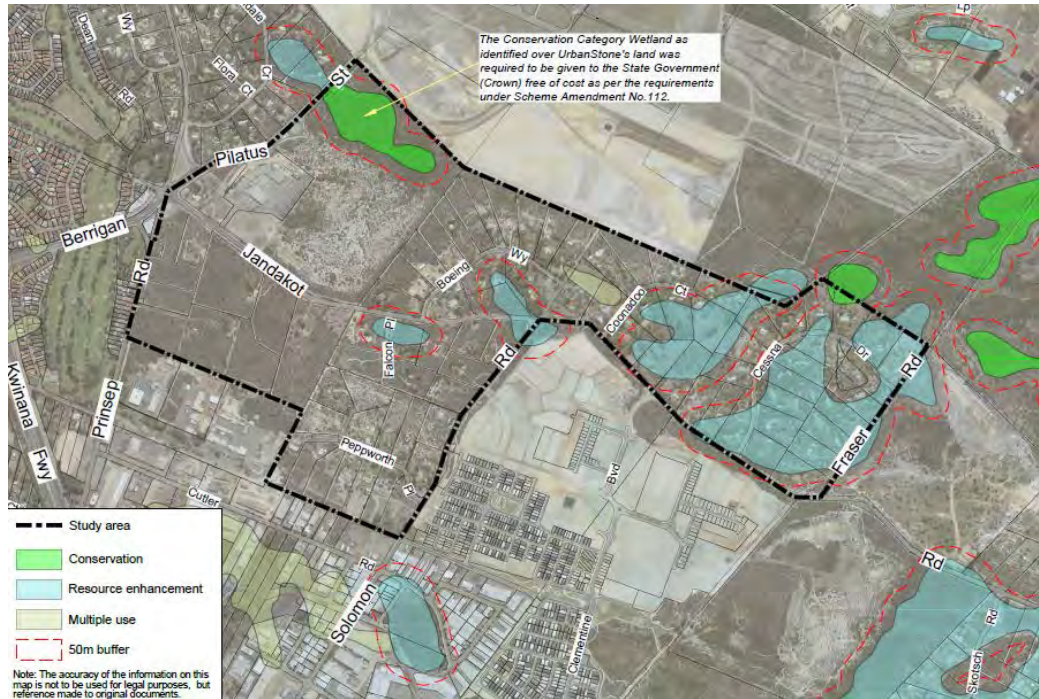
“If wildlife is involved area needs to be protected. If a 50 meter buffer is sufficient to protect wetlands then I agree it's appropriate otherwise it should be more”.

It is noted 75 responses indicated “see question 18”. The Banjup Residents Group submission (see question 18 responses) includes a section titled Geomorphic Wetlands. This section (5.5 of the Banjup Residents Group submission) provides the following comments for Council’s consideration;

“Jandakot and Treeby’s rural residential areas include patches of wetlands. None contain open water and most are just boggy in the winter months. The conservation value of such patches is not yet determined but this did not prevent large areas of nearby Piara Waters from being filled with thousands of truckful’s of sand prior to Urban and Commercial development. As appropriate, some wetlands can be retained and made natural features within surrounding developments.”

Officer comment: Map 5 identifies the following significant wetlands;





In relation to the comment above which implies “none contain water etc.”. It is important for Council and the community to note according to the Perth Groundwater Atlas the top of groundwater may be below the ground surface, and often fluctuates on a seasonal basis. On this basis on the surface the land may appear to be dry (at a particular point in time) however under Environmental Legislation the land may still be classified as a “wetland”. The notion of damp land, and the presence of wetland dependent vegetation types, often portray that it is a narrow perspective to view only a wetland as being an area of standing water.

Most of the wetlands within the Treeby and Banjup localities are managed for conservation purposes by the City. Several of these wetlands are contained within Bush Forever sites, Jandakot Regional Park or recognised as part of the Jandakot Botanic Park. Most of the wetlands are mapped as Resource Enhancement Wetlands and contain habitat values and provide valuable ecosystem functions. The City maps these wetlands for vegetation condition and floristic communities and the majority have vegetation condition in good or better condition, which indicates a high level of biodiversity and conservation value.

In addition wetlands and their associated buffers provide links through the landscape described as ecological corridors. These corridors have been identified in the City’s Natural Area Management Strategy 2012-2022 and are actively managed to enhance their value to the community and conservation outcomes. Ephemeral wetlands such as those found in these localities are consistent with others on the Swan Coastal Plain and due to their ephemeral nature provide a unique



collection of flora, fauna and functions, which reflect a healthy ecosystem.

The policy framework pertaining to wetlands, set by the State Government, includes SPP 2.9 as follows:

“Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;”

“Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and”

“Promote and assist in the management and sustainable use of water resources.”

Responses number 1, 2, 3, 6, 7, 12 and 13 appear to support the State Government’s emphasis on protecting wetlands. It is noted the Banjup Residents Group submission indicatively suggests *“Urban Commercial and Light Industrial”* over two *“Resource Enhancement Wetlands”* and Urban over two separate *“Resource Enhancement Wetlands”*.

The Banjup Residents Group submission mentions; *“Schaffer has already shown that its development of part of the area can be consistent with state planning policies.”*

It is considered appropriate, in the context of survey question 6, to remind Council that the wetland, which was identified over Urbanstone’s (Schaffer’s) land, was required to be given to the State Government (Crown) free of cost as per the requirements under Scheme Amendment No. 112.

Amendment No. 112 does not facilitate development over the wetland on the Urbanstone land. The amendment mandates that this wetland is to be subdivided and given to the State Government free of cost so that the environmental significance of the wetland is not compromised.





From a town planning perspective State Planning Policy No. 2.9 'Water Resources' encourages Council to *"promote and assist in the management and sustainable use of water resources"*. A number of the community members, as outlined under the qualitative survey responses above, appear to agree with the philosophy of protecting, conserving and enhancing water resources that are identified as having significant economic, social, cultural and/or environmental values.

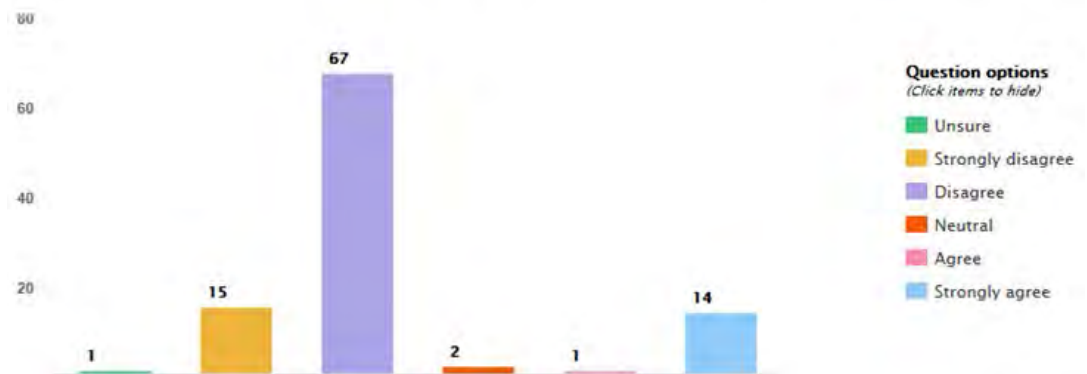
Survey Question 7: *"In consideration of the details on and referred to by Map 8, do you consider that State Government planning requirements should protect the existing native vegetation in Jandakot, especially as a mechanism to protect groundwater quality?"*

Purpose of question: to provide the community with an understanding of the planning framework pertaining to the protection of existing native vegetation, and seek community views on the importance of such.

Response to Survey Question 7: In total 100 of the 103 survey participants completed the question of which the majority, 67% of the respondents or 67 people, indicated "Disagree". A total of 14% of the respondents or 14 people indicated "Strongly Agree".



13. In consideration of the details on and referred to by Map 8, do you consider that State Government planning requirements should protect the existing native vegetation in Jandakot, especially as...



Attachment No. 3 of this Council report provides the survey responses in raw data received by Council as a result of this survey.

Extracts from responses:

“Love how you want to create corridors to connect the vegetation and reserves. As some of Perth IWSS production bores take from the superficial aquifer, yes- the native vegetation protects the water quality, acts as a filter and supports fauna.”

“It is obvious the bush would protect the groundwater although much of the bush has been removed recently (5 - 10 years)”.

“It is vital to protect existing native vegetation as current land owners on special rural blocks have always been mindful of this relationship with the environment and the need to protect our groundwater.”

“Once this area's turned into hundreds of houses it can't be changed to rural or semi-rural again. We have restrictions on clearing and development, which protects ground water, native vegetation and native animals. Think of change in 30 years, not now.”

“The area has been a significant contributor to the Perth water supply, and will continue to be so. Natural vegetation is critical to the quality of groundwater, not to mention wildlife. Concrete not so much.”

“More effective plant species need to be put into the area as well as rehabilitating the area.”

“Other urban developments are on cleared land. Most of the survey zone is not and is critical to preserve water quality. Apart from being a

corridor for fauna movement between bush forever sites, it also creates a unique residential lifestyle”

“To protect groundwater quality as well as ensuring the protection of biodiversity of flora and fauna. Cockburn has had a strong program of biodiversity conservation grants in this area, why ruin it now?”

“Wetlands with old melaleuca trees we should be improving and revegetating the existing native vegetation.”

Some submissions advised their opinion that there is “discrimination between large operators and small land holdings”. Specifically responses noted *“Jandakot City/ Airport can clear hundreds of hectares without any discrimination, Small 5 acre holders are subject to all stringent rules.”*

In terms of statutory context, the development of the airport is primarily undertaken within the regulatory framework of the Federal Government’s Airports Act 1996. Under Section 70 of the Act, each commonwealth airport is required to produce a final master plan. A final master plan is a draft master plan that has been approved by the Minister of Infrastructure and Regional Development. Prior to submitting a draft master plan to the Minister, the airport is required to take into account public comments.

It is understood that some submissions are concerned with the difference in legislative powers under the City’s Scheme and that of the Airports Act 1996. These differences are noted and may help explain the differences in the legislative controls.

City officers have been made aware of a recent letter, September 2017, from the Federal Member for Fremantle to the Minister for Infrastructure and Transport seeking clarification on this very issue, more specifically buffer distances.

Essentially the Commonwealth government is separate to the State Government approval process. The City of Cockburn advocates for the Commonwealth government to adhere to State government policy. Notwithstanding, any legislative differences under the approvals process within Jandakot Airport do not apply to land within the study area.

It is noted there were a number of “neutral” responses in relation to question 7. It is noted a total of 56 responses indicated “See question 18” (see Banjup Residents Group submission). The Banjup Residents Group submission makes mention of the following:

“Most of what remains of Jandakot and Treeby’s rural ambience is its remnant bushland. However, only about half of the area is woodland and on many rural properties only scrub remains. Cockburn’s Treeby District Structure Plan

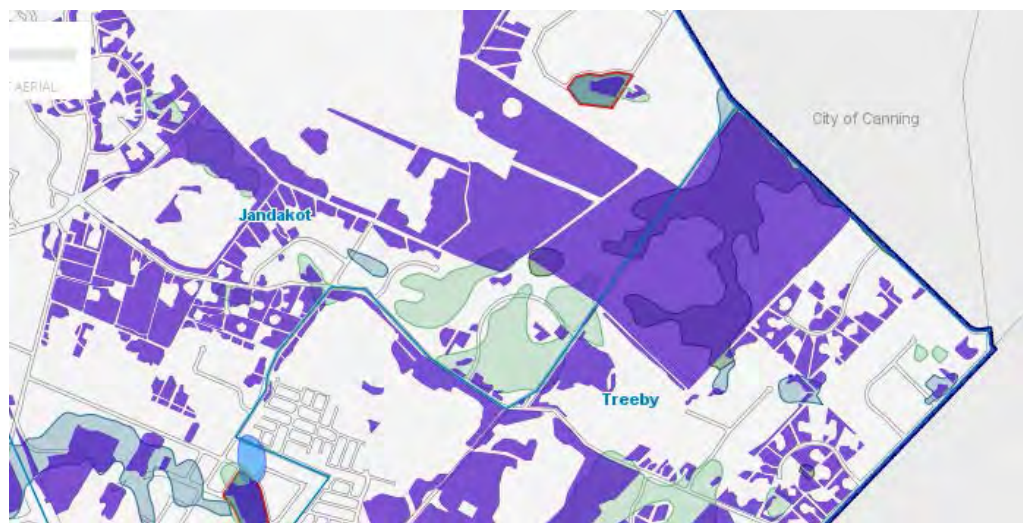


shows that Urban or Commercial use can be made of remnant bush land (eg DoH and Perron lands).”

Officer comment: In relation to the above comments Council is advised, recent mapping completed by the Department of Biodiversity, Conservation and Attractions lists over 90% of Treeby, Jandakot and Banjup as containing Threatened Ecological Community (TEC) of Banksia Woodland of the Swan Coastal Plains.

This TEC is federally listed under the *Environment Protection and Biodiversity Conservation Act 1999* and is listed as endangered. Even areas that buffer TEC are important and are considered in assessing viability of populations.

The vegetation in the Treeby and Jandakot areas support a host of native species including providing foraging habitat for Carnaby's Black Cockatoos and other bird species. Fauna monitoring in this area has returned a variety of species even in areas of poorer condition vegetation indicating that any vegetation has value in contributing to species conservation where it can be found amongst better quality vegetation.



The above mapping was not available at the time of public consultation period. As discussed above, these are new mapping and legislative requirements as advised by the Department of Biodiversity, Conservation and Attractions.

Having TECs (purple) mapped, and then considering what would be their necessary buffer, means the entirety of the vision area accommodates threatened vegetation that would be expected to be protected. This is a significant issue to consider as part of any decision making. This issue again explains the spectrum of values that exist in the area:

1. Considering a vision for change vs:



2. Emphasising a vision to retain the rural area through actions to protect rural amenity levels.

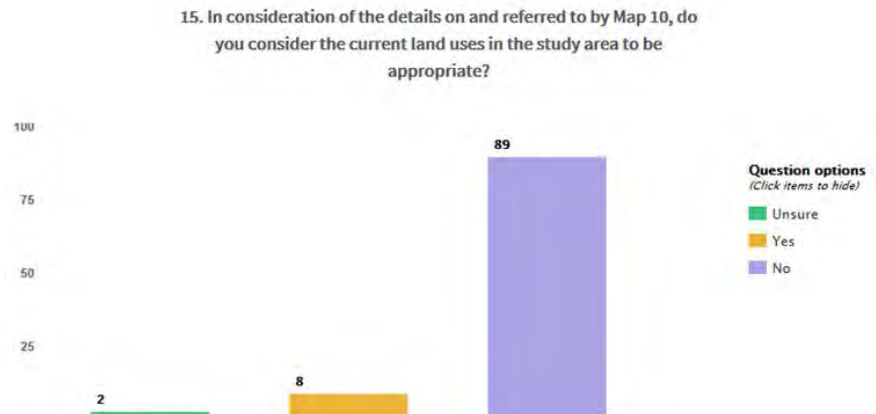
From a town planning perspective, the recently completed mapping, which lists Treeby, Jandakot and Banjup as containing Threatened Ecological Community (TEC) of Banksia Woodland of the Swan Coastal Plains, is a significant issue on its own.

This TEC is federally listed under the *Environment Protection and Biodiversity Conservation Act 1999* and is listed as Endangered. Even areas that buffer TEC are important and are considered in assessing viability of populations. Avoiding environmental impact is considered a key principle of sustainable development and planning.

Survey Question 8: *“In consideration of the details on and referred to by Map 10, do you consider the current land uses in the study area to be appropriate?”*

Purpose of question: to provide the community with a final integrated look at all the preceding issues, compiled on a single map to show both the opportunities and constraints facing the area. The intent then to seek community views on such.

Response to Survey Question 8: In total 99 of the 103 survey participants completed the question of which the majority, 90% of the respondents or 89 people, indicated “No”.



Attachment No. 3 of this Council report provides the survey responses in raw data received by Council as a result of this survey. Please refer to pages 36 and 37 of Attachment 3 for a full list of the receipted responses in relation to Question No. 1.



Extracts from responses:

The following comments provide the qualitative responses in three categories. Categories A, B and C. These are:

A - Those that seem to want remain as is (Resource Zone/ Rural Residential environment);

B - Those that have a desire to be rezoned;

C - Those that provided neutral comments.

In terms of comments received from those wanting to see no change, the following extracts were noted:

"Ideally there is possibly too much urban and commercial development already".

"I can only speak for Cessna/Fraser Road, where semi-rural should be protected especially as we border on bush forever. Semi-rural will compliment and protect ground water, native bush, native animals and airport."

"The current zoning has a mix of commercial, residential and rural land use, consistent with the complex restrictions of the water mound and environment. It has been zoned resource for many years and with good reason."

"Absolutely appropriate to retain these critical important stands of remnant vegetation. We can successfully develop around and amongst them to create incredibly desirable 2HA lifestyle lots".

"The current resource zoning is protecting the environment, providing a noise buffer to the airport and providing residents with highly sought after rural living blocks. Development can be screened out, we can't return our environment once it is destroyed."

"Current residential and commercial developments are mainly on land that has been sand mined. It would be a terrible waste to destroy native bushland and put further pressure on the wetland environment by developing the current resource zone."

"They protect the groundwater from further threats, are a noise barrier between suburbs and housing estates, retain vegetation and habitats and are a fantastic place to live."

"I am against all developments on a water mound".

In terms of comments received from those wanting to see change, the following extracts were noted:

“There is room to establish a medium density zoning along Jandakot road.

“Structure Plan by Banjup association should be taken into consideration.”

“We need to look at overall planning for 5 acre as owners, being squeezed by industrialisation. All should be zoned commercial and industrial Schaffer Corporation will created a large industrial areas.”

“Please refer to Banjup residential association submission as per attached. I fully support BRA views.”

“There should be much less residential and more commercial”.

“I believe as the rural amenity has been irrecoverably impacted that we need to consider urbanising appropriately to all of Treeby and Jandakot between Warton Road in the East to The Freeway in the West.”

“Residential development should be considered.”

“Zoning would be changed to mixed use along Jandakot road, specifically the land near the Prinsep Road and Jandakot junction”.

“All land north of Armadale road be zoned commercial and industrial.”

“Our map clearly shows how surrounding developments are destroying any "rural" lifestyle. However, this area has the strategic features that are critical for urban development under regional planning objectives. See detail in our submission.”

“Should rezone denser to make room for future need”.

“Residential or Commercial”.

“Rezoning of land from Special Rural, to residential or commercial”.

The remaining comments (on pages 36 and 37 of the schedule) were considered to be “neutral” comments.

Officer comment: It is noted a number of comments, not necessarily those listed above, under this survey question referenced Calleya, Schaffer and Stockland ‘activities/ approvals’ as justification for contemplation of development/ rezoning in the survey area.

For reasons outlined under the previous sections of this report, it is important to note each proposal is assessed on its merits at the time of



lodgement. When considering a planning proposal the adopted legislation, as provided by the State Government, is applied.

State government policy, legislations, guiding statements, mapping and Acts are subject to change as has been demonstrated with the recent mapping completed by the Department of Biodiversity, Conservation and Attractions as discussed above. Documents of this nature are constantly evolving as improvements are made.

It is not considered appropriate in this context to justify one change for a particular area based on what may or may not have happened on the Urbanstone land for example. Comments of this nature run the risk of being taken out of context with the misappropriation of previous planning decisions. Planning decisions, such as Amendment No. 112 (Urbanstone) are informed by intricate supporting documentations, such as Environmental Assessments, Acoustic Reports, Bushfire Management Plans, Traffic Reports and Engineering service reports for example. Each of these reports are prepared by suitably qualified experts and then scrutinised by the relevant State government departments/ experts and Local Government officers.

Notwithstanding the above, eight of the qualitative comments under Question 8 or 38% as outlined above are in favour of remaining Rural/Resource zone. A total of 13 qualitative responses, or 61%, as received by the City indicated a willingness to be rezoned to a range of uses/zones.

