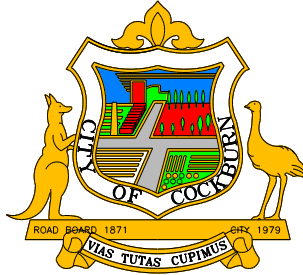


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 8 OCTOBER 2015

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 OCTOBER 2015 AT 7:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	1
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER).....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	1
5 (OCM 8/10/2015) - APOLOGIES AND LEAVE OF ABSENCE	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
7. PUBLIC QUESTION TIME	1
8. CONFIRMATION OF MINUTES.....	1
8.1 (OCM 8/10/2015) - MINUTES OF THE ORDINARY COUNCIL MEETING - 10/9/2015.....	2
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	2
10. DEPUTATIONS AND PETITIONS	2
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	2
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER	2
13. COUNCIL MATTERS.....	2
14. PLANNING AND DEVELOPMENT DIVISION ISSUES	2
14.1 (OCM 8/10/2015) - INITIATION OF PROPOSED SCHEME AMENDMENT NO. 114 - LOCATION: LOT 117 (26) HAMILTON ROAD, HAMILTON HILL - APPLICANT: TPG TOWN PLANNING (109/050) (M CAIN) (ATTACH)	2
14.2 (OCM 8/10/2015) - PROPOSED BANJUP QUARRY (CALLEYA) STRUCTURE PLAN VARIATION - LOTS 9002 JANDAKOT ROAD, LOT 9004 ARMADALE ROAD AND LOT 132 FRASER ROAD, BANJUP - APPLICANT: CREATIVE DESIGN & PLANNING (110/060 (C CATHERWOOD) (ATTACH)	6
14.3 (OCM 8/10/2015) - PROPOSED STRUCTURE PLAN - LOTS 1, 2 & 20 ENTRANCE ROAD, COOGEE - OWNERS: VINKO ZELKO DAMJANOVIC, DOLLY HOCHKIRCHER, EGON HOCHKIRCHER & WINNIE FATOVICH - APPLICANT: WHELANS TOWN PLANNING (110/ 137) (L SANTORIELLO) (ATTACH)	16

14.4	(OCM 8/10/2015) - PROPOSED STRUCTURE PLAN - LOT 32 BARFIELD ROAD, HAMMOND PARK - OWNERS: CHING HSI LIAO & MEI LI TSAO - APPLICANT: RPS AUSTRALIA (110/135) (L SANTORIELLO) (ATTACH)	22
14.5	(OCM 8/10/2015) - INITIATION OF PROPOSED SCHEME AMENDMENT NO. 110 - LOCATION: LOT 2 FANSTONE AVENUE, BEELIAR - OWNER: COCKBURN CEMENT LTD - APPLICANT: ROWE GROUP (109/046 & 110/133) (C HOSSEN) (ATTACH)	30
14.6	(OCM 8/10/2015) - PROPOSED TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 111 ADOPTION (109/047) (C CATHERWOOD) (ATTACH)	36
14.7	(OCM 8/10/2015) - RESPONSE TO INDIAN OCEAN GATEWAY DOCUMENT - COASTAL ECOSYSTEM AND IMMEDIATELY FRINGING LAND SOUTH OF THE AUSTRALIAN MARINE COMPLEX WITHIN THE CITY OF COCKBURN (028/012; 105/005) (D ARNDT) (ATTACH)	42
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	55
15.1	(OCM 8/10/2015) - LIST OF CREDITORS PAID - AUGUST 2015 (076/001) (N MAURICIO) (ATTACH).....	55
15.2	(OCM 8/10/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2015 (071/001) (N MAURICIO) (ATTACH)	56
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	64
16.1	(OCM 8/10/2015) - COCKBURN CENTRAL SHUTTLE BUS (163/002) (J MCDONALD) (ATTACH).....	64
17.	COMMUNITY SERVICES DIVISION ISSUES.....	68
17.1	(OCM 8/10/2015) - FINANCIAL COUNSELLING SERVICE (016/026) (G BOWMAN)	68
18.	EXECUTIVE DIVISION ISSUES	73
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	73
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	74
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS	74
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	74
23.	CONFIDENTIAL BUSINESS	74
24	(OCM 8/10/2015) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	74
25.	CLOSURE OF MEETING.....	74

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 OCTOBER 2015 AT 7:00 PM

1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

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

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

Nil

5. **(OCM 8/10/2015) - APOLOGIES AND LEAVE OF ABSENCE**

Clr K Allen - Apology

6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

7. **PUBLIC QUESTION TIME**

Nil

8. **CONFIRMATION OF MINUTES**

8.1 (OCM 8/10/2015) - MINUTES OF THE ORDINARY COUNCIL MEETING - 10/9/2015

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 10 September 2015 as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 8/10/2015) - INITIATION OF PROPOSED SCHEME AMENDMENT NO. 114 - LOCATION: LOT 117 (26) HAMILTON ROAD, HAMILTON HILL - APPLICANT: TPG TOWN PLANNING (109/050) (M CAIN) (ATTACH)

RECOMMENDATION

That Council

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

1. Rezoning portion of Lot 117 Hamilton Road, Hamilton Hill

- from 'Public Purpose – Water Corporation' to 'Residential' with a coding of R40 as depicted on the Scheme Amendment Map.
2. Reserve portion of Lot 117 Hamilton Road, Hamilton Hill from 'Public Purpose – Water Corporation' to 'Local Road' as depicted on the Scheme Amendment Map.
 3. Amend the Scheme Map accordingly.
- (2) refer the amendment to the Environmental Protection Authority ('EPA') as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment and the amendment is in the opinion of Council consistent with Regulation 25(2) of the Town Planning Regulations 1967 ("Regulations"), the amendment be advertised for a period of 42 days in accordance with the Regulations..

COUNCIL DECISION

Background

The proposed amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme") comprises a single site for rezoning, located at Lot 117 (No. 26) Hamilton Road, Hamilton Hill. The subject site is located within Hamilton Hill, and located on Hamilton Road opposite the corner of Winfield Street. The purpose of this report is to consider for initiation an amendment to the Scheme. The amendment proposes rezoning a portion of Lot 117 from 'Public Purposes – Water Corporation' to 'Residential' with a coding of R40 (to match adjoining), with the front portion of land to be reserved to 'Local Road'.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS"). The land is owned and managed by the Water Corporation and has been previously held as a site for water and waste water management. Following a recent survey of land holdings, it has been determined that this land no longer holds any strategic purpose for the Water Corporation in the future. The agency is therefore seeking to effect a sale of the land once the rezoning has been completed. There is not other land use alternative considered suitable, given its discrete size and shape.

Submission

N/A

Report

Background

This Scheme Amendment has been requested by TPG Town Planning on behalf of the Water Corporation as the landowner of the subject site. The purpose of the amendment is to rezone the subject site to provide ultimately for a Residential zoning which will facilitate sale and ultimate development of the land. The residential zoning and coding of R40 will match that of the adjoining locality.

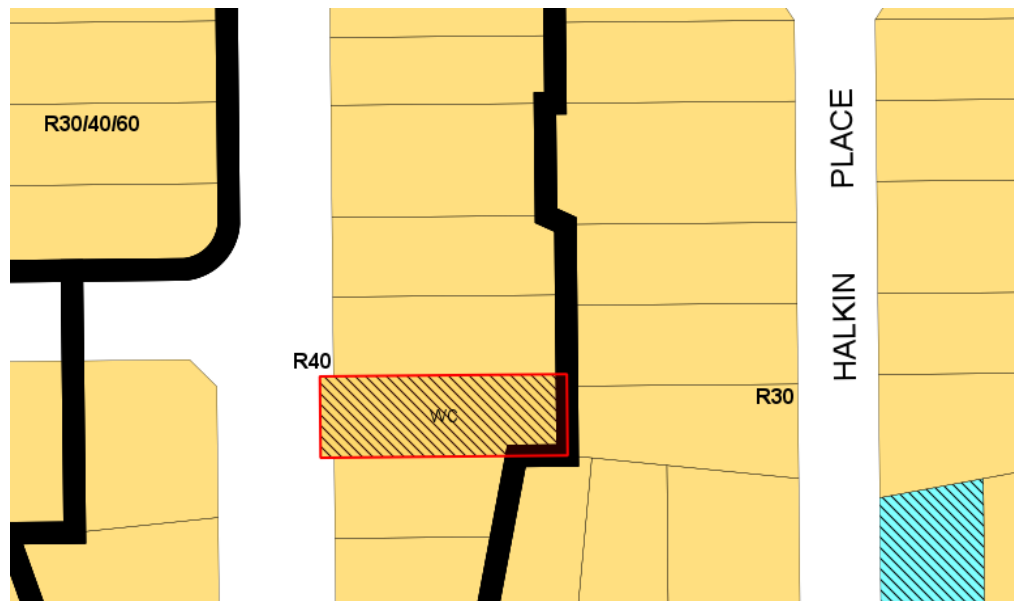
As the site is currently zoned 'Public Purpose – Water Corporation', it is necessary for a Scheme Amendment to be undertaken prior to the land being disposed of.

Proposed Amendment

Located on Hamilton Road within the suburb of Hamilton Hill, the subject site is 1002m² and is owned by the Water Corporation.

In 2014 the Hamilton Hill Revitalisation Strategy was gazetted and rezoned a large majority of the Hamilton Hill area to a range of higher density codings. This process was undertaken in order for the City to continue to achieve infill targets outlined within the Strategic Plan for Perth, known as Directions 2031. The subject site was not rezoned during the Hamilton Hill Revitalisation Strategy process as it was identified by the Water Corporation that the land may still be required in the future as parcel of land for water or wastewater management. Following an asset review however, this site has now been identified to no longer hold any strategic importance and requires rezoning to be suitable for residential development.

This rezoning will be to Residential R40, to match the way in which the surrounding land is zoned. However as indicated by the current zoning plan, the front portion of the land needs to be included within the adjoining road reserve of Hamilton Road, in order to achieve the necessary reserve width of the road. This is shown following:



The applicant has confirmed they intend to do this, and cede the small portion of land at the time of subdivision/development to complete the logical reserve extent of Hamilton Road.

The subject site is ideally located for future residential development due to its location on a main road that has access to public transport and access to local centres.

Conclusion

This report seeks that Council resolve to initiate the Scheme Amendment for the purposes of advertising. It is recommended that Council support the initiation of the Scheme amendment.

Strategic Plan/Policy Implications

Growing City

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

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Regulations 1967

Planning and Development Regulations 2015 (effective as of 19.10.2015)

City of Cockburn Town Planning Scheme No. 3

Community Consultation

In accordance with the Town Planning Regulations 1967 consultation is to be undertaken subsequent to the Local Government adopting the Scheme Amendment and the Environmental Protection Authority advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

Attachment(s)

1. Location Plan
2. Proposed Scheme Amendment

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (OCM 8/10/2015) - PROPOSED BANJUP QUARRY (CALLEYA) STRUCTURE PLAN VARIATION - LOTS 9002 JANDAKOT ROAD, LOT 9004 ARMADALE ROAD AND LOT 132 FRASER ROAD, BANJUP - APPLICANT: CREATIVE DESIGN & PLANNING (110/060 (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to proposed variations to Banjup Quarry (Calleya) Structure Plan;
- (2) pursuant to Section 6.2.14.1(a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopt the proposed variations to the Banjup Quarry (Calleya) Structure Plan, subject to the following modifications being undertaken:
 1. Update Part 2 of the Structure Plan to indicate the extension of the access nib within the Calleya estate to connect to the western most sump to facilitate effective access and future development.
 2. Update the land for the retirement living village

from Residential R30 to Residential R40 as shown in Attachment 1 of the applicant submission.

3. Update the road and public open space configuration (including updating the public open space calculation table) as shown in Attachment 2 of the applicant submission.
 4. Delete Clauses 2.1(a)(iv), 3.1(a) and 3.4(b) from Table A in Part 1 of the Structure Plan.
 5. The school site to be designated with a notation that a maximum of 0.6211ha will constitute the shared component of public open space with the adjoining district playing oval, leaving the remainder of the 3.5ha school site for complete development.
 6. Annotation of the oval dimensions to be 205m north-south and 165m east-west, with the east-west dimension to achieve a minimum 15m oval separation to the road and minimum 6m separation between rectangular playing fields.
- (3) in pursuance of Clause 6.2.14.3 of the Scheme, forward the Structure Plan once modified to the Western Australian Planning Commission with a request for its endorsement in accordance with the Scheme;
- (4) advise the proponent and submitters of the above decision; and
- (5) note the waiving of the additional 1ha open space requirement within the school site as ordinarily required under the City's local planning Policy APD4 'Public Open Space', given the site is likely to need to accommodate buildings for 600 students rather than the ordinary 450 student design.

COUNCIL DECISION

Background

The original Banjup Quarry (Calleya) Local Structure Plan was adopted by Council on 9 May 2013 and endorsed by the WAPC on 22 October 2013. Since then, the first stages of the estate have been developed

giving the developer time to reflect on how the estate's development has been unfolding and where improvements and changes might be considered. This has led the proponent (Stockland) to seek variations to the endorsed Structure Plan.

Detail of the variations is set out in the Report section of this item. In brief, these variations involve:

- Reflecting the required Water Corporation infrastructure (pump station);
- Reconfiguration of the town centre layout including primary school, civic site and oval boundaries;
- Increase in proposed number of dwellings (up to 549 additional dwellings) shown by changes to proposed R-coding;
- Repositioning of the retirement living village;
- Deletion of the 'Light and Service Industry' zone along the north side of Dollier Road and replacement with Public Open Space and a 'Mixed Use' lot on the corner of Solomon and Dollier Roads; and
- Internal roads and Public Open Space configuration.

It is recommended that, subject to a number of modifications, the Proposed Structure Plan be adopted and sent to the WAPC with a request for its endorsement.

