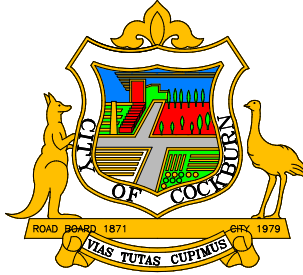


# CITY OF COCKBURN



## ORDINARY COUNCIL

## MINUTES

## FOR

**THURSDAY, 9 MARCH 2017**

These Minutes are subject to Confirmation

Presiding Member's Signature

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



# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 MARCH 2017 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 MARCH 2017 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

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

##### IN ATTENDANCE

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

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7pm and welcomed all those in attendance.

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land we are meeting on and paid respect to the elders of the Nyungar Nation, both past and present and extended that respect to Indigenous Australians who are with us tonight.



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

Deputy Mayor Carol Reeve-Fowkes assumed the role of Presiding Member after declaring Mayor Howlett was an apology for the meeting.

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

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

**4 (OCM 09/03/2017) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

Clr S Portelli - Impartiality Interest – Item 17.2

**5 (OCM 09/03/2017) - APOLOGIES AND LEAVE OF ABSENCE**

Mr L Howlett - Mayor  
Mr S Pratt - Councillor

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

Nil

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

Nil



**8 (OCM 09/03/2017) - PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA

**Natalie Butler, Spearwood**

Item 17.3 – Traffic Management in Rigby Avenue and Surrounding Area

As Ms Butler was not present at the meeting, responses to her written questions were provided in writing.

**Sally Smith, Spearwood**

Item 17.3 – Traffic Management in Rigby Avenue and Surrounding Area

As Ms Smith was not present at the meeting, responses to her written questions were provided in writing.

**Andrew Josk, Spearwood**

Item 17.3 – Traffic Management in Rigby Avenue and Surrounding Area

As Mr Josk was not present at the meeting, responses to his written questions were provided in writing.

**Megan Jaceglav, Spearwood**

Item 17.3 – Traffic Management in Rigby Avenue and Surrounding Area

Q1. Engineers are recommending that roundabouts be investigated for either end of Rigby Avenue, and the prospect of no parking signs be investigated for Rigby Avenue, yet neither of these proposals counter the traffic burden of over 3000 cars a day borne by Rigby Avenue and the latter significantly affects the flexibility and freedom of local residents and their visitors, why do the engineers continue to block any positive outcome for the citizens of Rigby Avenue and instead find ways to make their life more uncomfortable and their home less safe?

A1. *The whole purpose of the meeting was to get an understanding of what the local residents wanted to be investigated or had concerns about. The report summarises these requests from the public not from the City officers.*





*At the forum held on 13th December 2016 there was a general concern about vehicle parking along Rigby Avenue and the capacity of the existing intersections. A majority of the participants requested that "No Parking" signage be installed along Rigby Ave to improve safety and traffic movement through the area.*

*Also, the attendees asked for an investigation of installing a roundabout at the intersection of Rigby Avenue/Rockingham Road and the reconstruction of existing roundabouts at Rigby Avenue/Mell Road, King Street/Hamilton Road and Mell Road/Pennlake Road intersections to improve turning movements and safety within the area.*

### **Nick Dowland, Spearwood**

Item 17.3 – Traffic Management in Rigby Avenue and Surrounding Area

As Mr Dowland was not present at the meeting, responses to his written questions were provided in writing.

#### ITEMS IN WRITING, NOT ON THE AGENDA

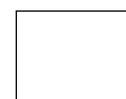
### **Lara Kirkwood, Aubin Grove**

Re: Lyon Road, Aubin Grove

Q1. Firstly I would like to compliment Council on the work that is currently being done at the Gibbs/Lyon Road intersection.

With regards to Lyon Road in Aubin Grove, between Talisker Gate and Queens Lane including the roundabout at Gaebler Road. I note the road has deteriorated beyond general repair such as filling in potholes. The current potholes are re appearing each time there is heavy rain and have now been reported and repaired on 3 separate occasions. When will this section of road be graded and re asphalted to avoid this ongoing issue? The foot path alongside the bakery on Lyon Road is broken/cracked, is it possible to please get this replaced as well?

A1. *The resurfacing and profiling of Lyon Road between Talisker Gate and Queens Lane will be proposed as part of the submissions for Council's consideration in the 2017/18 budget. The section of footpath mentioned will also be proposed for inclusion in the 2017/18 budget. In the meantime, pot hole repairs and footpath trip hazards will be carried out as part of the current .operational budget.*



**Annette McGovern, Aubin Grove**

Re: Ocean Road Estate

Q1. Anton Lees attended a community meeting in Ocean Road Estate (Eastern side) around the middle of 2016. The meeting was organised by another resident in relation to the fenced northern drainage basin because it was not supposed to be fenced according to original estate plans. I didn't attend the meeting personally, but verbal feedback from the organiser of that meeting, was that the Council acknowledged the basin wasn't supposed to be a fenced off retention area and fencing would be removed in 2017. We were also advised that Council had agreed that consultation would be undertaken with the local residents in relation to the future use of the basin. Can you please advise:

(1) Was any formal written feedback provided? If so, can I please have a copy?

(2) When the fencing will be removed?

(3) Has Council included money in the 2017 budget for these improvements? If not, can this be addressed?

(4) Has Council planned a consultation strategy with the local Ocean Road Estate residents and if not, can you please as a minimum give a date for when we can expect to be consulted? In terms of efficiencies, can consultation occur prior to fence removal so that any changes to the basin area for improved amenity and use, can be implemented quickly after fencing removal?

A1.1 *A copy is attached of the e-mail dated 31/8/2016 to the principal convener of the meeting*

A1.2 *The management of POS / drainage basin is subject to a two year maintenance period, as per the developers planning conditions, which is due to end in September 2017. Following acceptance of the POS / drainage basin and subject to the proposed drainage alterations achieving the desired outcomes, the City will undertake improvement works in the POS which should allow the removal of the fence at that time, subject to adoption of the 2017/18 budget.*

A1.3 *A budget proposal for the improvement work to the POS has been included for Council consideration in the 2017/18 budget submissions.*

A1.4 *Consultation will be carried out with residents prior to any works being carried out as noted in the e-mail of 31/8/16 pending Council approval of the budget proposal for 2017/18.*

Q2. We have recently established an informal residents group at Ocean Road Estate with over 40 members to date. Whilst I acknowledge there are caveats on the titles for midges, some residents are concerned with the mosquitos and have asked me to query if there are any plans for Mosquito control / spraying etc?



- A2. *There is no specific plan for mosquito management for the Ocean Road Estate. The area will be integrated into the City's Mosquito Management Plan which will ensure that breeding sites are identified and treated with larvaecide throughout the mosquito season each year.*

ITEMS NOT IN WRITING, ON THE AGENDA

**Sally-Ann Gamble, Cockburn Aboriginal Reference Group**

Item 18.2 - Consultation With Aboriginal Reference Group - Cultural Activities On Australia Day

- Q1. Is the City of Cockburn Council going to look at all the recommendations in the report conducted by Oral McGuire regarding Australia Day Events?

- A1. *Yes, principal recommendation that came from the consultation was for the consultation to be undertaken over a longer period of time so that process will encompass all the questions and issues that have been raised in the consultation so far. The primary intent of the request from the consultancy report was for the matter to be reconsidered in greater depth.*

**Adam Alegbeg, Spearwood**

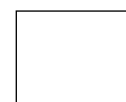
Item 17.1 - Spearwood Avenue Fencing Proposal

- Q1. There is great emphasis in the report about legal agreements between landowners. Could this be elaborated on or in other words, what is so difficult from a legal perspective, seen as how we have overwhelming support for the fence replacement from both sides of Spearwood Ave?

- A1. *The implications there are because it actually involves works on private properties, is that we do actually need to obtain formal legal agreements with every party involved to ensure that we have the legal right to undertake those works.*

- Q2. This is regarding a statement from the report, "replacing residential fencing will set a precedent for future fencing requests by individuals or community groups", how did the report come up with this assumption? I would argue that it would not unless individuals or community groups were asked if they were asked if they would like their fencing to be replaced to begin with, as we were.

- A2. *It is important to point that out, that the works, should Council vote to*



*do that, then yes the works would be very visible. There is no doubt in mind that there certainly could be approaches from other residents in other parts of the City that would want Council to do the same replacement for them depending on their situation.*

Q3. We were told by Mr Sullivan that all of the residents that were present at the December 1<sup>st</sup> onsite meeting would be informed about the release of the report findings and of this meeting tonight. I, as one of the residents, would like to know why we were not informed?

A3. I would have to check with the Manager of Parks & Environment in relation to the notification to all of the petitioners as that is our standard practice that is for sure.

Q4. Is the Council aware that there are hundreds of cracks, fractures, porous sections in the asbestos panels along Spearwood Ave? And is the Council aware that asbestos fencing in poor condition constantly releases asbestos fibres into the air?

A4. Yes we are aware of the status and of the condition of certain parts of the asbestos fencing. In terms of the technical details the spread of potential asbestos fibres, I would probably have to defer to the City's Environmental Health Manager on that particular issue. My rudimentary understanding is that it becomes dangerous when it is disturbed. If it is stable then it is not dangerous.

Q5. Would you consider a working group with residents of Adela Place and Leaside Way regarding the fencing or screening of Spearwood Avenue, to address either option 1 or 3 in the report findings to help choose the material for the fence screening and replace the fencing?

A5. *The thrust of the message is that the working group would be looking more so at options 1 and 3 in the report, rather than the recommendation points 1 and 3. In relation to possible options available as in the report. Subject to Council's resolution tonight, the City would be happy to continue to engage with the residents on the matter.*

**Joe Falzon, Spearwood**

Item 17.1 - Spearwood Avenue Fencing Proposal

Q1. I am extremely disappointed on the way Council has been handling this. We have not been notified as we were promised on the 1<sup>st</sup> December at Peace Park. We were told that we were going to get told about this meeting, therefore a lot of our members didn't attend because they weren't aware. That is a big issue as far as i am concerned. There would have been a lot more here if they have of



known about it. Why were 65 notices originally sent out to the residents when there were only 23 ratepayers directly affected along Leaside Way and Adela Place combined?

- A1. *That issue was dealt with at the site meeting on 1<sup>st</sup> December quite extensively. The number that went out was also to people who live there as tenants as well as property owners. The staff believed that the people that lived there should also have a voice that needed to be heard as well.*
- Q2. I don't think the Council has given a lot of importance into this because a 25 minute meeting to discuss this with the residents isn't sufficient as far as I'm concerned and it wasn't clear to me what your decision was in regards to sending the 65 notices. Why do we now have 3 options when originally we were only sent 1 which everyone was in favour with?
- A2. *There is a difference between the survey that Council directed us to do last year at the September 2016 Ordinary Council Meeting. The survey that Council directed us to do was indeed only one question and that was relating to one option which was replacement of the fences. The previous 2 reports quite clearly looked at 3 different options in the report and that is the difference between those 2 items.*
- Q3. One of the options is planting ornamental almond trees which have already been planted. There is quite a few that are already dead and a lot more that are dying. When speaking to nursery staff, I was advised by them that planting ornamental almond trees at 5 to 6 metres apart is not satisfactory. They suggest at least 2 metres apart for screening and they also said that the ornamental almond trees are deciduous, so that means 4 to 5 months of the year, there will be no foliage. So how is that going to affect the view for the fences?
- A3. *The choice of almond tree and the spacing of them was a decision that the City's landscape architect included as part of their design. The concept of Friendship Way as I understand it from the landscape designers, is that that section of Spearwood Ave has more than just the almond trees as part of the original idea of the Friendship Way vegetation planting along that section and there was always intended in the original plan that there would be planted at ground level along there as well as the almond trees. In terms of whether the trees are dead or dying, that is a matter that will have to be dealt with by people with expertise in terms of the health of trees. The reason for the installation of a bore in the local park area, plus the reticulations lines up and down the verges, addresses that very issue about the future health and well-being of any vegetation that gets planted along either verge and that also was one of the original items approved by council in the Friendship Way concept design.*



Q4. How long will it take for the trees to reach maturity because in the last 18 months since the trees have been planted, they have grown very little. As a matter of fact, a lot of the trees are dying or dead. Even if they were able to screen the existing fences, isn't that going to give the opportunity to undesirables to hide behind the trees in the dark, that gives them a nice hideout to jump fences or do whatever it is they want to do. Isn't that putting the residents at further risk?

A4. *Once again, whether the trees are dead or dying is an assessment that needs to be made by people who are qualified to do that. In regards to the issue of the installation of the boar on the retic lines, the reason the trees haven't shown a huge amount of growth in this early part of their life is because they need the boar and reticulation lines to maintain their future health and get them to their full growth. In terms of the issue of security, that is indeed a consideration that the designers had in mind when they were looking at the original concept design involving the almond trees at the spacing that you can see now plus the vegetation behind them over towards the asbestos fences. It was never intended to have a gap that would indeed potentially be a hiding place for evil doers in between the vegetation and the asbestos fences.*

Q5. I want to support what Adam said earlier in regard to a working group. We think that a working group of affected ratepayers be formed to assist Council to provide the best outcome for all involved. Maybe 2 to 3 meetings is all it might take because we feel that the Council has let us down in this instance and we want to be involved since it affects the ratepayers and the people that are affected immediately with either side of Spearwood Ave, we think that we should be involved. We would like you to involve us in the next stage.

A5. *Council will take that on board.*

**John Kunai, Spearwood**

Item 17.1 - Spearwood Avenue Fencing Proposal

Q1. Are Councillors aware that these almond trees are flowering almond trees, they are not producing, they are deciduous for 5 months of the year? So for 5 months of the year whether they are fully mature or not, they are deciduous.

A1. *Yes, I am sure the landscape designers are aware they are deciduous.*

Q2. Are the Councillors or admin staff aware what the actual current spacing is now, between the almond trees? Can you give me the



figure please? Len Glamazina and I have thoroughly investigated this site and have made ourselves intimate with this particular issue. We have classified and stepped out each tree and have made ourselves familiar with the whole scenario. The average is 4M. Were you aware of that?

- A2. *I haven't measured onsite myself so will have to take Mr Kunai's word for it.*
- Q3. Are Councillors aware of this particular survey that was sent out in 2016? Do Councillors consider this an adequate survey for these residents to respond to?
- A3. *Question to be taken on notice and responded to in writing.*
- Q4. As far as setting a precedent, if option 3 or perhaps option one goes ahead does Council consider this will set a precedent in the community?
- A4. *That will depend on how this item is resolved later tonight.*
- Q5. Does Council consider that Friendship Way, which is currently Spearwood Ave that goes from the coast road all the way down to Yangebup Road Beeliar, is designated a special road in the sense that we have had Sister City relationships all along this strip? So therefore it has some sort of immunity for any particular resident or community members to come along and say "hey you have given these guys some added advantage of a fence, we would like some too"? Can't the Council argue with any potential members of the community or community groups to say, "well this is a designated Friendship Way, it is a special zone"?
- A5. *This item will be resolved later at tonight's meeting.*
- Q6. At the site meeting on 1st Dec 2016, there was approximately 30 ratepayers there and some residents. And Less than 35mins of the 2 administration staff, the Mayor, the Deputy Mayor and West Ward Councillors, gave of their time. Does the Elected Members and the administration staff consider this adequate proper consultation time bearing in mind the Customer Service Charter which stipulates two way communications?
- A6. *Since the site meeting was organised and carried out at the behest of the residents, then yes it was satisfactory in terms of the Elected Members and staff giving their time to go and speak to the people directly and also receive the petition and indeed include the responses to the survey that due to a number of reasons had not been submitted at the time and therefore included in the report before*



*Council tonight.*

Q7. Note recommendations on this Item 17.1. It says, and I stipulate “note the result for further consultation carried out and receipt of petition”. This gives a misconception that there was accurate proper consultation, I want to make that clear.

A7. *No response required.*

Q8. Refer to Item 17.1 attachment 2. Does Council consider that there is not a mandate for this option 3 and 1 to proceed? Because there is an overwhelming majority that state that they are in favour of some sort of beautification, in particular a screening wall or fencing. Two of these people listed from the Housing Commission Authority have no objection whatsoever. Two of these on this no response have properties already developed with walls already established so therefore they have no need for a response. One further is not directly affected and then there is a further one that has put his name down on the petition as yes, but has been marked as no. Is Council aware of this?

A8. *They are now.*

Q9. On behalf of the affected residents, in particular Adam and Joe, what they were trying to reiterate to the Council tonight is if option 3 in particular was to go ahead, which is a screening wall, could a working group be formed in conjunction with that so you do have some community input into a screening wall. If something is put there it is for the beautification of the whole suburb and not just for this generation but for generations to come.

Item 15.5 – Consideration of Rockingham Road Upgrade Concept Plan: Phoenix Activity Centre Plan and Local Planning Policy (Phoenix Activity Centre Design Guidelines) (Final Adoption)

Q1. As a former president of the Spearwood Community Association and an active member of the Phoenix Working Group, we have been privileged to have consulted intimately with the Council and with other community stakeholders and community groups over a period of 12 years. We have discussed this as I know it as a community, somewhat actively in this time. When will the City of Cockburn seek a firm date for the shopping centre owners realisation of their refurbishment vision an actual firm date?

A1. *CS. We have done in the report by putting a 2 year moratorium on the timeframe.*

Q2. Because of the shopping centre, other businesses on this strip are





somewhat hostage to the shopping centre owners, because if they refuse to develop then the rest are at somewhat hostage to their whims. Has Council actually written to the other stakeholders advising them of this? The strip between Coleville Cres to Phoenix Road. It would be prudent if Council let them know that nothing is going ahead because of the Phoenix Shopping Owners because that is probably the main hold up here.

- A2. *The officers actually have gone along and prior to the item coming to Council have written to all of the landowners and business operators along the entire section between Coleville Cres through to Phoenix Road, but not to the leaseholders of the shopping centre as that is the responsibility of the shopping centre.*

*Until Council actually makes a resolution tonight, we are not in a position to advise them what actions are occurring. What we have done is advise all of the landowners and business operators that this item is under consideration at tonight's Council Meeting. Following the decision of Council, we will then go back to those landowners and operators and advise them accordingly.*

#### ITEMS NOT IN WRITING, NOT ON THE AGENDA

#### **Michael Seporavich, Spearwood**

Re: Roe 8 Site

- Q1. Has Council been monitoring the progress of the Roe 8 clearing works and if so, what percentage of the bushland being cleared has already been cleared?

- A1. *Council officers have been monitoring this on a daily basis. They have been out on site numerous times each day to ascertain exactly the amount of works that are occurring. No I don't have an exact figure to date as to the amount of clearing works that have occurred over the total site.*

- Q2. Are Council prepared for the possibility that even if Labour gets elected they may end up deciding to continue and complete Roe 8 simply because enough of the bushland has already been cleared, that it would make no sense not to progress?

- A2. *We will have to wait and see after the outcome of the election.*



**Ray Woodcock, Spearwood**

Re: Prohibited Dog Signs at Coogee Beach Reserve

Q1. My question is relating to the Damage of the Prohibited Dog Signs which are Council Property at Coogee Beach Reserve, the Powell Road Location. On 13<sup>th</sup>, 14<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> February of this year, I forwarded Mr Anton Lees emails questioning whether the offenders could be viewed on CCTV cameras on poles 24 and 28 situated at Coogee Beach Reserve. Mr Lees did reply to me telling me that he would pass the request to CoSafe for them to view the CCTV cameras. What have CoSafe done with this matter? I should point out that a CCTV camera on pole 28 is almost directly above a prohibited dog sign that was damaged, so they should see the offenders.

Also, I have been informed on two occasions in February that the Council Rangers officers would be in touch to show me where the dog prohibited and dog allowable area is. When can I expect to hear from the Cockburn Rangers?

A1. *The question on CCTV will be taken on notice and a response provided to Mr Woodcock.*

*Regarding the second question, please speak with Mr Don Green after the meeting to arrange a time for the Rangers to assist you.*

**9. CONFIRMATION OF MEETING**

**9.1 (MINUTE NO 6023) (OCM 09/03/2017) - MINUTES OF THE ORDINARY COUNCIL MEETING - 09/02/2017**

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday 9 February 2017, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 8/0**



**9.2 (MINUTE NO 6024) (OCM 09/03/2017) - MINUTES OF THE SPECIAL COUNCIL MEETING - 02/02/2017**

**RECOMMENDATION**

That Council confirms the Minutes of the Special Council Meeting held on Thursday 2 February 2017, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**10 (OCM 09/03/2017) - DEPUTATIONS**

Dr Megan Jaceglav – Resident, Rigby Road Spearwood – Item 17.3 – Traffic Management in Rigby Avenue and Surrounding Area.

**11 (OCM 09/03/2017) - PETITIONS**

A petition containing 744 signatures was received from Mr Fran Logan, MLA, Member for Cockburn in relation to a State Election Issue.

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

Nil



**13 (OCM 09/03/2017) - DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING**

AT THIS POINT IN THE MEETING, THE TIME BEING 7.52PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

16.1	17.4	18.1			
		18.3			

**14. COUNCIL MATTERS**

**14.1 (MINUTE NO 6025) (OCM 09/03/2017) - FINAL ADOPTION - CITY OF COCKBURN STANDING ORDERS AMENDMENT LOCAL LAW 2017 (025/001) (J NGOROYEMOTO) (ATTACH)**

**RECOMMENDATION**

That Council pursuant to Section 3.12 (4) of the Local Government Act 1995 proceed to adopt the City of Cockburn Standing Orders Amendment Local Law 2017, as attached to the Agenda

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## Background

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 8 December 2016, Statewide notice was given in the 'West Australian newspaper on 23 December 2016 stating that:

*The proposed amendment is to amend the City of Cockburn Standing Orders Local Law 2016 sub clauses relating to petitions and public questions, to provide clarity, and ensure that empowering enactments prevail.*

A copy of the proposed Local Law was displayed and made available for inspection at the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Libraries during office hours.

Submissions about the proposed Local Law were to be made to the CEO at the City of Cockburn by 4 February 2017.

## Submission

N/A

## Report

The effect of the proposed amendment is to make the City of Cockburn Standing Orders Local Law 2016 consistent with the Local Government Act 1995, and proportionate to the exercise of power provided to local government to make laws.

It is now proposed that Council resolve to make the City of Cockburn Standing Orders Amendment Local Law 2017, and authorise two officers of the City, nominally the Mayor and the Chief Executive Officer, to affix the Common Seal of the City, thus progressing the processing of the local law and having it gazetted in the Government Gazette ultimately bringing the local law into force.

## Strategic Plan/Policy Implications

### Leading & Listening

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

## Budget/Financial Implications

N/A



### **Legal Implications**

Section 3.12 of the Local Government Act refers.

### **Community Consultation**

Advertisement of the proposed amendments was placed in a Statewide public notice, on 23 December 2016. No submissions were received.