It is noted these comments seeking for a rezoning included a mix of the following:

- Medium Density zoning/ or residential development;
- Mixed use;
- As per the Banjup Residents Group submission;
- Commercial;
- Industrial.

This accordingly continues to reveal the spectrum of values that exist in the area, ranging from:

1. Considering a vision for change vs:
2. Emphasising a vision to retain the rural area through actions to protect rural amenity levels.

From a town planning perspective, it is worth revisiting the key policy guidance provided under the different elements that landowners considered in the lead up to Question 8.

Under SPP 2.5 its *“Policy Objectives”* aims to *“avoid and minimise land use conflicts”* and also *“protect and sustainably manage environmental, landscape and water resource assets.”*



Under SPP 3.7 its expectation is that Council and the community aim to:

“Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.”

Under SPP 2.3 ‘Jandakot Groundwater Protection’, 2.7 ‘Public Drinking Water Source’ and 2.9 ‘Water Resources,’ these encourage protection of public drinking groundwater and wetlands (including buffers).

Under the recently completed mapping which lists over 90% of Treeby, Jandakot and Banjup as containing Threatened Ecological Community (TEC) of Banksia Woodland of the Swan Coastal Plains (including buffers), this heightens the environmental value that the area represents.

This TEC is federally listed under the *Environment Protection and Biodiversity Conservation Act 1999* and is listed as Endangered. Even areas that buffer TEC are important and are considered in assessing viability of populations.

In closing out Question 8, this section does not include a definitive conclusion for or against the subject area remaining rural residential or alternatively being contemplated for higher residential density codes, commercial or industrial.

It is noted however there are a range of quantitative and qualitative responses. As a vision, the spectrum of views continues to resonate strongly.

Survey Question 9: *“Please provide any other comments?”*

Purpose of question: To provide an option for any other comments to be made.

Response to Survey Question 9: Response number 4 of question 9 (page 39) of this report mentions:

“Jandakot is of significance in the overall plan for Perth and good drinking water for all. By continuing to infill the landscape and ignore the importance of this precious groundwater, this commodity may no long be available to us.

There are many other areas of Perth that could be earmarked for urban development. However, I feel to ignore nature and to continue with



development of Jandakot and pretending that by leaving small tracts of undeveloped land we can preserve and protect our groundwater and environment is folly.

Urbanization needs to stop in this fragile landscape and the council needs to consider the wider community and our need to protect our groundwater, our wetlands and our native flora and fauna."

This report includes a thorough analysis of the State Government requirements. It proposes to position these requirements in a manner that the community can interpret and consider in the context of where they live.

There are opposing views in relation to remaining rural or exploring other options.

Response number 15 indicates;

"I have been a landowner in the P2 zone for 20 years now and purchased our block on the knowledge that the zoning was based on groundwater protection. We developed our property along the way with several CoC Landowner Biodiversity Grants and successfully created new habitats for a whole range of native fauna. We appreciate the special qualities that living here presents as well as the great support from the CoC in sharing our passion to preserve and enhance the natural landscape.

Some have said that our amenity is degraded and we are ""trapped"" between development on all sides. I disagree and if anything, with the developments around us, we are better served. Aircraft movements have decreased over time, Jandakot Road will soon be upgraded and improved, we will have access to a safer road with bike lanes and foot paths. The new housing estate will offer us access to local shops, a primary school, POS and bus services, all in short walking distance. Where else can you reside amongst a superb example of Swan Coastal Plain Banksia woodland, so close to the CBD and all the modern facilities only a short walk away?

I would have to agree with the Banjup Residents Association who in their submission to the WAPC over P&P@3.5M stated the following; ""The landowners believe that there will be more long (term) demand for rural properties close to Perth city than the WAPC anticipates""

Given this survey area is actually closer to Perth city than Banjup, the only reasonable conclusion is that there be no changes made to the current zoning as these 2HA lots are both desirable and will be in greater demand long term. There is no need to change the zoning of the survey area and the WAPC in the Perth & Peel @ 3.5M have it right



by suggesting we retain the current zoning and continue to protect the vitally important vegetation and groundwater supplies. There is no better land use than that which currently exists in the P2 zone. We need to retain all areas of remnant vegetation from Solomon Road through to Warton Road. Creating urban and/or commercial developments in such a desirable and sensitive location is an incompatible land use and should to be considered."

Response number 17 appears to disagree with the approach taken by the Banjup Residents Group as follows:

"When we bought in Jandakot we knew that the road would get busier and that suburbs and industry would get closer, however we created our own haven where wildlife could flourish and where we could shut out the world.

We want to retire here and improve our small area for our grandchildren. We bought beside an airport so we knew aircraft noise would exist, and at least 10-15 years ago we knew about "Jandakot City". Neighbours worried about it sold out and left, while others have stayed and complained.

We've done what we can to screen it out. Banjup Residents Group and the lady investor have frequently tried to bully us into joining them to push for rezoning. We bought here because we thought it would never be rezoned.

Banjup Residents Group themselves tried unsuccessfully to subdivide their own blocks in Banjup into 1ha lots on the premise that there was high demand for rural living blocks close to the city (while telling us it would be their nest egg allowing them to remain there and sell to fund their retirement), yet here they are trying to wipe out the Jandakot rural living blocks.

This is clearly a money grab by people who bought to invest, people who see they didn't sell in time to prevent development lowering their values, and by the Banjup Residents who, having been denied the chance to subdivide, see the potential to wipe out a large number of rural blocks closer to the city than them, increasing pressure on the small supply of rural living properties and therefore raising their values.

Banjup residents may unanimously support the rezoning of the Jandakot Resource Zone, however we, and many other residents of the area affected do not want this. Don't let the Banjup Residents Group continue to silence us."

There appears evidence that the lack of clarity in respect of the future for this area has created a lot of uncertainty and stress among affected



landowners. There are equally vocal positions taken on both sides of the argument, and it is extremely difficult to emphasise one side without potentially disenfranchising the other. What can be drawn are the key facts as follows:

1. That the presence of Jandakot Airport is an important planning factor that must be central to a future vision;
2. That the presence of the natural rural landscapes and environmental qualities is an important planning factor;
3. That the presence of the Jandakot groundwater mound, as an important public drinking water resource, is an important planning factor and there is no evidence to demonstrate how this risk could be managed if an intensification of 'alternative' land uses was to occur;
4. That the presence of wetlands, and their buffers, is an important planning factor;
5. That the presence of an Endangered Threatened Ecological Community of Banksia Woodland, and its buffers, across the entire area, is an important planning factor;
6. That some landowners establish a strong argument for no change;
7. That some landowners, and the Banjup Residents Group, establish a strong argument for change.

This reverts Council back to the spectrum for change, and that there is no consensus view that exists.

Dialogue with Department of Planning

On 26 September 2017 the City's Chief Executive Officer and Director of Planning met with the Director General of Planning and Chair of the West Australian Planning Commission (WAPC). The purpose of these discussions was to reiterate the details in the City's submission on Perth and Peel @ 3.5m and explain the intent of the Jandakot Visioning exercise.

The City's officers were advised that the Department had looked at all the submissions in detail on the Jandakot area. The WAPC had also now finalised its position on this, which is included in the draft report that is now with the Minister for Planning. The officers were advised that the WAPC expects the Minister to release the final report in the very near future, as such neither the Department nor WAPC would entertain any further consideration of this area or accept any further recommendations.

While the details of the WAPC's recommendations on Jandakot were not able to be discussed, post the release of the final report the City's officers will be in a position to determine if further planning for the area can be progressed. If the answer is 'yes', then the report recommends



how this could occur; if the answer is 'no', then advice needs to be given to landowners to end uncertainty.

Conclusion

The Jandakot area, like many former rural areas of Perth, has experienced considerable change over the past two decades. It is understandable that for residents within the area there is a desire for some certainty how any future change could affect their land and rural lifestyles. The WAPC's Perth and Peel @ 3.5m planning exercise was intended to resolve this. The City's submission to that enquiry addressed these concerns; however, planning control rests with the WAPC.

While the City has undertaken consultation with residents, in order to progress any further consideration of this matter clear direction is required from the WAPC. This will only happen when the Minister for Planning releases the final report, which the City's officers has been advised is due soon.

The review undertaken to date has identified the significant constraints that apply to the Jandakot area. The public consultation while recognising a willingness to consider changes to land use, also acknowledged these constraints. As different parts of the Jandakot area are impacted differently and given the divergence of views expressed, should the WACP give consent to further analysis of the area, any future consideration of alternate land uses should be progressed with those directly impacted. Undertaking this on a 'precinct by precinct basis' would allow the views of landowners to ultimately guide change, if/ should this be pursued.

Strategic Plan/Policy Implications

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

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes



Other

The City is currently progressing the review to its local planning scheme and local planning strategy. A key element of the local planning strategy is the local profile papers, which identify planning issues for the Cockburn locality. One of these will be “Rural land use, subdivision and development”.

In addition to providing background information and setting the scene, the local profile should highlight the planning implications of the information and help identify appropriate planning responses. An important source of information in compiling the local profile can include the community and it is proposed a report be presented to the November meeting of Council to consider the release of ‘working drafts’ of the individual local profile papers. This will enable the community to shape the future of the City of Cockburn as early as possible, rather than waiting for a whole draft scheme and strategy to be drafted. Two key points will be questioned:

1. Does the information capture the key issues related to (the local profile topic)?
2. Are there further suggestions for inclusion?

The above approach is beyond the normal scope of consultation for these documents and has the ability to ensure the community is much more involved in their creation.

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Community Consultation commenced on 31 July 2017 following a Community consultation workshop. The visioning survey concluded on 31 August 2017.

In total Council received 103 submissions which are provided for under Attachment 3 of this report.

Risk Management Implications

The officer report and recommendation provides the analysis of the submission received. In order to maintain rigor in this process, every submission and comment made has been separately provided in the



attachment, with Council able to cross-reference specific commentary against the submissions made on the specific question being discussed. Council has one of two options to choose from, being:

1. Considering a vision for change vs:
2. Emphasising a vision to retain the rural area through actions to protect rural amenity levels.

Failing to clearly adopt either position may create unclear expectations in the community about what to expect in the future. This is important as the most recent State Government expectation (as presented through the Draft Perth and Peel @3.5 million plan) indicated no change occurring.

Attachment(s)

1. Survey Questions
2. Survey Maps
3. Survey Responses - Consultation Analysis Jandakot Perth and Peel August 2017.
4. Treeby Schedule of submissions updated with Jandakot Vision (related) Comments highlighted in yellow.

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 12 October 2017 Council Meeting.

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

Nil.

NOTE: AT THIS POINT, THE TIME BEING 8.19 PM. THE PRESIDING MEMBER LEFT THE MEETING AND DEPUTY MAYOR REEVE-FOWKES ASSUMED THE ROLE OF THE PRESIDING MEMBER.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that she had received a declaration of proximity interest from Mayor Howlett in relation to Item 15.4 "Final adoption of proposed Scheme Amendment No. 118 and the Freight Rail Vibration / Noise and Road Noise Areas Local Planning Policy", pursuant to section 5.60B of the Local Government Act 1995.



The nature of the interest is that he is a land owner in the North Lake location, which is within the area subject to the proposed scheme amendment.

15.4 (MINUTE NO 6178) (OCM - 12/10/2017) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 118 AND THE FREIGHT RAIL VIBRATION / NOISE AND ROAD NOISE AREAS LOCAL PLANNING POLICY (109/118) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

(1) in pursuance of Clause 75 of the *Planning and Development Act 2005* (“Act”) and Regulation 41 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (“Regulations”), resolves to adopt with modifications Amendment 118 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) for the purposes of:

1. Re-coding various residential zoned properties within parts of the suburbs of South Lake, Bibra Lake (east) and North Lake to ‘Residential R30’, ‘Residential R40’, ‘Residential R60’ and ‘Residential R80’ as per the advertised Scheme amendment map, except for the following changes as a result of the advertising process:
 - a) The density codes of Lot 304 (No. 26), Lot 305 (No. 24) and Lot 306 (No. 22) Gwalia Place, Bibra Lake be recoded to ‘R40’ in order to provide a more appropriate streetscape response in this area (as per submission no. 176).
2. Reclassifying incorrectly zoned land (anomalies) to the ‘Parks and Recreation’ and ‘Local Road’ Scheme reserves;
3. Modifying Clause 5.1.1 by including two additional sub-clause as follows:
The Freight Rail Noise Area is shown on the Scheme Map as FRNA.
The Road Noise Areas are shown on the Scheme Map as RNA 1 and RNA 2.
4. Modifying Part 5 of the Scheme by inserting a new heading and clauses, with appropriate numbering, as follows:

Development approval in the Freight Rail Noise Area and Road Noise Areas.



Notwithstanding the exemptions to the need for development approval set out in Part 7 of the Deemed Provisions, and this Scheme, development approval is required where the following development is included in the Freight Rail Noise Area or a Road Noise Area, as defined by Part 5 of the Scheme, but not for minor extensions:

- a) The erection or extension of a single house*
- b) The erection or extension of an ancillary dwelling*
- c) The erection or extension of a grouped dwelling.*
- d) The erection or extension of a multiple dwelling.*

5. *Include a new clause within Part 5 – Special Control Areas as follows:*

The purpose of the Freight Rail Noise Area is to-

- a) implement State Planning Policy No. 5.4 Road and Rail Noise ('SPP 5.4') and the associated SPP 5.4 Implementation Guidelines;*
- b) define noise and vibration affected areas, based on SPP 5.4 and site specific noise and vibration measurements, within parts of the suburbs of Bibra Lake and South Lake;*
- c) protect current and/or future inhabitants, with applications for noise-sensitive land uses, from unreasonable levels of transport noise by implementing a pre-determined standardised set of noise and vibration attenuation measures, or alternatively implementing site specific assessments and measures prepared by a suitably qualified acoustic consultant, at the development approval stage;*
- d) encourage noise mitigation best-practice advancements, design and construction standards for new development proposals in proximity to major transport corridors; and*
- e) recognise in some few instances it may not be reasonable and practicable to meet the full extent of the expected vibration criteria thus, in these few instances, Local Governments may exercise some level of flexibility, where appropriate, in decision making.*

6. *Include a subsequent new clause within Part 5 – Special Control Areas as follows:*

The Freight Rail Noise Area is defined on the Scheme



Map within 300 metres of the central line of the nearest railway track of the Freight Railway Line within the suburbs of Bibra Lake and South Lake pursuant to State Planning Policy 5.4, which applies to noise-sensitive land uses. The Freight Rail Noise Area is informed by a site specific Freight Train Noise and Vibration Assessment prepared in accordance with State Planning Policy No. 5.4.

Note: The designation of particular parts of the district as a Freight Railway Noise Area should not be interpreted to imply that areas outside the Freight Railway Noise Special Control Area are unaffected by noise and vibration.

7. Include a subsequent new clause within Part 5 – Special Control Areas as follows:

In determining an application to carry out development in the Freight Rail Noise Area, the Local Government may impose conditions on any planning approval as to:

- a) require noise and vibration attenuation measures to be incorporated into the design of buildings; and*
- b) require the registration of notifications on title advising of the potential for Freight Rail Noise and Vibration nuisance.*

8. Include a subsequent new clause within Part 5 – Special Control Areas as follows:

The Local Government may consult with; the Department of Water and Environment Regulation (Noise branch), Main Roads Western Australia or any other such government department, acoustic or building industry experts the Local Government considers necessary; in the consideration and determination of an application for development approval to ensure appropriate noise and vibration attenuation measures are incorporated into the design of buildings.

9. Include a new clause within Part 5 – Special Control Areas as follows:

The purpose of a Road Noise Area is to:

- a) implement State Planning Policy No. 5.4 Road and Rail Noise ('SPP 5.4') and the associated SPP 5.4 Implementation Guidelines;*
- b) define noise affected areas, based on SPP 5.4 and site specific noise measurements, on the Scheme Maps;*

- c) *protect current and/or future inhabitants, with applications for residential noise-sensitive land uses, from unreasonable levels of transport noise by implementing a pre-determined standardised set of 'deemed to satisfy' noise attenuation measures, or alternatively site specific assessments and measures prepared by a suitably qualified acoustic consultant, at the development application stage; and*
- d) *encourage noise mitigation best-practice advancements, design and construction standards for new development proposals in proximity to major transport corridors.*

10. Include a subsequent new clause within Part 5 – Special Control Areas as follows:

Road Noise Area 1 (North Lake Road) and Road Noise Area 2 (Kwinana Freeway) are defined on the Scheme Map to reflect the Road Noise Acoustic Reports for North Lake Road - Other Regional Road and Kwinana Freeway - Primary Regional Road. The Road Noise Areas are informed by site specific Road Traffic Noise Assessments prepared in accordance with State Planning Policy No. 5.4 which applies to residential noise-sensitive land uses.

Note: The designation of particular parts of the district as a Road Noise Area should not be interpreted to imply that areas outside the Road Noise Area Special Control Area are un-affected by noise (and possibly vibration).

11. Include a subsequent new clause within Part 5 – Special Control Areas as follows:

In determining an application for development approval in a Road Noise Area, the Local Government may impose conditions to-

- a) *require noise attenuation measures to be incorporated into the design of buildings; and*
- b) *require the registration of notifications on title advising of the potential for Road Noise nuisance.*

12. Include a subsequent new clause within Part 5 – Special Control Areas as follows:

The Local Government may consult with; the Department of Water and Environment Regulation (Noise branch), Main Roads Western Australia or any other such government department, acoustic or building industry



experts the Local Government considers necessary; in the consideration and determination of an application for development approval to ensure appropriate noise attenuation measures are incorporated into the design of buildings.

- (2) subject to the amendment document being suitably modified, Council forward the amendment to the WAPC with a request for endorsement of final approval by the WAPC and responsible Minister;
- (3) in pursuance of Deemed Provision 4 of the Scheme, adopt with modifications the Freight Rail Vibration / Noise and Road Noise Areas Local Planning Policy; and
- (4) endorse the Schedule of Submissions prepared in respect of the Scheme amendment.

COUNCIL DECISION

MOVED Clr P Eva SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 7/0

Background

At the 12 May 2016 meeting, Council adopted the Lakes Revitalisation Strategy as the comprehensive guide to the planning and delivery of revitalisation across the suburbs of South Lake, North Lake and Bibra Lake (east).

In accordance with the adopted Revitalisation Strategy, on 9 February 2017 Council resolved to initiate Scheme Amendment No. 118 in order to implement the residential density changes consistent with the adopted Strategy. Associated with this was how development would need to respond to noise and vibration associated with the freight rail line, and noise associated with North Lake Road and Kwinana Freeway. A Draft Local Planning Policy was also advertised along with the Scheme amendment.

The purpose of this report before Council is to report back to Council the outcome of the Scheme amendment consultation process, and Local Planning Policy consultation process.



Submission

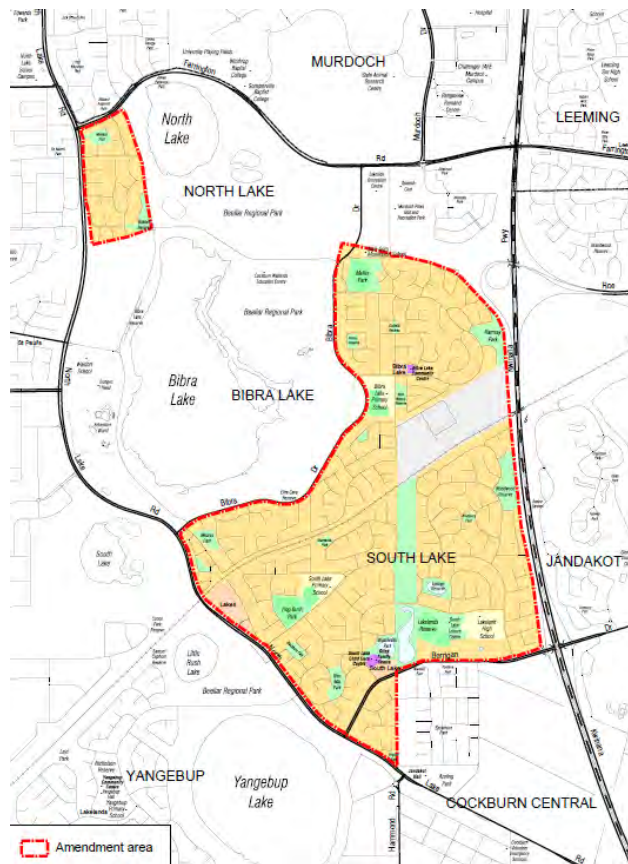
NA.