Submission

As part of their submission during the advertising period, Stockland has also requested further changes which are:

- Designation of the retirement living village as Residential R40, rather than Residential R30 as advertised;
- Further changes to road and Public Open Space configuration; and
- Acknowledgement of the contraction of the 20 ANEF (Australian Noise Exposure Forecast).

It is not unheard of for an applicant to lodge a submission on their own proposal. What must be kept in mind is any proposed change should not be of the nature which warrants readvertising of the proposal. Discussion of these proposed changes is also set out in the Report section of this item.

Report

The purpose of this report is for Council to consider whether it is prepared to adopt the variation to the Banjup Quarry (Calleya) Structure Plan.

Planning Background

The Banjup Quarry (Calleya) Local Structure Plan applies to the former quarry site located on Lots 9002 Jandakot Road, 'Parent' Lot 9004 Armadale Road and 'Parent' Lot 132 Fraser Road, Banjup. The first stage of the estate known as 'Calleya' has been developed.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Area 33 ("DA 37") and Development Contribution Area No. 13 ("DCA 13")

Proposed Variations to Structure Plan

The following section discusses the variations:

Reflecting the required Water Corporation infrastructure (pump station)

The proposed variation primarily relates to the northern precinct of the estate (i.e. the land north of the major power lines). A small variation applies to northeast corner of Ginger Loop and Clementine Boulevard to reflect the required Water Corporation infrastructure (pump station).

There is no ability to change this location or the infrastructure itself (it is mandated by Water Corporation) and established as part of the first stages of development. The infrastructure is a Type 90 Wastewater Pump Station which will be at least 30 metres from residential properties, in line with the standards set by the Environmental Protection Agency.

The developer has also advised they will be landscaping around this area (outside the Water Corporation land). Existing landowners have all been provided with images of the same type of pump station to indicate how it might look.

Reconfiguration of the town centre layout including primary school, civic site and oval boundaries

The minor re-alignment of the school boundary was in response to the planned Town Centre 'square' in the southern portion of the site; whereby an increase in size of the square was sought to accommodate space for playground and breakout space. This also resulted in the carpark east of the square to be redesigned to an L-shape, and within the Primary School site; however intended for 'co-use' purposes namely on weekend game-days or other larger community events. The carpark could also be straightened on the basis it is encroaching on the area intended for 'potential' school buildings. The town centre lots have

also been reoriented to improve the relationship to the now proposed town square.

A significant stakeholder in this precinct is the Department of Education who have indicated strong concerns with the reconfiguration of the site and the capacity of it to accommodate the increased student numbers arising from this density increase. They are also concerned with the Council policy requirement to have an additional 1ha open space on their site, if they are to share the playing field with the City. This is discussed further in the Community Consultation section of this Report. The concerns of the Department of Education are supported.

Increase in proposed number of dwellings (up to 549 additional dwellings) shown by changes to proposed R-coding

There is a benefit to the broader metropolitan area by increasing densities as appropriate. Perth cannot continue to develop at low density and accommodate projected population growth. This is an approach mandated at State Government level, which the City of Cockburn appreciates and has been embedding in its own planning for many years.

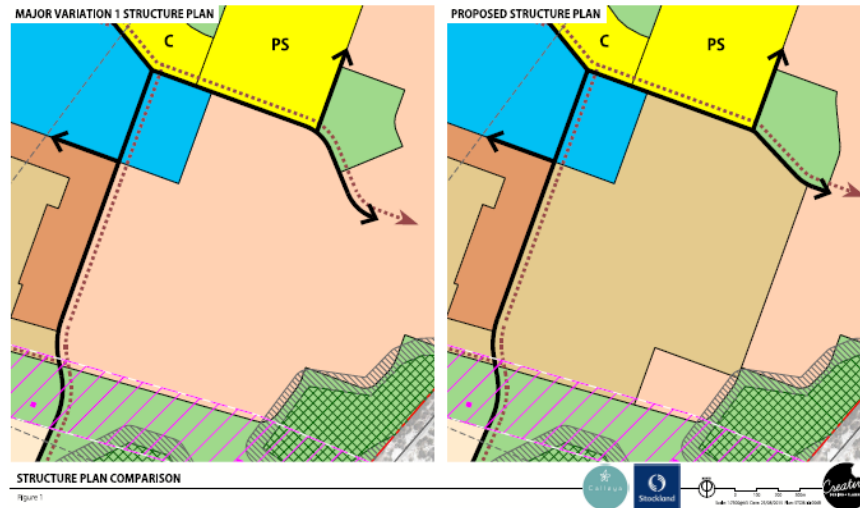
This development area was opened up by the State Government given its location close to a major public transport hub (Cockburn Central) and use of this feature will be strongly encouraged by provision of cycling and pedestrian links to the station and the town centre.

Ultimately the total lot yield for the entire estate will be capped at not more than 2350 dwellings regardless. This is in line with the capacity enabled by the planned road network.

Retirement living village (repositioning and designation of the retirement living village as Residential R40, rather than Residential R30 as advertised)

The applicant has sought to reposition the retirement living village from the original plan. During the advertising period, the applicant has further submitted they would like to designate the village as Residential R40, rather than Residential R30 as advertised.

The area is shown in the attachment (extract below):



The plan to the left is as advertised; the plan to the right shows the proposed change. The area proposed to be designated R40 is shown in light brown/taupe.

There is no concern with refining this now to the Residential R40 density. Ultimately the total lot yield for the entire estate will be capped at not more than 2350 dwellings regardless. With this figure already covered in the advertised document, and that portion of the plan surrounded by land still owned by the developer, there is no need to further advertise what was already captured in the advertised 'band' of R30, considering there would be an aged person's density bonus applicable.

Deletion of the 'Light and Service Industry' zone along the north side of Dollier Road and replacement with Public Open Space and a 'Mixed Use' lot on the corner of Solomon and Dollier Roads

It was always anticipated that a new urban estate would have a mix of land uses, not simply residential. In this case, the original plan indicated 'Light and Service Industry' along the Dollier Road frontage. This is now proposed to be replaced with Public Open Space and a small section on the corner of Solomon Road and Dollier Road to be 'Mixed Use' zone. This zone did not exist when the original plan was approved. The types of land uses permitted in that zone are considered by City officers to be more desirable directly adjacent to residential uses than the types of uses available in the 'Light and Service Industry' zone. It was a direct suggestion by City officers to change this small lot to 'Mixed Use' and this was heeded by the applicant. Given this, City officers will be recommending to Council this variation is supported.

Internal roads and Public Open Space configuration

There is no concern with minor realignment to the POS and road configuration (either as advertised or as the additional suggestions in the applicant's submission during advertising). It is City officer's

understanding that these types of changes will be acceptable as part of the subdivision process anyway under the new Planning and Development (Local Planning Schemes) Regulations 2015. The affected areas are surrounded by land still owned by the developer, and there is an overall increase in POS so there is no need to further advertise.

Acknowledgement of the contraction of the 20 ANEF (Australian Noise Exposure Forecast)

With the recent adoption of the latest Jandakot Airport Masterplan, the 20 ANEF has contracted so that it no longer covers land within the Calleya estate. This will apparently be reflected in the new draft State Planning Policy 5.3 Jandakot Airport Vicinity (SPP5.3), however this is yet to be released and cannot be utilised at the time of considering this submission as a basis for modification.

However, the current SPP5.3 (March 2006) contains the following description of an ANEF as:

ANEF

*Australian Noise Exposure Forecast as certified by Airservices Australia and endorsed by the Commonwealth Department of Transport and Regional Services **and as amended from time to time.** At the time of preparation of the policy, the time horizon for the forecast was the year 2024. (emphasis added)*

The advertised revision to this SPP from July 2013 has a similar definition.

The amendment of the ANEF is done as part of the airport master planning process, and as the submitter mentions, there is a new Jandakot Airport Masterplan 2014. In this plan, the 20 ANEF contracts so that it is outside the development. This renders the construction requirements on the lots affected by the 20 ANEF as superfluous as there are no Calleya lots exceeding or within the 20 ANEF any longer.

Given the above definition of the ANEF acknowledges they are amended from time to time, it is possible for the WAPC to delete the superfluous requirement from the Structure Plan relating to the 20 ANEF. This would involve deletion of the following sections of Table A of Structure Plan:

- 2.1(a)(iv);
- 3.1(a); and
- 3.4(b).

It is noted the submitter has further advised they still intend to require all lots within the development to have the laminated 6.38mm glazing.

This is a voluntary measure the developer has initiated which has full support of City officers as a precautionary approach given the proximity of the airport.

Alternatively, if WAPC consider it is not possible to modify the above under the current SPP5.3, then as the submitter mentions, when the new draft is advertised it will become a seriously entertained planning proposal and due regard can be given to the new SPP.

School site

The Department of Education have made it clear in their submission that due to the likely size requirement of the new school (up to 600 children) they are not in a position to have any more than a maximum of 0.6211ha of the school site utilised as part of the shared oval with the adjoining open space. This is a reasonable request to ensure that no future changes to the Structure Plan jeopardise the maximum area of the school site that is unavailable for development. This is recommended as part of the officer recommendation. This involves waiving the 1ha additional open space requirement of the City policy APD4 'Public Open Space' which is also noted in the recommendation. However, it is important to note the minimum oval dimensions which will be required. This will ensure the applicant is clear as to the required oval sizes. The current plan (not dimensioned) appears to be slightly undersized which could compromise the use of this oval by senior clubs. The minimum dimensions acceptable to the City are 205m north-south and 165m east-west. The space needs to be capable of accommodating an oval (to suit Australian Rules and cricket) as well as two rectangular fields (to accommodate soccer). These sporting uses are designated in Development Contribution Plan 13 and Appendix 7 Community facility plan to the local structure plan. To ensure there is adequate spacing between the rectangular fields the separation distances are also specified in the officer recommendation. These will need to be 15m from the road and have a minimum 6m between the rectangular fields.

Conclusion

These changes are an improvement on the original plan and City officers have no concerns with the approval of these variations.

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.

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Moving Around

- Facilitate and promote healthy transport opportunities.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

N/A

Legal Implications

City of Cockburn Town Planning Scheme No. 3
Planning and Development Act 2005.

Community Consultation

The proposal was advertised for a period of 21 days, ending 1 September 2015. Advertising consisted of a newspaper advertisement in the Cockburn Gazette and letters to all landowners within the Calleya local structure plan area and affected government agencies.

A total of 10 submissions were received. Most of these were from government agencies. One was a landowner who has purchased in the estate and two were representing landowners within the broader Banjup locality. The landowner submissions were all objections, the major concern being raised was traffic and road upgrades. There were also a number of statements made that indicated only a cursory review of the advertised documents. City officers acknowledge that submitters most likely would not read the entire suite of documents (totalling more than 1500 pages) so may not have fully appreciated the current situation with issues they have raised. Detailed responses are in the Schedule of Submissions; , some of the main issues are covered in brief below.

Concerns with validity of traffic data used

There was a perception traffic data was outdated and no appreciation was given to surrounding land uses.

The applicant has used the most up to date traffic count data available, as they were asked to by City technical staff. There is no issue with using this. Figures are also modelled out to 2031 at which point there would be full development.

The applicant's transport assessment refers specifically to the surrounding developments, including current analysis for the Jandakot Airport Master Plan 2014 proposal for the replacement of the Jandakot Road/Berrigan Drive intersection roundabout with traffic signals.

Concerns that road upgrades have not been required/provided

Roads upgrades to Jandakot and Solomon Roads and a path along Armadale Road are already secured via a voluntary legal agreement. Their provision is required within 3 months after the creation of the 900th residential lot, or by the 31 December 2017, whichever is earlier. The applicant has already commenced concept designs of the road and footpath upgrades for City officer review.

Armadale Road upgrading is a State Government (Main Roads) matter which the City, together with the adjacent City of Armadale, is strongly lobbying for currently.

It is unreasonable to expect road upgrades to be delivered well ahead of the development which (in part) warrants the upgrade.

Concerns about land resumption for upgrading Jandakot Road

At this point in time there is no identified land resumption necessary from landowners other than Stockland who will be widening Jandakot Road by 10 metres along the northern boundary of their land. Concept designs for the upgrades are not yet approved and these will confirm whether there is any further land required.

Concerns with the school site/shared open space arrangement

The area required for buildings to accommodate the 600 students, rather than the ordinary 450 students, has resulted in the Department of Education setting a maximum 0.6211ha of open space in which it is willing to share. This is reasonable; given the increased lot yield will place increased pressure on the school itself to accommodate ultimate student numbers that may indeed stretch to 600. This is addressed through the officer recommendation.

Attachment(s)

1. Plan indicating current plan and plan including variations (as advertised)
2. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 October 2015 Council Meeting.

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

Nil.

14.3 (OCM 8/10/2015) - PROPOSED STRUCTURE PLAN - LOTS 1, 2 & 20 ENTRANCE ROAD, COOGEE - OWNERS: VINKO ZELKO DAMJANOVIC, DOLLY HOCHKIRCHER, EGON HOCHKIRCHER & WINNIE FATOVICH - APPLICANT: WHELANS TOWN PLANNING (110/ 137) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of City of Cockburn Town Planning Scheme No. 3 (“Scheme”) adopt the Proposed Structure Plan for Lots 1, 2 & 20 Entrance Road Coogee;
- (2) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 1, 2 & 20 Entrance Road Coogee;
- (3) advise the proponent and those persons who made a submission of Council’s decision; and
- (4) in pursuance of Clause 6.2.10.1 of the Scheme forward the adopted Structure Plan to the Western Australian Planning Commission within 7 days of Councils resolution for endorsement.

COUNCIL DECISION

Background

The Proposed Structure Plan was prepared by Whelans Town Planning on behalf of the landowners. It relates to land within the Packham North District Structure Plan area, namely Lots 1, 2 & 20 Entrance Road, Coogee (“subject site”).

