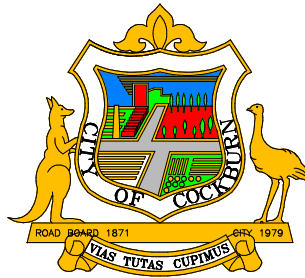


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 11 NOVEMBER 2010

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 NOVEMBER 2010 AT 7:00 PM

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CITY OF COCKBURN**AGENDA TO BE PRESENTED TO THE ORDINARY
COUNCIL MEETING TO BE HELD ON
THURSDAY, 11 NOVEMBER 2010 AT 7:00 PM**

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

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **(OCM 11/11/2010) - ORDINARY COUNCIL MEEETING 14/10/2010**

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 14 October 2010, as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 11/11/2010) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 13 OCTOBER 2010 (CR/G/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 13 October 2010, and adopt the recommendations contained therein.

COUNCIL DECISION

Background

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and the nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to

Council on donations and sponsorships to specific groups and individuals.

Submission

To receive the Minutes of the Grants and Donations Committee and adopt the recommendations of the committee.

Report

Council allocated in its 2010/11 budget a sum of \$816,057 to be distributed as grants, donations and sponsorship.

At its meeting of 19 July 2010 the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 12 August 2010.

The September 2010 round of grants, donations and sponsorship funding opportunities has now closed and the Committee, at its meeting of 13 October 2010, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.

A summary of the donations for general operating expenses recommended to Council are as follows:

- Lions Club of Jandakot Lakes Inc..... \$1,500
- Yangebup Family Centre Inc. \$5,000
- Returned Services League - Cockburn Branch Inc..... \$8,300
- Cockburn Community & Cultural Council Inc..... \$9,000
- Port Community High School Inc..... \$9,000
- The Halo Leadership Development Agency Inc..... \$15,000
- Fremantle Hospital Medical Research Foundation Inc. .. \$15,000
- Constable Care Child Safety Foundation Inc..... \$20,950

A summary of the sponsorship recommended by the Committee is as follows:

- Sanam Goodman - World Challenge Nepal Expedition \$2,000
- Bryan Williams - 2011 World Transplant Games \$2,000
- Coogee Jetty to Jetty Swim \$3,500

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Council approved a budget for grants and donations for 2010/11 of \$816,057.

Following is a summary of the grants, donations and sponsorship allocations proposed by the Committee.

Committed/Contractual Donations	\$179,546
Specific Grant Programs	\$426,511
*Donations	\$170,000
*Sponsorship.....	<u>\$40,000</u>
Total.....	\$816,057

**These allocated funds are available to be drawn upon in response to applications from organisations and individuals. Should Council adopt the Committee recommendation, the balance of funding available will be \$86,250 for donations and \$32,500 for sponsorship.*

The next round of grants, donations and sponsorship funding will be advertised in February/March 2011.

Legal Implications

N/A

Community Consultation

In the lead up to the September 2010 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements running fortnightly in the Cockburn Gazette's City Update on 24/08/10, 07/09/10 and 21/09/10.
- One advertisement in the August edition of the Cockburn Soundings.
- Promotion to community groups through the Community Development Service Unit email networks and contacts.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.

Attachment(s)

Minutes of the Grants and Donations Committee Meeting on 13 October 2010.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES**14.1 (OCM 11/11/2010) - DRAFT OUTER METROPOLITAN PERTH AND PEEL SUB-REGIONAL STRATEGY - LOCATION: CITY OF COCKBURN - OWNER / APPLICANT: N/A (SM/L/001) (A TROSIC / R COLALILLO) (ATTACH)****RECOMMENDATION**

That Council:

- (1) endorse this report as the basis to making a submission to the Western Australian Planning Commission ("WAPC") on the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy;
- (2) advise the WAPC and Alcoa of its objections to the manner by which a new buffer associated with the Alcoa residue disposal area has been considered for the land within the City of Cockburn ("City") Southern Suburbs Structure Plan area. This letter is to specifically identify objections due to the following key points:
 1. The City had no formal involvement or engagement from either Alcoa or the WAPC in preparing or considering the Alcoa technical studies. This is despite the fact that the technical studies allege to show an impact on land within the City.
 2. The technical studies were wholly funded by and prepared for Alcoa, with no opportunity given to the City nor any affected landowners to be involved in the formulation of the technical studies. To date the City has not even received a copy of such technical studies.
 3. The technical studies seek to undo (without any consultation) all the strategic and statutory planning which has been undertaken over the last 10 years to realise zonings under both the Metropolitan Region Scheme and City of Cockburn Town Planning Scheme No. 3 which allow for residential development within the Southern Suburbs Structure Plan area. This is specifically

the area bound by Wattleup Road, Frankland Avenue Reserve, future Rowley Road and existing 'Rural' zoned properties.

4. There was no on-ground monitoring undertaken on any land within the City to confirm whether dust issues (or other impacts) existed or not. Essentially the premise to prohibiting residential development has been made against a model, which the City has not been able to consider or be engaged in the process of developing.
- (3) request that the WAPC rescind their previous decision endorsing the buffer, and instead embark on a new process of defining a buffer associated with the Alcoa residue disposal area. This new process should have formal representation from the affected local governments, State Government authorities, landowners and the community, and be managed independently by the Environmental Protection Authority under the genus of Section 16(c) of the *Environmental Protection Act 1986*; and
 - (4) advise Alcoa of the City's expectations that Alcoa's residue disposal area should be operated in such a way so as to not cause impacts on land within the City. Also requesting from Alcoa an update as to when Cell Area F of the residue disposal area will be closed down and begin remediation consistent with Alcoa's Long Term Residue Management Strategy. This is currently indicated to occur by the end of 2010.

COUNCIL DECISION

Background

In August 2010 the Western Australian Planning Commission ("WAPC") released the new Strategic Plan for Perth and Peel titled 'Directions 2031 and Beyond' ("Directions 2031"). Directions 2031 provide the highest level of strategic metropolitan planning to guide the development of more detailed policies, strategies and planning actions. Due to the complexity of strategic planning for the metropolitan area, sub-regional strategies are also required to provide further guidance at the local level.

Accompanying Directions 2031 is the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy (“Draft Strategy”), which provides information about the levels of expected population growth by local government area, and highlights development opportunities as well as opportunities for increased residential densities. It provides a framework for delivering the objectives of Directions 2031. The context of the Draft Strategy within the WA planning system is shown below.



The Draft Strategy is currently being advertised for comment. The purpose of this report is to examine the key implications for the City of Cockburn (“City”) and for Council to formulate a position with respect to the Draft Strategy and provide the WAPC with a submission.

Submission

N/A

Report

The City is identified within the south-west sub-region of the Draft Strategy together with the Town of Kwinana and City of Rockingham. The Draft Strategy identifies future growth areas, both planned (already approved) and potential urban expansion within the south-west sub-region which are expected to accommodate future population growth. The Draft Strategy also provides forecasts and targets for economic development, population growth, industrial land and major infrastructure (water, energy etc.). The above components are summarised and highlighted on the south-west sub-region spatial framework map within the Draft Strategy (refer to attachments).

Urban expansion (short to medium term) and investigation areas (medium to long term) form a significant part of the Draft Strategy. These are identified within an overall urban expansion plan which highlights appropriate land for possible future rezoning. Areas indicated in the urban expansion plan are currently constrained but have the potential to become available for urbanisation once the constraints

have been satisfactorily resolved and formal assessment required by the statutory rezoning process.

The Draft Strategy identifies two major 'urban expansion' areas within the City, these being large tracts of land in Beeliar/Wattleup and Banjup. These proposals and other targets and actions identified by the Draft Strategy are discussed in detail following:

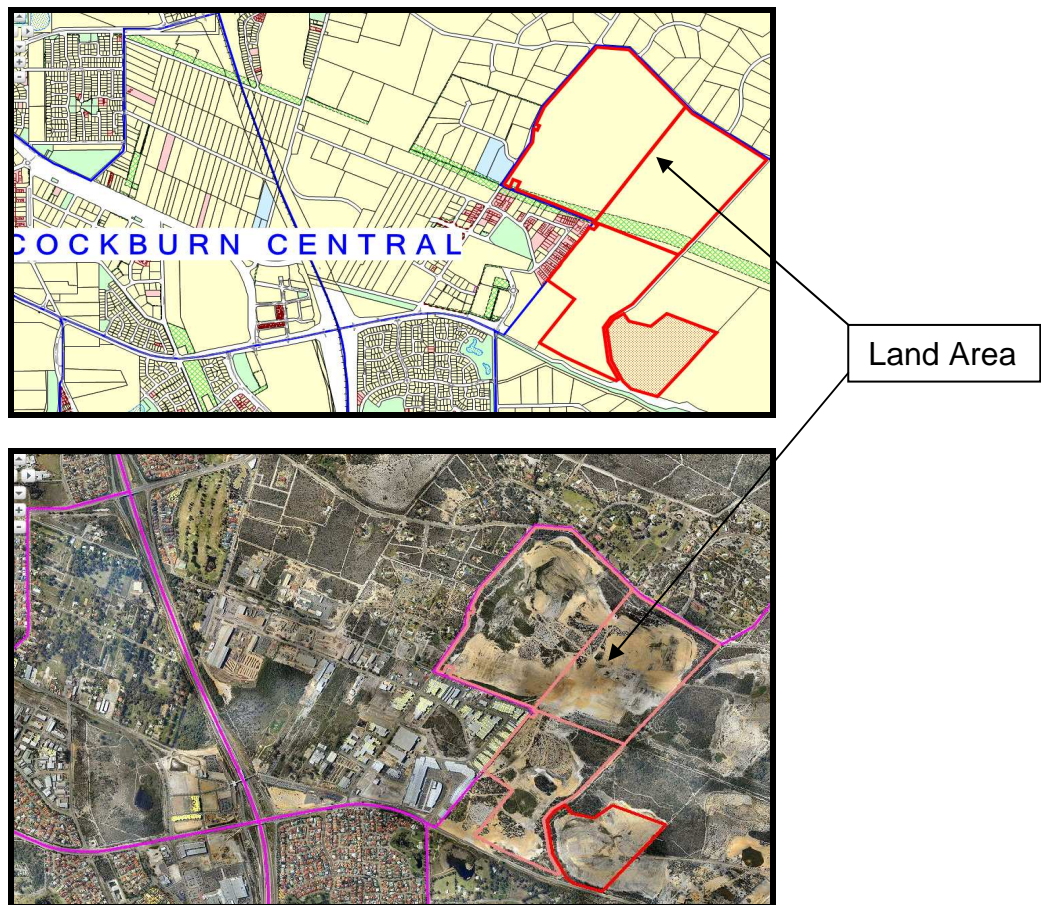
Key Settlement Issues Affecting City of Cockburn

1. *Proposed Banjup Urban Expansion Area (BAN1 and BAN2)*

The Draft Strategy identifies a 2011-2015 urban expansion area over the ex-sand mining land adjoining the Cockburn Activity Centre. This covers the following specific land parcels:

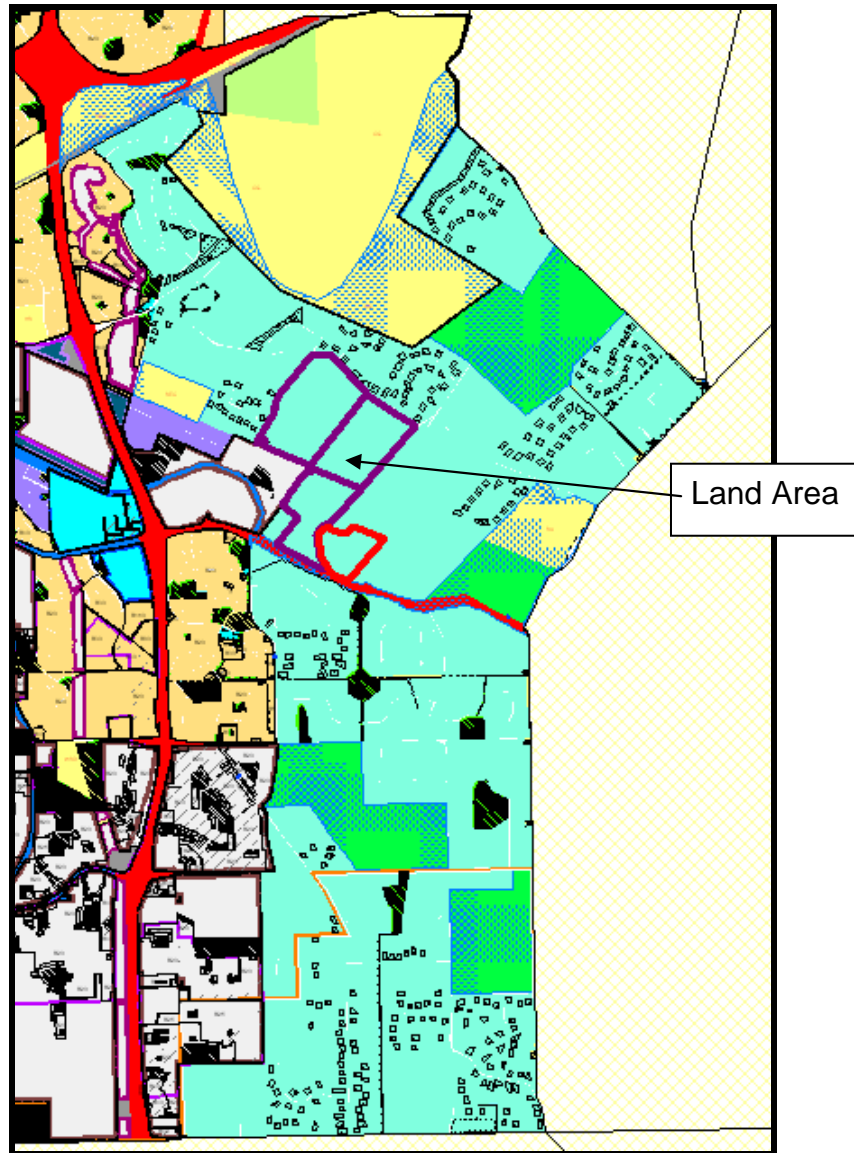
- Lot 9002 Jandakot Road – 62.91ha
- Lot 132 Fraser Road – 45.32ha
- Lot 9004 Armadale Road – 36.52ha
- Lot 821 Fraser Road – 20.50ha

Being ex-sand mined land, it is an expansive area of flat topography largely devoid of remnant vegetation or other environmental features. The land area is diagrammatically depicted following:

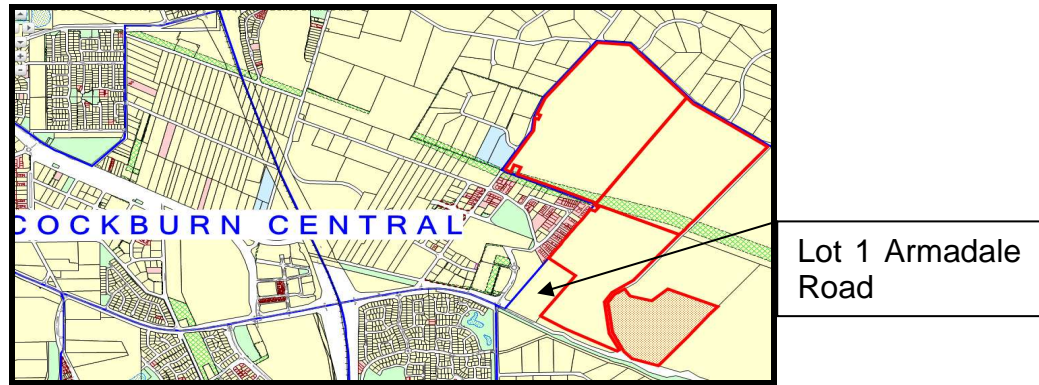


This represents a total land area of 165.25ha, and according to the Draft Strategy has the potential to yield 2000 additional dwellings. This would be a significant addition of new urban development within the City, and is arguably located in an ideal and unique context as an adjunct to the Cockburn Activity Centre. Urban development of this land area would see it become a natural extension to the Cockburn Activity Centre, and from this directly benefit from the significant infrastructure and investment which has been (and continues to be) the focus of the activity centre. Indeed, activity centres like Cockburn become a key focus for further development and expansion under the Directions 2031 and Beyond Strategic Plan, and will be pivotal to achieving the 47 per cent urban infill target set by the Strategic Plan. Urban infill targeted on activity centres creates the synergies between investment, infrastructure, employment and activity which are required as a component to achieving more sustainable urban development within Perth.

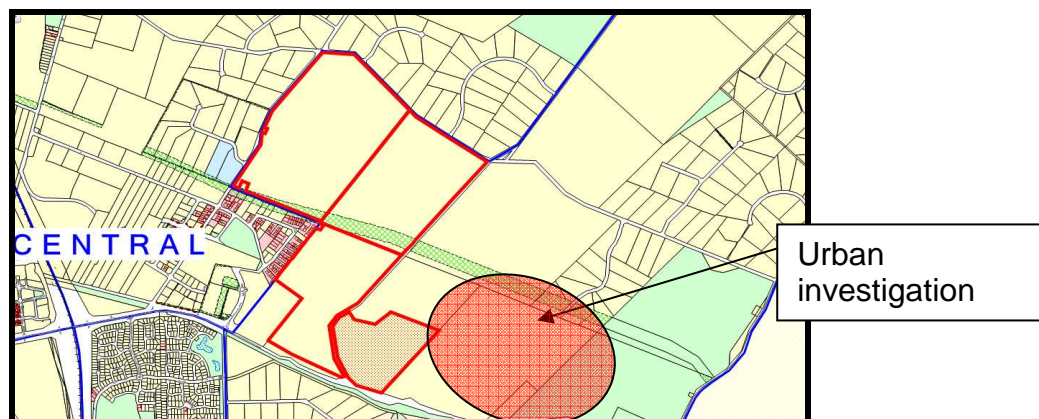
In noting this potential, it is equally important to note that the land area also exists above the Jandakot Groundwater Mound. This provides an important environmental context for the land area, being that protection of the groundwater resource (both from a quality and quantity viewpoint) will be pivotal as part of any decision to urbanise the land area. This will require urbanisation to be approached in a manner which utilises beyond best practice water sensitive urban design, so as to guarantee the protection of the groundwater resource. This will need to be a clear commitment from not only the landowner, but all stakeholders involved in the process of urbanisation being realised. This will require innovative new approaches to urban development not yet seen within WA. Note the location of the land area in respect of the Jandakot Groundwater Mound following:



In terms of the identified land area, it is recommended that Lot 1 Armadale Road also be included. This seems to have been omitted in error, as it logically forms part of the land area precinct under consideration. Its inclusion will ensure future planning is undertaken in a manner which achieves a logical pattern of urban development throughout the precinct. This land is shown the following:



It is also recommended that the land adjoining to the east of this urban expansion area be identified for urban investigation, as the decision to urbanise the land precinct adjoining the Cockburn activity centre will raise expectations of landowners further east. There are significant questions regarding whether it is appropriate to consider urbanisation out to the City's eastern boundary, and it is best that these questions be properly analysed through an appropriate means such as that offered through the urban investigation area status. This land is shown following:

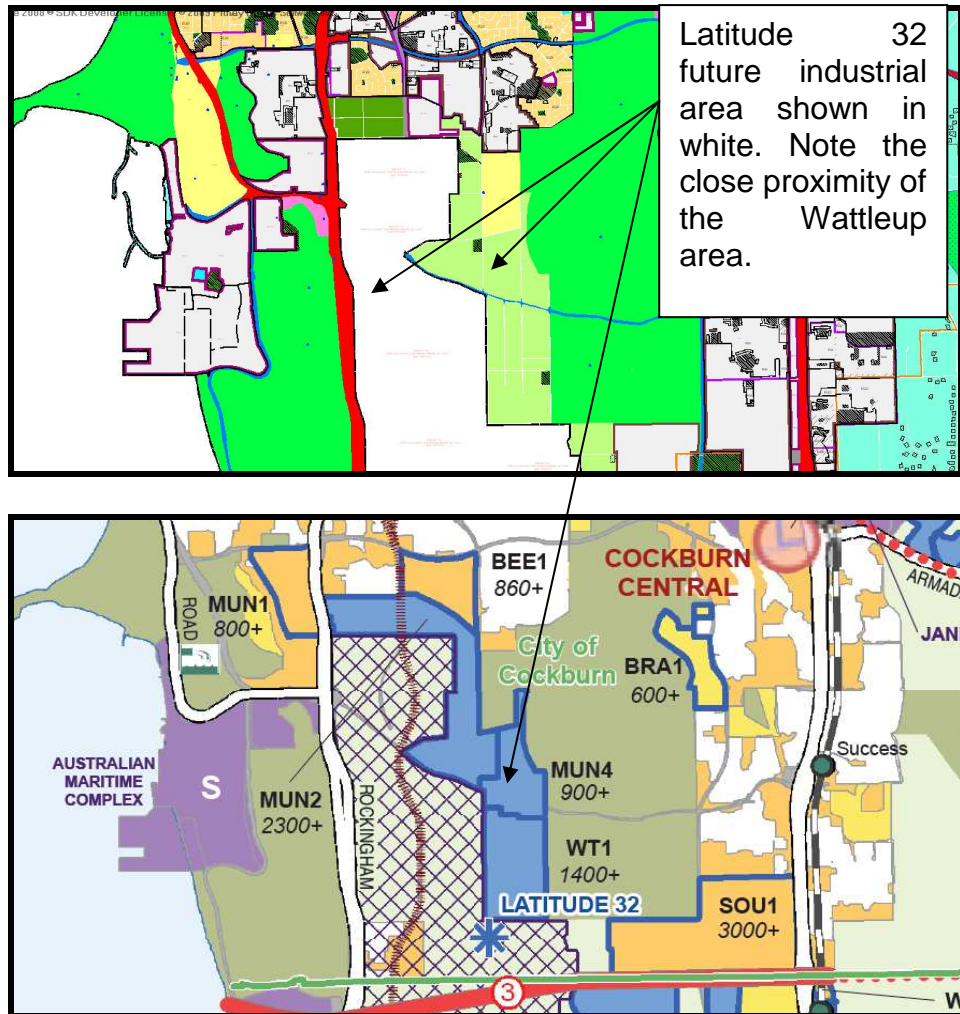


Of final note, there will undoubtedly be pressure from other landowners above the Jandakot Groundwater Mound to realise some form of urban development potential on their land. This pressure has been a common occurrence as part of regulating use and development of land above the Jandakot Groundwater Mound, especially in considering the stark interfaces which exist between the urbanised and non-urbanised areas of Atwell and Aubin Grove. It is extremely important that both the state government and the City be able to manage such landowner pressure and expectation, as the land area identified by the Draft Strategy (being ex-sand quarry of limited environmental value located adjoining the Cockburn Activity Centre) represents a unique prospect in which to consider urbanisation. This is in contrast to other land areas which exist above the Jandakot Groundwater Mound, both in terms of them being highly fragmented; disjointed from the Cockburn Activity Centre and; comprising environmental qualities ranging from remnant

vegetation through to wetland environments. It would accordingly be against fundamental sustainable planning and environmental principles to consider ad hoc urban development being permitted to spread across the Jandakot Groundwater Mound. The decision in support of the Banjup land area is not considered to be ad hoc, and will be subject to extensive planning and environmental rigor to ensure its development reflects expectations of sustainable development principles.