Report

Where does this Scheme Amendment apply?

The Study area, as mentioned above, comprises parts of the suburbs of South Lake, Bibra Lake (east) and North Lake.

Figure 1: Location Map Amendment No. 118



In total there are 3,416 residential lots within the study area.

The Scheme amendment aims to formally implement the community’s vision encapsulated through the strategy formulation stages, which resulted in the creation of the Lakes Revitalisation Strategy. The new residential densities will create the opportunity for new housing choice and redevelopment over a 20 year period. This recognises The Lakes area being uniquely positioned to accommodate growth and revitalisation, considering the following factors:

- The subject area is strategically placed within the heart of the rapidly expanding south west corridor.



- The subject area is a well-connected area in proximity to the new Fiona Stanley Hospital, Murdoch University Precincts and the emerging Cockburn Central Activity Centre.
- The subject area has an established level of infrastructure with various forms of public transport facilities including passenger rail, high frequency bus and also motor vehicular access via the Kwinana Freeway in close proximity.
- The physical age of built form within the subject area being such that decisions for redevelopment and/or renewal are expected to be made by landowners over the coming years, providing the opportunity to consider whether redevelopment to other forms of housing (grouped and multiple) should take place.

What were the views of the community in respect to the proposal?

The majority of the submissions received were in support of the proposed Scheme amendment. A summary of the advertising outcome (see Attachment 4 for details) is as follows:

- 168 were in support of the proposal
- 1 supported the amendment subject to modification
- 28 objected to the proposal
- 2 provided no comment
- 1 objected subject to modification
- 1 neither supported nor objected
- 1 did not support the modification requested
- Total 202 submissions

As noted above there were 28 objections to the proposal. Some of the objections responded with nothing more than 'I or we object'. Other objections went into detail and raised a number of points.

A detailed response to the issues raised in the formal advertising period is provided in the Schedule of Submissions (Attachment 4).

Where residents/owners have requested their name and address to be kept confidential these have been kept confidential within the public Schedule of Submissions. The remaining submissions identify the names and the address of the individual/(s) that made a submission.

With 202 submissions, the following analysis identifies the key themes that were raised, and how concerns expressed through submissions have been addressed. Importantly, it needs to be emphasised that of the 202 submissions received, 168 supported the amendment, which represents 84% in support:



What were the views of the government agencies and service providers?

Under submission number 157 the Department of Transport (“DoT”) neither supported nor objected the proposal. The DoT raised issues, for discussion, with respect to the City’s proposed Special Control Area for the Freight Rail Noise Area.

The DoT submission identifies *“the accompanying Freight Train Noise and Vibration Assessment provides useful insight into the impact of the freight rail line on adjacent urban land within the City of Cockburn.”*

The draft (September 2017) SPP 5.4 policy mentions *“road and rail noise can have an adverse impact on human health and the amenity of nearby communities, so it is important that it is carefully considered in land use planning and development.”*

The DoT raised questions regarding the criteria used within the City’s Freight Train Noise and Vibration Assessment within their submission. Under the City’s technical officer response column under submission number 157, officers have clarified and justified the criteria used.

It is considered by the City that the approach taken and proposed by the Freight Train Noise and Vibration Assessment provides a higher standard of internal amenity to future homes and results in a greater level of surety for residents. Therefore, more homes are then able to meet a modified construction standard rather than requiring a design specific acoustic report. Note the acoustic measures are not proposed to be actioned retrospectively on existing dwellings. This will apply only to new (future) dwellings.

The City’s response table makes mention in its reply to the DoT that the use of L_{Amax} (in association with L_{Aeq}) is in accordance with the Department of Water and Environmental Regulation (noise branch) advice in relation to the Lakes Revitalisation Strategy for Freight Rail noise, and will assist to mitigate peak noise events and low frequency noise.

DoWER notes that noise and vibration impacts on noise sensitive premises are significant. DoWER advises that they conducted a project on freight rail noise and vibration between 2009 and 2011. DoWER’s study also indicated that noise and vibration from freight rail operation has a significant impact on noise sensitive premises along the rail corridor. DoWER experience and findings from their study indicates that the use of L_{Amax} criteria (as proposed by the City of Cockburn) is appropriate for assessing the impact of freight train noise.

The SPP 5.4 guidelines (2009 version) identified the DoWER (noise branch) as the expert government agency with respect to rail noise and



vibration. As the DoWER (noise branch) supports the City's approach, this is considered to address any concerns that other agencies of the State Government may have in respect of the proposal. Importantly, it secures an efficient and effective way in which future development and redevelopment can address the issue of noise and vibration, and help to secure a more pleasant living environment within the future dwellings that redevelopment will deliver.

Submission number 185 provides a supporting submission as submitted by Fremantle Ports. Fremantle Ports advises their interest in this amendment is obtaining a good planning outcome around the freight rail line that traverses the site. Fremantle Ports reminds us *"this is the only freight rail link to the Fremantle Inner Harbour. Its ability to operate unimpeded is essential for the Port of Fremantle and more widely the Perth and wider regions of Western Australia"*.

Fremantle Ports indicates; *"the development of the Freight Rail Noise Area Special Control Area is considered a positive initiative to put in place the statutory mechanism to achieve better planning outcomes around the freight rail line. Importantly the amendment has proactively sought to go beyond the minimum standards of Western Australian Planning Commission State Planning Policy 5.4, for example with regard to noise measurements. This approach by the City of Cockburn is supported."*

It is also noted in the view of Fremantle Ports; *"the development of this Special Control Area by the City of Cockburn has the potential to serve as a model for use by other local governments across Western Australia."*

Submission number 195 indicates "Support - to be applauded." Submission number 195 within Attachment 4 was provided by the Public Transport Authority ("PTA"). Some of the noteworthy points raised by the PTA are summarised as follows;

- *"The City of Cockburn is to be applauded for taking a proactive approach to addressing freight noise and vibration for future residents. The PTA often receives complaints about freight noise and vibration from residents within the City of Cockburn."*
- *"The noise and vibration criteria chosen are supported, including the L_{Amax} and vibration criteria. The L_{Amax} provides a more accurate reflection of the short term noise impact to residents especially with regards to sleep disturbance at night. The World Health Organisation has recognised sleep disturbance from environmental noise as a significant issue with long term health impacts."*



- *“The inclusion of vibration criteria is supported as it is a source of complaint and the criteria chosen are the accepted de facto standard for rail based on advice from the Department of Environment Regulation's Noise Branch.”*

Similar to the submission from the PTA the Freight and Logistics Council of Western Australia (“FLCWA”) indicated a “Strong Support” for the Scheme amendment.

In their view, Amendment 118, the draft Freight Rail Vibration / Noise and Road Noise Areas Local Planning Policy and the associated rail acoustic report significantly advance, and complement, the recent work of the FLCWA. The FLCWA commended the City for the investment in detailed acoustic and vibration studies to support and inform Amendment 118 and draft Freight Rail Vibration / Noise and Road Noise Areas Local Planning Policy and for the balanced approach to achieving urban infill targets, higher standards of urban amenity and freight transport corridor protection.

The City received an objection from the Bibra Lake Residents Association under submission number 169 of Attachment 4.

Comments from the Bibra Lake Residents Association were gathered from their meeting of May 2017. Submission number 169 stipulates; *“the general feeling at the meeting and from discussions after the meeting, was that members and local residents did not want to see reduction in their block sizes and more housing in most of the eastern section of Bibra Lake”*.

Their views are summarised below;

- *“Additional number of cars that more housing would bring would cause issues with parking. Additional housing would also add considerably more traffic to local streets.*
- *Most houses are built in the centre of their block so there would not be a possibility of adding a driveway to a new house at the back, without demolishing the house.*
- *There are significant trees and shrubs that would be lost if the house blocks were to be sub-divided and the feeling of the suburb would be completely altered.*
- *A suggestion was made that the best area for higher density housing would be limited to the area of Parkway Rd that is close to the shopping centre and school.*



- *We live in a cul-de-sac on a large block. At present there are six driveways which lead onto this area, so there is nowhere in the cul-de-sac for cars to park safely. If these larger blocks were sub divided it would be a nightmare. Also we don't have any footpaths and everyone walks on the road.*
- *We just don't have the infrastructure (e.g. shops, emergency facilities and transport) to handle a big increase in population. There are also only two ways in and out of BL making it a unique high risk area. In case of emergency we all can't get out in a hurry."*

In response to the Bibra Lake Residents Association Attachment 4, Schedule of Submissions provides detailed comments. Some of the comments provided by City of Cockburn officers, in relation to submission number 169, are provided below:

- The City aims to limit the number of crossovers where possible. Any future residential development will require on-site parking as per State Planning Policy No. 3.1 Residential Design Codes. This requirement will be assessed under any future development application and conditioned by the City of Cockburn;
- The concerns relating to traffic are specifically addressed under pages 38 to 85 of the "The Lakes Revitalisation Strategy Background Report December 2015". This comprehensive list of recommendations and analysis identifies the likely outcome of the future development will result in minimal traffic impacts. Notwithstanding this, the report identifies some areas where the road network or intersections are required to be upgraded. This involves intersection upgrades, local and state funding for 'black spot' upgrades and other such improvements/ details;
- The R-codes has a dispensation for battle-axe driveway widths in favour of properties retaining the dwelling (3m) over new dwelling construction (4m). It is expected therefore that a significant number of existing dwelling properties will be able to be subdivided with the retention of the front dwelling;
- Infill development allows for more people to be located in proximity to the existing schools, hospitals, shopping centres etc. This involves, potentially, less commuting. Infill development might result in less space for gardens however it also might result in less need for clearing of native vegetation in greenfield areas;
- Please note also, existing (older) 80's dwellings were generally constructed to a current day equivalent of 1 star (energy efficiency). Any new dwelling today (or tomorrow) will be required



under the Building Code of Australia to be built to a 6 star minimum. Higher density codes incentivise people to construct new dwellings. New dwellings (6 star minimum requirement) will be more comfortable to live in as they are expected to be less hot in summer than current (80's typical) dwellings and warmer in winter.

What were the views of the Department of Fire and Emergency Services?

Submission number 199 indicated that DFES does not support the proposed bushfire mitigation considerations as submitted by the City of Cockburn. DFES requests modifications to the supporting appendix titled "Bushfire Management Plan Strategic BAL Contour Mapping". DFES indicates;

"Given the scheme amendment proposes changing the land use intensity or vulnerability, particularly through increased residential development and on a neighbourhood scale, DFES does not support the scheme amendment being considered minor development."

Responding to DFES comment, the City advises as follows:

- The *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* and SPP 3.7 specifically exclude development applications for single houses and ancillary dwellings on a lot or lots less than 1,100m² from requiring further (planning) assessment. Under part 5.4 of the guidelines where lots of less than 1,100m² have already been created, the application of the appropriate construction standard at the building permit stage is the instrument used to reduce the residual bushfire risk to those properties.
- The City of Cockburn engaged the services of *Bushfire Prone Planning* to prepare a '*Bushfire Management Plan Strategic BAL Contour Mapping dated 27 October 2016*'. Figures 5.2 of this document provides an indicative BAL Contour Map prepared under the requirements of SPP 3.7 which identifies a small proportion (4%) of the existing residential lots within the study area fall within the BAL-40 and the BAL-FZ range.

Under Clause 78B of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*, bushfire requirements do not apply to lot/(s) with a total area of 1,100m² or more.



On the above basis it is important to note, in this context 142 residential lots within the amendment area are under the BAL-40 or BAL-FZ. Of the 142 residential lots, 130 of these residential lots are less than 1,100m² in area with 12 lots more than 1,100m² in area.

- The re-coding of residential zoned land by the City of Cockburn's Scheme amendment proposal does not necessarily reflect the private landowners desire to re-develop their land. Based on previous revitalisation strategies undertaken by the City of Cockburn, the rate of re-development (post Scheme amendment to up-code land) is particularly slow resulting in an estimated 2% change over a 5 year period (source: 'Forecast-id'). On this basis the re-coding of land by this Scheme amendment may not necessarily result in re-development or an increase in threat of bushfire to people, property and infrastructure. This is an important point to note.
- Of final note, the existing dwellings within the indicative BAL-40 and BAL-FZ area are assumed to currently be built to BAL-LOW. This is because these existing dwellings are approximately 37+ years old and the State bushfire map is roughly 1 year old. DFES must recognise that facilitating redevelopment as proposed by the Scheme amendment will incentivise owner/(s) to demolish their BAL-LOW properties (in these potential 'high risk' areas) and construct new dwelling/(s) to an appropriate BAL as indicated by a future AS3959-2009 assessment at Building Permit stage. This is therefore considered to be in keeping with the objectives of addressing risk, rather than ignoring it and not facilitating change.

On the above basis, in the view of the City of Cockburn officers the proposed Scheme amendment is compliant with the discretionary considerations within SPP 3.7.

How does the City aim to respond to a diversity of views?

As noted within the Schedule of submissions there were 202 submissions received with respect to the proposed Scheme amendment.

This report aims to summarise these submissions for the purposes of a report to Council, and also the Commission. Following Council's determination of this proposal those who made a submission will be informed of Council's resolution.

Those who made a submission will be invited to review the technical officer's response in relation to their submission under Attachment 4.



Those who made a submission will be provided a formal response to their submission under this process.

On the above basis, the City is seeking to respond to a diversity of views as per the details of the schedule of submissions table and summarised above.

Key issues of traffic, future density concerns, loss of trees, and impacts on amenity are all comprehensively addressed in the schedule. It is noted that the vast majority of submissions (84% of 168 out of 202) supported the amendment. Clearly, this shows that the community generally felt very comfortable with the comprehensive response to future zoning changes being facilitated in part by this Scheme amendment.

Conclusion

The Study area, as mentioned above, comprises parts of the suburbs of South Lake, Bibra Lake (east) and North Lake. The Scheme amendment responds to the adopted Lakes Revitalisation Strategy, and enables progressing one of the first key actions associated with delivering the residential density re-codings as envisioned by the Strategy.

84% of submissions support the proposal, and understand also the response the City has taken in ensuring that future development responds appropriately to the local context including road and rail noise/vibration, and bushfire risk. Issues in terms of managing future traffic and development typologies are already foreshadowed by the action plan forming part of the original revitalisation strategy. On this basis, it is recommended that Council support for final adoption both the Scheme amendment and policy.

Strategic Plan/Policy Implications

City Growth

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

Economic, Social and Environmental Responsibility

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



Leading and Listening

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

Budget/Financial Implications

The City of Cockburn is the applicant with respect to this proposed Scheme amendment. The City of Cockburn also funded the preparation of external consultant reports to inform aspects of the proposed Scheme amendment. These costs have been met through the normal budget allocation process as determined by Council.

Legal Implications

Nil

Community Consultation

The Scheme amendment advertising process was undertaken pursuant to the prescribed advertising requirements within Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The duration of the advertising process was for 'not less than a period of 60 days' as per the requirements of the *Regulations*.

On the above basis, advertising included a notice in the newspaper, a printed/hard copy of the report displayed in the City's offices, displayed in full on the City's website and a copy (letter) provided to each landowner within the Amendment area (refer to Attachment 1 - Location Map for details) advising them of the details of the proposal and inviting them to make a submission.

In addition to the above, relevant public authorities, service providers and industry stakeholders received a letter advising them also of the proposal and directed them to the details of the proposal which was posted in full on the City's website.

Advertising formally commenced on 6 April 2017 and formally concluded on 10 June 2017 (for a period of 65 days). In total Council received 202 submissions from a mix of; residential land owners, service providers, government agencies and key industry stakeholders. 168 submissions, or 84%, supported the proposal.

A portion of the submissions were received following the formal advertising period. Notwithstanding, the 'late' submissions were formally recorded as a receipted submission.



Risk Management Implications

The officer's recommendation takes into consideration all the relevant planning factors associated with this proposal, including State Planning Policies 5.4, 3.7 and Perth and Peel @ 3.5 Million. It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision.

It is recommended that Council adopts the proposed amendment subject to the above mentioned Scheme map and Scheme text modifications. This is partially to address the various submissions received during the advertising period. These modifications are required prior to the forwarding of the proposed Scheme Amendment to the WAPC. On this basis the associated risks in not achieving these planning outcomes is considered minimal.

Attachment(s)

1. Location Map
2. Existing and Proposed Scheme Maps
3. Draft Local Planning Policy titled "Freight Rail Vibration/ Noise and Road Noise Areas Local Planning Policy".
4. Schedule of Submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 October 2017 Council Meeting.

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

Nil.

NOTE: AT THIS POINT, THE TIME BEING 8.22PM, MAYOR HOWLETT RETURNED TO THE MEETING.

THE PRESIDING MEMBER ADVISED MAYOR HOWLETT OF THE DECISION OF COUNCIL IN HIS ABSENCE.

MAYOR HOWLETT RESUMED THE ROLE OF THE PRESIDING MEMBER.



15.5 (MINUTE NO 6179) (OCM - 12/10/2017) - PROPOSED STRUCTURE PLAN AMENDMENT FOR LOT 9043 SPEARWOOD AVENUE, BEELIAR WITHIN THE CELL 9 YANGEBUP AND CELL 10 BEELIAR STRUCTURE PLAN (110/177) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of deemed provision 20 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), recommends to the WA Planning Commission the approval of the proposed Structure Plan amendment for Lot 9043 (Previously 9041) Spearwood Avenue, Beeliar which forms part of the Cell 9, Yangebup and Cell 10, Beeliar Structure Plan subject to:
 1. The submission from the Department of Fire and Emergency Services being addressed and provided to the WAPC.
 2. Notifying the WAPC that the inclusion of a notation on the Structure Plan map identifying the incidental Acoustic, LDP and Bushfire subdivision requirements is recommended and should be considered.
- (2) endorse the Schedule of Submissions prepared in respect of the proposed Structure Plan;
- (3) advise the proponent and those persons who made a submission of Council's recommendation; and
- (4) pursuant to Deemed Provision 22 of the Scheme, request that the Commission provides written notice of its decision on the structure plan.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0



Background

The proposed Structure Plan was received on 8 August 2017. The application was prepared by CLE on behalf of PRM Property (the landowner). The proposed Structure Plan relates to Lot 9043 (Previously 9041) Spearwood Avenue, Beeliar ("subject site").

Recently a portion of the subject site, of approximately 3,000m² in area, was subdivided off to create 8 separate residential lots. The northern portion was also recently acquired in order to consolidate the future public open space holding.

The subject site was previously encumbered by a Telstra fiber optics cable which has, until recently, sterilized the potential to develop this land for residential purposes.

Recently the landowner has funded the relocation of the above mentioned Telstra cable rendering the land now unencumbered and therefore it is now practical to contemplate residential development on this land. On this basis the proposal aims to amend an existing Structure Plan in order to facilitate residential development which integrates with the subdivision on the adjacent land.

Following the process of public consultation, it is recommended that the Structure Plan be recommended for adoption by the WAPC.

Submission

N/A.

Report

Planning Background

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No.3 ("Scheme"). The subject site is also located within Development Area No. 4 ("DA 4"), Development Contribution Area No. 5 ("DCA 5") and Development Contribution Area No. 13 ("DCA 13") under the Scheme.

Pursuant to Clause 5.2.2.1 of the Scheme; *"The development of land within a Development Area is to comply with Table 9 [of the Scheme]".* Clause 5.2.1 of the Scheme specifies; *"Table 9 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas".* Under Clause 5.2.2.2 of the Scheme; *"The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to the land."*



On the above basis the specific provisions within Table 9 DA 4 of the Scheme are provided as follows:

“An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions.”