### **Risk Management Implications**

Failure to adopt the recommendations will leave the City of Cockburn Standing Orders Local Law with subclauses that are invalid and not authorised by the empowering enactment. This will ultimately result in the Standing Orders local Law 2016 being disallowed. In the next Parliament, there will be a newly constituted Joint Standing Committee on Delegated Legislation. The Committee may place a Notice of Motion to disallow the local law, if it deems necessary, depending on the City's response to the Committee's concerns outlined in the undertaking.

### **Attachment(s)**

Proposed City of Cockburn Standing Orders Amendment Local Law 2017.

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

N/A

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

Nil.



**14.2 (MINUTE NO 6026) (OCM 09/03/2017) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 23 FEBRUARY 2017 (182/001; 182/002; 086/003) (B PINTO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 23 February 2017, and adopt the recommendations contained therein.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 23 February 2017. The Minutes of the meeting are required to be presented.

**Submission**

N/A

**Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders. The primary focus of this meeting was to review the Policies and associated Delegated Authorities and Position Statements relative to the Engineering and Works Division. In addition, where reference was made to Town Planning Scheme No.3 in the Local Planning Policies and some



Delegated Authorities, these have now been amended to reflect the change in legislation. Those DAPPS which were required to be reviewed on an as needs basis have also been included in these Minutes.

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

#### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes.
- Ensure sound long term financial management and deliver value for money.
- Listen to and engage with our residents, business community and ratepayers with greater use of social media.
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management.

### **Budget/Financial Implications**

As contained in the Minutes.

### **Legal Implications**

N/A

### **Community Consultation**

As contained in the Minutes.

### **Risk Management Implications**

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

### **Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 23 February 2017.

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

N/A





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

Nil.

**14.3 (MINUTE NO 6027) (OCM 09/03/2017) - MINUTES OF THE SPECIAL AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 23 FEBRUARY 2017 (026/007) (J NGOROYEMOTO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Special Audit and Strategic Finance Committee Meeting held on Thursday, 23 February 2017, and adopt the recommendations contained therein.

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr P Eva that the recommendation be adopted.

**CARRIED 8/0**

**Background**

A Special Meeting of the Audit and Strategic Finance Committee was conducted on 23 February 2017.

**Submission**

N/A

**Report**

The Special Meeting of the Audit and Strategic Finance Committee received and considered the City of Cockburn Compliance Audit Return for the period 1 January 2016 to 31 December 2016.



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

#### **Leading & Listening**

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

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

As contained in the Minutes.

#### **Legal Implications**

As contained in the Minutes.

#### **Community Consultation**

N/A

#### **Risk Management Implications**

Failure to adopt the recommendation will result in non-compliance with the Compliance Audit Return statutory reporting requirements to the Department of Local Government by 31 March 2017.

#### **Attachment(s)**

Minutes of the Special Audit and Strategic Finance Committee Meeting – 23 February 2017.

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

N/A

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

Nil.



## 15. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 15.1 **(MINUTE NO 6028)** (OCM 09/03/2017) - DESIGN REVIEW PANEL – MEMBER APPOINTMENT (052/020) (A LEFORT) (ATTACH)

#### **RECOMMENDATION**

That Council

- (1) appoints Barbara Gdowski as the Chair of the City of Cockburn Design Review Panel for a two year term concluding on 10 March 2019;
- (2) appoints Dominic Snellgrove, Chris Melsom, Peter Hobbs and David Barr as members of the City of Cockburn Design Review Panel for a two year term finishing on 9 March 2019; and
- (3) thanks and advises all unsuccessful applicants that they have not been appointed to the panel.

#### **COUNCIL DECISION**

MOVED Clr C Terblanche SECONDED Clr L Smith that Council:

- (4) as recommended;
- (5) appoints Dominic Snellgrove, Chris Melsom, Peter Hobbs and Lisa Shine as members of the City of Cockburn Design Review Panel for a two year term finishing on 9 March 2019; and
- (6) as recommended.

**CARRIED 6/2**

#### **Reason for Decision**

Women continue today to fight harder for recognition of their skills; and of the high potential of their decision-making contribution in a wide variety of settings. Visionary leaders and institutions such as this Council, when perceived to lead through a culture of inclusivity and innovation, will earn public respect.



The makeup of this Design Review Panel should surely more closely reflect the socio-demographic character of the community that we serve. A panel with at least two female members and accordingly the accommodation of differing forms of family and worldly experience will not only achieve the more balanced dialogue and outcome; it will serve to demonstrate that the City is pursuing a thoughtful, inclusive and less sector-biased process.

Lisa Shine was ranked #7 on the selection panel list and as such would be the next female on the ranking who should be included on the DRP to ensure Cockburn leads in diversity and inclusion practices.

It is quite fitting to have this item on the agenda today as we have celebrated International Women's Day this week. I would like to acknowledge my fellow female colleagues on the Council for their valuable input into this leadership body every day. Gender diversity, particularly in leadership has become a priority internationally. A wide selection of reports on women in leadership, reinforce the significant benefits in having women in leadership roles. In contrast to leadership teams that are comprised predominantly, if not entirely of men from vary similar demographic and professional backgrounds; groups that are more mixed will consider a wider range of issues from a variety of perspectives and generate more innovative solutions.

Research shows that when women and men work together on boards, much better governance and economic performance results. It also shows that the interests of women, children and families are more likely to be taken into account by women. Diversity on this design review panel will promote a better understanding of the diverse marketplace like the City of Cockburn. As such it is imperative that we increase the member diversity of this panel.

## **Background**

At its meeting held on 14 April 2016 Council made the following resolution to establish a Design Review Panel (DRP) for the City of Cockburn:

*"That Council:*

- (1) establish a Design Review Panel in accordance with Clause 11.9 of Town Planning Scheme No.3 for the purposes of providing independent expert design review advice for complex planning proposals to commence in the 2016/2017 financial year (second half);*
- (2) draft a Local Planning Policy outlining the type of development that will be referred to the Panel, a set of Design Principles that the panel will use for a basis for review and terms of reference for the panel;*



- (3) *seek expressions of interest and nominations for suitably qualified membership of the City of Cockburn Design Review Panel for a period of not less than 28 days; and*
- (4) *receive a further report following assessment of the expressions of interest to consider further appointment of panel members.”*

Subsequent to this resolution, a Local Planning Policy (LPP 5.16 Design Review Panel) was adopted by Council for finalisation at its meeting held on 8 September 2016 (through adoption of the August DAPPS minutes).

The DRP is established as a body with which Council may consult in assessing certain applications (as outlined in LPP 5.16) under the City of Cockburn Local Planning Scheme No.3 (LPS 3). The DRP is not established as a Committee under the *Local Government Act 1995*. Council also resolved that the DRP would be established in the second half of the 2016/2017 financial year due to the requirement for consideration through the annual budget which was adopted in June 2016.

In accordance with Council's resolution above, registrations of interest (ROI) were publicly advertised seeking suitably qualified members to join the DRP. The ROI was open for 28 days and concluded on 14 November 2016. 21 expressions of interest were received and the purpose of this report is for Council to appoint the panel members so that the DRP can commence operation.

### **Submission**

N/A

### **Report**

The Terms of Reference for the DRP are contained in Council's LPP 5.16 and state, in part, as follows:

#### *‘(2) Panel Membership*

1. *The membership of the Panel shall comprise of up to five (5) persons, with a minimum of three (3) required to consider any matter.*
2. *Members shall be highly regarded with appropriate qualifications and substantial experience in one or more of the following areas:*
  - a) *Architecture*
  - b) *Urban design*
  - c) *Landscape Architecture*



3. *A person who is currently employed by the City of Cockburn or who is an elected member of the Cockburn Council is not eligible for appointment as a member of the Panel.*
4. *At least two panel members should demonstrate experience in the City of Cockburn or other Local Authority with similar forms of development.*
5. *All panel members shall be appointed by the Council, following a public process of expressions of interest and a Chair determined by Council.*
6. *Each nomination shall be accompanied by the names of a minimum of two professional referees. These should be independent professional peers who can specifically attest in writing as to the suitability of the candidate for membership of the Panel.*
7. *Appointment of panel members will be based on consideration of their qualifications and experience which must include demonstrated effectiveness in design review of major development proposals of the kind which the panel will be required to review as part of its role.*
8. *The term of office for panel members will be two (2) years, although Council may reappoint any member.*
9. *The Council may terminate the appointment of any member of the Panel prior to the expiry of the term of office.'*

At the closing date for submissions, nominations had been received by the following 21 design professionals:

	<b>Applicant Name</b>	<b>Qualification</b>	<b>Employer</b>
1	Simon Venturi	Architect	Noma Studio
2	Barbara Gdowski	Architect	Murdoch University
3	Alex Willis	Architect	ACW Design
4	Dominic Snellgrove	Architect	Cameron Chisholm Nicol Architects
5	Ian Dewar	Architect	Ian Dewar & Associates Architects
6	Patrick Jordan/ Nicky Croudace/ Stuart Pullybank (One submission)	Landscape Architects	Ecoscape
7	Chris Melsom	Architect Planner	HASSELL
8	Melanie Bradley	Landscape Architect	Department of



		Planner	Planning
9	Nick Juniper	Architect	Coda Architects
10	Kym MacCormac	Architect	MacCormac Architects
11	David Barr	Architect	David Barr Architects
12	Lisa Shine	Architect & Landscape Architect	N/A
13	Peter Hobbs	Architect & Registered Builder	Peter Hobbs Architects
14	Lee-Anne Kho	Architect	Peter Hobbs Architects
15	Andrew MacLiver	Architect	A & A Macliver
16	Malcolm Mackay	Architect/Urban Designer	Mackay Urban Design
17	Tony Watson	Planner	MW Urban
18	Peter Woodward	Landscape Architect	Blackwell & Associates
19	Joe Chindarsi	Architect	Joe Chindarsi Architects
20	Michelle Blakeley	Architect	Michelle Blakely Architect Pty Ltd
21	Hans Oerlemans	Landscape Architect & Urban Designer	Place Laboratory

Based on a thorough selection process and analysis of the applicant's qualifications and experience, along with advice from the Office of Government Architect, it is recommended that Council appoint the following five members:

- Barbara Gdowski
- Dominic Snellgrove
- Chris Melsom
- Peter Hobbs
- David Barr

*Barbara Gdowski (Recommended Panel Chair)*

Barbara Gdowski is an Architect currently employed by Murdoch University as General Manager Strategy and Planning Professional Services. Prior to this role, Barbara worked as Senior Project Manager at LandCorp where she chaired the LandCorp-run Cockburn Central Town Centre Design Review Panel for approximately 8 years. Barbara was also instrumental in the development of the Cockburn Central Town Centre Design Guidelines. As such, Barbara is familiar with the City of Cockburn and has relevant experience in chairing a design review panel which will ensure success of the City of Cockburn's DRP. Barbara has demonstrated good working relationships with applicants



and other panel members in order to deliver the best built form outcomes possible.

*Dominic Snellgrove*

Dominic is a highly regarded Architect with over 25 years of experience and is the Managing Director of architectural firm Cameron Chisholm Nicol (CCN). Dominic has a wealth of experience designing apartment and mixed use proposals in Cockburn Central Town Centre, Port Coogee and South Beach areas of the City as well as across Perth. Dominic is also the Chair of the Melville Design Review Panel, Deputy Chair of the Fremantle Design Advisory Committee and a member of the Subiaco Design Review Panel, so has significant experience in design review panels.

*Chris Melsom*

Chris is a qualified Architect and Planner and has extensive experience in urban design and sustainable development. Chris is a Principal Architect and Head of Planning at HASSELL where he leads the urban design sector across Western Australia and South East Asia. Chris has been engaged by LandCorp as the Estate Architect for its Shoreline development at Cockburn Coast and chairs LandCorp's Design Review Panel for the area. Chris also oversaw the development of the Cockburn Coast Local Structure Plan and Design Guidelines for the Cockburn Coast area. Chris' architecture, planning, urban design skills and experience is expected to provide great benefit to the panel.

*Peter Hobbs*

Peter is an Architect with over 20 years of experience and is also a registered builder. Peter is Director of Peter Hobbs Architects and has worked on many projects across Western Australia. Peter is currently on the LandCorp Architectural and Urban Design Panel and Metropolitan Redevelopment Authority Design Review Services Panel providing him with relevant panel experience. Peter is also Chairman of the Urban Design Committee of the Australian Institute of Architects.

*David Barr*

David is a Fremantle based Architect and Director of David Barr Architects whose personal ambitions and focus are developing enduring architecture addressing key social issues of affordable housing and sensitively increasing density of Perth, both of which are highly relevant in the City of Cockburn. David is well regarded in the industry and in 2014 won LandCorp's Generation Y Demonstration Housing Project in White Gum Valley. David has also contributed to





the Western Australian Planning Commission's Apartment Design Guide (draft) which is currently being finalised. David has undertaken a number of projects in the local area including South Beach Estate.

### Conclusion

The quality of applicants who responded to the City's ROI process was extremely high and the five recommended panel members will each bring their own unique set of skills and experience to the panel. All recommended panel members are highly regarded within their industry and will contribute to the success of the panel to ensure that new development (meeting the relevant criteria outlined in LPP 5.16) contributes to the City's mission statement to make the City of Cockburn the most attractive place to live, work, visit and invest in, within the Perth Metropolitan area.

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

#### **City Growth**

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

#### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes

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

Costs associated with the operation of the DRP will be met through funds which have been allocated through the municipal budget.

#### **Legal Implications**

N/A

#### **Community Consultation**

No community consultation occurred as part of this process, although it should be noted that the EOI process involved public advertising.



### **Risk Management Implications**

Failure to appoint members to the panel will result in non-compliance with the Terms of Reference and will ultimately result in delay to commence the DRP.

### **Attachment(s)**

1. CV – Barbara Gdowski
2. CV – Dominic Snellgrove
3. CV – Chris Melsom
4. CV – Peter Hobbs
5. CV – David Barr

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

N/A

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

Nil.

**15.2 (MINUTE NO 6029) (OCM 09/03/2017) - PROPOSED AMENDMENT TO BARFIELD ROAD STRUCTURE PLAN – LOT 9000 FRANKLAND AVENUE, HAMMOND PARK – OWNER: GOLD ESTATES HOLDINGS PTY LTD – APPLICANT: ROBERTS DAY (110/166) (T VAN DER LINDE) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) adopt the Schedule of Submissions prepared in respect of the proposed Structure Plan Amendment;
- (2) pursuant to *Schedule 2, Part 4, clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommend to the Western Australian Planning Commission the proposed amended Barfield Road Structure Plan be approved; and
- (3) advise the proponent and those persons who made a submission, of Council's decision.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The Structure Plan amendment applies to a portion of Lot 9000 Frankland Avenue, Hammond Park which is identified on the Location Plan at Attachment 1.

The Barfield Road Structure Plan (“Structure Plan”) was adopted by Council in September 2013 and endorsed by the Western Australian Planning Commission (“Commission”) in October 2014. Minor modifications to the Structure Plan were approved in October 2015.

A proposal to modify the Structure Plan pertinent to a portion of Lot 9000 Frankland Avenue, Hammond Park (“subject land”) has been lodged with the City in order to increase the density code over this portion of land from R25 to R60. The current endorsed Structure Plan and the proposed modified Structure Plan are depicted at Attachment 2.

A subdivision application over Lot 9000 Frankland Avenue was approved by the Commission on 25 July 2016 and is included at Attachment 3. The Structure Plan amendment applies to approved Lot 414 identified as a grouped housing (GH) site of 3176m<sup>2</sup> on the plan of subdivision.

The amended Structure Plan has been advertised for public comment and this report now seeks to consider the proposal for adoption, in light of the advertising process and assessment by officers.

**Submission**

N/A

**Report**

The subject land represents a portion of Lot 9000 Frankland Avenue and is 3176m<sup>2</sup> in size. The subject land is currently zoned ‘Urban’



under the Metropolitan Region Scheme ("MRS") and 'Residential R25' under the Barfield Road Structure Plan. It is also located within Development Contribution Area No. 9 (Hammond Park) ("DCA 9") and Development Contribution Area No. 13 (Community Infrastructure) ("DCA 13").

The subject land is in a locality undergoing progressive residential redevelopment following structure planning and subdivision of large rural style lots, and is identified as a grouped housing site on the approved plan of subdivision included at Attachment 3.

The subject land is located approximately 360m north of Rowley Road and 800m from the Kwinana Freeway, and thus is highly accessible via the regional road network. Hammond Park Catholic Primary School is located 300m to the north of the subject land and Hammond Park Primary School (public) is located approximately 1km north-west of the subject land. Frankland Avenue is identified as a future bus route and thus future residents at this site will have convenient access to public transport.

An area of Public Open Space (POS) of approximately 9600m<sup>2</sup> is to be located adjacent south of the subject land providing opportunities for passive and active recreation for future residents. Frankland Park reserve is also located on the opposite side of Frankland Avenue.

The subject land, identified for grouped housing development, presents a good opportunity to provide a diversity of housing products within the Structure Plan area since the majority of housing is expected to be single detached dwellings. The subject land is also of an appropriate size to accommodate grouped dwellings at a higher density. The proposed increase in density will better capitalise on the opportunity for grouped dwelling development at this site and will allow a greater number of residents to be located adjacent to the proposed POS and in close proximity to schools and the regional road network.

Currently, the subject land has the potential to accommodate a maximum of 9 dwellings. At an R60 coding, a total of 21 dwellings are permissible at the site, subject to any site constraints. This increase in coding is considered appropriate in this location, given the site's close proximity to proposed and existing POS, the Kwinana Freeway and a number of community facilities. The proposed amendment will further extend and reinforce the current range of densities within the Structure Plan area (R25-R60).

#### *Traffic*

A Transport Impact Assessment ("TIA") was prepared in December 2013 in support of the Barfield Road Structure Plan and approved by



the City of Cockburn. A Traffic Engineering Letter drawing on the conclusions presented in the TIA was lodged in support of the proposed amendment application and estimates that the increased coding of the subject land would generate an additional 77 vehicular movements per day. The proposed local road network is easily capable of accommodating this additional traffic and thus the proposed amendment will not have a negative impact on traffic.

### *Fire Management*

A Fire Management Plan (“FMP”) was prepared and approved in support of the Barfield Road Structure Plan and identifies the subject land as BAL 12.5 and 19. These requirements will not change as a result of the proposed amendment, and thus the FMP is not required to be updated. A hazard separation zone 20m in width and developed as pavement, lawn or another suitable treatment is to separate any development on the subject land from the proposed POS to the south. This has been required as a condition of the subdivision approval over the site and will be enforced at development application stage.

Community consultation was carried out for a period of 28 days from 10 January 2017 until 7 February 2017. The proposal was advertised in the newspaper, on the City’s website and letters were sent to affected landowners and relevant government agencies in accordance with the Scheme requirements.

Eleven submissions were received during the advertising period all from government agencies raising no objection to the proposal. The submissions have been listed in detail within the Schedule of Submissions at Attachment 4.

In light of the planning merit of the proposed amendment, it is recommended that it be supported by Council.

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

#### **City Growth**

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

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

The Structure Plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*,



including the cost of advertising and this has been paid by the applicant.

Subdivision and development of the subject land is also subject to the requirements of the City's Development Contribution Plan 13 (Community Infrastructure) and Development Contribution Plan 9 (Hammond Park).

### **Legal Implications**

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

### **Community Consultation**

Community consultation was carried out for a period of 28 days from 10 January 2017 until 7 February 2017. The proposal was advertised in the newspaper, on the City's website and letters were sent to affected landowners and relevant government agencies in accordance with the Scheme requirements.

Eleven submissions were received during the advertising period all from government agencies raising no objection to the proposal. The submissions have been listed in detail within the Schedule of Submissions at Attachment 4.

### **Risk Management Implications**

The subject land is an optimal site for medium density development higher than the current R25 coding applicable to the site due to the appropriate size and shape of the site supporting higher density, as well as its location directly adjacent to a large area of POS. An increase in coding will provide the opportunity for this site to be developed as grouped or multiple dwellings, providing housing diversity within the Structure Plan area. If the subject land is not recoded, future development will only be permitted at the R25 coding resulting in an underutilisation of land, lost opportunity for residents to live in close proximity to POS and a diversity of housing.

### **Attachment(s)**

1. Location Plan
2. Existing and Proposed Barfield Road Structure Plan
3. Approved Plan of Subdivision
4. Schedule of Submissions



### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 March 2017 Council Meeting.

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

Nil.

### 15.3 **(MINUTE NO 6030) (OCM 09/03/2017) - CONSIDER ADVERTISING OF DRAFT TREEBY DISTRICT STRUCTURE PLAN (100/141) (C CATHERWOOD) (ATTACH)**

#### RECOMMENDATION

That Council

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



**COUNCIL DECISION**

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

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

**CARRIED 6/2**

**Reason for Decision**

The boundary roads of the proposed District Structure Plan are under question at this moment due to potential road widening requirements.

It would not be appropriate for Council to lock in a specific road alignments and boundaries when Council are still in negotiations with existing landowners.

Due to lack of current agreement on land acquisitions, a short deferral will ensure more certainty for Council, prior to putting this out to the community for public consultation.

**Background**

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

Since then, background work and analysis has occurred and a draft document is now presented for Council's consideration to adopt for the purposes of advertising.

**Submission**

N/A





## Report

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

### Planning Framework

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

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

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

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

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

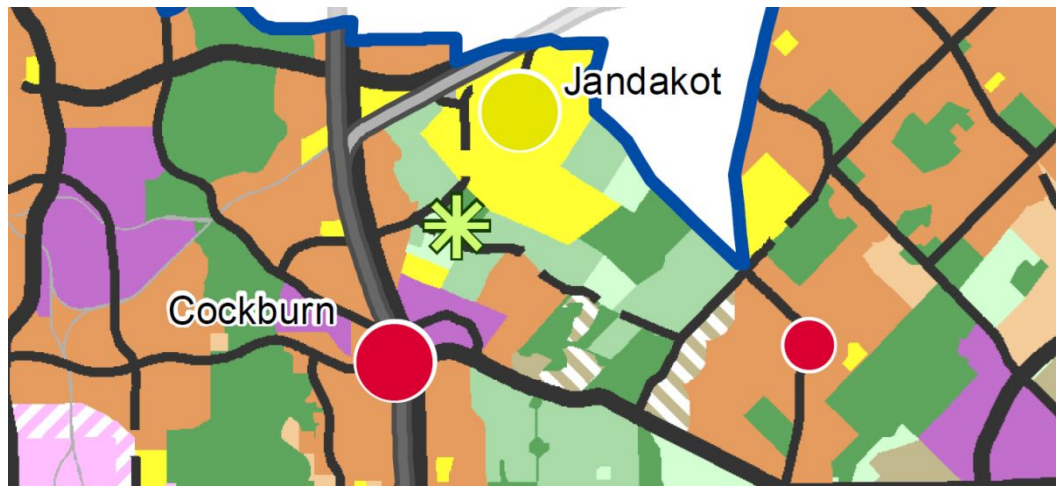
Importantly the Planning Framework, amongst other things, endeavours to develop a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form, and that places a greater emphasis on urban infill and increased residential density.