2. *Proposed Wattleup Urban Expansion Area (MUN2, MUN4 and WT1)*

The City does not support consideration to urbanise within the Wattleup area. From a historical perspective, the Fremantle Rockingham Industrial Area Regional Strategy (“FRIARS”) was the preeminent strategic planning study undertaken during the 1990s which secured (by way of State Parliament Act) the Latitude 32 industrial expansion area within the Town of Kwinana and City of Cockburn. This industrial area, representing more than 1000ha of future strategic industrial and economic development, is diagrammatically shown below:



The rural area to the east of Latitude 32 encompasses the entire Wattleup precinct which is identified for possible urbanisation as part of the Draft Strategy. This is contrary to the strategic planning which underpinned the creation of FRIARS, the subsequent *Hope Valley Wattleup Redevelopment Act 2001* and the Latitude 32 Master Plan, in that the Wattleup rural area was identified to be retained as a transition/buffer between the industrial and conservation areas. This principle was strongly supported at the time by both the City and landowners in the area. It was and remains an important principle in retaining the rural area, particularly as the notion of industrial development (as evidenced by problems being faced today) will always have associated with it some degree of offsite impact.

While a key objective underpinning the development of Latitude 32 includes all industrial buffers being confined to the Latitude 32 boundaries itself; however, there will undoubtedly be changes and impacts felt as a result of increased traffic and activity which eventuates as part of all industrial development. So notwithstanding the objective to restrict buffers to within the Latitude 32 area itself, it would be unreasonable to think that some degree of impact won't be felt outside the Latitude 32 area. Adopting precautionary planning approaches, it would therefore be contrary to proper and orderly planning purposes to consider residential development within the Wattleup Area given its close proximity to future industry. The City is already having to manage conflicts between industrial development and residential development, and it is felt that urbanising the Wattleup locality will lead to residents being placed within an area which has some degree of negative impacts associated with the close by industrial area.

It is also known that the location of the new Intermodal Terminal has been identified close to the Wattleup rural area. The City notes that this facility will generate high noise levels and therefore impacts, to the point that significant concerns and objections have been raised on a number of occasions. Despite this, the location has been accepted and endorsed by the State Government. In response to this, at the Ordinary Council Meeting held on 12 November 2009, Council resolved in respect of the Intermodal Terminal:

That Council:

- 1. note the findings of the further technical assessment undertaken regarding Council's alternative intermodal terminal location;*
- 2. reiterate Council's position supporting the retention of the rural area between Latitude 32 and the Thomsons Lake/Harry Waring Marsupial conservation reserves as primary strategic objective, and that this objective be reflected in planning for the future intermodal terminal, Latitude 32 and Western Trade Coast;: (1)*

endorse this report as the basis to making a submission to the Western Australian Planning Commission (WAPC) on the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy; (2) advise the WAPC and Alcoa of its objections to the manner by which a new buffer associated with the Alcoa residue disposal area has been considered for the land within the City of Cockburn (City) Southern Suburbs Structure Plan area. This letter is to specifically identify objections due to the following key points: 1. The City had no formal involvement or engagement from either Alcoa or the WAPC in preparing or considering the Alcoa technical studies. This is despite the fact that the technical studies allege to show an impact on land within the City. 2. The technical studies were wholly funded by and prepared for Alcoa, with no opportunity given to the City nor any affected landowners to be involved in the formulation of the technical studies. To date the City has not even received a copy of such technical studies. 3. The technical studies seek to undo (without any consultation) all the strategic and statutory planning which has been undertaken over the last 10 years to realise zonings under both the Metropolitan Region Scheme and City of Cockburn Town Planning Scheme No. 3 which allow for residential development within the Southern Suburbs Structure Plan area. This is specifically the area bound by Wattleup Road, Frankland Avenue Reserve, future Rowley Road and existing Rural zoned properties. 4. There was no on-ground monitoring undertaken on any land within the City to confirm whether dust issues (or other impacts) existed or not. Essentially the premise to prohibiting residential development has been made against a model, which the City has not been able to consider or be engaged in the process of developing. (3) request that the WAPC rescind their previous decision endorsing the buffer, and instead embark on a new process of defining a buffer associated with the Alcoa residue disposal area. This new process should have formal representation from the affected local governments, State Government authorities, landowners and the community, and be managed independently by the Environmental Protection Authority under the genus of Section 16(c) of the Environmental Protection Act 1986; and (4) advise Alcoa of the City's expectations that Alcoa's residue disposal area should be operated in such a way so as to not cause impacts on land within the City. Also requesting from Alcoa an update as to when Cell Area F of the residue disposal area will be closed down and begin remediation consistent with Alcoa's Long Term Residue Management Strategy. This is currently indicated to occur by the end of 2010.

3. *seek assurances from the Department of Planning and LandCorp to ensure that the proposed intermodal terminal and*

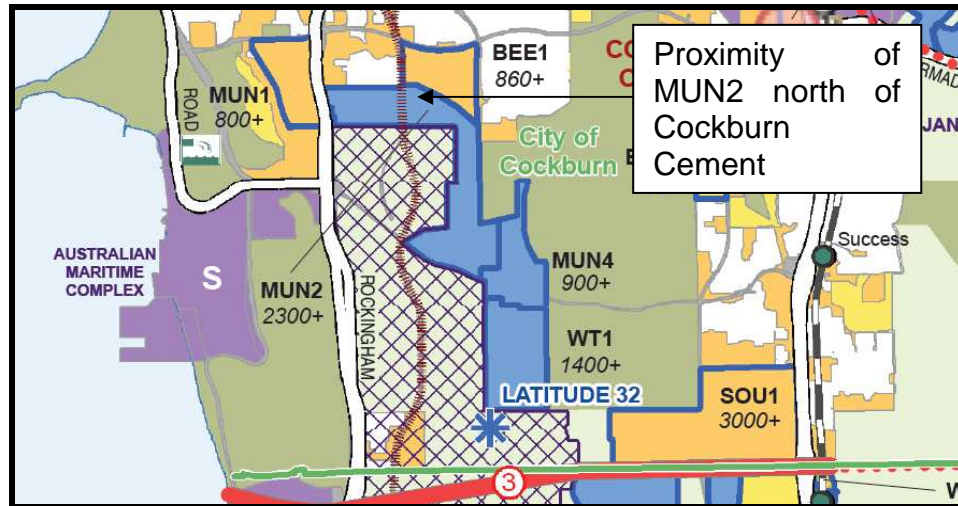
associated freight village proposal has no adverse impacts on any existing or future rural or residential areas, particularly those adjacent to access roads and rail links;

4. *once a final location has been endorsed, request the State Government to act immediately to acquire this land so as to not financially disadvantage landowners who would otherwise have short to medium term industrial development potential as part of Latitude 32; and*
5. *request the Department of Planning to directly involve the City's Strategic Planners in the remainder of the study and all planning for Latitude 32 and the broader Western Trade Coast.*

Parts 2 and 3 of the resolution are relevant to this matter.

In respect to traffic movements, the Intermodal Terminal Study also indicated that some 10,000 vehicle trips per day (of which 40 percent would be trucks) would be generated. This provides some clear indication as to the level of activity associated with the Intermodal Terminal, and considering the other extensive planned industrial development there will need to be important guidance on the careful management of interfaces and land close to the industrial area. This is the basis to why the urbanisation of the Wattleup locality is not supported.

While the entire Wattleup urbanisation proposal is opposed, it is worth particularly mentioning the area identified as MUN1. This encompasses the current Rural Living zoned allotments identified to the north of Cockburn Cement. This area has been subject to continued dust impacts associated with the Cockburn Cement operations, to the point that there is now a current State Government Parliamentary Inquiry investigating these very issues. While the Draft Strategy does indicate in the text the issues of dust associated with Cockburn Cement, by showing this land on the Draft Strategy Map without any form of clear warning or caveat means members of the public and landowners may generate their own assumptions about urbanisation occurring. This is certainly not the case, with the urbanisation of this land being prohibited by a number of State Government buffer policies and also being a long held position of the City. It is accordingly particularly concerning to see this land identified in the manner which it has.



In respect of environmental considerations, the proposed Wattleup urban expansion area separates the future industrial area of Latitude 32 from the Beeliar Regional Park, and offers fauna within the Park additional protection from light, noise and traffic impacts that will be generated by the industrial area.

3. *Cockburn Coast (RD-COC1)*

Cockburn Coast has been included as a planned urban growth area in the Draft Strategy which will accommodate growth in the sub-region over the next 20 years. It is also highlighted as an infill/redevelopment project in the estimated dwelling yield calculations for the City. Despite the significance of the project and its inclusion within the dwelling and population forecasts and targets, it is not shown on the Draft Strategy south-west sub-region spatial framework map. Rather it is indicated as an existing industrial centre.

It is recommended that this anomaly be rectified and the Cockburn Coast District Structure Plan (“CCDSP”) area be identified on the framework map as an ‘urban zoned undeveloped’ area. This is particularly important given the progression of the related Metropolitan Region Scheme (“MRS”) Amendment which will rezone the land from ‘Industrial’ to either ‘Urban’ or ‘Urban Deferred’. The Department of Planning (“DoP”) have advised that the rezoning is anticipated to be presented to the WAPC for endorsement in the near future.

4. *Southern Suburbs District Structure Plan (Stage 3 Hammond Park and Wattleup) (SOU1)*

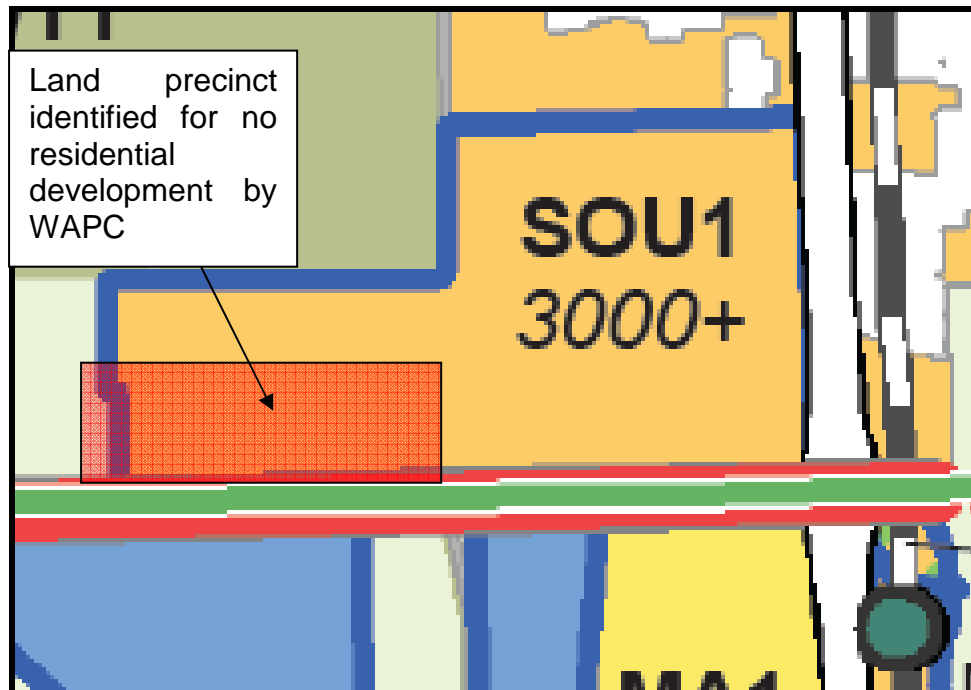
(a) Alcoa Dust Issue

Although the Urban Deferment for the southern suburbs area under the MRS has been lifted, it is apparent that the WAPC has been lobbied and presented with technical studies prepared by Alcoa in relation to

potential dust issues associated with its residue disposal area located some 1.5km south within the Town of Kwinana. This is reflected in the WAPC's recent decision in September 2010 to impose a buffer on urban zoned land within the City which has otherwise been ideal for urbanisation. This is specifically the land precinct bound by Wattleup Road, Frankland Avenue Reserve, future Rowley Road and existing Rural zoned properties as shown following:



This is an alarming decision for the WAPC to make, on the basis that it effectively sterilises land which before September 2010 was both zoned and structure planned to allow residential development. This is also at odds with Directions 2031 and the Draft Strategy, which identify the land precinct SOU1 as providing for a future 3000 dwellings.



Also concerning is the fact that the City has had no formal consultation or representation in the decision of the WAPC which has led to residential development being prohibited in this area. The City has made requests for formal engagement in the process, and specifically the opportunity to review technical studies produced by Alcoa which purport to show dust impacts on land within the City. The City has also raised with the WAPC its concerns about a complete lack of transparency in the whole process, considering the following aspects:

1. The City had no formal involvement or engagement from either Alcoa or the WAPC in preparing or considering the technical studies.
2. The technical studies were funded and prepared for Alcoa, with no opportunity given to the City nor affected landowners to be involved in the formulation of the technical studies.
3. The technical studies seek to undo (without any consultation) all the strategic and statutory planning which has been undertaken over the last 10 years to realise zonings under both the MRS and City of Cockburn Town Planning Scheme No. 3 which allow for residential development.
4. There was no on-ground monitoring undertaken on any land within the City to confirm whether dust issues existed or not. Essentially the premise to prohibiting residential development has been made against a model, which the City has not been able to consider or be engaged in the process of developing.

Instead of residential development, the WAPC identify the affected land for transitioning non-residential land uses to be developed. This however is impractical given that the land will not enjoy direct exposure or access from the future Rowley Road, and therefore is unlikely to be able to sustain commercial or other industrial type uses. Also having some non-residential uses intermixed with future residential development north of Wattleup Road raises compatibility questions.

Given the above, it is recommended that Council raise its high level objections to this whole situation, and request the WAPC to rescind its previous decision and instead embark on a new process of defining a dust buffer associated with the Alcoa residue area. This process should have formal representation from the affected local governments, landowners and the community, and be managed by the Environmental Protection Authority under the genus of Section 16(c) of the *Environmental Protection Act 1986*.

It is also recommended that Council write a letter to Alcoa advising them of the City's expectations that Alcoa's residue disposal area

should be operated in such a way so as to not cause impacts on land within the City (given the distance of good separation which exists). Also requesting from Alcoa an update as to when Cell Area F of the residue disposal area will be closed down and begin remediation consistent with Alcoa's Long Term Residue Management Strategy. This is currently indicated to occur by the end of 2010.

(b) Realignment of Hammond Road

The City has previously raised its objections to the possibility of realigning the Hammond Road 'Other Regional Roads' reservation from its current alignment under the MRS. This is due to the advanced nature which planning has undertaken in the area, and also that the relocation would significantly impact a number of landowners within the area. The City seeks clarification as to the final decision of the DoP in respect of this.

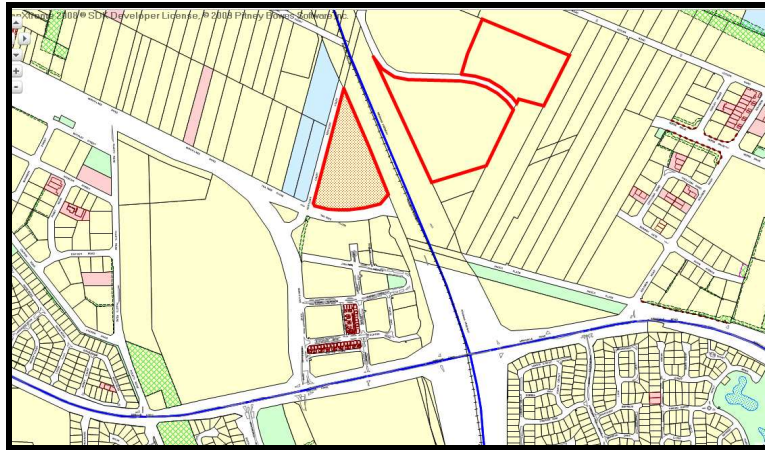
(c) Road Connection to Mandogalup Train Station

The relocation of the future train station location south of Rowley Road will necessitate the need to have more direct road connection from the urban areas north of Rowley Road within the City. This road connection will go across both the City and Town of Kwinana jurisdictions. This needs to be considered by the DoP as part of the Draft Strategy and listed as potential strategic road planning project.

5. *Cockburn Central (CEN1)*

Despite previous requests from the City for Cockburn Central to be identified as a 'Strategic Metropolitan Centre' within Directions 2031, the WAPC have included it as a Secondary Centre. Its designation as a Secondary Centre makes it comparable to other centres within the Perth metropolitan area such as Mirrabooka, Warwick, Clarkson etc regardless of its greater range of functions and role within the region. While it is disappointing, there is no scope left for the City to seek that the WAPC amends its decision not to include Cockburn Central as a 'Strategic Metropolitan Centre'.

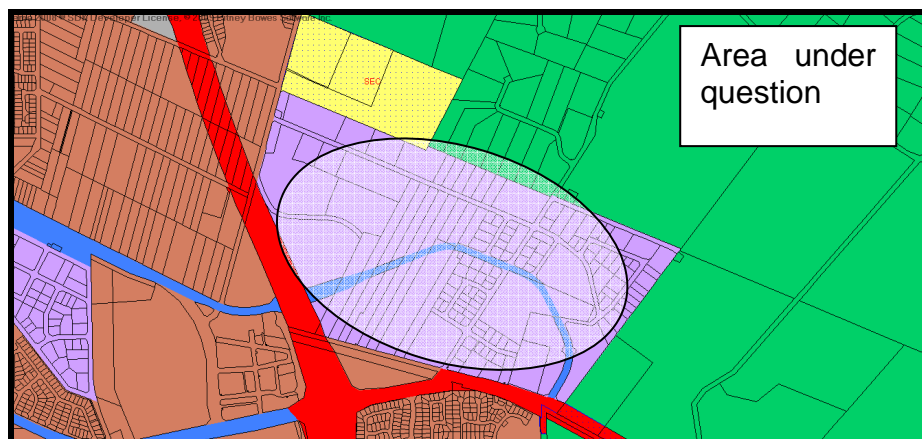
Despite the above, the WAPC should consider development of its land holdings in the area as shown below:



While it is understood various environmental tradeoffs are associated with some of this land, it is appropriate that development potential be at least investigated given the evolving nature of the Cockburn activity centre.

There is considered to be scope for the Draft Strategy to identify the area for potential urbanisation/residential development on Transport Orientated Development principles. This is supported by the reality that the need for expansive 'Parks and Recreation' reserve on the east side of the Kwinana Freeway is minimal given a lack of residential catchment. The area will also be well served in the future by the Regional Sports Facility to the west of the existing Cockburn Central Town Centre Precinct.

Of final note, the current land precinct on the east side of the Kwinana Freeway/Cockburn Train Station is zoned 'Industrial' under the MRS. This is considered to be a relic of previous planning approaches for the area, and considering the higher order mixed business and warehousing uses now taking place it is considered that this land precinct should be zoned 'Urban' under the MRS. This area is notionally shown below:



This is especially important to the overall objective of being able to see some residential development achieved immediately adjacent to the Train Station, and also to ensure that the development of the Banjup land precinct (BAN 1 and BAN2) actively integrates through this precinct.

If the land precinct is left 'Industrial' under the MRS, then there will be a reduced impetus in which to integrate this whole land precinct in a way which is focussed on the Cockburn Activity Centre.