The Proposed Structure Plan seeks to affect a residential development outcome across the subject land. The purpose of this report is to consider the Proposed Structure Plan for adoption in light of the advertising process that has taken place.

Submission

Whelans Town Planning on behalf of the land owners has lodged a Structure Plan for Lots 1, 2 and 20 Entrance Road, Coogee (“the subject site”).

Report

Planning Background

The subject site is bound by Entrance Road to the north and between residential land to the east and west. The land to the north, south and east is currently being developed for residential development in accordance with the Packham North District Structure Plan.

The land to the west of Cross road, which is approximately 11 hectares in area, is reserved for Parks and Recreation under the Metropolitan Region Scheme (“MRS”) and City of Cockburn Town Planning Scheme No. 3 (“TPS3”). This land is extensively covered in native vegetation but does not pose a bushfire threat as the native vegetation is in excess of 100 metres from the subject site (Attachment 2 provides an aerial photograph of the site).

The subject site is zoned ‘Urban’ under the MRS and ‘Development’ under TPS3. The subject site is also located within Development Area No. 31 (“DA 31”), Development Contribution Areas No. 12 and 13 (“DCA 12”) and (“DCA 13”).

Pursuant to Clause 6.2.4 of TPS3, a Structure Plan is required to be prepared and adopted prior to any subdivision or development within a Development Area.

Planning Assessment

Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods provide the State Government policy framework in which to consider a Proposed Structure Plan. This is supplemented by the City’s TPS3, which in conjunction with local planning policies provides the more detailed local planning framework to consider the Proposed Structure Plan.

Under the State Government framework, a target of a minimum of 15 dwellings per gross hectare is set for new Structure Plan areas.

Supporting this, the State Government's Outer Metropolitan Perth and Peel Sub-Regional Strategy identifies the subject land as being part of the "WAT 1" area with a future dwelling target of 900+.

The Proposed Structure Plan incorporates three separate lots covering an area of approximately 1.823 hectares. The proposed density codes are 'R30' with 'R40' opposite the Public Open Space, and along Entrance Road, which will provide for a range of lot sizes from 235m² to 767m², as indicatively provided on the non-statutory subdivision plan within Part 2 of the report.

The indicative subdivision concept plan aims to retain four existing dwellings. Lots 1 and 2 each contain an existing dwelling and Lot 20 contains two existing dwellings all fronting Entrance Road.

The larger lots will provide a diversity of housing options and retention of the current built form and local character of the area. Under the 'R40' density these larger lots will have the potential to be later subdivided should the owners seek to demolish the existing dwellings.

In total the Structure Plan is expected to yield a total of 26 lots with an estimated 36 dwellings in the long term. These additional residential lots will provide for further dwelling diversity in the locality while contributing to the State Government's density targets.

Packham North District Structure Plan

The subject land forms part of the Packham North District Structure Plan area. The purpose of the District Structure Plan is to facilitate the development of the former 'Watsons food plant' and surrounding land that was previously within an odour buffer of the plant for residential and associated uses.

Following the gazettal of Scheme Amendment 70 on 15 October 2010, the 'Watsons' site and the surrounding land was rezoned for residential development purposes subject to the endorsement of Structure Plan/(s).

The adopted District Structure Plan outlines the broad land use framework including the major road network, neighbourhood structure, commercial land and public open space areas.

Structure Plans are required to demonstrate the achievement of a minimum 15 dwellings per gross urban zoned hectare of land and a minimum of 22 dwellings per site hectare of residential land. This

Proposed Structure Plan yields a density of approximately 20 dwelling units per gross urban hectare and 30 dwellings per net site hectare.

The District Structure Plan sets 'Medium Density' locational criteria of 'R30 to R60' for land which is generally surrounding areas of high amenity, such as open space.

The submitted Structure Plan is considered to be in accordance with the provisions of the District Structure Plan. This has been determined on the basis of the Structure Plans' proposed street network, associated densities and areas of Public Open Space conforming to the locations prescribed on the District Structure Plan.

Public Open Space ('POS')

The Structure Plan proposes 0.182 hectares of public open space which equates to 10% of the site area. The POS will form a drainage function in accordance with water sensitive urban design principles.

The POS is proposed with an east-west orientation to coincide with the Packham North District Structure Plan. The POS provision is provided by Lots 2 and 20.

The Structure Plan report specifies, where the landowner of Lot 1 proposes to subdivide in future to achieve 3 or more lots, a separate private legal agreement between the landowner of Lot 1 and Lot 2 will cover any arrangements for the equitable provision of POS sufficient for the Structure Plan. The City of Cockburn is not required to be part of that agreement and will therefore have no involvement with the agreement.

The adopted District Structure Plan included the Packham North District Water Management Strategy and a Local Water Management Strategy. Accordingly the applicant did not provide a separate Local Water Management Strategy as part of the Proposed Structure Plan. Both the Department of Water and the City's engineering services are satisfied with this approach (see Attachment 3 for details).

The future subdivision application/(s) for the subject site will require the provision of an Urban Water Management Plan ('UWMP') which complies with the Packham North Local Water Management Strategy.

Typically, the parkway may contain a shared path, seated resting furniture, appropriate species of tree plantings and mulched dry landscaping. These details will be addressed in detail at subdivision stage.

The parkland will serve the regular small scale needs of the immediate residential population within a five to ten minute walking distance. The predominant use, as outlined within the District Structure Plan, is for informal recreation for individuals and households, especially low level children's play, dog walking and relaxation.

Conclusion

The Proposed Structure Plan yields a density of approximately 20 dwelling units per gross urban hectare and 30 dwellings per net site hectare. The density targets are above the minimum expectation of Directions 2031, Liveable Neighbourhoods and Council's adopted Southern Suburbs District Structure Plan - Stage 3.

In addition the Proposed Structure Plan indicates an area of approximately 10% for public open space which is designed in an east-west orientation in accordance with the District Structure Plan.

The Structure Plan proposes density codes of 'R30' with 'R40' opposite the Public Open Space, and along Entrance Road. The proposed residential development will provide for a range of lot sizes from 235m² to 767m².

Lots 1 and 2 each contain an existing dwelling and Lot 20 contains two existing dwellings all fronting Entrance Road. The proposed Structure Plan provides opportunity for the existing dwellings to be either retained or demolished to allow for further subdivision.

As such it is recommended that Council adopts the Proposed Structure Plan and forward the adopted Structure Plan, pursuant to Clause 6.2.10.1 of the scheme, to the Western Australian Planning Commission within 7 days for endorsement.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

In pursuance of Clause 6.2.8 of the City's Scheme public consultation was undertaken for a period of 21 days. The advertising period commenced 25 August 2015 and concluded 15 September 2015.

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 seven (7) submissions from government agencies and service providers. No submissions were received from local residents. All seven of the submissions were in support of the proposal. No objections were received.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions. See Attachment 3 for details.

Attachment(s)

1. Location Plan
2. Proposed 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 8 October 2015 Council Meeting.

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

Nil.

14.4 (OCM 8/10/2015) - PROPOSED STRUCTURE PLAN - LOT 32 BARFIELD ROAD, HAMMOND PARK - OWNERS: CHING HSI LIAO & MEI LI TSAO - APPLICANT: RPS AUSTRALIA (110/135) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the Proposed Structure Plan for Lot 32 Barfield Road, Hammond Park, subject to the following conditions:
 1. Part 1:– Delete point 2 and the associated text under section 5.1 and remove number '1' from this section but not the text. Under section 6 include a new section 'Notifications on Title' with points 2 and 3, to be included, as outlined in column 3 of the '*City of Cockburn Part One Structure Plan Report pro-forma*' section 6.1. These points reference 'Bushfire Hazard' and 'BAL' requirements and should be included into the Structure Plan. Section 6.1 (i) is to be amended in line with the City's pro-forma to reference the appropriate section of the BMP, being '*Figure 5: BAL Assessment*'. Section 6.2 is to be amended to reference the '27 August 2015' BMP pursuant to the pro-forma. Insert a new section '7.0 Development Contribution Items and Arrangements' with the following text under column 3;
 - (a) Contribute proportional amount as per DCA 9 and DCA 13 Common Infrastructure requirements as prescribed in City of Cockburn Town Planning Scheme No. 3.
 - (b) Road Upgrades – Barfield Road where it abuts is to be upgraded to a residential standard.
 2. Part 2:– In section 5.4 'Open Space', the road reserve on the west of the high school site is not to be deducted from the total landholding for the purpose of calculating the required Public Open Space. This is to be amended accordingly. Section 5.7 'Detailed Area Plans' should make appropriate mention of the WAPC Planning Bulletin 112/ 2015.
 - (a) Appendix 2: – The 'Local Water Management Strategy ('LWMS')' is to be modified to the satisfaction of the Department of Water ('DoW'), in

consultation with the City of Cockburn, as outlined in their letter dated 7 September 2015.

- (b) Appendix 3: – ‘Bushfire Management Plan’ is to be replaced with the agreed modified final version dated ‘27 August 2015, Project number: 15SGB_2143’.
- (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 decision; and
- (4) pursuant to Clause 6.2.10.1 of the Scheme forward the proposed Structure Plan to the Commission for its endorsement.

COUNCIL DECISION

Background

The Proposed Structure Plan was received by Council on 10 July 2015. It was prepared by RPS Australia on behalf of the landowners Ching Hsi Liao and Mei Li Tsao. The Proposed Structure Plan relates to land within the Southern Suburbs District Structure Plan Stage 3 (‘SSDSP3’) area, namely Lot 32 Barfield Road, Hammond Park (“subject site”).

The subject site is 4.046900 hectares in area with frontages to the east of Hammond Park Catholic Primary School and to the west of Barfield Road. Under the SSDSP3 approximately 2.72 hectares of the subject site is identified for part of a future high school.

The high school is planned to extend south from part of the subject site over parts of Lots 31 Barfield Road and Lot 47 Frankland Avenue, Hammond Park. The future high school site will also extend over part of the northern lot, Lot 33 Barfield Road, Hammond Park.

The future Hammond Park High School site traverses four separate landholdings, as outlined above, including Lot 32. The subject site is the last remaining landholding to be structure planned, to facilitate the future High School and to provide for additional residential land.

The Proposed Structure Plan was advertised for a period of 21 days in accordance with Scheme requirements. The purpose of this report is for Council to consider this proposal in light of the information received

during the advertising process. In total the City received eight (8) submissions during the advertising period which are discussed in the 'Report' section below and elaborated on in detail under Attachment 3 of this report.

Submission

RPS Australia on behalf of the land owners has lodged a Structure Plan for the subject site.

Report

Planning Background

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

Pursuant to Clause 6.2.3.1 of the Scheme "*the development of land within a Development Area is to comply with Schedule 11*". The specific provisions applicable to DA 26 in Schedule 11 are outlined as follows:

1. *Structure Plan/s adopted and endorsed in accordance with Clause 6.2 of the Scheme to guide subdivision, land use and development.*
2. *To provide for residential development and compatible land uses.*
3. *The provision of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clause 6.2.6.3.*

Residential Development

The subject land is located within the Southern Suburbs District Structure Plan – Stage 3 ('SSDSP3') area. The SSDSP3 prescribes a minimum of 15 dwellings per gross urban zoned hectare of land as the minimum standard. The prescribed density target is below the Western Australian Planning Commissions' Directions 2031 and Beyond document ('Directions 2031') but exceeds the targets as set by Liveable Neighbourhoods ('LN'). Approximately 67% of the subject site is reserved for the future high school which influences the scope of the subject site to meet the prescribed density targets as set by the SSDSP3 and Directions 2031.

The Outer Metropolitan Perth and Peel Sub-regional Strategy forms an integral part of the Directions 2031 vision. It provides information about the levels of expected population growth by local government area, and highlights development opportunities and density targets in greenfield areas, including the south-west outer sub region which the City of Cockburn is located.

The Strategy identifies the subject land as being part of the "SOU1" area which has a future dwelling target of 3000+.

The intent of the Proposed Structure Plan is to guide the subdivision and subsequent development of the subject site including an estimated lot yield of 20 dwellings (21% residential), Public Open Space (10%) to be provided as cash-in-lieu and 2.72 hectares for part of a future high school which equates to approximately 67% of the total site area.

The SSDSP3 prescribes a density range of R30-R60 for land surrounding areas of public open space, activity nodes and public transport routes. The subject site is not directly serviced by public transport given the lands current 'rural - residential' nature.

The SSDSP3, as adopted by Council, designates the subject site as a 'Medium Density' area. Residential R35 is identified as the minimum base coding in the 'Medium Density' areas of the SSDSP3.

It is understood that once the high school, and additional residential housing, is developed the current local bus services, being the 525 and 526 buses, are likely to extend further south to service the increased residential catchment area. Alternatively a separate bus service may be formalised.

Currently both the 525 and 526 travel along Barfield Road and turn right along Gaebler Road which is approximately 470 metres north of the subject site. The current associated bus stops are within a 5 minute walking distance of the subject site.

Under the proposed structure plan an R35 density has been applied to the residential land. The proposed R35 density meets the locational criteria as specified by the SSDSP3. The density component of the proposal is considered to meet the planning needs of the area and is expected to provide a diversity of housing options for local and future residents.

Public Open Space (P.O.S)

As discussed above, the proposed Structure Plan does not include the provision of a land component for public open space. This section aims

to explore the reasons for this and to provide a review of the existing and future POS in the area.

The proposed high school 'Public Purpose Reserve' does not generate the need for POS as prescribed under *R43 'Deductions' Element 4 – Public Parkland* of Liveable Neighbourhoods ('LN').

The structure plan has a gross subdivisible area (the lot area subtract the area of the high school component) totalling 1.3269 hectares. This equates to a POS requirement of 1326.9 square metres which under LN equates to a 'Local Park'.

Under LN Local Parks are generally provided for local children's play and as a resting place, designed as small intimate spaces where appropriate. Local parks are generally up to 3000 square meters in area.