The following map excerpt highlights the area of Treeby which the TDSP will apply. Noting the logical extensions of the existing urban form, in what is now close proximity to transit, jobs and major activity



centres. The TDSP will provide a boundary that is comprised of land within Solomon Road, Armadale Road, Warton Road and Jandakot Road.

In the likelihood that the final boundary of urban expansion within Treeby is altered within the finalised Perth and Peel @ 3.5M the expectation is that the TDSP will adapt to the prevailing State planning framework.



### Design Principles

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

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

### Conclusion

It is recommended Council adopt the TDSP for the purposes of advertising. The plan will provide a robust guideline to assist in the preparation of future local structure plans. It is recommended the TDSP is advertised for 42 days.



Following advertising, any submissions will be presented for Council's consideration and further consideration can be given to whether it is appropriate for Council to adopt the document (by resolution only). Along with submissions and additional information, Council will also need to be mindful of whether the Perth and Peel@3.5million strategic suite of documents has been adopted by the WA Planning Commission.

## **Strategic Plan/Policy Implications**

### **City Growth**

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

### **Moving Around**

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

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

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

## **Budget/Financial Implications**

N/A

## **Legal Implications**

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

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

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

With the above in mind, it would be prudent to maintain Council's practice with previous district structure plans, to only adopt them by resolution of Council and not under the relevant structure planning



provisions. This acknowledges a degree of flexibility and assists with affected landowners being unlikely to consider themselves injuriously affected by the plan.

### **Community Consultation**

Once adopted as a draft, it is recommended the draft TDSP be advertised for a period of 42 days.

### **Risk Management Implications**

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

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

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

### **Attachment(s)**

Draft Treeby District Structure Plan

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

The working group who provided preliminary input into the proposal have been advised that this matter is to be considered at the 9 March 2017 Ordinary Council Meeting.



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

Nil.

**15.4 (MINUTE NO 6031) (OCM 09/03/2017) - ACQUISITION OF LAND FOR ROAD WIDENING PURPOSES - PORTION OF JANDAKOT ROAD AND SOLOMON ROAD, JANDAKOT (041/001) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council purchase land required for road widening from approximately 20 properties to facilitate the upgrade of Jandakot Road between Solomon Road and Fraser Road and Solomon Road between Cutler Road and Jandakot Road to a 4-lane dual carriageway road subject to purchase prices being supported by a valuation report, prepared by a Licensed Valuer that refers to the relevant provisions of the Land Administration Act 1997, for the taking of land for a public purpose.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Reason for Decision**

At the beginning of every council meeting Councillors declare they have due Consideration to all matters contained within the business paper presented before each meeting.

I do not believe Councillors can give due consideration to this item without previous requests for information related to all stages of the Jandakot road widening project being provided.



## Background

At the Ordinary Council Meeting on 9 February 2017 an item was presented to Council to consider acquisition of land required for the planned upgrades of Solomon Road and Jandakot Road, Jandakot. At that meeting deputations were made by, or on behalf of, some affected landowners raising concerns in respect of the road upgrades.

The Council subsequently resolved the following:

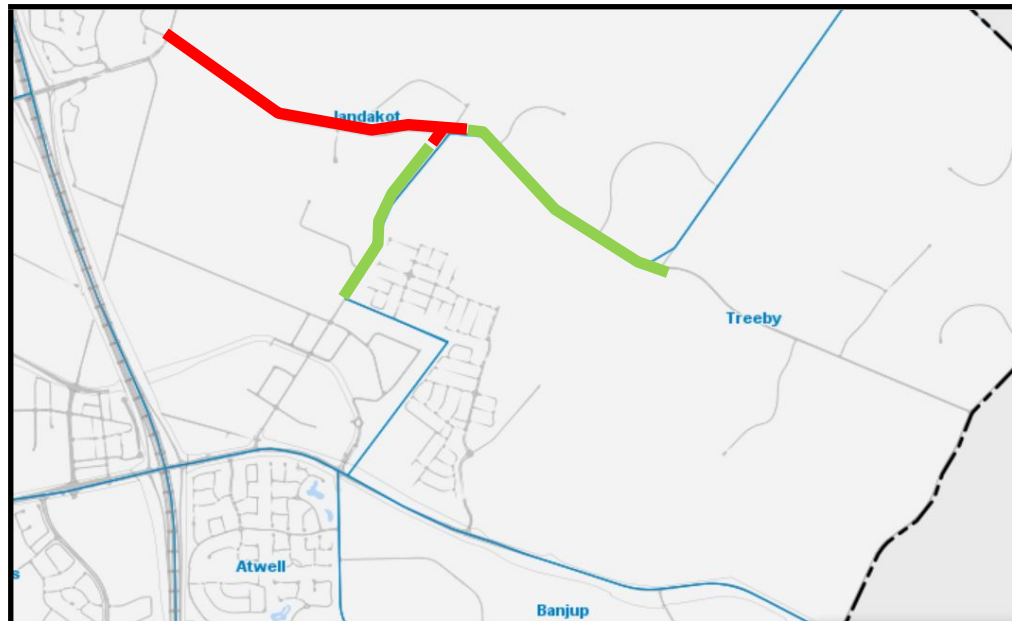
*That Council:*

- (1) defer the item to a future Council Meeting to allow a comprehensive workshop (at a time convenient for most landowners) between the City's Officers, Elected Members and all affected land owners for all stages of the Jandakot Rd widening project (Stages 1 and 2);*
- (2) advise Stockland WA Development Pty Ltd that the City is prepared to favourably consider a request for an extension of time for the completion date of the proposed works beyond 31 December 2017, irrespective of when the 900th residential lot is created; and*
- (3) organise a noise impact study and acoustic report to be provided for discussion with the residents at the workshop.*

At this moment however, a number of landowners have indicated no concern with the project, and the arrangement of these landowners is such that parts of the planned upgrades could logically begin while separating the parts of the upgrades where landowners still hold concerns. Refer to Attachment 1 for details.

It is thus recommended that Council acquires the land required for the upgrading of Solomon Road and Jandakot Road where this upgrading does not involve any changes at this time to the existing Jandakot Road and Solomon Road intersection, or that section of Jandakot Road west to Berrigan Drive. This will enable the upgrade of Solomon Road and the upgrade of Jandakot Road (east of Solomon Road to Fraser Road) to occur, while giving extra time to address the concerns of residents at the intersection and west of the intersection to Berrigan Drive. Thus the works will be as follows:





Please note: Stage one is shown in green (excluding the Solomon/Jandakot Rd intersection) and Stage two in red (Jandakot Rd between Solomon and Berrigan).

## Submission

An engineering design has been completed for Solomon Road and the first stage of the Jandakot Road between Solomon Road and Fraser Road. This engineering design has identified a number of land requirements from adjoining properties. Plans of these excisions have been passed onto a Licensed Valuer who has provided compensation reports to the City for each of the affected lots. An executive summary of the Valuation Report has been sent to each of the owners together with requests for comment and indication on whether an offer by the City based on the valuation report would be acceptable. Attachment 1 shows that all landowners have agreed except for a cluster of landowners surrounding the Solomon Road and Jandakot Road intersection. It is recommended that the planned acquisition, and thus planned works, avoid this intersection initially in order to provide time for further discussion with the affected landowners in an effort to reach agreement.

For the section of Jandakot Road west of this intersection, a number of landowners have indicated concerns however as this design is yet to occur, there is no consideration for land acquisition at this stage.

## Report

Jandakot Road is a 4.86 kilometre long regional distributor road that connects Berrigan Drive in the west to Warton Road in the east. The road is currently a single carriageway built to rural standard in a 20 metre wide road reserve.



The volume of traffic using Jandakot Road has increased substantially in recent years (up 85% west of Skotsch Road between 2010 and 2015), primarily due to the creation of new residential suburbs to the east of the City of Cockburn such as Harrisdale and Piara Waters. Further residential development south of Jandakot Road will add to the anticipated increase in traffic volumes. There is increasing safety and congestion issues being experienced with the road as the volume of traffic grows. The most recent traffic data available for Jandakot Road is an average weekday traffic volume of 17,335 vehicles, recorded east of Berrigan Drive in December 2016 by Main Roads WA, which exceeds the 15,000 vehicle per day traffic volume used as a flag for upgrading a road to a dual-carriageway. The City's District Traffic Study forecasts for Jandakot Road in 2031 to have a weekday traffic volume of approximately 26,000 vehicles near Berrigan Drive, and 18,000 vehicles near Warton Road.

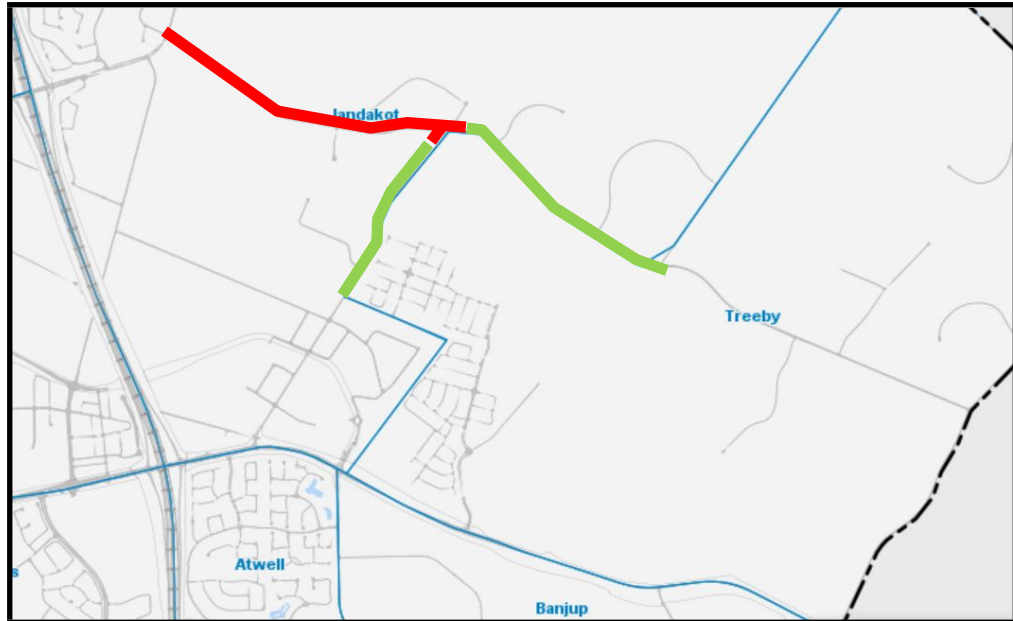
To ensure that Jandakot Road will be able to perform its distributor road function safely and efficiently and accommodate the increasing volume of traffic, it is necessary that the road be widened to 4-lane dual carriageway. Understanding the requirement for the upgrade of these regional roads, the City and the developers of the residential development south of Jandakot Road have entered into a voluntary agreement whereby the developer will make financial contributions to the regional roads where they adjoin the development. The City is developing plans for the widening of the remainder of Jandakot Road. It is anticipated that more road widening land will need to be purchased to complete the project between Warton Road and Berrigan Drive.

The first stage of the project is the section of Solomon road north of Cutler Road, and the portion of Jandakot Road between Solomon and Fraser Road including the merging of the new road with the existing road. 16 properties are affected by the first stage of the project.

As heard by Council at the February 2017 Council meeting, a number of concerned residents exist around the intersection of Solomon Road and Jandakot Road, and further west to Berrigan Drive. Recognising the safety imperative for works to begin as soon as possible, it is recommended that the elements of the Stage 1 upgrade, which have concerned residents surrounding, be removed from the Stage 1 works. This will enable Stage 1 work to occur initially in the green sections on the map following, with the remaining sections given time to address concerns of residents and hopefully achieve a mutually beneficial outcome. Thus the map following shows this scenario:







Please note: Stage one is shown in green (excluding the Solomon/Jandakot Rd intersection) and Stage two in red (Jandakot Rd between Solomon and Berrigan).

If Council resolves to adopt the recommendation, contracts for acquisition will be prepared by the City's lawyers as agreement is reached with individual owners. Attachment 1 shows agreements in place for the green areas of the map above.

Drawing information from the valuation reports undertaken by the Licensed Valuer, it is estimated that the total sum required for the road land acquisition is in the order of \$1.2 million.

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

#### **Moving Around**

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

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

There are no financial implications to the City. The cost of land acquisition is being funded by Stockland.

#### **Legal Implications**

The Land Administration Act refers.

#### **Community Consultation**

N/A



**Risk Management Implications**

The Risk to the City if the recommendation is not followed or is deferred is that the 4-lane dual carriageway upgrade will not proceed in a timely manner. This will potentially increase safety issues along this road.

**Attachment(s)**

Site plan of the subject area.

**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 9 February 2017 Ordinary Council Meeting.

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

Nil.

**15.5 (MINUTE NO 6032) (OCM 09/03/2017) - CONSIDERATION OF ROCKINGHAM ROAD UPGRADE CONCEPT PLAN; PHOENIX ACTIVITY CENTRE PLAN AND LOCAL PLANNING POLICY (PHOENIX ACTIVITY CENTRE DESIGN GUIDELINES (FINAL ADOPTION) (110/088 & 110/043) (D DI RENZO / A TROSIC) (ATTACH)**

**RECOMMENDATION**  
That Council

(1) defer adoption of the Rockingham Road concept plan until such time as development is proposed by the Phoenix Shopping Centre, and note the following key points for any future proposed concept plans:

1. In recognition of the 2016 community and landowner consultation outcomes in the northern section, any future draft concept plans for Rockingham Road include a roundabout at this location, for the purposes of undertaking further detailed investigation into its feasibility and cost.
2. Refinements to the modified entry to Lot 16 Rockingham Road at any proposed new Lancaster Road roundabout be done in consultation with the landowner to ensure it meets



their needs at that time.

3. Review any associated modification to improve access from Phoenix Road to the car park entry behind Hungry Jacks and BP such that it is safer and more legible for cars to utilise this access point.
- (2) pursuant to Schedule 2, Part 5, clause 36 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission the proposed activity centre plan for the Phoenix Activity Centre be approved, subject to the following modifications:
1. Modification to all references to the provision of the 'amenity space' on Rockingham Road adjacent to the new Kent Street roundabout to include provision in another location on Rockingham Road, or directly accessible to Rockingham Road, when the redevelopment of the Shopping Centre occurs.
  2. Modifications to reflect the deferral of the upgrade to Rockingham Road, stipulating that the upgrade is to occur when there is a 'Major Development' proposal (whether in the form of additional new development or redevelopment of the existing centre) for the Phoenix Shopping Centre.
  3. Deletion of Point (2) of the Staging Plan for the Phoenix Shopping Centre under Minor Development.
  4. Inclusion of the following in the Staging Plan under 'Major Development' Application: "If an application is made for Major Development as defined by State Planning Policy 4.2, a functional 'public space' is to be included as part of the proposal, to be located in an area with high levels of public visibility and accessibility (i.e. adjacent to Rockingham Road). This space should be activated with retail tenancies ('shop' and/or food and beverage), provide a high level of amenity, and contribute to a more active and attractive interface with Rockingham Road".
  5. Modification to Point (2) under minor expansion of floor space in the Staging Plan to state that "Utilisation of artworks required pursuant to the City's Percent for Art Local Planning Policy to enhance the appearance of the servicing area to Rockingham Road, or where the servicing area is removed or relocated, in another location on Rockingham Road".

6. Modification under “Minor expansion of floor space” in the Staging Plan to include an additional requirement as follows: “Where any significant modifications are proposed along Rockingham Road, including relocation or reconfiguration of existing uses, there are to be demonstrated improvements to the pedestrian environment; improvements to the appearance of the servicing area and Rockingham Road interface; and additional landscaping”.
  7. Modify the ‘Development Concept Plan – Core Precinct’ (Point 2) to delete the location of the amenity space on the map (text to be retained).
  8. Modify the ‘Development Concept Plan – Core Precinct’ to reword point 5 to state “Any upgrade to Rockingham Road to investigate inclusion of new roundabout at Kent Street and Lancaster Street to slow traffic and provide turnaround points to allow rationalisation of crossovers”.
  9. Modify the ‘Development Concept Plan – Northern Precinct’ to reword references to the Rockingham Road upgrade requirements to state “Any upgrade to Rockingham Road to investigate...”
  10. Updates throughout the document to all references to the upgrade to Rockingham Road project to reflect its deferral until there is a major development proposal for the Phoenix Shopping Centre.
  11. Updates to the Action Plan to reflect the above modifications.
  12. Typographical corrections where required.
- (3) advise the landowners within the activity centre plan area and those who made a submission of Council’s recommendation;
  - (4) adopt the Schedule of Submissions prepared in respect to the proposed activity centre plan;
  - (5) adopt the proposed Local Planning Policy (Phoenix Activity Centre Design Guidelines) for final approval in accordance with Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following modifications:



1. Modify clause (3) 3b to state “Demonstrate improvements to the servicing area on March Street which reduce negative impacts on residential amenity”.
  2. Modify clause (3)3(c) (Phoenix Core) and (4)2(h) (Mixed Use area) to state: Ground floor non-residential frontages fronting Rockingham Road or primary pedestrian linkages are to be designed as shop fronts with no less than 70% glazing. Buildings fronting other public areas shall be glazed for a minimum of 50%. Glazing percentages are to apply from between 0.9m and 2.1m above footpath/street level.
  3. Delete clause (3)5 to remove the requirement to demonstrate capacity for future residential development.
  4. Insert a new clause under Clause (4)2. As follows: “Buildings adjacent to Rockingham Road are to be a minimum of two storeys in height, with single storey commercial buildings to be assessed on their merits against the objectives of the policy”.
  5. Insert a new clause under Clause (4)2 stating “Garages facing Rockingham Road will not be supported”.
  6. Delete clause (4)1(l.) which refers to the establishment of an accessway easement.
  7. Modify Clause (4)2(i) and (4)3(n) to refer to commercial buildings being required to address the street in a traditional manner (currently just requires all buildings); and for design documentation of ‘back-of-house’ services.
  8. Reword clause (4)3(a) to state that setbacks are to comply with those for R60 residential coding, and to delete the requirement for a 12m wide access and parking easement in the front setback.
  9. Delete Appendix 1 and all references to the Appendix in the Policy.
- (6) advise submitters of Council’s decision to adopt the Local Planning Policy.



**COUNCIL DECISION**

MOVED Cllr L Sweetman SECONDED Cllr P Eva that Council:

- (3) defer adoption of the Rockingham Road concept plan for a period of two years, after which time the matter be reconsidered by Council, to determine whether the City proceeds with the upgrade of Rockingham Road independently of the redevelopment of the Phoenix Shopping Centre or is satisfied that that the works can be undertaken in conjunction with the redevelopment, based on the progress/timeframes of that redevelopment;
- (4) continues to liaise with the Rockingham Road landowners and businesses between Lancaster Street and Phoenix Road, to finalise a concept plan for the northern section of the Rockingham Road. The draft concept plan for the northern section of Rockingham Road should include the following:
  4. further detailed investigation into the feasibility and cost of an additional roundabout between Lancaster Street and Phoenix road
  5. refinements to the modified entry to Lot 16 Rockingham Road at the proposed Lancaster Road roundabout, in consultation with the landowner
  6. further review of access improvements to the car park entry behind Hungry Jacks and the BP service station to it is safer and more legible for vehicles using this access
- (3) renumbers points (2) to (6) and adopts as recommended.

**CARRIED 8/0**

**Reason for Decision**

Allowing a two year period before reconsideration of this item, rather than an open window recognises that a coordinated approach is optimal and will allow ample time for Phoenix Shopping Centre to progress development of its master plan, as well as providing an indication of the form that redevelopment will take. It also



acknowledges that the Rockingham Road upgrade works are vital not only for the safety of pedestrians, cyclists and drivers, but also integral to activating and improving the area to attract commercial opportunities that will benefit the growing community.

The Phoenix Central Revitalisation Strategy was adopted by Council in 2009, setting a 10 year vision to realise the transformation of the Spearwood and Hamilton Hill areas - we are now two years out from the end of that 10 year period and have not seen fruition of the cornerstone projects that will catalyse major positive change for the area. Taking into account the economic downturn and other mitigating factors such as local government reform, that have slowed the process of revitalisation, time boxing a revisit of this road upgrade is sensitive to these issues but also responds clearly to community expectation and need.

## **Background**

At the 14 August 2014 Ordinary Council Meeting, Council endorsed the commencement of a multidisciplinary internal workgroup represented by Strategic Planning, Parks Services and Engineering Services. The purpose of this was to advance concept planning for Rockingham Road.

The work group identified key objectives and preliminary concept plan options for the revitalisation of Rockingham Road. This first step was necessary to understand the future desired form and function of the road before preparing guidelines for adjoining built form.

Following this, at the 9 June 2016 Ordinary Meeting of Council, a draft Phoenix Activity Centre Plan, Local Planning Policy Design Guidelines and draft concept plan for major upgrades to Rockingham Road were adopted for the purposes of community consultation. This was a culmination of extensive planning and engineering work in order to look to transform the Phoenix Town Centre, with a major component of this transformation being the catalytic impact that the redevelopment of Rockingham Road would create.

The Rockingham Road concept produced by the workgroup was subsequently presented to Porter Consulting Engineers to review and develop into a feasible design that was capable of being readily implemented. This design was developed into a draft suitable for community consultation.

Following consultation during the second half of 2016, at the December 2016 Ordinary Meeting of Council, an item was presented to Council to consider adopting the design concept for Rockingham Road. A decision was deferred by Council to enable further discussion with the Phoenix Shopping Centre, and to enable the Phoenix Shopping Centre



to brief Council on their proposed future Master Plan for the site. This took place in February 2017.

The purpose of this report is to now consider not only the adoption of the Rockingham Road upgrade concept, but also the associated Phoenix Activity Centre Plan and Local Planning Policy Design Guidelines.

### **Submission**

N/A

### **Report**

This report deals with Council's consideration for final adoption of the:

1. Rockingham Road upgrade concept, a \$4m road upgrade currently budgeted for Council delivery in the 16/17 financial year;
2. Phoenix Activity Centre Plan;
3. Local Planning Policy Design Guidelines for the Phoenix Town Centre.

These are overviewed following.

#### Rockingham Road Upgrade - Overview

The Rockingham Road upgrade was identified as a key action as part of the Phoenix Central Revitalisation Strategy. This identified an upgrade to Rockingham Road in order to:

- Improve the amenity of the public realm;
- Improve connectivity for various transport modes including pedestrians and cyclists;
- Enhance bus stop facilities;
- Promote mixed use development along the western side of Rockingham Road;
- Enhance the streetscape;
- Reduce the negative impact of excessive signage along Rockingham Road;
- Reduce the negative impact of excessive car parking and crossovers along Rockingham Road.