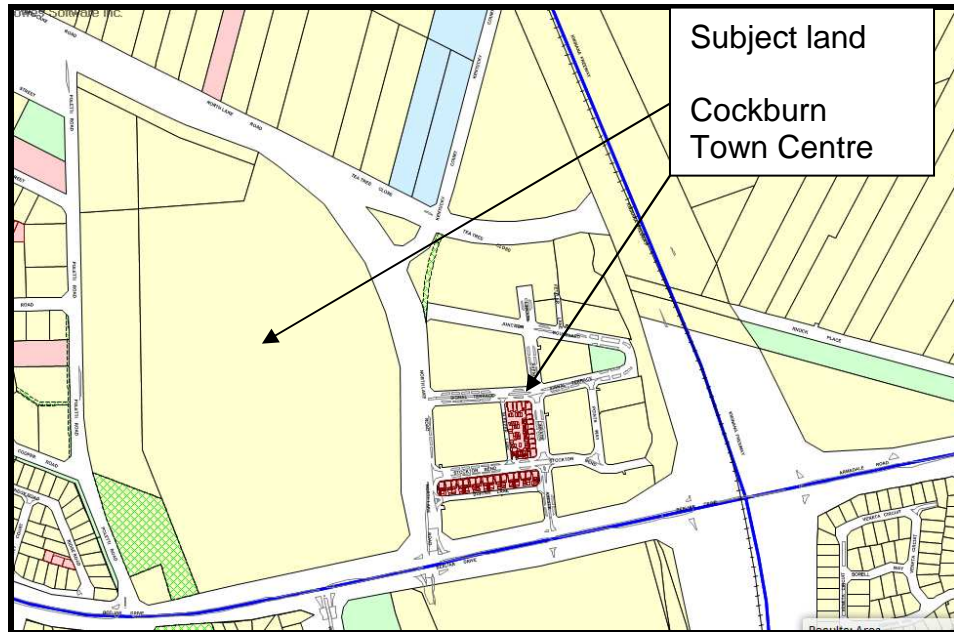
6. Education Facilities

The City recognises the need for Education Institutions, particularly Challenger Institute, to be encouraged to expand infrastructure in the region and increase existing links with secondary education and industry. This includes the expansion of the City's existing support programs, such as the Chamber of Commerce, while establishing links to other business forums, such as the West Australian Ship Building Association.

Whilst the Draft Strategy provides targets and relevant actions for industry and employment, there is little by way of promoting education facilities or precincts within the City. Given the expected growth in population and jobs being planned within the City by the Draft Strategy, it is naturally important to have the right education mix to ensure people are trained to transition into the jobs which will be generated. In order to achieve the economic and employment growth and self-sufficiency targets prescribed by the Draft Strategy, it is considered that education facilities be included as an area subject to further investigation with associated targets and actions to be achieved.

7. Future Cockburn Central Regional Sports and Recreation Precinct

The future Cockburn Central regional sports and recreation precinct is a 30.5ha land area owned by the WAPC. This is bound by North Lake Road, Midgeooroo Avenue, Beeliar Drive and Poletti Road.



This has been planned for a number of years as a major regional sports and recreation precinct for the City, including being the location of the City's new recreation and aquatic centre. The precinct has also been identified for a major regional children's playground facility, town park and other conservation assets.

The Draft Strategy is unclear in terms of the WAPC's expectations for the land precinct. It is shown as being undeveloped urban zoned land, which does not accurately reflect the strategic intent for the land which has been planned for many years. It is therefore important that the Draft Strategy be amended to identify the regional sports and recreation purpose for the land precinct, to ensure future considerations over use and development do not become clouded in debate for other forms of development on the site.

Key Infrastructure Issues Affecting City of Cockburn

While a number of infrastructure issues have been identified in the previous section as they relate to future urbanisation and development of the City, there are additional infrastructure issues raised by the Draft Strategy which require specific comment:

1. North Lake Road Extension

The extension of North Lake Road and its associated overpass are included as strategic road planning project within the Draft Strategy. This is largely as a result of City officers requests to the WAPC for its inclusion during the early consultation phase of the document. It is considered that further emphasis should be given to possible freeway interchanges on both ends of the North Lake Road Overpass. It is

believed that this would be the most effective and comprehensive solution to solving traffic problems for this area as well as for the wider subregion. Given that the land required for the possible interchanges is owned by the State Government, it is a great opportunity for this initiative to be included within its strategic planning framework.

In recognising existing traffic issues relating to Cockburn Central, Muriel Court, Gateways Shopping Centre and Solomon Road Mixed Business area, a comprehensive and holistic traffic study is essential to address these traffic issues in order derive effective and sustainable solutions for the area and wider subregion. Such a review should be included as a project within the Draft Strategy's road planning section.

2. *Roe Highway West of Stock Road*

The proposed Roe Highway extension between the Kwinana Freeway and Stock Road has been identified as a critical link within the metropolitan road network. Particularly as it enables freight vehicles to travel to and from the Kwinana Industrial Area and other developments in the area, to the metropolitan area on a high standard free-flowing network that will significantly improve transport efficiencies and safety.

However, it is considered that there is still a need to provide for much further consideration regarding east-west road links across the City. In particular, what will happen to traffic if the Roe Highway is extended to Stock Road? Traffic modelling has indicated significant traffic volumes being generated at the future Roe Highway/Stock Road intersection, but with no consideration to what happens once traffic arrives at that intersection (especially traffic wishing to continue westwards) is a major issue needing careful consideration.

It is also considered that the northern section of Cockburn Coast Drive requires investigation in terms of its potential connectivity with Roe Highway and the City of Fremantle to the north (Hampton Road).

It is therefore important to note these potential problems within the Draft Strategy, and to ensure they are committed for investigation and resolution. It is also recommended that Roe Highway (west of Stock Road) be clearly reflected on the Draft Strategy Map for 'strategic road planning'.

3. *Stock Road*

The City is aware that MRWA are currently progressing a study looking at the requirements for the eventual upgrading to the Stock Road 'Primary Regional Road' reservation. While this is noted in the Draft Strategy, it is recommended that this be clearly reflected on the Draft Strategy Map as (2) MRWA road upgrading.

4. *Success Train Station*

The Success Train Station is located on the corner of Russell Road, Gibbs Road and the Kwinana Freeway. The City's extensive planning for this area and the surrounding residential catchment has been based on the understanding that the train station is going to be provided in this location. Much of the urban development in this area has been planned and developed in accordance with best practice transit oriented development principles. The City has also provided information to the PTA, to help support the need for identifying the Success Train Station as part of the forthcoming 20 Year Public Transport Strategy which forms a component of the endorsed Directions 2031 and Beyond Strategic Plan. Given the significant demand for public transport, and the fact that the catchment surrounding the Success Station is almost fully developed, it is considered that this Train Station should be identified as a critical piece of public transport infrastructure which should be prioritised for delivery.

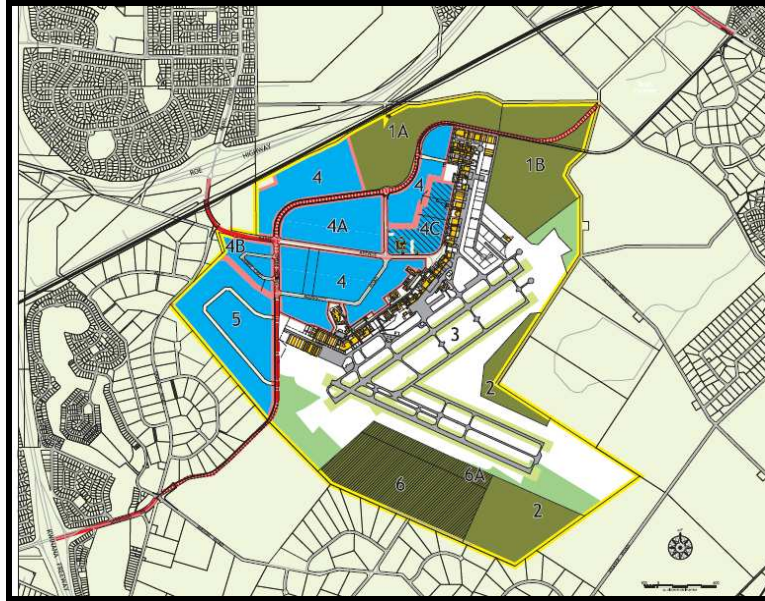
5. *Future Intermodal Terminal*

In respect to traffic movements associated with the future Intermodal Terminal, there is the risk that if the Terminal is configured with a major northern entry point, freight traffic may use Russell Road to connect to the Kwinana Freeway as the most direct route into the Terminal. This is despite planning to ensure that Rowley Road functions as the strategic freight route access to the Terminal. This will result in an untenable and unacceptable impact on the abutting rural and residential communities. This is a matter that should be specifically noted under Section 11.7.5 of the Draft Strategy.

6. *Jandakot Airport (Jandakot City)*

With the development of the Jandakot City precinct around the specialised centre of Jandakot Airport, it is also important that additional road links be provided to effectively manage the planned increases in traffic which are forecast. It is recommended these be listed for strategic road planning under Figure 64 of the Draft Strategy.

It is also recommended that the Draft Strategy Map be updated to reflect both the current and planned extent of industrial development as now portrayed by the endorsed 2009 Jandakot Airport Master Plan. This is shown following:



7. *Rail Links as Part of Future Fremantle Outer Harbour (Kwinana Quay)*

It is recommended that the Draft Strategy also clearly indicate the need for future freight rail planning through the northern portion of the Kwinana Industrial Area as part of the Fremantle Outer Harbour. This will be required to specifically link the future intermodal terminal and the outer harbour to enable the efficient movement of freight containers and the like. It is recommended that a 'new freight railway' item be added to the Draft Strategy Map and shown where required.

8. *Cockburn Coast Drive*

Development of the Cockburn Coast Precinct necessitates the construction of Cockburn Coast Drive which will deviate regional traffic using existing Cockburn Road around the precinct area. This road needs to be committed and constructed as part of the early stages of development, in order to achieve the integrated coastal village intended for the precinct area. Associated with this is the diversion of existing Cockburn Road between Lake Coogee and the Woodman Point Waste Water Treatment Plant. This entire 'Primary Regional Roads' reservation should be indicated as (3) MRWA road planning, and included accordingly.

9. *Cockburn Coast Switching Yard*

It is understood that LandCorp is actively investigating the feasibility of relocating the current Western Power switching yard and high voltage power line infrastructure from its location adjacent to the former South Fremantle Power Station. Given the significance of this infrastructure

and its potential impact on the CCDSP area, it is considered important that it be included within the 'Energy' section of the Draft Strategy.

10. *Future Rapid Transit System*

The adopted CCDSP identifies the need for a rapid transit system to be provided on Cockburn Road to encourage the use of public transport as a key objective early on in this strategic coastal land development. It is important to provide this transport infrastructure upfront, as this will help foster sustainable travel behaviour among new residents from the commencement of urban settlement. While it is acknowledged that the feasibility of providing a light rail system is in question in the short to medium term, high frequency bus services are a viable alternative and should be given priority as part of the first stages of urban development in the area.

Although the above is included within the 'public transport network' section of the Draft Strategy document, the location of any future light-rail transit system is not reflected on the spatial framework map. It is considered important that it be included on the map in order to reaffirm its status within the future spatial planning for the locality. It is therefore recommended that a 'new light railway' item be added to the Draft Strategy Map and shown where required.

Delivery of Infrastructure and High Density Development

While the Draft Strategy does provide actions and targets for the provision of infrastructure to cater for denser settlement patterns, the timing and purpose presents a concern. Namely, the expectation is that higher density development is to be provided and the associated infrastructure is justified by their presence. It is considered that the alternative approach should be taken and that a more detailed future infrastructure strategy be developed inclusive of delivery timing. This would therefore provide developers and the City with a greater degree of confidence to, respectively, invest and cater for higher density development.

City's Status As 'Outer Metropolitan' Local Government Area

As previously discussed, the City is identified within the south-west sub-region of the Draft Strategy together with the Town of Kwinana and City of Rockingham. It is considered that its inclusion within the 'outer metropolitan' sub-regional area is a positive and is reflective of its status as a 'growth area'. This is on the basis that outer metropolitan areas are traditionally areas of higher growth than 'central' areas which are more prone to stagnation having already been built up or fully developed with minimal scope for additional growth. It is recommended

that the City's support for its inclusion within the south-west sub-region be reflected in its submission to the WAPC.

Strategy Actions

The final chapter of the Draft Strategy lists a series of proposed strategies and actions based on the various themes of Directions 2031 (liveable, prosperous, accessible etc.). Each of the proposed actions has an associated 'lead agency', 'partners' and a relevant timeframe for investigation and/or implementation. Although the bulk of the actions are largely reflective of the issues discussed within the Draft Strategy, there is some concern in relation to the action items where local government is a 'partner' and the delivery time is 'shorter – ongoing'. The concern relates to the potential for the City to be consulted after a particular action is formulated for comment which means there is little scope to provide meaningful input. Rather, the City needs to be involved up front and prior to the release of a draft publication to ensure an active and meaningful role in the process. It is recommended that this be expressed to the WAPC in the City's submission.

Conclusion

It is very positive to see the invigorated level of strategic planning being undertaken by the WAPC. To this end the City supports many aspects of the Draft Strategy, including the land areas currently being developed for urban purposes consistent with the MRS and Scheme zonings which exist.

As evidenced throughout this report however, there are a number of issues which need rectification as they affect the City. The issues associated with the Alcoa dust buffer also need specific mentioning given the negative implications this may have on the City.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

Lifestyle and Aspiration Achievement

- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

Comments on the Draft Strategy are due by 29 November 2010. Landowners within the Wattleup area were also sent a specific letter to make them aware of the Draft Strategy. A copy of this letter is provided within the Agenda attachments.

Attachment(s)

1. South-west sub-region spatial framework map
2. Copy of letter sent to residents within Wattleup area

Advice to Proponent(s)/Submissioners

N/A

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

Nil

- 14.2 (OCM 11/11/2010) - PROPOSED 'RETROSPECTIVE APPROVAL GENERAL INDUSTRY LICENCED' - (CRUSHING FACILITY - BUILDING MATERIALS) - LOCATION: LOT 20 (NO. 962) ROCKINGHAM ROAD, AND LOT 4 (NO. 13) MUSSON ROAD HENDERSON - OWNER: RCG PTY LTD - APPLICANT: GREG ROWE & ASSOCIATES (3316540 AND 3411594) (M SCARFONE) (ATTACH)**

RECOMMENDATION

That Council advises the Western Australian Planning Commission ("WAPC") that the City of Cockburn recommends refusal of the application for the 'Retrospective Approval General Industry Licenced' (Crushing Facility – Building Materials), at Lot 20 (No. 962) Rockingham Road and Lot 4 (No. 13), Henderson for the following reasons, and that this report be referred to the WAPC as supporting documentation:

1. The retention and continued use of the land for the purposes outlined would prejudice the levels of residential amenity enjoyed by nearby residents, particularly by virtue of the resultant dust and noise impacts. As such the proposed use conflicts with the provisions of Clause 10.2.1(i) and (n) of the City of Cockburn Town Planning Scheme No. 3.
2. The subject site is identified by the Draft Latitude 32 – District Structure Plan as being part of Precinct 7 Northern Transport. The retention of the use is therefore considered to be incompatible with the objectives and intent of the District Structure Plan provisions.
3. The subject proposal is not sited in accordance with the generic buffer outlined in the document ‘Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 – Separation distances between industrial and sensitive land uses’.
4. Given the breach of the generic buffer referred to in condition No 3, the proposed development would result in the perpetuation of a land use conflict that exists between it and the sensitive residential land uses that surround it. As such the development conflicts with the provisions of the draft State Planning Policy 4.1 – State Industrial Buffer (amended).

COUNCIL DECISION

Background

It has recently been brought to the attention of the City and the Western Australian Planning Commission that the ‘General – Industry (Licenced)’ – Crushing Facility – Building Materials (herein referred to as ‘Crushing Facility’ located on the subject site, has been operating without the benefit of planning approval. On 29 September 2010 the WAPC issued a ‘direction to cease development’ for the current

activities on the site inclusive of the crushing of building materials (copy of direction attached).

On 11 October 2010 an Application for Review (Appeal) was lodged by the applicant with the State Administrative Tribunal (SAT) in respect of the said Directions Notice. A directions hearing was held on 29 October 2010, with the results being as follows:

- Representatives of the State Solicitor's Office and the WAPC will conduct interviews interested in participating in proceedings by 26 November 2010.
- Mediation scheduled for 3 December 2010.
- A full hearing scheduled for 8 March 2011.

The City has made representation to the WAPC requesting it be made a party to the abovementioned appeal.

The subject application for the Retrospective Approval of the Crushing Facility is lodged without prejudice to the abovementioned appeal.

In accordance with the provisions of the *Hope Valley Wattleup Redevelopment Act 2000* ("Act"), the details of the application were referred to the Western Australian Planning Commission, on 20 October 2010 ("WAPC") in their role as determining authority for the development.

Submission

The applicant has, on behalf of the owner/operator, provided a detailed letter outlining the type and range of operations currently undertaken from the subject site, for which retrospective approval is now sought (see attachment). Essentially the activities on the site involve the use of a mobile crushing plant and associated machinery such as earthmoving equipment and mechanical plant, used to stockpile and separate materials.

The recycled materials are then transferred from the site to be used as hardstand or fill. The applicant's submission does not provide information with regard to vehicular access to the subject site, hours of operations, buildings proposed (staff amenities, ablutions etc), parking location, location of stock piles, or areas of hardstand.

Report

Hope Valley Wattleup Redevelopment Act 2000

The subject site is located within the Hope Valley Wattleup Redevelopment Area and is affected by the provisions of the *Hope*

Valley Wattleup Redevelopment Act 2000. Under the provisions of the Act, the City's Town Planning Scheme No. 3 ceases to apply and the WAPC becomes the determining authority. Under the provisions of Clause 26 of the Act, the City may make recommendations to the WAPC within 42 days of receiving an application for planning approval, or within a longer timeframe if agreed with the WAPC. It is important to note that the City is a referral agency only, and the WAPC is the ultimate determining authority.

Hope Valley Wattleup Redevelopment Project Master Plan – Proposed Amendment No. 4

The Hope Valley Wattleup Redevelopment Project Master Plan ("Master Plan") should be read in conjunction with the *Hope Valley Wattleup Redevelopment Act 2000* and essentially acts as a de facto planning scheme for the locality. Amendment No. 4 to this document is currently undergoing public consultation. The Master Plan identifies the subject site as being located within 'Precinct 7 – Northern Transport'. The proposed Crushing Facility would be considered to meet the definition of 'General – Industry (Licenced)' which is a 'Use Not Listed' in the Masterplan.

Hope Valley Wattleup Draft District Structure Plan

The Draft Hope Valley Wattleup District Structure Plan (DSP) has been prepared by Landcorp and its partners to guide future development of the area. The DSP identifies the subject site as being within Planning Area No. 7 – Northern Transport, an area considered likely to be used for land uses such as logistics, warehouses, container handling, storage and distribution.

It is considered that the proposed use is not consistent with the future vision for the locality set out by the DSP, and as such its retention is considered unacceptable in land use terms. This is fundamental to the City's consideration of the subject proposal, and is one of the key considerations in recommending refusal of the application.

Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 – Separation distances between industrial and sensitive land uses

The Environmental Protection Authority 'Guidance Note' recommends minimum buffer distances between sensitive uses such as residential development, hospitals, hotels etc and various types of industrial, commercial and rural land uses. Where the crushing of building materials is included, the Guidance Note recommends a minimum buffer distance of 1000 m to sensitive uses measured from boundary to

boundary rather than from the source to the sensitive use. In this instance there is no separation between the proposed development and the nearest sensitive use.

In its consideration of the current proposal, an appraisal of the actual distances that exist between the crusher and stockpiles has found that:

- The closest residence is sited 270 m from the actual crusher, and a mere 190 m from the stockpiled material.
- There are at least 10 dwellings located within 350 m of the stockpiles or 400 m from the actual crusher.
- Up to 50 dwellings are located within 1000m of the crusher and stockpiles.

The buffer distances recommended by the 'Guidance Note' are generic in nature and are intended to provide a guide to relevant authorities, and landowners with regard to the suitability of a land use in a particular area. The distances may be reduced if a satisfactory site specific technical study is provided to support this variation.

Given ongoing concerns with regard to asbestos and other dust and noise emissions in the locality, the poor standard of information supplied in support of the proposal, and the lack of any standard buffer, the proposal is considered to conflict with the provisions of the 'Guidance Note', and should not be supported on that basis.

Draft State Planning Policy 4.1 – State Industrial Buffer (Amended)

The provisions of this policy apply throughout Western Australia, and aim to ensure that conflict between competing sensitive and industrial land uses is avoided. Specifically, Part 5 of the policy requires that proposals for new industrial development demonstrate, via an appropriate technical analysis, how emissions from them will be contained on site. The policy provides detailed guidance as to the type of information required to be submitted as part of any technical analysis. As indicated above, a technical analysis of the proposal has not been provided and as such the proposed development is considered contrary to the provisions of the State Industrial Buffer policy.

Comment

As indicated previously, the applicant has provided a detailed letter to provide support for the retention of the activities on site. This letter outlines why the retention of the unauthorised activities on site should be supported, citing that there is no resultant conflict between it and sensitive adjoining land uses, it does not conflict with the future

intended use for the area, and it does not conflict with future structure planning for the area given it is a small scale operation.

While the applicant indicates that the un-authorised activities will not result in conflict, the City has received a number of substantiated complaints about on site operations from adjoining neighbours in recent years. Since March this year the City's Environmental Health Officers (EHO) have visited the site at least ten times, with dust observed leaving the subject site on a number of occasions. While visiting an adjoining site to investigate one such complaint, one of the City's EHO's experienced irritated eyes and throat due to dust emanating from the subject site.

Given the above and in the absence of a detailed Dust Management Plan and Acoustic Noise Assessment, it is considered that the applicant has failed to demonstrate how the development can continue to operate without having a significant and detrimental impact on the residential amenity of those who reside in close proximity.

As such, and given the additional conflicts that exist in terms of Structure Planning Policy, and State-wide Planning Guidance, it is concluded that the proposed development should be refused. It is therefore recommended that Council object to the proposal and advise the WAPC accordingly.