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

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

Pursuant to the above Scheme provisions and the *Planning and Development (Local Planning Scheme) Regulations 2015*, the applicant has submitted a Structure Plan amendment proposal for assessment. This includes relevant technical reports and addendums/ appendices to help inform the proposed Structure Plan map.

This report aims to summarise the outcome of that assessment pursuant to the legislative requirements of the Regulations and the Scheme.

Residential Development

The proposed Structure Plan (see Attachment No. 2) proposes to modify an existing road reserve, reclassify land reserved as ‘Local Road’ to the ‘Residential Zone’ and recode ‘Residential R20’ and ‘R25’ to ‘R40’.

The purpose of this amendment is to address the significant cross fall (approximately 4.3m) over the narrow strip of land between Spearwood Avenue and the existing residential home sites to the west. The upcoding enables future subdivision and development to step down this slope, in that the higher density enables narrower lot frontages to be created. Development at a lower density (wider lot frontage) would pose a significant impact on the western adjoining landowner in that the side of the interfacing retaining wall would be significant and create an adverse internal amenity outcome.

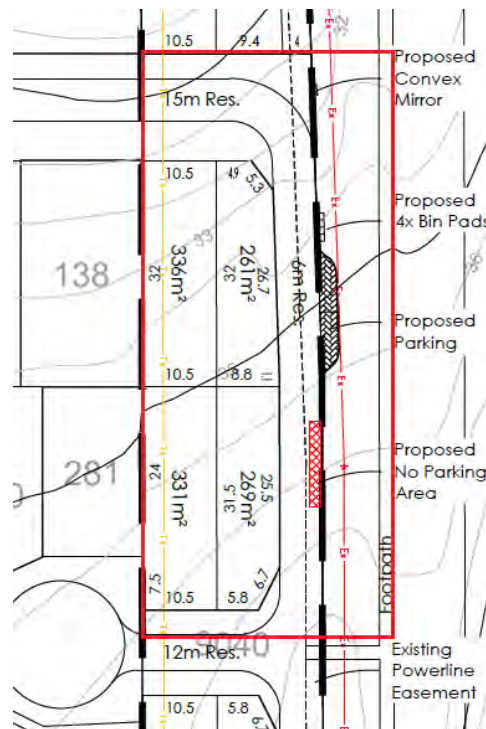
Following the removal of the Telstra fibre optic cable as well as other servicing issues, a comprehensive engineering assessment of the site



concluded that the land could be appropriately developed for residential purposes.

The applicant has provided a draft indicative without prejudice subdivision concept plan to help inform the proposed Structure Plan amendment. The indicative extract from the subdivision plan demonstrates how the land can be developed with the extension and continuation of the east-west access road and the construction of north-south access lane.

Figure 1: Extract from the draft indicative without prejudice Subdivision Concept Plan.



Importantly the Concept Plan extract shows how the site can be developed (in part) as a logical progression to the existing urban development with lot sizes similar to those existing. It should be noted, the subdivision concept plan has been prepared in close consultation with the City’s engineers and the applicant’s engineers to achieve an optimal outcome for this unique scenario.

Local Water Management Strategy (Addendum)

The applicant has provided an addendum to the approved Tindal Avenue, Beeliar LWMS. The addendum has been reviewed by the City and also the Department of Water and Environment Regulation. Submission number 3 under the Schedule of Submissions response table (Attachment No. 3) provides DoWER’s support for the proposed addendum.



Bushfire Management

The subject area is identified as falling within the State Bushfire Prone area map. On this basis the applicant has provided a Bushfire Management Plan for the subject land. The BMP has been assessed for compliance by the City of Cockburn and also referred to the Department of Fire and Emergency Services for their comment. No comment has been received.

In the view of the City's officers, the proposal is compliant with State Planning Policy No. 3.7 for the purposes of bushfire planning. This proposal is considered to be a 'low risk' bushfire application given the separation distance of the subject site from the bushfire hazard created by Spearwood Avenue. Additionally it is also noted any future Class 1, 2, 3 or 10a structure (under the Building Code of Australia Classification) will be required to be accompanied by a site specific bushfire assessment at Building Permit stage (irrespective of the Planning bushfire documents).

Pending DFES choosing to provide a comment, the officer recommendation provides for the submission to be addressed and provided to the WAPC.

Spearwood Avenue and The Grange intersection

As a result of the mentioned encumbrance, Spearwood Avenue and the Grange have historically not been connected via a gazetted road. This is identified pictorially below under Figure 2.



Figure 2: Current aerial photograph of Spearwood Avenue and The Grange



As is evident from Figure 2 above, the inability to develop the subject site as a result of the Telstra cable encumbrance has until recently meant no vehicle access through to the Grange/ Spearwood Avenue.

As a result of the proposed amendment, a future subdivision application should provide opportunity to construct the missing portion of road as identified above. This is considered to be an important outcome for the community at large.

Community Consultation

The advertising process concluded on 12 September 2017 resulting in 10 submissions. These submissions are provided within Attachment No. 3 'Schedule of Submissions.' The submissions were all from state government agency / referral authorities, and noted no serious issues that impeded the progressing of the structure plan.



Conclusion

Recently the landowner has funded the relocation of the above mentioned Telstra cable rendering the land now unencumbered and therefore it is now practical to contemplate residential development on this land.

The City referred this application to Telstra for their comment however it is noted Telstra did not provide a formal submission to the City.

On the above basis the proposal aims to amend a previously approved Structure Plan to facilitate residential development which integrates with the existing historical subdivision.

The proposed Structure Plan amendment aims to provide future residential lots to address the significant cross fall (approximately 4.3m) over the narrow strip of land between Spearwood Avenue and the existing residential home sites to the west.

The proposal has been assessed in accordance with the Planning framework and referred to adjacent landowners, government agencies and service providers for public comment. It is recommended for approval by the WAPC, on recommendation of Council.

Strategic Plan/Policy Implications

City Growth

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

Moving Around

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

Budget/Financial Implications

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

Legal Implications

Deemed Provision 20 of the Scheme requires the City to prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days following advertising.



Community Consultation

Public consultation was undertaken for a period of 21 days. The advertising period commenced on 15 August 2017 and concluded on 12 September 2017.

Advertising included a notice in the Cockburn Gazette, advertising on the City's webpage, letters to selected landowners surrounding the Structure Plan area as well as letters to State Government agencies and service providers.

In total Council received ten (10) submissions all from government agencies or service providers. While the City of Cockburn did not receive any formal written and receipted submissions from adjacent landowners, the assessing officers do note a number of residents did make enquiry as to the details of the proposal. City officers have met with a number of these residents, in person, whom have requested further detailed justification. These enquiries have resulted in customer satisfaction and therefore no formal (resident) submissions were lodged with Council.

Risk Management Implications

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

There are no obvious risks from the City's perspective in implementing the recommendation.

Should Council fail to make a decision on this application, at this point in time, Council would exceed the time limit as contained within Deemed Provision 20 of the Scheme.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 October 2017 Council Meeting.



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

Nil.

- 15.6 (MINUTE NO 6180) (OCM - 12/10/2017) - DRAFT MAJOR DEVELOPMENT PLAN FOR JANDAKOT AIRPORT (WESTERN POWER DEPOT COMPRISING ADMINISTRATION OFFICE, WAREHOUSE, WORKSHOP, VEHICLE MAINTENANCE FACILITY, STORAGE, COVERED AND SECURED PARKING AND GENERAL OPEN AIR PARKING) LOCATION: JANDAKOT AIRPORT PRECINCT 6 - APPLICANT: JANDAKOT AIRPORT HOLDINGS IN ASSOCIATION WITH KMART AND URBIS (110/01) (A TROSC) (ATTACH)**

RECOMMENDATION

That Council provides the following comment on the Draft Major Development Plan:

- (1) the absence of a detail noise impact assessment prepared by a suitably qualified acoustic engineer means that the City is unable to determine whether:
 1. The extent of possible noise impacts identified by the application is accurate.
 2. The planned mitigation measures will suitably manage the known and possibly unknown noise impacts.
 3. Such noise impacts are likely to be associated with the development site itself, or could potentially also extend to the key access routes also.
- (2) the proposed MDP should provide commitment to delivery of the entire Karel Avenue upgrade, to give greater flexibility to the road network especially as the proposed MDP will generate a significant amount of traffic in its own right; and
- (3) the proposed MDP needs to demonstrate how parking can be managed should the assumptions about travel mode not reflect the realities of how the development operates upon completion.



COUNCIL DECISION

MOVED Cllr C Terblanche SECONDED Deputy Mayor C Reeve-Fowkes that Council provides the following comment on the Draft Major Development Plan:

- (1) as recommended;
- (2) a detailed noise assessment should be prepared by a suitably qualified acoustic engineer, which includes all hours of operation and all activities which have potential to generate noise;
- (3) satisfactory noise mitigation measures must be put in place to ensure that all noise emissions comply with assigned noise levels imposed under the Environmental Protection (Noise) Regulations 1997;
- (4) if satisfactory noise mitigations measures are unable to be implemented then the development must include a 200 metre buffer distance from sensitive land uses as recommended under Environmental Protection Authority guidelines; and
- (5) points 2 and 3 of the officers recommendation to be renumbered (5) and (6) and adopted as recommended.

CARRIED 7/1

Reason for Decision

The current design and plans for the Western Power facility, which backs on to properties on Boeing Way, is likely to result in significant disturbance and nuisance to the residents on Boeing Way, as it would result in up to 110 heavy truck movements per day (together with additional light and commercial vehicle traffic) along the back boundaries of those properties.

The Council is also concerned about the close proximity of this intensive development to adjoining Resource zoned properties and the impact that noise generated by the development would have on those residents. The Council considers that it is essential that a detailed noise assessment undertaken by a suitable qualified professional should be provided and that any noise mitigation measures identified in such a report be implemented, particularly if they recommend a revised design/layout of the development. Failing that, then the development should provide adequate separation distances between the proposal and sensitive land uses (i.e. existing homes), in accordance with the EPA guidelines.



Background

The City of Cockburn has been invited to provide comment on the proposed Major Development Plan (“MDP”) for a Western Power Depot, on a 10ha site within the southern portion of the Jandakot Airport precinct. The proposal constitutes an MDP on the basis that its construction cost exceeds \$20m. The City, like the community, has a specific timeframe of 20 days to comment on the Proposed MDP.

According to the details within the Proposed MDP, this depot will *“enable Western Power to consolidate some of its existing depot facilities and operations in the metropolitan region, providing a centralised distribution hub to increase operational and financial efficiencies for the business in a new state-of-the-art facility. The location at Jandakot Airport offers significant locational advantages associated with land availability and efficient connections into the regional road network.”*

This major development represents the first for the newly created Precinct 6, which is the mixed business type precinct spanning the southern areas of the airport. This precinct will ultimately comprise approximately 37ha of mixed business type developments, including warehouses, offices, storage and other logistics based firms, together with light, service and aviation based industries.

As part of the City’s opportunity to provide comment, it is important to consider whether this Proposed MDP appropriately addresses the requirements set out under Section 91 of the *Airports Act 1996*, as well as the requirements of the 2014 Master Plan.

It is recommended that Council provide comment raising concerns in respect of the close proximity of the development to the southern adjoining Resource zoned area, which comprises lots with single dwellings on them.

Submission

N/A.

Report

Legislative Background

The *Airports Act 1996* and associated Regulations represents Commonwealth legislation. This has a responsibility for the regulation of ownership, management and conduct of major



Australian airports. Part 5 of the Act sets out the requirements for land use, planning, and building controls.

In accordance with the Act, all major airport development requires a Major Development Plan to be prepared and advertised. The MDP is then submitted to the responsible Federal Minister for assessment. The Minister has the power to approve or to refuse to approve the MDP.

Section 89 of the Act sets out all those activities defined as major airport development. The proposed Western Power Depot which is the subject of this Proposed MDP is determined to be major airport development as per Section 89(1)(e) of the Act:

Constructing a new building, where:

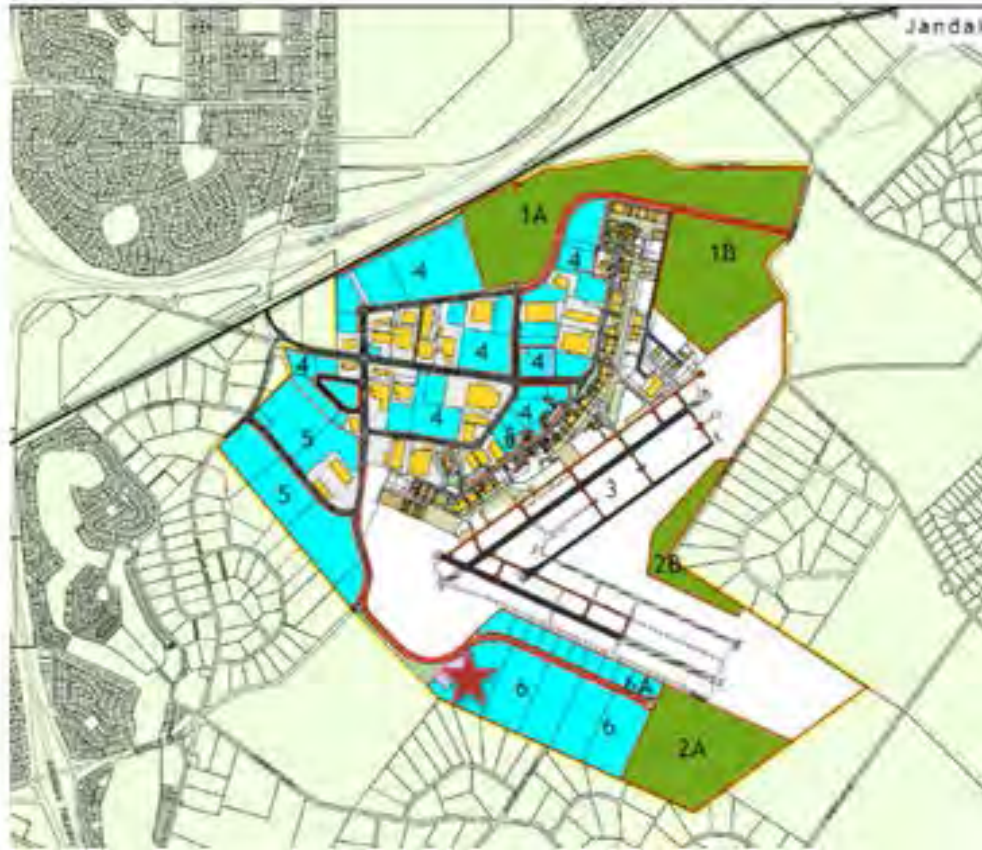
- (i) the building is not wholly or principally for use as a passenger terminal; and*
- (ii) the cost of construction exceeds \$20 million or such higher amount as is prescribed;"*

Based on the estimated construction cost in order of \$36 million, the proposed development is considered a major airport development thereby triggering the need for a MDP.

MDP Components

The proposed development represents a significant proposal, on 10.0094 hectares in the southern portion of the airport, within the Non-Aviation Development Area. It is located on a piece of land which adjoins the southern boundary of the airport, and thus interfaces with the Resource zoned lots which adjoin the southern boundary. The site will be accessible primarily from the new Pilatus Street (south access) link that has recently become operational. This provides for excellent access to the regional road network, primarily Berrigan Drive and the Kwinana Freeway. The current Master Plan is shown following, including the location of the proposed MDP:





According to the application, Western Power's vision for the depot facility is:

- *To create a depot facility which promotes operational efficiency whilst maintaining a safe working environment for Western Power staff.*
- *To align tangible infrastructure to Western Power's corporate objectives; creating a facility that not only showcases Western Power as an employer of choice, but that is responsible to their customers and the community.*
- *To align accommodation/buildings with current Western Power best-practice, and Government of Western Australia, Property Accommodation Standards.*

In order to meet this vision, the specific components of the depot are proposed as:



Development Component	Area (sq.m)
Building 1	
Office – 2 Levels	4,000 (NLA)
Building 2	
HV Testing & Labs	2,550
Generator Area	110
Building 3	
CEVA (drive through zone)	5,000
Store	1,300
Environmental Shed	700
Cable Drums Covered Storage Yard	1,250
Building 4	
Operations Workshop	1,200
Fleet Workshop	3,350
Fleet Office	300
Fleet Amenities	150
Oil Waste Store	1,200
Elevated Working Platform (EWP) Commissioning Area	176
Covered Tyre and Battery Store	230

The key components are described as follows:

Office building

The proposed development comprises of 4,000sq.m of net lettable area over two levels. The office will provide for the administrative activities associated with the logistics and operations of the depot in the south-west region.

Workshop and warehouse buildings

The main component of the development is the various workshops, testing and laboratories building, logistics and storage. The workshop and warehouse buildings will house the day-to-day operations of the depot facility including:

- *Vehicular maintenance*
- *Electronic clean room areas*
- *Supply stores / archives*
- *Laboratories*



SITE CRITERIA	
1. Site Area	100,084m ²
2. Landscaping	
a. Soft Landscaping	3,824m ²
b. Hard Landscaping (Ino. bike store)	2,382m ²
c. Bike Storage Awning	(60m ² already counted above)
Total	8,217m² (8.2% of site area)
3. Covered Floor Area	
a. Office - 2 Levels	2,000m ² NLA - GLA will be larger than NLA shown (4000m ² total over 2 x 2000m ² floor plates)
b. HV Testing & Labs	2,650m ²
c. Operations Workshop	1,200m ²
d. Fleet Workshop	3,350m ²
e. Fleet Office & Amenities	460m ²
f. Oil Waste Store	1,200m ²
g. CEVA Drivethrough	5,000m ²
h. CEVA Store & Env. Shed	2,000m ²
i. Covered EWP HV Testing Area	50m ²
j. Covered Battery Storage	50m ²
k. Covered Tyre Storage	180m ²
l. Covered Washdown	50m ²
m. Covered Yard Storage	1250m ²
n. Covered Pole Assembly	240m ²
o. Covered Heavy Fleet (Large) Parking Area	8,900m ²
p. Generator Area	110m ²
Total	28,580m²
4. Uncovered Floor Area	
a. Environmental Waste	200m ²
b. Refuel	72m ²
c. Uncovered Trailer Parking	2,130m ²
d. Uncovered Pole Storage	1,450m ²
e. EWP Commissioning Area	178m ²
f. On Grade Storage Area	1,450m ²
g. Heavy Fleet (Small) Parking Area	2,018m ²
h. Light Fleet Parking Area	4,800m ²
Total	12,084m²
6. Light Duty Paving	
a. Uncovered Light Duty Asphalt Parking	11,229m ²
8. Balance of Concrete Area	
a. Uncovered Balance of Concrete Paving	47,068m ²
7. Car Parking	
a. Staff & Visitor parking	426 car bays
b. Heavy Fleet bays	138 bays
c. Small Fleet bays	58 bays
d. Light Fleet bays	184 bays
8. Paving Beyond Boundary	
a. Truck Entry Crossover	132m ²
b. Visitor & Staff Entry Crossover (bitumen)	79m ²
c. Truck Exit Road & Crossover	1,048m ²



3D View 1

Office



Building 2



Building 3



Building 4



According to the application, the workforce operating at or from this site is estimated to be up to 750 staff of which 40 per cent are administrative staff and 60 per cent operational staff. Western Power has advised that all staff generally arrive between 6.30am and 8.00am and depart between 3.00pm and 5.00pm.

Key Issues

The key issues associated with this Proposed MDP that are considered to be fundamental to Council's consideration include noise, separation distances to sensitive development (existing homes) as well traffic management. These are discussed following.

Noise

Noise will likely be a significant concern to the southern adjoining Resource zoned properties, which in respect of proximity to the proposed development are shown following:



The **red dots** represent the location of the closest two homes. The closest being 160m from the southern boundary of the airport, and factoring in the proposed setback of development, being 175m from the edge of the site in question.