#### Phoenix Activity Centre Plan - Overview

State Planning Policy 4.2 Activity Centres For Perth and Peel ("SPP 4.2") was gazetted in 2010, and its main purpose is to specify broad planning requirements for the planning and development of new activity centres, and the redevelopment and renewal of existing centres in Perth and Peel.





Activity centres are community focal points. They include activities such as commercial, retail, higher-density housing, entertainment, tourism, civic/community, higher education and medical services. They should be designed to be well-serviced by public transport, and to be highly accessible.

SPP 4.2 sets out a policy requirement for activity centre plans to be prepared for all district level centres and above.

Activity centre plans set out the spatial plan and strategy to achieve a compact, pedestrian-friendly, mixed use activity centre that will offer a range of lifestyle choices, reduce car dependency, and limit environmental impact. They are important strategic planning documents which guide land use, urban form, transport and infrastructure planning for larger activity centres. Also the City's Local Commercial and Activity Centres Strategy ("LCACS"), which was adopted by Council in 2012, set out a high level framework to guide activity centre plans and particularly focussing on the Phoenix Town Centre as an area with potential to perform better as an activity centre.

The Phoenix Shopping Centre is also likely to require refurbishing in the near future, and may also increase its floor area. For these reasons, a draft activity centre plan has been prepared for Phoenix Shopping Centre.

#### Local Planning Policy Design Guidelines - Overview

As a final and important supplementary part of the planning framework, this local planning policy seeks to set design considerations that new development, or redevelopment, need to have regard to in respect of within the Phoenix Town Centre. The Design Guidelines specifically provide that logical connection between the planned upgrade for Rockingham Road, and how private development can optimally respond to the improved public realm, be represented by this infrastructure investment.

It recognises that such infrastructure investment will likely be a catalyst for private investment in the town centre to occur, as has been a key foundation to Council's consideration to invest in this infrastructure.

The detailed components underpinning the Rockingham Road concept plan, Activity Centre Plan, and design guidelines, thus represent an integrated approach to the future planning and delivery of improvements in the Phoenix Town Centre. These are highlighted by the key objectives of each document set out following:



## Key Objectives - Rockingham Road Upgrade Concept Plan

1. To promote pedestrian use across and along Rockingham Road, through the provision of a safe and attractive environment;
2. To improve the amenity around bus stops and encourage the use of buses by giving priority to the bus service;
3. To create a visual identity which reassures and welcomes people to the town centre by conveying its sense of place;
4. To create safe and legible vehicle access arrangements which serves the town centre as a destination;
5. In practical terms:
  - Minimise land acquisition requirements;
  - Create maximum opportunities for landscaping to beautify the road;
  - Reduce the number of crossovers to Rockingham Road while facilitating access to businesses through a 'roundabout system';
  - Reduce traffic speeds through new 50km speed limits (subject to Main Roads), and a narrowing of the road that will slow traffic.

These informed a design concept that comprised the following key features:

- Reduction of Rockingham Road to two lanes between Coleville Crescent and Phoenix Road to slow traffic and improve safety and amenity for pedestrians and cyclists. This will allow the introduction of bike lanes and landscaping on Rockingham Road, which would not be possible within the current 4-lane configuration because of the narrow road reservation;
- Introduction of an almost continuous median strip to reduce the number of unsafe vehicle right hand turning movements, and to provide the opportunity for street trees, given this is very limited either side of the road because of the narrow road reserve; services; and powerlines;
- Replacement of the traffic signals at Lancaster Street with a new roundabout; and a new proposed roundabout at Kent Street which also includes a new relocated southern entry to the Phoenix Shopping Centre from the roundabout. These two roundabouts provide a U-turn system which allows for the introduction of the median whilst still providing good access to both sides of the road;
- Creation of an amenity space in the area to the north east of the proposed Kent Street roundabout in the area that is currently the southern entry to the Phoenix Shopping Centre. This area will provide a more attractive pedestrian entry to the shopping centre; provide a space for visitors and staff to use; critically it will provide the opportunity for an improved interface with



- Rockingham Road; and will help create a visual identity to the centre that will improve legibility.
- Reduction in the number of crossovers to Rockingham Road to improve safety for vehicles, and improve the pedestrian environment, given that crossovers interrupt pedestrian movement and comfort, and reduce safety for cyclists.

### Key Objectives - Proposed Draft Phoenix Activity Centre Plan

To create a place that is:

1. Adaptable - A place that can respond to the diverse and changing needs of the community.
2. Easy to move around - A place that is easy for all users to move around, particularly pedestrians and cyclists, and that connects well to existing movement networks and key areas of interest in the surrounding area.
3. Safe and welcoming - A place where people feel safe and secure, and that encourages positive social interaction.
4. Distinctive - A place that reflects local identity and has a distinctive character.
5. Attractive - An attractive, enjoyable place where people will want to live, work, and visit.
6. Sustainable - A place that is environmentally sustainable.
7. Coordinate the key actions of:
  - a) Adoption of Design Guidelines Local Planning Policy for the Activity Centre – these design guidelines will assist in achieving coordinate development in the new Mixed Use zone on the western side of Rockingham Road.
  - b) Adoption of a vehicle access plan for the Mixed Use zone on the western side of Rockingham Road to ensure safe and legible access.
  - c) Upgrade of Rockingham Road between Coleville Crescent and Phoenix Road to slow traffic, provide opportunities for more landscaping, and to improve the pedestrian and cyclist environment.
  - d) Investigation of reconfiguration of car parking in the northern end (BP site) to ensure safe traffic movement.
  - e) Formulation of an Artworks and Wayfinding Strategy that identifies themes to strengthen a unique identity for the Phoenix Activity Centre and improve legibility within the centre, and within the surrounding area.
  - f) Improvements to Bavich Park and Gerald Reserve to improve their appearance, and make them more attractive pedestrian connections to the Activity Centre.
  - g) Monitor the performance of the activity centre by undertaking a review every two years, addressing the elements discussed within this Activity Centre Plan, relating to land use mix diversity targets, residential density targets, built



form and streetscape intensity, attracting strategic employment and floor space demand requirements.

### Key Objectives – Local Planning Policy Design Guidelines

1. To create a high quality and safe pedestrian environment along Rockingham Road in the Phoenix Activity Centre.
2. To create a new sense of place with high-quality and dynamic building and landscape design and landmark development sites.
3. To facilitate safe and convenient pedestrian and cyclist movement within the Activity Centre, resolving vehicle and pedestrian/cyclist conflict points.
4. To create attractive, active frontages that provide visual interest and contribute to pedestrian and cyclist safety and comfort.
5. To ensure that signage is not visually obtrusive, does not result in excessive visual clutter; and does not hinder passive surveillance.
6. To ensure that signage is compatible with the scale, design and visual character of the building and activity centre.
7. To provide adequate opportunities for commercial advertising to support and encourage business activity.
8. To create safe, functional and attractive car parking areas that allow for landscaping, and facilitate safe and convenient pedestrian and cyclist movement.
9. To encourage landmark development features which are integrated with buildings, and which improve legibility within the activity centre.
10. To utilise artworks to create community identify; improve inactive frontages; improve legibility; and provide functional infrastructure for pedestrians and cyclists.
11. To encourage mixed use development and a diversity of land uses.

### Overview of Community Consultation

The draft Activity Centre Plan, Local Planning Policy Design Guidelines and Concept Plan for Rockingham Road have undergone an extensive community consultation process.

In the first instance, the City undertook preliminary consultation with key affected stakeholders, writing to all adjacent landowners in May 2016 advising them of the proposed project, and inviting them to arrange a meeting with staff to explain the plans and how they may be affected. This was intended to ensure that landowners had the opportunity to meet one-on-one with staff who could explain the impact that the proposed changes would have on them.



The City met with approximately fifteen landowners/business owners and residents, and had telephone discussions with a number of other landowners at this time.

Over the past twelve months the Phoenix Working Group, comprised of community members, and on occasion affected landowners, also met discuss the plan (four meetings in total).

Subsequently the plan was adopted by Council for advertising at the 9 June 2016 OCM, and was formally advertised for 60 days, ending on 22 October 2016. This included letters to landowners in the area, letters to government agencies, and a display at the Phoenix Shopping Centre. This advertising was extended from the normal 28 days to allow the Phoenix Shopping Centre sufficient time to consider the proposal. The Shopping Centre also requested a further 14 day extension, to which it was granted.

A total of 37 formal submissions were received, with ten submissions supporting the proposed Rockingham Road upgrade and Phoenix Activity Centre Plan concept.

There were 17 objections received, with submitters primarily concerned with the reduction to one lane, perceiving it to be a downgrade that will create traffic congestion.

All submissions are included and addressed in Attachment 7.

There were four specific submissions received from businesses/landowners on Rockingham Road presenting alternative plans which will be discussed in the following section.

#### Consultation with Phoenix Shopping Centre and McDonalds

The Phoenix Shopping Centre is a major stakeholder in this project, and for this reason the City has undertaken early and extensive consultation with them on the project. The following consultation has been undertaken:

- 2008 to 2016 – Several meetings to keep the Shopping Centre informed of the progress of implementation on the Phoenix Central Revitalisation Strategy;
- 10 February 2016 – the City advised the Phoenix Shopping Centre owners, Rockworth that plans were being developed for the upgrade and beautification of Rockingham Road, and that one favoured option had been prepared by David Porter Engineering after consideration of a number of alternative options;
- 23 March 2016 - they were provided with draft copies of the plan to enable them to have sufficient time to consider the implications of the plan for their own site master planning process; and



- Five meetings with representatives from the Phoenix Shopping Centre and their consultants throughout the year. City officers have also met on two occasions with representatives from McDonalds.

Fratelle Group (on behalf of the Phoenix Shopping Centre) requested an extended advertising period of 60 days (extended from the normal 28 days) at the June 2016 OCM when adoption of the draft Rockingham Road Upgrade Concept Plan and Draft Phoenix Activity Centre Plan was considered by Council.

This was requested to allow sufficient time to undertake site master planning, which would then inform their submission on the advertised documents. Council supported an extension to the advertising period of 60 days, and this was granted by the WAPC.

On 14 June 2016 the Fratelle Group, on behalf of the Shopping Centre, requested that the commencement of the advertising period for the draft Rockingham Road Upgrade Concept Plan and Draft Phoenix Activity Centre Plan be delayed until the traffic modelling was completed by the City of Cockburn. This request was granted, and advertising did not commence until the traffic modelling was available.

On 20 October 2016, at the request for the Phoenix Shopping Centre, the City granted an extension of two weeks to the advertising period which was then further extended to 8 November 2016 at their request.

During the formal advertising period the Phoenix Shopping Centre and McDonalds (located on the Phoenix Shopping Centre land) submitted an alternative plan.

This plan is not supported by the City because it includes:

1. Complete removal of the proposed amenity space, replaced by parking bays, which is considered to be a key feature of the Rockingham Road upgrade;
2. Full access to McDonalds from Rockingham Road (proposed as left-in, left out in Council's draft plan adopted for advertising) and a new internal north south connection from the southern car park to the northern car park along the Coles servicing area, which in conjunction with the other changes would result in an unattractive and cluttered area of kerbing and asphalt, with very minimal areas for landscaping;

The submissions received from the Phoenix Shopping Centre and McDonalds are included as Attachments 2 and 3.



## Shopping Centre Consultation Post December 2016 Council Deferral

At the December 2016 Ordinary Meeting of Council the proposal was deferred to allow further discussions with the Phoenix Shopping Centre and to facilitate a Councillor Briefing by the Phoenix Shopping Centre.

The Phoenix Shopping Centre have advised that they are undertaking an asset master planning process for the centre with a view to examining more substantial refurbishment and redevelopment works. The master planning process is only just beginning, and will take time given the imperatives of tenant approvals, statutory approvals and funding considerations. It would be likely that redevelopment could occur however within the next five years.

The Shopping Centre have therefore expressed concern regarding implementing works in relation to the proposed upgrade of Rockingham Road that may need to be modified if the Shopping Centre chooses to redevelop.

In an attempt to resolve this matter City Officers met with the Shopping Centre with a view to reaching agreement on a concept plan for Rockingham Road and the interface with the Shopping Centre. Of particular focus the City sought to find an interim solution that would minimise any sacrificial works on the shopping centre land, taking into consideration the key objectives of the future master plan.

An interim solution was proposed by the City which represented a combination of the City's draft plan and that proposed by the Shopping Centre in their submission, as follows:

- Creation of an amenity space in the same location, however allowing a small amount of parking adjacent to the 'amenity space' to minimise parking losses;
- Inclusion of a new internal north south access way to connect the northern and southern car parks (as sought by the Shopping Centre in their submission)
- Retention of full access to McDonalds where aesthetic improvements to the Coles servicing area were demonstrated.

The City acknowledges that the Shopping Centre does not want to invest in works if there is substantial redevelopment of the Centre in the future; therefore this concept plan was considered to require minimal sacrificial works. This concept plan is considered to achieve the City's key objectives in the interim through:

- Provision of an amenity space for the amenity of visitors, staff and the community that provides a more attractive frontage to Rockingham Road.
- Genuine beautification of this area to Rockingham Road.
- Improvements to pedestrian amenity and connection.



However, the alternative plan has not been supported by the Phoenix Shopping Centre, and the City has been unable to reach agreement on a plan.

The City will be unable to deliver the proposed Kent Street roundabout without agreement with the Phoenix Shopping Centre, because it requires relocation and reconfiguration of the southern entry, and modifications internally to facilitate this change.

The Kent Street roundabout is a critical component of the Rockingham Road upgrade, given that in conjunction with the Lancaster Street roundabout it allows for the U-turn system that will facilitate a continuous median, and provide safe and convenient access to both side of the road.

It is therefore considered that the upgrade to Rockingham Road as proposed cannot be implemented by the City at this stage. It is therefore recommended that the project be deferred until such time as the Phoenix Shopping Centre undertakes redevelopment, which may be within the next five years. Critically however, Council has no control over whether this does or does not occur however, and thus it cannot be guaranteed to the community if or when the Rockingham Road upgrade will occur, if such is to be associated with the Shopping Centre upgrade.

#### Northern End (Lancaster Street to Phoenix Road)

Consideration has been given to the option of implementing the northern section upgrade as Stage 1, with the section between Lancaster Street and Coleville Crescent being implemented as Stage 2 in the future when the Shopping Centre redevelops.

This is considered to have very little benefit, and the scale of works in themselves would not represent an efficient use of resources. It is also noted that the construction of the Lancaster Street roundabout with two lanes to the north and four to the south would be problematic. It is therefore considered logical to defer the whole road upgrade until such time as the Shopping Centre redevelops.

The outcomes of community consultation are still discussed below, as they will be incorporated into the draft plan that will be considered in the future. Also adoption of the Activity Centre Plan and Design Guidelines is proposed in this report.

During the pre-consultation meetings, and through the formal community consultation process, concerns were expressed from landowners and business owners/operators on both sides of the road





that full access should be provided otherwise there would be a loss of business from passing trade.

The City encouraged landowners and business owners to make formal submissions, and to clearly set out their concerns and suggested modifications for consideration.

On the western side of the road there is a Pharmacy, medical suites, and office uses, which currently take access from one point of Rockingham Road (full access), which allows customers to access this area travelling in either direction. The concern from landowners and businesses is that vehicles travelling south on the road will not be prepared to use the proposed Lancaster Street roundabout to U-turn and access their businesses; and that the more difficult exiting scenario will be too inconvenient for customers.

Two key submissions were received in this regard from business owners on each side of the road – one suggesting the addition of a roundabout between Lancaster Street Phoenix Road; and another suggesting introduction of additional turning lanes for each side of the road (see Attachment 7 Schedule of Submissions for plan included in the submission).

South of Lancaster Street the two proposed roundabouts provide good access to both sides of the road, thereby minimising any potential negative impact from the continuous median, and ensuring good access is provided to businesses. It is acknowledged that north of Lancaster the alternative access as proposed by the draft plan is more restrictive. Hence the roundabout proposed at the Lancaster/Rockingham intersection will be designed to allow for a future access on the western side of the roundabout (currently a Chiropractic centre) which in future could provide a service road access right along the businesses on the western side of Rockingham Road to eliminate vehicle access and turning currently from Rockingham Road frontage. This proposal cannot happen until the redevelopment of the Chiropractic centre property but would yield major congestion and safety benefits to vehicle traffic.

One submission suggested that the intersection of Phoenix Road and Rockingham Road be modified to a two lane roundabout to facilitate easy movement to and from Lancaster Street. There is insufficient space to accommodate a roundabout at the Phoenix Road and Rockingham Road intersection. This would require very substantial land acquisitions that are not considered to be in best interests of the community, and would be cost prohibitive due to major underground and overhead utility service relocations.



The suggestion from landowners on the eastern side of the road that turning lanes be introduced (to allow full access) means that landscaping opportunities are significantly reduced, and it is questionable as to whether this outcome would achieve the key objective of beautifying the road. Providing right turn facilities would also create the risk of queuing right turn traffic obstructing the single remaining through traffic lane.

The City has therefore investigated the possibility of an additional roundabout north of Lancaster Street, aligning with the southern entrance to Lancaster House.

The City engaged Urbsol to investigate the inclusion of an additional roundabout in this location (see Attachment 4).

This report identifies that traffic will be free flowing until 2031, and that beyond this it will need to be monitored to determine whether there needs to be adjustment to the Phoenix Road/Rockingham Road traffic lights.

In recognition of the consultation outcomes in the northern section, it is recommended that Council note that any future draft concept plan for Rockingham Road include a roundabout in this location, for the purposes of undertaking further detailed investigation into its feasibility and cost.

#### Rockingham Road Community Consultation Outcomes - General Comments

A number of submissions expressed concern regarding the reduction of the road to one lane in each direction; whereby there was a perception this would cause greater congestion and driver frustration. The traffic modelling that has been undertaken demonstrates that the proposed road upgrade will not create traffic congestion. The slower traffic speeds, and the introduction of roundabouts to break traffic, will make it easier for vehicles to exit properties on Rockingham Road and improve pedestrian safety.

Submissions were also received from residents on Kent Street raising concerns about vehicle use of this street. It is a known street which attracts speeding, due particularly to its straight run and the steepness of it especially between Sussex Street and Rockingham, Road. It is recommended that traffic calming treatments be considered for the section of Kent Street between Rockingham Road and Sussex Street in the 2017/18 budget under the annual traffic management allocation.

For example the City has installed a speed hump on Gerald Street, at the northern end near Phoenix Road in order to slow vehicles down in



the vicinity of the connecting side street intersection. It is recommended the City explore suitable design options for Kent Street in 2017/18.

### Activity Centre Plan - Outcomes of Community Consultation

The submissions received during the consultation period that related to the Activity Centre Plan expressed support for the key concepts contained within the plan.

The Phoenix Shopping Centre have provided detailed comments on the Activity Centre Plan and Draft Design Guidelines, and these comments are each addressed in the Schedule of Submissions.

To summarise, objection was raised to the following key elements of the Activity Centre Plan:

- Cost responsibilities for works on the shopping centre land;
- Requirements in the Activity Centre Plan relating to minor expansion or development;
- Requirement to investigate possible residential development as part of any major redevelopment.

Some of the requirements that the Shopping Centre have objected to are considered critical to ensure the objectives of SPP 4.2 and the Activity Centre Plan are met. This particularly relates to improvements to pedestrian movement; and urban design and interface improvements, given how significant these issues are for the Shopping Centre currently.

The Shopping Centre have objected to the requirement to provide a covered walkway on the upper car parking deck where they have proposed minor or major floor space expansion, and they have requested this be funded by the City. This is not supported, and provision of a covered walkway to improve pedestrian amenity, and support pedestrian movement which is currently poorly provided for, in the event of expansion of the shopping centre is considered justifiable given the objectives of SPP 4.2. The City is seeking to encourage people to walk to the centre through improvements to the pedestrian environment, and this particularly important given the disjointed nature of the Aldi site and the Shopping Centre itself.

Without these provisions being included it will be difficult to ensure any expansion of the Shopping Centre will result in improvements to the interface with Rockingham Road and the pedestrian environment. It is therefore considered justifiable to include these requirements in the Activity Centre Plan.



Minor applications can have an impact on an activity centre, and this is recognised in the LCACS where there are reporting requirements even for minor applications.

The following modifications to the Activity Centre Plan, as requested by the Shopping Centre, are supported:

- Deletion of reference to the requirement for investigation into residential development – given current constraints of Strata Titling Act.

Other comments made by the Shopping Centre are discussed below.

#### Impact on Activity Centre Plan of Deferral of Rockingham Road Upgrade – Recommended Modifications

The upgrade to Rockingham Road is a key component of the Activity Centre Plan. If this project is to be deferred modifications will be required to the Activity Centre Plan to reflect this, and to embed its future delivery.

This will require the addition of actions for the City of Cockburn and the Phoenix Shopping Centre, stipulating the delivery of the road upgrade as part of any major redevelopment of the Shopping Centre.

It is recommended that the Activity Centre Plan ‘Development Concept Plans’; Action Plan and Staging Plan be modified as follows:

- Modification to Point (2) under minor expansion of floor space to state that “Utilisation of artworks required pursuant to the City’s Percent for Art Local Planning Policy to enhance the appearance of the servicing area to Rockingham Road” adding “or where the servicing area is removed or relocated, in another place on Rockingham Road”. This will ensure there is flexibility for artworks to be located on Rockingham Road and contribute to an improved interface in the even the servicing area is altered or relocated;
- Modify the ‘Development Concept Plan – Core Precinct’ to reword point 5 to state “Any upgrade to Rockingham Road to investigate inclusion of new roundabout at Kent Street and Lancaster Street to slow traffic and provide turnaround points to allow rationalisation of crossovers”. This will ensure that this concept is re-investigated as part of any future upgrades.

It is recommended that some additional flexibility be built into the Activity Centre Plan to ensure that it is robust enough to accommodate proposals that may meet the key objectives in a different way. This includes rewording references to the amenity space on Rockingham Road, to include the space in a different location on Rockingham Road where more substantial redevelopment is proposed.



The Shopping Centre have requested the following wording:

*“If an application is made for a Major Development Application as defined by the LCACS, in a location that has high levels of public visibility and accessibility (i.e. adjacent Rockingham Road), then the application should propose the creation of a functional ‘public space’, and this space should be activated with retail tenancies (‘shop’ and/or food and beverage) and provide a high level of amenity. Where an application for Major Development is received that does not propose a ‘public space’, then the applicant shall provide justification as to why such a space is not proposed as part of the application. Once a ‘public space’ has been provided, further requirements for public space as part of future applications will be considered on an as needs basis.”*

It is recommended that the following modified version be included, which tightens up the requirement to ensure the space is delivered:

*“If an application is made for Major Development as defined by the State Planning Policy 4.2, a functional ‘public space’ is to be included as part of the proposal, to be located in an area with high levels of public visibility and accessibility (i.e. adjacent to Rockingham Road). This space should be activated with retail tenancies (‘shop’ and/or food and beverage), provide a high level of amenity, and contribute to a more active and attractive interface with Rockingham Road.*

Given that it is recommended that the upgrade to Rockingham Road be deferred until there is ‘major development’ of the Shopping Centre, it is considered appropriate that this requirement be for ‘major development’ not minor development to enable its delivery to be coordinated with the upgrade works.