Conclusion

The proposed 'General Industry (Licenced)' – Crushing Facility – Building Materials is not considered to be an appropriate land use given its proximity to surrounding dwellings, its conflict with the long term provisions of the Hope Valley Wattleup District Structure Plan, and the fact that the development breaches the 1000m EPA buffer.

Strategic Plan/Policy Implications

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

Natural Environmental Management

- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Community consultation has not been undertaken with regard to the subject application, however as indicated in the comment section above, the operation has been the subject of a number of substantiated complaints this year.

In addition to the above, at its Ordinary Council Meeting held 14 October 2010, Council resolved to support the officer's recommendation for refusal of an application for 'General Industry – Crushing of Building Materials' on Lot 9 (No. 950) Rockingham Road, Henderson (directly adjacent to the north of the subject site). This application was referred to 42 landowners located within 1000m of the subject site, of whom five (5) objected to the proposal, raising concerns with regard to dust and noise.

Residents who raised concerns with regard to the application for Lot 9 have been notified that the proposal will be considered at the 11 November 2010 Council Meeting.

Attachment(s)

1. Applicant's submission.
2. Direction to cease development
3. Location map

Advice to Proponent(s)/Submissioners

The Proponent(s) and concerned residents have been advised that this matter is to be considered at the 11 November 2010 Council Meeting.

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

Nil.

**14.3 (OCM 11/11/2010) - PROPOSED 'GENERAL INDUSTRY' (LICENCED)
- TEMPORARY CRUSHING OPERATION AND HARDSTAND -
LOCATION: LOT 20 (NO. 962) ROCKINGHAM ROAD, AND LOT 4
(NO. 13) MUSSON ROAD HENDERSON - OWNER: RCG PTY LTD -
APPLICANT: RCG PTY LTD (3316540 AND 3411594) (M
SCARFONE) (ATTACH)**

RECOMMENDATION

That Council advises the Western Australian Planning Commission ("WAPC") that the City of Cockburn recommends refusal of the application for the 'General Industry' (temporary crushing operation and hardstand), at Lot 20 (No. 962) Rockingham Road and Lot 4 (No. 13), Henderson for the following reasons, and that this report be referred to the WAPC as supporting documentation:

1. The proposed development will have an unacceptable impact on the amenity of nearby residents, particularly with regard to dust and noise impacts. As such, it would conflict with the provisions of Clause 10.2.1 (i) and (n) of the City of Cockburn Town Planning Scheme No. 3.
2. The subject proposal is not sited in accordance with the generic buffer outlined in the document 'Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 – Separation distances between industrial and sensitive land uses'.
3. Given the breach of the generic buffer referred to in condition No. 3, the proposed development will result in a land use conflict between it and the sensitive residential land uses that surround it. As such, the proposed development conflicts with the provisions of the draft State Planning Policy 4.1 – State industrial Buffer (Amended).

COUNCIL DECISION

Background

On 7 September 2010, the City received correspondence from the proponent seeking approval for a 'General Industry' (temporary

crushing operations and hardstand) use on the subject site. The City responded and requested that a formal planning application for the use be lodged, recommending that such an application be accompanied by a report prepared by a suitably qualified consultant justifying the reduced buffer distance of less than two hundred (<200) metres in lieu of the 1000m recommended by the document *'Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 – Separation distances between industrial and sensitive land uses'*.

On 20 September a formal application was received from the land owner and in accordance with the provisions of the *Hope Valley Wattleup Redevelopment Act 2000* ("Act"), the details of the application were referred to the Western Australian Planning Commission, on 24 September 2010 ("WAPC") in their role as determining authority for the development.

Despite the City's advice that the application be supported by a qualified consultant report to address issues of noise attenuation and dust management, the advice has not been followed. As such the application submission does not adequately address the City's concerns with regard to potential dust and noise impacts on surrounding residential properties nor does it provide adequate justification for the nominal 1000 metre buffer to be reduced. As such it is concluded that the application should be recommended for refusal and the WAPC advised as such.

Submission

The proponent has provided a report (refer to Agenda attachments) which describes the activities to be undertaken on the subject site.

Essentially, the applicant proposes to crush medium sized (<300mm) waste aggregate to smaller pieces (<30mm) of recycled concrete for use as hardstand on the abovementioned lots. The hardstand is intended to act as a dust suppression measure and to facilitate the future industrial use of the land.

Report

Hope Valley Wattleup Redevelopment Act 2000

As stated, the subject site is located within the Hope Valley Wattleup Redevelopment Area and is affected by the provisions of the *Hope Valley Wattleup Redevelopment Act 2000*. Under the provisions of the Act, the City's Town Planning Scheme No. 3 ceases to apply and the WAPC becomes the determining authority. Under the provisions of

Clause 26 of the Act, the City may make recommendations to the WAPC within 42 days of receiving an application for planning approval, or within a longer timeframe if agreed with the WAPC. It is important to note that the City is a referral agency only, and the WAPC is the ultimate determining authority.

Hope Valley Wattleup Redevelopment Project Master Plan – Proposed Amendment No. 4

The Hope Valley Wattleup Redevelopment Project Master Plan ("Master Plan") acts as a de facto Town Planning Scheme for the Hope Valley Wattleup Redevelopment Area. Amendment No. 4 to this document is currently undergoing public consultation. The Master Plan identifies the subject site as being located within 'Precinct 7 – Northern Transport'. The proposal would be considered to meet the definition of 'Industry – General (Licenced)' a use not listed within the Master Plan document.

Hope Valley Wattleup Draft District Structure Plan

The Draft Hope Valley Wattleup District Structure Plan has been prepared by Landcorp and its partners to guide future development of the area. The Draft District Structure Plan identifies the subject site as being within Planning Area No. 7 – Northern Transport, an area considered likely to be used for land uses such logistics, warehouses, container handling, storage and distribution.

Whilst the proposed temporary crushing of materials on site is intended to facilitate future land uses consistent with the above, it is considered that given noise and dust concerns have not been adequately addressed, the proposal should not be supported.

'Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 – Separation distances between industrial and sensitive land uses'

The above document herein referred to as the 'Guidance Note' recommends minimum buffer distances between sensitive uses such as residential development, hospitals, hotels etc and various types of industrial, commercial, and rural land uses. Where the crushing of building materials is proposed the Guidance Note recommends a minimum buffer distance to sensitive uses of 1000m, measured from boundary to boundary rather than from the source to the sensitive use. In this instance there is no separation between the proposed development and the nearest sensitive use.

The buffer distances recommended by the 'Guidance Note' are generic in nature and are intended to provide a guide to relevant authorities, and landowners with regard to the suitability of a land use in a particular area. The distances may be reduced if a satisfactory site specific technical study is provided to support this variation.

In the case of the subject development no site specific information with regard to noise has been provided and the information provided in relation to dust management is not considered appropriate by the City's Environment Health Department.

Given ongoing concerns with regard to dust and noise emissions in the locality, the poor standard of information supplied in support of the proposal, and the lack of any standard buffer, the proposal is considered to conflict with the provisions of the 'Guidance Note', and should not be supported on that basis.

Draft State Planning Policy 4.1 – State Industrial Buffer (Amended)

The provisions of this policy apply throughout Western Australia, and aim to ensure that conflict between competing sensitive and industrial land uses is avoided. Specifically, Part 5 of the policy requires that proposals for new industrial development demonstrate, via an appropriate technical analysis, how emissions from them will be contained on site. The policy provides detailed guidance as to the type of information required to be submitted as part of any technical analysis. As indicated above, a technical analysis of the proposal has not been provided and as such the proposed development is considered contrary to the provisions of the State Industrial Buffer Policy.

Comment

This is the third application for a development involving the crushing of building materials lodged with the City in recent months, with Council recommending refusal in the previous two instances. The most recent involved a proposal for the crushing of building material on Lot 950 Rockingham Road, Henderson, directly adjacent to the subject site. In that case the officer's recommendation that the application be refused was supported by Council at its meeting held 14 October 2010.

In considering the impacts of that proposal, the City undertook a consultation exercise with all landowners located within a radius of 1000 m from the site. In all, 42 households were consulted, of whom 5 objected. The main concerns raised in objection to the proposal at that time related to dust and noise impacts. Although this process of consultation has not been repeated with the subject proposal, the

concerns raised by local landowners are considered relevant in assessing the impacts of the current proposal subject of this report.

Unless material considerations dictate otherwise, the City is typically un-supportive of crushing operations which breach the recommended 1000m buffer distance. This stance is also generally adopted by the Department of Environment and Conservation (DEC), who has indicated in written correspondence to the City that the current proposal is unlikely to receive their endorsement. The concerns held by the DEC mirror those of the City and those expressed by local residents in consideration of the earlier proposal on an adjoining site i.e. the potential impacts of noise and dust which cannot be adequately managed via the introduction of suitable mitigation measures.

In the absence of a detailed Dust Management Plan and Acoustic Noise Assessment, and taking into account the previously expressed concerns of local landowners coupled with the advice received from the DEC, it is concluded that the proposed development should be refused, and the WAPC advised accordingly.

Conclusion

The proposed General Industry' (temporary crushing operations and hardstand) is not considered to be an appropriate land use given its proximity to surrounding dwellings, its conflict with the long term provisions of the Hope Valley Wattleup District Structure Plan, and the fact that the proposal would breach the EPA buffer.

Strategic Plan/Policy Implications

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

Natural Environmental Management

- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Community consultation has not been undertaken as a part of the subject proposal for reasons outlined in the comment section above. Despite this fact, residents who raised concerns with regard to the application for Lot 9 Rockingham Road have been notified that the proposal will be considered at the 11 November 2010 Council Meeting.

Attachment(s)

1. Applicant's submission
2. WA Planning Commission Direction Notice
3. Location Map

Advice to Proponent(s)/Submissioners

The Proponent(s) and concerned residents have been advised that this matter is to be considered at the 11 November 2010 Council Meeting.

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

Nil.

14.4 (OCM 11/11/2010) - EXTRACTIVE INDUSTRY - CONTINUATION OF SAND EXTRACTION - LOT 130; 367 JANDAKOT ROAD, BANJUP - OWNER: VINCENT NOMINEES PTY LTD - APPLICANT: BUSHBEACH HOLDINGS PTY LTD T/A NLG SAND SUPPLIES (5513178) (M SCARFONE) (ATTACH)

RECOMMENDATION

That Council grant approval to an Extractive Industry (sand) on Lot 130 (No. 367) Jandakot Road, Banjup, for a period of four (4) years only, subject to the following conditions:

CONDITIONS

1. This approval remains valid for a period of four (4) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.
2. Development may be carried out only in accordance with

the commitments and plans contained within the report entitled 'Excavation and Rehabilitation Management Program (ERMP) – Renewal of Planning Consent' dated October 2008, unless superseded by conditions of this approval or subsequent plan required by this approval.

3. All stormwater being contained and disposed of on-site to the satisfaction of Council.
4. The minimum excavation level being not less than 29.5 metres ADH.
5. Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the operation of the site by 31 March annually to the satisfaction of Council
6. If dust is detected at an adjacent premises and is deemed to be a nuisance by an Environmental Health Officer, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust from occurring, to the satisfaction of the Manager Statutory Planning in conjunction with the Manager Health Services.
7. The applicant/owner shall prepare and lodge to the satisfaction of the City, a strategy indicating the method proposed to bring site rehabilitation into line with the program proposed as a part of the approved ERMP. The details of this strategy must be prepared and submitted to the City for its written approval within 30 days of the date of this decision.

FOOTNOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building license may be required.
2. With regard to Condition 7, it is particularly evident that attention is required in respect of weed control. A commitment to rectify this situation is considered necessary.

COUNCIL DECISION**Background**

Zoning:	MRS:	Rural – Water Protection
	TPS3:	Resource
Land use:	Sand Excavation	
Lot size:	41.27 ha	
Use class:	Extractive Industry 'AA' Discretionary Use	

Council, at its Ordinary Meeting (OCM) held on 17 November 1998, approved an application for renewal of an 'Extractive Industry (sand)' on the subject property for a period of 5 years. The approval subsequently expired on the 23 November 2003.

A further extension for a period of two years was issued at the OCM held 25 October 2004. Following the issue of this Conditional Approval the applicant lodged an Application for Review with the State Administrative Tribunal and the approval period was extended to six years (6) and several other conditions were modified. The current approval expired on 25 October 2010.

Submission

Approval is sought for the renewal of approval for an 'Extractive Industry (sand)' for a further four (4) year period.

A copy of the 'Excavation and Rehabilitation Management Program – Renewal of Planning Consent' (ERMP) is attached.

Report*Scheme Requirements*

The subject land is zoned 'Resource' under the City's Town Planning Scheme No.3 ('the Scheme'). In accordance with the Scheme requirements, Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy is relied upon to assess the suitability of uses within this part of the 'Resource' zone.

Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy (SPP No. 2.3)

The application has been referred to the Department of Water in accordance with the requirements of SPP No. 2.3. The Department has no objections to approval of the proposed application subject to the ERMP taking into account the following:

- There shall be a 2m undisturbed profile between the likely maximum water table and the proposed surface level at all times.
- All vehicle and plant fuelling facilities should be placed and operated within low permeability bunded compounds and on site wastewater treatment for staff amenities to be made available on site.
- Fire and emergency response plan to be in place with fire tracks being located to ensure minimal soil disturbance.

It is generally considered that each of the points contained in the DoW's advice have been addressed by the proponents ERMP and as such the application is supported. A copy of the DoW's advice is attached.

Statement of Planning Policy No. 2.4 – Basic Raw Materials (SPP No. 2.4)

The subject land is identified within Statement of Planning Policy No. 2.4 – Basic Raw Materials, as a priority resource area for sand extraction. The policy states that priority resource locations are of regional significance, which should be recognised for future resource extraction and not be constrained by incompatible uses or development.

Community Consultation

In accordance with Clause 9.4 of the Scheme, the application was advertised to the owners of approximately 50 dwellings located in the local area. As a result of this consultation exercise four representations were received, of which only one raised objections to the proposed renewal.

The letter of objection relates to the impact of the proposed extended timeframe on the landowner's plans to build on their property. The proposed development is contained within the boundaries of the subject site and abuts large rural residential styles lots. The proposal is not considered to impact upon the development plans of adjoining properties, and as such the representations made are not substantiated in planning terms.

Comment

The 4 year extension period now sought will enable the completion of sand extraction operations on the site, whilst avoiding the need for repeated requests to extend the extraction period. The applicant has verbally indicated that it is the intention of the land owner to complete extraction and vacate the site well within the proposed four year timeframe, albeit this will be dependent on the demand for the product over time.

The details of the application were considered by the City's internal Development Control Unit, who generally concluded that the proposal should be supported subject to the imposition of relevant conditions. The Parks and Environment Manager has visited the site and expressed concerns that the proponent is falling short in their commitments made in the proposed ERMP, particularly with regard to weed control. This concern is addressed for the purposes of the current application by virtue of proposed condition No. 8.

Conclusion

The subject proposal allows for the continuation of an approved use. The boundaries of the extraction are not subject to change and it is considered the proponent has generally operated in accordance with the previously approved ERMP for the site. It is recommended that the application for renewal be approved for a further period of four (4) years.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The application was referred to surrounding landowners for comment, in accordance with Council policy.

One letter of objection and three letters of no objection were received.

Attachment(s)

1. 'Excavation and Rehabilitation Management Program – Renewal of Planning Consent'
2. Location map

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 11 November 2010 Council Meeting.

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

Nil.

14.5 (OCM 11/11/2010) - DETAILED AREA PLANS FOR PORT COOGEE (STAGE 10BA AND 2C LANEWAY LOTS, STAGE 10BB STANDARD LOTS, 10B1 STANDARD LOTS AND 10B1 LANEWAY LOTS) - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (PS/A/001) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plans presented for Stages 10BA, 2C (laneway lots), 10BB (Standard Lots), and 10B1 (standard and laneway lots), Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clauses 6.2.15.5 and 6.2.15.8 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly.

COUNCIL DECISION

Background

This report deals with four Detailed Area Plans (DAP's) for two different stages in Port Coogee. The Stages in question are 2C and 10B, both situated on the land side of Orsino Boulevard, either side of Pantheon Avenue (which extends between Cockburn Road and Orsino Boulevard). The DAP's apply to a range of lots varying in size and orientation. The densities applicable to the lots range from R20 to R40 and include R25 and R30 sizes lots.

Submission

The attached DAP's address amongst matters:

- Key elements to be considered in the design of dwellings.
- Dwelling setback requirements, including the extent to which parapet walls can be erected on side boundaries.
- Dwelling height.
- Access and garage requirements.

Where the DAP's do not refer to an alternate standard, the applicable standard is that prescribed in the Residential Design Codes (R-Codes) or the City's Town Planning Scheme No. 3 and/or Policies.

Report

The DAP's the subject of this report provide a site-specific layer of planning information, to be considered in the design and development of the lots within the respective stages. The information is consistent with the content of the Revised Local Structure Plan adopted by SAT in May (2010), most notably the various densities that apply across the Port Coogee project.

Presentation of the DAP's to the City is by the planning consultant for Port Coogee. Following an initial assessment, several minor changes have been made to a number of the DAP's. The changes follow discussion of alternate requirements for a particular Stage (or lots within) for the purpose of achieving more desirable outcomes.

Conclusion

The finalised DAP's provide detailed controls for small lot development as identified in the Structure Plan for the stages in question. It is, therefore, recommended the DAP's be approved by Council.

The approval of the DAP's is in accordance with the provisions of 6.2.15 of the scheme. It is noted the process for adopting a DAP includes consultation where a DAP may affect landowners other than

the owner of the land subject of the plan. In the case of the subject DAP's, Australand owns the majority of surrounding land. Additionally and more importantly, the design and development of dwellings controlled by the DAP's will be as envisaged and reflective of the Structure Plan. Bearing these points in mind, consultation has not occurred.

Clause 6.2.15.8 provides scope for a DAP to be amended should this be necessary in the future.

Strategic Plan/Policy Implications

APD 31 'Detailed Area Plans'

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP's have not been the subject of consultation.

Attachment(s)

1. Location/Revised Local Structure Plan
2. Stage 10BA and 2C laneway Lots

3. Stage 10BB Standard Lots
4. Stage 10B1 Standard Lots
5. Stage 10B1 Laneway Lots

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 11 November 2010 Council Meeting.

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

Nil.

14.6 (OCM 11/11/2010) - CONTROL OF LUNCH BARS WITHIN INDUSTRIAL AREAS OWNER / APPLICANT: N/A (9006) (R SERVENTY)

RECOMMENDATION

That Council notes the issues raised in the report, and resolves not to prepare a local planning policy to control the development of lunch bars within industrial areas based on economic viability issues.

COUNCIL DECISION

Background

At Council's Ordinary Meeting held on 9 September 2010, Cr Oliver requested that a report be prepared for future consideration regarding the restriction and location of lunch bars within industrial areas.

This request was born from concerns relating to perceived threats to the economic viability of existing lunch bars, from the establishment of new lunch bars close-by. It was specifically requested that consideration be given to the development of a suitable local planning policy.

Submission

N/A

Report

Existing Controls for Lunch Bars within Industrial Areas

Town Planning Scheme No. 3

Town Planning Scheme No. 3 (TPS3) defines Lunch Bar as a “premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas”.

Under TPS3, a Lunch Bar is a discretionary use within the ‘Light and Service Industry’ and ‘Industry’ zones. This means a Lunch Bar is not permitted unless the local government has exercised its discretion by granting planning approval.

In exercising its discretion for lunch bars under TPS3, the local government is required to consider the objectives of the zone set out in Clause 4.2, and the general development requirements for commercial and industrial uses set out in Clause 5.9. These development requirements include controls relating to building setbacks, landscaping, amenity, convenience, functionality and vehicle parking.

There are no provisions within TPS3 relating to market competition, as it is not considered a relevant planning and development matter. This is a common characteristic of the planning system within WA.

Local Planning Policies

Part 10 of TPS3 outlines matters that Council must consider when determining an application for planning approval. One of these considerations is any local planning policy adopted under TPS3. Clause 2.4 of TPS3 provides for the preparation of a local planning policy in respect of any matter related to the planning and development of the Scheme Area. Market competition is not considered a traditional planning and development matter, and therefore there are no existing local planning policies that guide the development or use of land, based on limiting market competition.

Under TPS3 and the existing suite of local planning policies, the City when considering an application for a lunch bar within one of the industrial zones, is not required or expected to consider the affect of additional competition on surrounding businesses. This applies to all other similar classes of development under TPS3.

Under TPS3 and the WA planning legislative framework, market competition is not a matter to which a local planning policy can or should be lawfully made.

National Competition Reform Agenda

In further support as to why matters of market competition do not fit within the realm of planning control, an outline of the Australian National Competition agenda is provided. The National Competition Policy refers to a set of policies introduced in Australia in the 1990s with the aim of promoting microeconomic reform. In 1995, the Council of Australian Government (COAG) agreed to the National Competition Policy package of measures to meet various competition reform commitments.

All contemporary Australian Federal and State Governments have provided continued support for the microeconomic reform agenda, particularly, the promotion of competition and fair trade to benefit consumers, business and the community alike.

Zoning and planning restrictions to competition, particularly within the grocery retailing sector, has increasingly become a focus of the reform agenda for COAG. This focus aims to deter local planning controls that impose de-facto protectionist measures that limit market competition.

Restriction of the number of lunch bars within an industrial area through a planning control mechanism, such as a local planning policy, would be inconsistent with the objectives of the competition reform agenda pursued by Australian Federal and State Governments.