According to the application:

“the majority of activities associated with the proposed development occur within the internal areas of the buildings, with the exception of the manoeuvring of vehicles in and around the site. No regular manufacturing or fabrication process is proposed at this depot. The overall noise generated from the site will be minimal and it will not impact on the operations of the Airport.

The layout of the site ensures that all layover, parking, and manoeuvring of vehicles occurs on site. Light vehicles are contained within the parking area to the south of the proposed development and will not create any significant noise impacts. The heavy vehicles are all limited to the eastern and northern sides of the proposed development.

Potential noise impacts will be managed via the [Construction Environmental Management Plan] and subsequent [Operational Environmental Management Plan] as detailed in Section 8.2.2.

The closest sensitive land use to the subject site is rural-residential in the suburb of Jandakot to the south and west of the site with the nearest dwelling being approximately 175 metres from the edge of the site.

The rural-residential dwellings have a large setback creating a vegetation strip approximately 150m between the boundary of the Airport and the nearest residential dwelling. A 2.4 metre high screen wall is proposed on the southern boundary of the site, on top of the existing batter with landscaping on the batter to provide additional separation and screening to the rural-residential land. Regular truck traffic has been moved further north as far as practicably possible (taking building footprints and external storage areas into account), which will further ameliorate potential noise impacts.”

Officers note that the Proposed MDP does not contain any detailed noise assessment, prepared by a suitably qualified acoustic engineer, to verify the statements made about noise. This creates a difficult situation for officers to be able to comment on the potential noise issues, where there is no clear understanding as to how managing noise issues has informed the specific design of the proposal. Noise is best managed where it is identified early on in the design process, and that collaboration between the acoustic engineer and the architect helps to shape the physical layout of processes and activities, as well as the different components of the development.

The absence of a detailed noise assessment as part of this proposed MDP means that it is difficult to conclude as to what impact (if any) the proposal may have on the surrounding rural residential rural amenity,



and to what degree the mitigation measures (site layout and 2.4m screen wall) will have in managing noise.

Where a similar development type is proposed elsewhere within the City of Cockburn, it would be necessary for the proponent to demonstrate that potential emissions would not cause adverse impacts to the residential/rural amenity of other nearby properties. The necessity for a detailed assessment of a proposal is based by the City on the separation distances identified within the Environmental Protection Authority's Guidance Statement No. 3 "Separation Distances between Industrial and Sensitive Land Uses", which recommends buffer distances between the boundary of a proposed industrial land use and the boundary of any sensitive land use. The present boundary to boundary set back of the proposed MDP from the nearest sensitive land use is approximately 160m.

A similar land use identified within the EPA Guidance Statement is 'transport vehicles depot', for which the EPA Guidance Statement identifies a 200m buffer distance from sensitive land uses, with the potential for gaseous, noise, dust and odour impacts. There are potentially three sensitive land uses within this 200m set back from the southern boundary of the Proposed MDP. As a result, a detailed noise assessment should be provided by the proponent to demonstrate that all noise emissions would comply with the assigned noise levels imposed under the *Environmental Protection (Noise) Regulations 1997*, for all hours of operation and for all activities included which have the potential to generate noise.

There may also be additional amenity impacts associated with the resultant increase in vehicle traffic on Pilatus Street linking to Jandakot Road and Berrigan Drive. Although the application does not indicate night time operations, night time call outs may occur for example to address blackouts in the electricity network. This could result in increased traffic across both day and night time hours. Heavy vehicle traffic occurring at night and in the early morning could be particularly intrusive as a result of the reduced background noise levels within residential and rural areas at these times.

The key recommendation in respect of noise is that, in the absence of a detailed noise impact assessment, it is not possible to verify either:

- The extent of possible noise impacts.
- Whether the planned mitigation measures will suitably manage noise impacts.
- Whether such noise impacts are associated with the development site itself, or could potentially extend to the key access routes also.

Traffic



There have been recent improvements in the movement network, with the City and Jandakot Airport Holdings jointly delivering the Pilatus Street (southern road) link, upgraded Berrigan Drive freeway connection and new traffic controlled intersection at Jandakot Road / Berrigan Drive / Pilatus Street / Dean Road. According to the Proposed MDP:

“The traffic that will be generated by the proposed Western Power development will primarily be related to arrival and departure of staff and fleet vehicles travelling to and from the site each day. Visitors and delivery vehicles will only represent a small proportion of traffic flows generated by the proposed development.

Western Power has advised that the workforce operating at or from this site is estimated to be up to 750 staff of which 40 per cent are administrative staff and 60 per cent operational staff. Western Power has advised that all staff generally arrive between 6.30am and 8.00am and depart between 3.00pm and 5.00pm.

Based on advice from Western Power the following assumptions are incorporated in the traffic generation calculations:

- *Typically, 10-20 per cent of staff are absent on leave or due to illness on a typical day. 10 per cent is assumed typical for the purpose of this analysis.*
- *Western Power will provide bus transport from Murdoch Station to the site for employees. This could be up to 20 per cent of staff but 10% is assumed for this analysis.*
- *Some staff will ride share or cycle to work. 10 per cent is assumed for the purpose of this analysis.*
- *Typically, 20 per cent of the field vehicles are not used on any given day.*

Based on these assumptions the staff movements will generate traffic flows of approximately 1,050 vehicles per day (vpd) (525 in / 525 out). This will be a combination of cars which park in the staff car park and light fleet vehicles which park in the depot area.

Visitor traffic is nominally estimated at three times the number of visitor parking bays (59 visitor spaces are proposed) which indicates approximately 350vpd (175 in / 175 out).

Fleet vehicles traffic generation assumed 80 per cent of the fleet vehicles travel from and to the site each day. Parking is provided for 138 heavy fleet vehicles, 56 small fleet vehicles and 184 light fleet vehicles. Hence it is estimated the fleet vehicles traffic generation would be approximately 600vpd (300 in / 300 out).



This would include approximately 220 heavy vehicle movements per day (110 in / 110 out).

The total traffic generation of the proposed Western Power development is therefore estimated at approximately 2,000vpd (1,000 in / 1,000 out) with approximately 11 per cent heavy vehicle movements.”

The assumptions made in respect of travel mode split appear to be quite high, especially for public transport use (up to 20% but assumed 10%), ride sharing and cycling (assumed 10%) and staff being away on leave (assumed 10% for a typical day). While Western Power would have modelled these assumptions based on its current workforce, it is noted that they may under-represent the actual traffic forecast by some not insignificant percentage (possibly 20%). This raises the logical concern therefore about onsite parking. There needs to be sufficient flexibility in available onsite parking to accommodate vehicles, especially if the assumptions about travel mode split (and therefore parking demand) are not as forecast.

The proposed MDP makes the analysis of traffic impact via the following table:

Road	Location	Average weekday traffic		Level of increase (%)
		Existing	Development	
Karel Ave	E of Berrigan Dr	13,100 vpd	1,260 vpd	9.6%
Karel Ave	W of Berrigan Dr	20,100 vpd	1,260 vpd	6.3%
Pilatus St (Berrigan Dr)	N of Jandakot Rd	14,500 vpd	660 vpd	4.6%
Berrigan Dr	W of Jandakot Rd	18,000 vpd	500 vpd	2.8%
Jandakot Rd	E of Berrigan Dr	14,900 vpd	160 vpd	1.1%

The key area of concern is impact on Karel Avenue, which already suffers from extended poor levels of service considering the interaction between freeway traffic, Roe Highway traffic, a single lane bridge and roads like Farrington Road and South Street feeding a mix of residential and commercial traffic onto Karel Avenue. Being the central northern access in to a major specialized centre of Jandakot airport, means the road is not fit for purpose and is in need of upgrade. This is dependent upon the duplication of the freight rail bridge and the widening of the road as well as intersection treatments.

Karel Avenue is now identified for such upgrade, according to the urban projects now listed for delivery by Main Roads WA. On the Main Roads WA website, Karel Avenue upgrade is noted as:



“Comprising upgrades to the Roe Highway and Karel Avenue interchange including widening of the existing Karel Avenue bridge. It will remove a bottleneck on the approach to the Jandakot Airport precinct, which when developed, is expected to support in excess of 8,000 jobs and 300 businesses.

The scope of the project is mentioned as:

“Upgrade Karel Avenue interchange with Roe Highway, including bridge widening.

The widening of Karel Avenue between Farrington Road and Berrigan Drive either side of the interchange is currently under consideration but is subject to additional funding and consultation with key stakeholders.”

The underlined section of the scope above is a potential concern particularly with this proposed MDP. If the Karel Avenue scope is not extended to include the widening of the approaches, then it is possible that the bridge widening alone may not be able to address the traffic issues that currently exist. This proposed MDP could therefore further impact congestion in the area, and potentially shift a greater proportion of traffic on to the southern link road and Berrigan Drive, thus placing it under further pressure.

The Proposed MDP should ensure a clear commitment to delivery of the entire Karel Avenue upgrade exists, to give greater flexibility to the road network especially as this Proposed MDP will generate a significant amount of traffic in its own right.

Conclusion

Following analysis of the Proposed MDP, it is recommended that Council raise comments based on the following:

1. The absence of a detail noise impact assessment prepared by a suitably qualified acoustic engineer means that the City is unable to determine whether:
 - The extent of possible noise impacts identified by the application is accurate;
 - Whether the planned mitigation measures will suitably manage the known and possibly unknown noise impacts;
 - Whether such noise impacts are likely to be associated with the development site itself, or could potentially also extend to the key access routes also.
2. The Proposed MDP should provide commitment to delivery of the entire Karel Avenue upgrade exists, to give greater flexibility to the road network especially as the Proposed MDP will generate a



significant amount of traffic in its own right.

3. The Proposed MDP needs to demonstrate how parking can be managed should the assumptions about travel mode not reflect the realities of how the development operates upon completion.

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.

Community & Lifestyle

- Safe communities and to improve the community's sense of safety.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.
- A safe and efficient transport system.
- A defined freight transport network.

Budget/Financial Implications

There are no specific financial implications associated with this report.

Legal Implications

Airports Act 1996

Community Consultation

There is no specific community consultation being undertaken by the City in this respect. As part of requirements of the Act, the Proposed MDP is being advertised for public comment until 16 October 2017.

Risk Management Implications

The City of Cockburn is a major stakeholder in this proposal, even though it is not the determining authority. Should the City not highlight the issues contained in the officer recommendation, the risk is the Cockburn community may perceive matters which are important to our community have not been raised.



Part 1 of the recommendation in particular is important as it identifies the constraints the City has, due to a lack of available information, in being able to comment on some issues. This will mitigate the risk the determining authority might assume the City has no comment to offer on those matters (and then treat that as 'no concerns').

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

15.7 (MINUTE NO 6181) (OCM - 12/10/2017) - FINAL ADOPTION SCHEME AMENDMENT NO. 124 (LOT 432) RODD PLACE, HAMILTON HILL (109/124) (D DI RENZO)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 124 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) adopt Scheme Amendment No. 124 for final approval for the purposes of:
Recoding portion of Lot 432 Rodd Place, Hamilton Hill from 'Residential R30' to 'Residential R30/40'.
- (3) ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning.
- (4) advise those parties that made a submission of Council's decision accordingly.



COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

The subject site is Lot 432 Rodd Place, Hamilton Hill (see Location Plan - Attachment 1). A portion of the site (4504sqm) is zoned 'Residential R30', with 3131sqm of the northern portion reserved for 'Parks and Recreation' pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme").

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

Council at its 8 June 2017 meeting considered a request to recode the land from R30 to R40, in order to achieve a more coordinated and united development response for the land. As part of considering this request, Council resolved to initiate the amendment to recode the land to R30/40, in order to match how other landholdings opposite open spaces within Spearwood and Hamilton Hill had been dealt with. This was considered consistent with the coding principles set out in the Phoenix Revitalisation Strategy.

The amendment was initiated as a 'standard' amendment' and was subsequently referred to the Environmental Protection Authority. It was subsequently advertised for public comment for a period of 42 days.

The purpose of this report is to consider the amendment for adoption, in light of the advertising that has taken place.

Submission

N/A

Report

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



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

The subject land was subsequently included in the Phoenix Revitalisation Strategy (2009) study area, which followed on from the Master Plan, leading to the land being recoded from R25 to R30 in 2010 as part of Amendment No. 76.

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

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

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

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

Subsequent to the approval being issued the Western Australian Planning Commission ("WAPC") amended the R-Codes, to require development within areas coded less than R40 (i.e. including the subject site) be assessed under Part 5 of the R-Codes rather than Part 6. Part 5 contains 'minimum site area per dwelling' requirements which are not able to be varied, and would limit the number of dwellings that could be approved on the subject site to around 25.

The development approval was valid for a period of two years, consistent with the Planning and Development (*Local Planning Schemes*) *Regulations 2015*, during which time the development



needed to be 'substantially commenced' in order for the approval to remain valid.

The development was not substantially commenced within the required two year time frame, and therefore the 2014 approval is no longer valid. It is on this basis that the landowner applied to recode the 'Residential' zoned portion of the site from R30 to R40, in order to achieve what they consider a more coordinated design response to the site, compared to what the R30 density would achieve. Council resolved to initiate the amendment, however to a density of R30/40, to match how similar sites elsewhere had been dealt with by the Council.

Proposed R30/R40 coding

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

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

- * R40 and greater within the 400m walkable catchment of the Phoenix Activity Centre.
- * R30 within the 400m – 800m catchment of the Phoenix Activity Centre.
- * R30/40 adjacent to POS with design guidelines/criteria contained within a Local Planning Policy. This sought better design outcomes opposite, abutting or adjacent to POS; and the provisions provide an opportunity to achieve a density bonus subject to specific dwelling design requirements. The specific requirements aim to provide a variety in the design, height and roofline of dwellings and maximise passive surveillance of POS areas.
- * Bethanie Illawong Aged Care site (1 Rodd Place adjacent to the subject land) was recoded from R30 to a split coding of 'R35/R80 in response to the identified specific need for more aged care dwellings. To ensure appropriate development of this site there were extensive and detailed provisions included in the Scheme, and a 'Restricted Use' was included to ensure the site is only developed to facilitate more aged and dependent persons accommodation.

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



As outlined above, codings of R40 were only designated within the 400m walkable catchment of the Phoenix Activity Centre. It is however noted that the Phoenix Revitalisation Strategy did designate split codings of R30/40 adjacent to POS. The subject land includes a large portion of POS, and it is therefore considered appropriate to give consideration to a split coding of R30/R40 for the subject land.

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

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

Applying R30/40 Split Coding

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

Split Coded R30/40 Lots

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

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



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

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

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

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

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

Community Consultation

The proposed Scheme Amendment was advertised for a period of 42 days as required by Planning and Development (Local Planning Schemes) Regulations 2015 for 'standard amendments'.

The proposal was advertised to all landowners in Stanyford Place and Rodd Place; to adjacent landowners in Fenton Way, and Phoenix Road; and those on Erpingham Road near Stanyford Place.

Two submissions of support and three objections were received, with no objections received from government agencies.

The three objections were received raising the following concerns:

- * Building heights and privacy;
- * Traffic and parking on Rodd Place.

These are discussed and addressed below, and each submission is set out and addressed in the Schedule of Submissions (Attachment 4).



Building heights

Concerns were raised regarding building heights and privacy as a result of the recoding, with two submissions stating they did not support building heights over two storeys.

The maximum building heights set out in the R-Codes for the current R30 coding, and the proposed R30/40 coding are the same, therefore the proposed recoding will not result in any additional building height.

Traffic and Parking

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

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

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

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

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

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

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

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



Should maximum re-development/additional development opportunities be utilised by those landowners (excluding the subject land) there is a potential total of 742 vehicle movements on Rodd Place. In conjunction with development of the subject land at an R40 coding (estimated 235 vehicle trips per day), this is an estimated maximum total of 977 vehicle trips per day on Rodd Place. This is still substantially less than the 3000 vehicle trips per day that the road has capacity for.

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

Parking

One submission from a resident on Rodd Place stated that there is already a lot of on street parking on Rodd Place, being visitors to the Aged care facility. On-street parking is controlled by The City of Cockburn's Parking and Facilities Local Law 2007 to maximise the use of available road and footpath space and to provide access to parking for all motorists. This applies to Rodd Place.

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

Conclusion

The proposed recoding of the subject land from R30 to R30/40 is consistent with the coding principles set out in the Phoenix Revitalisation Strategy for land adjacent to POS.

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



Strategic Plan/Policy Implications

City Growth

- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types
- Ensure growing high density living is balanced with the provision of open space and social spaces
- Ensure a variation in housing density and housing type is available to residents

Community, Lifestyle & Security

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

Budget/Financial Implications

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

Legal Implications

N/A.

Community Consultation

Amendment No. 124 was advertised in accordance with the requirements of Section 47 of *Planning and Development (Local Planning Schemes) Regulations 2015*.

The proposal was advertised for 42 days in the following manner:

- * Letters to adjacent and nearby landowners.
- * Notice in the Cockburn Gazette;
- * Copy of the notice displayed in the offices of the local government for the period for making submissions set out in the notice.
- * Copy of the notice to each public authority likely to be affected by the amendment.
- * Copy of the notice and the amendment on the City's website.



The issues addressed through submissions have been discussed in the report.

Risk Management Implications

The officer's recommendation takes in to consideration all the relevant planning factors associated with this proposal. It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision. As stated in the report, if the amendment is not adopted the risk is that development occurs at the lower R30 coding and creates a response which lacks an appropriate presence to the future open space and generally internalises activity. This would be considered a suboptimal design outcome and legacy for the area.

Attachment(s)

1. Location Plan
2. Current zonings
3. Proponent Request for Amendment Initiation
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2017 Council Meeting.

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

Nil.

15.8 (MINUTE NO 6182) (OCM - 12/10/2017) - PROPOSED STRUCTURE PLAN FOR LOTS 35 - 36 (NO. 588 - 590) ROCKINGHAM ROAD, MUNSTER (110/ 175) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 20 of the Deemed Provisions of City of Cockburn Town Planning Scheme No. 3 ("Scheme") recommend to the Commission the approval of the Proposed Structure Plan for Lots 35 - 36 (No. 588 - 590) Rockingham Road, Munster subject to:
 1. Appendix F – 'Noise Assessment June 2017' is to be updated to the satisfaction of the Commission, in consultation with the City of Cockburn, in accordance with



the advice received under submission 13 from Main Roads Western Australia.

2. The Bushfire Management Plan is to be updated to the satisfaction of the Commission, in consultation with the City of Cockburn and the Department of Fire and Emergency Services, to include adjacent classified vegetation and also identify classified vegetation on the subject site.
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan;
 - (3) advise the proponent and those persons who made a submission of Council's recommendation; and
 - (4) pursuant to Clause 22 of the Deemed Provisions of the Scheme, request that the Commission provides written notice of its decision on the structure plan.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

The Proposed Structure Plan was received in July 2017. The application was prepared by Taylor Burrell Barnett on behalf of Progress Developments, the prospective purchaser/ developer. The Proposed Structure Plan relates to Lots 35 - 36 (No. 588 - 590) Rockingham Road, Munster ("subject site").

Lot 35 is approximately 4,360m² in area and Lot 36 in approximately 4,500m² in area, totaling approximately 8,860m² in total 'site area'.

The subject site fronts Rockingham Road and backs onto Stock Road. The subject site forms part of an 'urban cell' which comprises a number of lots within the confines of Beeliar Drive to the north, Howe Street to the south, Stock Road to the east and Rockingham Road to the west.



The Proposed Structure Plan was advertised for comment, and the purpose of this report is to consider the structure plan for recommendation of adoption, in light of the advertising that has taken place.

Submission

N/A.