It is important to note that it is incremental works and modifications to the Shopping Centre, including minor expansions, additional parking decks and access ramps that have resulted in the current built form and access outcomes to Rockingham Road. These have created a sub-optimal outcome for the overall experience of visiting and moving through the town centre, which needs to be addressed at some point.

The City is concerned that this will continue to occur and there will be various minor modifications to the Shopping Centre over time without any of the key improvements to pedestrian amenity and the interface with Rockingham that are sought by the Activity Centre Plan.

Such minor works would not trigger the upgrade to Rockingham Road, and may result in a situation where the road upgrade does not occur, and the current poor interface and pedestrian environment remain unchanged, or are even further exacerbated by other changes.



To ensure this does not occur, it is recommended that an additional provision be included under 'Minor Expansion' stating:

*"Where any significant modifications are proposed along Rockingham Road, including relocation or reconfiguration of existing uses, there are to be demonstrated improvements to the pedestrian environment; improvements to the appearance of the servicing area and Rockingham Road interface; and additional landscaping."*

Draft Local Planning Policy – Phoenix Activity Centre Plan

Draft Design Guidelines have been prepared to provide guidance for development within the Activity Centre (Attachment 5), and were advertised for public comment with the Rockingham Road upgrade concept plan and draft Activity Centre Plan.

These guidelines include requirements for each of the precincts, and will ensure that development within the Activity Centre achieves the objectives of the Activity Centre Plan.

There are some minor discrepancies in the draft policy and it is recommended that these be corrected.

The Shopping Centre provided some comments on the draft policy, which are addressed in the Schedule of Submissions, with some modifications recommended in response. This includes modification to the requirements for glazing to achieve an active frontage whilst accommodating services etc.

With the Rockingham Road upgrade proposed to be deferred, it is also recommended that there are some modifications to the requirements for the 'Mixed Use' zone.

The Draft Policy was seeking to achieve a 12m wide accessway in the front setback that would accommodate access and 90 degree parking bays that ultimately could connect to serve as a 'slip road'. This requirement and other elements of the design guidelines were intended to provide for and encourage Mixed Use development, with ground floor commercial uses such as cafes and offices adjacent to Rockingham Road. It is noted that this did reduce the developable area of the 'Mixed Use' zoned lots, and provided an additional constraint for developers.

With the timing of the future upgrade of Rockingham Road now uncertain, it is no longer recommended that a parking and access easement (12m) be required in the front setback, as this outcome was premised on changes to the road.



As an alternative it is recommended that the Local Planning Policy require setbacks as per the applicable R60 coding to allow more flexibility for developers of these sites to locate their parking and configure their development.

However, to ensure an interesting and active frontage is still achieved to Rockingham Road, with flexibility for ground floor commercial uses, it is recommended that the following provisions be included:

- Requirement for dwellings adjacent to Rockingham Road to be a minimum of two storeys in height, with single storey commercial buildings to be assessed on their merits against the objectives of the policy;
- Garages facing Rockingham Road will not be supported.

It is recommended that the requirement for ground floor commercial uses to be included, or where not viable in the short term, to be designed to be adaptable for future commercial, be retained in the policy to ensure future adaptability.

To reflect these recommended changes it is also recommended that the following modifications be made to the Local Planning Policy:

- Delete clause (4)1(l.) which refers to the establishment of an accessway easement.
- Modify Clause (4)2(i) and (4)3(n) to refer to commercial buildings being required to address the street in a traditional manner (currently just requires all buildings); and for design documentation of 'back-of-house' services.
- Reword clause (4)3(a) to state that setbacks are to comply with those for R60 residential coding, and to delete the requirement for a 12m wide access and parking easement in the front setback.

### Conclusion

Given that agreement could not be reached with the Phoenix Shopping Centre on a concept plan it is recommended that the upgrade to Rockingham Road be deferred until such time as the Phoenix Shopping Centre undertake redevelopment. It is recommended that the Activity Centre Plan be modified to reflect this, as discussed in this report, and outlined in the Recommendation.

In relation to the Rockingham Road upgrade it is recommended that Council note the outcomes of community consultation, and specifically the outcomes in the northern end for future consideration when the plan is revisited.

It is recommended that Council adopt the Local Planning Policy Design Guidelines for final approval; subject to modifications.



## **Strategic Plan/Policy Implications**

### **City Growth**

- Ensure planning facilitates a desirable living environment and meets growth targets
- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types
- Ensure growing high density living is balanced with the provision of open space and social spaces

### **Moving Around**

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

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

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

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

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Improve the appearance of streetscapes, especially with trees suitable for shade

### **Budget/Financial Implications**

The preparation of the Activity Centre Plan and Local Planning Policy has been funded through the Strategic Planning budget.

The upgrade to Rockingham Road will need to be budgeted for again in the future.

### **Legal Implications**

N/A





## **Community Consultation**

The Activity Centre Plan and Local Planning Policy Design Guidelines were advertised for a period of 60 days to relevant landowners, government agencies and community groups. This advertising period was extended from the normal 28 day period at the request of the Phoenix Shopping Centre, with the extension granted by the WAPC.

There was a display at the Phoenix Shopping Centre and notice in the newspaper to ensure people who visit the centre had the opportunity to see the proposed plans and comment.

## **Attachment(s)**

1. Draft Rockingham Road Concept Plans as adopted by Council for Community Consultation
2. Phoenix Shopping Centre Submission
3. McDonalds Submission
4. Urbsol Traffic Report – Additional roundabout
5. Draft Local Planning Policy (Phoenix Activity Centre Design Guidelines)
6. Draft Phoenix Activity Centre Plan
7. Schedule of Submissions

## **Risk Implications**

The key risk faced by the City is not being able to deliver the project due to not being able to secure an acceptable, workable outcome with the Shopping Centre. In order to address this risk, two options are provided within the report which is considered to provide equally an acceptable way for the project to move forward.

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

All parties who made a submission during the public consultation period have been advised that this matter is being considered at the 9 March 2017 Ordinary Meeting of Council, and they shall also be notified in writing of Council's decision.

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

Nil.



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

**16.1 (MINUTE NO 6033) (OCM 09/03/2017) - LIST OF CREDITORS PAID - JANUARY 2017 (076/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for January 2017 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes.
- Listen to and engage with our residents, business community and ratepayers with greater use of social media.



**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

The list of accounts for January 2017 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Attachment(s)**

List of Creditors Paid – January 2017.

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

N/A

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

Nil.



**16.2 (MINUTE NO 6034) (OCM 09/03/2017) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JANUARY 2017 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council :

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

Revenue Adjustments	Increase	9,060
Expenditure Adjustments	Increase	9,060
Depreciation Expenditure Adjustments	Increase	119,763
Accumulated Depreciation Adjustments	Increase	119,763
<b>Net change to Municipal Budget Closing Funds</b>		<b>0</b>

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

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



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

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

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

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

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

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

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

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

### **Submission**

N/A

### **Report**

*Opening Funds*



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

### *Closing Funds*

The City's closing funds for January of \$58.72M were \$5.28M higher than the budget forecast. This result comprises net favourable cash flow variances across the operating and capital programs as detailed in this report.

The 2016/17 revised budget reflects an EOFY surplus of \$0.37M, unchanged from last month.

### *Operating Revenue*

Consolidated operating revenue of \$119.79M was under the YTD annual budget target by \$0.44M.

The following table shows the operating revenue budget performance by nature and type:

<b>Nature or Type Classification</b>	<b>Actual Revenue \$M</b>	<b>Revised Budget YTD \$M</b>	<b>Variance to Budget \$M</b>	<b>FY Revised Budget \$M</b>
Rates	93.34	92.71	0.63	95.70
Specified Area Rates	0.31	0.33	(0.02)	0.33
Fees & Charges	14.58	15.71	(1.12)	24.43
Service Charges	0.44	0.45	(0.01)	0.45
Operating Grants & Subsidies	7.04	7.71	(0.67)	11.03
Contributions, Donations, Reimbursements	0.65	0.39	0.25	0.67
Interest Earnings	3.42	2.93	0.49	4.77
<b>Total</b>	<b>119.79</b>	<b>120.23</b>	<b>(0.44)</b>	<b>137.38</b>

The significant variances at month end were:

- Rates – Part year rating was \$0.65M ahead of the YTD budget setting.
- Operating Grants & Contributions – were \$0.67M behind the YTD budget primarily due to the FAGS 3<sup>rd</sup> quarterly payment of \$0.95M not yet received. HACC funding was also \$0.25M behind YTD budget, whilst child care subsidies were \$0.33M ahead.
- Fees & Charges - Commercial landfill fees were \$0.65M behind the budget target, reflecting general economic conditions and activity. Commercial leasing income was \$0.27M behind budget



on an YTD basis, attributable to the Cockburn Health & Community facility.

- Interest Earnings – Investment earnings from the City’s financial reserves were \$0.49M ahead of budget, mainly due to additional reserve funds being held.

### *Operating Expenditure*

Reported operating expenditure (including asset depreciation) of \$74.52M was under the YTD budget by \$2.54M.

The following table shows the operating expenditure budget variance at the nature and type level. The internal recharging credits reflect the amount of internal costs capitalised against the City’s assets:

<b>Nature or Type Classification</b>	<b>Actual Expenses \$M</b>	<b>Revised Budget YTD \$M</b>	<b>Variance to Budget \$M</b>	<b>FY Revised Budget \$M</b>
Employee Costs - Direct	28.07	27.61	(0.46)	49.13
Employee Costs - Indirect	0.48	0.51	0.03	1.40
Materials and Contracts	21.15	23.54	2.39	40.18
Utilities	2.58	2.64	0.06	4.67
Interest Expenses	0.39	0.48	0.09	0.93
Insurances	2.11	2.24	0.13	2.24
Other Expenses	4.88	5.75	0.87	9.03
Depreciation (non-cash)	15.54	15.88	0.34	27.42
Amortisation (non-cash)	0.64	0.69	0.05	1.19
Internal Recharging-CAPEX	(1.32)	(2.29)	(0.96)	(2.23)
<b>Total</b>	<b>74.52</b>	<b>77.06</b>	<b>2.54</b>	<b>133.97</b>

The significant variances at month end were:

- Employee Costs – the \$0.46M variance is primarily due to the inclusion of 17.5% leave loading in the calculation which was recommended by the external audit. This variance has been treated in the mid-year budget review.
- Material and Contracts - were \$2.39M under the YTD budget with the significant contributors to this result being:
  - Recreation Services under by \$0.21M
  - Facilities Maintenance under by \$0.35M
  - Plant maintenance under by \$0.20M
  - Ranger & Community Safety under by \$0.30M
  - Waste Disposal under by \$0.36M,
  - Child care subsidy payments over by \$0.35M.

- Other Expenses – Council’s donation program was behind YTD budget by \$0.72M and the cash flow will be reviewed for this item next month.

Depreciation was collectively \$0.34M under YTD budget with no single asset type contributing significantly to this variance.

Internal Recharging – is showing a shortfall of \$0.96M, caused by misaligned cash flowing of internal insurance allocations. This will be rectified next month.

### *Capital Expenditure*

The City’s total capital spend at the end of the month was \$57.94M, representing an under-spend of \$19.53M against the YTD budget of \$77.47M.

The following table details the budget variance by asset class:

<b>Asset Class</b>	<b>YTD Actuals \$M</b>	<b>YTD Budget \$M</b>	<b>YTD Variance \$M</b>	<b>FY Revised Budget \$M</b>	<b>Commit Orders \$M</b>
Roads Infrastructure	6.28	13.93	7.65	21.90	6.81
Drainage	0.24	0.96	0.72	1.71	0.03
Footpaths	0.32	0.83	0.51	1.18	0.08
Parks Infrastructure	5.05	6.95	1.91	10.77	1.38
Landfill Infrastructure	0.17	0.21	0.04	0.40	0.10
Freehold Land	0.27	1.33	1.07	1.79	0.00
Buildings	41.16	47.45	6.29	58.28	8.76
Furniture & Equipment	0.12	0.45	0.33	2.56	0.68
Information Technology	0.34	0.88	0.54	1.50	0.23
Plant & Machinery	4.01	4.47	0.46	8.20	2.61
<b>Total</b>	<b>57.94</b>	<b>77.47</b>	<b>19.53</b>	<b>108.30</b>	<b>20.68</b>

These results included the following significant project variances:

- Roads Infrastructure – Projects behind YTD budget were Berrigan Drive Jandakot Improvement Works (\$4.03M), Lyon & Gibbs Signalisation and Upgrade (\$0.92M), Gibbs & Liddelov Roundabout (\$0.36M), North Lake Road [Hammond to Kentucky] (\$0.34M), Beeliar Drive [Spearwood to Stock] (\$0.33M), Russell Rd [Holmes to Moylan] (\$0.32M), Mayor Rd [Rockingham to Fawcett] (\$0.31M), Phoenix & North Lake Roads Intersection (\$0.20M).
- Drainage Infrastructure – works program was collectively \$0.72M behind the YTD budget.
- Footpath Infrastructure – the footpath construction program was collectively \$0.51M behind the cash flow budget.





- Parks Infrastructure – the capital program was behind the YTD budget by \$1.91M with Beeliar Drive Landscaping (\$0.4M), CY O'Connor Improvements (\$0.39M) and Dixon Reserve Works (\$0.25M) the major contributing projects.
- Freehold Land – various land acquisition & development projects were collectively \$1.07M behind the YTD cash flow budget.
- Buildings – Projects with material underspend variances were Cockburn ARC (\$5.00M) and Community Men's Shed (\$0.42M) behind YTD budget, whilst the New Operations Centre was ahead of YTD budget (\$0.46M).
- Information Technology – was collectively \$0.54M under YTD budget due to a number of under spent software and website projects.
- Plant & Machinery – replacement program was behind YTD budget by \$0.46M (5% of the full year budget).

### *Capital Funding*

Capital funding sources are highly correlated to capital spending, the sale of assets and the rate of development within the City (developer contributions received).

Significant variances for the month included:

- Capital grants were \$6.15M behind YTD budget mainly due to timing issues for state and federal grants for the Cockburn ARC (\$3.6M), state grant for Lyon & Gibbs signalisation (\$1.0M), Roads to Recovery grant for Mayor Road [Rockingham to Fawcett] (\$0.51M) and the Lotteries Commission grant for the Community Mens Shed (\$0.48M).
- Transfers from financial reserves were \$5.94M behind the cash flow budget due to the capital program under spending for buildings and roads (timing issue).
- Proceeds from the sale of assets were \$11.39M behind the YTD budget comprising of land (\$10.97M) and plant (\$0.42M).

### *Transfers to Reserve*

Transfers to financial reserves were \$10.78M behind the YTD budget, mainly due to unrealised land sales.

### *Cash & Investments*

The closing cash and financial investment holding at month's end totalled \$143.68M, down from \$151.9M in December and \$166.6M in November. \$92.13M of this balance represents the current amount



held for the City’s cash/investment backed financial reserves. The balance of \$51.55M to meet operational liquidity needs.

It should be noted that funds totalling \$11.0M were transferred into the City’s Trust Fund in December 2016. This followed legal advice that the City’s POS cash in lieu funds (previously held within financial reserves) and refundable cash bonds and deposits should technically be held within a trust account (i.e. separate from municipal monies), as determined by legislation and general legal principles. The legal advice was instigated by the City’s external auditor due to inconsistent treatment across the local government sector for a number of years.

Details on monies held within the Trust Fund are now included in a separate section at the end of this report.

*Investment Performance, Ratings and Maturity*

The City’s investment portfolio made a weighted annualised return of 2.83% for the month, slightly decreased from 2.84% last month and from 2.86% the month before. However, this still compares quite favourably against the UBS Bank Bill Index (2.15%) and has been achieved through careful management of the City’s cash flow requirements. The cash rate was most recently reduced 25bp to 1.50% at the August meeting of the Reserve Bank of Australia and this reduction has impacted the investment rates achievable for new deposits since then.

However, the City’s interest revenue to January was ahead of the YTD budget target by \$0.49M. This was primarily due to the retention of a larger investment pool (as capital outflows have been somewhat delayed) and a conservative budget setting, factoring in more rate cuts.

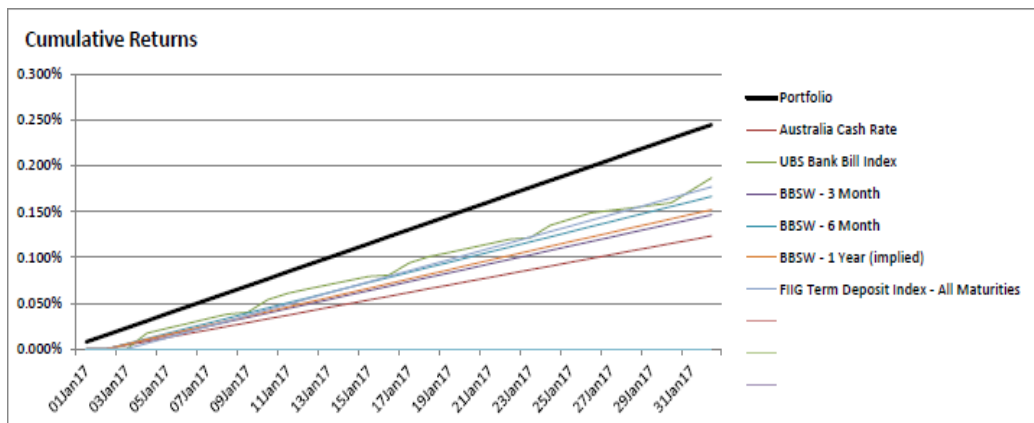
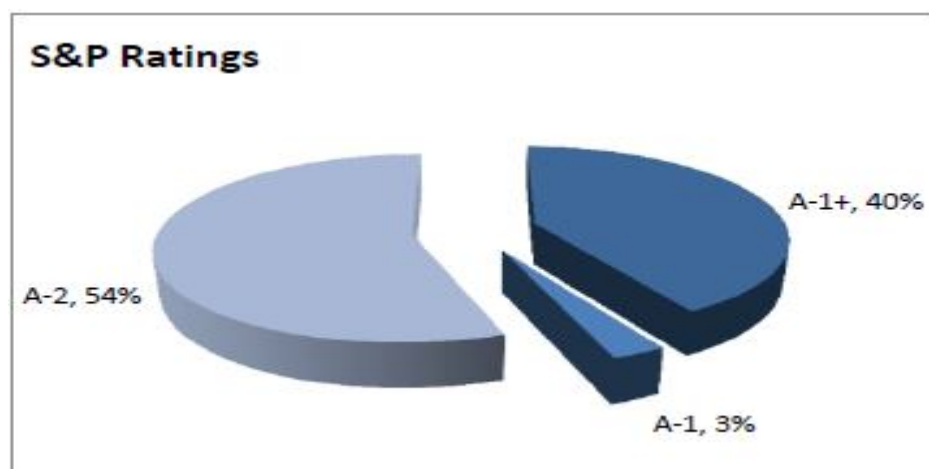


Figure 1: COC Portfolio Returns vs. Benchmarks



The majority of investments were held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian and foreign owned banks. These were invested for terms ranging from three to twelve months. All investments comply with the Council's Investment Policy other than those made under previous statutory provisions and grandfathered by the new ones.

The City's TD investments fall within the following Standard and Poor's short term risk rating categories. The A-1+ investment holding decreased marginally from 41% to 40% during the month. The amount invested with A-2 banks was 54%, comfortably below the policy limit of 60%:



*Figure 2: Council Investment Ratings Mix*

The current investment strategy seeks to secure the highest possible rate on offer (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within 3-12 month investment terms and particularly by A-2 banks.

The City's TD investment portfolio currently has an average duration of 149 days or 4.9 months (slightly down from 157 days the previous month) with the maturity profile graphically depicted below:



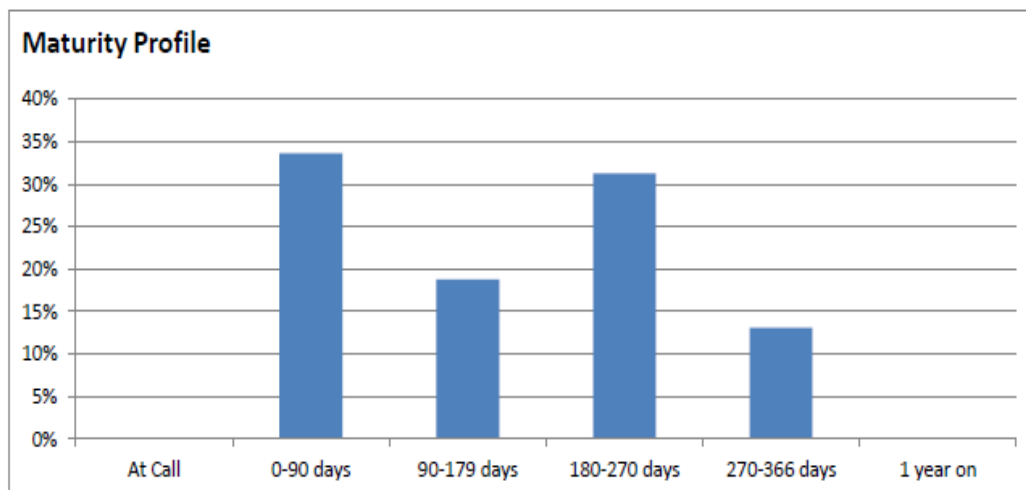


Figure 3: Council Investment Maturity Profile

*Investment in Fossil Fuel Free Banks*

At month end, the City held 59% (\$82.7M) of its TD investment portfolio with banks deemed as free from funding fossil fuel related industries. This was up slightly from 58% the previous month.

*Budget Revisions*

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

PROJECT/ACTIVITY LIST	USE OF FUNDING + / (-)		FUNDING SOURCES (+) / (-)		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI \$
Skateboarding coaching clinics (Healthway sponsorship)	8,000			(8,000)	
HACC office chair (funded from grant surplus)	1,060			(1,060)	
Depreciation - Buildings	(711,301)				
Depreciation - Parks Equip	828,456				
Depreciation - Marina	2,608				
Accumulated Depreciation	(119,763)				
<b>Totals</b>	<b>9,060</b>			<b>(9,060)</b>	

The depreciation adjustments are related to reconciling and adjusting asset types handed over with the Port Coogee Marina in July 2017.



### *Description of Graphs & Charts*

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

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

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

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

### *Trust Fund*

At month end, the City held \$11.03M within its trust fund. \$5.84M was related to POS cash in lieu and another \$5.19M in various cash bonds and refundable deposits.