Planning Discussion

Any new local planning policy which sought to consider the economic impact of lunch bar proposals on existing lunch bars within the vicinity of the proposal would extend beyond traditional planning and development considerations. Such a policy would not be consistent with the local planning policy provisions of TPS3, nor the intent and broader application of TPS3, or WA planning legislation.

Administration of such a policy would place unreasonably onerous requirements on proponents of new lunch bars, who in order to demonstrate compliance with the policy, may be required to undertake detailed economic impact studies. These onerous approval requirements could potentially deter the development of lunch bars within the City, and as a consequence reduce the service provision and amenity enjoyed by the City's workforce.

In addition, the policy would operate in contradiction to the objectives of the competition reform agenda pursued by the Federal and State Governments. The policy would be a backward step and contrary to the promotion of healthy competition within the business sector of Australia.

On the basis of the above, a policy restricting the development of lunch bars based on economic viability arguments is not recommended.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.7 (OCM 11/11/2010) - PROPOSED SCHEME AMENDMENT AND MODIFICATION TO STRUCTURE PLAN LOCATION: LOT 424 KIRKLEY COURT AND LOT 519 PEARSONS DRIVE, SUCCESS - OWNER: GOLD ESTATES OF AUSTRALIA PTY LTD - APPLICANT: ROBERTS DAY (93084) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council:

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate an amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:
1. Rezoning Lot 424 Kirkley Court, Success from 'Residential R40' to 'Residential R60'.
 2. Rezoning Lot 519 Pearson Drive, Success from 'Residential R40' to 'Residential R80'.
 3. Amending 'Development Area 14' under Schedule 11 of the Scheme Text by including additional provisions as follows:

Ref.No.	Area	Provisions
DA 14	Beenyup Road (Development Zone)	<ol style="list-style-type: none"> 1. Structure Plan adopted to guide subdivision, land use and development. 2. To provide for residential development. 3. Land uses classified on the structure plan apply in accordance with <i>clause 6.2.6.3</i>. 4. A Detailed Area Plan(s) is required to be approved by the local government for Lot 424 Kirkley Court and Lot 519 Pearson Drive prior to subdivision or development, and the Detailed Area Plan(s) shall address, but not be limited to, the following issues: <ol style="list-style-type: none"> a. Development that achieves an appropriate interface with the adjacent residential development, with minimal street setbacks to Pearson Drive facilitating the location of car parking and communal open space to the rear of the subject land (southern boundary); and the height and design of buildings maintaining a compatible scale and form with adjacent development.

		<ul style="list-style-type: none"> b. Development that is designed to give emphasis to the street corners, particularly the corner of Wentworth Parade and Pearson Drive. c. Open style fencing to Pearson Drive. d. Provision of safe, functional and attractive access arrangements.
<p>(2) adopt the modified Structure Plan (coding Lot 424 Kirkley Court 'Residential R60' and Lot 519 Pearson Drive 'Residential R80) for community consultation; and</p> <p>(3) as the amendment is in the opinion of Council consistent with Regulation 25(2) of the <i>Town Planning Regulations 1967</i> ("Regulations"), and upon receipt of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.</p>		

COUNCIL DECISION

Background

The subject land comprises Lot 424 Kirkley Court and Lot 519 Pearson Drive, Success, which are currently zoned 'Residential R40' and are within 'Development Area 14' pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme") (refer to site plan within attachment 1).

Submission

The proposed rezoning and Structure Plan modification has been requested by the applicant in order to facilitate a more comprehensive

development of the subject land for medium density residential purposes. The applicant has submitted scheme amendment documentation, a revised Structure Plan proposal and indicative development concept plans in support of the proposal.

Report

Proposal

A scheme amendment has been prepared that proposes to rezone Lot 424 Kirkley Court, Success from 'Residential R40' to 'Residential R60', and Lot 519 Pearson Drive, Success from 'Residential R40' to 'Residential R80' (refer to Attachment 2). It also proposes modifications to the existing 'Development Area 14' provisions pursuant to the scheme, to introduce the requirement for a Detailed Area Plan ("DAP") for the subject land, and outlining the matters that must be addressed by the DAP.

The land is subject to an endorsed Structure Plan (Wentworth Heights), which reflects the zonings under the scheme. Therefore, the proposal also includes a modification to the Structure Plan, to be progressed concurrently with the scheme amendment.

Directions 2031 and Beyond is a Western Australian Planning Commission ("WAPC") document that sets the direction for how the metropolitan region will grow, building on the themes identified in previous metropolitan plans such as *Network City* (now superseded). It seeks to ensure urban growth is managed, and to make the most efficient use of available land and infrastructure. This is particularly in terms of prioritising the development and use of land that is already zoned 'Urban'.

Directions 2031 is supported by *Liveable Neighbourhoods*, which is an operational WAPC policy for the design and assessment of new neighbourhood areas. *Liveable Neighbourhoods* seeks to facilitate new development which supports the efficiency of public transport systems where available, and provide safe, direct access to the system for residents. It outlines that the achievement of more sustainable urban outcomes will require higher residential densities in many urban areas. The areas considered most appropriate for higher densities are those associated with activity centres, and areas well served by public transport routes.

Both Lot 424 Kirkley Court and Lot 519 Pearson Drive, Success has these associated characteristics.

A key objective of *State Planning Policy 4.2 Activity Centres for Perth and Peel* ("SPP 4.2") is to increase the density and diversity of housing

in and around activity centres to improve land efficiency and support centre facilities. SPP 4.2 seeks to optimize residential growth within the walkable catchment of centres through appropriately scaled buildings and higher-density development.

Cockburn Central is identified as a 'secondary' activity centre in SPP 4.2. The subject land is located within 500 m of the 'Gateways' precinct of the centre. The subject land is located within 100m of two bus stops which directly connect to the Cockburn Central train station (approximately 2km from the subject land). Therefore the proposed rezoning is considered to provide an important opportunity to optimise residential development within the catchment of Cockburn Central.

The proposed zoning is compatible with the zoning of land on the northern side of Pearson Drive which is coded 'R80' and 'R160', with residential development generally ranging in height between two to four storeys. The lots directly adjacent to the subject land to the south are zoned 'Residential R40', with single lots ranging in size from 380 m² to 430 m². The majority of these lots have been developed (one and two storey dwellings). Therefore, it is considered particularly important that an appropriate interface is achieved with the adjacent residential development. This issue is discussed below.

Future built form outcomes

The proposed amendment includes modification to the existing 'Development Area 14' provisions under Schedule 11 of the scheme. Importantly these changes will specifically require a DAP for the subject land prior to subdivision or development. The proposed Development Area provisions also outline the key issues that the DAP will need to address, as follows:

- Development that achieves an appropriate interface with the adjacent residential development, with minimal street setbacks to Pearson Drive facilitating the location of car parking and communal open space to the rear of the subject land (southern boundary); and the height and design of buildings maintaining a compatible scale and form with adjacent development.
- Development that is designed to give emphasis to the street corners, particularly the corner of Wentworth Parade and Pearson Drive.
- Open style fencing to Pearson Drive.
- Provision of safe, functional and attractive access arrangements.

It is considered that these requirements will ensure that built form outcomes on the subject land are appropriate. To demonstrate that this is possible at the proposed densities the applicant has submitted indicative concept plans for each lot, as outlined below.

Lot 424 Kirkley Court - Proposed R60 (Attachment 3):

- Two storey residential development, which is a consistent height to the adjacent single residential dwellings in Monet Lane and Sheringham Lane.

Lot 519 Pearson Drive - Proposed R80 (Attachment 4):

- The indicative concept plan shows two four storey buildings on the corner of Wentworth Parade and Pearson Drive, with development stepping down to three and then two storeys adjacent to the lower density residential development on . This is considered to provide an appropriately scaled interface with adjacent development on Kirkley Court, while still achieving R80 density.

The future DAPs for the subject land will be informed by the indicative concept plans.

Conclusion

The proposed rezoning and modification to the Structure Plan is considered to achieve a more efficient use of 'Urban' zoned land, consistent with *Liveable Neighbourhoods, Directions 2031* and SPP 4.2. Accordingly it is recommended that Council adopt Scheme Amendment No. 86 and the revised Structure Plan, and undertake landowner, government agency and community consultation in accordance with the *Town Planning Regulations 1967*, and normal amendment and structure plan procedures.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.

Transport Optimisation

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

Budget/Financial Implications

The scheme amendment and 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.

Legal Implications

N/A

Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the scheme amendment and the Environmental Protection Authority ("EPA") advising that the proposal is environmentally acceptable. Advertising of the revised local structure plan will also be undertaken in accordance with the requirements of the scheme; however, the scheme amendment and structure plan are proposed to be advertised concurrently.

Attachment(s)

1. Location Plan
2. Scheme Amendment Map
3. Indicative Concept Plan Lot 424 Kirkley Court, Success
4. Indicative Concept Plan Lot 519 Pearson Drive, Success
5. Revised Local Structure Plan (Wentworth Heights)

Advice to Proponent(s)/Applicant

The applicant has been advised that this matter is to be considered at the 11 November 2010 Council Meeting.

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

Nil.

14.8 (OCM 11/11/2010) - PROPOSED INITIATION OF AMENDMENT NO. 87 TO TOWN PLANNING SCHEME NO. 3 - LOCATION: PACKHAM NORTH PROJECT AREA - OWNER: VARIOUS - APPLICANT: N/A (93070) (R COLALILLO) (ATTACH)

RECOMMENDATION

That Council:

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Amendment No. 87 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:

Amending Schedule 12 - Development Contribution Plan contained in the scheme text by including DCA 12 - Packham North as follows.

Schedule 12 Development Contribution Plan

Ref. No.	DCA 12
Area:	Packham North
Provisions	<p>All landowners within DCA 12 shall make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Packham North Development Contribution Area.</p> <p>The proportional contribution is to be determined in accordance with the provisions of Clause 6.3 and this Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> <p>Landowners shall generally be required to contain drainage on their own site. However, where a landowner(s) is required to provide additional capacity within their subdivision or development that is to serve adjoining landowners then all landowners whose land is to be serviced by designated drainage area shall make a proportional contribution to the required drainage land and works. Such proportion is to be calculated on the basis of the area of land within the drainage catchment areas.</p> <p>Drainage works referred to above include internal and offsite arterial groundwater control and drainage infrastructure including detention basins,</p>

	<p>gross pollutant traps, nutrient stripping and landscaping. Infrastructure within subdivision roads and development sites is the responsibility of the land developer and is not a DCA responsibility.</p> <p>Landowners(s) are required to provide 10% of their landholding(s) for public open space (POS) in accordance with Element 4 of Liveable Neighbourhoods. The structure plan will generally locate POS such that the 10% requirement is satisfied on each owner or group of owners land holdings. However, where the adopted structure plan requires landowners(s) to provide more than their required 10% POS within their subdivision then the over and above POS land area shall be a DCA cost item which is contributed to by those landowners not providing 10% of their land. The above liability for POS is to be based on the value of the POS being over provided which is determined in accordance with clause 6.3.9 of the Scheme and apportioned to under providing owners on the basis of the area of a landowner(s) shortfall in meeting the 10% requirement.</p> <p>The cost of landscaping public open space including wetland restoration.</p> <p>The cost of any new subdivision road which the City and the WAPC require to have a reserve width greater than 15 metres wide. The liability shall be limited to the land in excess of 15 metres wide and the cost of the pavement that is in excess of 6 metres wide. The cost of footpaths, parking embayment and public utility services including drainage, lighting, power, telecommunications, water, sewerage and gas are costs of subdivision of the land adjoining the road and therefore not included in the DCA costs.</p> <p>The costs of any traffic management device on Integrator or Neighbourhood Connector roads as defined by Element 2 of Liveable Neighbourhoods which are required as part of the development of the DCA area. This includes existing and proposed internal and abutting roads.</p>
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	<p>Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning which relate to the DCA area.</p> <p>Costs to implement and administer cost sharing arrangements of the DCA including design, cost estimates and schedules, valuations, annual reviews of land and works, audits, legal advice and administrative costs.</p> <p>The DCA costs shall not apply to Lot 6 Rockingham Road or Lots 16, 17 & 18 Mell Road unless they are the subject of further development in addition to that which already exists or is the subject of a current approval.</p> <p>Cost including fees and interest on any loans raised by the local government to purchase land or undertake any of the DCA12 works.</p>
<p>Participants and Contributions</p>	<p>In accordance with the Cost Contribution Schedule adopted by the local government for DCA 12.</p>

- (2) endorse the draft Cost Contribution Schedule as contained within the agenda attachments for the purposes of advertising with the scheme amendment;
- (3) determine that the amendment is consistent with Regulation 25(2) of the Town Planning Regulations 1967 (“Regulations”), and upon the preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment; and
- (4) require the amendment documentation be prepared in accordance with the standard format prescribed by the regulations.

COUNCIL DECISION

At its Ordinary Council Meeting held on 12 December 2009 Council resolved to adopt Amendment No. 70 to City of Cockburn Town Planning Scheme No. 3 ("TPS No. 3") for final approval, subject to some minor modifications to the associated Developer Contribution Area ("DCA") items. Amendment No. 70 was originally progressed by the City in order to allow the development of the former Watsons plant, and surrounding land that was in its associated buffer, for residential purposes. The amendment involved the rezoning of the land to 'Development' zone, and including appropriate Development Area ("DA") and DCA provisions within TPS No. 3 to control the formulation of subsequent structure plans.

Following adoption, the City referred the amendment to the Western Australian Planning Commission ("WAPC") for final approval by the Minister for Planning. In September 2010, the City was notified by the WAPC that the Minister decided not to approve the amendment until such time that modifications to the DA provisions were made and the proposed DCA provisions were removed. The removal of the DCA was requested by the Minister on the grounds that it was inconsistent with State Planning Policy 3.6 - Development Contributions for Infrastructure ("SPP 3.6"). The inconsistency was on the basis that the proposed Development Contribution Plan ("DCP") was not advertised together with a Proposed Schedule of Costs. There were concerns held that in not knowing the proposed costs, would mean potential landowners would not be able to make an informed judgement about the amendment.

This decision was disappointing given that the City had expressed from the very start to the WAPC that it had not included a schedule of costs in its advertising process as it would only be meaningful once a District Structure Plan had been prepared and all the items had been properly identified and quantified. In the absence of a District Structure Plan at the time when the amendment was first initiated, made it impossible to start to determine what the specific costs of items would be. This approach was supported by landowners and developers within the subject area.

Despite this, the Minister for Planning granted final approval to Amendment No. 70 on 15 October 2010 without any of the DCA provisions or an associated DCP in place. For this reason, the City is now required to initiate a new amendment, to introduce the DCP which

is to be advertised together with a proposed schedule of costs. The City is now at the stage where a proposed schedule is available.

Submission

N/A

Report

Proposed Amendment No. 87 – Developer Contribution Area 12

Within multiple ownership areas there are items of infrastructure such as public open space, road widening/extensions, drainage and overall costs including preliminary studies and open space development that are required for the development and are the responsibility of all owners rather than the owner on whose land the requirement is located. To ensure that all owners equitably contribute to these costs, in multiple ownership areas the City administers DCA provisions that are set out in Schedule 12 of the Scheme Text.

Recognising the highly fragmented nature of land ownership, a comprehensive development contribution area and plan is proposed to be introduced via the Scheme amendment process. Specifically, it is proposed to apply DCA provisions by including the area as DCA 12 - Packham North. This will ensure that costs of key infrastructure which benefit multiple landowners are equitably shared amongst those benefiting landowners. The development contribution plan specifies both physical and environmental infrastructure for cost sharing, including:

1. Some drainage provision and construction.
2. Public open space provision and development, including wetland restoration.
3. Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning.
4. Costs to implement and administer cost sharing arrangements of the development contribution area.

DCA 12 costs include drainage, servicing engineering and environmental studies prefunded by the City, public open space land and its development, internal and external drainage infrastructure. If further common costs become evident through the structure plan process they can be added to the schedule at a later time. However, it is important to identify these costs at the earliest point in time so that they can be taken into account when parties undertake their feasibility studies for the purchase of land in the area and thus minimising the potential for future conflict.

A draft Cost Contribution Schedule for the DCA has been prepared in order to comply with the WAPC's request and is included as an attachment to this report. It should be noted that due to the lack of specific information on detailed costs for construction of roundabouts, POS and water sensitive drainage devices, the costs shown in the attached Schedule are only estimates.

Conclusion

It is recommended that Council initiate Scheme Amendment No. 87 and undertake landowner, government agency and community consultation in accordance with the normal amendment procedures.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Infrastructure Development

- To construct and maintain community facilities that meet community needs.

Budget/Financial Implications

Having a DCP in place will enable infrastructure costs which benefit groups of landowners to be shared equitably. Without such a DCP in place, it is likely that either the first subdividing landowner will need to fund the infrastructure in its entirety, or potentially the City will be requested to fund. Either scenario is unappealing due to inequity arguments.

Accordingly, a DCP is seen as the most appropriate mechanism to fund common infrastructure. The current rate is identified with the attached Draft Cost Contribution Schedule.

Legal Implications

Planning and Development Act 2005
 City of Cockburn Town Planning Scheme No. 3
Town Planning Regulations 1967

Community Consultation

To be undertaken as part of the processing of the amendment. The Town Planning Regulations provide for consultation to commence once the local government has adopted the Scheme Amendment and the EPA has advised that the proposal is environmentally acceptable.

Attachment(s)

1. Locality Plan
2. Draft Cost Contribution Schedule – DCA 12

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.9 (OCM 11/11/2010) - REFERRAL FROM THE CITY OF ARMADALE RELATING TO THE PROPOSED AMENDMENT TO NORTH FORRESDALE STAGE 1 STRUCTURE PLAN - OWNER: TILLBROOK NOMINEES PTY LTD - APPLICANT: TURNER MASTER PLANNERS (450779) (M CARBONE / D VICKERY) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the City of Armadale that it does not support changing the Hebe Road/Warton Road intersection to a left in/left out intersection.
- (2) advise the City of Armadale that it does not support the extension of Southampton Drive through to Warton Road in the vicinity of the tavern driveway exit as shown on the revised Structure Plan, due in part to its proximity to Hebe Road.
- (3) advise the City of Armadale that the southern driveway to the tavern on the east side of Warton Road should be configured as per its existing Warton Road duplication design, as a 'left in left out' intersection, and that this be monitored in service to ensure there is not a prevalence of unsafe exiting u-turn manoeuvres.
- (4) advise the City of Armadale that an upgraded driveway access of left in left out configuration off of Warton Road should be provided for the Ashridge Kennels & Cattery, and a new customer driveway off of Hebe Court should be provided for the

Pampered Pooch business, each to the business owners general satisfaction.

COUNCIL DECISION

Background

The City of Armadale has referred a proposed amendment to the North Forrestdale Stage 1 Structure Plan to the City of Cockburn for comment as it abuts the City's north eastern boundary.

The main issue impacting the City of Cockburn is their proposed extension of Southampton Drive to Warton Road to create a full movement 3-way intersection and the associated down grading of the Hebe Road/ Warton Road intersection to a left in/left out intersection (refer to agenda attachments 1 and 2 - location plan and intersection plan).

In relation to changing the Hebe/Warton Road intersection to left in/left out, the applicant originally provided a petition signed by 4 affected landowners supporting the change to Hebe Road due to safety concerns. Three of these landowners have since changed their view on the intersection change and now object to it.

The City has undertaken its own consultation which involved sending letters to all landowners that will be impacted by the changes to the Hebe Road intersection which included Hebe Road and Hybrid Court residents. The City received two petitions objecting to the proposal, one submission objecting to the intersection change and one submission supporting it.

Council is required to provide comment to the City of Armadale on the proposed amendment to the structure plan, including changes to the Hebe Road/Warton Road intersection.

An agenda item was tabled at the 14 October 2010 Ordinary Council Meeting and a motion was carried to defer the item to the November Ordinary Council Meeting, in part to enable additional consultation with the City of Armadale in respect to the road treatments and driveway accesses. The following report has been updated to reflect the outcome of those consultations.

Submission

Turner Master Planners have submitted an amendment to the North Forrestdale Stage 1 Structure Plan to the City of Armadale and this plan has been referred to the City of Cockburn for comment as it abuts the City of Cockburn's boundary and affects intersections along Warton Road.

Report

The structure plan amendment proposes to:

- Provide for the extension of Southampton Drive to Warton Road.
- Update the density coding, subdivision road and open space to match the existing and approved subdivision layout.

The main issue impacting the City of Cockburn is the extension of Southampton Drive to Warton Road and the creation of a full movement 3-way intersection and the associated down grading of the Hebe /Warton Road intersection to a left in/left out intersection (refer to Agenda attachments 1 and 2 - location plan and intersection plan).

The City has sent letters to all landowners that will be impacted by the changes to the Hebe Road intersection which includes Hebe Road and Hybrid Court residents. The City has received the following comments:

- a petition signed by 28 people (14 households – most households had more than one person sign) objecting to the proposal;
- a petition signed by 80 customers of 'The Pampered Pooch Motel' objecting to the proposed changes;
- a petition signed by 73 customers of the kennel business operated by Mr Jack Maiolo at 16 Hebe Road, Banjup, objecting to the proposed changes;
- letters from 'Ashridge Cattery and Kennels' (7 Hybrid Court) and 'The Pampered Pooch Motel' (660 Warton Road) objecting to the changes; and
- a letter from the applicant of the structure plan supporting the changes.

Subsequent to the October OCM, the City has received further correspondence from the proprietors of Ashridge Cattery & Kennels requesting both Hebe Road and Hybrid Court be left as full access intersections and conditionally agreeing to modifications to their driveway access off of Warton Road.