Report

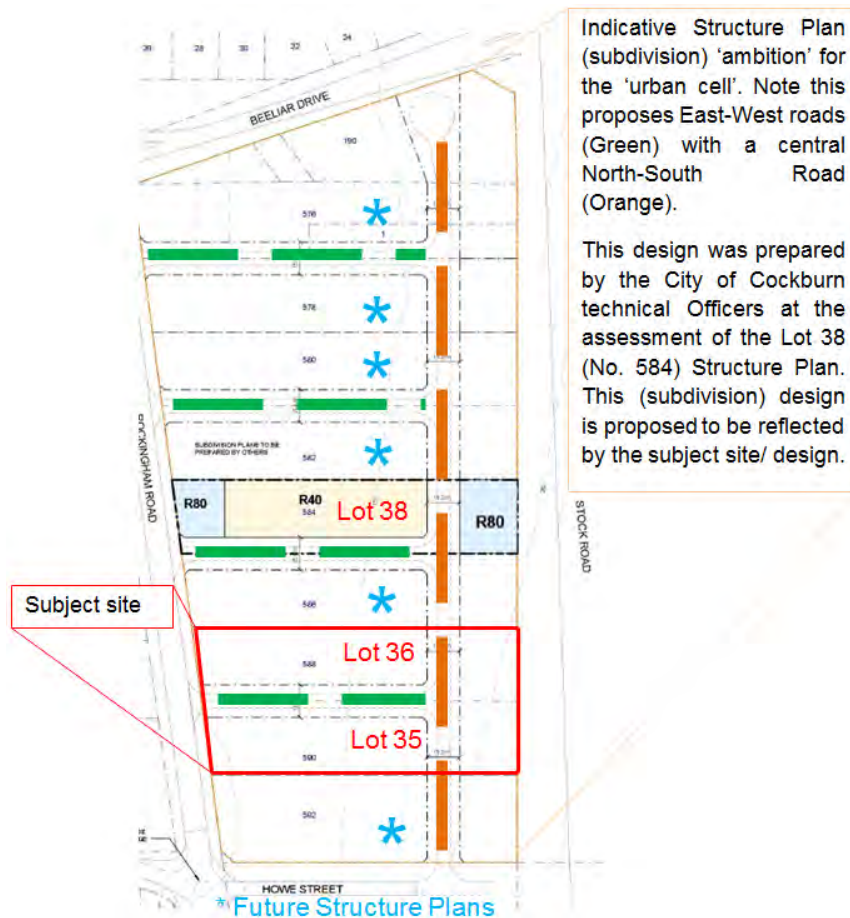
As mentioned, the subject land falls within the urban cell which comprises a number of lots within the confines of Beeliar Drive to the north, Howe Street to the south, Stock Road to the east and Rockingham Road to the west. Council has considered one Structure Plan within this 'urban cell' already. This was the Structure Plan for Lot 38 (No. 584) Rockingham Road, Munster. Council considered the Lot 38 Structure Plan under item number 14.7 of the 11 August 2016 meeting.

Since Council's consideration of the Lot 38 Structure Plan City Officers have been liaising with prospective purchasers, land owners and consultants within the confines of cell in order to continue the Lot 38 'design objectives'. City officers have been advocating for a consolidated and mutually beneficial design outcome in this locality.

The below figure identifies the details as outlined above in a succinct manner. The proposed Structure Plan for Lots 35 and 36 compliment the design outcome from the Lot 38 Structure Plan, which has already been approved by Council.



Figure 1: Indicative 'Urban Cell' desired development outcome



The ultimate development outcome proposes maximum road connectivity by providing east-west connectivity along with north-south connectivity.

The applicant considers this design to be advantageous and has therefore proposed to reflect this within their draft Proposed Structure Plan.

Planning Background

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject site is also located within Development Area No. 5 ("DA 5"), Development Contribution Area No. 6 ("DCA 6") and Development Contribution Area No. 13 ("DCA 13") under the Scheme.

Pursuant to Clause 5.2.2.1 of the Scheme; *"The development of land within a Development Area is to comply with Table 9 [of the Scheme]"*. Clause 5.2.1 of the Scheme specifies; *"Table 9 describes the Development Areas in detail and sets out the specific purposes and*



requirements that apply to the Development Areas". Under Clause 5.2.2.2 of the Scheme; "The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to the land."

On the above basis the specific provisions within Table 9 DA 5 of the Scheme are provided as follows:

3. *"An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions."*
4. *"To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement."*
5. *"The local government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone."*

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

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

It is noted the subject site falls outside of the 'buffers' to Woodman Point WWTP, Munster Pump Station and Cockburn Cement.

Pursuant to the above Scheme, the applicant has submitted a Structure Plan proposal for assessment. This includes relevant technical reports or addendums/ appendices to help inform the proposed Structure Plan map.

Residential Development

The Proposed Structure Plan (see Attachment No. 2) proposes to zone the subject land 'Residential' with a density code of 'RMD-R40'. The "RMD" codes are a classification of the 'R-Codes' as outlined by the Commission's most recent Planning Bulletin 112/2015 *'Medium-density single house development standards - Structure Plan areas'*. It provides



a set of design standards that removes the need for a further level of planning typically done in the form of a Local Development Plan.

The Proposed Structure Plan subdivision design is generally consistent with Council’s already approved development design for Lot 38. On the above basis, the indicative development concept plan for the subject site (in the context of the ‘urban cell’) is identified below under Figure 2.

Figure 2: Indicative Development concept plan for Lots 35 and 36.



The above development concept is informed by a bushfire management plan, environmental assessment report, transport impact statement, a stormwater drainage strategy and an infrastructure servicing report.

All of the above mentioned supporting documents helped inform the development concept plan and the Proposed Structure Plan map. The below sections identify key components of the assessment.

Bushfire Management

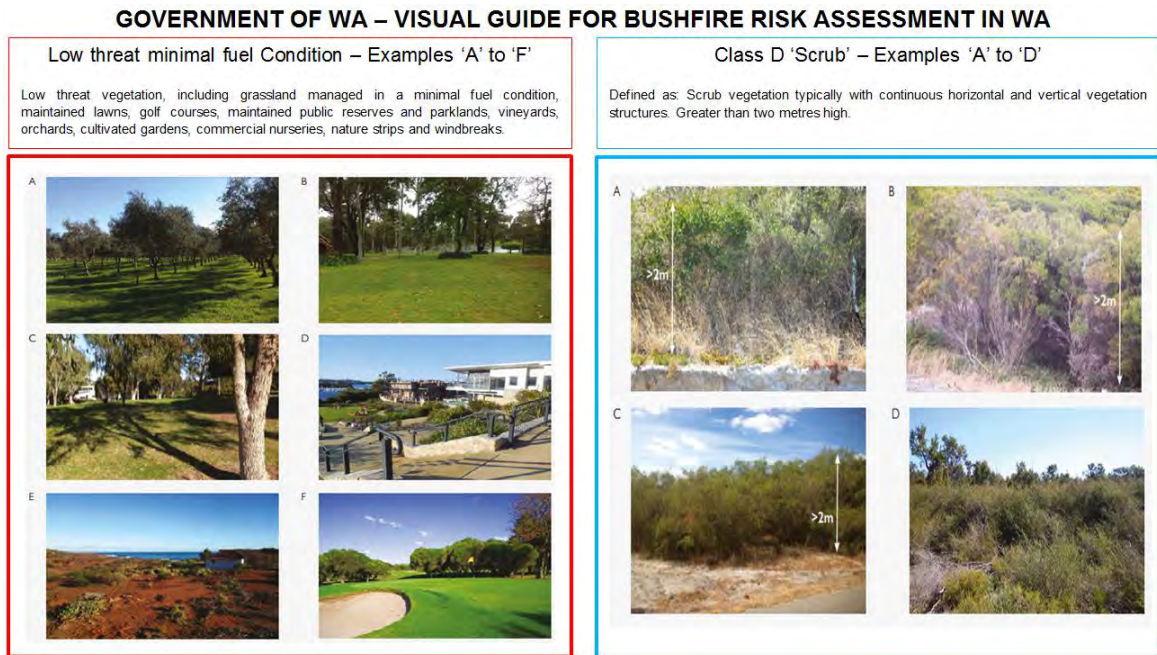
The Bushfire Management Plan was assessed for compliance in accordance with State Planning Policy No. 3.7 and a range of supplementary State government ‘Bushfire Planning’ documents.

Included in the suite of ‘Bushfire’ documents was the [then] Department of Planning’s [now Department of Planning Lands and Heritage] ‘Visual guide for bushfire risk assessment in Western Australia’ (‘visual guide’).



An extract from the visual guide is provided below under Figure 3.

Figure 3: Visual Guide extracts

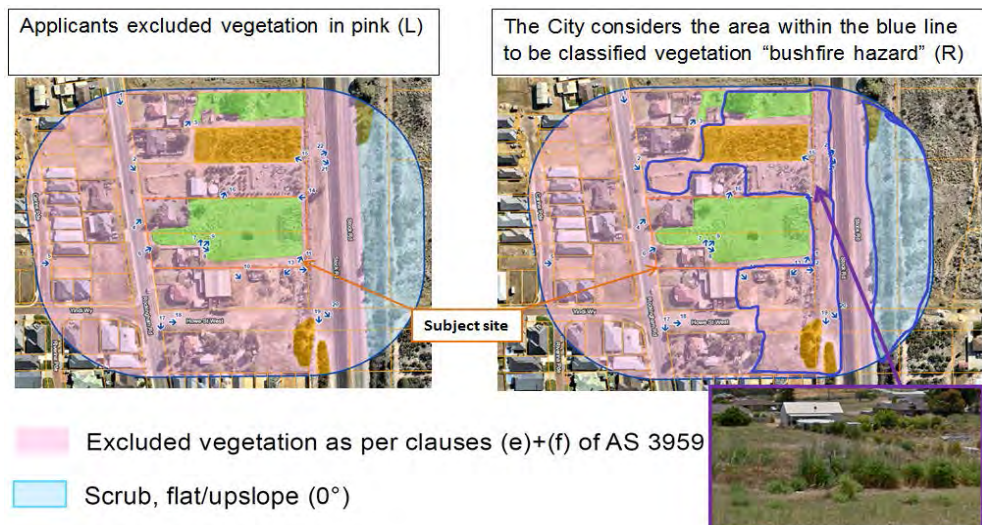


The images identified in red from ‘A’ to ‘F’ are examples of ‘low threat’ bushfire hazards (not a bushfire hazard).

The blue box identifies ‘Scrub’ vegetation which is identified as a bushfire hazard. This vegetation is unmanaged, includes un-kept grasses and scrub which might result in bushfires.

Figure 4 below provides an extract from the Bushfire Management Plan identifying the ‘Low threat’ or ‘excluded’ vegetation. This is identified in the pink area in the below figure.

Figure 4: Extract from Bushfire Management Plan

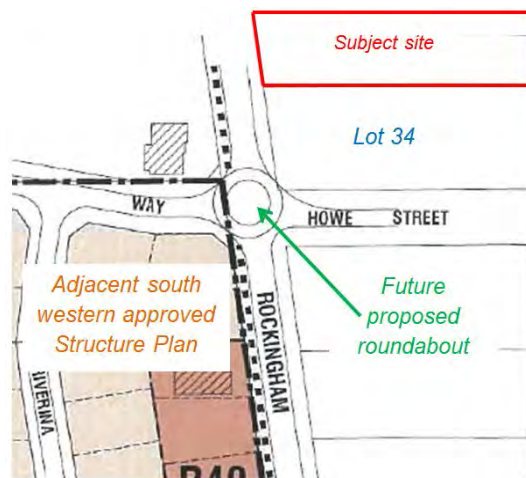


As indicated within Figure 4 above, the City's officers have identified a potential discrepancy within the BMP. This discrepancy however is generally minor and not considered to be material to the determination of the Proposed Structure Plan. This can be suitably addressed as part of a modification, which is captured in the officer recommendation.

Objection from Lot 34 (southern property)

The Council approved Structure Plan to the west of the subject site is titled the "Consolidated Local Structure Plan Munster Phase 1". This Plan indicates a future roundabout located at the south western corner of the intersection of Howe Street, Yindi Way and Rockingham Road. This is shown in the below figure:

Figure 5: Future Proposed roundabout



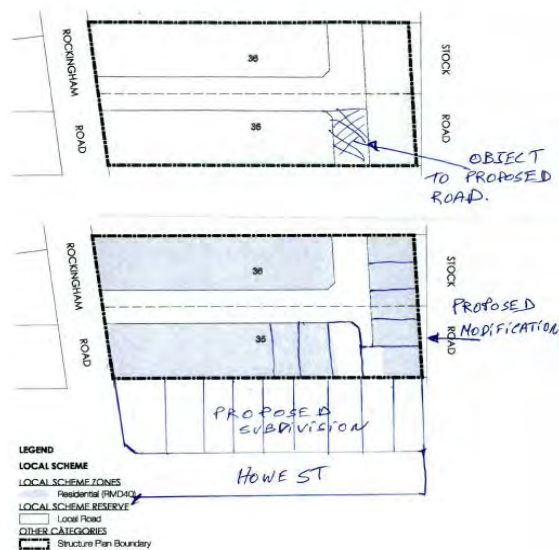
The landowner of Lot 34 raises an objection, based upon the following:

"If this north-south road is approved it will mean that I, the landowner of [Lot 34 - house number] 592 Rockingham road, will be losing a possible future block of land that would be developed on the south boundary of Lot 35/north side of Lot 34. The landowner of Lot 35 will also benefit by having one extra lot on the south side."

The objection provides the below image:



Figure 6: Objection extract



The Strategic intention of the proposed intersection identified under Figure 5 above is clearly to provide a centralised access point where north south / east west traffic can flow in a controlled manner.

The north south road (in question) as shown on the Proposed Structure Plan map forms part of a strategic local traffic consideration in planning for the 'urban cell' (the 'urban cell' comprising the land in-between Howe Street, Rockingham Road, Stock Road and Beelias Drive).

Figure 1 and Figure 5 above identifies the proposed roundabout on the south western corner and also the intended north/south and east/west road alignments.

Not connecting traffic in the urban cell via the north south link road would create unnecessary pressure on Rockingham Road, and potentially risk safe traffic movement for our current and future residents. The landowner of Lot 34 is required to effectively connect the north south road through to Howe Street, and this is considered a reasonable expectation and development cost this landowner needs to meet. Developer costs always include the provision of local roads, and therefore it is not unreasonable to require this of the owner of Lot 34.

Connecting development cells within residential areas is particularly important for the City's ability to manage waste services. Council would be aware of the difficulties that waste truck drivers face in road environments that do not connect through to other roads in legible ways, and accordingly Council has the opportunity here to ensure it designs out both a future traffic and waste truck issue, by requirement Lot 34 to ultimately connect the road through to Howe Street. This will assist in creating a development cell, which is the most optimal configuration north of and including Howe Street.

Figure 7: Intended development context for the 'urban cell'.



As identified under Figure 7 above, Rockingham Road comprises multiple cul-de-sac type development in the lower southern (narrower) portion of the subject locality.

The northern section (above Howe Street/ the future roundabout) remains to be structure planned and this area is notably wider. The wider lots allow for the City to contemplate a north south road as has been proposed by the applicant.

The future Structure Plan for Lot 34 to the south will be assessed on its merits at the time of lodgement and it is therefore respectfully recommended the objectors suggestions are not adopted by Council or the Commission, on the basis of their lack of planning merit.

Conclusion

The Proposed Structure Plan meets the above mentioned proper and orderly planning tests. Issues raised in objections received have been



overcome, and on this basis the Structure Plan is recommended for approval.

Strategic Plan/Policy Implications

City Growth

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

Moving Around

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

Budget/Financial Implications

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

Legal Implications

Clause 20 of the Deemed Provisions requires the City to prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days following advertising.

Community Consultation

Public consultation was undertaken for a period of 21 days. The advertising period commenced on 15 August 2017 and concluded on 12 September 2017.

Advertising included a notice in the Cockburn Gazette, advertising on the City's webpage, letters to selected landowners surrounding the Structure Plan area as well as letters to State Government agencies and service providers.

In total Council received 13 submissions of which:

- 8 were in 'Support'
- 1 provided 'No Comment'
- 1 'Objected'
- 1 was 'Undetermined' (Western Power)
- 1 'Support - Subject to Conditions'
- 1 was 'Unable to provide Support - Subject to Modifications' (MRWA)



Analysis of the above mentioned submissions has been undertaken within the 'Report' section above; as well as the attached Schedule of Submissions. See Attachment 3 for details.

Risk Management Implications

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

There are no obvious risks from the City's perspective in implementing the recommendation.

Should Council fail to make a decision on this application, at this point in time, Council would be in breach of the statutory timeframes as outlined under Clause 20 of the Deemed Provisions.

Attachment(s)

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

Advice to Proponent(s)/ those who made a Submission

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 October 2017 Council Meeting.

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

Nil.

16. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

16.1 (MINUTE NO 6183) (OCM - 12/10/2017) - LIST OF CREDITORS PAID - AUGUST 2017 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2017, as attached to the Agenda.



COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

The list of accounts for August 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 July 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 – August 2017.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE NO 6184) (OCM - 12/10/2017) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2017 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Statement of Financial Activity and associated reports for August 2017, as attached to the Agenda;
- (2) amend the 2017-2018 Municipal Budget in accordance with the detailed schedule in the report as follows:

Revenue Adjustments	Increase	595,250
Expenditure Adjustments	Increase	138,357
Net change to Municipal Budget Closing Funds	Increase	456,893

- (3) pursuant to sections 6.16(3)(a) and 6.19 of the Local Government Act 1995, impose the following additional pen fees for the Port Coogee Marina effective from 1 November 2017 and give local public notice of its intention to do so:

Pen Size	Annual Fee (inc GST) \$	Monthly Fee (inc GST) \$	Daily Fee (inc GST) \$
12m (7m width)	9,560	1,086	72
12m (7.5m width)	10,100	1,140	76
15m (8.5m width)	13,475	1,478	99

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

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

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

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

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

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

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

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

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variances within monthly financial reporting. At the August 2017 meeting, Council adopted to continue with a materiality threshold of \$200,000 for the 2017-2018 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 deemed appropriate

Submission

N/A

Report

Opening Funds

The City budgeted for \$2.5M in opening funds from the previous year and the unaudited position is currently showing \$1.34M. However, until the 2016/17 financial accounts have been audited, the final result cannot be confirmed. Once the audit process is complete, this matter will be addressed in a future report to Council, also dealing with the carried forward works and services from the previous year.

Closing Funds

The City's actual closing funds position of \$91.93M was \$4.96M higher than the budget forecast for the end of August. This result reflects net favourable cash flow variances across the operating and capital programs as detailed in this report.

The 2017-2018 revised budget reflects an EOFY closing position of \$0.92M, up from the \$14k originally included in the adopted budget. This is primarily due to reduced insurance premiums adjusted in the budget and a temporary quarantining of street tree planting.

Operating Revenue

Consolidated operating revenue of \$107.17M was ahead of the YTD budget target by \$0.21M. A significant amount of the City's operating revenue is recognised in July upon the issue of the annual rates notices. The remaining revenue, largely comprising fees, grants and interest earnings flows comparatively uniformly over the remainder of the year.

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	96.24	96.26	(0.02)	99.98
Specified Area Rates	0.37	0.33	0.04	0.33
Fees & Charges	7.17	7.35	(0.19)	26.71
Operating Grants & Subsidies	2.09	1.95	0.14	9.56
Contributions, Donations, Reimbursements	0.28	0.17	0.11	1.15
Interest Earnings	1.03	0.89	0.13	4.74
Total	107.17	106.95	0.21	142.47

The significant variances at month end were:

- Fees & Charges – Cockburn ARC fee revenue was \$0.31M ahead of YTD budget. Offsetting this, landfill sales revenue was \$0.26M behind YTD budget.

Operating Expenditure

Operating expenditure of \$21.07M (including asset depreciation) was under the YTD budget by \$2.27M.