Under the Southern Suburbs District Structure Plan Stage 3 Lot 32 is excluded from the need to provide a POS land component. The Structure Plan for Lot 33 was adopted by Council at its meeting held on 11 June 2015 (item 14.1). The lot 33 Structure Plan provided a local park totaling 0.2837 hectares in area which will be developed pursuant to the Lot 33 Structure Plan. The Lot 33 POS is approximately 100 metres north from the proposed residential land under lot 32.

The SSDSP3, as adopted by Council, identifies POS to the south approximately 250 metres from Lot 32. POS will also be provided to the north east of Lot 32 approximately 160 metres away as provided for by the *Lot 8 (No. 107) Barfield Road, Hammond Park Structure Plan*, which was adopted by Council on 9 April 2015.

The future residents of Lot 32 will be located in proximity (a short walking distance) from four separate future areas of POS which will range in size and functionality.

The provision of a small (1326.9 square metre) 'Local Park' on Lot 32 is not considered to be overly beneficial, both from an amenity perspective and also from a Council maintenance perspective. The future high school is likely to have a large area for sporting activity which may provide 'visual' and 'passive' open space benefits to the future residents.

Under the provisions of 153 of the *Planning and Development Act 2005* ('the Act'), the WAPC may agree to cash-in-lieu of public open space if the land area is such that a 10% contribution would be too small to be of practical use, and there is already adequate public parkland taking into account the overall objective of parkland and provision and distribution.

Under Section 154 of the Act, all money received by the City in this way should be applied;

- a) *for the purchase of land, by the City, for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision is situated;*
- b) *in repaying any loans raised by the City for the purchase of any such land; and*
- c) *with the approval of the Minister for Planning, for the improvement or development of land as parks, recreation grounds or open spaces.*

The expenditure of cash-in-lieu funds must be directly related to the use or development of land for public open space purposes. The contemplation of an equivalent POS cash-in-lieu contribution, by the developer to the City, at subdivision stage is considered appropriate in the context of the planning system and the merits and specifics of this proposal. It should be noted that cash-in-lieu is not an 'as of right' option available to developers as specified above in this section. Each application is assessed on its own merits.

Bushfire Management

The existing native vegetation, within the future high school area of lot 32 and the surrounding lots, pose a bushfire threat to future residences within Lot 32.

The Proposed Structure Plan is supported by a Bushfire Management Plan ('BMP') to help mitigate these risks. The BMP has been undertaken in line with the relevant State Planning Policy and the current *Planning for Bushfire Protection Guidelines*.

The BMP also complies with the WAPC draft State Planning Policy 3.7 and the Draft August 2015 Guidelines for Planning in Bushfire-Prone Areas. These documents were recently provided by the WAPC to the City of Cockburn for comment in a letter dated 18 August 2015.

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

A Bushfire Attack Level ('BAL') assessment may be undertaken as part of the subdivision process to confirm the BAL ratings for each individual new lot created.

The BMP does not address bushfire mitigation measures for the proposed high school site. This will be undertaken by the Department of Education. The Department of Education have advised the City of Cockburn that the future high school is expected to be operating by the 2020 school year with anticipated construction commencing in 2018.

The future high school site is not proposed, at this stage, to be cleared (or partly cleared) until construction commences.

The Proposed Structure Plan and BMP were referred to the *Department of Fire and Emergency Services* ('DFES') during the 21 day advertising period. No comment was received by the City of Cockburn from DFES during the advertising period in response to the Structure Plan referral.

The Fire Management Plan is considered to comply with the State Governments Draft August 2015 Guidelines for *Planning in Bushfire-Prone Areas* and will be implemented at subdivision stage.

The Structure Plan, pursuant to the statutory section in Part 1, designates land within 100 metres of the residential land of the subject site as 'Designated Bushfire Prone.' This provides the appropriate head of power to enforce AS3959-2009 under the Building Code of Australia, at building licence stage, and at subdivision stage.

Conclusion

The proposed Structure Plan yields a density of approximately 25.8 dwellings per hectare (net residential) as per Liveable Neighbourhoods. This equates to 56 people with an estimated 2.8 people per household.

The density targets are restricted by road design and the large high school reservation of which approximately 67% of the subject site is reserved for the future Hammond Park High School.

The proposed Structure Plan does not provide for a public open space land component but rather proposes to provide a proportional 10% cash-in-lieu component at subdivision stage. Section 154 of the Planning and Development Act 2005 outlines the manner in which the cash-in-lieu money is to be applied.

A review of the SSDSP3 and the future POS in the locality reveals that the future residents of Lot 32 will be within a short walking distance to benefit from various areas of future POS. These areas of POS will range in size and functionality pursuant to the various recently adopted Council Structure Plans.

In addition the future high school is likely to have a large area for sporting activity which may provide 'visual' and 'passive' open space benefits to the future residents.

The Structure Plan design incorporates bushfire mitigation measures for the identified bushfire hazards. All new dwellings constructed within 100 metres of identified classified vegetation will require the need for increased construction requirements to address AS3959-2009 (*Construction of Buildings in Bushfire Prone Areas*).

It is recommended that Council adopt the Structure Plan, for Lot 32 Barfield Road, Hammond Park, subject to modification and then pursuant to clause 6.2.10.1 of the Scheme refer the Structure Plan to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Growing City

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

Community & Lifestyle

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

Budget/Financial Implications

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

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period. The advertising period formally concluded on 8 September 2015.

Community Consultation

In pursuance of Clause 6.2.8 of the City's Scheme public consultation was undertaken for a period of 21 days. The advertising period commenced on 18 August 2015 and concluded on 8 September 2015.

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 eight (8) submissions from government agencies and service providers. No submissions were received from local residents. All eight of the submissions were in support of the proposal. No objections were received.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions. See Attachment 3 for details. The comments received from the Department of Water have been incorporated into Point 2 (a) of the above Council recommendation. No other comments received from State Government agencies and service providers advised of the need to modify the proposal.

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 8 October 2015 Council Meeting.

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

Nil.

14.5 (OCM 8/10/2015) - INITIATION OF PROPOSED SCHEME AMENDMENT NO. 110 - LOCATION: LOT 2 FANSTONE AVENUE, BEELIAR - OWNER: COCKBURN CEMENT LTD - APPLICANT: ROWE GROUP (109/046 & 110/133) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

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

1. Rezoning part of Lot 2 Fanstone Avenue, Beeliar from

- 'Special Use' zone to 'Development' zone;
2. Reserve part Lot 2 Fanstone Avenue, Beeliar from 'Special Use' zone to 'Local Reserve - Lakes and Drainage'; and
 3. Amend the Scheme Map accordingly.
- (2) require the Traffic Impact Assessment be updated, to the satisfaction of the City, prior to advertising of the Scheme Amendment documentation;
- (3) require the Bushfire Impact Assessment prepared for the site be updated and modified, to the satisfaction of the City, to form a comprehensive Fire Management Plan as outlined in the Planning for Bushfire Guidelines (edition 2) prior to advertising of the Scheme Amendment documentation;
- (4) note that the draft Structure Plan shown in appendix 3 (subject to modification) shall in accordance with Clause 6.2.8.3 of the Scheme be concurrently advertised with Scheme Amendment No. 110; and
- (3) note as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* ("Regulations"), and upon the preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.

COUNCIL DECISION

Background

The subject land comprises a 9.67 ha portion of Lot 2 Fanstone Avenue, Beeliar and is zoned 'Urban' and 'Rural' under the Metropolitan Region Scheme ("MRS") and 'Special Use 11' under City of Cockburn Town Planning Scheme No.3 ("Scheme").

The land is also located within Development Area No. 4 (“DA4”), Development Contribution Area No. 5 (“DCA5”) and Development Contribution Area 13 (“DCA13”).

The subject site is located south, east and west of existing residential development, and north of the Cockburn Cement works area (refer to Attachment 1 for the Locality Plan).

The subject land previously formed part of a quarrying operation; the land however has no land-use currently approved. The applicant seeks to transition the portion of the subject land outside the Kwinana air quality buffer to a residential purpose, in order to reflect the pattern of development taking place around it. The purpose of this report is to consider whether Council should initiate the Scheme amendment.

Submission

The Proposed Scheme Amendment has been lodged by Rowe Group, on behalf of the landowner, Cockburn Cement Ltd.

Report

The Proposed Scheme Amendment seeks to amend the Scheme by rezoning the subject site from ‘Special Use 11’ to ‘Development’ and reserving a portion as ‘Local Reserve – Lakes & Drainage’. The rezoning will subsequently facilitate the need for a Structure Plan to guide the development and subdivision of the land in a comprehensive manner. See Attachment 2 for existing and proposed zoning map. Appendix 3 shows the current draft Structure Plan (subject to modification) that will be subject to concurrent public consultation in accordance with Clause 6.2.8.3 of the Scheme, if Council choose to initiate a Scheme amendment.

The area of Local Reserve – Lakes & Drainage sits to the south of the area to be zoned Development. This area is anticipated to receive all run-off of water from the proposed subdivisional roads. This approach is considered beneficial as it will allow the 10% public open space requirement within the Development Area to be fully utilised as unrestricted Public Open Space, rather than be constrained partially by the need to accommodate drainage runoff.. This Reserve will sit within the Cockburn Cement Industrial Buffer; however as it forms no function other than drainage this is appropriate. It will not be accepted for any public open space purpose.

Special Use 11 – Cockburn Cement

Special Use 11 encompasses approximately 3.5ha of land that was defined under the Cement Works (Cockburn Cement Limited)

Agreement Act 1971. The Special Use relates to Cement Works and Conservation Areas linked to the manufacture of cement lime and associated products for use in the construction industry.

The subject site is the northern extremes of the Special Use 11 area. The land was previously utilised as a quarry in keeping with the allowed uses of the zone.

The proposal to rezone to Development will allow for residential development to occur on the subject site. All proposed residential areas, as depicted on the draft Structure Plan, would fall outside the industrial buffer that applies to the land.

Directions 2031

Directions 2031 seek to establish a 50% increase in current average residential densities from the current average of 10 dwelling per gross hectare of urban zoned land. The draft Structure Plan report assumes an expected yield of 152 dwellings. Gross density of the site is therefore likely to be 15.7 dwellings a hectare, an amount consistent with minimum density requirements Directions 2031 and Liveable Neighbourhoods.

Draft Structure Plan

The Draft Structure Plan (appendix 3) outlines the broad approach to be taken within the area to be rezoned Development. The Draft plan outlines a residential outcome with three areas of public open space and associated road network.

The Draft plan provides for a modified grid suburban outcome with multiple connections to the existing road network.

Due to the former quarrying of the site there are considerable level changes from the edges of the site to the centre. This provides for opportunities and constraints for the development of the site.

The applicant has noted that the three parks will be on the edges of the site, adjoining existing roads and development. This will allow for the retention of a significant number of mature tuart trees within these future parks.

Traffic

The applicant has undertaken a traffic impact assessment to support the Scheme Amendment and draft Structure Plan. The report has been analysed by the City's engineering department and deemed to have deficiencies in a number of areas. These deficiencies do not go to

critical elements of the proposed Draft Structure Plan design or the ability of the surrounding road network to absorb the increased traffic. These matters are largely ones to be dealt with in the draft Structure Plan.

As the matters are technical and generally minor in impact on the Scheme Amendment initiation; it is proposed to progress the initiation of the Scheme Amendment with a requirement that the Traffic Impact Assessment be updated to the City's satisfaction prior to advertising of the Amendment documentation. This allows reasonable progress of the Scheme Amendment, that is in line with proper and orderly planning, while matters of a technical nature are addressed in the meantime.

Bushfire Risk

The applicant has undertaken a Bushfire Hazard Assessment to support the Scheme Amendment and draft Structure Plan. The report has been analysed by the City and deemed insufficient to properly inform the process.

The current Hazard Assessment is generally inconsistent with the WAPC's Planning for Bushfire Design Guidelines (Edition 2), particularly:

1. Principle 5 – this principle, which underpins the guidelines notes that Structure Plans in areas with moderate to extreme bushfire risk hazards need to be supported by an assessment of the bushfire risk and compliance with the performance criteria and acceptable solutions set out in the guidelines. As the current Hazard Assessment does not do this the City is unable to be assured that there is compliance with performance criteria and acceptable solutions, or any alternative acceptable solution.
2. Guidance Statement A1.
3. Guidance Statement A4.

Further to this there is a lack of compliance with the current Planning for Bushfire Guidelines the Hazard Assessment is also generally inconsistent with the public released Planning for Bushfire Risk Management Guidelines, prepared and designed to supplement the objectives and policy measures established in draft State Planning Policy 3.7.

It is proposed to allow the initiation of the Scheme Amendment with a requirement that the Bushfire Hazard Assessment be updated and modified, to the satisfaction of Council, to form a comprehensive Fire Management Plan as outlined in the Planning for Bushfire Guidelines (edition 2) prior to advertising of the Scheme Amendment documentation.

The applicant is aware that this will need to be done, and that the City will not contemplate beginning its advertising until it is fully satisfied by the required updates to the Traffic Impact Assessment and the comprehensive Fire Management Plan.

Conclusion

In summary it is recommended that the City initiate the proposed Scheme Amendment No. 110.

Strategic Plan/Policy Implications

Growing City

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

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
City of Cockburn Town Planning Scheme No. 3

Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

Attachment(s)

1. Locality Plan
2. Current and Proposed Zoning Map

3. Draft Structure Plan

Advice to Proponent(s)/Applicant

The Proponent(s) have been advised that this matter is to be considered at the 8 October 2015 Council Meeting.

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

Nil.