The submissions are discussed in detail within the schedule of submissions (refer agenda attachment 4). The main concerns relate to the inconvenience caused by the inability to turn right into or out of

Hebe Road. Concerns were also raised by the effect the changes to Hebe Road intersection will have on existing businesses operating along Warton Road and whether compensation will be granted for any losses.

It is noted that the Hebe Road/ Hybrid Court precinct is zoned to allow for Kennels and there are a number of Kennels and Catteries operating in this locality.

The proposed change to the Hebe Road/Warton Road intersection has been referred to the City's engineering section and they have provided the following (updated) comments:

- Regardless of whether Southampton Drive is connected to Warton Road, the construction of the Warton Road dual carriageway necessitates consideration for the need and/or opportunity to rationalise the number of full access intersections along Warton Road. As Hebe Road and Hybrid Court are connected to each other, provide access to only a relatively small number of lots and have intersections along Warton Road that are only 240 m apart, it is not necessarily required that both streets have full access to Warton Road. If Hebe Road were to be converted to a left in/left out intersection, a viable alternative route is still available to accommodate the right turning traffic via Hybrid Court.
- Due to the vertical geometry of Warton Road there is an existing crest to the south west of Hebe Road. This crest impacts on the sight distance for vehicles turning into and out of Hebe Road and if left as is it would create a less than desirable traffic environment when Warton Road becomes a dual carriageway. (Refer Agenda attachment 5 for photos of this crest). The City of Armadale have advised however that they now intend to lower the north bound carriageway of Warton Road to substantially lessen this crest, thus improving the sight distance to/from both Hebe Road and Hybrid Court.
- The proximity of the southern end tavern access driveway to Hebe Road is less than desirable when the dual carriageway is commissioned, as motorists exiting the tavern may diagonally cross traffic lanes to do a U turn at the Hebe Road intersection. It is noted however that a road safety audit of the City of Armadale's Warton Road upgrade design did not identify this as being a concern due to the relatively low numbers of vehicles likely to attempt this manoeuvre. It is recommended that this be monitored in service and additional traffic control measures put in place if seen to be a problem.

- The most desirable treatment from a safety perspective would be to have both Hebe Road and the south end driveway access/egress point for the tavern as 'left in-left out' only, and have a continuous median barrier treatment between the south and north bound carriageways at this location. However it is accepted that retaining Hebe Road as a full access intersection and retaining the Tavern southern driveway access as left in / left out intersection (as per the City of Armadale's approved traffic design) should not create an unsafe road environment.
- Any connection of Southampton Road to Warton Road in the vicinity of this south end tavern driveway access would exacerbate the issues with the current layout outlined above, due to the significant increase in vehicle movements including those seeking to turn right, and accordingly support for this connection is not recommended, particularly if Hebe Road is left as a full access intersection.
- Due to the layout of Warton Road, any connection of Southampton Road to Warton Road in the vicinity of Hebe Road or Hybrid Court should be 'left in-left out' only between those two roads (situated as per the original structure plan) or aligned with Hebe Road as a full access four way intersection with traffic signal control or as a roundabout, with the tavern southern access linked to Southampton Road and not direct onto Warton Road.

Concerns raised from Warton Road businesses that they will not be able to turn right into and out of their driveways due to the new median along Warton Road are outside the scope of the amendment to the structure plan and only indirectly associated to the Proponent's proposed changes to Hebe Road. The new median and the difference of level between the two carriageways between Hebe Road and Hybrid Court will restrict access to businesses along Warton Road from the south bound carriageway and there appears to have been little prior consultation with these landowners in the City of Cockburn in relation to this matter. It is noted that there is at least one other property further south along Warton Road within the City of Cockburn which has been provided right hand turn access into their property, albeit at a location where the elevation and separation of the two carriageways has been conducive to this.

Discussion between officers of the City's of Cockburn and Armadale and with the two principal affected businesses located along Warton Road in proximity to Hebe Road and Hybrid Court have concluded that:

1. For Ashridge Kennels & Cattery, a rear driveway access off of Hybrid Court can be provided for customers should the owners want it, or their existing Warton Road customer driveway can be

upgraded but that it will need to be as left in left out only. Direct right turn off of or onto Warton Road is not proposed on account of the proximity and opportunity of access off of Hybrid Court and to keep right turn driveway accesses onto the higher speed environment of Warton Road to an absolute minimum. The letter received from the Proprietors dated 20 October 2010 would indicate they will be accepting of this position.

2. For the Pampered Pooch Motel a new driveway access off of Hebe Road can be provided for customers should the owners want it, or their existing Warton Road customer driveway can be upgraded but that it will need to be as left in left out only. Direct right turn off of or onto Warton Road is not proposed on account of the proximity and opportunity of access off of Hebe Road (retained as a full access intersection) and also to keep right turn driveway accesses onto the higher speed environment of Warton Road to an absolute minimum, and because the level difference between the north and south bound carriageways of Warton Road (even when the north bound carriageway is lowered) will not be conducive to it. Verbal discussion with the Proprietor on site would indicate that they will be accepting of this position, provided Hebe Road remains as a full access intersection.

There are no other resident businesses located along Warton Road in this vicinity as far as has been determined, thus no other driveway accesses appear to need review at this time.

Given the above comments and the feedback received from residents, it is recommended that the City:

1. Not agree to the partial closure of Hebe Road and to instead request that it remain as a full access intersection and request that the City of Armadale proceed with their proposed lowering of the Warton Road north bound carriageway south of the Hebe Road intersection to improve sight distance.
2. Advise the City of Armadale that the southern driveway to the tavern on the east side of Warton Road should be configured as per its existing Warton Road duplication design, i.e. as a left in left out intersection, and that this be monitored in service to ensure there is not a prevalence of unsafe exiting u-turn manoeuvres.
3. Advise the City of Armadale that the City of Cockburn does not support the extension of Southampton Drive through to Warton Road on the alignment shown on their revised Structure Plan, thus connecting in the vicinity of the tavern's southern driveway access point.

4. Advise the City of Armadale that an upgraded driveway access of left in left out configuration off of Warton Road should be provided at the least for the Ashridge Kennels & Cattery and a new customer driveway off of Hebe Court should be provided for the Pampered Pooch business, each to the business owner's general satisfaction.

Strategic Plan/Policy Implications

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

Budget/Financial Implications

The City of Armadale is undertaking the construction of the Warton Road carriageway with no costs incurred by the City of Cockburn.

Legal Implications

Planning and Development Act 2005
City of Cockburn Town Planning Scheme No. 3
Town Planning Regulations 1967

Community Consultation

All landowners within Hebe Road and Hybrid Court were invited to comment on the proposed modification to the Hebe Road/Warton Road intersection.

Attachment(s)

1. Location plan
2. Intersection plan
3. Structure plan amendment
4. Schedule of submissions
5. Photos of Warton Road

Advice to Proponent(s)/Submissioners

Those that made submissions or signed the petitions (and provided address details) have been advised that the matter will be considered at the 11 November 2010 Council meeting.

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

Nil.

14.10 (OCM 11/11/2010) - NOMINATION OF ELECTED MEMBER FOR JANDAKOT AIRPORT COMMUNITY AVIATION CONSULTATION GROUP - LOCATION: NA - OWNER: NA - APPLICANT: CITY OF COCKBURN (SM/M/002) (A TROSLIC)

RECOMMENDATION

That Council:

- (1) endorse _____ as the Elected Member representative on the Jandakot Airport Community Aviation Consultation Group and
- (2) note the membership of Andrew Trosic, Manager Strategic Planning as a technical officer on the Jandakot Airport Community Aviation Consultation Group.

COUNCIL DECISION

Background

A Community Aviation and Consultation Group ("CACG") has recently been established for Jandakot Airport. While consultation between the community and Jandakot Airport has, and continues to be, undertaken via various methods, the Federal Government has recently moved to implement a new nationwide system of CACG's for all airports coming under the genus of the *Airports Act 1996*. The purpose of this report is to endorse an Elected Member for membership on the Jandakot CACG.

Submission

N/A

Report

In terms of scope and terms of reference, the Federal Government has provided the following advice in relation to role of CACG's across Australia:

- *The Australian Government will require all airports subject to the planning framework in the Airports Act to establish and lead Community Aviation Consultation Groups.*
- *The Community Aviation Consultation Groups will address planning and development issues and a range of other operational matters, such as aircraft noise, which may affect airports' relations with their neighbours.*
- *In recognition of the variety of community and operational contexts that different airports operate within, each lessee company shall have the flexibility to define the scope and membership of the Community Aviation Consultation Groups, as long as the following core prescribed conditions are met:*
 1. *the chair is to be independent;*
 2. *a record of the outcomes of key discussions is to be published;*
 3. *a report on the group's work is to be reviewed as part of the annual lease review; and*
 4. *the activity is to be funded by airports.*

The current interim Chair of the CACG is Mr Jack Gregor, and the next meeting of the CACG will be specifically considering the position of Chair. Members of the Group have an important role to play in considering the election of an appropriate Chair. Federal Government guidelines prescribe the following information in relation to this:

- *Airports should work closely with neighbouring local councils and others to identify and engage an appropriate person to chair the Community Aviation Consultation Group. If possible, the Community Aviation Consultation Group itself should be involved in the selection process. To ensure continuity in the operation of the committee it is desirable for the Chair to be appointed for a minimum period.*
- *The independent conduct of the Chair is critical for the effective functioning of the Community Aviation Consultation Group. An independent Chair will:*
 1. *ensure the input of the full membership is sought as to agenda items;*

2. *ensure adequate discussion time is devoted to issues of significance;*
3. *allow for discussion of unanticipated 'other business' at Group meetings;*
4. *ensure agenda materials and papers are meaningful and facilitate effective engagement of members in Group discussions;*
5. *encourage open discussion and a frank exchange of views; and*
6. *provide for effective follow-up of action items.*

Membership of the CACG includes the Cities of Canning, Gosnells and Melville, Department of Planning, Department of Transport, Royal Aero Club of WA and the Jandakot Residents Association. Andrew Trosic, Manager Strategic Planning, is also a member and provides technical officer input.

To ensure wider community views and aspirations can be voiced, it is important that an Elected Member be part of the CACG. This will ensure a greater degree of representation occurs via the group, and there is the opportunity to voice and discuss issues which affect the airport and community alike.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.

Lifestyle and Aspiration Achievement

- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Administration costs associated with hosting the CACG are met by Jandakot Airport. There are no other costs or payments associated with membership on the CACG.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.11 (OCM 11/11/2010) - PROPOSED SCHEME AMENDMENT NO. 81 - INTRODUCING DEVELOPER CONTRIBUTION AREA NO. 13 RELATING TO COMMUNITY INFRASTRUCTURE (93081) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 81 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) modify the advertised version of Scheme Amendment No. 81 as follows:
 1. Change the category of Dixon Reserve/Wally Hagen Facility from 'Regional' to 'Subregional (west)'.
 2. Delete item for Success Recreation Facility.
 3. Delete item for Coolbellup Community Centre.
 4. Delete item for Emergency Services Headquarters.
 5. Modify the 'Method of Calculating Contributions' portion of schedule 12 of DCA 13 to read as follows:

"The City's Plan for the District identifies the needs that

impact on the Development Contribution Plan. The contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the demand for a facility that is generated by the current population in existing dwellings.

Notwithstanding Clause 6.3.4(b)(iv), contributions shall be calculated on the basis of the number of new lots created. Existing dwellings on a lot or lots to be subdivided or developed will be exempt from the contribution. Land required for public roads, public open space, drainage and other uses not including residential development will not be assessable. Where a lot may have further subdivision potential, for example as a grouped dwelling site, contributions will be sought at the next development approval stage where additional dwellings or lots are created.”

6. Modify the ‘Priority and Timing’ portion of Schedule 12 of DCA 13 to read as follows:

“In accordance with the Plan for the District 2010-2020 and subsequent revisions of this document.”

7. Modify the ‘Review Process’ portion of schedule 12 of DCA 13 to read as follows:

“The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.

The estimated infrastructure costs contained in the Community Infrastructure Cost Contribution Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the building cost index or other appropriate index as approved by an appropriately qualified independent person.”

- (3) modify the advertised version of the supporting documentation to Scheme Amendment No. 81 as follows:

1. Delete references to implementation of conditions requiring legal agreements, prior to gazettal of the amendment.

2. Include references to advice notes being included on development approvals prior to gazettal of the amendment to notify proponents of the draft DCP for Community Infrastructure and the various triggers applicable under the scheme.
 3. Update categorisation of Dixon Reserve/Wally Hagen Facility from 'Regional' to 'Subregional (west)'.
 4. Delete references to Success Recreation Facility, Coolbellup Community Centre and the Emergency Services Headquarters.
 5. Include additional information under 'Need and Nexus' for Coogee Surf Club, Coogee Golf Course and Western Suburbs Skate Park.
 6. Updated estimated cost figures for infrastructure items and for each suburb to reflect the most up to date Cost Contribution Schedule, including administration costs.
 7. Reflect all other modifications to the advertised version of Scheme Amendment No. 81.
- (4) adopt for final approval the modified version of Amendment No. 81 for the purposes of:
1. Amending Clause 1.4.1(b) of the Scheme Text by deleting the number 25 and inserting 26 in its place.
 2. Amending the Scheme Map by including new Sheet 26 - DCA 13 Community Infrastructure.
 3. Amending Schedule 12 of the scheme text by inserting the following provisions for Development Contribution Area 13 - Community Infrastructure.

<i>Ref No</i>	<i>DCA 13 - Community Infrastructure</i>
Area	As shown on sheet 26 of the Scheme Map.
Relationship to other planning instruments	The Development Contribution Plan generally conforms to the Plan for the District, Bibra Lake Landscape, Recreation and Environmental Management Plan, Bicycle Network and Footpath Plan, the Sport and Recreation Plan and the review of COC Library Services which have been adopted by Council.

<p>Infrastructure and administrative items to be funded</p>	<p>Regional Coogee Surf Club Wetlands Education Centre/Native Ark Cockburn Central Recreation and Aquatic Centre Cockburn Central Community Facilities Visco Park Bowling and Recreation Club Coogee Golf Complex Bibra Lake Management Plan Proposals Atwell Oval</p> <p>Sub Regional - East Cockburn Central Library and Community Facilities Cockburn Central Playing Fields Anning Park Tennis Cockburn Central Heritage Park Bicycle Network - East</p> <p>Sub Regional - West North Coogee Foreshore Management Plan Proposals Phoenix Seniors and Lifelong Learning Centre Beale Park Sports Facilities Western Suburbs Skate Park Bicycle Network - West Dixon Reserve/Wally Hagen Facility Development</p> <p>Local Lakelands Reserve Southwell Community Centre Hammond Park Recreation Facility Frankland Reserve Recreation and Community Facility Munster Recreation Facility</p> <p>Administrative costs including - Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p> <p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p>
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	Costs to prepare and update the Community Infrastructure Cost Contribution Schedule.
Method for calculating contributions	<p>The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the demand for a facility that is generated by the current population in existing dwellings.</p> <p>Notwithstanding Clause 6.3.4(b)(iv), contributions shall be calculated on the basis of the number of new lots created. Existing dwellings on a lot or lots to be subdivided or developed will be exempt from the contribution. Land required for public roads, public open space, drainage and other uses not including residential development will not be assessable. Where a lot may have further subdivision potential, for example as a grouped dwelling site, contributions will be sought at the next development approval stage where additional dwellings or lots are created.</p>
Period of operation	Until 30 June 2031. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and timing	In accordance with the Plan for the District 2010–2020 and subsequent revisions of this document.
Review process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs contained in the Community Infrastructure Cost Contribution Schedule will be reviewed at least annually to reflect changes in funding and revenue sources</p>

	and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.
Participants and contributions	In accordance with sheet 26 of the Scheme Map and the Community Infrastructure Cost Contribution Schedule adopted by the local government for DCA 13.

(5) receive the amendment documentation once modified in accordance with Council's resolution be signed and sealed and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions with a request for the endorsement of final approval by the Hon. Minister for Planning; and

(6) advise those parties that made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

At its Ordinary Meeting held on 11 February 2010 Council initiated Amendment No. 81 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") to consider the introduction of developer contributions relating to community infrastructure.

Community consultation occurred between 27 July and 27 September 2010, a period of 63 days. A number of submissions and a petition were received. As per Regulation 17 of the *Town Planning Regulations 1967*, this matter is now presented for Council's consideration of submissions.

Submission

N/A

Report

The previous report to Council which initiated the scheme amendment, discussed the basis for the amendment. The items included the methodology for assessing demand and calculating contributions as well as the administrative details to implement. It is not intended to repeat all of these issues in this report, except where they relate to an issue raised in the submission period or where a change is recommended to the amendment from the version advertised.

Alternative Solutions

The first issue to consider (and which has been discussed during the consultation process) are the implications of not adopting the developer contributions plan ("DCP"). In this respect, three options would present themselves to Council. These options are all considered to be unfavourable, given the inequities which would result and also the delays in being able to meet the community infrastructure needs of the community. These options are discussed following:

1. Council could spread the infrastructure burden equally amongst all ratepayers, notwithstanding that many ratepayers would not be generating demand for new community infrastructure (through not subdividing/developing their land). This would be via increased rates, and would mean all existing ratepayers contribute even if they receive no financial benefit themselves through being unable to subdivide their own land.

Anticipated rate increases if a DCP was not introduced would average 9%, and would need to be sustained over 10 years to generate the same level of funds. This would be in addition to the normal increases to cover CPI.

Several of the submissions claimed the DCP was 'unfair', and instead favoured using rate income to fund community infrastructure as this would reduce the impact on people subdividing or developing their land. City officers consider this argument itself to be unfair, as it would directly shift costs of funding community infrastructure to cover all ratepayers notwithstanding that only some ratepayers (though subdividing and developing land) would be generating the need for new infrastructure provision.

2. The second option is for Council to borrow the funds to provide community infrastructure. This option also shares the burden across all ratepayers, regardless of whether they can subdivide or not.

A reality of borrowing funds is the need to pay interest on the principal amount borrowed. To put this into perspective, to borrow at an interest rate of 6.5%, the projected interest payments over 20 years would be \$17.29 million. To service the level of debt which would be required to provide for the City's community infrastructure needs, a rate increase in the order of 4.69% would need to be sustained over 20 years. This would be in addition to the normal increase to cover CPI. If the increase was applied to residential properties only, the increase would be 7.67% every year.

3. The third option would be to simply not build or maintain infrastructure until Council had sufficient funds in the bank. This option is not considered acceptable as the community would expect the infrastructure more quickly than sufficient funds could be accumulated.

Calculation and Collection of Developer Contributions

Section 5.3.2 of State Planning Policy No. 3.6 ("SPP 3.6") deals with the calculation and application of developer contributions. Other than conditions of subdivision, strata subdivision or development approvals, it allows implementation via voluntary legal agreements.

The advertised version of the supporting report to the amendment discusses the notion of imposing conditions on development approvals and subdivisions to require satisfactory arrangements being made for a contribution to the DCP. This was envisaged as being administered via a legal agreement requiring payment upon gazettal of this amendment.

The references within the SPP to the use of legal agreements are predicated on them being voluntary. Therefore to impose such a condition which could only be met by legal agreement could be open to challenge. The practice City officers have undertaken since the initiation of the amendment has been to include advice notes flagging the draft DCP and the variety of 'triggers' available under the current Scheme provisions to collect contributions. It is recommended that the supporting report be updated to reflect that practice.

Administration Costs

Administration of DCP's can be complicated and time consuming. This DCP includes a number of infrastructure items, all of which require individual accounts to be maintained, reviewed and submitted for annual auditing.

The advertised version of the DCP indicates the following costs should form part of the administration costs of the DCP:

- * Costs to prepare the DCP and administer it for the period of operation (including legal expenses, valuation fees, cost of design and costs estimates, proportion of staff salaries, computer software and/or hardware required for the purpose of administering the DCP and audit fees).
- * Costs to prepare and undertake an annual review of cost estimates including the costs for appropriately qualified independent persons.
- * Costs to prepare and update the Community Infrastructure Cost Contribution Schedule.

It also indicated that an estimate of these administration costs be prepared during the advertising period. On reflection, it would be quite difficult to provide a realistic estimate for some of these costs at this early stage. Therefore it is now considered prudent that over the first few years of the operation of the DCP, City officers record the time and cost spent administering the DCP for input into the first review of the DCP. Initially, the administration cost in the updated schedule for the proposed DCP will represent the salary package for the officer responsible for administering this DCP.

Council's Plan for the District notes the future staffing needs of the Strategic Planning Business Unit to include a Development Contributions Planner from 2012/13. This recognises that the administration of a DCP of this scale cannot be accommodated with the current and projected workload the team has.

The salary package is shown in the updated schedule for the proposed DCP. This cost is split between each suburb, not equally, but on the average demand they generate for facilities. For example, Leeming has a very small amount of growth (24 lots) and the demand average on facilities is 0.123% resulting in an administration fee of \$99.32 for Leeming as a suburb (or \$4.14 per dwelling). Success on the other hand, has a higher growth proposed (1809 lots) and generates a demand average of 9.665% resulting in an administration fee of \$7,804.49 for Success as a suburb (or \$4.32 per dwelling).

Meeting the Principles of 'Equity' and 'Consistency'

Several of the submissions were from landowners in 'brownfield' areas (those established residential areas proposed for revitalisation works, including subdivision). A City as diverse as Cockburn has a number of these areas. The nature of most of these submissions was an objection on the basis the proposal was not 'fair' or 'equitable' to existing landowners, some of whom had been in Cockburn for many years.