A summary of the POS cash in lieu held follows:

<b>Suburb</b>	<b>\$</b>
Aubin Grove	845,930
Atwell	172,320
Beeliar	2,259,820
Cockburn Central	161,832
Coolbellup	167,369
Coogee	378,850
Hamilton Hill	565,254
Hammond Park	29,936
Jandakot	258,119
Bibra Lake	124,374
Munster	604,164
South Lake	56,023
Yangebup	221,286
<b>Total</b>	<b>5,845,276</b>

The POS funds are regularly reviewed by the Strategic Planning and Parks Departments. Parks last spent funds on POS in 2014/15 totalling \$0.49m. The allocation of POS to public open space projects is strictly controlled and must be approved by the WAPC before funds can be expended. Funds can only be spent on new infrastructure and land acquisitions. It is expected a report will be presented to Council seeking approval to spend some of the funds in the 2017/18 financial year.

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

#### **Leading & Listening**

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

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

No change to the budget surplus of \$368,929 with only self-funded expenditure and non-cash depreciation included in the recommendation.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

#### **Risk Management Implications**

Council's budget for revenue, expenditure and closing financial position will be misrepresented if the recommendation amending the City's budget is not adopted.

#### **Attachment(s)**

Statement of Financial Activity and associated reports – January 2017

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

N/A



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

Nil.

**17. ENGINEERING AND WORKS DIVISION ISSUES****17.1 (MINUTE NO 6035) (OCM 09/03/2017) - SPEARWOOD AVENUE FENCING PROPOSAL (146/002) (C SULLIVAN / A LEES) (ATTACH)****RECOMMENDATION**

That Council:

- (1) note the results of the further consultation carried out and receipt of petition;
- (2) continue with the landscaping to this section of Spearwood Ave in accordance with the Friendship Way landscape design and review the effectiveness of the natural screening on maturity of the almond trees; and
- (3) advise the petitioners and property owners of Council's decision.

**COUNCIL DECISION**

MOVED Clr L Sweetman SECONDED Clr P Eva that Council:

- (6) note the results of the further consultation carried out and receipt of the petition;
- (7) continue with the landscaping to this section of Spearwood Avenue in accordance with the Friendship Way landscape design;
- (8) initiate discussions as appropriate with affected residents by way of a working group, with the intent of either replacing the fences or installing a screen wall directly abutting the existing fence line, along the identified section of Spearwood Avenue;

- (9) advise the petitioners and property owners of council's decision; and
- (10) amend the current budget item CW5790 from \$200,000 to \$280,000 to allow for the inclusion of the fence replacement works in addition to the Friendship Way project scope.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

### **Background**

At the February 2016 Ordinary Council Meeting a matter to be noted for investigation without debate on the beautification of Spearwood Avenue was presented with the following alternative recommendation:

*"That Council:*

- (1) continue with the Friendship Way Landscaping Program;*
- (2) consider placing funds in the 2016/17 Municipal Budget based on a detailed cost estimate to be provided by City Officers for the colorbond fencing or concrete panels option with or without the removal of existing fences; and*
- (3) authorises City officers to consult with affected property owners on the colorbond fencing option prior to the completion of the 2016/17 budget."*

The consultation was duly carried out and a budget item included in the 2016/17 capital works program of \$200,000. At the OCM of September 2016, Council resolved to:

- (1) note the results of the consultation;*
- (2) the existing budget allocation CW5790 be changed by renaming the project from Spearwood Avenue Fencing Replacement to Spearwood Avenue Street Beautification Program to ensure a planting regime that provides an effect screen to the fencing types along that section of Spearwood Avenue;*
- (3) continue the landscaping of Spearwood Avenue in accordance with the Sister City project and the project outlined at Point 2 above; and*





- (4) *advise all property owners and residents in writing of Council's decision.*

Following the Council's recommendation, work began on the planting regime in particular the proposed bore for reticulation along the verges and in the adjacent park areas.

Community representatives requested a site meeting be conducted with property owners of Spearwood Avenue who had expressed dissatisfaction with the Council decision. The meeting was conducted on 1<sup>st</sup> December 2016 attended by the Mayor, Ward Councillors and City officers.

Property owners were unhappy with the inclusion of residents who were not property owners in the survey and also presented a number of responses that had not been lodged with the City prior to the closure of the consultation due to various reasons.

A petition was also submitted to the City at the meeting requesting Council to replace the existing asbestos fencing as a higher priority to continuing the planting strategy of the Friendship Way Landscaping Program. Some residents also requested consideration of a screen wall or barrier along the verges that would provide the visual improvement without the replacement of the existing asbestos fencing.

Residents also objected to any proposal involving removal of existing pedestrian or vehicle access gates to Spearwood Avenue.

### **Submission**

The petition and outstanding consultation responses are included as Attachment 1.

### **Report**

If the additional responses received at the site meeting are included in the survey and only the property owners comments are evaluated the following results are realised.

<b>Survey</b>	<b>Properties</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Original	29	13	3	13
Revised	29	19	3	7

The results show an additional six (6) properties have provided a response compared to the original survey. These additional responses, received through the petition, demonstrate a 65% return across the property owners in the affirmative. The property owners who advocated in the negative remain consistent and the seven (7) owners who didn't



respond are ostensibly property investors. Although the results are not a clear mandate to precede with the replacement of the fences it demonstrates the heightened interest in improving the appearance along this stretch of Spearwood Ave at Council's cost.

Based on the revised survey results, including the petition, the following options are proposed for consideration, as discussed and presented previously:

1. Replace the fences along Spearwood Ave

The option to remove the existing fibro fence and replace with colour bond fence has a number of constraints which will require further investigation prior to execution. In accordance with the Dividing Fences Act 1961, the City and each individual property owner will need to enter into a legal agreement to override the provisions of the Act. The agreement will need to outline the City's responsibilities pertaining to the removal and replacement of the fences and mitigation of future for claims for damages and maintenance. Property owners will be required to agree to the City's conditions and facilitate all future maintenance and replacement requirements at their cost. The agreement will also need to consider future ownership particularly as these properties are developed in order to mitigate the City risk.

In order for this option to be executed in its entirety, consultation with the owners who didn't respond and the three (3) negative respondents will need to be undertaken. Whilst it is envisaged these owners will invariably accept the decision of Council, it would be prudent to receive confirmation of their acceptance. Should this not transpire the City will need to reconsider its position as a contiguous fence may not be possible, thereby detracting from the current project scope. Furthermore, the City will need to comprehend the cost implications of executing individual legal agreements with each property owner and whether any contribution from the adjoining land owners is applicable.

It has been estimated that the fencing replacement will be in the order of \$105,000 however the legal costs have yet to be determined and will require detailed analysis before a firm budget is realised. As there is no funding within this year's program, Council would need to consider this option when workshops are held for the 2017/18 capital works program.



## 2. Friendship Way Landscaping Proposal

As outlined in the September 2016 OCM report, landscaping works along this section of Spearwood Ave are being delivered in accordance with the design for the Peace section of the Friendship Way project. The landscape to this section has seen the planting of ornamental almond trees. It is envisaged the spacing of the almond tree at maturity will provide a natural screen to the fencing along this section of Spearwood Av, thereby mitigating the need to replace private residential fences. Following construction of the bore at Peace Park, an irrigation network will be installed to support the growth of the almond trees and the future planting of groundcovers in this section.

Funding for this option is current provided within the Parks capital works program.

## 3. Investigate a screen wall directly abutting the existing fence line

Although the landscaping proposal to this section of Spearwood Av will provide a natural screen on maturity of the almond trees, there is an opportunity to explore the construction of a screen fence to mitigate the requirement of option 1. This option would enhance the landscaping treatment and through a rigorous design process enable the incorporation of the horticultural heritage as raised by members of the Phoenix Design Guidelines Working Group.

This option will need require further analysis with designs being reviewed by the working group and adjoining property owners in order to achieve an agreed outcome. As this option is currently not listed within the Parks and Environment 2016/17 Business Plan and no funding allocation provided, it would be prudent to list this for consideration in the 2017/18 CW program.

The three options outlined above all viable projects, subject to Council's decision to meet the needs of the community expectations. However the replacement option will set a precedent that could have far reaching implications for the City to manage in the future and require a huge investment in officer's time to engage with each property owner to execute legal agreements.

Furthermore it would be prudent to hold off on the construction of a screen wall until the completion of the landscape works and the almond trees have matured. Based on the analysis, officers recommend the continuation of the landscaping to this section of Spearwood Ave in accordance with the Friendship Way landscape design and review the effectiveness of the natural screening on maturity of the almond trees.



## **Strategic Plan/Policy Implications**

### **City Growth**

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

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

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health.
- Improve the appearance of streetscapes, especially with trees suitable for shade.

## **Budget/Financial Implications**

There is no financial implication if Council adopt the recommendation. The City has a budget allocation of \$200,000 to complete these works in the current financial year.

## **Legal Implications**

Should Council choose to replace the existing fences with colour bond fencing a legal agreement would need to be signed by all property owners for maintenance of the fence into the future by the property owners and future property owners as well as Council waiving the requirements of the Dividing Fences Act 1961.

## **Community Consultation**

Further consultation with property owners carried out as noted above.

## **Risk Management Implications**

Replacing residential fencing will set a precedent for future fencing requests by individuals or community groups adjacent to Public Access Ways, Public Open Space or land owned by the City and also has the potential for backlash by community representatives.

In addition, replacing fence panels has a number of significant risks including the process for the removal and disposal of asbestos fencing, preventing access to properties during the project period, damage to private infrastructure and unknown costs to alleviate differential lot levels and damage to the existing landscape.



**Attachment(s)**

1. Petition and Outstanding Consultation Responses
2. Spearwood Ave property owners

**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 9 March 2017 Ordinary Council Meeting.

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

Nil.

**DECLARATION OF IMPARTIALITY INTEREST – CLR S PORTELLI**

AT THIS POINT IN THE MEETING, THE TIME BEING 8.43PM, THE PRESIDING MEMBER READ OUT THE FOLLOWING DECLARATION OF INTEREST, AS ADVISED BY CLR S PORTELLI.

“Pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, I wish to declare an Impartiality Interest in Agenda Item 17.2 “Wyola Shipwreck Management”. The Nature of my interest is that I provided a submission on the matter in my capacity as a citizen of the City of Cockburn”.

**17.2 (MINUTE NO 6036) (OCM 09/03/2017) - WYOLA SHIPWRECK MANAGEMENT (064/004 & 175/001) (B ROSER) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) retain the Wyola Shipwreck and barge in their present locations;
- (2) approve the adoption of a long term management programme for the site; and
- (3) include funds for consideration in the 17/18 Operational Budget for the purpose of long term management and maintenance of the site.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

C Y O'Connor beach is popular for horse training, swimming and walking with additional recreational features such as the nearby Port Coogee Marina and dive trail. It is a very popular beach and will continue to grow in its utilisation by a broad spectrum of the community.

The beach also accommodates the Wyola shipwreck and barge remains, partially buried in the sand approximately mid-way along the beach. The site provides a point of interest along the beach, however, given the beach's increasing popularity, the wreck and barge presents a challenge to the City in managing the longer term safety of beachgoers.

At the July 2016 Grants and Donations Committee a proposal was presented to hold a horse race along the beach to re-enact an 1833 horse race, believed to be the first official horse race held in WA.

At a Special Meeting on 25 August, 2016, Council considered the grant request and resolved:

*"That Council:*

- 1. Supports the staging of a family fun day and commemorative plaque unveiling for beach horse racing to be organised and managed by Amalfi Publishing;*
- 2. Supports the placement of a plaque at CY O'Connor Reserve;*
- 3. Approves funding of \$7,000 from the Community Grants Scheme to Amalfi Publishing provided that the terms and conditions within the City's Events Application process for the event are adhered to."*

It was noted by City staff at the time that the proposed race would require the removal of the Wyola shipwreck and this removal would



require a degree of community consultation, a decision by Council and liaison with a variety of State Government Departments.

The City has now completed the community consultation and received advice back from relevant State Government Departments. As per the report below, it is recommended that the wreck and barge remain in situ and be managed as coastal features for the benefit of current and future generations. A copy of the public consultation results is included as Attachment 1 for reference.

### **Submission**

N/A

### **Report**

#### History

Between the mid-1850's to well into the 20<sup>th</sup> Century the beach formed part of a large industrial zone which featured Robb Jetty, Fremantle Smelting Works, Newmarket Hotel, large expanses of paddocks, a quarantine area and an explosives magazine. The area also contained a power station, bacon factory, limekiln, orchards, vegetable gardens, dairy farms, drying sheds, tanneries and an extensive railway system.

From the 1830's the beach was known for the exercising and training of horses, an activity that has continued to the present day. The South Beach Horse Exercise Area is listed on the Register of Heritage Places.

The Wyola was built in 1912 by Messrs J. T. Eltringham and Co. in South Shields, England and served under the Swan River Shipping Company. The Wyola was a 306-gross-ton single crew steam tug, measuring 125 feet (38.1 metres) in length, 24 foot six inch (7.5 metres) in beam and 13 feet six inch (4.1 metres) in draught. Once built, it departed for Fremantle to be part of the Swan River Shipping Company.

The Wyola was integral for the functioning of Fremantle Harbour when in operation, performing services such as towing vessels and assisting stranded boats.

In 1965, after many years of service, both abroad and within WA, a routine survey of the Wyola indicated that extensive repairs would be necessary to keep the vessel in service after 1969. Delays in the building of a new tug extended the commission of the Wyola to 1970. On January 27, 1970 ownership of the Wyola passed to Goldfield Metal Traders for scrapping and registry of the Wyola was officially cancelled on September 25, 1970.



Goldfield Metal Traders took the tug to Robb Jetty, where they moored a barge alongside to cut the vessel down. It is unclear as to why the work was not completed; however, the tug was predominantly left on the beach where it still remains to this day.

Robb Jetty was demolished in 1975 and the Abattoir eventually closed in 1994.

Information surrounding the barge is limited; however, it has a length of 20.5 metres and beam of 9.5 metres and is believed to have been used in scrapping the Wyola in 1970 whereby it was brought ashore, becoming derelict and catching fire. The remaining timbers became buried next to the Wyola wreck.

### Current state

The Wyola Shipwreck and Barge are heavily corroded and are still located on C Y O'Connor Beach. Sections of both remain in the sand and the extent of protrusion from the beach depends upon the prevailing wind and tide movements. The keel of the Wyola hull lies beneath the sand.

This section of beach is used daily by trainers exercising horses, dog walkers and other beach users with the wreck and barge having long been an attraction to tourists, photographers, marine archaeologists and locals.

There have been limited complaints and incidents reported to the City regarding the danger the shipwreck and barge remains poses to beach users, including horses and riders. These complaints are limited when considered against the number of people who experience the wreck site daily.

The City of Cockburn has previously cut away exposed sections of the Wyola that have appeared on the beach and near the beach access path from 2012 onwards. Since then, a plaque has been installed and the City has completed extensive consultation about the safety of the wreck on the beach.

To gain further understanding of the size, depth and condition of the wreck, staff engaged Local GeoTechnics, a geotechnical consultant to identify and confirm the size and scale of the shipwreck below the sand and confirm the depth of the shipwreck and its alignment.

Local GeoTechnics used a combination of field work (including Ground Penetrating Radar) and desk top review (incorporating Landgate aerial





imagery) to complete their assessment. A copy of the report is included as Attachment 2 for reference.

The report revealed the bow of the shipwreck is at the sea side and stern is at the shore side. The depth of the shipwreck varies from 1.0m (from the bow end to the middle beam), approximately 1.8m at the middle part and approximately 2.0m to 2.5m at the stern end (shore side). The depth of the bottom of the shipwreck may vary as the depth was measured from the existing surface level which has been changing continuously due to sand filling or erosion by tidal wave occurring at the site.

The upraised portion of side shell of the shipwreck was found to be rusted and damaged. The middle beam was also found rusted and decayed. Solid steel/iron was felt at the bottom of the shipwreck.

#### Heritage considerations

In August 2013 during the advertising of the annual update of the Local Government Inventory (LGI) the WA Maritime Museum nominated the Wyola Barge and Wreck for inclusion on the City's LGI as a separate place.

The heritage value of the Wyola Barge and Wreck were subsequently considered, which included input from the City's heritage consultant, Eddie Marcus. It was determined that they have the following heritage significance (Statement of Significance):

- *Wyola Wreck and Barge (remains)* have historical significance as a tangible and visible reminder of the maritime history associated with Cockburn Sound.
- The *Wyola* is associated with both World Wars and had a long and important association with the Fremantle Harbour shipping industry, through its involvement in long-distance towing, salvage and rescue.
- The remains of the hull of the *Wyola* form a landmark on C. Y. O'Connor Beach, and have aesthetic and interpretive significance.
- *Wyola Wreck and Barge (remains)* have social value as a publicly accessible landmark, contributing to the community's sense of place.
- The timber barge has social and historic significance for its association with shipbreaking activities and Cockburn's maritime industrial heritage.

The proposal to include the Wyola Wreck and Barge on the LGI and Heritage list was adopted by Council at 10 April 2014 OCM.



The City's Local Government Inventory awarded the Wyola tug and barge a heritage rating of B, classifying it as "considerable significance". Category B places should be protected through appropriate management. There is a presumption against removal.

The Wyola and timber barge are not protected by the State Maritime Archaeology Act 1973 as they were wrecked post-1900, however, it is clear the sites have historical significance to the heritage and maritime history of the Fremantle and Cockburn region. There also does not appear to be protection under the Commonwealth Historic Shipwrecks Act 1976.

Referring to the WA Maritime Museum's Shipwreck Databases the Wyola wreck is noted as being inspected by the museum in 2004 and has been listed as "not protected State". Given this scenario, the WA Maritime Museum would prefer the City retain the wreck at its current location, but also appreciates the wreck may be presenting certain safety risks for the City.

There are other buried wrecks north of Port Coogee that form key features of the Coogee Maritime Trail. These include the James (1830), the Diana (1878) bookended by the also visible Omeo (1905) shipwreck, however, it is rare that shipwrecks are visible to the general public, and the Wyola is a landmark in the seascape at C Y O'Connor Beach. It is also part of a maritime precinct incorporating the wreck of the timber barge, the remains of Robb Jetty dive site offshore, C Y O'Connor statue, and adjacent cattle run interpretation for the old abattoir/meatworks.

There is potential to better interpret the historical values of the wreck and also include it as part of a foreshore walking/ cycling wreck/heritage trail that would extend from Fremantle to Woodman Point.

Overall, the wreck and barge are classified as very important to the heritage of the locality, conservation of the place is highly desirable and any alterations or extensions should be sympathetic to the heritage values of the place.



## Site Management Considerations



The City has regularly completed minor works to improve the safety of the immediate area of the wreck site. This has included re-aligning the beach access footpath and grinding away of some of the wreck structure. This has temporarily improved the overall safety of the immediate area for beach users but unfortunately, there is little doubt the exposed remnants of the shipwreck present a hazard with a risk of injury to users of the beach (e.g. pedestrians and horse riders accessing the beach).

The level of risk to beachgoers appears to vary with the amount of wreck exposure due to changing tidal and weather conditions leading to either erosion or accretion of sand at the location. Such risk, though, if managed appropriately, is considered acceptable especially when compared to the array of other risks that a coastal location presents.

It is proposed the shipwreck and barge remain in-situ with City staff to explore long term management options, which may include regular excavation and partial or full removal of protruding steel from the body of the ship on the beach to ensure beachgoers and horse rider's safety.

With the above in mind, the longer term management of the site will include:

- Immediate excavation of the shipwreck from approximately 2.0m to the landward side of the bow. Remove the upper section of the hull to ensure a minimum depth of approximately 1.0m clearance below the sand along the beach.



- Complete monthly inspections of the wreck to identify hazardous protrusions from the beach. These are to be removed once identified.
- Complete monthly inspections of the signage at the wreck site and beach access paths to ensure beach users are well informed.

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

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

- Provide for community facilities and infrastructure in a planned and sustainable manner
- Provide safe places and activities for residents and visitors to relax and socialise

#### **Leading & Listening**

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

### **Budget/Financial Implications**

It is proposed to include an operational works budget for consideration in the 2017/18 financial year of \$20,000 to cover the ongoing inspections and initial excavation and removal of portions of the wreck.

### **Legal Implications**

N/A

### **Community Consultation**

The community consultation was based on:

- Maintaining safety for beach users;
- Ensuring safety for participants in a proposed family fun day with horse races in 2017;
- Providing direction to City staff about dealing with the wreckage.

As the first stage of consultation, the City interviewed some key local stakeholders to flesh out the issues and received feedback from some maritime archaeologists around Australia and the WA Museum.

As the second stage of consultation, the City invited residents across the City to voice their concerns and sentiments via an online survey on Comment on Cockburn (153 responses) and via Facebook (53 responses).



The invitation to comment was publicised through electronic newsletters and a newspaper advertisement.

The outcome was:

Stakeholders	In favour of retaining wreck on the beach	In favour of removing wreck from the beach	Neutral
<b>Residents</b>			
Facebook (n=53)	92%	8%	-
Survey (n=153)	65%	31%	4%
<b>Key stakeholder groups</b>			
WA Museum (n=1)	✓		
Maritime archaeologists (n=2)	✓		
Coogee Beach Progress Association (n=1)		✓	
Horse trainers (n=2)		✓	
Council landscape architect (n=1)	✓		
Cockburn historical society (n=1)		✓	
Aboriginal Reference Group		No action in dunes	
Journalist/publisher (n=1)		✓	
South Beach Community Group (n=1)			✓

In summary, the majority of respondents (68%) who participated in the community consultation process wish to see the wreck and barge retained on the beach. Only 28% are in favour of removal of the wreck.

This reflects the heritage values represented by the place and also the desires of the community which overwhelmingly supports retention of the wreck and barge.

A copy of the full consultation report is available at <http://comment.cockburn.wa.gov.au/>

### Risk Management Implications

There is little doubt the exposed remnants of the shipwreck present a hazard with a risk of injury to users of the beach (e.g. pedestrians and horse riders accessing the beach). Failure to adopt the recommendation may result in an increase of public safety risk at the wreck site. Placing this in context, there are numerous other hazards associated with the beach environment and through careful management coupled with appropriate public behavior, such hazards can be managed.

Additionally, given that an extensive community consultation process has been undertaken, the community would expect that where a clear



majority of respondents seek a certain course of action that Council would decide accordingly unless a clear reason for an alternative decision was provided. By not adopting the recommendation the City may suffer reputational damage if it was not seen to be listening and responding appropriately to its community.

By adopting the decision and managing the site, this important coastal feature can be retained for the future.

**Attachment(s)**

- 1 Public Consultation report Wyola Wreck
- 2 Geo-Technical report Wyola Wreck

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

Those involved in the community engagement have been advised that this matter is to be considered at the 9 March 2017 Council Meeting.