14.6 (OCM 8/10/2015) - PROPOSED TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 111 ADOPTION (109/047) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

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

Amendment to part one – currently titled 'Preliminary'

1. Insert the deemed provision 1 'Terms Used' into part one.

Amendment to part two – currently titled 'Local Planning Policy Framework'

2. Rename this part 'Reserves and Local Planning Framework'.
3. Delete current clauses 2.1-2.6 from part two.
4. Move all current provisions for reserves (clauses 3.1-3.4) from part three into part two.
5. Insert the deemed provisions 2–6 into part two.

Amendment to part three – currently titled 'Reserves'

6. Rename this Part "Zones and Use of land and Heritage protection".
7. Move all current provisions for Zones and Use of land (clauses 4.1-4.12 and Table 1) from part four into part three.
8. Insert the deemed provisions 7-13 into part three.
9. Move clause 7.6 from part seven into part three as a supplemental provision.

Amendment to part four – currently titled 'Zones and Use of Land'

10. Rename this part 'General Development Requirements and

Structure Plans’.

11. Move all current provisions for general development requirements (clauses 5.1-5.17, tables 2-5) from part five to part four.
12. Insert the deemed provisions 14–29 into part four.
13. Move clause 6.2.8.3 from part six into part four as a supplemental provision.

Amendment to part five – currently titled ‘General Development Requirements’

14. Rename this part ‘Special Control Areas and Activity Centre Plans’.
15. Move current provisions for Special Control Areas (clauses 6.1, 6.2.2.2, 6.2.3, 6.3-6.6 only) from part six to part five.
16. Insert the deemed provisions 30-45 into part five.

Amendment to part six – currently titled ‘Special Control Areas’

17. Rename this part ‘Local Development Plans’
18. Delete current clauses 6.2.1-6.2.2.1, 6.2.4-6.2.8.2, 6.2.9-6.2.16.2 from part six.
19. Insert deemed provisions 46-59.

Amendment to part seven – currently titled ‘Heritage Protection’

20. Rename this part ‘Requirement for development approval’.
21. Delete current clauses 7.1-7.5 from part seven.
22. Insert deemed provisions 60-61 into part seven.
23. Move current clauses 8.2.1(c), 8.2.1(f)-(l) from part eight to part seven as supplemental provisions.

Amendment to part eight – currently titled ‘Development of Land’

24. Rename this part “Applications for development approval”.
25. Delete current clauses 8.1-8.2.1(b)(v), 8.2.1(d)-8.2.1(e), 8.3-8.4 from part eight.
26. Move current clause 8.2.1(b)(vi) from part eight to part five with rewording as set out in attachment 2.
27. Insert deemed provisions 62-65 into part eight.

Amendment to part nine – currently titled ‘Application for Planning Approval’

28. Rename this part ‘Procedure for dealing with applications for development approval’.
29. Delete current clauses 9.1-9.4 from part nine.
30. Insert deemed provisions 66-77 into part nine.

Amendment to part ten – currently titled ‘Procedure for dealing with applications’

31. Rename this Part “Enforcement and Administration”.
32. Delete current clauses 10.1-10.10 from part ten.
33. Insert deemed provisions 78-85 into part ten.
34. Move clauses 11.8-11.10 from part eleven into part ten as supplemental provisions.

Amendment to part eleven – currently titled ‘Enforcement and Administration’

35. Rename this [art “Forms referred to in this Scheme”.
36. Delete current clauses 11.1-11.7.2, 11.11-11.12 from part eleven.
37. Move current Schedules 1–4 from part twelve to part eleven.
38. Insert deemed provision 86 into part eleven.
39. Move the current schedule 10 from part twelve to part eleven.
40. Move current schedule 11-13 from part twelve to part eleven as supplemental provisions.

Amendment to part twelve – currently titled ‘Schedules’

41. Delete the following definitions from schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2:

Advertisement
Amenity
Local government
Local planning strategy
Owner
Premises
R-Codes
Substantially commenced
Works
Zone

42. Delete current Schedule 6-9 from part twelve

General amendments

43. Renumber the scheme provisions and schedules sequentially.
44. Update any cross referenced clauses to the updated clause numbering.
45. Update any references to the Town Planning Act to the Planning and Development Act 2005.
46. Update any provisions (including model provisions), schedules

and notes to reflect structure plan are to be given 'due regard' rather than the 'full force and effect of the Scheme'.

Any other rearrangements, deletions, renaming of instruments and carrying over of existing clauses as supplemental clauses as necessary to implement the new regulations.

- (2) note the amendment referred to in resolution (1) above is a 'basic amendment' as it satisfies the following criteria of regulation 34;

An amendment to the scheme so that it is consistent with the model provisions in schedule 1 or with another provision of the local planning scheme.

An amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in schedule 2.

- (3) upon preparation of amending documents in support of resolution (1) above and the gazettal of the Planning and Development (Local Planning Schemes) Regulations 2015, determine that the amendment is consistent with Regulation 58 of the Regulations and the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning; and
- (4) upon gazettal of the regulations, in accordance with section 5(2) of the deemed provisions, amend all policies previously adopted under Town Planning Scheme No. 3 to be renumbered and renamed 'Local Planning Policies' and all superseded scheme clause references to be deleted or renumbered as required.

COUNCIL DECISION

Background

The Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) were gazetted on 25 August and take effect on 19 October 2015, replacing the *Town Planning Regulations 1967*.

The regulations are a major part of Western Australia's planning reform agenda, affecting arrangements for local planning strategies, schemes and amendments. In addition to a Model Scheme Text ("MST"), the regulations introduce a set of 'deemed provisions' that will form part of every local planning scheme in the state once the regulations take effect.

To ease implementation of the new regulations, this scheme amendment proposes to reorganise Town Planning Scheme No. 3 ("TPS3") to the new MST layout, show where the new 'deemed provisions' will sit and delete the sections they replace. Importantly, it will also identify which existing provisions proposed to complement the deemed provisions (known as supplemental provisions).

Submission

N/A

Report

It is in the interests of the City's customers and planning staff to have a town planning scheme which is legible and can be reasonably deciphered. The imminent gazettal of the new regulations have the ability to undermine the level of customer service City officers provide as well as the ability for customers to be able to confidently view the scheme with an understanding of which parts are in operation.

On gazettal of the regulations there will be significant parts of the Scheme which will no longer apply and will be replaced with 'deemed' provisions. However, the text will still look exactly the same; there is then another document (the 'deemed provisions') which also needs to be read. Officers and customers will be expected to decipher what has been replaced but referring between these two documents. The risk this creates for both City planning officers and our customers should not be tolerated. It can be resolved via an amendment to the Scheme which will reorder the scheme parts; delete the sections which will be replaced by deemed provisions, and insert those deemed provisions into the main document.

Attachment One to this item details the comparison of the new MST layout against the current TPS3 layout. It identifies how the Parts of TPS3 will need rearrangement to meet the new MST layout. It acknowledges where existing provisions remain (but may shift location) and where any deemed provisions will be located as well as any supplemental provisions are proposed.

Attachment Two elaborates on the proposed supplemental provisions. It details their current location within TPS3 (current clause numbers used for ease of reference) and indicates what Part of scheme the clause would move to. Justification/rationale for retention as a supplemental provision is also included as well whether the provision is consistent with, or not already covered by the regulations.

A recommendation is also included to cover the need to update current policies adopted under the Scheme to ensure they reflect the regulations as well.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- Quality customer service that promotes business process improvement and innovation that delivers our strategic goals.
- A culture of risk management and compliance with relevant legislation, policy and guidelines.

Budget/Financial Implications

N/A

Legal Implications

There is no legal requirement for the scheme to be amended to reflect the new regulations at this point in time, however it is considered to be highly desirable from a customer service and risk avoidance perspective.

Any new scheme in the future would need to reflect the new MST layout.

Community Consultation

Not applicable. This amendment is an administrative matter to incorporate changes from the regulations. There is no opportunity for any party to suggest changes or modifications.

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

A basic amendment (such as this) requires no consultation. A standard amendment is 42 days consultation (which reflects current practice)

and a complex amendment is 60 days consultation in recognition that such proposals which have a greater impact on the community are given a longer period of consideration.

Attachment(s)

1. Proposed rearrangement of scheme to MST layout
2. Proposed supplemental provisions

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.7 (OCM 8/10/2015) - RESPONSE TO INDIAN OCEAN GATEWAY DOCUMENT - COASTAL ECOSYSTEM AND IMMEDIATELY FRINGING LAND SOUTH OF THE AUSTRALIAN MARINE COMPLEX WITHIN THE CITY OF COCKBURN (028/012; 105/005) (D ARNDT) (ATTACH)

RECOMMENDATION

That Council

- (1) requests the City of Kwinana to formally withdraw the Indian Ocean Gateway Consultative Draft;
- (2) if Part 1 is not agreed, direct the City of Kwinana to remove all the land associated with the proposal that exists within the City of Cockburn;
- (3) formally write to the Premier, responsible Ministers, member Local Governments of the SW Group and the Western Australian Local Government Association to make them aware of the City's opposition to the draft document; and
- (4) seek the Director Planning and Development to present to the State Council of the WALGA in order to highlight the proactive planning and governance that the City of Cockburn takes in respect of industrial development.

COUNCIL DECISION

Background

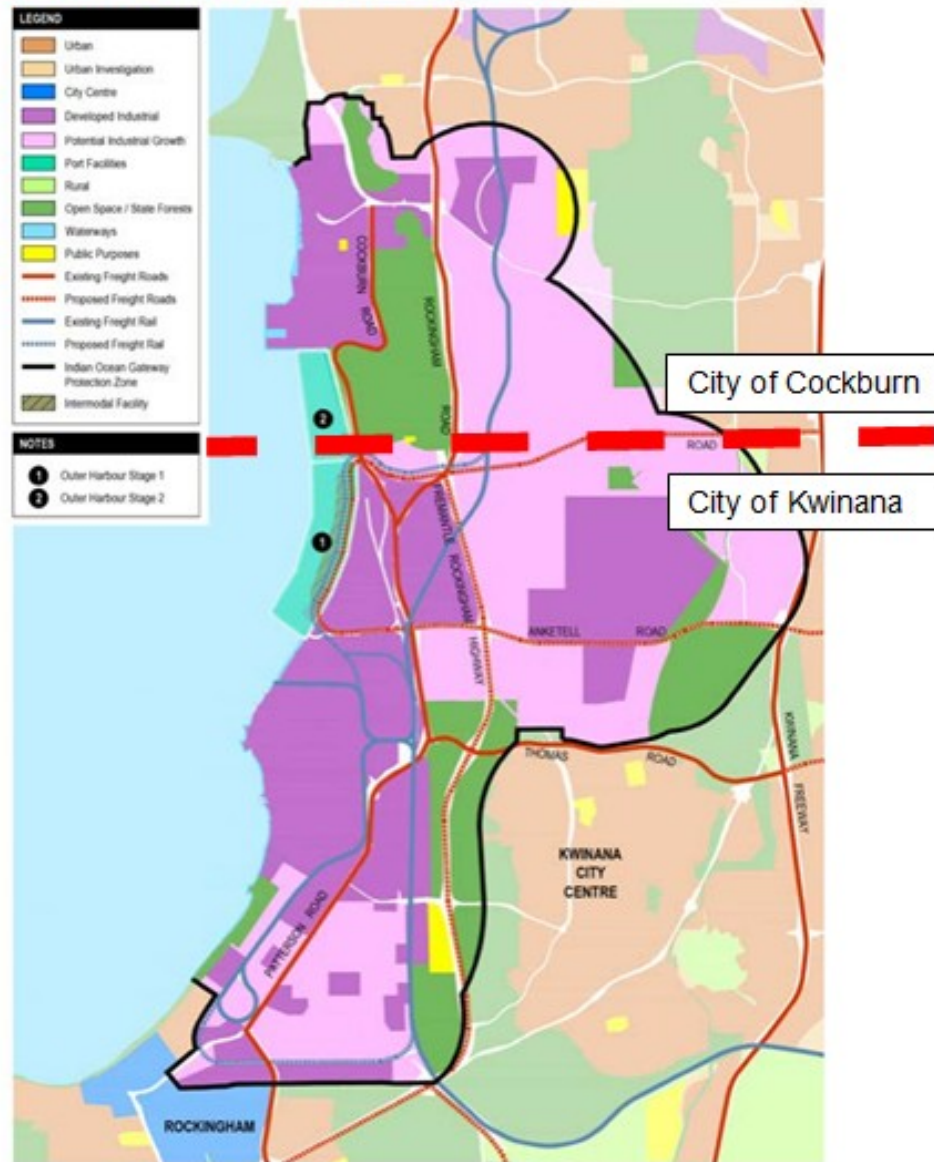
In August 2015 the City of Kwinana released a website called Indian Ocean Gateway (www.indianoceangateway.com.au). Within that website was a document called Indian Ocean Gateway - Consultative Draft. A copy of this draft document is attached.

The draft document provides the following statement:

“The optimal, long-term solution to the infrastructure, transport, economic and environmental future of the State’s premier industrial area, and its core is the pressing need for investment in the Outer Harbour.”

It presents a vision which extends beyond the City of Kwinana, taking in a large part of the City of Cockburn (Latitude 32, Australian Marine Complex and Rural Areas), as well as a significant part of the City of Rockingham (Rockingham City Centre). This is shown following, with the addition of a City of Cockburn boundary given the draft document does not identify this:

FIGURE 1: Indian Ocean Gateway Detailed Plan



It is important to recognise that this draft document as it relates to the future outer harbour and intermodal terminal does not reflect the strategic planning that the State Government and respective Cockburn / Rockingham local governments have undertaken with their communities over many years. Rather, the draft document presents a very different scenario for the future delivery of port infrastructure, with this scenario having a significant impact on the communities of Cockburn and Rockingham.

It is important to recognise that while providing a very different scenario for the future, the City of Cockburn were not engaged or collaborated with in the preparation of the draft document.

The purpose of this report is to analyse the draft document and recommend a response for Council to make on behalf of the community.