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

Nature or Type Classification	Actual Expenses \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	7.78	8.36	0.58	52.75
Employee Costs - Indirect	0.14	0.15	0.00	1.50
Materials and Contracts	5.55	7.04	1.49	41.12
Utilities	0.78	0.88	0.11	5.23
Interest Expenses	0.00	0.00	0.00	0.82
Insurances	1.00	1.00	0.00	1.70
Other Expenses	1.10	1.22	0.12	9.01
Depreciation (non-cash)	4.79	4.72	(0.07)	28.30
Amortisation (non-cash)	0.19	0.19	0.00	1.12
Internal Recharging-CAPEX	(0.27)	(0.22)	0.05	(1.29)
Total	21.08	23.34	2.27	140.25

The significant variances at month end were:

- Material and Contracts - were collectively \$1.48M under the YTD budget with the only significant variances being:
 - Parks maintenance spending under by \$0.53M
 - IT costs over by \$0.49M, but mainly due to the timing of the recognition of Tech One annual support expenses (budget will be realigned next month).
- Direct Employee Costs – were collectively \$0.58M under YTD with no individual significant variances being recorded.

Capital Expenditure

The City's total capital spend at the end of the month was \$3.11M, representing an under-spend of \$5.91M 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	0.6	1.4	0.9	15.3	2.0
Drainage	0.0	0.4	0.4	1.7	0.1
Footpaths	0.1	0.1	0.1	1.6	0.0
Parks Infrastructure	0.8	2.1	1.2	12.1	1.5
Landfill Infrastructure	0.1	0.4	0.2	1.1	0.7
Freehold Land	0.0	0.2	0.2	0.8	0.0
Buildings	0.9	3.1	2.3	19.7	7.3
Furniture & Equipment	0.2	0.2	0.0	0.9	0.2
Information Technology	0.2	0.3	0.1	3.0	0.4
Plant & Machinery	0.2	0.7	0.5	4.2	0.6
Total	3.1	9.0	5.9	60.4	12.8

These results included the following significant project variances:

- Buildings – collectively \$2.26M behind YTD budget with Cockburn Bowling & Recreation Facility contributing \$1.67M to the variance and Cockburn ARC \$0.27M. Continuing works at the new Operations Centre have now seen its full year budget exceeded by \$0.21M.
- Roads Infrastructure works were under YTD budget by \$0.86M with Berrigan Drive at Jandakot the only significant variance (under by \$0.28M).
- Parks Infrastructure – the capital program was behind YTD budget by \$0.92M with Coogee Beach master plan (under by \$0.43M) and Beeliar Drive landscaping (under by \$0.22M) the only projects with a significant variance.



- Plant & Machinery – the light vehicle replacement program was \$0.44M behind the YTD budget.

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 collectively \$0.71M behind YTD budget primarily due to timing issues around grant funding for the Cockburn Bowling & Recreation facility (\$0.96M).
- Receipt (and payment) of \$0.35M in POS cash in lieu funds from Trust Fund for acquisition of public open space - lot 8010 Spearwood Ave (budget to be amended in due course).
- Developer Contribution Area (DCA13) contributions for community infrastructure assets were behind YTD budget by \$0.21M.

Reserve Transfers

- Transfers from Reserve were \$1.68M below the YTD budget setting, corresponding to the low capital spend.
- Transfers to financial reserves were \$0.44M below the YTD budget, primarily due to the DCA13 budgeted revenue shortfall (\$0.21M) and lack of proceeds from land sales (\$0.25M)

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$159.52M, significantly up from \$118.03M the previous month due to rates receipts.

\$110.02M of this balance represented the funds held for the City's financial reserves. The remaining balance of \$49.5M was available to meet operational liquidity requirements (up from \$5.4M previous month). The City's liquidity position improved markedly in August due to the inflow of rates receipts.

Investment Performance, Ratings and Maturity

The City's investment portfolio made a weighted annualised return of 2.72% for the month, relatively unchanged from 2.73% the previous month and 2.73% the month before. This continues to compare favourably against the UBS Bank Bill Index (1.89%) and the FIIG Term Deposit - All Maturities Index (2.19%). However, this result will



eventually slide due to reinvestments currently attracting rates at least 10 percentage points below this level.

The cash rate was most recently reduced at the August 2016 meeting of the Reserve Bank of Australia (by 25bp to 1.50%) with markets indicating the next move will most likely be up, but not for a while. The City's interest revenue from investments of \$1.02M was ahead of the YTD budget target by \$0.13M.

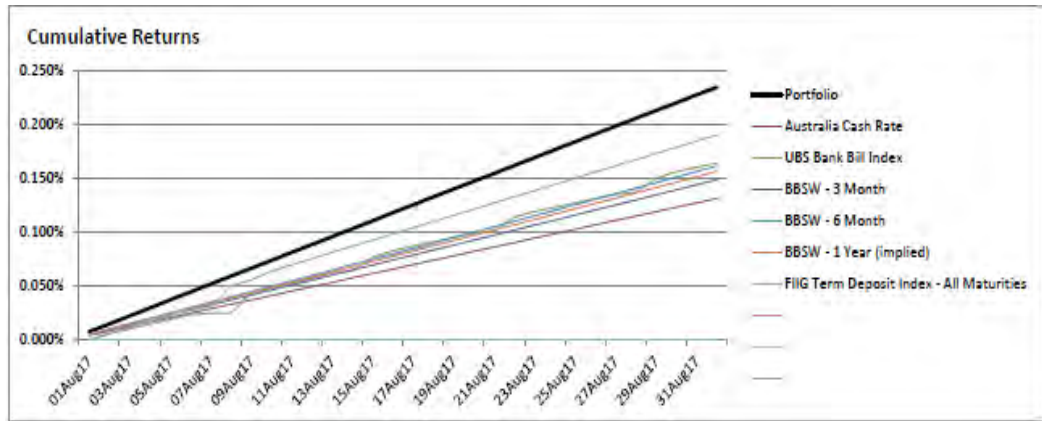


Figure 1: COC Portfolio Returns vs. Benchmarks

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 increased marginally from 32% to 34% during the month, as did the A-1 holding from 17% to 19%. The amount invested with A-2 banks decreased from 47% to 45%, comfortably below the policy limit of 60%.



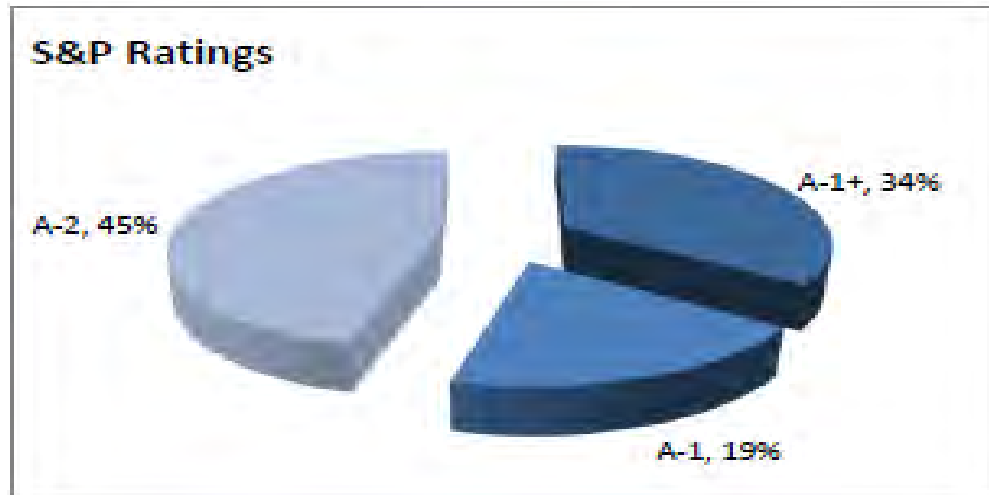


Figure 2: Council Investment Ratings Mix

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

The City's TD investment portfolio had an average duration of 124 days at 31 August or 4 months (increased from 99 days previous month) with the maturity profile graphically depicted below:

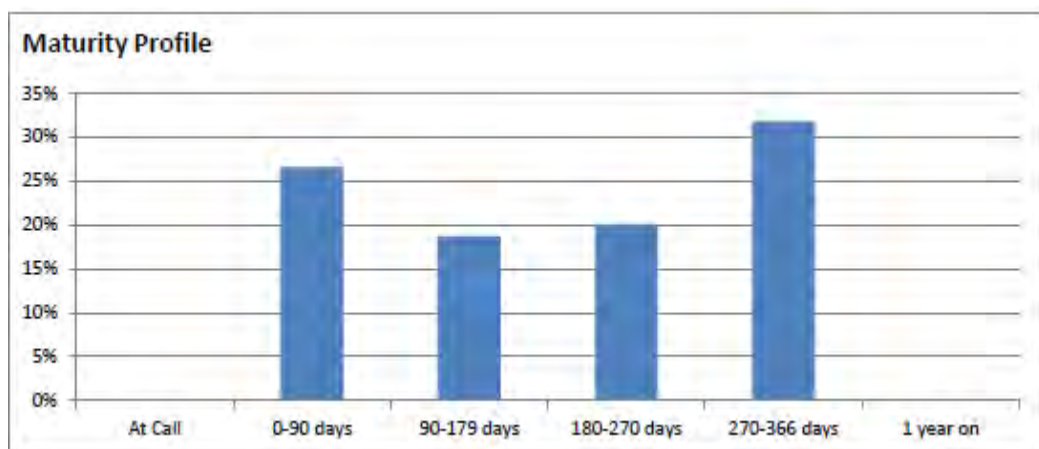


Figure 3: Council Investment Maturity Profile

Investment in Fossil Fuel Free Banks

At month end, the City held 46% (\$74.13M) of its TD investment portfolio of \$162.03M with banks deemed free from funding fossil fuel related industries. This was down from 54% the previous month but up in terms of value from \$61.65M.



Budget Revisions

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

PROJECT/ACTIVITY LIST	USE OF FUNDING + increase (-) decrease		FUNDING SOURCES + decrease (-) increase		
	EXP	TF to RESERVE	TF FROM RESERVE	REVENUE	MUNI
	\$	\$	\$	\$	\$
New grant funded activity - Youth Diversion	111,614			(111,614)	
Management cost recovery from Youth Diversion	(11,893)				11,893
Received FESA Capital Grant	323,636			(323,636)	
Grant for fenced dog exercise areas (election commitment)	160,000			(160,000)	
Quarantine Street Trees planting funds	(445,000)				445,000
Yue Yang Sister City expenditure (funded from Contingency)	7,000				(7,000)
Budget Contingency Fund	(7,000)				7,000
Totals	138,357			(595,250)	456,893

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 \$11.11M within its trust fund. \$5.60M was related to POS cash in lieu and another \$5.51M in various cash bonds and refundable deposits.

Port Coogee Marina – Pen Fee Review

Management undertook a review of the pen fees as part of the fees and charges review for the 17/18 budget process. The revised fees adopted in the 17/18 budget reflected a consistent fee structure across all pen sizes, whilst also allowing for the market trends observed during the first year under the City's operation.

Further review since the adoption of the annual budget has firmed up the licence areas for the catamaran pens and identified additional pen sizes that should be included in the marina's fees and charges. The fees have been set using the same base amount and square metre rates as that used for the other pen fees included in the 2017/18 budget (in keeping with the consistent fee structure adopted). They will ensure the marina's fee schedule better reflects the existing range of physical pens available and ensure better operational management of the waterways.

The following updated fee schedule includes the new pen sizes being proposed:

		2017/18 Pen Fees (inc-GST)			
	Pen Size	Annual \$	Monthly \$	Daily \$	
Standard	8 x 4m	4,880	618	42	
	10 x 4m	5,600	690	46	
	12 x 4.4m	6,752	805	54	
	15 x 5m	8,750	1,005	68	
	16 x 5.2m	9,488	1,079	72	
	20 x 5.7m	12,260	1,356	92	
Catamaran	12 x 7m	9,560	1,086	72	New
	12 x 7.5m	10,100	1,140	76	New
	15 x 7.5m	12,125	1,343	90	
	15 x 8.5m	13,475	1,478	99	New



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

The 2017-2018 budget surplus is showing an increase of \$456,893 in August to \$920,968, due to 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 – August 2017.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



17. ENGINEERING AND WORKS DIVISION ISSUES

17.1 **(MINUTE NO 6185)** (OCM - 12/10/2017) - REQUEST FOR SUPPLIERS NO. RFS 02/2017 - PANEL OF PRE-QUALIFIED SUPPLIERS - LANDSCAPE CONSTRUCTION SERVICES (MINOR WORKS/PROJECTS) (RFS 02/2017) (L VIEIRA) (ATTACH)

RECOMMENDATION

That Council

- (1) accept the responses for RFS 02/2017 – Panel of Pre-Qualified Suppliers – Landscape Construction Services (Minor Works/Projects) submitted by:

1. A Proud Landmark
2. Gecko Contracting
3. MG Group WA

For an estimated total expenditure of \$1,150,000 GST Exclusive per annum for operating and capital works based on the previous three (3) years expenditure. Schedule of Rates will be utilised to determine variations and/or additional services.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

Parks Services Capital Works and Operational programmes perform a significant number of landscape projects during each financial year that require the procurement of service providers to perform a range of landscape construction works.

The current contracts for these works are due to expire at the end of September 2017. A panel of three (3) to (5) pre-qualified suppliers will provide the most beneficial and functional mechanism to complete the works according to predetermined timeframes in current and future capital works and operational programmes.

Minor works means relatively straight-forward construction works which are new or add to or change (renew, extend or upgrade) an existing



infrastructure or other asset. Works are for less than twelve (12) months duration with a total project value less than \$325,000 GST Exclusive.

A Minor Landscape Construction Project Scope of Works may include; but are not limited to minor earthworks, grading, disposal of materials, soil cultivation, sand supply, limestone retaining walls, planting of trees and shrubs, temporary safety fencing and security services (following construction).

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.

A secondary selection process will be undertaken by the Principal to assign contracts to members of the Panel of Pre-Qualified Suppliers (Landscape Construction Services). Such contracts will be for one-off projects/works for a duration; no greater than one (1) year in accordance with the requirements of Part 4 (Division 3) of the Local Government (Functions and General) Regulations 1995.

Request for Suppliers RFS 02/2017 Panel of Pre-Qualified Suppliers – Landscape Construction Services (Minor Works/Projects) was advertised on Saturday 17 June 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 17 June and 6 July 2017.

Submission

Responses closed at 2:00 p.m. (AWST) on Thursday 6 July 2017 and sixteen (16) submissions were received from:

	Respondent	Registered Business Name
1	Horizon West Landscape Constructions	
2	Global Turf Projects Pty Ltd	
3	GAS Assets Pty Ltd	Gecko Contracting Turf & Landscape Maintenance
4	Environmental Industries Pty Ltd	
5	Landscape Elements Pty Ltd	
6	The Trustee for the Millennium Trust	Le Grove



		Landscaping
7	A Proud Landmark Pty Ltd	
8	Kennedys Tree Services	
9	Sanpoint Pty Ltd	LD Total
10	Menchetti Consolidated Pty Ltd	MG Group WA
11	Hind's Sand Supplies & Earthmoving	
12	Sheoak's Cirillo Pty Ltd	Sheoaks Landscapes
13	Eighth Street PL	Ligna Construction
14	Earthcare Landscapes PL	Earthcare
15	Loch Ness Landscape Services	
16	Total Landscape Redevelopment Services PL	

Report

Compliance Criteria

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

Description of Compliance Criteria	
A	Compliance with the Conditions of Responding (Part 1).
B	Compliance with the Specification (Part 2) contained in this Request.
C	Completion of Section 3.1 – Form of Response
D	Completion of Section 3.2 – Respondent's Contact Person
F	Compliance with Sub-Contractors requirements and completion of Section 3.3.3 .
G	Compliance with Financial Position requirements and completion of Section 3.3.5 .
H	Compliance with Insurance Requirements and completion of Section 3.3.6 .
I	Compliance with Qualitative Criteria and completion of Section 3.4.2 .
J	Compliance with Fixed Price and completion of Section 3.5.2 .
K	Compliance with and completion of the Price Schedule <u>in the format provided in Part 4</u> .



L	Compliance with ACCC Requirements and completion of Appendix A.
M	Acknowledgement of any Addenda issued.

Compliant Tenderers

Procurement Services undertook the initial compliance assessment and all sixteen (16) Respondents were deemed compliant and the responses were released for evaluation.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	25%
Respondent's Resources	25%
Sustainability	10%
Tendered Price – Schedule of Rates	40%
TOTAL	100%

Request for Suppliers Intent/ Requirements

Parks Services Capital Works and Operational programmes perform a significant number of landscape projects during each financial year that require the procurement of service providers to perform a range of landscape construction works.

Evaluation Panel

The submissions were evaluated by:

1. Lou Vieira – Parks Manager (Chairperson)
2. Cliff McKinley – Manager HR (SBMG Representative)
3. Kevin Stripe – Parks Project Officer

Probity: Gary Ridgway – Contracts Specialist, Procurement Services



Scoring Table - Combined Totals

Respondent's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
A Proud Landmark PL **	44.25%	32.39%	76.64%
Gecko Contracting **	42.17%	33.90%	76.07%
MG Group WA **	43.58%	29.13%	72.71%
Environmental Industries PL	42.38%	28.60%	70.98%
Le Grove Landscaping	40.96%	29.36%	70.32%
Total Landscape	35.58%	34.51%	70.09%
LD Total	39.25%	29.59%	68.84%
Landscape Elements PL	43.58%	25.00%	68.58%
Horizon West	44.08%	23.04%	67.12%
Kennedys Tree Services	31.42%	31.78%	63.20%
Earthcare	40.63%	22.15%	62.78%
Global Turf Projects PL	33.71%	28.42%	62.13%
Ligna Construction	34.50%	26.73%	61.23%
Sheoaks Landscapes	31.67%	28.29%	59.96%
Loch Ness Landscape Services	36.58%	22.27%	58.85%
Hind's Sand Supplies	29.50%	8.73%	38.23%

**** Recommended Submission**

Evaluation Criteria AssessmentDemonstrated Experience

MG Group WA, Gecko Contracting Pty Ltd and A Proud Landmark Pty Ltd, Environmental Industries PL, Landscape Elements PL and Horizon West Landscape Construction clearly demonstrated to the panel that they had the relative experience to perform the tasks associated with



the landscape construction services. All six provided substantial documentation of similar works performed for other Local Government Authorities and private corporations with a focus on project management and achieving outcomes.

The submissions received from EarthCare, LD Total, Le Grove Landscaping, Lochness Landscape Services and Total Landscape were all of a high standard reflected in the evenness of the scores in this criterion. Hinds Sand Supplies, Kennedys Tree Services, Sheoak Landscapes, Global Turf Services and Ligna Construction only provided minimal documentation relating to previous experience operating within Local Government contracts

Respondent's Resources

The submissions received from MG Group WA, A Proud Landmark Pty Ltd, Gecko Contracting Pty Ltd, Environmental Industries PL, Landscape Elements PL, Horizon West Landscape Construction, EarthCare, LD Total, Le Grove Landscaping, Global Turf Services and Total Landscape clearly demonstrated to the panel that their organisations have the key personnel and are equipped with plant and equipment to fulfil the requirements of the specification of this contract and to manage their respective concurrent workloads and to mitigate and contingency measures that may arise.

Hinds Sand Supplies, Kennedys Tree Services, Sheoak Landscapes, Lochness Landscape Services and Ligna Construction did not provide sufficient information for the panel to determine their ability to supply and sustain the resources required for the landscape construction works.

Sustainability

The submissions received from MG Group WA, A Proud Landmark Pty Ltd, Gecko Contracting Pty Ltd, Environmental Industries PL, Landscape Elements PL, Horizon West Landscape Construction, and Lochness Landscape Services were able to demonstrate an acceptable level of sustainable work practices as reflected in the evenness of the scoring in this criterion.

Hinds Sand Supplies, Kennedys Tree Services, Sheoak Landscapes, Global Turf Services, Ligna Construction, EarthCare, LD Total, Le Grove Landscaping, and Total Landscape lacked a sufficient level of detail and information for the panel to determine their credentials within this criterion, thus reflecting the scores awarded.