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

Nil.

NOTE: DURING ITEM 17.3, CLR P EVA LEFT THE MEETING AT 8.45PM AND RETURNED TO THE MEETING AT 8.48PM.



**17.3 (MINUTE NO 6037) (OCM 09/03/2017) - TRAFFIC MANAGEMENT IN RIGBY AVENUE AND SURROUNDING AREA (047/013) (CSULLIVAN/JKIURSKI) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) authorise City officers to investigate the specific intersections and parking concerns noted in the report and submit a further report on proposed traffic management measures in the area to a future Council Meeting;
- (2) notify the WA Police of resident concerns about speeding in the area and request additional Police surveillance, along with variable message boards; and
- (3) include an allocation of \$100,000 for consideration in the proposed 2017/18 budget to begin to address the higher priority projects identified in this report.

**COUNCIL DECISION**

MOVED Cllr C Terblanche SECONDED Cllr L Sweetman that Council:

- (4) authorise City Officers to investigate the specific intersections and parking concerns noted in the report and submit a further report on proposed traffic management measures in the area to a future meeting, but replace "Action Item 1" in the table on page 83 of the Agenda with the following action:  
  
"Install appropriate traffic calming devices along Rigby Avenue in consultation with the street's residents."
- (5) as recommended; and
- (6) as recommended.

**CARRIED 7/1**



## **Reason for Decision**

Residents in Rigby Avenue should not be unfairly treated by installing 'No Parking' signs on their street, when it is other road users from outside their street who are adding to the significant speed and volume problems that the street are experiencing. Residents should be allowed to safely park their cars on the side of the road as in any other normal residential road. By installing traffic calming devices, it will slow traffic down and allow the residents to still park their cars in the street, and to do so safely. It should also reduce the increasing speeding problems being experienced by local residents in the street as the street is 300m long and straight and as such very easy to go at excessive speeds on making the road unsafe for all.

## **Background**

Concerns have been raised regarding traffic and pedestrian safety for some years on Rigby Avenue, Spearwood and also relating to the traffic generation and movements in the Packham North District Structure Plan area. A number of requests to close or partially close Rigby Avenue at the western end have not been supported by the City.

During 2015 and 2016, City officers carried out a number of speed/volume counts on Rigby Avenue which indicated that while the number of heavy vehicles had increased due to land development activity in the area, the average weekday volume and 85<sup>th</sup> percentile speed did not indicate that any form of intervention was required. A copy of these assessments and commentary are included as Attachment 1 for reference.

## **Submission**

N/A

## **Report**

Following a number of concerns expressed to Elected Members, City officers invited the residents of Rigby Avenue and the surrounding area to a public meeting held at the City Administration Centre on 13 December 2016 to allow a general discussion of opinions from residents on traffic and safety issues in their local area. The meeting was attended by the Mayor and Ward Councillors and conducted by City officers.

A number of submissions were made by residents who were unable to attend the meeting and a copy of these is included as Attachment 3 for reference. A copy of the City officer's presentation is included as Attachment 4 for reference also.





The summary of points raised is shown below:

- General concern about speeding and illegal parking over the study area, particularly enforcement of 50 kmh zones, more signage required (eg Entrance Road, Pallett Road, Mell Road, Rigby Avenue, Pennlake Road);
- A request for a roundabout at the Mell Road/Hamilton Road intersection;
- Pennlake Road/Gerovich Road intersection control, visibility and pavement marking issues;
- Rigby Avenue/Rockingham Road intersection capacity and the safety of turning movements;
- Dangerous turning movements at the Rigby Avenue/Mell Road intersection;
- Parking congestion in the vicinity of multi-unit developments and reserves such as Watson Reserve;
- The need to upgrade pedestrian and cycling pathways to improve safety and connectivity;
- Excessive traffic volumes in the Rigby/Bramston/Mell/Gerovich area;
- Pavement markings are worn in places and need repainting;
- A centre line is required to better guide traffic (e.g. Pennlake Drive);
- Traffic movements at the King St/Hamilton Rd roundabout;
- Right turns out of Orsulich Loop need Stop sign control;
- A footpath is required along the north side of Rigby Avenue;
- Mell Road/Pennlake roundabout safety at pedestrian crossings, particularly for the aged care facility;
- Traffic problems at the northern end of Mell Road in regards to blind spots from the rail line to 83 Mell Road
- Maintenance of verge trees/vegetation in the area is required to address sight line issues and provide unobstructed passage for path users.

City officers have assessed the points raised and identified a number of actions with priorities to address these concerns as shown in the table below.



#	Action	Description / Justification	Priority	Responsibility
1	Install a parking restriction signage along Rigby Av	"No Parking" signage will be installed along Rigby Av to improve safety and traffic movement through the area.	High	City of Cockburn
2	Install 50km signage along Entrance Road, Pallett Road, Mell Road, Rigby Avenue, and Pennlake Road	Work with MRWA to provide additional 50km signage to remind drivers about speed environment within the area	Medium	City of Cockburn / MRWA
3	Investigation and completion of a preliminary design for roundabout at the Mell Road/Hamilton Road intersection.	Identify opportunity for roundabout installation at intersection of Mell Road/Hamilton Road, which will provide a better traffic flow.	High	City of Cockburn
4	Investigation and completion of a preliminary design for roundabout at Rigby Avenue/Rockingham Road intersection.	Identify opportunity for roundabout installation at intersection of Rigby Avenue/Rockingham Road, which will increase intersection capacity and provide a better traffic flow.	High	City of Cockburn
5	Investigation of the visibility and pavement marking at intersection of Pennlake Road/Gerovich Road	Work with MRWA to renew pavement marking	High	City of Cockburn / MRWA
6	Investigation for reconstruction of Rigby Avenue/Mell Road intersection	Identify opportunity for reconstruction of Rigby Avenue/Mell Road intersection to improve turning movements and safety within area.	High	City of Cockburn
7	Investigation for reconstruction of King St/Hamilton Rd roundabout	Identify opportunity for reconstruction of King St/Hamilton Rd intersection to improve turning movements and safety within area.	High	City of Cockburn
8	Investigation for reconstruction of Mell Road/Pennlake Rd roundabout	Identify opportunity for reconstruction of Mell Road/Pennlake Rd intersection to improve pedestrian crossing.	Medium	City of Cockburn
9	Improve pedestrian safety and footpath network efficiency	Identify opportunity for footpath and cycling pathways construction to improve safety and connectivity within area.	Medium	City of Cockburn
10	Investigation of parking issues in the vicinity of new developments and construction sites	Parking issues in the vicinity of new developments and construction sites will be considered during development of a Citywide Parking Strategy.	Medium	City of Cockburn
11	Traffic Count investigation	Complete new traffic count within area on 2018 to define is there any variations to the current traffic volume and speeding behaviour	Medium	City of Cockburn

## Strategic Plan/Policy Implications

### Moving Around

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



- Identify gaps and take action toward extending the coverage of the cycle way, footpath and trails network
- Improve connectivity of transport infrastructure

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

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

### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

### **Budget/Financial Implications**

While there are no impacts on the Council budget for the current financial year, a budget allocation of \$100,000 is proposed for Council's consideration in the 2017/18 capital works budget for the detail design and consultation of the actions identified, in their order of priority.

### **Legal Implications**

N/A

### **Community Consultation**

A public meeting was conducted at the City Administration Centre on the evening of 13 December 2016. A copy of the public notification of the meeting is included as Attachment 2 for reference. A total of 1,690 letters to residents were sent out for the study area. The area was bounded by Rockingham Road to the east, Hamilton Road to the west, the freight railway line to the north and Troode Road to the south.

### **Risk Management Implications**

Should Council not support the recommendation, the risk to public safety at the locations identified in the report will remain and will not be mitigated. The level of risk of accidents or near misses at these locations would remain as substantial, with the consequential damage to the City's reputation and potential liability claims.



**Attachment(s)**

1. Results of Traffic Counts on Rigby Avenue in 2015 and 2016.
2. Notification of Public Meeting on 13 December 2016.
3. Submissions received for the Public Meeting
4. City Officers Presentation 13 December 2016

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

The attendees of the public meeting and those who lodged a submission have been advised that this matter is to be considered at the March 2017 Ordinary Council Meeting and will be advised of Council's decision.

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

Nil.

**17.4 (MINUTE NO 6038) (OCM 09/03/2017) - TENDER NO. RFT 02/2017 - PROCESSING SERVICES FOR RECYCLABLE MATERIALS (RFT 02/2017) (L DAVIESON) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Suez Recycling & Recovery Pty Ltd, for Tender No. RFT 02/2017 – Processing Services for Recyclable Materials. The estimated sum of the service is \$1,222,728 (GST exclusive) including a transport calculation over the three (3) year period of the Contract.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City provides a weekly 240 litre MGB Recycling collection service for residential and commercial properties throughout the Local



Government District. This material is currently processed at the South Metropolitan Regional Council (SMRC) in Canning Vale. The City has issued its intention to withdraw from the SMRC Project Participant's Agreement on 30 June 2017. As a consequence, the City will require an alternate, competent processor for the co-mingled recyclables collected from the yellow top bin.

The City collects approximately 13,000 tonnes of Recyclable Materials annually. Weekly tonnages of Recyclable Materials will vary dependant on presentation rates and seasonal fluctuations. This Tender seeks the services of a suitable contractor to receive and process this co-mingled material. Recyclable Materials will be delivered to the designated Materials Recovery Facility (MRF) as specified by the Contract.

- The Contractor shall receive the Recyclable Material delivered by the Principal;
- The Contractor will process the Recyclable Materials and separate them into individual Recyclates, suitable for sale to the market;
- The Contractor will market and sell the sorted Recyclates;
- The Contractor will dispose of residual waste at a suitably licensed disposal facility; and
- The Contractor will provide comprehensive reports detailing Recyclable Materials received, residual waste and Recyclates sold to the satisfaction of the requirements of the Department of Environment Regulation's Annual Compulsory Waste Census and the Principal.

The successful Tenderer will be deemed the Principals' Contractor for these services and any similar or additional services that may be required during the entirety of the proposed Contract.

The Contract will be for an initial period of three (3) years and will commence on 1 July 2017. There will be Principal instigated options to extend the Contract period by an additional twelve (12) month period and for up to twelve (12) months after that to a maximum period of five (5) years.

Tender No. RFT 02/2017 – Processing Services for Recyclable Materials was advertised on Saturday 4 February 2017 in the Local Government Tenders section of "The West Australian newspaper. It was also displayed on the City's E-Tendering website between the 4 and 21 February 2017.



## Submission

Tenders closed at 2:00 p.m. (AWST) on Tuesday 21 February 2017 and four (4) tender submissions were received from:

1. Suez Recycling and Recovery Pty Ltd.
2. South Metropolitan Regional Council
3. Cleanaway Pty Ltd
4. Aurigen Group Ltd

## Report

### Compliance Criteria

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

	<b>Compliance Criteria</b>
(a)	Compliance with the Conditions of Tendering ( <b>Part 1</b> ) of this Request.
(b)	Compliance with the Specification ( <b>Part 2</b> ) contained in the Request.
(c)	Completion and submission of Form of Tender – <b>Clause 3.1</b> .
(d)	Compliance with Licence Requirements and completion of <b>Clause 3.6</b> .
(e)	Compliance with Financial Position requirements and completion of <b>Section 3.2.6</b> .
(f)	Compliance with Insurance requirements and completion of <b>Section 3.2.7</b> .
(g)	Compliance with Qualitative Criteria requirements and completion of <b>Section 3.3.2</b> .
(h)	Compliance with Fixed Price requirements and completion of <b>Section 3.4.2</b> .
(i)	Compliance with and completion of the Price Schedule <u>in the format provided</u> in <b>Part 4</b> .
(g)	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .
(h)	Acknowledgement of any Addenda issued.

### Compliant Tenderers

All four (4) Tenderers were deemed compliant and were evaluated.



Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	15%
Key Personnel Skills and Experience	10%
Operational Performance	40%
Sustainability	5%
Tendered Price	30%
<b>TOTAL</b>	<b>100%</b>

Evaluation Panel

The tender submissions were evaluated by:

1. Lyall Davieson – Waste Manager
2. Mickey Danilov – Waste Collection Coordinator
3. Chantelle D’ascenzo – Rates and Revenue Manager

Scoring Table - Combined Totals

<b>Tenderer’s Name</b>	<b>Percentage Score</b>		
	<b>Non-Cost Evaluation</b>	<b>Cost Evaluation</b>	<b>Total</b>
	<b>70%</b>	<b>30%</b>	<b>100%</b>
<b>Suez Recycling &amp; Recovery Pty Ltd</b> **	<b>51.30%</b>	<b>30.00%</b>	<b>81.30%</b>
Cleanaway Pty Ltd	47.23%	11.01%	58.24%
Aurigen Group Ltd	41.97%	15.47%	57.44%
South Metropolitan Regional Council	41.00%	13.65%	54.65%

**\*\* Recommended Submission**

Evaluation Criteria AssessmentDemonstrated Experience

Cleanaway and Suez demonstrated significant experience in the operation of Materials Recovery Facilities (MRF) for the processing of comingled recyclables, detailing dozens of local governments to which they deliver this service.



### Key Personal Skills and Experience

All tenderers proved they had sufficient key personal skills and experience to operate a successful MRF.

### Operational Performance

All Tenderers had adequate capacity to accept the City's recyclables as of 1 July 2017. The SMRC, Cleanaway and Suez offered the most sophisticated comingled recyclable MRFs.

### Sustainability

Cleanaway, Suez and Aurigen obtained moderate scores in this section with their commitments to social enterprise and indigenous employment.

### Summation

All tenders are considered to have the capacity to meet the City's requirements as detailed in the Specifications as well as comply with the General and Special Conditions of Contract as stated in the tender document.

The estimated sum listed is a calculated figure used for comparative purposes and not the total cost of the service. This figure represents the tonnage rate of processing recyclables together with costs associated with the hours involved in delivering the product to the respective Material Recovery Facilities for each of the four (4) tenderers. An assumption was used to calculate only movements from the City's Operation Centre to the Suez MRF, for the purpose of comparing tenders. The estimated sum listed does not reflect the actual truck movements on their daily runs.

Suez provided the best score against the selection criteria when assessing the tonnage rate, the travel distance to the MRF and the high compaction level above which a penalty would be imposed. Suez provided a very competitive price per tonne and offers a professional service; consequently, their tender should be supported.

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

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

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





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

### **Leading & Listening**

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

### **Budget/Financial Implications**

In the past decade, the City has budgeted around \$1million each year for OP 9556 "Entry Fee for Recyclables" at the SMRC. In the 2017-18 budget, Waste Services will be proposing a significantly reduced budget for OP9556 for the processing of recyclables at the Suez Bibra Lake MRF. This is a saving of approximately \$3-3.5m subject to increase in tonnages over the three year initial contract period.

Due to the location of the Suez MRF, it is estimated that the six recycle trucks will travel about 170,000kms less per year than their current journey to the SMRC in Canning Vale. This will result in significant savings in plant and labour costs associated with OP 9553 "Collection of Recycling Bins".

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Risk Management Implications**

The City and the SMRC have allocated significant resources to educating the community on how to correctly use their waste and recycling bins. There are some in the community that believe we do not actually recycle the contents of the yellow top bin. If there was no tender in place identifying an alternative processor of commingled recyclables post our withdrawal from the SMRC, this product could be landfilled. This would be a substantial risk to the City's communication strategy, its investment in waste education and our sustainability reputation.



**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

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

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 9/3/2017 Council Meeting.

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

Nil.

**(MINUTE NO 6039) (OCM 09/03/2017) - EXTENSION OF TIME**

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr B Houwen that Council extend the meeting for a period of 15 minutes, in accordance with Clause 4.14 of Council's Standing Orders Local Laws.

**CARRIED 8/0**

**Reason for Decision**

Suspending Standing Order 4.14 will allow Council sufficient time to conclude the business of Council.



## 18. COMMUNITY SERVICES DIVISION ISSUES

### 18.1 (MINUTE NO 6040) (OCM 09/03/2017) - COCKBURN AQUATIC & RECREATION CENTRE - PARKING STATION LOT 125 & 126 POLETTI ROAD, COCKBURN CENTRAL (154/006) (R.AVARD) (ATTACH)

#### RECOMMENDATION

That Council :

- (1) pursuant to Section 3.12 of the Local Government Act 1995 proceed to make a Local Law to amend the City of Cockburn Parking and Parking Facilities Local law 2007, as shown on the attachment to the agenda and advertise the proposed amendment for a minimum of six (6) weeks; and
- (2) pursuant to clause 9 (1) of the City of Cockburn Parking Facilities Local Law 2007 establish parking stations on Lots 126 and 125 Beeliar Drive, Cockburn Central, as Parking Station 3, as attached to the agenda.

#### COUNCIL DECISION

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

**CARRIED 8/0**

#### Background

Included in the development of the Cockburn ARC facility are approximately 470 car parking bays located under the power lines on Lots 125 and 126 Poletti Road, Cockburn Central.

#### Submission

N/A



## **Report**

There have been significant parking issues in the Cockburn Central area and within the Cockburn Gateways site generally in part due to the number of vehicles that park in the area to access the Cockburn Central train station. It is quite likely over time that there will be people parking in the Cockburn ARC car park and making their way to the Cockburn Central train station. The result of this will be that there will be cars parked in the Cockburn ARC car park for extended periods limiting parking for patrons of the Cockburn ARC. The creation of a parking station will allow the City to impose restrictions on the time people park in this car park without authorisation. Within the lease agreement the Fremantle Football Club (FFC) can have up to 120 car parking bays allocated to them for their staff. It is proposed that the City impose a 3 hour time limit on public parking on Lots 125 and 126 Poletti Road, Cockburn Central with permits for FFC and City staff for non-restricted parking periods.

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

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

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

### Purpose

To amend the City of Cockburn Parking and Parking Facilities Local Law 2007 to establish a new parking station to serve the Cockburn ARC facility on lots 125 and 126 Poletti Road, Cockburn Central.

### Effect

To effectively control the parking for the Cockburn ARC to allow parking availability for patrons of the Cockburn ARC complex.

## **Strategic Plan/Policy Implications**

### **Moving Around**

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



**Community, Lifestyle & Security**

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

**Budget/Financial Implications**

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

**Legal Implications**

Amendment to the Local Laws is in accordance with section 3.12 of the Local Government Act 1995.

**Community Consultation**

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

**Risk Management Implications**

The financial success of the Cockburn ARC is heavily dependent on patrons having ready access to parking. If they cannot find parking nearby they may well not attend the complex. The establishment of a parking station will give the City the legal means to ensure compliance to parking regulations in the carpark.

**Attachment(s)**

1. Draft proposed City of Cockburn Parking and parking Facilities Local Law amendments 2017.
2. Map of proposed parking station areas.

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

N/A

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

Nil.



**18.2 (MINUTE NO 6041) (OCM 09/03/2017) - CONSULTATION WITH ABORIGINAL REFERENCE GROUP - CULTURAL ACTIVITIES ON AUSTRALIA DAY (027/009) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the Aboriginal Reference Group Consultation Report;
- (2) allocate \$6,000 from the 2016/17 Grants and Donations Budget for an extended Aboriginal Reference Group and Aboriginal Community consultation process regarding the nature and type of cultural activities for future Australia Day events;
- (3) allocate \$2,000 from the 2016/17 Grants and Donations Budget for additional Nyungar cultural activities at the Australia Day Citizenship Ceremony in 2018;
- (4) approve the appropriate use of Nyungar language in the Acknowledgement of Country at Council Meetings and public events; and
- (5) require that the Reconciliation Action Plan (RAP) Review process consider the extended consultation findings and other recommendations contained in the Aboriginal Reference Group Consultation Report.

**COUNCIL DECISION**

MOVED Cllr C Terblanche SECONDED Cllr P Eva that Council:

- (1) as recommended;
- (2) allocate up to \$10,000 from the 2016/17 Grants and Donations Budget for an extended Aboriginal Reference Group and Aboriginal Community consultation process regarding the nature and type of cultural activities for future Australia Day events;
- (3) as recommended;
- (4) as recommended; and
- (5) as recommended.

**CARRIED 6/2**



## Reason for Decision

A slight increase in the amount provided for this consultancy will enable the process to be more comprehensive.

## Background

At the Ordinary Council Meeting on 8 September 2016 Council resolved to:

- (1) *retain the current allocation of sponsorship funds of \$25,000 for Indian Ocean Sky Show in the 2016/2017 Grants and Donations Budget;*
- (2) *produce an internal/external report on how it can hold an Australian Day fireworks display from 2018 onwards, with the said report being presented to Council prior to March 2017;*
- (3) *fund the report from the CEO's contingency fund should the CEO decide to outsource the report*
- (4) *liaise with the Mayor and Deputy Mayor over the report's terms of reference should the CEO outsource the report; and*
- (5) *require consultation with the Aboriginal Reference Group to determine the desirability of Council allocating an amount from the 2016/2017 Grants and Donations Budget, for Aboriginal Cultural considerations and healing activities relating to Australia Day.*

Note: Sub-recommendation (2) above is subject to a separate report prepared by the City's Corporate Communications Unit.

## Submission

N/A

## Report

The Aboriginal Reference Group (ARG) was advised of the Council decision and an initial consultation was held with the Aboriginal Reference Group in November 2016 which confirmed the need for a culturally appropriate consultation workshop process with the Aboriginal Reference Group.

Consequently Mr Oral McGuire from the Gundi Corporation was appointed by the City as a consultant to assist with a consultation workshop with the City of Cockburn's Aboriginal Reference Group. Mr



McGuire was requested to ensure that the consultation was undertaken in a culturally appropriate manner and in accordance with the Council decision.

The consultation workshop was completed on 17 January 2017 and the ARG members who could not attend on the day replied by email correspondence. The key questions raised were:

1. Are ARG members in agreement for Aboriginal cultural activities to take place on January 26, and is there anything in addition that they would like to see there, or in future years? (Eg. could be cultural or healing activities, if agreed to).
2. Is it appropriate to conduct cultural and/or healing activities on 26 January, and if yes, then what would/should the Grants and Donations fund be used for (up to \$25,000)?

These questions were presented as discussion points and people responded verbally in the consultation meeting and in writing through email correspondence. A summary of these views and comments are outlined below, with the full Consultant's report attached to the Agenda.

Australia Day represents many things to the modern Australian citizen of 2017. There is the historical perspective of British Australia, the multicultural perspective of modern Australia, the citizenship celebration of our newest arrivals and from an Aboriginal perspective the sometimes *forgotten* perspective of the First Peoples of Australia. It was from this perspective (forgotten/not represented) that ARG members wanted change to occur.

People generally felt supportive of the fact that it was too late to make changes to the arrangements for the 2017 event with Aboriginal artists having been booked months prior to the event. However, they were clear about making changes to the way the City of Cockburn engaged with the Aboriginal community about Australia Day events post 2017.