Submission

N/A

Report

Understanding the Draft Document

The draft document provides a 50 year vision for a precinct, and suggests a key task of addressing the complexities of competing planning, environmental, social and economic issues which the document suggests has restricted the ability of the precinct to evolve. The suggestion of addressing competing issues infers a process by which these competing issues are identified and deliberated, providing the forum by which the community can understand and engage in such issues. In other words, understanding the competing issues (values), and which issues (values) are of most importance to our sustainable future. This however is not performed by the draft document; instead it presents more akin to an aspirational type marketing document for the Kwinana Industrial Area. Importantly, this aspirational vision is underpinned by a previously unknown design and costing, which features the following elements:

Stage 1 – total estimated cost \$2 billion

1. Reclamation and construction of approximately 110ha land backed Outer Harbour.
2. Construction of rail linkages north and south to the Outer Harbour for an intermodal facility located on the Harbour, and duplication of freight rail.
3. Extension of Rowley Road and Anketell Road to provide road access to the Outer Harbour.
4. Construction and upgrade of Anketell Road to Tonkin Highway.
5. Construction and upgrade of Rowley Road to Kwinana Freeway.
6. Accommodation of intake and outfalls for existing industry.

Stage 2 – total estimated cost \$1.2 billion

1. Reclamation and construction of approximately 85ha land backed Outer Harbour to join Australian Marine Complex.
2. Construction and upgrade of Rowley Road from the Kwinana Freeway to Tonkin Highway.
3. Construction of Fremantle Rockingham Controlled Access Highway from Rowley Road to Kulija Road.

Total Cost = \$3.2B

As economic benefits feature as an important driver to the vision, it is worth putting its total cost in to perspective:

- Two Perth stadiums
- Nearly two Fiona Stanley Hospitals
- Two Perth to Mandurah railways

It is a total cost which the draft document also aspires that (in relation to the harbour components) "Private investors will be responsible for building."

The following discussion looks at the key economic, social and environmental issues associated with the draft document.

Economic considerations

An economic argument is presented throughout the draft document which is critical to its vision of new port development. It states on page 10:

"According to the Fremantle Port Authority 2014 Annual Report, the Inner Harbour was expected to reach its optimal capacity of 1million TEUs by 2021 with a need to transition to a new Outer Harbour in 2022."

This argument does not appear to reflect what is contained within the Fremantle Ports 2014 Annual Report. Specifically, on page 28 of the Annual Report it states:

"Fremantle Port's Inner Harbour container trade is expected to reach optimal capacity within the next 10 to 15 years, with the timing dependent on trade trends and other factors. When this occurs, additional facilities will be needed to cater for further growth."

So the draft document does need to be corrected in a key assumption. This being that by 2030 (not 2021 as provided by the draft document) optimal capacity of the current inner harbour will be reached. The definition of optimal is important in this context and means "*the best or most favourable scenario...*" Accordingly, by 2030 Fremantle Inner Harbour will be at its best or most favourable economic point in its evolution, which contradicts the economic arguments created by the draft document.

The draft document also presents a scenario whereby the inner harbour does not exist under a future scenario envisioned by the draft

document. As per page 10 of the draft document it states “the Fremantle Inner Harbour can become the home for cruise and navy ships as well as competitive racing and pleasure craft, while other trade is moved to the new Kwinana Outer Harbour... [enabling] Fremantle to focus on urban renewal and redevelop the Inner Harbour to a more high value residential and commercial precinct.”

This raises some important questions about the validity of economic assumptions that underpin such a significant infrastructure shift contemplated by the draft document. In looking at this in closer detail, the document makes the following statement about infrastructure delivery:

“By including the Outer Harbour and a timeframe for its construction in the current tender for the sale of Fremantle Port, the sales price will increase and be more attractive to potential buyers. Attractions include providing additional land for expansion and new business opportunities as well as the ability to build a modern, efficient and freight interconnected port. These new opportunities, especially agribusiness, can increase revenues and therefore the port asset sale’s price. As the Outer Harbour would be developed by private investors, the development premium inherent in the project will also increase the returns to investors, which again incentivises a higher selling price for Fremantle Port. The maximum sales price will be achieved through clearly defining what assets are being sold, the approvals required for the future and more importantly the future expansion options only available at the Indian Ocean Gateway.”

It is important to consider how feasible such an assumption is, or would be, especially as it is central to delivery of a major part of the vision. Should it be assumed that full development would be by private sectors investors? Does this represent the best option for Western Australia going forward?

Without delving in to the legal ability in which to be able to impose such an obligation like that suggested by the draft document, and without contemplating whether this is viable from a private sector viewpoint when considering the Port purchase, it is important to consider what the true aim of any infrastructure investment should be. That is, to ensure the quantity and quality of the investment is right.

As provided by Forsyth (2008) *“too little capacity gives rise to congestion and delays, which are costly, and gives rise to unsatisfied demand (for example, when airport or port capacity is rationed by slots). At the extreme, there may be bottlenecks, which are very costly to overcome. Too much capacity, or capacity which is provided at too high a quality, is also costly. Normally*

there is a requirement for cost recovery, and excessive capacity adds to costs, and thus raises prices.”

This raises some important questions, when reading the draft document:

To begin, it is important to contrast the draft document against the State Government's own strategic assessment of a Fremantle Outer Harbour. The State Government's assessment was extensive, based upon the following elements:

- Consideration of planning that has involved over 50 studies spanning several decades;
- A multi-criteria analysis on a triple bottom line basis with extensive community consultation and environmental studies;
- Consideration of key background studies including:
 - o Port Options Study Stage 1 Report 1989
 - o Future Port Options Auxiliary Study 1991
 - o Future Port Options Naval Base / Kwinana Future Port Site Study 1994
 - o Port Development Plan Outer Harbour 1999
 - o Fremantle Rockingham Industrial Area Regional Strategy 2000
 - o Freight Network Review 2002
 - o Outer Harbour Project Definition Study 2003
- The creation of four options for consideration, none of which matched the Indian Ocean Gateway document design;
- The four options being subject to a strategic assessment tasked with assessing the relative merits of the options, developing a preferred option for planning and environmental assessment and finally ensuring this would be done in a detailed, transparent and open process;
- The strategic assessment being open to community input;
- Specific to economic considerations concluding that the outer harbour would best exist as an overflow port (not replacement port) for the inner harbour.

In answer to the question as to what would represent the optimal quantity and quality of investment for Western Australian, it was shown to be an outer harbour as an overflow port (not replacement port) for the inner harbour. The draft document, in providing a vision that radically departs from this, does not present a comparative economic analysis to challenge the conclusion that the State Government had previously reached.

The draft document provides a very different proposal than that which has been subject to the rigorous and transparent assessment undertaken by the State Government. The draft document (pg 18) suggests the “sale of Inner Harbour...[be] conditional upon cap and full transition by 2030” of all freight from the Fremantle Inner Harbour.

There is no clear basis to why this is economically superior to the inner harbour operating in conjunction with a future outer harbour?

Whereas the comprehensive strategic assessment that underpinned the outer harbour planning by the State Government concluded that the outer harbour would co-exist with the inner harbour, the justification provided within the Indian Ocean Gateway document is that (pg 10):
“[Full transition] will enable Fremantle to focus on urban renewal and redevelop the Inner Harbour to a more high value residential and commercial precinct.

There is no compelling in which to base this assumption on. It needs to be compared against the process that the State Government followed such as:

- the consideration of planning undertaken within 50 studies spanning several decades;
- a strategic assessment tasked with assessing the relative merits of the outer harbour options via a multi criteria assessment framework and;
- being subject to detailed, transparent and open processes of community and stakeholder engagement.

It is also worth noting that the State Government process that concluded the outer harbour would co-exist with the inner harbour was independently assessed by recognised world maritime experts in 2006, known as the Fraenkel Maritime Consultants Review. This concluded that:

“The long and careful study program for the Outer Harbour Project and the multi-criteria analysis adequately addresses corporate social responsibility issues and stands comparison with best international practice.”

From the City of Cockburn’s perspective, the ability for the inner and outer harbour to co-exist is a fundamental principle underpinning competitiveness. Arguably, the ideal/only market environment for a prosperous Western Australia going forward is that which is highly competitive. Firms in competitive markets do not possess market power, need to keep costs minimised, and seek to invest the optimal amount in capacity and quality. By having a choice of Port locations (either inner or outer), different stevedoring companies will seek to locate where they can operate most efficiently, and most competitively. Competitiveness between the different stevedoring companies within the different ports will simply help to keep freight costs minimised, such that all West Australians benefit. It would appear an uncompetitive concept to contemplate the creation of another single monopoly to again control all of the freight operations of Western Australia, and to place this monopoly (to some degree) in private sector hands. This

represents a departure from the economic advantages presented in all the freight planning that as underpinned decision making for the inner and outer harbours to date.

Environment

The next critical issue to consider is that of the environment. The strategic assessment of the outer harbour comprised four options which were subject to an economic, social and environmental impact analysis using multi-criteria analysis. This concluded that option 1 ranked highest and identified opportunities for optimization. Option 1 represented an offshore facility linked to the shore by a bridge at the northern end which would link with an extension of Rowley Road by the reclamation and creation of the offshore port island.



The draft Indian Ocean Gateway document promotes options which were not considered optimal from environment, social and economic grounds. Like the City of Cockburn, the then Town of Kwinana recognised this, in considering a Council report dated September 2006. This stated that:

“The long-term health of Cockburn Sound is a priority. In many cases negative impacts of a social and/or economic nature involving terrestrial infrastructure are manageable and reversible. However history has shown that the negative impacts of industrial activities more than twenty years ago, such as the destruction of sea grass habitats are not reversible even with unlimited resources. For this reason it is critical that the clearest possible evidence is available to ensure that this proposal will not cause significant environmental harm to Cockburn Sound.

Both the State Government and Fremantle Ports have clearly indicated that the environmental assessment of the proposal will be rigorous and comprehensive. Council should support this approach and should request that the most significant priority be given to potential cumulative impacts on the environment of Cockburn Sound.

One of the main reasons for the selection of option 1 is that this represents the safest and most user friendly option for shipping operations. Council should endorse this for two reasons, firstly because the efficiency of the port operations is of the utmost priority from an economic perspective, and secondly because this minimizes the probability of a shipping incident and potential harm to Cockburn Sound. All Councilors were in attendance at the Workshop of 8 May 2006 where Kerry Sanderson and Lyall Banks provided a presentation on this subject. The value of ‘Option 1’ at that workshop was noted by Councilors.”

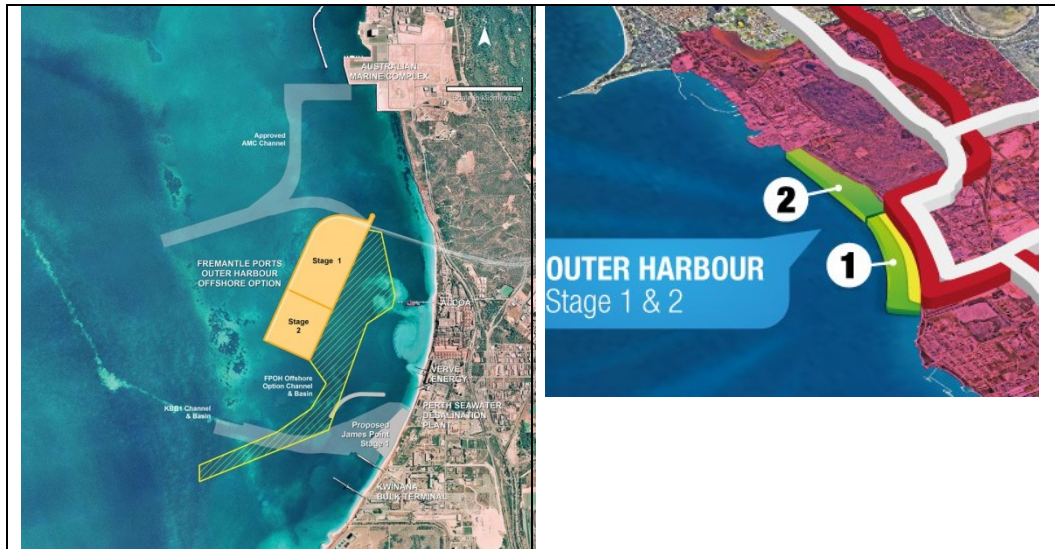
It is a departure from this to now be contemplating a land backed option that spans the entirety of the section of marine and terrestrial environment between the Kwinana Industrial Area and Australian Marine Complex. As stated by the Environment Protection Authority in its advice to the Minister for the Environment under Section 16(e) of the *Environmental Protection Act 1986* (Bulletin 1230), “key issues relate to the following areas:

- cumulative impact assessment;
- the Cockburn Sound State Environmental Policy requirements;
- impacts of dredging and reclamation;
- impacts on benthic primary producer habitats (seagrass habitats);
- marine fauna;
- environmental offsets;
- ecological values of Bush Forever sites.

The draft document has not been based upon an analysis of the environment. The draft document has also not been shaped by community expectations of an accessible, clean and safe environment. The City of Cockburn can therefore only conclude that the draft document and the design which underpins it presents a non-optimal

scenario. In the absence of a rigorous environmental, social and community impact analysis, the draft document cannot be considered as presenting a viable option for consideration.

It is worth comparing the preferred options arrived at by the State Government, with that now presented by the draft Indian Ocean Gateway document:



Social impacts

In September of 2006, the then Town of Kwinana Council considered a report dealing with the strategic assessment of the Fremantle Outer Harbour. This report stated significant concerns about social impacts associated with loss of beach access. Council in that September 2006 report resolved to recognise the importance and intrinsic value [its] community places on using the coastline. “Challenger Beach is a popular recreational site for local residents and any loss of access or amenities will be a significant loss to our community, of which already have very limited access to the Kwinana coastline.”

The draft document and associated design appears to remove the valued beach and foreshore asset from use by the community. If this is the case, there is no ability to provide beach access elsewhere in this stretch of coast, preventing the public access and enjoyment of the beach and foreshore reserve.