Cost Evaluation

For the purposes of evaluating this Request for Suppliers the panel has based the scoring on a selected schedule of rates for core services, i.e. minor earthworks, retaining walls, planting etc. The rates submitted by A Proud Landmark Pty Ltd, Gecko Contracting Pty Ltd, and MG Group WA were found to be the best value for the City.

Summation

The responses submitted by A Proud Landmark Pty Ltd, Gecko Contracting Pty Ltd and MG Group WA 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 Landscape Construction Services (Minor Works/Projects).

The recommendation for the three (3) selected pre-qualified supplier 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; and
- The best value for money.

A Proud Landmark Pty Ltd and Gecko Contracting Pty Ltd are current landscape construction services providers to the City of Cockburn. Referees were consulted on MG Group WA only, as A Proud Landmark Pty Ltd and Gecko Contracting Pty Ltd are incumbent suppliers to the City reference checks were deemed not required. All information gathered considered MG Group WA capable of delivering to the programme, budget and quality expected of the City.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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



Economic, Social & Environmental Responsibility

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

Leading & Listening

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

Budget/Financial Implications

The estimated per annum contract expenditure of \$1.15M (based on the previous three financial years) for providing Landscape Construction Services (Minor Works/Projects) can be accommodated within the 2017/2018 Parks and Environment Operational and Capital Works budgets. The core rates indicate minor increases across the schedule of rate items. This will be mitigated on a project by project basis in compliance with the City Procurement Policy.

Legal Implications

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

Community Consultation

N/A

Risk Management Implications

The risk associated with Council not supporting this recommendation include not complying with the City procurement policy, an increase in public complaints by failure to deliver the projects adopted by the Council in the specified time frames and an increase in officers time to develop individual tenders for every minor landscape project.

Attachment(s)

The following Confidential Attachments are provided under a separate cover:

1. Consolidated Evaluation Score Sheet; and
2. Tendered Prices



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 October 2017 Council Meeting.

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

N/A

17.2 (MINUTE NO 6186) (OCM - 12/10/2017) - FEDERAL FUNDING AGREEMENT - SPEARWOOD AVENUE BRIDGE DUPLICATION (159/021) (C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council accepts the terms and conditions from the Federal Department of Infrastructure for funding of the Spearwood Avenue Bridge Duplication.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED 8/0

Background

The proposed duplication of Spearwood Avenue between Beeliar Drive and Barrington Street is a project on the current Capital Works Program approved by Council for 2017/18. There are two components to the project – duplication of the road and duplication of the existing bridge over the freight rail corridor south of Barrington Street.

State funding for the road duplication component has been confirmed under the MRRG funding program in the recently released State budget for 2017/18. The application to the MRRG program was based on the usual 2/3 to 1/3 sharing of cost between State and local authority for the road duplication component estimated at \$3.70M. That is, \$2.466M and \$1.234M from the City Municipal Funds. The City sought other funding sources for the bridge duplication component of the project rather than entirely from municipal funds.



Submission

N/A

Report

In May 2017, the City made application to the Federal Department of Infrastructure under the Bridges Renewal Program Round 3 for 50% of the actual cost of the bridge duplication component of the project up to a maximum project total cost of \$5.00M. Approval of the funding submission was confirmed by letter dated 15th September 2017. A copy of the funding approval by the Federal Government is included as Attachment 1 for reference.

One of the conditions of approval to sign the agreement is evidence by a resolution of Council that the local authority accepts the terms and conditions of the offer of funding, the most important condition being accepting the requirement of matching equally the Federal component of funds.

To that end, discussions had previously been held with the State Transport Minister requesting consideration of a further State funding contribution, with a share of additional municipal funds contributed by the City based on a 2/3 to 1/3 division of funds. The bridge duplication component had previously been estimated as \$4.00M so this would have been a split of \$2.68M to \$1.32M of State to City funds. Since the Federal program allowed for funding submissions up to a total project cost of \$5.00M, the City application was for that maximum project cost.

With a Federal funding component confirmed of up to \$2.5M, further funding assistance from the State is being sought by representation to the Transport Minister, with the assistance of the local State Member for Cockburn the Honourable Fran Logan MP Minister for Corrective Services. A copy of the submission to Mr Logan is included for reference as Attachment 2. This proposal is for the State and the City to equally share the funds required matching the Federal component.

The City has until 10 November 2017 to accept the offer of Federal funds under the terms of the proposed agreement.

Strategic Plan/Policy Implications

Moving Around

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



- Improve connectivity of transport infrastructure
- Advocate for improvements to public transport, especially bus transport

Budget/Financial Implications

The municipal component of the MRRG funding agreement is included in the current 2017/18 budget approved by Council (\$1.234M). The municipal component of the bridge duplication funds is proposed at \$1.25M based on the maximum Federal component of \$2.5M and a further State contribution of \$1.25M, pending actual construction costs.

Legal Implications

The terms and conditions of the Federal funding offer is similar to the previous Rounds 1 and 2 and is not considered onerous.

Community Consultation

Community consultation has previously been carried out for the project with advertising on the City website, briefing the Yangebup Progress Association, letter drop to all adjoining properties and a site meeting conducted with a group of affected residents.

Risk Management Implications

Should Council decide not to approve the Federal funding agreement, funds of 50% of the actual construction cost would be lost for the bridge duplication component of the project and hence may prevent the project proceeding as duplication of the road without duplication of the bridge would not be an acceptable community outcome.

Attachment(s)

1. Federal Funding Agreement for Spearwood Avenue Bridge Duplication
2. Submission by the City to Minister Fran Logan MLA for Cockburn

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



18. COMMUNITY SERVICES DIVISION ISSUES

18.1 (MINUTE NO 6187) (OCM - 12/10/2017) - FENCED DOG PARKS - CONSULTATION REPORT SUMMARY (144/003) (T MOORE) (ATTACH)

RECOMMENDATION

That Council

- (1) in accordance with requirements of the Dog Act 1995 (as amended) advertise its intention to create fenced dog exercise areas as follows:
 1. Within the power easement of Lot 12 Briggs Street, South Lake.
 2. Durango Reserve 48999 Durango Turn, Aubin Grove.
 3. Bibra Lake in a portion of Reserve 46787 near Walliabup Way, Bibra Lake.
- (2) not proceed with the creation of a dog exercise area on Brenchley Reserve 46825.

COUNCIL DECISION

MOVED C/r P Eva SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted subject to the following amendments:

- (1)
 1. as recommended.
 2. as recommended.
 3. Bibra Lake in a portion of Reserve 46787 near Walliabup Way, Bibra Lake subject to the presentation to Council of an Environmental Impact Report on the proposed site, prior to final resolution of this matter.
- (2) not proceed with the creation of a dog exercise area at Brenchley Park Atwell; (Reserve 46825).

CARRIED 8/0



Reason for Decision

Considering the close proximity to the Bibra Lake wetlands and the environmental impact that may rise from extra parking, fences and the blocking of a wildlife corridor into the lake, an Environmental Impact Report should be presented to Council prior to committing to the proposed dog park being established in this vicinity.

Background

The City has installed fenced parks for large and small dogs at both Yarra Vista, Jandakot and Jan Hammond Park, Success. In October 2016, a City-wide survey found strong support for more off-lead exercise areas. Based on community consultation, Council resolved to create a fenced dog-exercise area at Milgun Reserve, Yangebup, in 2017-2018, and Costa Park, Beeliar in 2018-2019.

Submission

N/A

Report

This report outlines the results of the community consultation undertaken in August 2017 concerning the proposed location of fenced dog parks in selected reserves. The consultation is the result of the following matters:

- The WA State Government has awarded funds to the City for fenced dog parks in South Lake and Aubin Grove, or in nearby suburbs; and
- The rejection by the local residents' association of a City proposal to build a fenced dog park next to the planned new skate park and recreation precinct on the eastern quadrant of Bibra Lake Reserve 46787.

Residents were invited to complete an online survey which was advertised on the City of Cockburn Facebook page, Comment on Cockburn and an email newsletter to local community associations. Comment was sought on locations for fenced dog parks in the suburbs of Atwell, Aubin Grove, Bibra Lake and South Lake.

Ideally, sites for fenced dog exercise areas should meet the following guidelines:

- Land of 1.5ha or more
- Water source for water fountains



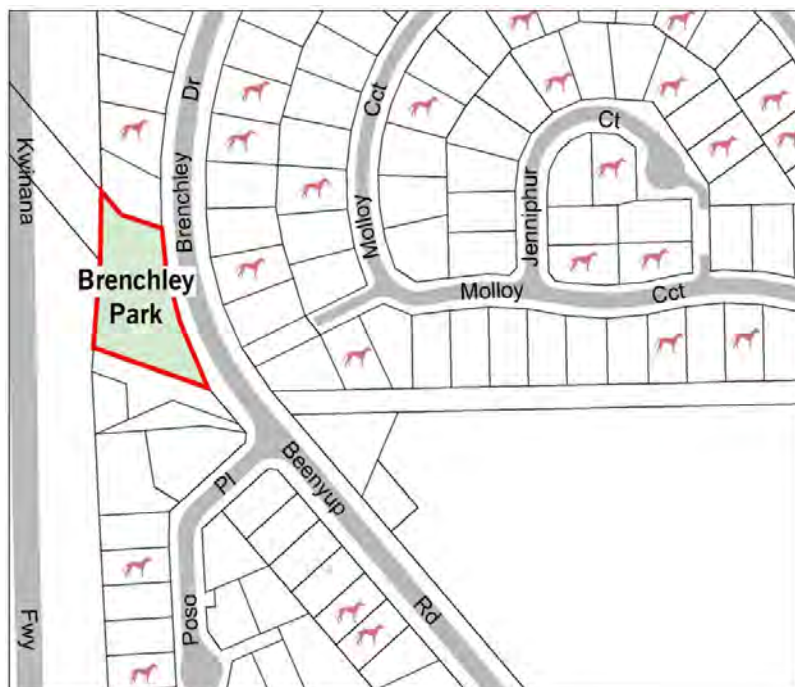
- Parking or capacity for parking spaces
- Provision for dog poo bag station and general waste bins
- Preferably away from sports areas and schools so there is no clash of use.

There are however, no parks in the suburb of Aubin Grove that meet all criteria so the reserve that best met the criteria was selected. The City suggested the following locations in the community consultation survey:

- Atwell - Brenchley Park (opposite Atwell oval) (not recommended)
- Aubin Grove - Durango Park Reserve 48999.
- Bibra Lake – Bibra Lake Reserve portion of reserve 46787 in the south east corner (between the future skate park and recreation precinct and the retirement village). Indicative site only at this stage. Confirmed site will be scoped as part of the 2018/19 budget process.
- South Lake, Lot 12 (under the powerlines, south of Briggs Road)

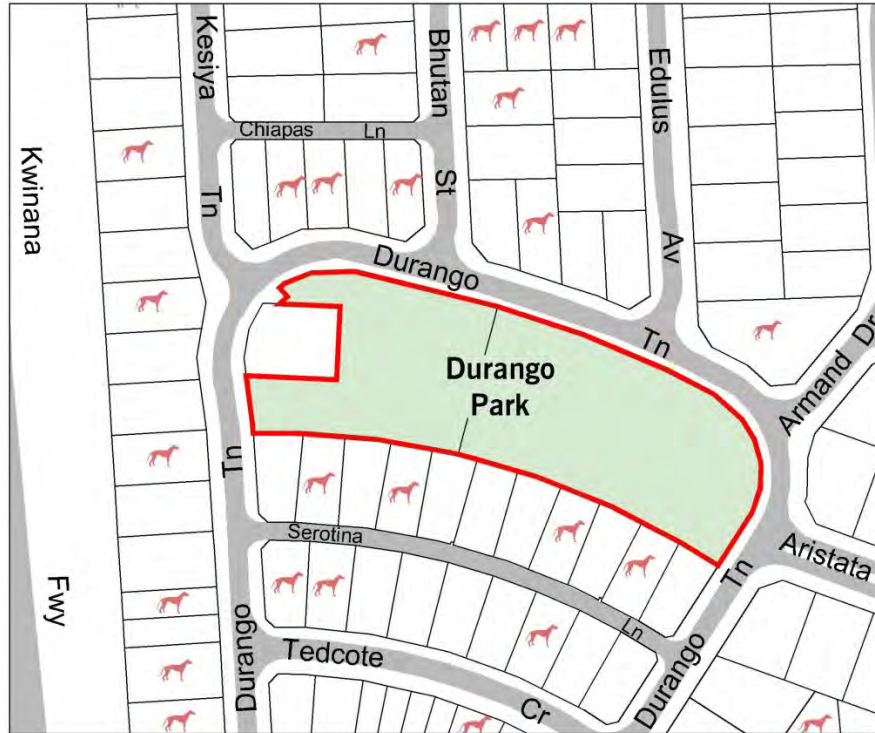
It should be noted that based on previous consultation, Council decided not to proceed with any dog exercise areas at Princeton Park, Aubin Grove. While the land was suitable it was not supported as a dog off lead exercise area by local residents.

It is considered of interest to identify the number of registered dogs in proximity to the proposed fenced dog exercise areas as shown on the maps below.

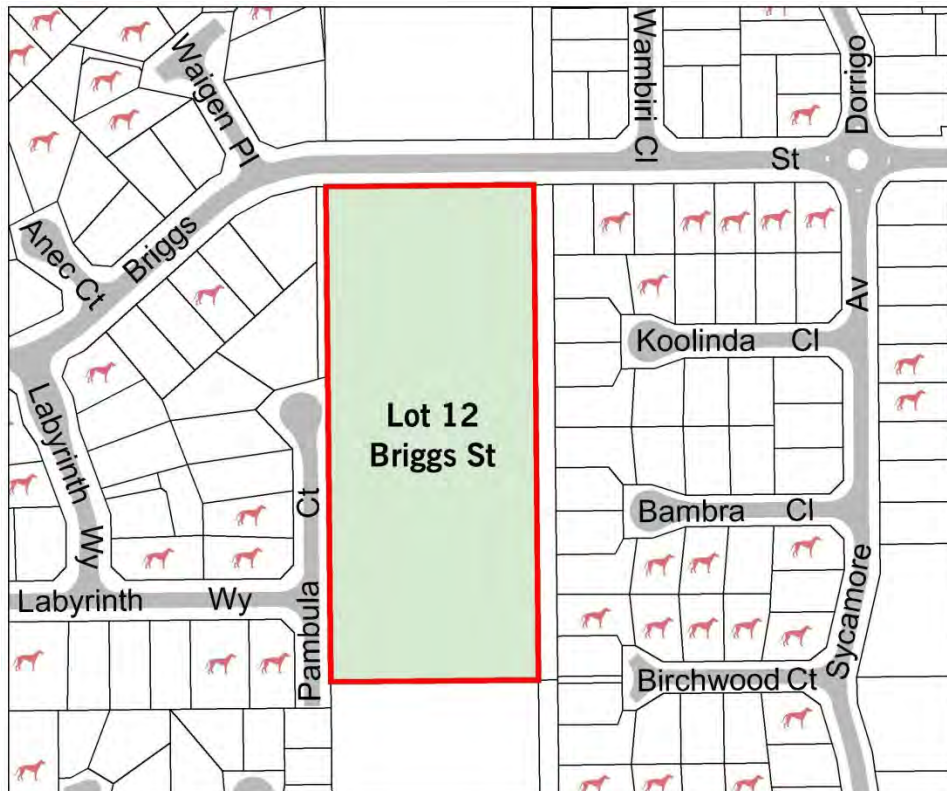


Brenchley Park Reserve 46825 Atwell (showing local properties with licensed dogs) (not recommended)





Durango Park (showing local properties with licensed dogs) Reserve 48999



South Lake (showing local properties with dogs) 12L Briggs Street





Bibra Lake, near Walliabup Way (showing local properties with dogs).
Location is indicative only

Following a 28 days public notice period a Local Government may by Absolute Majority of Council declare an area a dog exercise area.

Whilst there was a level of community support for Brenchley Park, it is not considered a recommended option due to its limited size and layout constraints. It is recommended that the three preferred sites be Durango Park, Aubin Grove; Lot 12 Briggs Road South Lake and on a portion of Bibra Lake Reserve 46787 near Walliabup Way.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services.
- Provide safe places and activities for residents and visitors to relax and socialise.
- Create and maintain recreational, social and sports facilities and regional open space.

Leading & Listening

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



Budget/Financial Implications

Funding has been confirmed for a fenced dog park at South Lake, totalling \$98,000, with an \$80,000 grant from the State Government and \$18,000 to be funded from the 2017/18 City of Cockburn Municipal budget.

Funding has been confirmed for a fenced dog park at Aubin Grove or a nearby suburb, totalling \$105,000, with an \$80,000 grant from the State Government and \$25,000 to be funded from the 2017/18 City of Cockburn municipal budget.

There is no provision in the City's 2017-2018 Budget for a fenced dog park at Bibra Lake. Should Council be supportive of the proposed fenced dog area at Bibra Lake the \$100,000 required be considered for the 2018-2019 budget.

The State Government grants received by the City of Cockburn need to be acquitted by the end of the 2017-2018 financial year.

Legal Implications

N/A

Community Consultation

The City has just concluded its fifth round of community consultation about fenced dog parks in 18 months, with strong support from the community for opportunities to exercise their pets.

A summary of the key points raised in the August 2017 consultation process is outlined below:

A total of 112 people completed the online survey, and 801 people visited the web page. A high number (87.8%) of those who responded are dog owners or used to have a dog.

- The City's suggested locations at Brenchley Park Atwell, Durango Park Aubin Grove, and Lot 12 Briggs Road South Lake underneath the power lines were well supported.
- Mixed support for a fenced dog park at Bibra Lake opposite the retirement village, with concerns about snakes and tortoises.
- Strong comments in support of a fenced dog park in South Lake.

Should Council be supportive of the proposed locations, it is recommended that the 28 day public notification process be conducted and that this include signage, local newspaper advertisements and website.



Risk Management Implications

The State Government grants are required to be expended by the end of the 2017-2018 financial year. Should the funds not be expended by this time the state May required the funds to be reimbursed with five rounds of community consultation on dog exercise parks there is a risk Councils brand will be impacted by failing to make sound decisions that reflect the community's responses.

Attachment(s)

1. Consultation Report – feedback from Comment on Cockburn survey participants.
2. Map of dog park locations.

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 12 October 2017 Ordinary Council Meeting.

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

Nil.

19. EXECUTIVE DIVISION ISSUES

Nil

20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

21. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

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

Nil



23 (OCM - 12/10/2017) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Smith requested that the following item be brought to a future Ordinary Council Meeting.

23.1 Provide a report that discusses how the City can facilitate the planning for future telecommunication towers throughout the City.

Clr Allen requested that the following item be brought to a future Ordinary Council Meeting.

23.2 A report be prepared outlining ways to improve safety, reduce traffic congestion and speeding on Fawcett Rd; with a review of the potential for a cul-de-sac to be installed at the intersection with Mayor Road.

24. CONFIDENTIAL BUSINESS

Nil

25 (MINUTE NO 6188) (OCM - 12/10/2017) - RESOLUTION OF COMPLIANCE

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

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

CARRIED 8/0



26 (OCM - 12/10/2017) - CLOSURE OF MEETING

Before closing tonight's meeting, the Presiding Member made the following announcement.

Clr Sweetman Retiring

Many of you might be aware that Clr Lyndsey Sweetman has decided to retire and not stand at this forthcoming October Election.

Clr Sweetman was elected in October 2013 and those four years disappeared quickly.

I would like to thank Clr Sweetman on behalf of the Elected Members and staff for her diligence in her role as a Councillor and for her contribution to the community. The role of an Elected Member is challenging and there is a lot of time and effort to fill the role to the extent necessary.

Clr Sweetman we all wish you well in your future endeavours and thank you for your contribution to the City of Cockburn and the Cockburn community. Best wishes to you and your husband Nicholas.

Council Elections

The 21 October Local Government Elections are nearly upon us and I take this opportunity to thank those Elected Members standing for re-election and some candidates in the public gallery who are standing. I wish all the candidates the very best.

The meeting closed at 8.39 pm.