All members did not see the Australia Day event/date as a celebration, unless it was in the context of 'survival' (of Aboriginal peoples and their cultures). All members also expressed concerns about how community perspectives were represented by those Aboriginal community members who participated in events and activities. For example, cultural and healing activities that were conducted as part of the overall breakfast event, could be misconstrued by Non-Indigenous Australians as endorsements of or for the 'celebrations' of the day/date. All members felt there needed to be a stronger statement made by Council of the acknowledgment and respect for Indigenous Australians' perspectives on this specific date and what it actually represented for Indigenous peoples – ie. the beginning of Aboriginal people's





traumatic history. This statement could also serve to clarify the conflicting views between celebrating arrival and celebrating survival.

ARG members stated various concerns around the cultural activities of the Australia Day celebrations. Primarily, that the participation of Aboriginal people was not for the purpose of celebrating the date, but more about stating the struggles endured, the healing still required and the resilience and strength of Australia's First Peoples. As a part of the planning process it was clearly stated that a slower, more comprehensive consultation and engagement process (carried out over the 12 months prior to the date) be committed to by Council as a means of demonstrating Council's compassion, understanding and commitment to its Indigenous community. The ARG committed to provide the guidance and support to Council as part of this strategy. All members were committed to working openly and collaboratively with the City and Council over the next calendar year.

From this consultation with the ARG the following key activities and recommendations have been made by the Aboriginal Reference Group for Council consideration.

List of Activities & recommendations:

*That the Council consider:*

- Undertaking a comprehensive consultation process with the ARG and the broader Aboriginal Community about cultural activities being held on Australia Day (over the next 12 months) to 'slow the process down' in order to get a better outcome through proper engagement.
- Increasing the participation of Nyungar people in the Citizenship ceremony held on Australia Day – by having additional Nyungar engagement at the ceremony, including additional information in the welcome to country about the meaning of the 26 January, a smoking ceremony, and other culturally appropriate activities.
- A Council statement of commitment to be read by the Mayor at the Australia Day Citizenship Ceremony and the Australia Day Breakfast and potentially at ALL ceremonies (words to be consistent with RAP and previous levels of commitment from Council) – eg. 'Speaker' to use the phrase "Kaya, Wanju Wadjuk Budjar" somewhere in the statement, which means in English "Hello, Welcome to Wadjuk Land".
- Conducting a series of pro-active and interactive workshops with Aboriginal Reference Group members and key staff in the City



around Nyungar protocols/procedures concerning sacred knowledge/sites.

- Committing to dealing with sacred and knowledge sites matters in an appropriate and sensitive and respectful way – where Nyungar and Aboriginal people are thoroughly consulted and engaged.
- Advocating to the Commonwealth Government for a change of the Australia Day date.
- Supporting the development of Nyungar Language teaching, preservation and revitalization in consultation with the ARG and Kwoberup Elders.
- Expanding the ‘Bush Babies’ Community Art project (see below) as a means of promoting survival and resilience.
- Recognising and acknowledging Men’s (eg. Hunting) and Women’s (eg. Birthing) areas more prominently through interpretive signage
- The proactive use of appropriate language – ‘ancient culture & customs’, ‘Nyungar culture alive and thriving, still standing strong’. With Language to represent current situation more appropriately – present not past tense.

In order to be culturally appropriate and respectful regarding this sensitive topic it is recommended that the Council support the recommendation from the ARG for an extended consultation period which will require additional funding to appoint a consultant to engage with the Aboriginal Community in a culturally appropriate manner. The additional consultancy is estimated to cost \$6000. This recommended extended and broader consultation would include developing further understanding of the considerations listed in the consultancy report and described above.

It is recommended that the Council support the recommendation from the ARG to include additional cultural activities to the Australia Day Citizenship Ceremony in 2018 which will require additional funds of \$2,000. This will provide new citizens with a much deeper understanding of Aboriginal culture and perspectives.

The City is already undertaking the Bush Babies community art project and exhibition managed by Local Aboriginal Artist Sharyn Egan that shows the portraits and stories of Nyungar Elders who were born in the bush and the midwives who delivered them. The exhibition will be located in the Cockburn Seniors Centre from April to May 2017 and there is also an intergenerational schools program attached to this project.



It is suggested that other recommendations including the use of Nyungar language in the Acknowledgement of Country at public events and Council Meetings be approved as this is an important reconciliation gesture.

It is recommended that the activities and recommendations listed in the ARG consultancy report be incorporated and considered in the review process for the Reconciliation Action Plan which is currently being undertaken. The draft Reconciliation Action Plan will be developed in consultation with the ARG, the Reconciliation Action Plan Committee, and Reconciliation Australia and it is intended to be ready for Council consideration in October 2017.

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

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

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups.

#### **Leading & Listening**

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

### **Budget/Financial Implications**

The recommended extended consultation is estimated to cost \$6,000 of Municipal funds which will be required for a consultant to carry out further consultation work with the ARG and extended consultation and the broader Aboriginal Community to determine the detailed nature of other cultural activities for future Australia Day Events including the Citizenship Ceremony.

It is recommended that \$2,000 be allocated from the Grants and Donations Budget for expanded Nyungar cultural activities at the 2018 Citizenship Ceremony including an extended Welcome to Country, a Smoking Ceremony and culturally appropriate decorations.

The cost of the other recommended activities will need to be researched and considered as part of the Reconciliation Action Plan review for future financial years.

### **Legal Implications**

N/A



**Community Consultation**

Consultation with 15 of the Aboriginal Reference Group Community Members was carried out in January 2017 in accordance with the Council Decision. The consultation findings are contained in the main report and in the attachment to the Agenda.

**Risk Management Implications**

If the recommendations are not considered and adopted by Council there is an increased risk of reputational damage with the Aboriginal Reference Group.

If the recommendations are adopted there is a lower risk of reputation damage with the Aboriginal Reference Group.

**Attachment(s)**

Aboriginal Reference Group – Consultation Report.

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

N/A

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

Nil.



**18.3 (MINUTE NO 6042) (OCM 09/03/2017) - AUSTRALIA DAY FIREWORKS REVIEW (152/001) (M LA FRENAIS) (ATTACH)**

**RECOMMENDATION**

That Council: :

- (1) receive the "Project 3" consultant report; and
- (2) declines to undertake the delivery of a fireworks event on Australia Day in future years, in accordance with the content of the report.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The resolution from the Ordinary Council Meeting of 8 September 2016 states that Council:

- (1) *retain the current allocation of sponsorship funds of \$25,000 for Indian Ocean Sky Show in the 2016/2017 Grants and Donations Budget;*
- (2) *produce an internal/external report on how it can hold an Australian Day fireworks display from 2018 onwards, with the said report being presented to Council prior to March 2017;*
- (3) *fund the report from the CEO's contingency fund should the CEO decide to outsource the report,*
- (4) *liaise with the Mayor and Deputy Mayor over the report's terms of reference should the CEO outsource the report; and*
- (5) *require consultation with the Aboriginal Reference Group to determine the desirability of Council allocating an amount from the 2016/2017 Grants and Donations Budget, for*



*Aboriginal Cultural considerations and healing activities relating to Australia Day.*

Since 2012, the City of Cockburn sponsored the City of Fremantle's Indian Ocean Fireworks. This agreement ceased in 2016, two years earlier than the scheduled expiry. The City of Fremantle indicated that it no longer wished to run a fireworks event on Australia day due to cultural reasons and that it wished to create a culturally inclusive event 'One Day' on 28 January 2017. This event went ahead and was deemed a success by the City of Fremantle with an estimated 15,000 people attending. The Fremantle Business Improvement District also held a fireworks display in Fremantle fishing boat harbour on Australia Day with an estimated 10,000 spectators attending the event.

**Submission**

N/A

**Report**

Through a consultancy brief process, Project 3 was appointed to provide the report on how the City of Cockburn could hold an Australia Day fireworks event. Their findings provided the following recommendations/observations:

1. The only viable location for a display of the size and nature that is articulated would be off Coogee Beach. The fireworks could be launched from a barge approximately 350m offshore to mitigate environmental and bushfire risks.
2. This location would provide for the largest spectator viewing areas while also highlighting the picturesque coastal environment to the public. Attendance numbers would be anticipated as approximately 10,000 – 15,000 dependent on the level of promotion.
3. It is unlikely that any firework display in this area would attract the crowd numbers that Fremantle received in previous years (around 50,000, as there is no town centre infrastructure to support the event or encourage numbers. There are limited businesses in the area and the Fishing Boat Harbour businesses have indicated that they may continue to run an event in Fremantle
4. There is a risk that a new evening event may impact on the success of the City of Cockburn's Australia Day morning event and dilute crowds between the two events, rather than increasing overall crowds. The morning event (budget \$67K) is



popular and attracted the largest ever crowd (estimated 7,000 people) in January 2017. See attached results from the independent survey conducted on 26 January 2017 at the event and also with an opportunity to respond online.

Key recommendations should the event proceed:

- Detailed consultation with the Aboriginal Reference Group and Aboriginal Elders is undertaken prior to any decision.
- Coogee Beach, with fireworks launched off shore, is the recommended location based on consultation, feedback and risk mitigation.

### Cost

The cost of undertaking a fireworks event on Australia Day is \$294,250 including GST which includes public transport and an external event company to organise/deliver the event. Note that the Event Team would not have the capacity to run the fireworks event. The Event and Cultural Coordinator would still need to be present to oversee the event.

There is no projected budget allocated in the 2017/18 financial year for this event, costing estimates as follows:

<b>Expenditure</b>	<b>Cost</b>
<b>Administration</b>	
Event Management fee including insurance	\$72,500
Admin	\$2,500
Approvals	\$1,750
Volunteers	\$1,500
VIP's	\$1,000
<b>Marketing</b>	
Advertising	\$21,000
Design & Collateral	\$7,000
Publicity	\$4,500
<b>Operations</b>	
Security, public transport, traffic management	\$69,000
Equipment	\$14,500
Labour	\$14,000
Production including fireworks	\$80,000



<b>Expenditure</b>	<b>Cost</b>
Contingency	\$5,000
<b>TOTAL</b>	<b>\$294,250</b>

Please note a further budget breakdown can be found in the attached Consultant's report.

### Sponsorship

A number of potential key partners were approached for an initial opinion on the likelihood of sponsoring an Australia Day Fireworks event. The following feedback was gained:

#### Healthway – Shane Pavlinovich, Arts Program Manager

Healthway don't normally support community fireworks events as they don't tend to offer the opportunity to promote their health messages effectively. Exceptions to this rule would be if a community or Council were putting on additional community and family activities in the day and period leading up to the fireworks.

One example of where they do sponsor the community Australia Day fireworks is in The City of Albany. This is because they offer a number of activities throughout the day before the fireworks which attracts thousands of people and allows Healthway to promote their messages in a more conducive atmosphere and environment.

#### Lotterywest – Lucy Renolds, Grants Manager

Lotterywest highlighted that it likes to support community entertainment events and therefore although they do strongly support the Skyworks event in Perth they would also consider supporting other local community fireworks events in addition. However the level of funding would most likely be significantly less than that of Skyworks, closer to approximately \$20,000. No funding is guaranteed and would be assessed on its merits and opportunity at the time of submission.

#### Cockburn Gateway – Andrew Wilkinson, Marketing Manager

Cockburn Gateway advised that this is something they would have to discuss with the owners of the property and highlighted that he wasn't sure it would be something that they would support due to the media attention that Fremantle received from this. He also said that he thought that given the Centre would be closed at the time of the fireworks it would not be seen as a viable opportunity to drive customers.





There did seem to be interest in the other activities that the City were putting on at the Australia Day morning event and suggested that this was more in line with the events that they would support as it would provide them with an opportunity to encourage people into their Centre.

### Suppliers

Initial discussions with a number of suppliers indicated that Australia Day is one of the busiest days of the year for them. Given this it is unlikely that any in-kind support could be offered particularly given the scope of the requirements.

### Media Partners

Should the decision to proceed with a fireworks event be made, more detailed discussions could be initiated with media partners and it is likely that some level of support would be provided. They were hesitant to engage in meaningful discussions until a decision to proceed was taken.

### Environment

Fireworks are well known to have a negative impact on the environment with significant debris and waste generated in the firing process. This debris is a consideration for both ocean and land based wildlife. Chemical residue can also have an ongoing impact and it is difficult to clearly assess associated impact until after the event.

There are also prevailing weather conditions and increased fuel loads that raise the risk of bushfires at that time of year which will impact on the preferred launch locations. Significant concern is raised in relation to this from both internal and external departments and agencies.

Any outdoor event is subject to environmental conditions at the time. This increases the risk also of cancellation or impact to patron safety depending on weather conditions, with either extreme heat or storm conditions a risk.

### Bushfires

If the fireworks were discharged from a barge on the ocean and if the barge was located at reasonable distance from Coogee Beach, there would be no objection from Department of Fire and Emergency Services (DFES).

However, their support is subject to these conditions.



1. All activities proposed will need to comply in full with *Regulation 39E – Bushfires Act 1954*.
2. Strict adherence to the *Dept. of Mines and Petroleum Code of Practice Safe use of Outdoor fireworks in Western Australia - Part 6.1 – Weather Conditions*.

What the latter means is; should the local wind conditions meet or exceed 50km/h just before or during the event, the event must be immediately deferred or cancelled, irrelevant of the location of the barge.

### Traffic Management

With such a significant number of people attending an event like this the management of traffic and parking issues will be critically important. The City's Engineering Services recommends encouraging people to consider alternative transport modes eg. local residents walking to the event and the provision of public transport. Despite this it is expected there would still be a significant volume of vehicle traffic attracted to it.

A traffic and parking management plan would need to be prepared and would need to be approved by Engineering Services and Main Roads WA. As people would be encouraged to view the fireworks from a number of vantage points along the coast it would make the parking/traffic management more complex and costly. Management of these issues on the day would be quite resource intensive and could not be accommodated in-house. It would be necessary to engage a traffic management contractor. While there is traffic management for the morning event, it would not be sufficient for an evening event and would need to be increased.

The City's Engineering Services advises that management of on-street parking on local roads would potentially be the most difficult aspect to manage because of limited in-house resources and the likely need to manage parking over a long period of the day. The responsibility of managing on-street parking is not something that the City can delegate.

### Public Transport

The only viable temporary public transport services that could be implemented are increased bus services. Dedicated free public transport could be implemented from either Fremantle or Cockburn Central train stations.

The suggested drop off locations would be clearly identified and signposted points along Cockburn Road. The directional flow of drop offs and pick-ups would suggest a south to north direction to reduce



the amount of patrons crossing Cockburn Road. Bus stop locations would need to consider patron queue safety which will require increased lighting to safely implement as well as marshals to assist.

Free public transport networks are well established and often expected at major public events. They can be effective in transporting large numbers of patrons quickly and clearing the area however they are expensive to implement.

Encouraging other forms of transport such as walking or bike riding would also be advised to reduce the impact on the road network as well as improve the environmental impact. It is recommended that secure and accessible bike parking be provided and promoted.

### Community Economic Benefit

While the Coogee Beach Reserve location offers the optimum viewing and maximizes any potential attendance capacity, it will offer relatively little economic benefit to the area. There are limited businesses that would be in a position to benefit from the increased foot traffic and trade potential. Businesses within the Port Coogee marina and the Coogee Beach café may experience increased trade, if they are in a position to open at the time.

The Coogee Beach Surf Life Saving Club would be the most likely business to benefit from the event being held. The Australia Day morning event would already encourage traffic to the venue; however the addition of a fireworks event would lengthen the potential time of increased foot traffic.

If the attendance projection is not significantly increased over and above the current attendance at the morning event then it is unlikely that any significant increase in localized economic benefit would be seen.

There is a greater opportunity for increased economic benefit to the area if the event was to be held within the Cockburn Central precinct. However this timing again will not benefit all businesses given that it is a public holiday and the event would see the greatest attendance in the evening.

Restaurants and related businesses would be the most likely to benefit from the event through increased attendance in the area. Any event company contracted to run the event would be required to consult with and advise businesses on maximising opportunities.



### Current Australia Day Event

It is anticipated that should the current Australia Day morning event continue that an outside event contractor would be required to successfully plan and implement the evening event. It is likely that an outside contractor would be needed regardless to accommodate the increased complexity of aspects such as traffic and crowd management for such an event.

Additional resource may be needed to safely implement the normal resident support and services offered by the local authority for such an event, particularly in year one of introduction.

Australia Day is one of the busiest days of the year in the event industry and suppliers and contractors will be stretched across the State. This not only increases costs compared to other times of the year but would also require an early decision to ensure that competent and experienced contractors were available and equipment and infrastructure bookings were confirmed well in advance.

### Aboriginal Cultural Considerations

Council's resolution of 8 September 2016 also stated that Council is required to consult with the Aboriginal Reference Group and wider Aboriginal community to determine the desirability of Council allocating an amount from the 2016/2017 Grants and Donations Budget, for Aboriginal Cultural considerations and healing activities relating to Australia Day.

An initial Consultation was held with the Aboriginal Reference Group in November 2016, with a workshop held in January 2017. It was decided that a separate report be provided to Council regarding Aboriginal considerations.

### Conclusion

Further to the Project 3 Consultant's Report, the City does not recommend running a fireworks display for the following reasons:

- Officers believe that the cost to host a 20 minute firework display could be better spent.
- The negative environmental impact is not compatible with the City of Cockburn's commitment to sustainability.
- There would be minimal economic benefit.
- The Fremantle Business Improvement District has said it will continue to host a fireworks display in Fremantle fishing boat harbour. It is open for Council to consider contributing to this



event, if it is established that it would provide a benefit for Cockburn residents.

- The City already has its own unique and successful (92.2% satisfied) Australia Day event which captures people coming to the beach in the morning. 46.3% of attendees prefer the current event timing (morning) while 16.1% said they would be interested in an evening fireworks event. (See independent market research report attached).

A concept is being developed for Council to consider a more unique coastal event (not Australia Day) with laser shows and cultural components. This would be held over a weekend if approved.

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

#### **Moving Around**

- Advocate for improvements to public transport, especially bus transport.

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

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

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

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

### **Budget/Financial Implications**

The cost of undertaking a fireworks event on Australia Day managed by an external event company, which would be necessary, is \$294,250.

### **Legal Implications**

The City would need to draw up a legal agreement in regard to the operation of a fireworks display, if supported by Council.

### **Community Consultation**

N/A



### **Risk Management Implications**

If the City proceeded with the fireworks event there is an increased risk of reputational damage due to the increased risk of negative environmental and wildlife impacts and Aboriginal cultural concerns about the date of the event.

### **Attachment(s)**

1. Project 3 Australia Day Fireworks Review – Consultant Report.
2. Perth Market Research Australia Day 2017 Survey Report (Extract)

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

N/A

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

Nil.

## **19. EXECUTIVE DIVISION ISSUES**

Nil



**20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**20.1 (MINUTE NO 6043) (OCM 09/03/2017) - FORMER SOUTH FREMANTLE POWER STATION - LOT 2 ROBB ROAD AND PORTION OF LOT 3 ROBB ROAD, NORTH COOGEE – RECORDING OF URBAN ART (108/003 ) (D ARNDT)**

**RECOMMENDATION**

That Council request that Synergy commission a formal photographic record of the urban art within the former South Fremantle Power Station.

**COUNCIL DECISION**

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

**CARRIED 7/1**

**Background**

Cr Pratt has submitted the following Notice of Motion for the forthcoming Council meeting:

*“That the art in the old power station should be photographed/documentated prior to any future development”*

This report deals with that notice of motion.

**Submission**

N/A

**Report**

The former South Fremantle Power Station was constructed in two stages, between 1947 and 1951, and housed the first major power generating equipment in the State. It was decommissioned in 1985, stripped of most of the equipment, and has remained vacant since that time. Since it's decommissioning, the Power Station's structural components have fallen into varying levels of dilapidation.



The current owner of the building is Synergy (formerly Verve Energy), who have secured the site to prevent public access. Despite being fenced and clearly signposted with do not enter signs. Individuals regularly cut holes in the fence and enter the site without authorisation. Synergy has removed the main staircases in the building in an effort to deter people exploring the upper floors and the site is regularly patrolled by security. However because of its size and the remote nature of the building it has become popular with graffiti artists who have covered the building's walls, catwalks and pillars in street art.

At the November 2014 Ordinary Meeting of Council considered a Master Plan for the former South Fremantle Power Station (submitted by LandCorp on behalf of Synergy) to support the lifting of Urban Deferment under the Metropolitan Region Scheme.

The Masterplan acknowledges the existence of the urban art within the building stating:

*Since its closure, urban art has been informally applied onto the walls of the Power Station. This art demonstrates that a period of abandonment and neglect has been a significant part of the history and evolution of the building over the past 25 years. Retention of the building will enable opportunities to retain some of the high quality urban art.; and*

*it will be possible to retain some of the existing urban art (graffiti) and existing columns and walls in their current form to reflect the post industrial style and texture into the development*

Part of the recommendations contained with the Masterplan, include the following requirements

- *Acknowledge the significance of high quality urban art, which has been informally applied on the walls of the Power Station since its closure.*

Recent discussions with LandCorp have indicated that they are currently negotiating the transfer of the buildings and land from Synergy to LandCorp however the redevelopment of the site is still a number of years away in the current economic climate.

It is therefore recommended that in the interim the City requests that Synergy commission a formal photographic record of the urban art within the former South Fremantle Power Station.





**Strategic Plan/Policy Implications**

**Economic, Social & Environmental Responsibility**

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

There are no risks to the City should a photographic record not be made of the urban art within the building. There will however be cultural loss should no record of the urban artwork be made.

**Attachment(s)**

N/A

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

N/A

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

Nil.



**21. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

**21.1 (OCM 09/03/2017) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

**CLR S PORTELLI:** That a Report be prepared and presented to Council on the provision of additional vehicle parking for public use under the Power Line Easement in Cockburn Central to address the car parking demands associated with the development of the locality.

**Reason for Decision**

Council is concerned that commuters will encroach on parking areas provided for patrons of the Cockburn Aquatic & Recreation Facility and has separately resolved to ensure these areas are effectively monitored and managed. Given that there is additional land within the Power Line Easement adjacent to Poletti Road, it is intended that Council investigates the potential for these Lots to be developed to address the shortage of available parking space for use by train commuters and others who have reason to visit the Cockburn Central Town Centre area.

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

Nil

**23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**24. CONFIDENTIAL BUSINESS**

Nil



25 **(MINUTE NO 6044)** (OCM 09/03/2017) - **RESOLUTION OF COMPLIANCE**

**RECOMMENDATION**

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

**COUNCIL DECISION**

MOVED Clr P Eva SECONDED Clr C Terblanche the recommendation be adopted.

**CARRIED 8/0**

26 **(OCM 09/03/2017) - CLOSURE OF MEETING**

Meeting closed at: 9.11PM