This is a key reason why the strategic assessment undertaken by the State Government recognised and protected the Challenger Beach foreshore as an important public asset for the future.

Governance

The draft document suggests that the City of Kwinana might become the “single entity” for the governance management role of the whole precinct and assume the role of the disbanded Western Trade Coast Industry Committee (WTCIC). The City of Cockburn objects to this proposition, given Cockburn has been a highly active member of the WTCIC, and furthermore has taken a lead role in assisting with the continued planning and implementation of major industrial development in the region. This being primarily Latitude 32, the Australian Marine Complex, Cockburn Commercial Park and Jandakot City.

As Council would be aware, the WTCIC was chosen to be disbanded by the State Government. The City of Cockburn, like the City of Rockingham was, and remains a strong supporter of a well-resourced and coordinated approach to the assembly, marketing and release of land for the purposes of industrial development in the Western Trade Coast Zone. In the formative stages of the WTCIC however, it became evident that some members were keen to explore other roles for the Committee by focussing upon single issues and interests and endeavouring to complicate the normal functions of both State Government Departments and member local governments. This was particularly concerning given the principles of orderly and proper planning depended upon open public engagement, stakeholder collaboration and broad deliberation in order to achieve the most optimal outcome.

The suggestion made by the draft Indian Ocean Gateway document that City of Kwinana is positioned to take on the governance of role is objected to. The City of Cockburn has a very active industrial strategic planning interface, and from feedback with its key stakeholders like Landcorp and Jandakot City is undertaking this planning very effectively. Cockburn is therefore placed to provide the continuation of the strategic planning for the northern parts of the Western Trade Coast.

Conclusion

The Indian Ocean Gateway document should not be supported by the City of Cockburn, for the reasons discussed in this report. It is underpinned by the absence of analysis, rigor, community engagement, stakeholder engagement, environment assessment or planning assessment. In the absence of such analysis, it presents potential economic, environmental and social impacts, which may threaten the notion of sustainable and socially responsible development.

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

- Community environments that are socially cohesive and embrace diversity.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.

A Prosperous City

- Promotion and support for the growth and sustainability of local businesses and local business centres.

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Budget/Financial Implications

There are no specific financial implications that the City of Cockburn faces in writing this report.

Legal Implications

N/A

Community Consultation

The consultative draft was released in August 2015 by the City of Kwinana for community consultation. The CEO of the City of Cockburn has also formally requested in writing detailed information on the proposal, which is yet to be responded to. A request has also been made for a briefing of the Elected Members of the City of Cockburn to take place.

Attachment(s)

Consultative Draft - Indian Ocean Gateway

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 8/10/2015) - LIST OF CREDITORS PAID - AUGUST 2015 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for August 2015, as attached to the Agenda.

COUNCIL DECISION

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 2015 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

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – August 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 8/10/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2015 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council

- (1) adopt the Statement of Financial Activity and associated reports for August 2015, as attached to the Agenda; and
- (2) amend the 2015/16 Municipal Budget by adjusting the following projects and activities:

OP 8802-6200	Community Connect South – public media campaign	ADD	\$150,000
OP 8272-6200	EM Budget Contingency	LESS	\$150,000

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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 variance details within monthly reporting. Council has adopted a materiality threshold of \$200,000 for the 2015/16 financial year.

Whilst this level of variance reporting helps inform the formal mid-year budget review and informal monthly budget reviews, detailed analysis of all budget variances is ongoing and put to Council for amendment where required.

Submission

N/A

Report

Opening Funds

Due to ongoing end of financial year (EOFY) processing and audit, the opening funds reported in the August financial statement are not finalised. These include the municipal funding for carried forward projects, currently sitting at \$9.7M versus the \$10.5M forecast in the budget. However, this may change due to further EOFY processing and audit.

The final closing budget position for 2014/15 will be reported to the November 2015 Council meeting, along with the associated list of carried forward projects and a finalised June statement of financial activity. The 2015/16 budget will be amended at that time to reflect the final closing position.

Closing Funds

The budgeted closing funds fluctuate throughout the year, due to the ongoing impact of Council decisions and budget recognition of additional revenue and costs. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial summaries attached to this report.

The City's closing funds of \$102.8M are \$4.5M higher than the YTD budget target. This comprises net favourable cash flow variances across the operating and capital programs as detailed later in this report and the impact of the opening funds variance described earlier.

Operating Revenue

Consolidated operating revenue of \$99.0M was in line with the YTD budget target. The significant variances within this result were:

- Commercial landfill fees were \$0.9M behind the YTD budget, however \$0.4M of this variance relates to the August invoicing being delayed.
- Rates revenue was \$0.3M over the YTD budget.

Further details of budget variances are disclosed in the Agenda attachment.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$17.9M was under the YTD budget by \$1.9M and comprised the following significant items:

- Material and Contracts were \$1.8M under YTD budget mainly due to underspending in the Parks, Waste and Infrastructure service units.
- Salaries and direct on-costs were \$0.3M under the YTD budget.

A more detailed explanation of the variances within each business unit is included in the attached financial report.

The following table shows the operating expenditure budget performance at the consolidated 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	6.8	7.1	0.3	46.5
Employee Costs - Indirect	0.1	0.1	(0.0)	1.1
Materials and Contracts	4.0	5.8	1.8	36.8
Utilities	0.7	0.8	0.1	4.6
Interest Expenses	0.0	0.0	(0.0)	0.1
Insurances	1.2	1.2	0.1	2.1
Other Expenses	0.9	0.7	(0.2)	8.9
Depreciation (non-cash)	4.6	4.6	0.0	27.7
Internal Recharging-CAPEX	(0.3)	(0.6)	(0.3)	(3.0)
Total	17.9	19.8	1.9	124.8

Capital Expenditure

The City's total capital spend at end of August was \$2.3M, representing an under spend of \$6.3M against the YTD budget of \$8.6M.

The following table shows the budget variance analysis 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	2.3	1.7	13.5	2.4
Drainage	0.1	0.2	0.0	1.6	0.1
Footpaths	0.0	0.0	(0.0)	1.1	0.1
Parks Hard Infrastructure	0.4	0.7	0.3	7.3	1.0
Parks Soft Infrastructure	0.1	0.1	0.0	1.2	0.0
Landfill Infrastructure	0.1	0.1	0.0	0.6	0.1
Freehold Land	0.0	0.6	0.6	3.6	0.0
Buildings	0.9	4.1	3.2	66.0	3.2
Furniture & Equipment	0.0	0.0	0.0	0.0	0.0
Computers	0.1	0.2	0.2	1.0	0.1
Plant & Machinery	0.1	0.3	0.2	6.2	1.2
Total	2.3	8.6	6.3	102.2	8.1

The CCW RAEPEC project is responsible for \$2.6M of the net \$3.2M underspend against the YTD budget for Buildings, with the Atwell Clubrooms upgrade contributing another \$0.2M to this budget variance. The Works Depot upgrade was \$0.2M over the YTD budget mainly due to some preliminary site works completed ahead of the cash flow budget.

The roads construction program was \$1.7M underspent against the full year budget, mainly due to Beeliar Drive (Spearwood – Stock) under by \$1.0M; Berrigan Drive (Kwinana Fwy to Jandakot Rd) under by \$0.5M; and North Lake Road (Hammond to Kentucky) under by \$0.3M.

The land development program was collectively \$0.6M behind YTD budget having not incurred any expenditure to date.

Further details on these variances are disclosed in the attached CW Variance analysis report.

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:

- Transfers from financial reserves were \$5.3M behind the YTD budget due to the capital budget under spends.

- Revenue received under the Development Contribution Plans was \$0.8M over the YTD budget, with \$0.6M relating to the community infrastructure plan.
- Development partner contributions for the CCW RPAEC project were \$1.1M behind the YTD budget, correlating to the project's expenditure to date.
- Government grants of \$1.85M for the CCW RPAEC project were received ahead of YTD budget, with Main Roads funding for Spearwood Ave (Rockingham to Hamilton) also \$0.26M ahead of budget.
- Proceeds from the sale of land were collectively \$3.5M behind the YTD budget and will need to be reviewed to reflect expected sales activity.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$179.4M, considerably up from \$132.0M the previous month due to rates collection. \$104.4M of this balance represented the amount held for the City's cash backed financial reserves. Another \$6.2M represented restricted funds held to cover deposit and bond liabilities. The remaining \$68.8M represented the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments (e.g. end of year reconciling transfers to financial reserves).

The City's investment portfolio made a weighted annualised return of 3.16% for August, down from 3.29% the previous month and 3.36% the month before. Whilst this result compares favourably against the UBS Bank Bill Index and the various short term BBSW indices, it continues to trend downwards. This is due to lower interest rates being offered on new or renewed investments than those applying to currently held investments. The cash rate still sits at 2.00%. There is some industry expectation of a possible cut in the cash rate later this calendar year or early next year, which could put pressure on the City achieving its interest revenue budget of \$5.4M for the 2015/16 financial year.

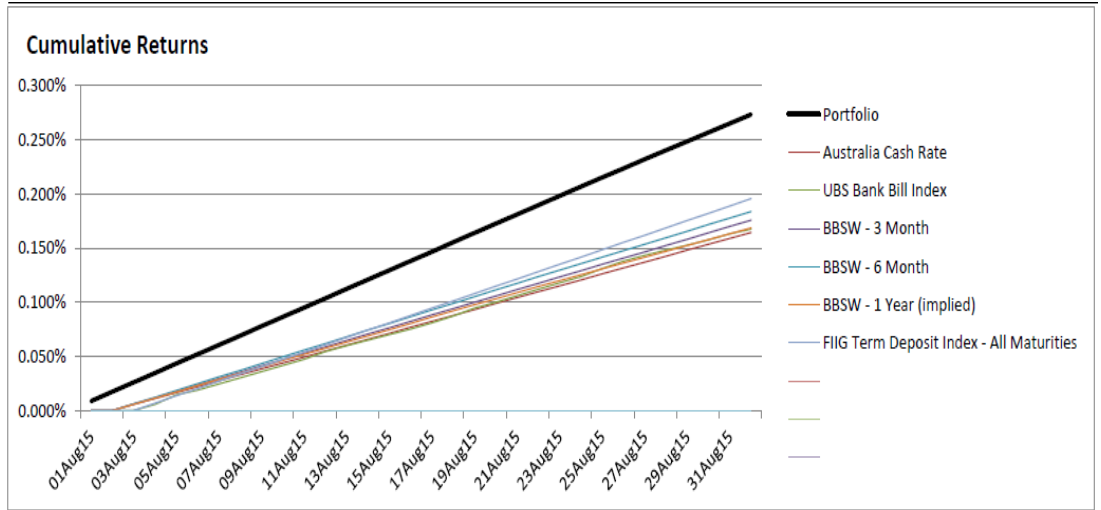


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging from three to twelve months. All investments comply with the Council’s Investment Policy and fall within the following risk rating categories:

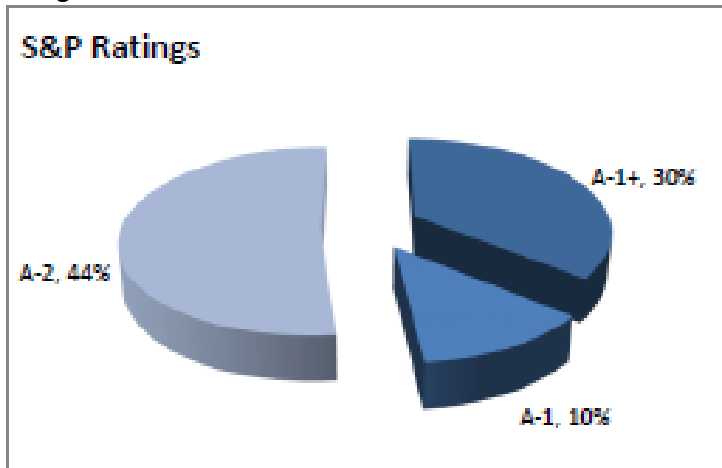


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the best possible rate on offer over the longer duration terms allowed under legislation and policy (6 to 12 months for term deposits), subject to cash flow planning requirements. The City’s investment portfolio currently has an average duration of 141 days (up from 115 days last month) as graphically depicted below:

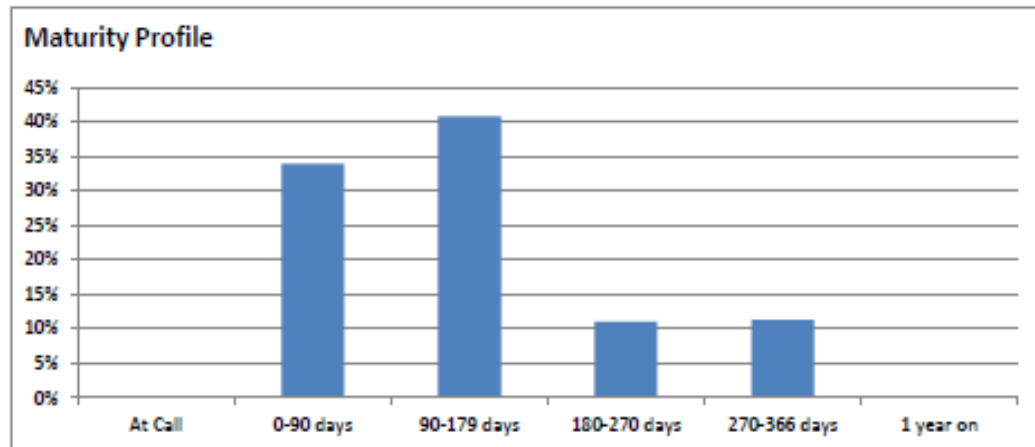


Figure 3: Council Investment Maturity Profile

Budget Revisions

The following budget amendment is recommended:

Allocate \$150,000 towards the Community Connect South public media campaign, with funding provided from the EM Budget Contingency Fund (remaining balance \$200,000).