The notion of applying the proposal only to more recent landowners or only to new estates ('greenfield' developments) does not meet the principles outlined in SPP 3.6, in particular the following:

Equity - Development Contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

Consistency - All development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

Accordingly, the suggestion to selectively apply the proposed DCP to 'greenfield' estates or only to more recent landowners cannot be supported and is dismissed.

Period of Operation / Review Process

One of the industry body submissions did not agree with the proposed operation time of the DCP, as Section 5.5 of SPP 3.6 states "where a local government is seeking contributions for community infrastructure, these need to be supported by...a community infrastructure plan for the area, identifying the services and facilities required over the next 5 to 10 years (supported by demand analysis and identification of service catchments)..." The submission states the time frame of 21 years included by this proposal is not acceptable. It should be made clear that it was not the City's intent to establish infrastructure needs and demand analysis and not undertake any review for a period of 21 years.

It is important to make the distinction between the 5 – 10 year time frame in Section 5.5 of SPP 3.6. This relates to the community infrastructure plan, which in the City's case is summarised by the Plan for the District 2010-2020. As the name suggests, the review of this document and the supporting strategic plans will be needed to inform the next ten year period.

The 21 year time frame also referred to in the submission relates to the period of operation proposed for the DCP itself. The advertised version of the proposed DCP indicates this period to be until 30 June 2031. Appendix 2 of the SPP includes draft model text provisions which deals with the period of operation in Section 6.3.8, where the following guidance is given:

"The recommended maximum period is 5 years (to coincide with the scheme review), but a longer or shorter period may be appropriate depending upon the particular circumstances of the development contribution area (e.g. size of the development contribution area,

number of owners and nature of the infrastructure to be funded). If the period is 10 years or longer, then reviews should occur at 5 year intervals (with the cost apportionment schedule to be reviewed at least annually)".

The advertised version of the DCP included a review process comprising an annual review to the cost apportionment schedule and a review of the DCP itself "when considered appropriate, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing."

The DCP is extensive in terms of the area and the nature of the infrastructure included and therefore the time frame till 2031 is considered necessary. However, to ensure clarity for the review process, it is suggested the review of the DCP itself be specified to be at intervals of not less than 5 years. City officers believe this is an acceptable modification in light of the aforementioned submission.

The issue of independent certification of costs has also been raised. This is a very important component of the DCP and the SPP specifies that a draft schedule be advertised with the proposed Scheme amendment. It also states that within 90 days of the coming into effect of the DCP, the local government is to adopt and make available a development contribution report and cost apportionment schedule. It is envisaged that should the DCP be progressed by Council, the estimated costs will be reviewed with a view to complying with the 90 day requirement.

Coogee Surf Club

The proposal for this infrastructure item has been re-examined in light of queries raised concerning need and categorisation. The Department of Sport and Recreation's Decision Making Guide (2007) cites an example from the North Metropolitan Region Recreation Advisory Committee for facility provision needs based on a population of 100,000. The ratio indicated for surf life saving clubs is 1.07.

Translating this ratio to Cockburn's projected growth (127,885 in 2031), this would indicate at least one surf club is warranted at the regional level. It is also noteworthy that the Australian Sports Commission's Participation in Exercise, Recreation and Sport Survey 2009 (WA) indicates participation rate of 2.9% for surf sports. To put this in context, AFL has a participation rate of 3.9%.

On this basis it is considered entirely appropriate to maintain the Coogee Surf Club infrastructure item within the DCP.

Coogee Golf Course

The proposal for this infrastructure item has been re-examined in light of the queries raised concerning need and categorisation. The Department of Sport and Recreation's Decision Making Guide (2007) also cites an example from the North Metropolitan Region Recreation Advisory Committee for facility provision needs based on a population of 100,000. The ratio indicated for golf clubs (municipal) is 0.89.

Translating this ratio to Cockburn's projected growth (127,885 in 2031), this would indicate at least one of each municipal club is warranted at the regional level. It is also noteworthy that the Australian Sports Commission's Participation in Exercise, Recreation and Sport Survey 2009 (WA) indicates participation rates of 6.3% for golf. This is consistent with the national results which indicated golf as having the highest club participation rate of club based activities, with AFL as second.

Dixon Reserve/Wally Hagen Stadium

The proposal for this infrastructure item has been re-examined in light of the query raised concerning categorisation.

In terms of Dixon Reserve/Wally Hagen Stadium, the advertised categorisation as regional is no longer appropriate. While the facility houses a state basketball team, the demand for this sport has been in decline and the upgrades to the facility will refocus this facility toward district fitness needs. This is the plan outlined in the City's Sport and Recreation Strategic Plan. Accordingly, it is recommended the facility be reclassified to subregional (west) and the contribution schedule and other references throughout the amendment documentation be updated accordingly.

Anning Park Tennis Facility

The proposal for this infrastructure item has been re-examined in light of the query raised concerning need. As an interim measure the City will be contributing funds to now upgrade the lighting and change rooms on the reserve as the reserve will continue to house football and cricket for the next 5-10 years.

In Tennis West's Metropolitan Facilities Strategic Plan 2006-2015, released April 2006, on p58 of the plan it states:

“Currently Tennis West has no presence in the City of Cockburn. As a consequence, at least one (1) and possibly two (2), Tennis West club facilities could be considered. A possible location is the Hammond Road site at Success, which would help to cater for the suburbs of

Atwell and Auburn Grove. Tennis West has the option of approaching an existing non-affiliated tennis club in the City of Cockburn”

The City’s Sport and Recreation Facilities Plan and Plan for the District 2010 – 2020 have endorsed this recommendation and incorporated this for the provision of a tennis facility to service the needs of the eastern subregion of the City. While the Anning Park site is identified for this purpose even if it were moved to another nearby reserve, it would remain an eastern sub-regional facility and have the same catchment as currently identified.

No change is recommended to the facility as proposed.

Western Suburbs Skate Park

The proposal for this infrastructure item has been re-examined in light of the query raised concerning need.

The Department of Sport and Recreation’s Decision Making Guide (2007) cites an example from the North Metropolitan Region Recreation Advisory Committee for facility provision needs based on a population of 100,000. The ratio indicated for skate parks is 3.57.

Translating this ratio to Cockburn’s projected growth (127,885 in 2031), more than four skate parks would be required City wide. The additional skate park is planned to fill the gap in provision for Coogee, Spearwood, Munster and Hamilton Hill.

Seniors and Lifelong Learning Centre

The proposal for this infrastructure item has been re-examined in light of the query raised concerning need. Also queried in the submissions was the need to replace the existing Spearwood Library and Seniors Centre.

As noted in the City’s Sport and Recreation Strategic Plan, an increase for Cockburn overall in the median age will create a bigger need for senior clubs and more emphasis placed on low intensity recreation activities such as bowls. The Plan notes a growth in the west ward of 43% in the next ten years of persons over 45 years of age and acknowledges there is already an existing older population in this ward. Recommendations for the west ward include merging and/or relocation of senior clubs to address a current over supply and a change in facilities to reduce focus on club facilities and increase focus on facilities to cater for the wider community. An example of such a facility is the proposed seniors and lifelong learning centre for the west ward which would include a library, welfare services, community hall,

meeting rooms and child care comprising 3000 sqm and also a 2000sqm Seniors Centre.

The current Spearwood Library and Seniors Centre are now quite aged and investment in substantial renovation works to increase their lifespan to 2031 is not considered warranted. Money would be better invested in a new purpose built facility, where better economies can also be achieved through collocation of facilities.

Emergency Services Headquarters

The proposal for this infrastructure item has been re-examined in light of the query raised concerning use of the Emergency Services Levy (ESL) and whether the use of City or DCP funds is appropriate for this facility.

The ESL funds the fire and emergency services to respond to building and bush fires, road crash rescue, hazardous and toxic material spills, storms, cyclones, floods, earthquakes and tsunamis, searches for missing persons, and cliff and cave rescues.

Specifically, the levy funds the:

- * Career Fire and Rescue Service.
- * Volunteer Fire and Rescue Service.
- * Local government bush fire brigades.
- * Volunteer State Emergency Service (SES) units.
- * Volunteer Emergency Service Units (combined units that undertake both a fire fighting and SES role).
- * Volunteer Fire Service Brigades (performing both a Fire and Rescue Service and a Bush Fire Brigade role).

Operating costs covered by the levy include running and maintenance of vehicles and facilities, personal protective equipment, operational equipment and consumables.

Capital equipment purchases include fire fighting appliances, vehicles, road rescue trailers, flood boats and buildings.

The levy also funds training of volunteers, fire investigations, building inspections, community safety programs, emergency management planning and FESA's administration costs.

The services proposed to be accommodated in the headquarters are the State Emergency Services and the Bushfire brigade. The land parcel is already available, and therefore, it is not considered appropriate to seek contributions via the DCP when the ESL is available. The amendment report and supporting documentation

should be updated accordingly to delete the Emergency Services Headquarters proposal as a DCP item.

Other Infrastructure Needs for the Future

The proposed DCP for Community Infrastructure will go some way to assisting in alleviating the financial burden on the City caused by new developments. However, it should be remembered that there are many other demands on City resources which are also expected to be met. These include waste management (including collection, recycling and disposal for additional households), the continued maintenance of parks, verges, facilities and roads and the provision of community services.

Ultimately, once all development has occurred, there will be no further opportunity for development contributions. Council will still need to maintain and replace its community assets.

Summary of Proposed Modifications

Several changes are proposed to the advertised version of the amendment. They are:

- * Change to the categorisation of Dixon Reserve/Wally Hagen Facility from 'Regional' to 'Subregional (west)'.
* Delete item for Success Recreation Facility.
* Delete item for Coolbellup Community Centre.
* Delete item for Emergency Service Headquarters.
* Modify the method of calculating contributions to align better with the State Planning Policy.
* Update reference to the Plan for the District to 'Plan for the District 2010-2020'.
* Specify a review period of not greater than five years.

Changes are also recommended to the supporting report which accompanies the amendment. This will ensure the documents are consistent and provide additional information, especially regarding issues raised during the submission period to assist the Department of Planning officers in their assessment of the amendment.

Conclusion

A total of 13 submissions were received and one petition was also lodged with Council. Approximately a quarter of the submissions came from developers or industry bodies with the remainder being from private individuals.

As anticipated, the predominant theme was the objection to the notion of developer contributions in principle. Some submissions addressed the infrastructure items themselves, either querying the need for them or the categorisation of them relative to their development. Other issues raised included exemptions for long term residents or developments aimed at older persons.

These issues have been discussed in detail above. The submissions received have resulted in a review of some facilities, either in need or categorisation. Changes have also been proposed to the period of review for the developer contribution plan as well as the method for calculating contributions. These changes will align the proposal better with the State Planning Policy.

It is recommended the City pursue this proposal, albeit with changes to reflect some of the issues raised during the submission period.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Infrastructure Development

- To construct and maintain community facilities that meet community needs.

Budget/Financial Implications

Council adopted the Plan for the District 2010-2020 on 10 June 2010. The Plan for the District includes a program for capital expenditure to inform the annual budgeting cycle for the City.

It does assume some form of developer contribution framework to contribute proportionally towards the cost of community infrastructure items. Based on the draft contribution schedule, contributions would generally be in the order of 1–2% of the value of each new lot created by developers. This is considered very reasonable given it would mean reducing the burden on the existing population.

Legal Implications

As per Regulation 17 of the *Town Planning Regulations 1967*, Council need to consider submissions and determine whether or not to make

modifications to the proposal within six months of the expiry of the consultation period (in this case, prior to 27 March 2011). Council can also choose not to proceed with the amendment but must specify the reasons why. Note, whatever decision is made, the final determining authority rests with the WAPC and Hon. Minister.

Community Consultation

Methods of Consultation

Community consultation was carried out for a period of 63 days, from 27 July till 27 September 2010. Several advertisements were placed in the Fremantle Herald and the Cockburn Gazette during this period. Initial advertisements were quite detailed about the nature of the proposed amendment and the rationale behind it. In the later half of the consultation period, advertisements were modified to capture the interest of people who may not have read the more detailed advertisements at the start of the advertising process.

Two community information sessions were held. One in the western sub-region at the City's Administration Building and the other in the eastern sub-region at the Cockburn Youth Centre.

The focus of the first information session was to inform the community about:

- * what a Town Planning Scheme ("TPS") does;
- * the process of amending a TPS;
- * what 'community infrastructure' meant;
- * what 'development' meant;
- * who was considered to be a 'developer';
- * what 'development contributions' were;
- * who was and who was not affected by this proposed amendment;
- * how and when contributions would be collected;
- * why Council was considering a DCP for community infrastructure.
- * what the State Government policy was;
- * the City's Strategic Planning (Plan for the District and the Sport and Recreation Strategic Plan); and
- * other viewpoints (guest presenter from the Housing Industry Association).

Thirty one people attended the first Community Information Session. It is difficult to attribute a reason to the low number of attendees. In reality there were probably a number of contributing factors such as time scheduling, location, interest and awareness. Some attendees felt the advertising was not wide enough and people didn't know they were affected. In response to this, a second Community Information Session was proposed following the publishing of short, clear advertisements.

Invitations with copies of the amending documentation and supporting report were also sent to all local resident groups, industry bodies, as well as the local State Government representatives.

The focus of the second information session was extended to include information on:

- * The financial position of the City.
- * Alternate scenarios to developer contributions (rate rises and borrowings).
- * Notional development costs.
- * Other parties' viewpoints (guest presenter from the Urban Development Institute of Australia WA division).

Eight people attended the second Community Information Session. Most of these people had also attended the first session. Both sessions included a facilitated question and answer forum with presenters.

For several months the City's website has included details of the proposed amendment, including links to other relevant documentation people may wish to review.

A front foyer display including a 'frequently asked questions' brochure was provided at the administration office. Copies of the amendment report and supporting report were also made available at all Cockburn libraries.

Local newspaper and radio also picked up on the proposed amendment which provided additional coverage of the issue.

Results of Consultation

Details of individual submissions are included in the Schedule of Submissions appended to this report.

A total of 13 submissions were received and one petition was also lodged with Council. Approximately a quarter of the submissions came from developers or industry bodies with the remainder being from private individuals.

The petition received included 865 signatories (note the covering letter states there are 870 signatories; however, some people signed more than once, citing the same address). Of those 865 signatories, 318 (or 36.8%) are from people who are the registered landowner and would be affected by the proposed scheme amendment. The remaining signatories are either not registered landowners, did not cite an address which was subdivisible, or live outside the City of Cockburn.

As anticipated, the predominant theme was the objection to the notion of developer contributions in principle. Some submissions addressed the infrastructure items themselves, either querying the need for them or the categorisation of them relative to their development.

Other issues raised included exemptions for long term residents or developments aimed at older persons.

Changes arising from Consultation

It is recommended that the amendment be modified as a result of the submissions received, and be sent to the WA Planning Commission and Hon. Minister for Planning with a request for final approval.

The proposed changes are:

- * Change to the categorisation of Dixon Reserve/Wally Hagen Facility from 'Regional' to 'Subregional (west)'.
* Delete item for Success Recreation Facility.
* Delete item for Coolbellup Community Centre.
* Delete item for Emergency Service Headquarters.
* Modify the method of calculating contributions to align better with the State Planning Policy.
* Update reference to the Plan for the District to 'Plan for the District 2010-2020'.
* Specify a review period of not greater than five years.

Changes are also recommended to the supporting report which accompanies the amendment. This will ensure the documents are consistent and provide additional information, especially regarding issues raised during the submission period to assist the Department of Planning officers in their assessment of the amendment.

Some important points have been raised through the consultation process, including the method of calculating contributions. It is recommended that these points are addressed through changes to the amendment (see report section above for detail of proposed changes). It is recommended that Council, subject to the detailed changes being made, forward the amending documentation to the WA Planning Commission requesting final approval from the Minister for Planning.

Attachment(s)

Schedule of submission.

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 11 November 2010 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 11/11/2010) - LIST OF CREDITORS PAID - SEPTEMBER 2010 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for September 2010, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

The list of accounts for September 2010 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

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – September 2010.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 11/11/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - SEPTEMBER 2010 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for September 2010, as attached to the Agenda.

COUNCIL DECISION

Background

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) explanations 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 has chosen to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2010/11 financial year.

Submission

N/A

Report

The City's closing position of \$61.2M at 30 September was \$12.2M higher than the cash flowed budget position. Capital works expenditure is the major contributing area to this result being some \$6.95M behind the system budget. Operating revenue remains \$1.4M ahead of budget, as it was in August; and the operating expenditure underspend to budget grew to \$3.7M (from \$2.2M in August).

The closing position for the full year revised budget now stands at a surplus of \$0.34M (versus the adopted balanced budget position of nil surplus or deficit). Several budget adjustments have contributed to this as outlined in Note 3 of the financial report. This matter will be addressed in the mid-year review.

Note, the Council Agenda item presented to the October meeting on the final carried forwards and the 2009/10 closing position, have a neutral effect on the budget. Thus, the budgeted closing position will not be further impacted by this.

On the revenue side, the major contributors to the variance continue being the waste services levy (\$0.4M), Henderson Waste Recovery Park income (\$0.4M) and rates (\$0.4M). An unfavourable variance is currently showing for FAGS general purpose grant funding (\$0.5M), however this is only a timing issue.

Operating expenditure is behind budget for most business units of the City with the most significant one being Waste Services (\$1.3M) mainly due to the quarterly landfill levy being budgeted one month ahead of payment. Other areas behind budget include Community Services (\$0.57M), and Parks and Environmental Services (\$0.53M). Specific details of the material variances within each Business Unit are shown in the Variance Analysis section of the financial report.

The capital expenditure program's overall underspending of \$6.95M includes \$3.7M from building works. \$2M of this is attributable to the Coogee Surf Life Saving site works project, whilst some other key projects look like coming in under budget (see financial report for specific details). Plant and machinery acquisitions are \$0.8M behind budget, mainly due to several trucks that are ordered and awaiting delivery.

Council's cash and current/non-current investment holdings dropped to \$90.57M (from \$94.25M in August). However, October's figure should be higher again with an injection of funds coming from payments for the second rates instalment due that month.

Of this total cash and investment holding, \$41.8M represents the City's cash reserves, whilst another \$4.7M is held for other restricted purposes. The balance represents the working capital required to fund the City's operations over the remainder of the financial year.

Description of Graphs and Charts

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

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

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

Council's overall cash and investments position is provided in a line graph with a comparison against the ytd budget and the previous year's position at the same time.

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

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). These will be assessed and considered for inclusion in the mid-year budget review.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statements of Financial Activity and associated Reports - September 2010.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 11/11/2010) - TEMPORARY CLOSURE OF 16 PARKING BAYS ON JUNCTION BOULEVARD AND PEDESTRIAN PATH ON JUNCTION BOULEVARD AND FETTLER LANE IN COCKBURN CENTRAL TO PARKING OF VEHICLES AND PEDESTRIAN USAGE (6008604) (J KIURSKI) (ATTACH)

RECOMMENDATION

That Council, in accordance with Section 3.50 of the Local Government Act 1995 institutes a temporary closure of 16 parking bays on Junction Boulevard, the pedestrian path along the north site of Junction Boulevard and the pedestrian path on the east site of Fettler Lane for a period of up to 12 months commencing 1 December 2010 to 1 December 2011 subject to:

1. There being no substantial objection received as a result of advertising in a local newspaper.
2. There being no substantial objection from service authorities, emergency services or adjoining owners.
3. The developer will construct a temporary car park on Lot11, to accommodate 50 vehicles, (i.e.) 25 parking bays for the City of Cockburn and 25 parking bays for the PTA.
4. The temporary car park construction will include the following:
 - a fence around the car park area will be erected;
 - a temporary road (chip-seal) surface with car parking bay and lining/markers to identify the parking bays will be installed;
 - the temporary parking signage will be installed; and
 - the necessary drainage to the temporary car park area will be installed.
5. The developer will ensure that the appropriate Traffic Management in the form of having Traffic Controllers on-site for use of Loading Bay to assist with the delivery of material to the site.
6. The developer will make good to the entry and exit routes to the temporary car parking area on completion of the project and removal of the car park area.
7. The developer will submit the details of temporary fencing for approval as part of a Construction Management Plan, the details of which would be assessed and agreed prior

to the issue of a Building Licence.

8. All works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.
9. The proponent being fully responsible for public liability and damages arising from the works.

COUNCIL DECISION

Background

No. 23 (Lot 4) Junction Boulevard Cockburn Central development was granted planning approval for 81 multiple dwellings & 13 shop tenancies and it is in process of obtaining a building licence to commence construction work. The development is being undertaken by Australand Holdings and consists of ground level car parking and commercial and residential tenancies above. Vehicle access to the at-grade car park will be from Fetter Lane.

Submission

Klyne Consultants Pty Ltd, the developer's appointed traffic management contractor, has requested Council implement procedures to temporarily close 16 parking bays on Junction Boulevard, the pedestrian path along the north site of Junction Boulevard, and the pedestrian path along the east site of Fetter Lane for a period of up to 12 months during the construction of the 81 multiple dwellings & 13 shop tenancies on Lot 4 Junction Boulevard Cockburn Central.

Report

During the construction activities of 81 multiple dwellings and 13 shop tenancies at Lot 4 Junction Boulevard Cockburn Central, the temporary closure of 16 parking bays on Junction Boulevard, associated footpath

closures will be required for gantry, scaffold and loading zones. The details below are the reasons for this request:

1. The perimeter scaffold will encroach onto the pedestrian path by approximately 2–2.5m. This will reduce the pathway to the North, South and West respectively. The pathway to and Junction Boulevard and Fettle Lane are used by very minimum number of pedestrians therefore closure will not have a detrimental effect on the flow of foot traffic within proximity of the development.
2. The 16 car bays to the south of the site are required for site deliveries. With additional temporary car bays provided adjacent and on the opposite side of Junction Boulevard, this will not have a detrimental effect on the parking within the immediate surrounds.
3. The 25 PTA car bays to the north of the site are required for a scaffold zone and potential deliveries. With additional car bays within the car parking area to the north, this will not have a detrimental effect on the parking within the immediate surrounds.
4. In regard to safety management to the development and the surrounds the temporary site fencing has to be extended around scaffolding to further reduce any potential risk.
5. Access for local traffic will not be affected by this closure. Access to the existing development within the area will always be maintained.
6. The developer has appointed a certified traffic management contractor (Klyne Consultants Pty Ltd) to assess the impact that closure of the 16 bays would have on the high demand for parking at Cockburn Central. Klyne Consultants has already submitted a proposal for temporary parking on Lot 11, which is owned by Australand to accommodate 50 vehicles, 25 parking bays for the City of Cockburn and 25 parking bays for the PTA. PTA considered the proposal of the temporary parking and approved it on 14 October 2010.
7. Advance warning signs will be installed and an advice of the proposed closure will be placed in both the local newspaper and West Australian newspaper.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Transport Optimisation

- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

Budget/Financial Implications

All costs to the closure will be covered by the developer.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

Attachment(s)

1. Plan of the site and car bay requirements
2. Plan of proposed temporary parking location

Advice to Proponent(s)/Applicant

Australand and Klyne Consultants have been advised that the matter will be considered by Council at the 11 November 2010 Council Meeting.

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

Nil.

16.2 (OCM 11/11/2010) - TENDER NO. RFT 19/2010 - WASTE HANDLING SERVICES - WASTE COMPACTION, COVERING, RECOVERY AND TRANSPORTATION SERVICES (RFT 19/2010) (L. DAVIESON / M. LITTLETON) (ATTACH)

RECOMMENDATION

That Council accept Tender No. RFT 19/2010 Waste Handling Services submitted by Micson Pty Ltd for the provision of Waste Compaction, Covering, Recovery and Transportation Services in accordance with the Schedule of Rates provided in their submission over an initial 3 year period concluding on 31 December 2013. The estimated lump sum for the service annually is \$2,217,045.00.

COUNCIL DECISION

Background

Council requires a contractor to deliver waste handling services at the Henderson Waste Recovery Park (HWRP) for a three year period.

The current tender RFT 38/2007 expires on 31 December 2010. In March of 2010 the management of Micson P/L advised the City that as a result of significant financial losses, the Company could no longer provide their service at the rates tendered. These losses were due largely to excessive machinery maintenance costs, which were not anticipated in the original hourly rates submitted in their 2007 tender.

At the OCM of 13 May 2010 (Item 23.1 Minute No. 4267) it was resolved to increase Micson's hourly machine hire rates until 31 December 2010 when a new tender would be prepared, advertised and awarded.

Tender No. RFT 19/2010 Waste Handling Services was advertised in the Local Government Tenders Section West Australian on Saturday 28 August 2010. The tender was also highlighted on the City's website with a hyperlink to Tenderlink. The tender closed on 21 September 2010.

Submission

Tenders closed at 2:00 p.m. (AWST) on Tuesday 21 September 2010 and five (5) tender submissions were received from:

1. Western Plant Hire
2. Micson Pty. Ltd.
3. All Earth Group Pty. Ltd.
4. Moltoni Waste Management / Gippsland Waste Services Pty Ltd
5. Transpacific Cleanaway Pty. Ltd.

Moltoni Pty. Ltd. submitted 3 alternate tenders and Transpacific Cleanaway Pty. Ltd. submitted 1 alternate tender.

Report

Compliant Tenderers

All tender submissions were considered during the evaluation.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	15%
Key Personnel and Experience	15%
Tenderers Resources	15%
Demonstrated Safety Management	5%
Tendered Price – Lump Sum	50%
TOTAL	100%

Tender Intent/ Requirements

The City of Cockburn requires the services of suitably qualified, experienced and equipped Contractor for the provision of Waste Handling Services at its HWRP; a licensed Class 3 site; located at 920 Rockingham Road, Henderson WA. These services are required seven (7) days a week, 361 days per annum.

The works/services required includes:

1. Managing the disposal of and recovery from approximately 225,000 tonnes of waste per annum in conjunction with the principal.
2. Receiving, classifying and directing material and municipal solid waste for disposal or recovery.
3. Assisting with the diversion of all recyclable materials from the landfill waste stream. The recoverable products include but are not limited to; steel, timber, plastic, cardboard, greenwaste, mattresses, vehicular batteries, non-ferrous metals etc.
4. Spreading, compacting or pushing of the waste material and the covering of waste in compliance with the Principal's licence conditions.
5. Transportation of waste and recovered material within the site and to selected recyclers throughout the Perth metropolitan area.
6. Assisting in the handling and preparation of recyclable product.
7. Coordination of recyclable material removal and development of methods that maximise resource recovery.

8. Assisting the principal in minimising the loss of landfill space.
9. Assisting the principal achieve its landfill operation management regulatory obligations.
10. Controlling litter, odour, fire and vermin.
11. Managing and controlling site vehicle movement.
12. Performing special burials.
13. Wet and dry hire of additional items of plant.
14. Any other work and/or services as detailed in the Specification or as directed by the Superintendent.

The successful tenderer will be required to provide all operators, labour, plant, machinery, tools and equipment, materials, chemicals, transport/cartage, supervision, administration, plant maintenance etc and anything else necessary to carry out all the works and/or services required or requested under the proposed Contract.

It is the principal's expectation that the successful tenderer be able to commence these services from 1 January 2011.

The proposed Contract shall be in place for a period of three (3) years from the date of specified in the Letter of Acceptance; with Principal instigated options to extend the period for a subsequent one (1) year period and up to an additional twelve (12) months after that, to a maximum of five (5) years.

Evaluation Panel

The tender submissions were evaluated by:

1. Dale Smith – Manager Parks and Environment
2. Lyall Davieson – Waste Manager
3. Mike Haynes – Recovery Park Coordinator

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	50%	50%	100%
Micson Pty. Ltd **	41.33%	41.42%	82.75%
Moltoni Waste Management Pty Ltd	33.04%	47.44%	80.48%
All Earth Group Pty Ltd	31.92%	45.77%	77.69%
Transpacific Cleanaway Pty Ltd	37.58%	27.96%	65.54%
Western Plant Hire	28.08%	26.07%	54.16%

** Recommended Submission

Evaluation Criteria Assessment

Demonstrated Experience

Micson and Cleanaway scored well with their experience in managing a large Class 3 putrescible landfill. Both companies have a proven track record in W.A.

Moltoni's experience in waste management in the east is noted. The panel was obviously unable to visit these sites to determine the degree of sophistication of the Moltoni managed landfills. From desk top audits and inquiry, the panel was able to determine that Moltoni operate a number of mostly small tonnage regional/rural landfills in Victoria and their experience in best practise landfill benching on lined cells with leachate control and gas extraction is limited. In small tonnage regional/rural landfills sites, strict environmental compliance has a more relaxed application. Moltoni's sites in WA are Class 1 inert sites.

All Earth and Western Plant Hire have solid backgrounds in waste and soil handling; though no direct Class 3 putrescible landfill benching experience.

Key Personnel Skills and Experience

Micson and Cleanaway rated highest in that both companies employ competent and experienced Class 3 landfill staff in Western Australia. Management staff located locally was considered to be a significant advantage by the panel.

Moltoni, upon successful awarding of this tender, proposes to employ the existing Micson staff. Whilst the panel support the principle of transferring staff to avoid job losses and the loss of valuable trained operators, there is no guarantee that all staff will choose to work for Moltoni. If this proposal fails, it may call into question the potential for Moltoni to procure suitably qualified Class 3 staff with experience.

The panel believes that building a functional team on a landfill site can take up to 18 months. Machine operators must understand and deliver on DEC licence compliance, sound site communication, accurate waste identification and satisfactory compaction rates. These functions all require prolonged training and development. The costs and risks associated with licence breaches and failing to perform other core functions is unacceptably high.

The staff at All Earth is highly skilled and in time, could adapt well to the demands at our site. All Earth and Western Plant Hire; however, do not possess teams that would immediately and readily relocate to operate in the highly coordinated manner to that required at the HWRP.

Tenderer's Resources

Micson, Moltoni and Cleanaway were the three companies that were considered by the panel to provide the most suitable equipment for the Henderson Waste Recovery Park waste volumes. Cleanaway deliberately omitted to provide a price for the 7 tonne minimum excavator on the grounds that their single 12 tonne machine could achieve improved recovery of recyclables utilising an alternate grab and modifying its operational method on the site. This omission proved difficult to accurately quantify the Cleanaway submission in the score sheet.

Demonstrated Safety Management

Micson and Cleanaway performed well in this area, though the remaining tenderers were unable to or did not include their safety records with their OH&S Plans.

Summation

Not all tenderers are considered to have the capacity to meet the City's requirements as at 1 January 2011 as detailed in the Specifications as well as comply with the General and Special Conditions of Contract as stated in the tender document.

Whilst Moltoni and All Earth provided the cheapest lump sum price, their qualitative evaluation did not match that of Micson and Cleanaway.

Councillors may well remember the status of the HWRP in 2007. The existing contractor for the handling of waste (Canningvale Earthmoving) was terminated by the City on performance grounds at a time when the DEC officers were threatening prosecution for breaches of licence conditions. In the last three years, significant effort and expense has resulted in a best practice operation and much improved relationship with the DEC. To ensure the momentum of this continuous improvement was not interrupted. The panel valued highly the continuity offered by the Micson proposal. In addition, the panel considered the numerous and significant strategic initiatives that the HWRP must deliver to remain a highly valued manager of waste in the Perth metropolitan area. The seamless transition at the 1 January 2011 available with Micson coupled with the short lead time between a tender awarding date and commencement of the tender, further confirmed Micson as the preferred option.

Whilst the Cleanaway proposal was excellent, the lump sum price even without their seventh machine quoted was well above that of Micson.

The panel was satisfied that in evaluating lump sum figures only, that the middle price (Micson) represented a realistic and sustainable measure of machine maintenance and delivery throughout the life of the contract.

When considering both qualitative and quantitative scores, Micson was assessed best against the selection criteria. Micson provided the best assessment score and also offered a sound track record with highly contactable senior management; consequently their tender should be supported.

Strategic Plan/Policy Implications

Infrastructure Development

- To construct and maintain community facilities that meet community needs.

Natural Environmental Management

- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

Budget/Financial Implications

The annual contract expenses allocated for 10/11 is \$2,446,056.

The 2010/11 budget for waste disposal was structured on the exact rates used by Micson in their submission.

Micson annual lump sum of \$2,217,045 includes an additional excavator that was not considered in budget preparation for this FY.

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

Attachment(s)

The following confidential attachments are provided under a separate cover:

1. Tender Evaluation Sheet
2. Tendered Prices
3. Evaluation Sheet (combined)

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 11 November 2010 Council Meeting.

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

Nil.

16.3 (OCM 11/11/2010) - TENDER NO. RFT 17/2010 PRE-MIXED CONCRETE - SUPPLY AND DELIVERY (RFT 17/2010) (D VICKERY) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Ransberg Pty Ltd, trading as WA Premix, for Tender No. RFT 17/2010 – Pre-Mixed Concrete – Supply and Delivery, for the estimated total contract value of \$870,000.00 GST exclusive (\$957,000.00 GST inclusive), for the three (3) year contract period, based on the Schedule of Rates submitted.

COUNCIL DECISION

Background

The City of Cockburn's road services annually installs new or carries out repairs to existing concrete footpaths, crossovers and kerbing as well as other minor works by Road Services and other service units that require the supply and delivery of pre-mixed concrete to sites throughout the City.

The current contract expires in November 2010 and accordingly a tender document was prepared and tenders called for the supply and delivery of pre-mixed concrete.

Tender No. RFT 17/2010 Pre-Mixed Concrete – Supply and Delivery was advertised on Wednesday 7 July 2010 in the Local Government Tenders section of "The West Australian: newspaper. It was listed on the City's E-Tendering website between the 7 and 22 July 2010.

Submission

Tenders closed at 2:00 p.m. (AWST) on Thursday 22 July 2010 and one (1) tender submission was received from:

Ransberg Pty Ltd – T/As WA Premix

Report

Compliant Tenderers

	Compliance Criteria
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with the Occupational Safety & Health Requirements and completion of Appendix A
D	Compliance with Insurance Requirements and completion of Clause 3.2.6
D1	Public Liability Insurance \$10,000,000.00 Australian
D2	Product Liability Insurance \$5,000,000.00 Australian
D3	Workers Compensation Insurance
D4	Full Comprehensive Motor Vehicle Insurance
E	Compliance with the Fixed Price Clauses
F	Compliance with and completion of the Price Schedule

Tenderer's Name		Compliance Assessment
1	Ransberg P/L – T/As WA Premix	Compliant

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	20%
Demonstrated Safety Management	20%
Delivery/Supply Services	20%
Quality Assurance	5%
Tendered Price – Schedule of Rates	35%
TOTAL	100%

Tender Intent/ Requirements

The City of Cockburn (The Principal) is seeking a Contractor (s) for the manufacture, supply and delivery of Pre-Mixed Concrete; in the main of N20-20 mm stone with 80 mm nominal slump and kerbing mix; to the Principal's Operations Centre in Bibra Lake, WA or to any other site throughout the City of Cockburn area.

Evaluation Panel

The tender submissions were evaluated by:

4. Colin MacMillan – Works Coordinator, Road Services
5. Colin Lane – Operations Supervisor, Road Services
6. Martin Lugod – Works Manager, Infrastructure Services

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	65%	35%	100%
Ransberg Pty Ltd – T/As WA Premix **	55.67%	35.00%	90.67%

** Recommended Submission

Evaluation Criteria Assessment*Demonstrated Experience*

Three (3) referees were consulted for the tender submission received for demonstrated experience.

WA Premix is the City's current contractor for the supply and delivery of pre-mixed concrete and has demonstrated they have the capacity to meet road services' needs. Referees consulted returned a combined rating of 8.5 out of ten (3 referees). Comment "reliable delivery, always accommodating".

Demonstrated Safety Management

All WA Premix staff has Blue Cards (OHS safety awareness training). They also have shown safety records indicating no lost time injuries (LTI's) since their operations began.

OH&S compliance Appendix A was not included in submission.

Delivery/Supply Services

Referees spoke very highly of WA Premix when it came to supply and delivery services. No instances where WA Premix had let them down when reasonable notice had been given.

WA Premix scored 8.83 out of 10 (3 Referees).

Quality Assurance

WA Premix provided a copy of their AS/NZS ISO 9001:2000 for quality management systems certification.

Summation

WA Premix's submission was assessed against the qualitative criteria as specified in the tender document for RFT 17/2010 and scored high in all qualitative criteria. As the sole tenderer their tendered price was the lowest and was considered to be quite reasonable and representative of market prices generally. Given their past and current performance in the provision of pre-mixed concrete to the City, the evaluation panel recommends that the tender be awarded to WA Premix.

Strategic Plan/Policy Implications**Infrastructure Development**

- To construct and maintain community facilities that meet community needs.

Transport Optimisation

- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

Budget/Financial Implications

The cost of the supply and delivery of pre mixed concrete supply and delivery is covered in the City's annual budget allocations for road and path construction and maintenance projects. The estimated expenditure for 2010 to 2012 is \$870,000.00 (GST exclusive). A cost decrease from previous contract prices has been identified and will result in an approximate savings of 3.4% in the first year of the contract. Capital improvement projects will be funded from various grants including DPI bike plan and PTA accessible pathways grants.

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

Attachment(s)

The following confidential attachments are provided under a separate cover:

1. Tender Evaluation (combined)
2. Schedule of Rates
3. Additional Information

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 11 November 2010 Council Meeting.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 11/11/2010) - LEASE FREMANTLE/COCKBURN PISTOL CLUB (INC.) - RESERVE 8129 (5500023) (R AVARD) (ATTACH)

RECOMMENDATION

That Council:

- (1) enter a lease agreement with the Fremantle/Cockburn Pistol Club (Inc.) for the lease of a portion of Reserve 8129 subject to the following conditions:
 1. The lease fee shall be \$1,000 (ex-GST) and be increased by the Perth CPI annually on the anniversary date of the lease, using the latest quarter of the annualized Perth CPI index as published by the Australian Bureau of Statistics as the base of the calculation.
 2. The Club prepares a Noise Management Plan for the site to the satisfaction of the City of Cockburn prior to a new lease being signed.

3. For a lease period of 20 years with the capacity for the City to terminate the lease should the Fremantle/Cockburn Pistol Club not carry out the works identified in the Noise Management Plan for the facility.
4. A new lease between the City of Cockburn and the Fremantle/Cockburn Pistol Club (Inc.) will be subject to the approval of the Minister for Lands.
5. Other terms and conditions as generally prescribed in the current lease.

COUNCIL DECISION

Background

The Fremantle/Cockburn Pistol Club (Inc) has been leasing Reserve 8129 on the corner of Warton and Armadale Roads in Jandakot for approximately 40 years. The current lease was for a period of 21 years and expires in June 2011. A number of buildings have been constructed on the site including a pistol range which has been fully maintained by the Fremantle/ Cockburn Pistol Club.

Submission

The Fremantle/Cockburn Pistol Club (Inc) has written to the City requesting an extension of the current lease for a further 21 years. In support of their application the Club has provided a copy of a letter from the City of Armadale the Local Authority on the other side of the road from the Club facilities.

The City of Armadale has written to the City of Cockburn expressing its view that a new lease should be for 5 years and that a Noise Management Plan be prepared prior to the matter of a lease being considered.

Report

The Fremantle/Cockburn Pistol Club is the only such club south of the river and has a current membership of 160. The audited statements for the Club demonstrate that it is viable and in a strong financial position.

Reserve 8129 has several residential neighbours located in the City of Armadale and no nearby residential neighbours within the City of Cockburn. Over the years there have been complaints about noise emanating from the site, in particular from the neighbour at 857 Warton Road in Piara Gardens. There have however been no complaints over the past few years from neighbours. This has been confirmed in the letter from the City of Armadale and there is evidence provided that a co-operative arrangement exists now between the owners of 857 Warton Road and the Club.

The State Government's Direction 2031 and Beyond Planning documents identifies the quarry areas immediately north of Armadale Road to the west of the Pistol Club lease area for potential residential development. Stocklands has acquired a substantial portion of this land with the intent of developing a new residential estate. Whilst there appears to be no conflict in the use of the adjoining land to the Pistol Club at this time there may be in the future a clash of uses. The City of Armadale suggests a new 5 year lease to the Club will allow a future Council to consider further extensions of the lease in the context of developments at that time.

In response to a request made by the City of Cockburn to the City of Armadale - the authority across the road from the proposed lease area comment has been received and is attached to the Agenda. In summary, the City of Armadale draws attention to previous incidents of excessive noise in the 1990's and identified the steps taken through the Noise Management Plan to address the issue. There is an acknowledgment that the situation has improved over the past few years. Notwithstanding this, the City of Armadale opposes a lease of 21 years for the following reasons:

- The maintenance of harmonious relations between the Club and the local residents relies on good will and this can only be ensured by a shorter lease of 5 years.
- Urbanisation of the north area of Warton Road will result in the construction of residential properties within 1 kilometre of the leased area.

Irrespective of the period of the lease the City of Armadale proposes a Noise Management Plan is prepared before any decision is made on the lease period.

The alternative view is that the club needs to spend a significant amount of money to boost/enhance its noise control measures and to generally improve the facility to keep it up to date. However, they are unlikely to do this with a short term lease as it just would not be worthwhile.

It is the view of the City's Environmental Services Department regardless of the term of the lease, the Pistol Club should, as part of their new lease agreement, provide an up-to-date Noise Management Plan to show how they are going to continue complying with the Environmental Protection (Noise) Regulations 1997 prior to a lease being signed.

The plan is to include strategies to reduce noise in accordance with the regulations and in consideration of the proposed residential developments in the area prior to a lease being signed.

On balance it is recommended that the lease to the club be for 20 years as the club appears to be well run and in a good financial position; has a strong membership; is the only club south of the river offering a full suite of international standard competitions and noise from the site can be controlled. An implementation plan with timeframes and clauses within the lease can be enforced to ensure noise does not affect the amenity of neighbours.

As the club uses only half its lease area it is recommended that the new lease be restricted to the area currently in use as this is a 'bush forever site'.

Strategic Plan/Policy Implications

Infrastructure Development

- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.
- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

Budget/Financial Implications

There will be a small amount of income generated from the lease of the area to the Pistol Club. The current income is \$975 p.a. The club is in a strong financial position as reflected in the audit report attached to the agenda.

Legal Implications

The Local Government is exempted from the requirements of Section 3.58 of the Local Government Act by way of the Clause under the Local Government (Functions and General regulations) 1996 Section

30 (b) (i) that the Cockburn Fremantle Pistol Club (Inc) is deemed to be an organisation the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

Community Consultation

The Pistol Club has been a long term tenant of the site and there are no adjoining residential properties within the City of Cockburn. The City has written to the City of Armadale advising them of the matter of a new lease for the Pistol Club going to the Council of the City of Cockburn. The City of Armadale has the responsibility of carrying out any consultation with its residents that it deems appropriate.

Attachment(s)

1. Plan of the `proposed lease area being a portion of Reserve 8129.
2. Copy of Audited Financial reports for the Fremantle Cockburn Pistol Club.
3. Letter from the City of Armadale in relation to the lease and operation of the club.

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 11 November 2010 Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

Nil

24 (OCM 11/11/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

25 (OCM 11/11/2010) - CLOSURE OF MEETING