Description of Graphs and Charts

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

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

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

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

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

The budget amendments included in the recommendation are self-funding and do not impact the budget surplus position.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – August 2015.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 8/10/2015) - COCKBURN CENTRAL SHUTTLE BUS (163/002) (J MCDONALD) (ATTACH)

RECOMMENDATION

That Council not pursue the trial of a fare paying shuttle bus in Cockburn Central and adjoining suburbs.

COUNCIL DECISION**Background**

At the Ordinary Council Meeting held on 9 July 2015 Mayor Howlett requested that the following matter be investigated:

“A report be provided on the introduction of a fare paying shuttle bus service being trialled in Cockburn Central and adjoining suburbs in 2016/17 during Monday to Friday morning and afternoon peak hours.”

Submission

N/A

Report

There are currently ten feeder bus routes beginning or terminating at the Cockburn Central Bus/Train Station and radiating out in all directions to service many of Cockburn’s suburbs, including adjoining suburbs. These routes are shown on the Transperth Network Map 5 included as Attachment 1.

The ten bus routes operate a total of 575 buses on a weekday, with 60 buses during the 7.00 a.m. – 8.00 a.m. peak hour and 58 buses during the 5.00 – 6.00 p.m. peak hour. It is common practice for bus services to have a higher frequency during peak periods to service the increased demand and this can be as frequent as every ten minutes. The peak hour and total weekday bus volumes for each route are summarised in Attachment 2 – Weekday bus services in/out of Cockburn Central Bus Station.

When the proposed Aubin Grove Rail Station and car parking area becomes operational in early 2017, there will be additional Transperth bus services to that location which increases the overall service to the area.

To justify the need for a shuttle bus there would have to be a deficiency in either the coverage or frequency of a particular bus route(s). Considering that there are already ten bus routes servicing Cockburn Central and surrounding suburbs it is difficult to justify the need for any additional routes. Peak hour bus service frequency also appears to be adequate with up to 60 buses entering and exiting the Bus Station during the AM and PM peak hours.

If there are any perceived deficiencies in any of the routes the City can request the Public Transport Authority (PTA) to consider increasing bus frequencies and/or modify the route alignment. It is known that the PTA's service planners monitor the level of patronage on bus routes and actively plan for future route extensions or new routes by monitoring the progressive development of residential suburbs.

As an example, this will result in the extension of bus services further south into Hammond Park as residential development continues and eventually the realignment of an existing route, or the creation of a new route, to service the new Calleya Estate at Banjup, to the east of Cockburn Central.

It is also not recommended that the City establish a shuttle bus service because that is not a core function of the City's business and such a service would unnecessarily duplicate established bus services operated by the Public Transport Authority. This would be a direct contravention of Section 3.18(3) of the Local Government Act.

Furthermore, the City would have to seek permission from the State Minister of Transport to operate a fare paying bus service, as specified in the Transport Co-ordination Act 1966. The following extract from that Act applies in this case:

26. Matters Minister may consider before deciding applications

The Minister may, before granting or refusing a licence for an omnibus, take into account any one or more of the following matters —

- a) *the necessity for the service proposed to be provided and the convenience that would be afforded to the public by the provision of the proposed service; and*
- b) *the existing service for the conveyance of passengers upon the routes, or within the area, proposed to be served in relation to —*
 - (i) *its present adequacy and possibilities for improvement to meet all reasonable public demands; and*
 - (ii) *the effect upon the existing service of the service proposed to be provided; and*
- c) *the condition of the roads to be included in any proposed route or area; and*
- d) *the character, qualifications and financial stability of the applicant; and*
- e) *the interest of persons requiring transport to be provided, and of the community generally, but shall not be obliged, in*

relation to any particular licence application, to take into account all of these matters.

Informal discussions with PTA officers, who the Minister would defer to for advice, confirm that they would strongly oppose the introduction of any fee paying bus services that duplicate their services or may attract some of their current customers. Operating in such a scenario would not be economically wise for any service operator, and would not be in the rate payer's or tax payer's interest.

Strategic Plan/Policy Implications

Growing City

- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.
- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

The initial and ongoing costs of establishing a bus service are substantial. Initial costs would include the purchase price of buses, in the order of \$550,000 each, and operating costs of approximately \$55,000 per year per bus for regular services. As a result, the most and only viable economic model for the City to operate a fee paying bus service would be to contract that service out to an existing bus operator.

Legal Implications

The provision of fare paying public transport services in Western Australia is controlled by the State Government under the Transport Co-ordination Act 1966, which is the responsibility of the Minister for Transport.

Any fee paying public transport service must be licenced by the Minister, in accordance with the requirements of Division 2 – Omnibuses, of the above Act.

Community Consultation

N/A

Attachment(s)

1. Transperth Network Map 5.
2. Weekday bus services in/out of Cockburn Central Bus Station

Advice to Proponent(s)/Submissioners

N/A

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

Section 3.18(3) requires Local Government to ensure that service and facilities it provides integrate and coordinate with services and facilities provided by the Commonwealth or State, and do not duplicate them.

The operation of a fare paying shuttle bus in Cockburn Central and surrounding and adjoining suburbs would duplicate and compete with existing bus services operated by the State Government and therefore would contravene the Local Government Act.

17. COMMUNITY SERVICES DIVISION ISSUES

**17.1 (OCM 8/10/2015) - FINANCIAL COUNSELLING SERVICE (016/026)
(G BOWMAN)**

<p>RECOMMENDATION That Council</p> <ol style="list-style-type: none">(1) support the tender to be submitted by Anglicare for the Southwest Metropolitan Financial Counselling Region which includes the City of Cockburn as a proposed sub-contractor for provision of financial counselling services for the Cockburn District;(2) allocate \$10,000 in the 2015/16 financial year from the EM Budget Contingency Operating Account to maintain the remaining Financial Counselling Service until the outcome of the Tender is known on 9 November 2015;(3) subject to the successful tender, allocate new municipal funds of \$5,400 for the 2015/16 financial year; \$8000 plus CPI for the 2016/17, and \$8000 plus CPI for the 2017/18 financial years to part-fund the City of Cockburn Financial Counselling Service until 30 June 2018;
--

- (4) subject to the successful tender, enter into a sub-contract with Anglicare for the provision of financial counselling services for the Cockburn District;
- (5) subject to the successful tender, enter into a Memorandum of Understanding with Anglicare, Uniting Care West and other Metropolitan Financial Counselling Service members to work in partnership and provide increased co-ordination of financial counselling services; and
- (6) continue to seek and apply for other grant funding for additional financial counselling services.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The City has two Financial Counselling services, Coolbellup Financial Counselling Service based at the Coolbellup Hub and Atwell Financial Counselling Service, based in Success. These services are funded by the Department for Child Protection and Family Support (DCPFS), and have been operated by the City for over 22 years. They have always been consistently strong and viable services and have achieved high levels of successful outcomes and service to the community. All service reviews and feedback from the DCPFS has always been highly positive and the City has continuously received 'Preferred Service Provider' status. The City's services are also considered high quality with one of the City of Cockburn's Financial Counsellors receiving the 2013 Synergy Best Financial Counsellor of the Year Award.

Submission

N/A

Report

At a meeting on 5 June 2015 the Department for Child Protection and Family Support announced that all Perth Metropolitan Financial Counselling face to face services will be defunded. The City then received a letter dated 12 June 2015 advising that annual funding for

both of the City's Financial Counselling services would cease on 30 September 2015, and that they will not be exercising the option to extend the service agreement for another 12 months.

At this time even with two full time financial counsellors there were eight to ten Cockburn residents per week seeking an appointment who could not access one for three weeks. The City identified that if the Cockburn Financial Counselling Services were to close the closest financial counsellor that Cockburn residents could access was in Rockingham. Due to the high community need for this essential service the City, other financial counselling service providers, WACOSS, and the Financial Counselling Association of WA decided to advocate for the full re-instatement of the funding.

The City has identified that the closure of the service will have a significant negative impact on Cockburn residents and especially those who are most vulnerable in our community. Financial Counsellors assist individuals and families experiencing financial hardship and difficulty to gain control over their financial situation. Clients seen by the service are often in psychological distress due to their financial situation and require counselling, support, para-legal advice and advocacy to help develop options and solutions to manage their financial situation. Individuals may find themselves in financial difficulty due to receiving a low or very low income, loss of employment, mental or physical health issues, financial over commitment (eg. pay day loans), and relationship breakdown. Some clients are also homeless, escaping domestic violence, have drug and alcohol issues, problem gambling issues or they have a disability. Research has shown that financial counselling assists to prevent homelessness, reduce mental health issues, reduce the likelihood of family break down, and prevent crime where financial stress is a factor.

The City's financial counsellors have assisted 1508 people within the last 6 month period. The City undertook a cost benefit analysis with the assistance of a consultant and identified that even if only 40% of client outcomes were achieved every \$1 spent on financial counselling provided a \$7.69 Social Return on Investment. This exemplifies in dollar terms the value this service provides in relation to preventing the high social and financial cost of homelessness, increased mental health issues, crime, and family break-down.

After significant lobbying by many different sectors the Department of Local Government and Communities (DLGC) confirmed on 15 September 2015 that Cabinet has agreed to transfer the responsibility for Financial Counselling Services to the DLGC and has allocated \$2M per annum for Financial Counselling Services in the Perth Metropolitan Region until 30 June 2018. However, the amount of funding has been substantially reduced from the original approximately \$4.2M. Therefore,

there will be less than 50% of the original number of financial counselling services available to the Perth community. Due to this significant reduction in funding the City has commenced the exit strategy for closure of one of the financial counselling services by the 30 September 2015.

Some of these DLGC funds have been set aside for the Financial Counselling Association of WA for accreditation and sector support, so the balance of funds that has now gone out to Tender is approximately \$1.6M. The Tender opened on 17 September 2015, and a new contract is proposed to be awarded on 9 November 2015 and will end on 30 June 2018.

The Tender is based upon a model of five Metropolitan Regions. There will be one contract per region so a consortium with one Lead Agency and several sub-contractors per region is the most feasible model to meet the integrated, local service provision requirements of the DLGC. The South West Region will form part of a larger Metropolitan Financial Counselling Service consortium partnership with a common telephone number, and provision of direct telephone access at each sub-regional office. Administration, data collection and a regional co-ordination function will be provided by the Lead Agencies.

After discussion with current financial counselling service providers it is proposed that Anglicare be the lead agency and Uniting Care West and the City of Cockburn be sub-contracted to provide services for the South West Metropolitan Region.

The South West region has received an allocation of \$336,000. This will provide sufficient funds of \$112,000 for each of the three sub-regions and co-ordination fees for the Lead Agency. It is proposed that Fremantle/Melville, Cockburn, and Rockingham/Kwinana be the three sub-regions. The proposed annual budget for City of Cockburn is therefore \$112,000 for provision of financial counselling services for the Cockburn District. The previous funding level for the City of Cockburn District in 2014/ 2015 was \$185,000.

The model of operation will continue to be face to face financial counselling which includes provision of information, counselling, referral, advocacy, case management, and community education for the City of Cockburn District. This model operates successfully for residents living in Cockburn and it is what is required in the specification for the tender.

It is proposed that the service be primarily located at the Success Office with outreach to the Coolbellup Hub. The Regional Model will require that the Financial Counsellor is located more centrally between the other two sub-regional offices at Fremantle and Rockingham.

However, one full time service which includes a full time equivalent salary, administration fees and operational costs will require an annual budget of \$120,000. Due to the high community need for the service, rather than reduce the one remaining service to a part-time four day per week service it is recommended that the City allocate up to \$8,000 of municipal funds plus annual CPI for the term of the grant.

The City also plans to enlist the support of students and volunteers in appropriate roles to support the reduced Financial Counselling Service. With additional administration support and other regional co-ordination measures in place the City is confident that the reduced service will be manageable.

Subject to a successful tender, it is recommended that the City enter into a Memorandum of Understanding with Anglicare and Uniting Care West and other members of the Metropolitan Financial Counselling Services to support working in partnership and to improve co-ordination of financial counselling services across the Perth Metropolitan Region.

Subject to a successful tender, it is also recommended that the City enter into a sub-contracting arrangement with Anglicare for provision of one full time financial counselling service for Cockburn residents.

Due to significant reduction in financial counselling services and the identified community need, it is also recommended that the City continue to seek, and apply for appropriate grant funding to increase service levels.

Strategic Plan/Policy Implications

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- People of all ages and abilities to have equal access to our facilities and services in our communities.

Budget/Financial Implications

To maintain one full time service including salary and operational costs a 12 month budget will need to be \$120,000. The City has grant funding for the 1st quarter of the 2015/16 financial year, so subject to successful grant funding a new municipal contribution of \$5,333 will be required for the remainder of the financial year and an additional matching \$74,666 would be required by the Department of Local Government and Communities for the period up until the 30/6/16.

For 2016/17 and 2017/18 financial years an \$8,000 municipal budget plus CPI and a \$112,000 DLGC grant plus CPI would be required. This equates to a 7% contribution from Municipal funds and a 93% contribution of grant funds.

In order to keep one financial counselling service operating until the outcome of the tender is determined on 9 November 2015, the City will also need to allocate \$10,000 from the EM Contingency Operating Account to cover the shortfall.

Legal Implications

N/A

Community Consultation

The City of Cockburn undertook a survey of parents with children aged 0 to 12 years in April 2015. The City heard from 413 people and the number one Issue identified was financial hardship and financial difficulty. This highlights the current economic climate and the continued community need for the financial counselling services.

Annual Financial Counselling Service Client Surveys over the past 5 years have also identified 100% satisfaction with the services provided.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. **NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**
21. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**
22. **MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**
23. **CONFIDENTIAL BUSINESS**
24. **(OCM 8/10/2015) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

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

25. **CLOSURE OF MEETING**